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Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration

Bangkok, 10–12 March 2021

Items 2 and 3 of the provisional agenda *

Review of progress and challenges with regard to implementing the Global Compact for Safe, Orderly and Regular Migration in Asia and the Pacific, including the implications of the coronavirus disease pandemic

Thematic discussions on progress and challenges with regard to implementing the Global Compact at all levels, with due respect to the cross-cutting and interdependent guiding principles of the Global Compact

Review of progress and challenges with regard to implementing the Global Compact for Safe, Orderly and Regular Migration in Asia and the Pacific, including the implications of the coronavirus disease pandemic

Note by the secretariat

Summary

International migration represents an essential part of life in Asia and the Pacific. Movement from, to and between countries has increased over recent decades, with largely positive consequences for sustainable development. However, migrants have also been forced to undertake dangerous forms of travel, often risking their lives. Frequently, they experience substandard working and living conditions which violate their human and labour rights, and they live at a heightened risk of violence, exploitation and xenophobia. For migrants in vulnerable situations, and especially for migrant women and children, risks are multiplied, as they face intersecting forms of marginalization and discrimination. These situations have been exacerbated by the impacts of the coronavirus disease pandemic.

Acknowledging these facts and determined to improve cooperation on international migration, States Members of the United Nations, in 2018, endorsed the Global Compact for Safe, Orderly and Regular Migration. The Global Compact is the first intergovernmentally adopted framework, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner. It contains cross-cutting, interdependent guiding principles, 23 objectives and several associated recommended concrete actions to address the challenges and opportunities related to international migration now and in the future.

Member States committed to review the status of implementation of the Global Compact at the local, national, regional and global levels using the United Nations framework, through a State-led approach engaging all relevant

* ESCAP/GCM/2021/L.1.

stakeholders. In preparation for the first review of the implementation of the Global Compact in Asia and the Pacific, the Economic and Social Commission for Asia and the Pacific, along with other members of the Regional United Nations Network on Migration for Asia and the Pacific, authored the *Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration*, which provides a baseline assessment of regional implementation of the Global Compact and is summarized in the present document.

Member States, in partnership with all relevant stakeholders, are invited to consider the proposed conclusions and recommendations in advancing the implementation of the Global Compact.

I. Introduction

1. States Members of the United Nations adopted the Global Compact for Safe, Orderly and Regular Migration on 10 December 2018 in Marrakesh, Morocco, followed by formal endorsement by the General Assembly on 19 December 2018. This first intergovernmentally adopted comprehensive document on migration “offers a 360-degree vision of international migration and recognizes that a comprehensive approach is needed to optimize the overall benefits of migration, while addressing risks and challenges for individuals and communities in countries of origin, transit and destination”.¹ Acknowledging that no State can address migration alone, the Global Compact rests on the purposes and principles of the Charter of the United Nations, international human rights law and the 2030 Agenda for Sustainable Development. It consists of 23 objectives and cross-cutting and interdependent guiding principles, including people-centredness, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsiveness, child-sensitivity and whole-of-government and whole-of-society approaches.

2. Member States committed to review the status of implementation of the Global Compact at the local, national, regional and global levels using the United Nations framework, through a State-led approach engaging all relevant stakeholders. In preparation for the regional review of implementation of the Global Compact in Asia and the Pacific, the Economic and Social Commission for Asia and the Pacific (ESCAP), along with other members of the Regional United Nations Network on Migration for Asia and the Pacific,² authored the *Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration*.³ That report provides a baseline assessment of regional implementation of the Global Compact and is summarized in the present document. It provides an overview of migration levels and trends and discusses

¹ General Assembly resolution 73/195.

² The following United Nations entities in Asia and the Pacific are members of the Regional Network: ESCAP, International Labour Organization (ILO), International Organization for Migration (IOM), Joint United Nations Programme on HIV/AIDS, Office for the Coordination of Humanitarian Affairs, United Nations Children’s Fund, United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), United Nations Environment Programme, secretariat of the United Nations Framework Convention on Climate Change, United Nations Human Settlements Programme, Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Office for Disaster Risk Reduction, Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Office on Drugs and Crime (UNODC), United Nations Population Fund, World Bank and World Food Programme.

