



FACILITATION OF SAFE, REGULAR AND ORDERLY MIGRATION

Building upon the New York Declaration for Refugees and Migrants adopted on 19 September 2016, the Global Compact for Safe, Orderly and Regular Migration (GCM) will set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. The GCM should make an important contribution to global governance and enhance coordination on international migration. For the consideration of Member States, the “Thematic Papers”, developed by IOM, outline core topics and suggestions to inform actors involved in the 2017 consultation process that will lead to the inter-governmental negotiations and final adoption of the GCM.

INTRODUCTION

The 2016 New York Declaration for Refugees and Migrants, highlights that “the benefits and opportunities of safe, orderly and regular migration are substantial and are often underestimated”¹ and therefore governments agreed to “consider facilitating opportunities for safe, orderly and regular migration, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities.”² The notion of “safe, orderly and regular migration” is central to development of a Global Compact on Migration and has been a long-standing feature of international discussions and commitments on migration. This Thematic Paper reflects on a conceptualization of good migration governance as a basis for developing “planned and well-managed migration policies”³ and achieving safe, orderly and regular migration.

EXISTING PRINCIPLES

Definitions

Orderly Migration: IOM defines orderly migration⁴ as “the movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the host country.”⁵ This definition underlines the State’s right to regulate entry as a basis for being able to ensure migrants’ proper treatment, granting rights, enforcing law, managing relationships with host communities.

Regular migration: Regular migration is defined as “migration that occurs through recognized, authorized channels.”⁶ The regularity of migration does not only refer to the method used to cross a country’s border, as migrants can enter into a country through regular channels, but find themselves in an irregular situation after a certain period.

Safe Migration: There is no common definition for the concept of “safe migration.”⁷ When using the term, it is important to understand that a migrant can be in an unsafe situation while or after having migrated through regular channels; and conversely, a migrant can be in a situation that is both safe and irregular. “Safe migration” is not a static concept. The situation of migrants can change from safety, to unsafety throughout the various phases of their migratory process. Moreover, while the concepts of ‘orderly’ and ‘regular’ migration have a normative character, the concept of “safe migration” primarily concerns the well-being of migrants.



Principles

The concept of “safe, orderly and regular migration” has a long history in multilateral consultations, professions and commitments on migration. In 2004, States, agreed that they must find “ways to manage [migration] more effectively, to make it safe, orderly, and beneficial for migrants and societies,”⁸ as part of the International Agenda for Migration Management (IAMM). The chairman’s summary of the 2006 UN General Assembly High Level Dialogue on International Migration and Development, states that “national strategies to address the impact of international migration on development should be complemented by strengthened bilateral, regional and multilateral cooperation. [Participants] considered that such cooperation was needed to promote legal, safe and orderly migration, reduce irregular migration and improve the chances of reaping the full benefits of international migration.”⁹ Seven years later, during the 2013 High Level Dialogue on Migration, States recognized “the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration to ensure safe, orderly and regular migration, with full respect for human rights.”¹⁰ Member States further advocated for the inclusion of migration in the negotiation of the post-2015 development agenda (now the 2030 Agenda for Sustainable Development).

Migration features as a key cross-cutting theme in the 2030 Agenda for Sustainable Development.¹¹ SDG target 10.7 calls for States to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies” within Goal 10 on reducing inequalities. Through this goal and its contingent target, States acknowledge that good migration governance is a key element for safer, more orderly and more regular migration.

This premise is further developed in the Report of the former Special Representative of the Secretary General on Migration, Mr. Peter Sutherland, which found that to achieve the commitment of facilitating safe, orderly and regular migration, “States need sound policies that: (a) protect migrants; (b) give them the chance to migrate legally and safely; and (c) ensure that, once they have emigrated, they can play a full part in the society and economy they have joined.”¹²

ISSUES

Working towards safe, orderly and regular migration will require a better understanding and implementation of policies that foster improved migration governance. A common understanding of what “good migration governance” means, and a method to assess those policies that amount to migration governance, needs to be grounded in agreed international standards and the growing baseline of evidence-based good practices, while being flexible and adaptable enough to suit a diversity of national contexts and migration realities.

