

The High-Level Dialogue on International Migration and Development

UNHCR's observations and recommendations

28 June 2006

UNHCR wishes to bring the following observations and recommendations to the attention of the High-Level Dialogue (HLD) on International Migration and Development, to be held in New York on 14-15 September 2006.

Refugees have specific rights and needs. Refugees are a distinct category of people by virtue of their need for international protection. UNHCR urges the HLD to reaffirm the international community's longstanding recognition of the specific rights and needs of refugees, including the fundamental obligation of states to refrain from returning them to countries where their life or liberty would be at risk.

Human rights are applicable to all people who are on the move. UNHCR underlines the importance of ensuring that the rights and labour standards of all refugees and migrants are upheld. The core UN human rights instruments are universal in their application and generally apply to both citizens and non-nationals, including those who have moved in an irregular manner.

Measures to curb irregular migration must not prevent refugees from gaining access to international protection. Movements of people from one country and continent to another are often 'mixed', in the sense that they include some who are in need of international protection and others who are not. In the context of mixed movements, UNHCR urges the HLD to acknowledge that the measures taken to curb irregular migration must not prevent refugees from gaining access to the territory and asylum procedure of another state. In addition, there are ways to diminish unfounded applications for refugee status. These might include the implementation of migration information programmes, the establishment of channels that enable non-refugees to migrate in a safe and legal manner, and the implementation of development projects that provide additional jobs and livelihood opportunities in countries of origin.

Refugee protection and migration management are distinct yet complementary activities. UNHCR encourages the HLD to recognize that refugee protection and migration management are distinct yet complementary. As well as entailing high levels of human suffering, irregular migration can place serious strains on national asylum systems and provoke public hostility towards foreign nationals, thereby undermining effective refugee protection. At the same time, refugees and asylum seekers who are unable to find protection where and when they need it may feel

obliged to move on in an irregular manner, looking for safety and security in other countries.

Development is more than simply economic growth. UNHCR encourages the HLD to interpret the notion of development in an inclusive manner, rather than using it as a simple synonym for economic growth. In this context, UNHCR recalls the UN Declaration on the Right to Development, which states that “the right to development is an inalienable human right, by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

When given the opportunity to do so, refugees can become agents of development. Refugee influxes, especially when they are large in size and concentrated in specific locations, can have negative consequences for the development of host countries and communities. At the same time, refugees can become agents of development if they are provided with an opportunity to make use of their skills and productive capacities while living in a country of asylum. UNHCR calls on states participating in the HLD to ensure that refugees are enabled to participate in national labour markets, that they are able to engage in agricultural and income-generating activities, and that the qualifications they possess are recognized in their country of asylum. At the same time, UNHCR encourages the international community to target development assistance at refugee-populated areas and to ensure that such areas are incorporated in national development plans.

Refugee repatriation can support the peacebuilding process. Large-scale repatriation movements present the international community with both challenges and opportunities in the areas of development and peacebuilding. In order to capitalize upon the opportunities, UNHCR encourages states and other actors participating in the HLD to give sustained support to the return and reintegration of refugees and IDPs, including efforts to promote new livelihoods, to rebuild shattered infrastructures and to foster harmonious social relations amongst different groups of citizens. UNHCR also encourages the HLD to support the early involvement of the development community in planning for return and reintegration and examine ways of ensuring that short-term humanitarian aid is linked more effectively to longer-term development initiatives in returnee-populated areas.

Promoting social inclusion and tolerance can maximize the development impact of migration. Refugees and migrants are confronted with racism and xenophobia in many parts of the world, and are often at risk of becoming marginalized in society and the economy. UNHCR wishes to draw the HLD’s attention to the dangers of this situation, both for the rights and well-being of refugees and migrants themselves, and for the cohesion of the societies in which they live. UNHCR urges states participating in the HLD to counter all forms of intolerance and to take active measures to promote the inclusion and economic participation of non-nationals, especially refugees and migrants.