

## **Fifth informal interactive multi-stakeholder hearing**

### **Preparatory process for the global compact for safe, orderly and regular migration and the intergovernmental conference on international migration**

#### ***Migration – What’s Really Going On: Lessons from the field***

**21 May 2018**

**Conference Room 4, UN Headquarters, New York**

The President of the General Assembly organized the fifth and final informal interactive multi-stakeholder hearing as part of the preparatory process for the Global Compact for Safe, Orderly and Regular Migration on 21 May 2018 in New York, in accordance with paragraph 30 of General Assembly resolution 71/280. Representatives of Member States, observers, civil society organizations, academic institutions, parliaments and the private sector participated in the hearing.

The success of the Global Compact for Safe, Orderly and Regular Migration (GCM) will be determined by its implementation and impact. In this regard, the focus of the discussion was on sharing experiences and best practices at national and regional levels. This included how stakeholders address some of the central issues being negotiated in the GCM in a tangible way.

In the **opening segment** of the hearing, President of the General Assembly, H.E. Mr. Miroslav Lajčák, emphasized the importance of understanding what is happening practically around migration to support migrants, communities and states. He stressed that migrants impact society and an all-of-society approach is needed to support migrants. The Global Compact does not start from nothing; there are centuries of practice - successes and failures. And that implementation of the Global Compact should build on these practices.

Additionally, the President stressed that the discussions on the GCM should be inspired by what is happening. In reality, migration policies enable development, ensure human rights and provide security concurrently. Focusing on one over the other creates unbalanced and determinantal outcomes. The President also stressed that partnerships are indispensable to this goal.

The Secretary-General of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, Ms. Louise Arbour noted that lessons from the field are one of the richest dividends of the process and that issues come to life with the exchange of best practices.

She noted that there are many challenges that remain for the negotiation of the GCM, mostly around irregular migration. She emphasized that no single policy approach is likely to be suitable but that policies need to be rooted in the rule of law, tailored to the situation, and avoid unintended circumstances. She stated that appropriate policies could include more legal

pathways, regularization options for irregular migrants already in and contributing to the societies, and return, as appropriate.

The Director-General of the International Organization for Migration, Mr. William Lacy Swing stressed the keys to successfully implementing the GCM include partnership and cross sector collaboration. Mr. Swing, noted partnership with cities and mayors will be key in implementation. Moreover, the private sector is important in terms of fostering labour market integration, identifying labour market gaps and ensuring decent work. He stressed that the sovereignty of states and multi stakeholder engagement are not inconsistent with each other.

The IOM Director-General stressed the importance of migration approaches at the national level. United Nations Country Teams, the implementation of the SDGs, and UN Reforms are critical to the success of the GCM. He highlighted that the United Nations already incorporates migration into its work. IOM with its migration mandate is involved in all the UN Country Teams and has the operational capacity to support countries at the national level. In some countries, states have prioritized migration and IOM co-chairs migration working groups. For example, in Viet Nam, IOM and UNDP co-lead the counter-trafficking working group. In Libya, where there are mixed flows, IOM and UNHCR are currently piloting joint counselling of detained Somali nationals to ensure their rights are guaranteed.

The expert panel looked at best practices to support safe, orderly and regular migration. The panel was moderated by Mr. Imran Garda, novelist, journalist, and host of *the Newsmakers*, TRT World. The panellists were Ms. Ellene Sana, Executive Director, Center for Migrant Advocacy, Ms. Ashli Aldrich, Global Immigration/Mobility Manager, Uber; Ms Meri Korniloff, PapTe Programme Coordinator, Physicians for Social Responsibility; Mr. Walid Salhi, Board Advisor, Shaik Tahir Azzawi Charity Organization (STACO); Ms Gabriela Liguori, Coordinadora General, Comisión Argentina para Refugiados y Migrantes (CAREF); and Ms. Vera Dodic, Manager, Toronto Newcomer Office, City of Toronto. All panellists illustrated the substantive ways in which they work and support safe, orderly and regular migration. All highlighted that partnerships are critical for success and that good policies create healthy communities for everyone.

Ms Ellene Sana noted that there are now over 8 million Filipinos overseas including 4.26 million as temporary workers, 3.6 as permanent residents and 700,000 estimated to be in irregular status. More than 60% of migrants go to the Gulf States. The majority of migrant workers are in low waged sectors and more than a third of the annual deployment are domestic workers, overwhelmingly female migrant workers.

