

ACT Alliance submission to the 2020 United Nations Economic Commission for Europe (UNECE) regional review of the Global Compact for Safe, Orderly and regular Migration (GCM)

ACT Alliance is the largest global coalition of Protestant and Orthodox churches and church-related organisations engaged in humanitarian, development and advocacy work, consisting of 135 members working together in over 120 countries to create positive and sustainable change in the lives of poor and marginalised people regardless of their religion, politics, gender, sexual orientation, race or nationality, in keeping with the highest international codes and standards.

The work of the Alliance is both faith-motivated and human rights-based. The core values expressed in our current [Global Strategy \(2019-26\) “Hope in Action – Putting People First”](#) – human dignity, justice, participation, and accountability – are central to our work on migration and displacement as well.

We appreciate the opportunity to share our inputs into this multi-stakeholder review process. While noting that in some countries in the UNECE region, efforts were made on the part of governments to reach out to other stakeholders, including civil society, we observe that in most countries, there is not yet a coordinated process to jointly look at the requirements of holistically implementing the GCM. Thus, our inputs were gathered in consultation with our own membership, as well as networks we are a part of, and we very much hope that multi-stakeholder engagement can be improved in the run-up to the first International Migration Review Forum (IMRF) in 2022, and we urge governments to implement a participatory approach for this process going forward.

Our observations on the progress on GCM implementation are thematically grouped around the 4 Roundtable themes proposed for the UNECE review, while noting some inconsistencies, wherever applicable.

Roundtable 1: Social inclusion and integration of migrants (Objectives 14, 15, 16, 19, 20 and 22)

What ACT Alliance has said about this¹:

“Making sure that those who have moved are welcomed and integrated:

ACT Alliance promotes a culture of welcome and inclusion wherever newcomers are present, and actively opposes xenophobia and racism in our societies, using the wide access we have due to our network of national members, among them national councils of churches. [...] [E]veryone, including migrants and refugees, [must have] equal access to decent work and essential services, and [...] justice and due process [must become] a reality for all. [...] In order to end the prolonged legal uncertainty faced by many migrants, we endorse pursuing options for regularizing migratory statuses.”

What we have seen in this area so far:

¹ ACT quotations in this submission are taken from the *ACT Alliance Global Advocacy Strategy*, 2020.

There have been diverging approaches to this topic, especially throughout the UNECE region – diverging both between countries, and between national and local level. In general, there is still a large deficit in the social inclusion and integration of migrants in our societies – due to both societal (isolation, lack of support networks) and political factors (lack of specific legislation and resources actively promoting migrants’ inclusion). This is linked to the over-representation of migrants in the informal economy, and the fact that many host countries rely on migrants to perform lower-skilled, less well rewarded and more unsafe jobs than the rest of the population. Furthered by recruitment systems that take advantage of income disparities and other inequalities between countries and regions, exploitative forms of migration therefore often expose migrants to human rights abuses and maintain their social exclusion as a corollary to this phenomenon. True inclusion can therefore only be achieved by simultaneously addressing the persisting decent work deficits (see below).

In some countries, the COVID-19 crisis has given rise to measures by states to promote the inclusion of migrants – e.g., by offering access to health care and other services, regardless of migration status. However, it is not clear to what extent these steps will only be a permanent emergency response, or leads to more sustainable long-term inclusion. Also, some countries have used the pandemic to further exclude migrants from their midst, in some cases physically removing them from their territory and returning them to their countries of origin, whenever their labour was not considered “essential” in the COVID context. This is a worrying development.

Examples of how ACT members have been involved:

Civil society stakeholders, including ACT members, have traditionally been closely involved in promoting the inclusion and integration of migrants in our societies. This includes states where official government policies have been either absent or actively detrimental to the achievement of GCM Objectives in this area. This has included, for example, providing asylum seekers in the U.S. with resettlement case management in conjunction with legal assistance where appropriate; making information on COVID-19 and prevention of spread available in more than 20 immigrant and refugee languages; providing emergency support for basic needs during the pandemic (e.g., food, rent, medical care) to newly arrived refugees who do not yet qualify for certain public assistance; advocating for COVID-19 testing and treatment and emergency public relief to be extended to all persons, regardless of migratory status; and organising faith leaders to speak out against medical prejudice and xenophobic scapegoating of immigrants and refugees in public responses to COVID-19.