³ United Nations publication, 2020.

implementation of the Global Compact according to its four indicative clusters of objectives identified in General Assembly resolution 73/326. The report also addresses the impacts of the coronavirus disease (COVID-19) pandemic on international migrants in the region. Member States, in partnership with all relevant stakeholders, are invited to consider the proposed conclusions and recommendations in advancing implementation of the Global Compact.

II. Overview of migration in Asia and the Pacific

3. Asia and the Pacific is home to over 4.6 billion people, approximately 60 per cent of the world's population in 2020. It includes countries with some of the largest and fastest-ageing populations and countries with growing working-age populations. Economic growth and greater connectivity have facilitated the migration of people seeking new and better social and economic opportunities. Many countries in the region, however, are also highly vulnerable to climate change and disasters, and conflicts continue to cause migrations, including large-scale displacement. The region is home to rising economic and political powers, to some of the world's least developed countries and to countries with some of the highest levels of inequality of wealth, income and opportunity. Gender inequalities and poor-quality employment are also prevalent. The COVID-19 pandemic has highlighted the need for fundamental societal changes to reimagine human mobility for the benefit of all while advancing the central commitment of the 2030 Agenda to leave no one behind.

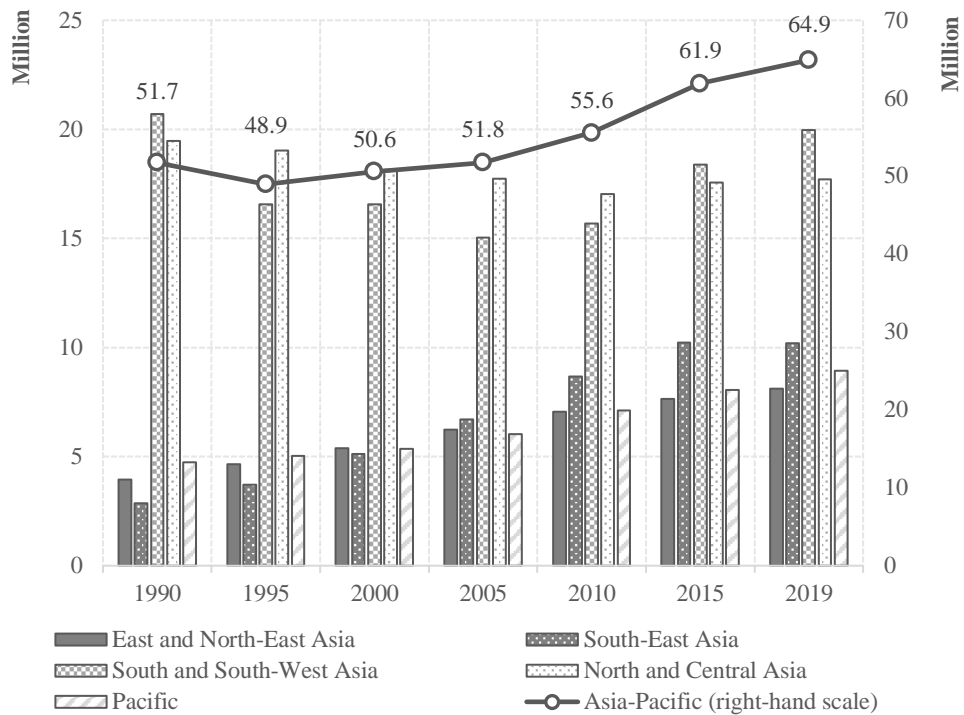
A. International migrant stock in Asia and the Pacific

4. The number of international migrants⁴ in the region increased from 52 million in 1990 to 65 million in 2019, representing a quarter of the global migrant stock of 272 million (see figure I). The number of migrants declined from 1990 to 1995 but has increased since 2000. The percentage of migrants was roughly gender-balanced at 50.6 per cent male and 49.6 per cent female.⁵

⁴ An international migrant is defined for statistical purposes as any person who changes his or her country of usual residence.

⁵ ESCAP calculations based on United Nations, Department of Economic and Social Affairs, International Migrant Stock 2019 database. Available at www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp.

