

Extracts of the [Agenda for Protection](#)

Refugees move within broader population flows that are also composed of economic and other categories of migrants. With only limited migration options available, many persons who are not refugees try to enter countries as asylum-seekers.

Protecting refugees within broader migration movements can be achieved by encouraging States to develop migration management policies that do not jeopardize refugee protection and that promote a more positive environment for asylum by reducing strains on asylum systems. UNHCR, the International Organization for Migration, other intergovernmental agencies and States are to collect more data on the nexus between asylum and migration. The aim is to better understand “push” and “pull” migration factors, or those factors that drive people out of their home countries and lure them to other countries, human smuggling, travel routes and other aspects of complex mixed movements that include refugees.

States are encouraged to ensure that any immigration-control measures they adopt will contain safeguards allowing access to international protection for those who need it. These kinds of safeguards should also be applied during rescue-at-sea operations and during any attempts to intercept migrants before they reach their intended destinations. In addition, strategies will be developed to ensure that those asylum seekers found not to be in need of international protection will be returned to their home countries quickly, but humanely and with respect for their human rights and dignity.

The Programme of Action also calls for combatting human trafficking and smuggling. It encourages States to accede to the 2000 United Nations Convention against Transnational Organized Crime and its Protocols, to launch information campaigns aimed at potential migrants that will warn about the dangers of human smuggling and trafficking and will inform about legal immigration opportunities, and to publicize the penalties they will impose for trafficking in people.

Goal 2 of the Programme of Action: Protecting refugees within broader migration movements

UNHCR’s clearly defined responsibilities for refugees and other persons of concern do not extend to migrants generally. It is, at the same time, a fact that refugees often move within broader mixed migratory flows. At the same time, the insufficiency of viable, legal migration options is an added incentive for persons who are not refugees to seek to enter countries through the asylum channel, when it is the only possibility effectively open to them to enter and remain.

It is important, given not least the effects on and risks to them, that refugees receive protection without having to resort to a criminal trade that will put them in danger. There is therefore a need to achieve a better understanding and management of the interface between asylum and migration, both of which UNHCR should promote, albeit consistent with its mandate, so that people in need of protection find it, people who wish to migrate have options other than through resort to the asylum channel, and unscrupulous smugglers cannot benefit through wrongful manipulation of available entry possibilities.

To improve the protection of refugees within broader migration movements and to counter misuse of asylum systems, seven objectives and accompanying actions have been identified:

1. Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management

- States to ensure, taking into account relevant multilateral and cross-sectoral consultations, that immigration-control measures are tempered with adequate protection safeguards which appropriately differentiate between refugees, on the one hand, and persons not in need of international protection, on the other, to enable protection needs to be met within the agreed international framework.
- States to develop a coherent policy agenda on migration and asylum that strikes a proper balance between migration control priorities and refugee protection imperatives, and which might include transparent and equitable immigration policies for the purposes of employment and family reunification.
- UNHCR to develop Guidelines on Safeguards for Interception Measures, together with a training package for States, intergovernmental organizations and NGOs.
- ExCom to consider adopting a Conclusion focusing on protection safeguards in interception measures.
- UNHCR, States and other stakeholders (e.g. the International Maritime Organization) to seek to reach common understandings on responsibilities in the context of rescue at sea of asylum seekers and refugees, including with regard to rescue itself, the disembarkation of those rescued and the solutions to be pursued.
- In the broad context of migration management, States to consider acceding to the 1990 United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and relevant ILO Conventions (notably nos. 97 and 143).

2. Strengthened international efforts to combat smuggling and trafficking

- States to consider acceding to the 2000 United Nations Convention against Transnational Organized Crime and its Protocols (against the Smuggling of Migrants by Land, Sea and Air; and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).
- States to ensure that their own asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim to asylum on grounds which are not manifestly unfounded.
- States to publicize penalties for those engaged in smuggling of and trafficking in people.

