

## **Global Compact for Safe, Orderly and Regular Migration (GCM)**

### **I. Objectives**

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 target 10.7 (facilitate orderly, safe and responsible migration and mobility of people).

The GCM shall be based on the principle of responsibility and burden sharing. The GCM should go beyond reaffirming existing international regulations, in constituting the **framework for safe regular 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 vulnerable groups, into account. The GCM should set forth **specific actionable commitments and link them to a follow-up and monitoring mechanism based on existing structures and making full use of possible synergies with existing mechanisms**.

The GCM should seek to achieve **cooperation in a spirit of partnership among states** for improved international migration governance, taking successful examples into account. In order to increase its legitimacy, a **multi-stakeholder approach including civil society** and the **private sector** should be envisaged in the entire negotiation process and the subsequent implementation.

With the GCM, all states must commit themselves to assume responsibility for **reducing irregular migration** including by establishing transparent regulated migration pathways.

In view of the fact that migratory movements often comprise both refugees and migrants (so-called “**mixed flows**”) the GCM and GCR should take into account synergies where possible and effective without putting in question the legal differences between refugees and migrants. They should also address the aspect of better managing these movements (including stabilisation from an early stage, rapid status determination and return of those who are not in need of protection). Particular attention should be paid to protecting vulnerable migrants.

**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 **must not undermine the legal right to asylum**. The GCM should not, however, constitute or promote a “human right to (unrestricted) mobility”.

### **II. Structure**

The introductory part should, therefore, provide a **clear overarching narrative** aiming at facilitating safe, orderly and regular migration, which recognizes both opportunities and challenges, and setting out the main principles as embedded in the New York Declaration, in particular drawing on the 2030 Agenda and its transformative vision for a sustainable future and its principle of leaving no-one behind. A shared understanding of current migration realities should be illustrated.

Whenever necessary and possible, interlinkages to the Global Compact for Refugees should be pointed out. Interlinkages can include, but are not limited to, better migration governance, legal and safe pathways, family reunification, all forms of discrimination, including racism, xenophobia and intolerance, remittances, smuggling/trafficking, admission and reception, economic and social integration, in particular labour market integration.

The components of a new global framework for migration should include:

- Fundamental principles
- Actionable commitments
- Means of implementation and framework for follow-up and review of implementation
- Annexes

### III. Fundamental principles

The GCM will be built on the existing international legal and political framework. It should be human rights-based, people-centred and gender-responsive to ensure both social and economic inclusion and alignment with the overarching aim of the 2030 Agenda for Sustainable Development to “leave no one behind” and to “reach those furthest behind first” (para 4) as well as the goal of reducing inequalities (Sustainable Development Goal (SDG) Target 10.7 on orderly, safe and responsible migration and mobility of people).

While acknowledging the right under international law of all states to control the entry and residence of third state citizens and to sanction illegal entry or stay, there is a wide range of obligations arising for states from all core international human rights instruments to promote, protect and fulfil the human rights of all individuals within their territory and subject to their jurisdiction, including all migrants. Other public international law obligations arise from, for example, international labour law, refugee law and humanitarian law, and the law of the sea.

Furthermore the GCM should take note of and build on regional initiatives such as Regional Consultative Processes (RCPs) on migration, as well as EU platforms for cooperation like the EU-Horn of Africa Migration Route Initiative (Khartoum Process) and the EU-African Dialogue on Migration and Development (Rabat Process), as well as the Valletta Action Plan.

### IV. Actionable commitments

The operational part should set out **actionable commitments** to be structured under general themes in accordance with the topics of the six thematic sessions.

