

**UNHCR Note**  
**14<sup>th</sup> Coordination meeting on International Migration, New York**  
**25-26 February 2016**

**Global Context**

Conflict, persecution, generalised violence and violations of human rights continue to cause forced displacement around the world, resulting in millions of individuals being forced to flee either within or outside their country. By mid-2015, the total population of concern to UNHCR stood at an unprecedented 58.0 million persons.<sup>1</sup>

During the first half of 2015, UNHCR offices reported that at least five million individuals were newly displaced, while protracted displacement situations remained unresolved. It is estimated that over 86%<sup>2</sup> of the world's refugees live close to their country of origin. By the end of 2014, developing countries hosted 12.4 million refugees, or 86 per cent of the global refugee population, the highest such figure in more than two decades. Of these, Least Developed Countries (LDC) provided asylum to 25 per cent of the total.

While the vast majority of refugees continue to avail themselves of the protection offered by host countries in their region of origin, their inability to return home and the absence of local integration possibilities where they reside may result in a search for protection and durable solutions elsewhere. Hazardous and irregular movements are prompted by the dearth of adequate safe complementary pathways to protection and solutions. This increasing phenomenon of complex movements of refugees and migrants in 'irregular mixed flows' presents a number of challenges for refugees, and for states.

**Refugee protection in international migration**

Mixed migration trends are prevalent the world over and include dangerous sea routes particularly in the Eastern and Central Mediterranean, across the Gulf of Aden and Red Sea, in Southeast Asia and the Pacific; and equally perilous overland routes, for example in the Sahel, in Southern Africa and from the Northern Triangle in Central America towards Mexico and the US. Different categories of people are on the move alongside each other; they use the same smuggling networks and precarious modes of travel, and face similar risks, regardless of the reasons for moving.

States have specific obligations towards refugees fleeing war and persecution, as well as towards stateless persons. Those who may not qualify for refugee protection are also entitled to certain protections in accordance with international human rights law. Among those moving, be they refugees or migrants, some, such as victims of trafficking, children, or the elderly, are particularly vulnerable and need carefully targeted responses. UNHCR advocates for a human-rights based-approach to migration management, one that takes into account the special needs of, and responsibilities towards, refugees, asylum-seekers and others. This approach recognises the challenges faced by States, particularly in the context of large-scale mixed movements.

UNHCR's approach to protecting refugees travelling in mixed flows, and its recommendations to States faced with managing such movements, are guided by its *10-Point Plan of Action on Refugee Protection and Mixed Migration*,<sup>3</sup> which sets out the core aspects of a comprehensive approach, including protection-sensitive procedures at borders to identify and refer asylum-seekers and others with specific needs to appropriate services and processes; adequate reception arrangements that avoid unwarranted restrictions on freedom of movement; and solutions for those found not to require international protection – which may include return assistance or, for some, regularisation or migration possibilities.

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<sup>1</sup> For latest statistics see UNHCRs' Mid-Year Trends 2015 at <http://www.unhcr.org/56701b969.html>

<sup>2</sup> UNHCRs' 2014 Statistical Yearbook, available at: <http://www.unhcr.org/566584fc9.html>.

<sup>3</sup> UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*, February 2011, <http://www.refworld.org/docid/4d9430ea2.html>

Safe, legal pathways to admission are essential for reducing risks for refugees who may otherwise feel compelled to turn to traffickers or smugglers or embark on dangerous journeys. These entail:-

- Increasing access to protection and assistance where people are, including livelihood opportunities, access to basic services, and education;
- Significant increase in ‘traditional’ pathways to admission in third countries (resettlement and humanitarian admission) is required, to meet the needs of the most vulnerable;
- Targeted complementary pathways for refugees and asylum-seekers, such as humanitarian visas, educational scholarship opportunities, new models of private or community sponsorship, among others;
- Labour mobility options for refugees and stateless persons, including across international borders, and with protection safeguards, enabling regularized access to decent work;
- Regular *migration* opportunities, matched to labour market needs at all skill levels, to prevent unsafe and irregular migration and relieve some asylum systems of pressures from migrants with no other means of seeking entry. Schemes which incorporate ‘refugee friendly’ safeguards may also provide additional complementary pathways for those fleeing conflict and persecution, and for refugees faced with a precarious existence in an overstretched first country of asylum.