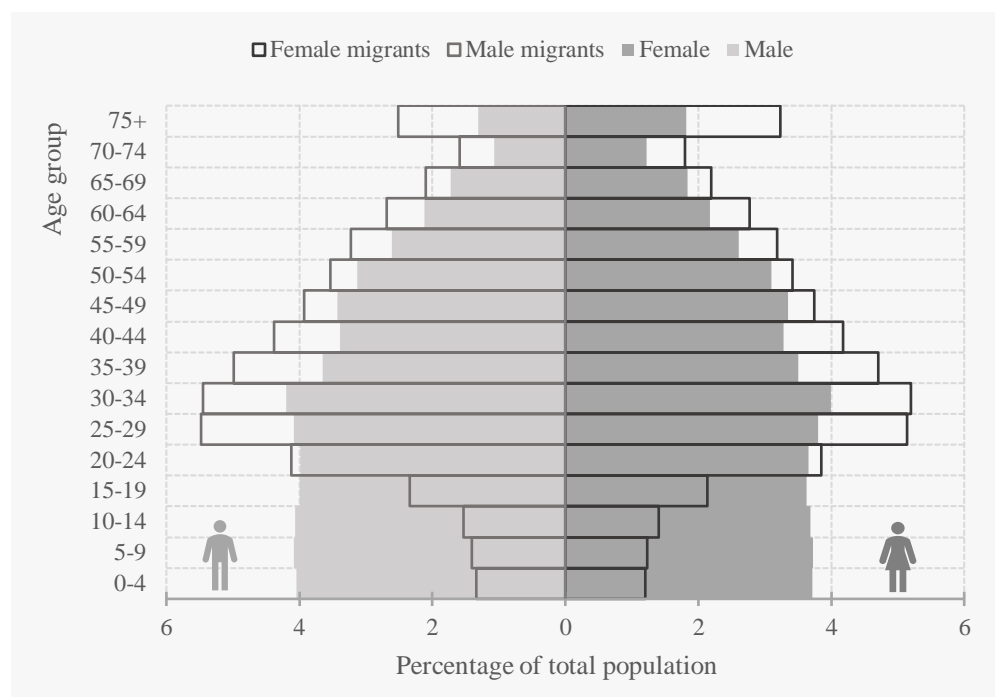
Figure I
International migrant stock by subregion in Asia and the Pacific, 1990–2019



Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, International Migrant Stock 2019 database.

5. Migrants were generally younger than the general population: over 78 per cent of migrants were of prime working age, compared with 67.7 per cent of the general population (see figure II). Asia and the Pacific also hosted approximately 7 million international child migrants, including refugees, accounting for approximately 11 per cent of the region’s total migrant stock.

Figure II
Population pyramids of migrants and total population in Asia and the Pacific, by age and gender, 2019



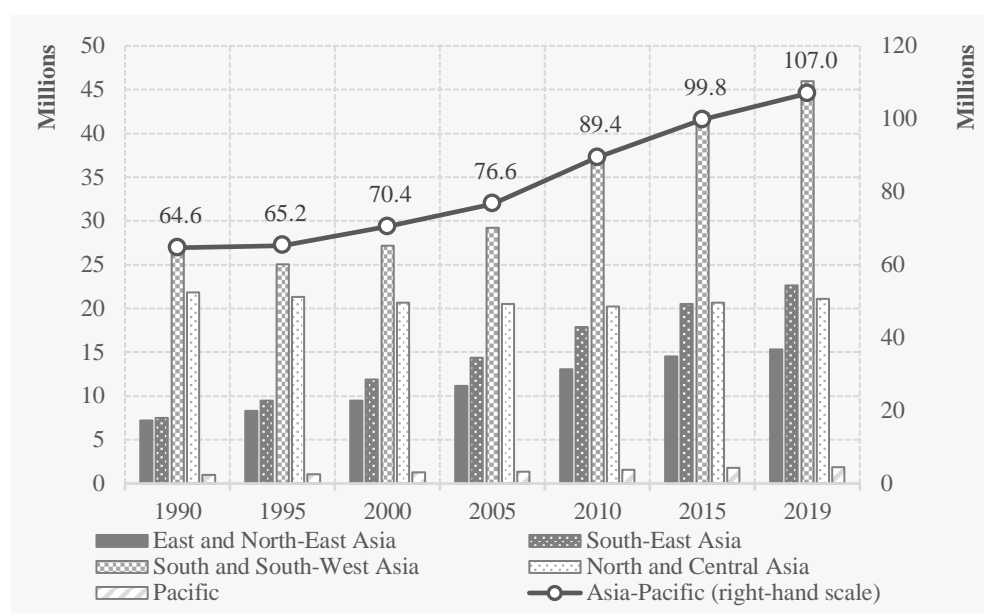
Source: ESCAP calculation based on United Nations, Department of Economic and Social Affairs, *World Population Prospects 2019*, online ed., available at <https://population.un.org/wpp>; and International Migrant Stock 2019 database.