Specific goals are needed in order to achieve safe, orderly and regular migration as well as to **develop regular and measurable progress reports**. These goals should be based on concrete commitments. Germany proposes **the following actionable commitments**:

Germany’s priorities are:

1. 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
  - Enhance the systematic and harmonized collection and analysis of data on movements of persons affected by sudden-onset natural hazards, slow-onset environmental degradation, including the adverse effects of climate change human made crises and conflicts by strengthening the cooperation on data collection and risk analysis to better predict, understand and address the drivers of disaster, crises and conflict driven displacement and other types of mobility, in the context of disasters, including the adverse effects of climate change, crises and conflicts.
  - Fight inequality as a driver of migration through the effective implementation of the 2030 Agenda as the key to inclusive and sustainable development and the Agenda for Humanity as the key to alleviate human suffering, reduce risks, including displacement risks and lessen vulnerability on a global scale. In addition, ensure the protection and non-discrimination of migrants and local communities alike in line with the "leave no one behind" principle of the 2030 Agenda for Sustainable Development and the Agenda for Humanity.
  - Ensure the promotion and implementation of the Nansen Initiative Protection Agenda and enhance the use of effective practices to prevent, reduce and address disaster displacement at national, regional and international levels where possible by ensuring ongoing investments in disaster risk reduction and preparedness, climate change adaptation and mitigation and sustainable development to increase the resilience and coping capacities of populations.
  - Adopt long-term, multi-disciplinary and strategic measures in local, national and regional development plans to address human mobility in the context of slow-onset environmental

degradation related to the adverse effects of climate change, such as desertification and sea level rise, through establishing protocols and procedures with neighbouring countries on cross-border displacement in case of disaster situations.

- Enhance the inclusion of disaster displacement risk mapping and displacement scenarios in disaster preparedness processes, such as early warning, contingency planning, stockpiling, coordination arrangements, evacuation planning and public information and ensuring that funding is allocated for displacement and migration related measures within local, national and regional disaster risk management plans and activities.
- Develop, as an option of last resort and in accordance with relevant international frameworks and instruments, national guidelines and frameworks for planned relocation processes as a preventive or responsive measure to reduce the risk of disasters and displacement.
- Strengthen the provision of swift and adequate humanitarian assistance and protection to IDPs in disaster contexts and strengthened implementation of existing frameworks and policies, including domestic legislation or policies on internal displacement that cover IDPs displaced in disaster contexts.
- Ensure the provision of humanitarian protection measures as close as possible to regions of origin, such as temporary protection, or to regularize the stay of those who have already fled to another country, whose return is not permitted, reasonable, or possible.
- Prevent human made crises, stabilize crisis contexts and support peacebuilding along central migration routes, receiving communities and in migration relevant settings in order to avoid that migration flows contribute to further destabilization or generation of conflicts. Stabilization of violent conflict is the first step for protecting migrants and providing the necessary condition for managing migration successfully.

## 2. Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications, and other relevant measures

- Ensure that migrants are fully informed about legal options to migrate, about the risks of irregular migration e.g. through migration counselling centres, as one of the tools to effectively combat irregular migration, notably smuggling of migrants.
- Provide information on employment opportunities in countries of destination for potential labour migrants by informing on professional qualifications required, pathways to achieving them, job vacancies, living conditions and entry and residence requirements for migrants and their families through e.g. designated information sources on jobs, legal migration and (re-)integration.
- Offer training for potential labour migrants in the context of international training partnerships within the existing regulatory framework in close cooperation with the private sector.
- Stipulate profiling, recognition, development and application of skills and qualifications as well as customizing the way formal and non-formal qualifications are recognized across borders by setting standards in bilateral, regional and multiregional agreements.
- Grant access to general education, vocational training and employment counselling also among others through increased cooperation between countries of origin and destination.
- Pursue efforts to ensure fair recruitment, through the commitment to reduce recruitment costs under target 10.7 of the 2030 Agenda for Sustainable Development and implementing the ILO's General principles and operational guidelines for fair recruitment.
- Facilitate migration of academics and students through exchange programmes inter alia by providing scholarships and make better use of the opportunities of cultural diversity for example by promoting intercultural exchanges.
- Promote early access to language training and in particular to the development of occupation specific language skills in the country of origin and develop tailored training offers in the country of origin to convey cultural values of the host society.
- Promote the important role of women as income generator and address the needs women who have migrated face in the host society in order to overcome stereotypes, improve women's

employment, foster equal participation by providing supporting infrastructure, reduce gender gaps in the labour market and combat other forms of discriminatory practices in the field of work.

