

## Global Compact for Safe, Orderly and Regular Migration<sup>1</sup>

1. This position paper sets out the **objectives of the Federal Republic of Germany** as regards the substance of the migration compact in accordance with the New York Declaration for Refugees and Migrants and its Annex II.
2. Germany is seeking to create a **politically but not legally binding basis** for the implementation of the objectives of the 2030 Agenda for Sustainable Development with respect to migration, especially objective 10.7 (facilitate orderly, safe and responsible migration and mobility of people) that, beyond reaffirming existing international regulations, constitutes the framework for safe migration managed at the global level and in which the heterogeneous interests of countries of origin, transit and destination are balanced, taking the rights of migrants, including marginalised groups, into account.
3. The migration compact should seek to achieve **cooperation in a spirit of partnership among states** for improved “migration governance”, taking successful examples into account, and establish a **reporting mechanism** for progress achieved in periods to be identified (peer review mechanisms). Its implementation should also take place with the **participation of the private sector and civil society**.
4. In order to increase its legitimacy, **civil society** and the **private sector** should be involved in the entire negotiation process and the subsequent implementation. No new structures should be established for the purpose of implementation, but rather existing structures (such as the IOM) and budgets should be drawn on.
5. With the migration compact, states that have demonstrated less commitment to date, for instance with regard to hosting refugees, must be involved in the overall responsibility for **reducing irregular migration** including by establishing transparent and regulated migration pathways.
6. In view of the fact that migratory movements, generally speaking, comprise both refugees and migrants (so-called “mixed flows”), the migration compact should also address the aspect of political control/governance of these movements (including stabilisation from an early stage, rapid status determination and repatriation of those who are not in need of protection).
7. State action and state cooperation with regard to irregular migration, human trafficking and smuggling of migrants must be based on international law, including human rights and refugee conventions, and must not undermine the right to asylum. The migration compact should not, however, constitute or promote a “human right to (unrestricted) mobility”.

## Human rights of migrants/inclusion/tolerance<sup>2</sup>

8. States should affirm their commitment to the effective protection of migrants’ **human rights**, irrespective of their legal status and their nationality, especially in crisis situations such as natural disasters.
9. The migration compact should ensure the protection and equal rights of migrants along the lines of the “Leave no one behind” principle of the 2030 Agenda.
10. The **principle of non-discrimination** and therefore the particular consideration of the rights and needs of **marginalised persons and population groups** must be taken into account. This includes women and girls, survivors of (gender-based) violence, migrants with disabilities and unaccompanied minor migrants.
11. In particular, the specific **needs of especially vulnerable migrant groups** (e.g. children, disabled persons and the elderly) and people in vulnerable situations (e.g. single mothers), as well as barrier-free access to basic services and infrastructure, must be taken into account.

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<sup>1</sup> Hereinafter referred to exclusively as “migration compact” for the interests of readability.

<sup>2</sup> Thematic session A.a. “Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance.”

