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## RESPONSE

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**DATE** 21 September 2017

**TO** The Office of the United Nations Special Representative of the Secretary-General (SRSG) for International Migration

**SUBJECT** **INPUT TO THE UN SECRETARY-GENERAL'S REPORT ON THE GLOBAL COMPACT FOR SAFE ORDERLY AND REGULAR MIGRATION**

In response to the Office of the United Nations Special Representative of the Secretary-General (SRSG) for International Migration request on 21 July 2017 for input on the structure and elements, actionable commitments, and the means and framework of implementation of the Global Compact on Safe, Orderly and Regular Migration (**GC-Migration**), the New Zealand Government submits the following:

1. The GC-Migration needs to be meaningful, ambitious and based upon international obligations and standards, which harness the key commitments made at the 2016 World Humanitarian Summit and in the New York Declaration. We want to see safe, regular and orderly migration that contributes to prosperity and security globally, and is not driven by conflict or poverty.

### STRUCTURE AND ELEMENTS

2. New Zealand suggests the drafting of the GC-Migration follow a thematic structure covering the following elements:
  - i. Confirming the human rights of migrants;
  - ii. Outlining the purpose and goal of the GC-Migration;
  - iii. Promoting the opportunities of migration;
  - iv. Combating the negative aspects of migration;
  - v. Addressing negative drivers of migration; and
  - vi. Building international cooperation, capacity and awareness.

### Confirming the human rights of migrants

3. New Zealand believes that human rights are inalienable and that all people should have a sense of belonging and the ability to participate, and feel included, recognised and legitimate.
4. Human rights are guaranteed to all peoples in New Zealand under the Bill of Rights Act (1990), irrespective of their immigration status. Our Human Rights Act (1993) prohibits discrimination on the basis of sex, marital status, religious or ethical belief, colour, race, nationality, ethnicity, disability, age, political opinion, employment status, family status and sexual orientation, and prohibits the incitement of racial disharmony or harassment.
5. As such, New Zealand is supportive of a rights-based approach to migration and migration policies and considers that human rights conferred to all, including to migrants irrespective



of immigration status, should be a global norm. This should be reflected throughout the GC-Migration text.

### **Outlining the purpose and goal of the GC-Migration**

#### *Purpose*

6. New Zealand supports a compact that is inclusive with broad membership. To achieve this, we support a non-legally binding instrument.
7. We agree that the GC-Migration should develop a state-led global approach to upholding the human rights and wellbeing of migrants and their families (irrespective of their migration status), and promoting inclusive economic growth and sustainable development in societies of origin, transit and destination.
8. Within this context, the GC-Migration should consider the unique drivers and effects of migration on small states. In particular, the GC-Migration should recognise that states will have different capacities to implement the compact, without implying that small or developing states adopt less stringent standards.
9. The GC-Migration should not replace existing international agreements and standards, but rather should sit alongside and uphold other mechanisms aiming to provide safe, orderly and regular migration. These include the Sustainable Development Goals (**SDGs**), the International Labour Organisation Convention on Migration for Employment relating to emigration and immigration for employment, the Convention Against Torture, the Convention against Transnational Organized Crime, the Convention Relating to the Status of Refugees, and the International Covenant on Civil and Political Rights.

#### *Goal*

10. New Zealand reiterates its full commitment to the New York Declaration and agrees with the goals set out in the Declaration. Concrete outcomes and clear deliverables are required to achieve these goals. The GC-Migration should clearly outline these outcomes and the way in which member states can achieve them.
11. Quality, accessible, timely and reliable disaggregated data will be needed to help with the measurement of progress. Collection of this should be manageable for all.
12. By way of an example, the New Zealand Migrant Settlement and Integration Strategy is the New Zealand Government's approach to effectively settle and integrate migrants in New Zealand, so that they make New Zealand their home, participate fully, and contribute to all aspects of New Zealand life. Five interconnected and measurable outcomes for migrant settlement underpin this overarching outcome: Employment, Education and Training, English language, Inclusion, and Health and Wellbeing. The Government has a work programme which supports progress towards each outcome for priority migrant groups and a range of indicators to measure progress.

### **Promoting the opportunities of migration**

13. The GC-Migration should emphasise the benefits of migration for states, both inward through filling labour market shortages, and outward through a skilled diaspora who can continue to contribute to the advancement of states' exports and businesses through knowledge transfer and entrepreneurship. The strong benefits for the migrants, such as work experience and skills development, should also be emphasised.