- Develop standards for the portability of earned benefits and work-related entitlements such as social security benefits, including pensions, in bilateral, regional and multiregional agreements.
- Promote respect for human rights and fundamental principles and rights at work of migrant workers, who have a legal right to work.
- Adopt a comprehensive policy framework guided by international labour standards, including by the fundamental principles and rights at work and OSH, in order to ensure decent work for all. Facilitate access to social protection for migrant workers and their families, in accordance with national laws and regulations and international obligations, in order to ensure the fulfilment of their rights to social security, to create a level playing field between national and migrant workers, and to support fair labour migration.
- Ensure the promotion of decent working conditions between national and migrant workers by implementing fair recruitment practices, minimum wages, effective labour inspectorates, formalising informal work for those having a legal right to work and providing access to remedies against discrimination and exploitation.

3. International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration

- Develop and implement international standards for return and reintegration, preserving/expanding the existing pathways for voluntary and non-voluntary return. Ensuring that voluntarily returning migrants are fully informed and consent to their return, including through short, medium and long-term support for returnees and host communities receiving the returnees, thus establishing a coherent approach of migration, return, and development policies.
- While acknowledging the obligation under international law of all states to readmit their own nationals, offer pre-departure counselling for returning migrants in destination countries about ways and options of voluntary return and reintegration options in their home countries.
- Promote the social and economic inclusion of all migrants who are legally residing in host societies while acknowledging the integration capacity of countries of destination by implementing a national regulatory framework for integration.
- Acknowledge and reinforce the notion that the economic integration of regular migrants – particularly integration into the labour market – as well as the promotion of livelihood opportunities are key for inclusive economic development and social cohesion of the host country and society.
- Ensure that border control procedures are carried out in accordance with applicable obligations under international law, including international human rights and international refugee law, observing in particular the principle of non-refoulement, and that border management measures are human rights-based, dignified and child-sensitive by establishing functional recourse and complaints mechanisms.
- 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, including through operational co-operation, joint training, information campaigns and the exchange of best practices.
- Cooperate effectively towards facilitating the return of States' nationals who do not have the legal right to stay on other States' territory, notably by swift identification and issuance of travel documents through the consular services of countries of origin as well as by supporting civil registry systems enhancement and digitalization in countries of origin and establishing reliable and efficient means of identification for own nationals by adding biometric identifiers in population registers.
- Ensure that deprivation of liberty is used as a last resort when less coercive measures are not sufficient to achieve the legitimate objective and promote improved conditions of administrative detention for migrants and the use of alternatives to administrative detention by ensuring that administrative sanctions applied in case of irregular entry be proportionate and reasonable and providing migrants in detention with access to adequate medical and health care, legal assistance.