Defining well-managed migration policies

In an effort to better define what constitutes good migration governance, IOM developed the Migration Governance Framework (MiGOF)¹³. The IOM Council welcomed the formulation and adoption of the MiGOF via resolution 1310 in November 2015, making it the first—and so far only—detailed articulation of “planned and well- managed migration policies.” According to this Framework, a State moves towards ensuring that migration is humane, orderly and benefits migrants and society when it:



- Adheres to international standards and fulfils migrants' rights;
- Formulates policy using evidence and a “whole-of government” approach;
- Engages with partners to address migration and related issues;

As it seeks to:

- Advance the socioeconomic well-being of migrants and society;
- Effectively address the mobility dimensions of crises;
- Ensure that migration takes place in a safe, orderly and dignified manner.

Assessing migration policies

As part of IOM's efforts to help States track progress on the migration-related aspects of the Sustainable Development Goals (SDGs) – particularly Target 10.7 on the implementation of planned and well-managed migration policies – IOM and the Economist Intelligence Unit (EIU) have jointly developed a Migration Governance Index (MGI).¹⁴ Drawing on IOM's Migration Governance Framework (MiGOF), the MGI is a consolidated tool for the evaluation of country-specific migration governance structures, acting as a potential source of information for measurement of countries' progress towards “well-governed migration”. The ultimate aim of the MGI exercise is to identify gaps and good practices to help countries prioritize when building institutional capacity and devising new policies and programmes.

SUGGESTED ACTION

The need In order to help States move towards safer, more orderly and more regular migration, IOM puts forward the following recommendations:

- 1) Adopt the Migration Governance Framework as the working definition for well-managed migration policies in the context of the GCM.
- 2) Use the Migration Governance Index to analyse and assess national institutional, policy and legal frameworks on migration and to measure progress on SDG 10.7 on safe and orderly migration through well-managed migration policies. (Sutherland Report, Recommendation 12.c)
- 3) Build on the on the interlinkages between the GCM and the migration aspects of the 2030 Agenda. In this regard, establish a robust follow-up mechanism to the GCM that could inform the HLPF on the state of migration governance on a yearly or quadrennial basis.
- 4) Foster dialogue between relevant ministries at the national level on migration issues, through the establishment of inclusive inter-ministerial mechanisms (Sutherland Report, Recommendation 13).
- 5) Foster coherence and coordination between national and sub-national governments on migration issues, and empowering cities and local governments by involving them in policy development and implementation, as they are at the forefront of many of the challenges and opportunities stemming from migration. (Sutherland Report, Recommendation 14).



- 6) Promote an inclusive dialogue among countries and other important stakeholders on how to facilitate safe and orderly migration.

While the concept of “safe, orderly and regular migration” has been mentioned in multilateral discussions for some time, its definition and full application is now, more than ever, a high priority for the international community. While the SDGs pave the way by highlighting the relationship between good migration governance, and safe and orderly migration, in fostering sustainable development, more concrete action is needed.

Tools such as the MiGOF and the MGI facilitate the much-needed dialogue and common understanding among stakeholders on what is needed to make migration safer, more orderly and more regular. In this regard, the development of the Global Compact is a key opportunity for States to devise a concrete roadmap to achieve SDG target 10.7 and all other migration-related targets in the 2030 Agenda, thereby helping to ensure that migration is humane and orderly, for the benefit of all migrants and societies.

¹ New York Declaration for Refugees and Migrants (A/71/L.1) Para. 4.

² *id.*, para. 57

³ 2030 Agenda on Sustainable Development, Target 10.7

⁴ In its 2011 *Glossary on Migration*, IOM defines the term migration as “The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.”

⁵ IOM, *Glossary on Migration*, 2nd edn., IML No 25, 2011.

⁶ *ibidem*

⁷ See: <https://gmdac.iom.int/understanding-and-measuring-safe-migration>

⁸ *International Agenda for Migration Management*, p. 17; see <http://publications.iom.int/system/files/pdf/iamm.pdf>

⁹ Summary of the High-level Dialogue on International Migration and Development 2006, A/61/515, Para. 18.

¹⁰ Declaration of the High-level Dialogue on International Migration and Development 2013, A/RES/68/4, Para. 5.

¹¹ General Assembly resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 25 September 2015.)

¹² Report of the Special Representative of the Secretary-General on Migration, 2016. A/71/728, para. 18.

¹³ Adopted by the IOM Council Resolution C/106/RES/1310 of 24 November 2015.

¹⁴ Economist Intelligence Unit, *Migration Governance Index. 2016*.