

Information by the Government of the Republic of Poland on the structure, elements, actionable commitments and means of implementation for the Global Compact for safe, orderly and regular migration in the context of a request for inputs to the UN Secretary-General's report

Structure and goals of the GCM

A thorough analysis of the migration situation must be a vital part of the document. The diagnosis of different types of migration should be presented as well as a general overview of the situation on the basis on already existing documents and reports. At the same time a clear distinction of refugee movements and economic migration should be maintained. The future Global Compact on Migration is supposed to clearly indicate what type of migration is addressed.

An operational part should follow the diagnosis of the situation and should be a vital component of the GCM. Desirable is to focus on long-term solutions and effective management of mixed migration causes.

We believe that while retaining right-centred approach concise with current international framework the GCM should be strongly focused on actions leading to stemming the irregular migration which is the main challenge. The narrative of the compact should underline that irregular migration is not accepted and it does not provide an opportunity to settle in the destination country. The GCM should also strongly reaffirm that:

- migration can be beneficial only when it responds for the actual needs and does not exceed the host countries' capacities;
- states have the right to decide who to admit to their territory;
- states need to take into account their responsibility to guarantee the safety of their citizens and protect public order;
- states have the obligation to admit returning citizens;
- effective cooperation on returns and readmission is one of key elements reducing irregular migration;
- we should strengthen cooperation in the area of border security and combating migrant smuggling and trafficking in human beings.

The GCM should take into account that the shape of migration policies and means used to manage migration depend on the situation of particular states, therefore any international cooperation instruments should avoid a one-size-fits-all approach and introducing solutions overlapping states' competence. It should provide a global overview and a set of operational guidelines.

Poss. elements of the GCM

In the proposed thematic areas the future global compact should:

Addressing the drivers of migration

Reaffirm that migration is a multifaceted and complex phenomenon and that the drivers of migration are a combination of structural, social, economic, demographic and political factors which dynamics determine the patterns of migration and that effectively managing migration needs a comprehensive and coherent approach.

Acknowledge the need for building and improving global and regional mechanisms of peaceful conflict resolution and ensuring stability, democratisation and good governance

Link development cooperation priorities with migration policy objectives as an indispensable component of action to address the root causes of migration. Development

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cooperation as foundation for sustainable socio-economic development, improved living conditions, strengthening the process of democratization and building modern institutions in developing countries. Therefore the GCM should underline the necessity to reflect migration issues in the development policy priorities in order to reduce migration pressures.

Address the issue of irregular migration as a joint responsibility of both developing countries and developed states. Support building strong long-term partnerships based on a mutual trust.

Highlight the necessity to implement humanitarian and development activities parallel to each other for this purpose.

Human rights of all migrants, social inclusion and cohesion

While highlighting the importance of the effective protection of human rights and fundamental freedoms of all migrants, pay particular attention to addressing the specific needs of migrants in vulnerable situations, including women at risk, children, persons with disabilities, persons who are discriminated against on any basis, victims of violence, victims of trafficking in human beings.

Promote equality between women and men and the empowerment of all women and girls, tackle the multiple and intersecting forms of discrimination against migrant women and girls.

Encourage efforts to: increase the awareness of the threats connected to irregular migration and using migrant smugglers' services among migrants along the main routes and in origin countries and communities; promote the available legal channels of migration and improve capacities in the areas of border security and migration management.

Underline that the states have the right and obligation to manage migration in a way that respects their capacities and guarantees safety of their citizens and maintaining public order.

Social cohesion

Underline that uncontrolled migration flows may pose a threat to host countries' social cohesion and that states have the right and responsibility to assess who and for how long they can safely admit to their territory; underline that migrants have the obligation to observe the host countries law and respect their culture and values.

Promoting international governance of migration, including through effective cooperation on return, readmission, integration and reintegration

Support global, regional and bilateral operational cooperation in the areas of migration management and border protection, returns, security, combatting migrant smuggling and trafficking in human beings, facilitating training, best practice exchange and capacity building activities.

Encourage policy consistence between the various actors particularly origin, transit and destination countries as well as vertical policy consistence, supporting the development of tools for assessment of policy consistency.

Encourage broad and effective cooperation in the area of returns and readmission including swift identification of their nationals, issuance of travel documents; support the establishment of reliable means of identification for own nationals by adding biometric identifiers in population registers; ensure that returns are carried out safely and effectively, in a dignified manner, in compliance with international law; ensure that returning migrants are duly received without undue delay.

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Support efforts aimed at gathering and exchanging comprehensive and broad data on migration providing a solid base for improving our understanding of the complex migration phenomenon, identifying migration patterns and developing effective instruments for migration management.

