

Global Compact for Safe, Orderly and Regular Migration¹
International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.

The third of six informal thematic sessions will cover “International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”. It is scheduled for 19 – 20 June 2017 in Geneva. The sessions were set out in the resolution on the Modalities for the intergovernmental negotiations of the Global Compact for safe, orderly and regular migration adopted on 6 April 2017 in NYC.

Germany holds the following positions regarding this session of the Global Compact for safe, orderly and regular migration:

1. The migration compact should expressly advocate enhanced international cooperation in efforts to **avoid irregular and in return advocate pathways for regular migration**. There should, to this end, be a focus on:
 - Aiming at a **coherent approach** of migration, return, and development policies so as to benefit migrants, countries of origins, and host countries alike.
 - Advocating improved cooperation and a fair balance of interests between countries of origin, transit and destination.
 - Agreeing to and applying **international standards for return and reintegration**, preserving/expanding the existing pathways for voluntary and non-voluntary return, including long-term support for returnees and host communities.
 - Strengthening of cooperation to promote integrated, regional and human rights-based **border management** as well as tackling illegal migration, human trafficking and people smuggling as well as their underlying causes.
 - The migration compact should **advocate legal pathways for migration in return for enhanced cooperation in countering irregular migration**, including in the context of regional freedom of movement regimes such as the European Union, ECOWAS and MERCOSUR. Promote the social and economic inclusion of all migrants who are legally staying in host societies.

2. Acknowledge that States have rights and responsibilities to **manage and control** their **borders**, as an important element of security for

¹ Referred to as „Global Compact“ in this document.

States, and ensure that border control procedures are carried out in accordance with applicable obligations under international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention. Border governance and border management measures and practices corresponding to this framework must be human rights-based, dignified and child-sensitive. Strengthen international border management cooperation with the aim to promote capacity building in improved regional and national level management, to promote development of national and regional strategies on integrated border management to prevent and reduce irregular migration and to address trafficking in human beings, for all forms of exploitation, and migrant smuggling, including through operational co-operation, joint training, information campaign and the exchange of best practices.

3. Recall the sovereign **right of States to determine whom to admit to their territories** and under what conditions, subject to State's international obligations, including regional obligations. At the same time, the right of all persons to leave any country including their own must be respected.
4. Promote the **social and economic inclusion of all legally staying migrants** and in this regard also promote, as appropriate, inclusion and support of migrants in transit countries, by taking into account the specific needs of vulnerable groups such as women, elderly, children, persons with disabilities as well as persons in vulnerable situations (single mothers for instance). Furthermore facilitate their non-discriminatory access to basic services such as healthcare and education. Taking this into account, allow for an active social, economic and political participation of the migrants themselves. They must be perceived and treated as rights holders, people with their own interests and experience, and be able to adequately participate in decision-making processes affecting them. Ensure an environment free from discrimination, racism, sexism, xenophobia and related patterns of exclusion. Provide for independent complaints mechanisms to help those confronted with discriminatory practices.
5. Ensure that all migrants, especially vulnerable groups and migrants in vulnerable situations - especially women, girls and persons with disabilities - **are protected from all forms of violence**, including sexual and gender based violence in private and public space.

6. **Circular migration should be accepted and promoted** in order to derive advantage from the benefits of orderly managed migration; this would in turn encourage the use of regular and legal migration channels and minimize incentives for irregular migration, in particular set out by human smuggling and trafficking activities.
7. Recognize the preference for **voluntary return** of people without a right to stay in their respective host countries, with a support system in place providing where appropriate monetary and non-monetary reintegration assistance into the country of origin in full respect of the human dignity and fundamental rights of all migrants. Ensure that voluntary returning migrants are fully informed and consent to their return.
8. Emphasize the **obligation of all States** as enshrined in international law to **accept without condition the return and readmission of their nationals**. Call upon States to cooperate effectively towards that end and facilitate the return of their nationals who do not have the legal right to stay on other States' territory, notably by swiftly identifying their nationals and issuing travel documents. To this end establish reliable means of identification for own nationals by adding biometric identifiers in population registers.
9. Ensure that **returns and readmissions are carried out safely and effectively**, in full compliance with international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention, with full respect for all human rights and dignity, the prohibition of collective expulsion and ensuring fair standards and procedures for return, and respect of right to effective remedy as well as access to information about rights and obligations, including free access to legal support, translation, interpretation and counselling services. Ensure that a guardian will accompany children throughout the return process, and that there is clarity about reception and care arrangements of children in countries to which they are being returned. Children should only be returned where it has been determined through an adequate and participatory process that it is in the best interests of the child.
10. **Obligation on the part of carriers to handle the return transport of persons** in the case of invalid identification papers/illegal entry.

11. The migration compact should expressly state the fact that **illegal border crossings are an unacceptable form of migration**. This applies even more in cases where border crossings are organized by traffickers and smugglers. The migration compact should refer to the fact that good migration governance can help to prevent human trafficking.
12. Ensure that **deprivation of liberty is used only as a last resort when less coercive measures are not sufficient** to achieve the legitimate objective and promote improved conditions of administrative detention for detained migrants and the use of alternatives to administrative detention. The reasons for any detention must be clearly defined in law, of limited scope and duration, necessary and proportionate, and must be explained to migrants. Provide migrants in detention with unconditional access to adequate medical and health care, legal and general human rights-based assistance. Ensure that detention conditions guarantee respect for the dignity of the person by ensuring adherence to the UN Standard Minimum Rules on the Treatment of Prisoners and all other relevant international standards. Ensure accountability and remedy for any instances of unlawful or arbitrary detention, deficiencies in detention standards and any violations or abuse of the human rights of detained migrants by State actors, private individuals, entities or security forces.
13. Given the negative impact of detention on children, detention should be used exclusively in exceptional circumstances, where strictly necessary, only as a last resort, for the shortest time possible, and never in prison accommodation.
14. Consider **developing non-binding guiding principles voluntary guidelines and political commitments**, consistent with international law, **on the treatment of migrants in vulnerable situations**, especially unaccompanied and separated children.
15. Reaffirm that **increasing coherence between migration and development policies** is important to ensure that development assistance also assists partner countries in the improved governance of migration in all its dimensions and likewise, that migration policies do not have a negative impact on the development in partner countries.
16. The migration compact should emphasize 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.