An important part of UNHCR’s advisory and protection role is to highlight the futility of deterrence measures including border closures, walls, pushbacks, and others that block access to protection or deflect responsibilities onto other states. Such measures do little to promote international cooperation or comprehensive approaches to managing migration and instead increase vulnerabilities and create additional ‘market opportunities’ for traffickers and smugglers to exploit.

### **UNHCR Responses to Mixed Migration**

UNHCR responses to refugee protection in the context of mixed movements cover the pressing protection and assistance needs that arise at various points on the mixed migration ‘continuum’:

Root causes of onward movement - Compelling needs in host countries that lead to precarious onward movement, as well as the absence of safe, regular migration and asylum pathways are intimately bound up with the drivers of dangerous journeys. The 2015 High Commissioner’s Dialogue on Protection Challenges facilitated consultations on the complex subject of root causes.<sup>4</sup> It helped UNHCR raise awareness and consult with diverse stakeholders on the imperative of finding solutions to root causes and address triggers of forced displacement.

Address risks en route - The needs and risks of those engaged in irregular movements are numerous, including vulnerability to reckless endangerment, exploitation or violence by smugglers; risk of kidnapping for ransom and trafficking; sexual and gender-based violence; trauma; exploitation by corrupt officials; medical needs or fatalities. The need to reinforce search-and-rescue capacity on sea routes remains imperative. An important part of ensuring protection is ensuring access to reliable information and promoting awareness-raising of the risks during the journey. UNHCR has implemented its Strategy and Action Plan in the Horn and East Africa to combat Smuggling and Trafficking<sup>5</sup>; developed response initiatives for the Mediterranean<sup>6</sup>; responded through coordinated action with partners in the Bay of Bengal<sup>7</sup> and the Gulf of Aden<sup>8</sup>; and developed evidence-based

<sup>4</sup> UNHCR’s High Commissioner’s Dialogue on Protection Challenges 2015 – *Understanding and Addressing Root Causes of Displacement* <http://www.unhcr.org/pages/55e4506b6.html>

<sup>5</sup> UNHCR, *Smuggling and Trafficking from the East of Africa: Progress Report*, October 2014, <http://www.refworld.org/docid/5437a14d4.html>; UNHCR, *Smuggling and Trafficking from the Horn and East Africa : Executive Summary, March 2013*, <http://www.refworld.org/docid/51d175314.html>

<sup>6</sup> UNHCR, Central Mediterranean Sea Initiative (CMSI): *Action Plan*, March 2015, <http://www.refworld.org/docid/5506a6ae4.html>

<sup>7</sup> See *Bay of Bengal and Andaman Sea - Proposals for Action jointly developed by UNHCR, IOM and UNODC in the Asia-Pacific. May 2015* <http://www.unhcr.org/55682d3b6.html>.

<sup>8</sup> See UN High Commissioner for Refugees (UNHCR), *The Gulf of Aden and the Red Sea with a special focus on the Yemen situation - IOM and UNHCR Proposals for Strategic Action, October 2015*: <http://www.refworld.org/docid/56a07b884.html>. See UN High Commissioner for Refugees (UNHCR), *Yemen Situation: Regional Refugee and Migrant Response Plan Overview, October - December 2015 / January - December 2016 (Preliminary estimates) / October 2015*, 5 October 2015, available at: <http://www.refworld.org/docid/561378d24.html>

approaches in the Americas in response to the children and women fleeing violence.<sup>9</sup> UNHCR has also worked with maritime stakeholders to develop a Search and Rescue Guide, which is now available in five UN languages among others.<sup>10</sup> All of these regional and global initiatives aim to support practical responses that enhance the protection of refugee and stateless men, women, boys and girls by supporting states to develop protection-sensitive approaches to mixed migration. The impact of these initiatives are positive and manifold, although much more needs to be done to address the root causes that lead to such desperate search for asylum and protection.