B. Emigration from Asia-Pacific countries

6. Almost 107 million people from the region lived outside their country of birth in 2019 (see figure III). Most of the region's largest migration corridors link Asia-Pacific countries to the Middle East, Europe and the United States of America. The share of female emigrants fell from just under 49 per cent in 1990 to around 46 per cent in 2019.⁶

⁶ Ibid.

Figure III
Emigrants from Asia and the Pacific and its subregions, 1990–2019



Source: ESCAP calculations, based on United Nations, Department of Economic and Social Affairs, International Migrant Stock 2019 database.

C. Intraregional migration

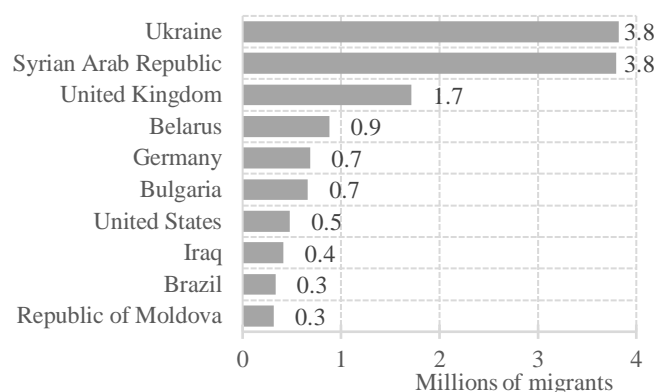
7. Over 70 per cent of international migrants in the region came from other countries in the region. Thus, most international migration in Asia and the Pacific takes place within the region. Almost 46 million migrants from Asia-Pacific countries moved to other countries in the region (43 per cent of all emigrants from Asia-Pacific countries).

8. In 2019, except for the Pacific subregion, most intraregional migrants lived in other countries of the same subregion. Of the total number of immigrants in the Pacific subregion, 12 per cent came from the subregion itself, while, of the total number of immigrants in South-East Asia, over two thirds came from South-East Asia. The proportion of migrants who moved to countries in the same subregion ranged from around a quarter of migrants from South and South-West Asian countries to almost 56 per cent of migrants from Pacific countries.

D. Interregional migration

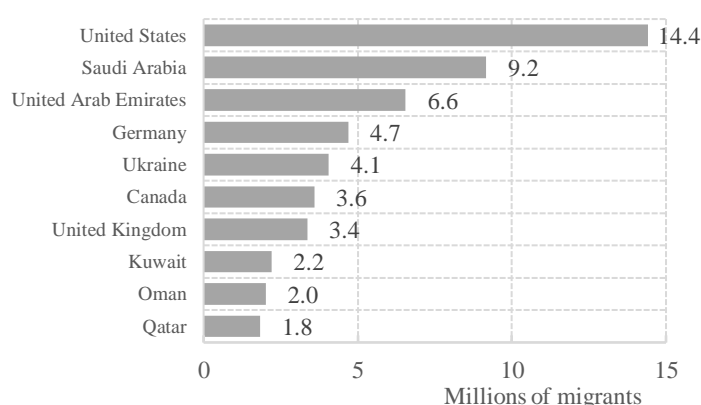
9. There were 18.9 million migrants in the region from countries outside Asia and the Pacific (29 per cent of the migrant stock). Over 60 million migrants (56.8 per cent of emigrants) from the region had moved outside the region in 2019, compared with only 26.7 million migrants (41 per cent) in 1990. The main destination countries outside the region were in North America, Europe and the Middle East, where 10 countries alone hosted 51 million migrants (see figures IV and V).

Figure IV
Top 10 non-Asia-Pacific countries of origin, 2019



Source: ESCAP calculations, based on United Nations, Department of Economic and Social Affairs, International Migrant Stock 2019 database.

Figure V
Top 10 extraregional countries of destination, 2019



Source: ESCAP calculations, based on United Nations, Department of Economic and Social Affairs, International Migrant Stock 2019 database.

E. Main trends in migration

10. Migration between countries in Asia and the Pacific and other regions is driven by different causes, both voluntary and involuntary. The dominant form is temporary labour migration, most of it South-South, with destinations within the region or in the Middle East.