Call to action:

While pledging to continue to support migrants in their inclusion and ability to fully access their rights in our midst, we therefore call upon UNECE member states to progress in the provision of full access to services for migrants and their families, regardless of status – this is assuming additional urgency in the context of COVID-19 response, and extends to future public health measures such as equal access to vaccines for all migrants; to remove firewalls that hinder migrants from accessing such services in practice; to promote the reduction of remittance costs for migrants, inter alia by supporting the development of digital platforms; and to become more proactive on enabling migrants’ access to banking, regardless of status.

Roundtable 2: Human rights protection, pathways and decent work (Objectives 2, 5, 6, 12 and 18)

What ACT Alliance has said about this:

“Making sure that people can migrate out of choice, not necessity:

[...] Many people are pushed to leave their homes by desperation and factors beyond their control. [D]uty bearers [have] to address adverse drivers more holistically – so that people have the option of safely and productively staying in their communities and living with dignity. This means greater efforts to promote peace, security and rule of law; eliminate poverty; promote gender equality; and combat inequalities and discrimination. We advocate for the human rights of all migrants and refugees, and oppose policy measures aimed at preventing the human right to free movement. We strongly promote climate justice, including access to resources needed to adapt in place, as well as rights-based solutions to increase mobility options for those affected by climate change.

Making sure that those who move are adequately protected:

Migration flows are always mixed, and people migrating for a myriad of reasons suffer along migration corridors. We seek to eliminate suffering of all those in migration, regardless of their reason for migrating or their legal status. ACT Alliance calls on states to narrow the gap between the protection needs of migrants and refugees, and protection actually offered; and to reverse measures that restrict access to asylum. People’s human rights need to be protected at all times, regardless of migratory status. This requires active advocacy to protect and promote the existing global and regional legal instruments of international protection. Both human rights and refugee law have provisions of non-refoulement, [which must be observed] to make sure people are protected. We oppose criminalization of allies – including many ACT members – who assist migrants in need, and particularly those who offer life-saving assistance. We encourage actions to combat trafficking in ways that do not penalize persons being trafficked; and promote the expansion of regular migration pathways for more categories of people.”

What we have seen in this area so far:

Protecting the human rights of migrants and promoting their access to decent work are closely related issues, on which we have not yet seen much progress since the adoption of the GCM. The UNECE region in particular contains many countries that have been preferred destinations for migrants, but whose governments have thus far not shown much willingness to fundamentally rethink the ways in which they provide regular pathways for migration (see Obj. 5). Rather, many destination countries appear primarily interested in meeting relatively short-term labour market shortages in specific sectors, tying migrant workers to restrictive visas that deny them family unity or the ability to change status. The COVID-19 pandemic has been a mixed experience in this regard, extending stay and/or regularizing the status of migrants deemed “essential” during the pandemic (e.g. in health care and other services), while casting a shadow of doubt over others not included in this somewhat arbitrary category. In addition, we observe substantial gaps in ensuring the right to

family life in many UNECE countries, especially wherever temporary status precludes family reunification.

Governments have also not yet sufficiently explored the guidance provided in Objectives 2 and 5 of the GCM on intensifying their efforts to address climate change as a driver for migration, and to include climate-specific responses in their design and implementation of regular pathways. It is somewhat ironic that, although member states in the UNECE region are among the main originators of activities that have accelerated climate change globally, they have so far been neglecting their responsibility to address its consequences by financing relevant adaptation and mitigation measures, as well as promoting measures that could provide regular migration pathways for those most affected. More promising initiatives in this regard have come from other regions, and we will comment on them in more depth in the relevant regional reviews.