Build on the experience from cooperation under the existing instruments such as global and regional dialogues, regional processes on migration, the EU's new partnership framework, mobility partnerships and common agendas for migration.

Addressing irregular migration, including trafficking in human beings and smuggling of migrants, and promoting border management

Acknowledge the strong links between irregular migration, migrant smuggling and trafficking in human beings and recognize irregular migration as one of the key factors increasing the migrants' vulnerability to exploitation, trafficking in human beings and all modern forms of slavery.

Acknowledging the interlinkage between the phenomena of migrant smuggling and trafficking in human beings at the same time keeping a clear distinction between the two and outlining their distinctive features, determining different approaches.

Smuggling of migrants

Recognize smuggling of migrants as a criminal offence that threatens the sustainable and responsible migration policies and as a complex phenomenon, dependent on a broad spectrum of factors including economic inequalities, border security and its profitability which needs to be addressed in a comprehensive manner.

Encourage significantly strengthening the efforts towards disrupting the business model of migrant smuggling networks and facilitate cooperation of law enforcement, migration, judicial and security actors as well as international cooperation in areas of border protection, capacity building and prevention.

Facilitate better information and intelligence sharing to ensure more effective prosecution of the migrant smugglers and effective cross-border investigations.

Trafficking in human beings

Recognize that trafficking in human beings and modern slavery are complex and broad phenomena that encompass different forms of exploitation and activities of the criminals and facilitators on all stages of migration including pre-departure and travel, a despicable crime and a violation of human rights.

Help to establish and maintain effective national mechanisms for identification and referral of victims of trafficking in human beings and for providing them with adequate support and protection, preventing secondary and recurring victimization and taking into account the particular vulnerabilities of women and children trafficked, especially unaccompanied minors.

Stress the need to adopt and implement national legislation criminalising trafficking in human beings as a distinct offence, providing the means of effective prosecution of perpetrators and dismantling criminal networks engaged in trafficking

Acknowledge that trafficking in human beings often starts in origin countries and recognize the importance of conducting broad prevention and awareness raising activities directed at potential victims of trafficking in human beings particularly vulnerable groups and individuals particularly people considering migration to another country and promote fair and legal recruitment.

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Promote voluntary returns of victims of trafficking in human beings, ensure their readmission and encourage providing those who return voluntarily with reintegration assistance programmes.

Improve the available data, shared and used to identify the patterns and trends of trafficking and encourage the development of comprehensive knowledge bases and sets of good practices.

Irregular migration and regular pathways including decent work, labor mobility, recognition of skills and qualifications and other relevant measures

Identify the large scale of irregular migration as the main obstacle to the establishment of a global framework for effective migration management.

Take into account that large scale of irregular migration is a potential threat to host countries security and public order, that cannot be underestimated by these countries' governments and their migration policies.

Strongly reaffirm the need to significantly reduce the scale of irregular migration by strengthening border security, improving cooperation on returns and readmission and addressing root causes of migration.

Provide that all states accept unconditionally their returning nationals who do not have the right to stay on other States' territory and call them to cooperate effectively towards that end.

Take into account the efforts of destination countries that decided to hold open door for economic migrants and¹ that creating any additional legal migration channels is dependent on results of the efforts aimed at reducing irregular migration, effective cooperation in area of returns and readmission and is a competence of the states.

Underline that responsible labor migration policy that makes migration beneficial for all the actors must take into account the needs of the host countries' labor markets and host countries capacities; reaffirm the host countries right to decide who and for how long they admit on their territory.

Commitments and implementation

Poland stands on a position the future GCM should be a **non-binding** document. At the same time it is recommended GCM was as much concrete as possible, using the appropriate terms corresponding the differences in national burden [asylum, refugee, THB or TIP, smuggling, illegal migration, etc]. During the GFMD summit in July 2017 in Berlin it seemed there was a common understanding that operational part of the GCM should contain result-oriented, measurable, actionable commitments based on the current framework and the NY Declaration.

As good, trust-based cooperation of different actors should be a prerequisite, countries should be given clear indications of what should be their contribution to the implementation of the GCM. We support a lite monitoring mechanism based on existing EU structures.

¹ Poland plays vital role in stabilizing migration situation in Europe. Last year only Poland absorbed around 60% of the total legal economic migration to the EU. According to Eurostat data for 2016 Poland issued 493 ths first stay permits for remunerated activities, while altogether the EU issued 847 ths of them. Those economic migrants, should not they have this possibility, would eventually apply for asylum or create a migration pressure on other Member States.