### The causes of migration/climate change/natural disasters/conflict/crises<sup>3</sup>

12. The migration compact should address the diverse **drivers of migration**. They include poverty, food insecurity, extreme inequality and a lack of economic prospects. The migration compact should make it clear that migratory pressure can only be effectively reduced if industrialised countries, emerging economies and developing nations work together to promote development across the board.
13. The migration compact should also focus on the **adverse impact of climate change**, as well as on food insecurity, poor resource management, population growth, climate- and weather-related disasters and extreme poverty, and should emphasise that the risk of **population movements as a result of disasters and climate change** will continue to grow in the future.
14. Moreover, the migration compact should address the fact that increasing competition over ever scarcer resources such as arable land and water can result in a heightened **risk of violent conflicts**, which may further exacerbate migratory movements.
15. The migration compact should acknowledge the fact that regular migration can be an **effective outlet for climate-related migratory movements** and should emphasise the necessity of support measures for affected population groups.
16. The migration compact should highlight the fact that people who flee or are at risk of fleeing their homes as a result of disasters caused by climate change and extreme weather, and also as a result of other natural disasters, are not entitled to protection under the Geneva Conventions relating to the Status of Refugees and that **protective measures for these people are therefore urgently required**.
17. There should, to this end, be a focus on:
  - a. the significance of the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (**Nansen Protection Agenda**), as well as the subsequent Platform on Disaster Displacement;
  - b. acknowledging the necessity of **improving a disaggregated data basis** with respect to displacement caused by disasters and climate change;
  - c. calling for improved international cooperation to implement measures to reduce risks and to reduce vulnerability to disasters, to adapt to the current and future impact of climate change and to achieve improved risk protection (climate risk insurance), as well as to reduce poverty at the local, national, regional and international level in order to **prevent or mitigate the negative impact of natural disasters and climate change**;
  - d. calling for improved **policy coherence at the national and international level** and emphasising the necessity of including protective measures in the context of migration as a result of disasters and climate change in relevant policy areas and fields of action (national development planning, climate plans (nationally determined contributions or NDC) and national adaptation plans (NAP));
  - e. **strengthening and building up political processes** in areas that have been insufficiently regulated to date (e.g. legal frameworks at the national and regional level) in order to improve the protection of people who have to flee their homes as a result of disasters or the impact of climate change.

### International cooperation and migration governance, including border management, return/reintegration<sup>4</sup>

18. The migration compact should emphasise the **importance of improved data and enhanced expertise on migration** for responsible migration policies based on facts and encourage initiatives for improving the data situation and setting up monitoring and reporting mechanisms for the implementation of migration governance.
19. The migration compact should expressly advocate enhanced international cooperation in efforts to **avoid irregular migration**. There should, to this end, be a focus on:
  - Agreeing to and applying international standards for **repatriation and reintegration**, preserving/expanding the existing pathways for voluntary departure and repatriation, including long-term support for returnees and host communities.

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<sup>3</sup> Thematic session B.e. “Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.”

<sup>4</sup> Thematic session A.c. “International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.”

- The migration compact should expressly advocate **legal pathways** for migration, including in the context of regional freedom of movement regimes such as the European Union, ECOWAS and MERCOSUR. Circular migration should be accepted and promoted where possible and expedient from the point of view of development policy. This can help to minimise incentives for irregular migration and encourage the use of regulated channels of legal migration.
- Strengthening of **cooperation to promote integrated, regional and human rights-based border management** as well as **tackling illegal migration, human trafficking and people smuggling**. Obligation on the part of carriers to handle the return transport of persons in the case of invalid identification papers/illegal entry.

### Contribution of migrants to sustainable development<sup>5</sup>

20. The migration compact should emphasise the fact that **migration is a key development factor, as well as the role of regular migrants as development actors**. Where it is orderly, legal and safe, migration offers an immense amount of positive potential not only for migrants themselves, but also for the development of countries of origin and destination, in particular in the following areas:
- **Remittances:** The objective of the migration compact should be to make a contribution to achieving goal 10.c of the 2030 Agenda, specifically to reduce the transaction costs of migrant remittances to less than three percent by 2030. Moreover, the migration compact should seek to develop innovative financial instruments such as diaspora bonds as well as promote the financial inclusion and basic financial literacy of migrants and their families in countries of origin.
  - **Development of the private economy with the help of migration including cooperative diaspora partnerships:** Migrants work together to promote knowledge transfers and to improve the infrastructure in communities of origin, as well as to promote intercultural exchanges between the countries. They found (transnational) companies, establish trade relations and new markets and contribute to innovation with international networks and transfers of knowledge and technology. The migration compact should acknowledge this important role played by migrants and by diaspora as development actors.
  - **Return and reintegration:** When returning voluntarily, migrants can help to promote development in their countries of origin. This requires making good preparations for their return and, in many cases, particularly for vulnerable groups, reintegration support. Return and reintegration policy will only meet with success if it takes account of all those involved, including the communities that take them up (again).
  - **Labour migration geared to development:** Regular migration can help to compensate for shortages of skilled workers in host countries. In countries of origin, it can ease the burden on labour markets where there is a lack of employment opportunities. When migrant workers return to their countries of origin on a temporary or permanent basis, they often bring their knowledge and skills to bear in the region directly. The objective of the migration compact should be to promote regulated labour migration geared to development.