11. Most labour migrants are low- or medium-skilled workers in the manual, service and, for women, domestic work sectors. Although data on labour migration outflows are not comparable between countries, they underscore the importance of labour migration in the region. For example, in a single year, over 1.5 million and 0.7 million people migrated through organized labour pathways from, respectively, the Philippines (2017) and Bangladesh (2019).⁷ In other parts of the region, particularly in the Pacific subregion, labour migration is seasonal.

12. Migration for tertiary education is increasing in Asia and the Pacific, with the region serving as both origin and destination. Of the estimated 1.5 million people studying in Asia and the Pacific in 2017, over 1 million were from other countries within the region. The number of Asia-Pacific students outside their country of origin rose from 1.8 million to 2.4 million over the 2013–2017 period. Over 900,000 students from the region came from China. Large numbers of students also came from India, the Republic of Korea and Viet Nam. The main destination country for Asia-Pacific students outside the region in 2017 was the United States, with 668,000 students (321,000 from China alone), followed by Australia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and Japan.⁸

13. There is also emigration of highly skilled people from the region. Almost 9.5 million migrants (4.8 million men and 4.7 million women) over the age of 15 with a tertiary education were employed in member States of the

⁷ *Asia-Pacific Migration Report 2020*.

⁸ UNESCO Institute for Statistics, International Student Mobility in Tertiary Education database.

Organization for Economic Cooperation and Development (OECD), roughly half of the total employed population of Asia-Pacific migrants in OECD countries of 19.9 million. The region is also an important source of migrant health workers, in demand globally due to human resource shortages, ageing societies and, latterly, the COVID-19 pandemic.

14. While most migration in the region is temporary, some countries, such as Australia, New Zealand and Singapore, offer permanent residence or citizenship to migrants meeting educational or skills criteria or who are able to invest; others take into account humanitarian or retirement considerations.⁹ Some countries facilitate pathways for migration and citizenship of members of specific ethnic groups, while migration for marriage and family formation and reunification is also common.

15. The number of refugees, asylum seekers, stateless persons and internally displaced persons in and from the region remains high. At the end of 2019, there were over 7.8 million refugees and people in refugee-like situations in Asia-Pacific countries, over 38 per cent of the global refugee population.¹⁰ Over five million refugees were from the region, and over four million remained within it. Available data indicate that there were roughly equal numbers of male and female refugees in the region (53.1 and 46.9 per cent, respectively) and that almost half were children (47.1 per cent). Approximately 1.7 million child refugees were living in Turkey, most coming from the Syrian Arab Republic. Other large populations of child refugees were living in Pakistan (0.7 million) and Bangladesh (0.5 million).¹¹

16. There were 543,300 asylum seekers in Asia and the Pacific at the end of 2019, while over 860,000 asylum seekers originated in the region. Almost 2.4 million people were stateless, due to shifting borders, restrictive citizenship laws, inadequate civil registration and vital statistics systems, and laws preventing birth registration of migrant children.¹² The number of persons internally displaced as a result of conflict reached over 6.5 million in the region in 2019, and an estimated 2.6 million children (39 per cent) were internally displaced as a consequence of conflict and violence.¹³

17. Irregular migration occurs alongside regular migration. While there are no overall data on irregular migration, a 2016 study of over 1,800 migrant workers in Malaysia and Thailand who had come from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam found that 74 per cent of respondents had migrated irregularly.¹⁴ In addition to registered refugees, Pakistan hosted over 2.2 million irregular migrants from Afghanistan and 1 million from Bangladesh.¹⁵ Migrants from Asia and the Pacific also

⁹ Australia, for example, granted permanent residency to over 160,000 skilled migrants and their family members between 2009/10 and 2018/19. See Australia, Department of Home Affairs, "Australia's migration trends 2018–19 highlights", 2019.

¹⁰ UNHCR, *Global Trends: Forced Displacement in 2019* (2020).

¹¹ UNHCR, Refugee Data Finder database. Available at www.unhcr.org/refugee-statistics.

¹² Ibid.

¹³ Vicente Anzellini and others, *Global Report on Internal Displacement 2020* (Geneva, Internal Displacement Monitoring Centre, 2020).

¹⁴ ILO, IOM and Rapid Asia, *Risks and Rewards: Outcomes of Labour Migration in South-East Asia* (Bangkok, ILO and IOM, 2017).