Cognizant of the vulnerabilities to abuse and exploitation of migrant workers, particularly female migrant workers, the Government of the Philippines put in place various measures – policies and programs - to address protection of migrant workers and their families. The Philippines is also party to most human rights and labour rights conventions yet despite efforts

to protect overseas workers, abuses, unequal treatment and discrimination including gender-based violence continue.

To prevent and minimize abuses, the Labour Department in the Philippines established various institutions and policies to address concerns on deployment, recruitment, welfare and return and reintegration. One policy is the Household Reform Package for migrant domestic workers that prohibit collection of placement fees, set a minimum entry level salary and minimum age at 23 years old.

The Center for Migrant Advocacy (CMA) supports migrants to access justice and works for the rights and welfare of overseas Filipino workers and members of their families. This includes policy advocacy at both the local and national levels, facilitating assistance to distressed migrants and building capacity for partner CSOs, trade unions, community groups, local government, etc. institutions. CMA's approach is built around productive engagement with their national government, foreign governments and collaboration with CSOs at home and abroad. CMA also supports access to justice which contributes to the empowerment of migrants. Furthermore, they assist in organizing efforts of the migrant sector through capacity building, and building linkages with other sectors so migrants can be part of the broader social movement for justice.

Ms. Sana also noted that partnership has been key and has been recognized by the Philippine government which established a tripartite dialogue forum on labor migration policies. The forum serves as the platform for policy dialogue with government agencies, employers (as represented by the recruitment sector) and the migrant workers, CSOs and trade unions. The Labour Department also created a Decent Work Country Program Advisory Committee, where CMA was invited as a permanent member to represent the overseas workers. This example demonstrated the importance of the multi-stakeholder platforms to address migration policies and programs.

The Global Immigration Manager at UBER, Ms. Ashli Aldrich, highlighted the importance of sound migration policies for companies like UBER who sponsor migrants. Ms. Aldrich outlined the challenges immigration practitioners in the private sector face. Companies require highly skilled roles and vie for the best and brightest. While they invest in recruiting domestic talent in regional markets, they require a consistent percentage of foreign talent to support their business needs, driven by shortages of local talent to fill required roles.

For UBER, employees are the key asset so they invest in employees and their families. Additionally, as a tech company, they need to prioritize innovation and speed in recruitment.

In adhering to the government requirements and to meet their business needs, many multinationals face issues. The slow pace of governments and restrictive visa policies limit options to hire highly skilled employees. Furthermore, rapid changes to policy often require complicated solutions. This creates time delays and makes for unpredictable planning, as well as, outsized impact on the individual. This is hard on tech business; it reduces innovation,

productivity and is costly. It impacts recruitment when there are already challenges filling key roles. Great talent can be lost because they cannot be sponsored. For example, the US H-1B visa's annual quota limits, only allow an application once a year and can create a 16 -18 months processing delay which is not practical in fast-paced corporations.

Furthermore, for UBER to support its employees from overseas this often means securing visas for family reunification. The family disconnection impacts employees through direct costs and emotional distress including due to uncertainty.

Ms. Aldrich provided some recommendations for policies that support employers and manage migration. First, governments should consider trusted employer programmes. She acknowledged the rights and obligations of states and their need to mitigate abuse. However, she stressed the need for incentives to companies who follow the rules, particularly through trusted employer programs. Second, governments should have simple and clear rules that allow for flexibility and for the rapid growth of companies. Third, partnership is needed and stakeholders should be engaged in proactive and consistent dialogue.

Ms Meri Korniloff of Physicians for Social Responsibility in Finland described the Global Clinic in Helsinki. It consists of volunteer healthcare professionals helping migrants to access healthcare. Their patients are diverse including undocumented migrants and pregnant migrants. Under Finnish law, all people regardless of migration status may access urgent care. The City of Helsinki has made a local decision that health services are given to children and pregnant mothers including irregular migrants. In November 2017, Helsinki also decided to offer necessary healthcare services for migrants with irregular status.