- UNHCR to explore the convening of an experts meeting focusing on the protection needs of trafficked children.

3. Better data collection and research on the nexus between asylum and migration

- States to generate and share more detailed, comparable, sex and age-disaggregated statistics on the size, type and composition of migratory flows, to enable a qualitative analysis of the problem and shed light on the causes and ramifications of such international movements. In particular, States to consider tabulating data according to the revised United Nations Recommendations on Statistics of International Migration (New York, 1998).
- States to examine how to collect and share information on undocumented migration and irregular movers, including on smuggling, travel routes, etc.
- In this regard, the International Organization for Migration (IOM) to be encouraged to carry out a detailed study, in consultation with relevant States and intergovernmental organizations, on migration dynamics, including push and pull factors. UNHCR and IOM to explore with regional and other organizations¹¹ the undertaking of similar studies or publication of existing data for the regions they cover.

4. Reduction of irregular or secondary movements

- Bearing in mind ExCom Conclusion No. 58 (XL) of 1989 on the Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in which They had already Found Protection, UNHCR, in cooperation with relevant partners, to analyze the reasons for such movements, and propose strategies to address them in specific situations, predicated on a more precisely articulated understanding of what constitutes effective protection in countries of first asylum, and taking into account international solidarity and burden-sharing.
- UNHCR to work with States of origin, transit and destination and other partners, including IOM, on a package of measures which might be brought into play, as part of a comprehensive plan of action, for particular irregular or secondary movement situations.

5. Closer dialogue and cooperation between UNHCR and IOM

- UNHCR and IOM to deepen cooperation, within the framework of the Action Group on Asylum and Migration (AGAMI), established in November 2001, working in consultation with interested States and other intergovernmental organizations¹² and NGOs, with the aim of furthering understanding of the nexus between asylum and migration and enhancing each organization's capacity to contribute to States' efforts to develop policies and programmes on asylum and migration. In this regard, AGAMI to identify and analyze the issues within the migration/asylum nexus, deepen understanding of the nexus, address conceptual¹³ as well as specific operational¹⁴ issues and promote better information-sharing.

- UNHCR to keep States and other interested actors informed of the consultation process within AGAMI.

6. Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking

- States, working together with IOM and other concerned intergovernmental bodies, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), and NGOs, to develop a model information campaign, which would provide relevant information on available channels for legal immigration and warn of the dangers of smuggling and trafficking, and which would present materials in a manner accessible to those it seeks to reach, drawing on models already in place or under development. Material clarifying international protection responsibilities to be included.

7. Return of persons found not to be in need of international protection

- States, working in consultation with relevant intergovernmental organizations, notably IOM, but also UNHCR and, as appropriate, NGOs, to develop strategies, including involving bilateral and regional readmission agreements, to promote return and readmission of persons not in need of international protection, in a humane manner and in full respect for their human rights and dignity, without resort to excessive force and, in the case of children, taking due account of their best interests.
- States, IOM and UNHCR to cooperate, as appropriate, in removing obstacles to the speedy return of asylum-seekers found not to be in need of international protection, predicating their activities on the obligation of States to readmit their own nationals.
- ExCom to consider adopting a Conclusion providing guidance to States on their obligation to accept and facilitate the return of their nationals and related issues.

¹¹ Such as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), the Council of Europe, the Economic Community of West African States (ECOWAS), the Economic Cooperation Organization (ECO), the European Union (EU), the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), the Organization for Security and Cooperation in Europe (OSCE), the South Asian Association for Regional Cooperation (SAARC) and the Southern African Development Community (SADC).

¹² These could include the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO) and the Special Rapporteur on the Human Rights of Migrants, as appropriate.

¹³ Such as terminology, research and data collection, as well as qualitative analysis.

¹⁴ Such as interception by States of smuggled and trafficked persons and safeguards to ensure access to asylum procedures, information and public awareness activities, as well as training of public officials.