¹⁵ *Global Study on Smuggling of Migrants 2018* (United Nations publication, 2018), p. 11.

move irregularly beyond the region, to Europe, the Middle East and North America. The Russian Federation and Turkey are transit countries for those seeking to migrate to European countries irregularly.¹⁶ The health, rights, safety and lives of migrants with irregular status are at risk from unsafe routes and transport and from exploitation and abuse by smugglers, traffickers and corrupt officials.

18. Smuggling of migrants and trafficking in persons are prevalent across the region. Smugglers provide services, such as fraudulent documents and clandestine travel, but these often come at a high cost, leaving migrants in debt and sometimes subject to violence or abuse. Nonetheless, particularly in the absence of safe and accessible regular pathways, many migrants see smuggling as a low-cost alternative to regular migration.

19. Trafficking in persons differs from smuggling, as it need not involve cross-border movement and is defined by exploitation. As with smuggling, it is difficult to establish the true scale of trafficking. It is estimated that nearly 25 million people in Asia and the Pacific live in conditions of modern slavery.¹⁷

III. Progress and challenges in implementing the Global Compact for Safe, Orderly and Regular Migration in Asia and the Pacific

A. Ensuring that migration is voluntary, regular, safe and orderly (Global Compact objectives 2, 5, 6, 12 and 18)

20. People often migrate for interlinked demographic, political, economic, food security-related and environmental reasons. In the region, most migrate for work in elementary and middle-skilled occupations, reflecting demand driven by economic and demographic factors such as youth unemployment, ageing populations and relative wealth disparities.

21. Environmental factors are also increasingly driving migration, since the region is the most disaster-prone in the world. Floods, droughts and cyclones are common, threatening livelihoods and sometimes inducing migration. Political conflicts, human-made crises and lack of food security also cause people to move to survive. These drivers do not stand alone but rather are parts of an interlocking system that, taken together, drive the migration decisions of households and individuals.

22. In several parts of the region, there are pathways for regular labour migration across different skill levels, but those for workers in elementary occupations are often costly and cumbersome and have not kept pace with shifts in labour supply and demand. Many migrants therefore use irregular channels.

23. Migrant women face specific challenges with regard to regular migration. Several Asia-Pacific countries impose bans or restrictions on the migration of women to selected countries, nominally for their protection. Some destination countries also impose restrictions on the migration of women for labour reasons, including restricting job access by age, country of origin,

¹⁶ UNODC, *Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges*, vol. II (Bangkok, 2018).

¹⁷ ILO and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, ILO, 2017).

spousal permission, pregnancy status, religion or education.¹⁸ Such measures can push women migrants into irregular channels.

24. Several Asia-Pacific countries have undertaken initiatives or actions at the national, bilateral and regional levels to provide pathways for regular migration. These include the institution of free movement of workers and family members between States members of the Eurasian Economic Union;¹⁹ the Association of Southeast Asian Nations (ASEAN) mutual recognition arrangements for eight high-skill professions;²⁰ a “specific skills” visa in Japan; memorandums of understanding between the Republic of Korea and 15 origin countries in the region as part of its State-managed system to recruit low-skilled workers; seasonal labour migration programmes for Pacific island countries in Australia and New Zealand; the flexible patent system of the Russian Federation, which lets workers directly access employers; and visa-free agreements between Kazakhstan and both Azerbaijan and Tajikistan.

25. Many migrant workers use private recruitment agencies to find work abroad, but malpractice and high recruitment fees often erode the benefits, especially where such agencies use grass-roots-level subagents.²¹

26. There has been progress on fair recruitment. The principle that workers should not pay fees or other costs related to recruitment and placement is increasingly being incorporated into legislation or bilateral memorandums of understanding between destination and origin countries and the private sector. However, more efforts are needed to curb recruitment costs and abuses.

27. Other good practices include wage protection, adherence to occupational safety and health standards, promotion of decent work, the introduction of complaint mechanisms, skills development and recognition of qualifications, and provisions for worker mobility. Some Asia-Pacific regional frameworks also foster mobility in education for academics and students.