Health care professionals do not inform immigration authorities about irregular migrants. A firewall between health care officials and immigration is essential and creates trust. Ms Korniloff stressed that access to health is a human rights issue but it is also sensible policy. She stressed that prevention of public health crises saves money on urgent and more expensive care. Also it is a security issue. When migrants interact with society, trust is built between newcomers and society. Contact with people improves understanding, and reduces fear and xenophobia.

Ms. Gabriela Liguori, Coordinator of the *Argentine Commission for Refugees and Migrants*, pointed out that nowadays most immigration to Argentina comes from other Latin American countries. The third and current law (in force since 2004) defined migration from a human rights perspective and had a positive impact on the lives of migrants. The effects of this law clearly illustrate the importance of public policies on the well-being of migrants.

Through facilitating massive numbers of accessible two-year work permits to South American citizens, the current law has helped migrants move out of the informal economy. Among the lessons learned from the wide-reaching regularization policy, Ms. Liguori emphasized the positive impact on the labour market: unemployment and informal labor rates went down, both for migrant and Argentine workers. Additionally, regularization diminishes the risk of

trafficking, smuggling and other violations of human rights, and improves the states' ability to manage various security issues.

1,400,000 temporary work permits were issued in Argentina between 2004 and 2017. The law establishes that South American migrants who renew their temporary permit can apply for permanent residence. Under this provision, more than 1 million persons obtained permanent resident status.

Before the current law was enacted, children with irregular residence status found it difficult to enroll in schools and receive their diplomas. This has changed, not only due to regularization but also because the law grants free access to public education and health care to all migrants, regardless of their migratory status. As health care is considered a human right, migrants in irregular situations are treated without risk of deportation. This prevents the spread of contagious diseases within the communities and ultimately reduces costs. The outcomes of this set of policies have generated better opportunities and stronger support for the implementation of the 2030 Agenda. In Argentina, the inclusion of migrants in public policy has been a practice. Ms Liguori highlighted the importance of a facts-based debate on migration. Discrimination and xenophobia feed on inaccurate arguments that run unchecked.

Mr. Walid Salhi of the Shaik Tahir Azzawi Charity Organization (STACO) in Libya outlined their work with migrants in Libya. Mr. Salhi stressed that all people are equal regardless of their migration status and they support all those in need. They base their work on the fact that migrants and refugees are all human and require assistance. They give services, including humanitarian services, to those who need it. He highlighted projects with IOM and ICRC where they distribute non-food items to over 9000 migrants in detention centres and provide migrants with health care. He stressed the need for more focus on disabled migrants in conflict zones in accordance with the UN Convention of the Rights of Persons with Disabilities.

Mr. Salhi noted that people who move often do so in mixed flows— meaning they include refugees, migrants and internally displaced. With IOM support, STACO traces movements with the Displacement Tracking Matrix (DTM) in an effort to protect and assist all those in need regardless of status. He also noted that they work with both UNHCR and IOM in providing information campaigns about the dangers of irregular movements. They work on Assisted Voluntary Return projects for irregular migrants to ensure returns are sustainable.

He stressed that the situation in Libya needs comprehensive solutions which require interventions not only in Libya but also in the countries of origin.

Ms Vera Dodic, Manager of the Toronto Newcomer Office outlined the work of the City of Toronto in welcoming newcomers. She noted that the success of integration is indicated by the initial welcome. As the largest city in Canada, Toronto is also the main destination for immigrants with 20% of the population having arrived within the past 10 years and 51% of the population being foreign born.

In 2013, the Toronto City Council adopted a newcomer strategy, and established an office to implement it. The same year, the Council recognized the needs of undocumented migrants by adopting the Access to City Services for Undocumented Torontonians (Access T.O.) policy, and reaffirmed its position in 2017. The Council further adopted the EuroCity Charter on Integrating Cities, requested the Province of Ontario to amend the necessary legislation to facilitate voting of permanent residents in municipal elections, directed resources to ensure successful resettlement of Syrian refugees, and more recently, significantly expanded the City's shelter capacity to welcome thousands of asylum seekers. The City welcomes migrants regardless of immigration status so that everyone can use libraries, parks and be healthy and safe. A newcomer lens is incorporated into the City's strategic and policy development to improve the lives of all residents.

There are many challenges to integration including finding skill-appropriate jobs, accessing health and child care, and navigating the transit system. There are funding constraints, but with the commitment of the City Council and other community partners much has been achieved. The intergovernmental collaboration and partnerships with civil society and other stakeholders are important.