14. New Zealand has successful experiences with our orderly labour mobility programmes, such as through the Recognised Seasonal Employers (**RSE**) scheme. The RSE scheme is a circular migration scheme which provides temporary workers for the New Zealand horticulture and viticulture sector. New Zealand currently takes 10,500 temporary workers annually (mostly from eligible Pacific countries) through the RSE Programme.
15. The RSE scheme is seen as a 'triple-win' as it benefits:
  - i. New Zealand's economy by providing workers when there are no New Zealanders available.
  - ii. Pacific Island nation's economies by providing employment and remittances for development.
  - iii. individual workers and their families through work experience, skills development and income for their prosperity and growth.
16. Globally, the volume of remittances far outweigh global aid spending, and therefore have far greater developmental impact on families and communities in developing countries. Specifically, remittances make up a large proportion of gross domestic product (**GDP**) for Pacific countries, with remittances to Samoa and Tonga totalling approximately 20 per cent of their GDP in 2014, and the equivalent of a quarter of Vanuatu's export earnings in 2015.<sup>1</sup> According to the World Bank, remittances are worth US\$628m per year to the Pacific region alone.
17. Due to the scale and reliance of remittances in the Pacific, lowering the costs of remittances is essential to ensure migration for labour is profitable for the workers and employers. The International Finance Corporation (**IFC**) has successfully piloted a voucher-based remittance system to facilitate remittances between New Zealand and Tonga. New Zealand and Australia are now working with IFC to identify ways of replicating this system more widely as a remittance solution.
18. We reiterate our commitment to the G20 and SDG commitment (10.c) of reducing remittance costs to less than 3-5 per cent.

#### **Combating the negative aspects of migration**

19. The GC-Migration should encourage all states to combat the negative aspects of migration, such as transnational crime including human trafficking and people smuggling.
20. Combating human trafficking requires the combined efforts of numerous government agencies. New Zealand maintains an Inter-Agency Working Group on human trafficking between 12 government agencies, established in 2006, to carry out training and awareness raising exercises; develop policies to deliver support to victims; and to empower victims to take part in the criminal justice process against their traffickers.
21. New Zealand also has a Plan of Action to Prevent Human Trafficking, which was published in 2009. This includes accommodating the needs of victims of trafficking, including timely access to health and social services, and assisting them to return to their home country or remain in New Zealand as necessary.
22. New Zealand addresses the risks of transnational crime, not only on our borders but in the wider Pacific. The Pacific region is increasingly seeing people smuggling cases, as smugglers are using Pacific Island countries as transit ports. New Zealand invests in capacity building

<sup>1</sup> <http://www.treasury.govt.nz/publications/informationreleases/money-remittance>



within the Pacific, with a focus on intelligence and identity capability, so that Pacific borders are well managed.

#### **Addressing negative drivers of migration**

23. The GC-Migration should address both the present and developing negative drivers of migration such as conflict and poverty, and climate-induced migration.
24. New Zealand is geographically isolated and as such does not experience the levels of mass or unscreened migration, or risks thereof, as countries with land borders. However, we are not immune to irregular migration caused by conflict and poverty. The GC-Migration should promote the greater and earlier investment in conflict prevention and the implementation of the 2030 Agenda for Sustainable Development to address the root causes of the current unprecedented flows of irregular migration.
25. New Zealand played a proactive and constructive role as an elected member of the Security Council particularly highlighting conflict prevention as an area where the Council needed to perform better. To this end, we advanced several successful initiatives aimed at putting conflict prevention into practice, including by having the UN Secretariat provide monthly informal briefings to Security Council members on emerging threats.
26. As climate change-related pressures such as hunger, poverty, insecurity and conflict over access to water, food and other resources increase, so too will the pressures to migrate. Initially it will be professional and skilled personnel who will be able to choose when to migrate and where to go, but eventually unskilled workers will also be forced to relocate.
27. This is of particular concern for Pacific Small Island Developing States. For example, low-lying atolls such as Kiribati and Tuvalu are disproportionately vulnerable to the risks of climate change, particularly given their small and vulnerable economies.
28. New Zealand reiterates its full commitment to the effective implementation of the Paris Agreement, and calls for a coordinated UN approach to climate change and the range of issues affected by climate change.

#### **Building international cooperation, capacity and awareness**

29. As international migration trends affect all countries' immigration systems, it is important that the global community responds and works together to achieve the desired result. New Zealand sees significant value in countries cooperating on migration issues, particularly to keep people, communities and regions safe from transnational crime.
30. New Zealand actively supports and provides input to international coordinated action on migration and migration-related issues, by contributing to groups such as the International Organisation for Migration and the Organisation for Economic Co-operation and Development, participating in the Intergovernmental Consultations on Migration, Asylum and Refugees and other intergovernmental and international groups, and providing support to relevant non-governmental organisations (such as the Red Cross).
31. We are also an active member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (**the Bali Process**). Through the Bali Process, law enforcement and immigration agencies from Australia, Bangladesh, Indonesia, Malaysia, the Maldives, New Zealand, the Philippines, Sri Lanka, Thailand, and the US carry out coordinated operations for crimes including trafficking for the purposes of labour exploitation across a wide range of sectors, such as fishing, construction, and domestic



servitude. The Bali Process is voluntary and non-binding, and has proven to be an effective forum for policy dialogue, information-sharing and practical cooperation.