28. It is important to promote decent work for migrant workers, who are too often subject to uncertain informal work, illegally low pay and unsafe working conditions. Relevant international instruments outline the human and labour rights of migrant workers at all skills levels. Most countries in the region have ratified or acceded to United Nations universal human rights instruments (except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990) and the eight ILO core conventions.²² Several countries have introduced new laws and reforms protecting migrant workers and establishing minimum wages. Initiatives by

¹⁸ Rebecca Napier-Moore, *Protected or Put in Harm's Way? Bans and Restrictions on Women's Labour Migration in ASEAN Countries* (Bangkok, ILO, 2017).

¹⁹ Treaty on the Eurasian Economic Union. (Courtesy translation available at www.un.org/en/ga/sixth/70/docs/treaty_on_eeu.pdf.)

²⁰ Engineering, nursing, architecture, medicine, dentistry, tourism, surveying and accountancy.

²¹ Piyasiri Wickramasekara and Nilim Baruah, “Fair recruitment for low-skilled migrant workers: issues and challenges”, in *Safeguarding the Rights of Asian Migrant Workers from Home to the Workplace*, Kimberly Fullerton, ed. (Manila, Asian Development Bank Institute, OECD and ILO, 2017); and ESCAP, “Lowering recruitment costs for sustainable development and safe, orderly and regular migration in Asia and the Pacific” (forthcoming).

²² *Asia-Pacific Migration Report 2020*.

trade unions and employers are under way to enhance labour protections for migrant workers.²³

29. Notwithstanding this progress, challenges remain. Migrants continue to be at risk of workplace violence, abuse and exploitation. This is a particular risk for women in domestic work. Gender-based discrimination in labour migration law is all too common. Few countries in the region have ratified key Conventions concerning domestic work, such as the Domestic Workers Convention, 2011 (No. 189), of ILO.²⁴ Moreover, despite the enactment of new laws, implementation has lagged in many countries, and enforcement has been ineffective.

30. The Global Compact is firmly rooted in the 2030 Agenda. The region is not on track, however, to achieve any of the 17 Sustainable Development Goals by 2030. A large proportion of the region's population still suffers from poverty, precarious working conditions, vulnerable employment, lack of access to social protection and the effects of disasters and political conflict. Many will continue to consider migration to save themselves and their families from these threats.

B. Protecting migrants through rights-based border governance and border management measures (Global Compact objectives 4, 8, 9, 10, 11, 13 and 21)

31. Border governance and border management²⁵ are central to achieving safe, orderly and regular migration. What migrants experience at the border informs their decisions and well-being throughout the migration cycle and beyond.

32. Asia-Pacific migrants are often unable to register their children's births. The barriers to migrants passing on their nationality or citizenship can compromise children's human rights, including access to education or health care. Statelessness can leave children vulnerable to exploitation and abuse, recruitment into unsafe labour or armed groups, child marriage and reliance on smugglers to travel.

33. The right to a nationality is fundamental to the enjoyment of other human rights and to accessing regular migration pathways. All ESCAP member States are States parties to the Convention on the Rights of the Child. According to the Convention, States parties have agreed to register a child immediately after birth and, with the child having a right from birth to a name, to grant the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. Countries also agreed to the Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific in 2014 in order to achieve inclusive, equitable and people-centred development. Eight Asia-Pacific countries pledged to address

²³ The initiatives include, for example, the General Federation of Nepalese Trade Unions; the South Asian Forum of Employers resolution on migration; cooperation between the ASEAN Confederation of Employers and the ASEAN Trade Union Council on the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers; the International Domestic Workers Federation; and the Network of Domestic Workers in Thailand.

²⁴ *Asia-Pacific Migration Report 2020*.

²⁵ For definitions of these terms, see *Asia-Pacific Migration Report 2020*.

statelessness, including birth registration,²⁶ while countries such as the Islamic Republic of Iran, Kazakhstan, Kiribati, Turkmenistan and Uzbekistan have taken concrete steps to address statelessness. Nonetheless, many migrants are still unable to access key documentation, which increases their vulnerability to rights abuses and limits their access to services.