- Ensure meaningful participation of the migrants concerning all measures targeted at integrating regular migrants in the country of origin, providing programs that reflect the receiving community's needs and cultural identity by including migrants and diaspora in the development of such measures.
4. Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance
- Grant migrants access to legal assistance and recourse for example by establishing functional complaints mechanisms where not already in place.
  - Promote migrants' access to basic services guaranteed under human rights or international law – including health and education – by establishing national action plans.
  - Promote the protection of groups of vulnerable migrants with specific protection needs by mainstreaming a child-sensitive and gender perspective into all measures and commitments.
  - Build frameworks for close cooperation between countries of origin, countries of transit and countries of destination in order to respect, protect and fulfil human rights by analysing and comparing existing programs for managing large movements of migrants in order to identify factors that minimize human rights risks. Additionally, disaggregated data on the human rights situation of migrants should be collected, while ensuring the right to privacy and protection of personal data.
  - Ensure active participation of human rights defenders and other representatives of civil society, including representatives of migrant communities, in promoting human rights of migrants by establishing national human rights institutions.
  - Ensure measures are being implemented to combat racism, xenophobia and other forms of group-based intolerance and discrimination inter alia by criminalizing it in domestic law and enforcing this legislation as well as collecting and publishing data on related incidents.
5. Contribution of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits
- Establish a supportive policy and regulatory environment for competitive remittance markets by addressing the issues of de-risking as well as the worldwide reduction of correspondent banking while increasing transparency and security on the remittances market.
  - Encourage reduction of transaction costs for remittances of migrants to below 3 percent until 2030, while ensuring the quality of remittances services and service delivery to contribute to the attainment of SDG 10.c.
  - Advocate for the development of innovative financial instruments like diaspora bonds and harnessing the potential of digital solutions for remittance transfers, while ensuring the protection of senders and recipients.
  - Promote financial inclusion and financial literacy of migrants and their families, in both host countries and countries of origin by carrying forward work on financial inclusion, by enabling regular migrants and their families to open bank accounts in accordance with the G20 Financial Inclusion Action Plan.
  - Facilitate the contribution of returning migrants to the development of countries of origin, e.g. by promoting investment of saved capital, starting businesses, or knowledge transfer in institutions and businesses, inter alia by providing for the necessary conditions in the countries of origin.
  - Foster and recognize diaspora cooperation as an important factor for private sector promotion both in countries of origin and destination.
  - Ensure that, in order for return to be beneficial to local development, it as such is well prepared and – especially regarding vulnerable groups – comprises accompanying measures for reintegration and monitoring, e.g. through support for labour market reintegration (employment or entrepreneurship) and psycho-social support involving the returnees themselves and the communities they return to.
  - Foster, assess and monitor the potentials of circular migration by addressing issues such as multiple-entry visas and residence permits.

6. Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

- Promote efforts of all relevant actors for early identification of trafficking in persons networks and of trafficking victims and their specific vulnerabilities, protection and assistance needs, including among those affected by displacement and those in migration flows and taking into account the protection needs of migrants in a particularly vulnerable situation such as migrant domestic workers.
- Ensure access for victims of trafficking to free and confidential support and all relevant safeguards by adopting legislative or other measures that provide victims of trafficking in persons with protection and assistance in criminal investigation and proceedings as well as with the necessary basic assistance in their physical, psychological and social recovery, including in cooperation with non-governmental organizations.
- Address the particular vulnerabilities of trafficked children, especially unaccompanied children and those separated from their families, and promote non-discriminatory access to child protection in order to protect migrant children from all forms of child trafficking, including access to an effective and comprehensive child welfare system which ensures continuous care for the best interests of the child.
- Integrate a gender perspective into both migration and anti-trafficking policies and strengthen national laws, institutions and programmes to combat all forms of gender-based violence and discrimination against women and girls.
- Continue efforts to criminalize smuggling of migrants and trafficking in persons in all its forms and strengthen cooperation and coordination among countries of origin, transit and destination, including capacity building and technical assistance.
- Enforce prosecution against perpetrators through enhanced use of all available investigative tools and techniques to identify, indict and bring them to justice in line with national and international laws.
- Take action towards curtailing demand for all forms of exploitation, including forced and compulsory labour, in both the formal and informal economies.
- Collect relevant evidence-based data on trafficking in persons and enable data-sharing on a national, regional and international level.
- Cooperate in awareness raising campaigns on the conditions of regular migration as well as the requirements of asylum and international protection in order to help exterminate trafficking in persons, smuggling activities and related false information.

