



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**CARIBBEAN REGIONAL CONFERENCE ON THE PROTECTION OF VULNERABLE PERSONS IN
MIXED MIGRATION FLOWS**

PROMOTING COOPERATION AND IDENTIFICATION OF GOOD PRACTICES

22-23 May 2013, Nassau, The Bahamas

PLENARY DISCUSSION OUTLINE

Protection sensitive entry-systems

**Access to territory for asylum-seekers, refugees, migrants and other groups with specific
needs**

Wednesday, 22 May 2013, 15:00-17:30

Context

The establishment of a national functioning entry-system is an important element in any strategy relating to mixed movements. While border control is essential for the purposes of combating international crime, including smuggling and trafficking, and averting security threats, protection safeguards are required to ensure that such measures are not applied in an indiscriminate or disproportionate manner and that they take into account the specific needs and rights of the different categories of persons involved in mixed migration, including asylum-seekers, refugees, trafficked persons, unaccompanied or separated children, women at risk and other vulnerable migrants. With regards to asylum-seekers and refugees, such measures should not lead to *refoulement* or the forced return of persons in need of international protection to territories where their lives or freedom would be threatened.

In response to the many challenges inherent in identifying and protecting refugees travelling with broader movements, in 2007, UNHCR developed a *10-Point Plan on Refugee Protection and Mixed Migration*, that provides a number of practical tools and suggestions to assist States in developing and implementing protection-sensitive migration strategies, that is, strategies that take into account the needs of refugees and other specific vulnerable groups traveling within mixed flows.

As part of national responses to mixed migration management, appropriate reception arrangements for mixed arrivals are also needed to ensure that the basic human needs of people involved in mixed movements can be met, tailored according to their specific needs. In

particular, exploring alternatives to detention for vulnerable categories of irregular arrivals and ensuring that vulnerable persons arriving in mixed flows are differentiated from criminals held in detention should be considered in the context of mixed migration.

Once new arrivals have been identified, an initial determination needs to be made with regard to their profile and their specific protection needs. To this end, referral mechanisms and differentiated processes and procedures need to be put in place at arrival to ensure that the person's situation is met with the most appropriate response. These include differentiated procedures and processes for asylum-seekers and refugees, trafficked persons, unaccompanied or separated children, women at risk, other vulnerable migrants, and those seeking to migrate.

With regard to asylum-seekers arriving as part of mixed migration flows, access to asylum and to refugee status determination (RSD) procedures need to be ensured in those countries in the region where functioning asylum systems are in place. In countries where no asylum system is established, asylum-seekers and refugees should be granted access or be referred to UNHCR, which conducts RSD "ad interim" under its mandate on behalf of such Governments. UNHCR continues to assist Governments in the region to improve the quality and efficiency of asylum procedures and strengthen refugee protection capacities, as well as to develop asylum legislative and institutional frameworks in those countries where such systems are yet to be established.

Promoting inter-State cooperation and partnerships at national and regional levels is crucial in order to manage mixed migration in a protection-sensitive manner. Although encouraging developments have occurred in a number of countries in the region, further concerted support and expertise are needed to assist States with the challenges of: 1) establishing functioning entry-systems to manage mixed migration flows; 2) identifying and addressing protection needs of the different categories of persons involved in mixed migration; and 3) establishing functioning asylum systems and RSD procedures for those seeking international protection.

The following questions should guide the plenary discussion with the aim to provide the participants an opportunity to exchange information, experiences, challenges and good practices and make recommendations on how to address the needs of the different categories of persons arriving within mixed migration movements in a protection-sensitive manner. To further guide the participants, a copy of the *UNHCR 10-Point Plan on Refugee Protection and Mixed* and its *Annex II (Schematic Representation of a Profiling and Referral Mechanism in the Context of Addressing Mixed Migratory Movements)* will be shared during the session.

Key Questions

- What are the **key challenges** facing States in addressing mixed migratory flows (in the context of prevention, identification, referral, protection, assistance and responses to the different categories of persons arriving, including asylum-seekers, refugees, trafficked persons, unaccompanied or separated children, women at risk and other vulnerable migrants)?

- What are the **existing legal, policy and operational mechanisms** in place in your respective countries to address mixed migratory flows (Is there a specific legal/policy/operational framework in place? Which agencies or stakeholders had, or can have, responsibility on mixed migration management? Are there any standards operational procedures or tools in place for the admission, identification, referral and counseling of mixed arrivals? Is there an adequate level of resources and expertise available? What are the specific operational challenges facing border and law enforcement officials at points of arrival?)
- What are the **challenges in terms of coordination at national, bilateral and regional level?** Are there multi-stakeholders or inter-institutional mechanisms established at entry points? Are there coordination systems at bilateral/regional level in place? How do you see the role of the international community and regional organizations and mechanisms in assisting States in the region to manage mixed migration flows?
- Which mechanisms could assist border and law enforcement officials in the identification of **asylum-seekers involved in mixed migration flows** and their referral to the asylum systems? What are the existing legal and institutional frameworks on asylum in place in your respective countries? Is there an adequate level of resources and expertise available? What are the specific operational challenges facing border and law enforcement officials in the identification of asylum-seekers and refugees at points of arrival? How can refugee protection capacities be enhanced in your country?
- Are there **good practices, positive developments or lessons learned** at national or regional level with respect to the management of mixed migration flows that can be shared on the above areas, including within the framework of the *UNHCR 10-Point Plan on Refugee Protection and Mixed Migration*?

Recommendations

- How would you address the challenges identified and what concrete recommendations would you make in this regard?