In addition, we have particular concerns regarding appropriate screening, assessment and referral (Obj. 12) – including in reference to, but also far beyond, the COVID-19 response. As many countries moved to close their borders and implement other restrictions on mobility, migrants and refugees have been particularly affected, to the extent that they were no longer able to access the territory of many countries in search of safety. In addition, potential future measures to restrict international mobility in the interest of public health carry the risk of discriminating against certain categories of migrants.

Examples of how ACT members have been involved:

Members have been active in providing life-saving assistance and humanitarian protection to people on the move, including in mixed movements, which increasingly characterise flows towards the UNECE region. This work has become increasingly challenging during a period of toughening border restrictions, coupled with the absence of sufficient regular pathways. In this context, we have been advocating for the expansion of such pathways, including by providing regular status. ACT also has a long history of engagement with the climate justice movement, and we have been increasing efforts to build coalitions that promote climate finance, alongside access to resources needed to adapt in place, as well as rights-based solutions to increase mobility options for those affected by climate change. To enhance the economic inclusion of immigrants and refugees, members are also promoting the expanded recognition of international work experience, improved access to professional recertification, and improved access to workforce development and adult education.

Call to action:

Supporting our practical work in these areas, we call upon UNECE member states to take more seriously the GCM recommendations to holistically address the drivers of migration, including and especially with regard to climate change (obj. 2); to analyse their provision and use of regular pathways for migration, jointly with other stakeholders, including civil society, and to work towards progressively expanding their availability and use (Obj. 5); and to observe their obligations to respect, protect and fulfill the human rights of migrants, regardless of status, with regard to their ability to have meaningful access to protection en route and on their territory (Objs. 12 and 7).

Roundtable 3: Human rights protection and border management (Objectives 4, 8, 9, 10, 11, 13 and 21)

What ACT Alliance has said about this:

“Making sure that those who move are adequately protected:

Migration flows are always mixed, and people migrating for a myriad of reasons suffer along migration corridors. We seek to eliminate suffering of all those in migration, regardless of their reason for migrating or their legal status. ACT Alliance calls on states to narrow the gap between the protection needs of migrants and refugees, and protection actually offered; and to reverse measures that restrict access to asylum. People’s human rights need to be protected at all times, regardless of migratory status. This requires active advocacy to protect and promote the existing global and regional legal instruments of international protection. Both human rights and refugee law have provisions of non-refoulement, and ACT Alliance will focus on their implementation to make sure people are protected. We oppose criminalization of allies – including many ACT members – who assist migrants in need, and particularly those who offer life-saving assistance. We encourage actions to combat trafficking in ways that do not penalize persons being trafficked; and promote the expansion of regular migration pathways for more categories of people.

Making sure that those who return can do so in dignity and have access to support:

When returning to their countries of origin, many migrants face significant challenges. ACT Alliance opposes return migration that violates the principle of non-refoulement, or that exposes those being returned to harm or inhumane conditions. Due process must be respected, and the human rights situation after return must be monitored more effectively in all circumstances. Returns programs based on quotas do not, by their very nature, work towards the dignity and justice of migrants and refugees. Migrants who do seek to return to places of origin should be assisted, so that return migration is safe and dignified, and so that receiving communities can promote reintegration. Supporting these aims is part of our overall approach to sustainable development and leaving no one behind.”

What we have seen in this area so far:

Many of the comments on Roundtable 2 above apply here. We are cautiously optimistic about some changes brought about regarding alternatives to detention (Obj. 13) in the context of COVID-19, which prompted some states (e.g. Spain, Italy) in the UNECE region to release migrants from detention centres and pursue community-based alternatives, which hopefully will lead to a rethinking of their approach to this practice in the longer term, and may have a positive signalling effect on other governments, also because there is already an informal dialogue between proponents of alternatives to detention underway. Nevertheless, we are also concerned about governments that have not only not implemented alternatives, but have in fact intensified the use of detention, alongside accelerated deportation (ref. Obj. 21), as a tool of migration deterrence, with

consequences both within and affecting neighbouring regions, for example LAC, as well as Europe's Southeastern borders, including the MENA region.