The partnership with federal, provincial and municipal governments is essential. A recently signed tripartite MoU provides an opportunity to further strengthen inter-governmental collaboration. The federal government sets the policies, while cities influence how newcomers integrate. Discussions need to be two-way. For example, it is important that when the federal government sets quotas of newcomers, this is done in consultation with provinces and cities. Cities need to ensure the capacity to integrate properly and, for some mid-size cities, they are looking to draw newcomers for growth.

Inclusion is important for people to feel welcome in their cities and it supports integration of newcomers. Work to support inclusion of newcomers has wider impacts, and strategies developed can be utilized to address broader issues. For example, Toronto launched the "Toronto for All" campaign originally developed to address islamophobia, xenophobia and anti-immigrant sentiments. It provoked a reaction that brought to light the interconnection of different forms of discrimination and racism. The campaign was then expanded to address anti-black racism, homelessness, transphobia and indigenous issues. Toronto Newcomer Day is another example. Established in 2015, it became a powerful city building opportunity, creating inclusive societies where all belong – beyond migration.

The subsequent discussion illustrated many common challenges and responses across regions. Participants noted that to strengthen communities, upholding the rights of all people, including migrants is important. This includes access to justice, education and health regardless of migration status. However, protecting migrants' rights across borders and accessing health benefits in their country of origin is a challenge many face. This is worsened in situations where origin countries do not have embassies. When there is no presence, countries rely on

the governments of and CSOs in countries of destination to uphold human rights of migrants regardless of status.

It was demonstrated that while most of migration is regular, people are at increased risk and vulnerability when in irregular migration situations. It was noted that when irregular migration status is considered an administrative problem not a criminal one, migrants can more freely approach the legal system when experiencing violations of rights. Participants stressed that migrants in irregular situations cannot be ignored: they work and contribute to society. However, experience has shown that it is important to use credible recruitment agencies and to have compulsory insurance coverage for agency hired workers. This assists in migrant workers having options to seek redress against violations by employers.

There was a focus on ensuring that migrant women are specifically considered in policies as they suffer disproportionately from exploitation. It was stressed that with women migrants being often at risk, it is important that policies specifically address their concerns and that of the family.

Participants reiterated that global and regional platforms in which all stakeholders engage are important to address issues of migration. The GFMD Co chairs highlighted their platform for best practices, which has been included in the Global Compact for Migration discussions, as the biggest multi-stakeholder platform for migration and development that could be built upon to support the GCM implementation.

The discussion also raised the importance of addressing labour and working with employers. Labour regulations for all, including migrants, need to be put in place. Further, participants noted that when recruiting migrants for labour experience shows that the best option is to institute bilateral agreements.

In the **closing segment**, the co-facilitators of the intergovernmental negotiations, H.E. Mr. Jürg Lauber, Ambassador and Permanent Representative of Switzerland to the United Nations, and H.E. Mr. Juan José Gómez Camacho, Permanent Representative of Mexico to the United Nations, highlighted that the Preparatory process for the Global Compact for Safe, Orderly and Regular Migration is a Member State-led process but is inclusive at the same time.

They appealed to partners to engage with governments during the negotiations to keep them ambitious. Stakeholder feedback is important to ground the Global Compact. Ambassador Gomez Camacho noted that the final phase is approaching and an agreement is close. They stressed the importance of not resorting to the lowest common denominator and the role of civil society in keeping a focus on key issues.

In his closing remarks, the President of the General Assembly noted the importance of a whole of society approach and of first-hand experience in breaking down misperceptions. He highlighted the need to focus on the human dimension; when dealing with migration we are talking about people. The power of words and data will impact the way the Global Compact for

Migration is implemented. He noted that at the same time, we must harness technology and new media in support of making migration safe, orderly and regular.

The President stressed the common theme of partnerships and that the only way to bring the Global Compact for Migration alive is to address migration together. While this is the final multi-stakeholder hearing it is not the final time to work together. Now more than ever we need cooperation, dialogue and advocacy and to continue the kind of crucial work discussed today. He reiterated the view that a global phenomenon needs a global response, and that the current situation demanded change. This why the New York Declaration was agreed, and it is why we are en route to agreeing a Global Compact for Safe, Orderly and Regular Migration.