Responses upon arrival – Well-designed protection-sensitive processes for identifying asylum-seekers, refugees and others with particular needs are imperative to ensure that such people are not at risk of *refoulement* and can access asylum systems wherever they arrive, be it a country of ‘first-asylum’, ‘transit’ or ‘destination’. Given the risk of detention by state authorities or by non-state actors, progress has been made in exploring and implementing alternatives to detention. In this regard UNHCR is working with states and with other stakeholders in implementing its Global Strategy - Beyond Detention.<sup>11</sup>

### **Engagement in Multilateral Processes**

UNHCR works closely with global and regional fora and processes on migration and development. Some of the prominent developments in 2015 include:-

1. *Global Migration Group (GMG)*. UNHCR has supported the engagement of the GMG on the complex crisis of mixed migration and has provided clarifications on terminology and the complementarities of the refugee and stateless protection regimes as they relate to mixed migratory flows. UNHCR participates and plays a collaborative role in the key working groups of the GMG. Following the recommendation of the GMG Principals to take stock of existing efforts by member agencies on Protection at Sea, UNHCR facilitated the *Protection-at-Sea Stocktaking* exercise on the basis of inputs from member agencies, and presented a report and recommendations to the GMG in November 2015.

2. *Global Forum for Migration and Development (GFMD)* As a member of the *Friends of Forum* and an expert agency to the GFMD, UNHCR continues to support the Government Chairs. UNHCR worked closely with the Turkish Chair in 2015 and is currently extending its support to the Bangladesh Chair in 2016. Particularly important is the introduction of the concept of forced displacement as part of the GFMD consultations. This has included close collaboration and advice to relevant chairs, working groups and position papers for the GFMD.

3. The *Migrants in Countries in Crisis (MICIC) Initiative* was established as a follow up to the 2013 UN GA High Level Dialogue on Migration and Development. While the MICIC Initiative is led by the Governments of the United States and the Philippines, UNHCR works closely, as part of the core Working Group, with IOM, ICMPD, Georgetown University and the Office of the SRSG on International Migration to develop a framework in the context of MICIC. This has also included support to and participation in the Stakeholder and Regional Roll Outs of the MICIC Initiative through 2015 and will continue until mid-2016. UNHCR engagement in MICIC ensures appreciation of the complementarities between the refugee protection regime and MICIC developments.

4. *Regional Consultative Processes*: UNHCR has been closely involved with, and has strengthened its participation in and strategic approach to, regional consultative processes on migration across the world. This includes partnering with IOM and other stakeholders on several regional processes, i.e the Almaty and Bali Processes in Asia; the Puebla Process in Central America; and the Regional Consultation in the Caribbean, among others. UNHCR’s work in the context of Regional Consultative Processes relating to Africa has been particularly significant. These have included: The AU Horn of Africa Initiative on Migrant Smuggling and Human Trafficking; the EU Horn of Africa Migration

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<sup>9</sup> UNHCR, Women on the Run, 2015 <http://www.unhcr.org/5630f24c6.html>

<sup>10</sup> UNHCR, *Rescue at Sea. A Guide to Principles and Practice as Applied to Refugees and Migrants*, January 2015, <http://www.refworld.org/docid/54b36554.html>

<sup>11</sup> UNHCR’s *Global Strategy - Beyond Detention 2014-2019* at - <http://www.unhcr.org/pages/53aa90d86.html>

Route Initiative or ‘Khartoum Process’; the Valetta Summit; and the Euro African Dialogue on Migration and Development ‘Rabat Process’. With respect to Valetta in particular, UNHCR has worked closely to support the AU and EU on the development of the Valetta Action Plan.

6. *Coordination of information and responses to mixed migration movements*: UNHCR has worked closely with its key partners in the Horn/ East Africa and in North Africa, through the Regional Mixed Migration Secretariat (RMMS) and the Inter-agency initiative of MHub, in these regions. UNHCR has also participated in the Mixed Migration Task Forces (MMTF) across the Horn and East Africa mixed migratory route.

7. UNHCR has coordinated several advocacy initiatives including *Joint Statements* with UN agencies and IOM on Protection at Sea, through 2015.

8. Through 2015, UNHCR served as Chair of the UN General Assembly mandated *Inter-Agency Coordination Against Trafficking (ICAT)*.