By continuing to make entry more difficult, including in situations of mixed movements, the European Union and its member states, in particular, have not only failed to observe the actions covered under Objective 8, but have at the same time encumbered potential progress under Objectives 9 and 10 as well. We have already seen that additional restrictions on cross-border movement in the context of COVID-19 have led to more dangerous, more expensive, and more exploitative routes for migrants who need to find a way to safety, and thus is likely to continue.

Examples of how ACT members have been involved:

Civil society, including ACT members, have been instrumental in saving lives and providing humanitarian assistance to people on the move, including and especially in situations of vulnerability, which continue to be widespread. This includes migrants caught at the borders of the EU, for example in the Mediterranean and the Greek islands, as well as in the Central American corridor en route to the U.S. It also includes both emergency assistance and longer-term integration efforts for people forced to return, including with a specific focus on LGBTQI and other marginalised groups. We also continue to advocate for the release of migrants from detention, as part of larger advocacy efforts.

Call to action:

We expect UNECE member states to end the widespread criminalisation of life-saving assistance provided by non-governmental actors. Instead, and in addition, states along the major migration corridors, including but not limited to the EU, are called upon to assume their responsibility to save the lives of those at risk during transit. Efforts to combat smuggling and trafficking of human beings should first and foremost focus on the safety and well-being of survivors, rather than on their prosecution. In this context, we reiterate the structural importance of providing regular pathways (see above) to meaningfully reduce migrants' reliance on irregular movements. We stress the importance of finding alternatives to detention of migrants in all circumstances, building upon some of the positive examples we have seen in the region this year. Initiatives regarding returns to be approached in a more holistic manner, and should never become an instrument of bilateral development policies, as has unfortunately been increasingly the case throughout the region.

Roundtable 4: Countering discrimination through promoting facts-based migration discourse (Objectives 1, 3, 7, 17 and 23)

What ACT Alliance has said about this:

"Making sure that those who have moved are welcomed and integrated:

ACT Alliance promotes a culture of welcome and inclusion wherever newcomers are present, and actively opposes xenophobia and racism in our societies, using the wide access we have due to our

network of national members, among them national councils of churches. [...] [E]veryone, including migrants and refugees, [must have] equal access to decent work and essential services, and [...] justice and due process [must become] a reality for all. [...] In order to end the prolonged legal uncertainty faced by many migrants, we endorse pursuing options for regularizing migratory statuses.”

What we have seen in this area so far:

Migration continues to be a divisive subject in the public discourse in many countries, especially those in the UNECE region. There is much more to be done to promote facts-based discussions and counteract the negative populist rhetoric that has become commonplace over the last few years. We have seen some positive examples of this, especially at city and local levels, where communities have come together to consciously promote the inclusion of migrants – in some cases as a conscious effort to promote holistic public health responses to COVID-19. Unfortunately, however, there has also been an increase in anti-migrant agitation and xenophobia in some countries, including and especially where policy makers failed to apply a holistic approach to COVID-19 response. We would like to note in this regard that Objective 7 on reducing vulnerabilities in migration seems somewhat misplaced under this heading, and should better be addressed under RT 2 above, in conjunction with Objective 5.

Examples of how ACT members have been involved:

Civil society, including faith-based actors, are essential communicators and interlocutors, especially at community level. In these roles, ACT members have traditionally been messengers of welcome and inclusion, and bridge builders for newcomers, both in spiritual, but also very practical contexts, including, for example, by ensuring access to local services, community-based psychosocial support, education, and registration. In addition, and particularly in the context of COVID-19, they have also highlighted the contributions of immigrant and refugee essential workers, in public information and advocacy.

Call to action:

To support the many efforts of civil society actors to combat xenophobia and discrimination of migrants, we call upon UNECE member states to review their migration-related policies with a view towards correcting those that, openly or inadvertently, promote their exclusion (including, but not limited to, access to services, the absence of firewalls, standard operating procedures for policing), and to engage in an open dialogue with migrants themselves and other stakeholders on a regular basis.