32. New Zealand also works closely with our Pacific Island neighbours to build capacity and share best practice on migration processes and managing irregular migration and identity integrity. We work closely with our neighbours to ensure that immigration policy and operational settings maximise potential benefits to those nations.

#### **ACTIONABLE COMMITMENTS**

33. New Zealand has a long history of migration and has developed good migration practises, particularly in regards to human rights, labour mobility and migrant settlement. We are committed to further action to ensure the safe, orderly and regular movement of migrants. In particular, we highlight the following actionable commitments:
  - i. *Strengthen or establish official mechanisms to monitor, investigate and ensure accountability for human rights violations and abuse of migrants, and ensure that all migrants have equal and effective access to justice and effective remedies.* New Zealand supports human rights for all, regardless of migration status. The New Zealand Bill of Rights Act (1990) gives all people (including migrants) the same rights. The Human Rights Act (1993) specifically establishes that it is unlawful to discriminate on the grounds of ethnic or national origins, and provides protection for the culture, religion, and language of individuals who belong to ethnic, religious and linguistic minorities.
  - ii. *Reduce adverse drivers of irregular migration, through conflict prevention.* New Zealand supports practical efforts aimed at preventing conflict and emerging crises from arising. Early action is critical in this respect. We have emphasised the need for inclusive involvement to reach lasting peace agreements.
  - iii. *Open or diversify effective and accessible regular migration channels.* We have labour mobility schemes (such as the RSE scheme), humanitarian admission schemes and education opportunities, all which provide legal and regular migration channels. New Zealand also has a range of visa categories that provide legal and regular channels through which partners, dependent children and parents of New Zealand citizens, residents and visa holders can join their families in New Zealand.
  - iv. *Accelerate action to reduce (to less than 3 per cent) the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.* However, anti-money laundering and counter financing of terrorism regulations compliance will still be required. As mentioned, we are working to identify new ways of addressing remittance costs and access issues in the Pacific, and would encourage this globally.
  - v. *Strengthen engagement in disaster risk reduction and management.* New Zealand supports the integration of disaster risk reduction and climate change adaptation, and acknowledges the importance of engaging communities and the private sector in disaster risk reduction initiatives.
  - vi. *Invest in the elements of the Sustainable Development Goals that drive people to migrate and impede their ability to live and work safely and lead productive lives at home.* This aligns with our strong sustainable development focus through our aid



programme, and through our international trade and economic, environmental and security policy settings.

- vii. *Establish and effectively implement national legal frameworks to protect and assist migrants in the context of smuggling and victims of trafficking in persons and contemporary forms of slavery, irrespective of their migration status.* New Zealand is committed to building strong partnerships within government including via the Inter-Agency Working Group on human trafficking. The working group comprises 12 agencies that provide oversight of New Zealand's response to human trafficking, including law enforcement, intelligence, immigration, social ministries, and the labour inspectorate.
- viii. *Enhance collection, analysis and dissemination of sex and age-disaggregated data in order to develop meaningful, evidence-based policies.* New Zealand utilises data from multiple sources across government to measure and monitor trends across the key outcome areas of the New Zealand Migrant Settlement and Integration Strategy. Data sources include the New Zealand Census, MBIE's annual Migrant Survey, the New Zealand Attitudes and Values survey, Statistics New Zealand's Household Labour Force survey, the Ministry of Education's ESOL database, Statistics New Zealand's Integrated Data Infrastructure and the New Zealand General Social Survey. Census data is also used to derive national ethnic population projections. Data collection must be manageable for all states, including small island developing states; and the projections and analysis should not be used with bias in policy-making.

## **IMPLEMENTATION**

34. New Zealand reiterates support for a compact that is inclusive with broad membership. To achieve this, we support a non-legally binding instrument.
35. New Zealand does not support a new UN agency to be developed to administer and uphold the GC-Migration as we consider there are adequate mechanisms in place to support its implementation. We support effective use of existing funding and UN structures working effectively to achieve the set objectives. Data and information from existing reporting mechanisms should be used where possible.
36. Any reporting commitments need to be developed with small island developing states in mind. That is, any implementation, monitoring or reporting expectations need to be calibrated for small states with limited capacity.
37. Member states should have primary responsibility for implementation, follow-up and review at the national, regional and global levels, of any deliverables and outcomes agreed in the GC-Migration.

The information provided in this response can be made available on the official website.