### **Sustainable Development Goals (SDGs)**

UNHCR has welcomed the universal application of the SDGs and has worked alongside other stakeholders in the development of the Post 2015 Development Agenda and the SDGs. The commitment to leave no one behind is encouraging, as are the explicit references to refugees and other displaced people as being amongst the most vulnerable, and thus fully included under the SDG Framework. Also directly relevant to UNHCR’s mandate is the universal applicability of the framework, regardless of Member States’ levels of development, and reference to strengthening ‘the resilience of communities hosting refugees, particularly in developing countries’.

UNHCR views **disaggregated data** as a vehicle for determining who is and who is not left behind, and is working with the UN Inter-Agency and Expert Group on SDG Indicators to ensure that statistics are designed to bring out the needs and progress of specific groups, including refugees. UNHCR is in the process of identifying a number of countries where refugees constitute a statistically significant portion of the population, and is working with national authorities and donors to meet the SDGs in a way that includes all population groups.

Advocacy by UNHCR also urges the inclusion of refugees, internally displaced persons, returning refugees and returning IDPs, asylum-seekers and stateless persons in the various national development plans and UNDAFs, in order for these vulnerable populations to have access to growth and development, including labour rights/ benefits, and for Member States to ensure sustainable development for all.

### **Way Forward**

With the recent surge in refugee movements amongst mixed flows worldwide in 2015 and the incumbent risks of both smuggling and trafficking faced by persons of concern to UNHCR, a holistic and protection-sensitive approach to such movements is now more important than ever.

Partnerships, international and national, with states and organisations, will remain a core component of UNHCR’s approach towards refugee and stateless protection in mixed migration, ensuring collaborative and informed solutions going forward.

The critical consideration in the case of asylum-seekers and refugees is their inability to return. Persons fleeing conflict and persecution are protected against return to the country from which they fled. *Non-Refoulement* - a principle of customary international law - must be upheld irrespective of the circumstances and locations in which mixed movements occur.

In order to further facilitate the development of complementary pathways for mobility for refugees, UNHCR is organising a ***High-level meeting on global responsibility sharing through pathways for***

*admission of Syrian refugees* on 30 March 2016 in Geneva.<sup>12</sup> This meeting is convened at a ministerial level by UNHCR and opened by the United Nations Secretary-General. The meeting will spotlight good practices and innovative initiatives which have come from what is currently the largest refugee situation, the Syria refugee crisis, as a concrete example of international cooperation, solidarity and responsibility sharing through the provision of pathways to admission.

A key opportunity to address the challenges of mixed migratory movements will be at the ***High Level Summit Addressing Large Movements of Refugees and Migrants***, convened by the President of the General Assembly on 19 September 2016. With support from UNHCR and other actors, the Summit will consider the development of a new international cooperation framework on predictable and equitable responsibility-sharing on large-scale refugee movements. The framework could create a mechanism for early consultation with all relevant countries and other stakeholders in the event of mass movement of refugees, addressing resourcing for host countries and, as necessary, expedited pathways for admission in third countries.

While mixed movements are a global challenge, regional approaches and sub-regional mechanisms and processes will remain the key drivers of a coordinated response. UNHCR will continue to support these processes, assisting states to distinguish and to differentiate between refugees and migrants and to provide appropriate responses for refugees in keeping with State obligations. Political will and protection-sensitive border management measures are critical components to the success of these efforts.

Additional initiatives that UNHCR is currently developing to respond to refugee and stateless protection in mixed migratory movements include

- Reviewing and mapping the variety of recent interventions that have enabled refugee protection in complex mixed movement contexts. This includes reviewing examples from government and agency perspectives for inclusion in an updated *10 Point Plan in Action: Refugee Protection in International Migration*, in 2016.
- In partnership with IOM, UNHCR is revising the *Joint IOM UNHCR Framework Document on Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons* (2009). The revision is intended to update the content with current challenges and needs, including a section on preventive activities.

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<sup>12</sup> See for documents on the *High-level meeting on global responsibility sharing through pathways for admission of Syrian refugees* <http://www.unhcr.org/pages/5694d22b6.html>