**V. Means of implementation and framework for follow-up and review of implementation**

Germany emphasizes that measurability of progress as part of the implementation is essential and should be evaluated in a suitable existing structure at regular intervals. As states carry the responsibility to implement the GCM, its follow-up structures and measures need to be state-led. However, the GCM, in order to be successful, needs a multi-stakeholder approach including civil society, social partners and the private sector.

Taking into account the **political commitment** for the implementation of the objectives of the 2030 Agenda for Sustainable Development with respect to migration, especially target 10.7, the concluding part of the GCM should set up a follow-up and review mechanism on the implementation of the action-oriented commitments as proposed in Article 2 of the UN General Assembly Resolution 71/280 “Modalities for the intergovernmental negotiations of the Global compact for safe, orderly and regular migration”. No new structures should be established for the purpose of implementation, but rather existing structures and budgets should be drawn on. The current migration mandates within the UN system should be streamlined and coordinated with the aim to support the implementation of the GCM. While each organization should be able to contribute according to its specific expertise, it remains of paramount importance that the UN speaks with one voice.

In this regard, Germany wants to propose a broad-based, multidisciplinary partnership that promotes synergies between existing organisations and platforms:

- a. The **High Level Political Forum on Sustainable Development (HLPF)** is the central place for global reporting, follow-up and review of the 2030 Agenda implementation, including for the migration-related SDGs. In order to reach the best possible added value for effective implementation, **both review processes** (HLPF and GCM) **should be aligned**.
- b. By entering the UN-system as a related organization in 2016, **IOM's** role as “the global lead agency on migration”<sup>1</sup> has been explicitly recognized by its Member States. IOM could periodically **report on the progress** made in implementing the GCM **commitments, drawing upon experiences of the Global Migration Group (GMG) and other relevant organizations**. This report could be fed into the HLPF process to ensure a link to the objectives of Agenda 2030. IOM's Global Migration Data Analysis Centre (**GMDAC**), the World Bank's Global Knowledge Partnership on Migration and Development (**KNOMAD**), the OECD and UNDESA could compile migration-related data on the implementation of the SDGs in this regard. The first International Forum on Migration Statistics in 2018 could be well positioned under the future GCM.  
**With a view to implementation, the ILO** could assist states in their practical implementation on issues of fair recruitment, decent working conditions and freedom of association for migrant workers. **UNDP, and other members of the UN Development Group, and development banks**, could provide the necessary tools and capacity-building to states aiming at implementing development-oriented migration policies. **UNODC** could provide data and assistance in combatting trafficking in persons and migrant smuggling. The 2017 G20 Leaders' Declaration asks **OECD**, in cooperation with ILO, IOM and UNHCR, to write an annual report on trends and challenges to monitor global displacement and migration. To prevent parallel reporting structures and to seek synergies, the respective international organizations should work together in this regard.
- c. The **High Level Dialogue on International Migration and Development (HLD)**, convened at the UN General Assembly, which has hitherto been held at five-year intervals, should devote itself to the review of voluntary commitments undertaken by the states in the GCM at the highest political level in New York. It should continue to be convened by the UN Population Division of the Department of Economic and Social Affairs.
- d. The **Global Forum on Migration and Development (GFMD)**, as was suggested by the former Special Representative for International Migration Peter Sutherland, and emphasized by the current SRSG Louise Arbour, could complement its existing mandate with a **devoted strand for the follow-up on the GCM**. GFMD could align more closely with related international processes and dialogues – such as the HLPF, the GCM and the HLD – by making recommendations and best practices emerging from the Forum's rich expertise available to these. GFMD could be the forum for exchange and partnership between states, civil society and the private sector, thus enabling a whole-of-society approach in the implementation of the GCM, as well as a discussion platform for questions not included in the GCM. It could also become the platform for review of the migration-related commitments among states, based on voluntariness, trust and partnership.

## VI. Annexes

The GCM should contain an annex including fundamental principles and the existing international legal and political framework it is built upon as well as an annex that gives a definition of the main concepts of the GCM.

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<sup>1</sup> Resolution 71/280, Preamble