### Smuggling of migrants and human trafficking<sup>6</sup>

21. The migration compact should expressly state the fact that illegal border crossings are an unacceptable form of migration. This is even more so the case when border crossings are organised by traffickers and smugglers. The migration compact should refer to the fact that good migration governance can help to prevent human trafficking.
22. The migration compact should call for the ratification and effective implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and its additional protocol to prevent human trafficking. It should encourage states to accede to regional agreements to fight human trafficking. Moreover, it should, through cooperation in a spirit of partnership, encourage the creation of suitable legislative and institutional frameworks that are in line with and help to implement the UN Protocol against the Smuggling of Migrants by Land, Sea and Air.

<sup>5</sup> Thematic session B.d. “Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.”

<sup>6</sup> Thematic session C.f. “Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims.”

23. The migration compact should comprise a clear voluntary commitment by states to prevent and tackle human trafficking and to protect and support its victims, including greater efforts to identify victims or potential victims of human trafficking. States should, in this regard, affirm their commitment to taking gender-specific aspects of human trafficking into account as well as the specific vulnerabilities and needs of women and children. States should advocate good cooperation in this area.
24. With reference to the Global Compact on Refugees and its declared objective to analyse and tackle the causes of displacement and involuntary migration and offer to affected migrants, those at risk of displacement and internally displaced persons and refugees protection and future prospects in the proximity of their countries of origin, the migration compact should advocate, with the same forcefulness, that worldwide irregular migration, accompanied by human trafficking and smuggling at the hands of trafficking and smuggling organisations be combated.
25. Intergovernmental cooperation with this objective in mind helps to curb irregular migration and to tackle and prevent related activities of organised crime as well as migrant smuggling and trafficking. The states should affirm their commitment to creating or implementing the necessary conditions – legally and materially and in terms of personnel – to tackle people smuggling and to intensify international police and judicial cooperation in the efforts to combat these criminal offences.

#### Irregular migration, legal migration pathways, labour migration<sup>7</sup>

26. Our demographic development has given rise to **shortages of skilled workers** in a number of sectors and regions. Measures to better exploit the available domestic labour force potential are not, taken by themselves, able to fully make up for this shortage. The same goes for the EU's freedom of movement for workers. We therefore require targeted and managed **workforce migration on the basis of the national sovereignty of countries of destination** that takes both the needs of countries of destination and the interests of countries of origin into account.
27. **Migrant workers** must be treated fairly and, once they have settled in the host society and hold the necessary residence and work permits, should be offered prospects to establish themselves. The aspect of social and long-term **labour market integration of migrants** is important in this context as migrants tend to be less able to hold their own in the labour market than domestic workers. Their potential and qualifications will otherwise go to waste. On the other hand, it must also be possible, where necessary, for skilled workers to **return** to their country of origin in order to help build up the economy there.
28. The migration compact should take the following topics into account:
  - employment opportunities in countries of destination for **skilled workers** looking to migrate (e.g. information on qualifications required, pathways to achieving them, vacancies), living conditions and entry and residence requirements);
  - training for skilled workers in the context of international **training partnerships** within the existing regulatory framework;
  - support from multi-stakeholder forums for **compliance with health and safety regulations** in global supply chains;
  - support for compliance with ILO standards for migrants;
  - support for **circular migration**;
  - measures to support **fair and effective labour market integration** of migrants in countries of destination, as well as to promote social integration particularly by strengthening municipal measures and combating prejudice and discrimination;
  - the migration compact should address support for migration from academics and students through exchange programmes within the existing regulatory framework and better use of the opportunities of cultural diversity, e.g. with the promotion of intercultural exchanges.

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<sup>7</sup> Thematic session A.b. “Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications, and other relevant measures.”