34. Search and rescue is a vital element of border management and ensuring safe migration. States are required to make every effort to protect the right to life, wherever persons are at risk, on water or land, and regardless of their nationality or status, or the circumstances in which they are found. Nonetheless, every year an unknown number of migrants die during migration. State cooperation remains limited in terms of prevention, such as ensuring compliance with search and rescue obligations and ensuring disembarkation and clarification of the fate of missing migrants. To date, there are no regional mechanisms ensuring equitable and predictable disembarkation of people in distress at sea, despite the political commitments made in the March 2016 Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, and reaffirmed by Bali Process member States at the August 2018 Bali Process ministerial conference.²⁷

35. Smuggling of migrants is often a function of underdevelopment and border governance. It follows the pathways of demand for migration, filling a gap created by prohibitive costs for regular migration, such as those resulting from low-wage labour opportunities, as well as meeting the needs of people compelled to move from situations of vulnerability. Every year, migrants in the region die while being smuggled. While most States in the region have ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 2000, and criminalized migrant smuggling in some form, and some have introduced related legislation to protect smuggled migrants, incorporation of all aspects of the international legal definition of migrant smuggling into national law has been uneven. Moreover, many Asia-Pacific States have criminalized irregular entry and stay, and sometimes criminalized the provision of accommodation and employment to undocumented migrants. This is inconsistent with the provisions, as well as the primary objective, of the Protocol to address organized crime, not migration: it calls for migrants not to be liable to criminal prosecution for using smugglers.²⁸

36. Trafficking in persons is significant in the region and cannot be separated from migration. It is a human rights abuse and a crime against migrants. The latest available data show increases in the number of detected victims of human trafficking in Asia and the Pacific, and yet the average conviction rate for trafficking offences in the region is lower than in many other regions in the world.²⁹

²⁶ Azerbaijan, Indonesia, Kazakhstan, Kyrgyzstan, Philippines, Tajikistan, Thailand and Turkmenistan.

²⁷ www.baliprocess.net (accessed 11 January 2021).

²⁸ ESCAP, “Conference room paper on smuggling of migrants and trafficking in persons in Asia and the Pacific”, prepared for the Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration, held in Bangkok on 6 and 7 November 2017.

²⁹ UNODC, *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact* (Bangkok, 2019).

37. There was positive action to prevent exploitation and improve employment and working conditions in high-risk occupations, such as the fishing sector of Thailand.³⁰ Most countries in the region have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and are undertaking measures in line with the Protocol, including through regional cooperation forums such as ASEAN, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and the Coordinated Mekong Ministerial Initiative against Trafficking process. There are also different multilateral and bilateral cooperation frameworks which address trafficking in persons, notably the memorandum of understanding between Myanmar and Thailand.

38. Cross-border movements in the Asia-Pacific region are vast, varied and complex. Border activities are increasingly digital, raising new concerns about data protection and migrants' right to privacy. While some countries in the region have participated in initiatives on rights-based training of border officials, capacity-building continues to be needed, particularly on gender-responsive, disability-inclusive and child-sensitive law enforcement, cooperation and responses at international borders.

39. The Global Compact commits States to prioritizing non-custodial alternatives to detention and to taking a human rights-based approach, using detention only as a measure of last resort and working to end child detention. Across the region, detention is a frequent response to irregular migration. In using irregular channels, migrants do not commit a crime under international human rights or criminal law; as such, the criminalization of their actions exceeds the legitimate interests of States in protecting their territories and regulating irregular migration flows and constitutes arbitrary detention contrary to international human rights law. Some migrants may remain in detention indefinitely solely on the basis of their irregular entry or status until a solution can be found. For stateless people, detention becomes arbitrary and indefinite.³¹ Despite positive developments in the region, such as the adoption in Thailand in January 2019 of a framework for the release of all children and their mothers from immigration detention, there is a need for further commitment to meeting the obligations under international human rights law to move towards the abolition of immigration detention.

40. It is generally expected that migrants will return to their origin countries, especially given the temporary nature of most labour migration regimes. Voluntary return, without any assistance, is common in the region.³² However, several States in the region do not fully comply with their non-refoulement obligation not to expel, or collectively expel, return or extradite individuals to another State where substantial evidence indicates they would be in danger of torture or other serious human rights violations.³³ Support for sustainable reintegration of returned migrants is also minimal throughout the

³⁰ The European Union and ILO Ship to Shore Rights project on combating unacceptable forms of work in the Thai fishing and seafood processing industries worked along the seafood supply chain and in partnership with the Government of Thailand, employers' organizations, trade unions and civil society organizations to make progressive changes.

³¹ See, for example, A/HRC/WG.6/32/NZL/2.

³² Graziano Battistella, "Return migration: a conceptual and policy framework" (Center for Migration Studies, 8 March 2018).

³³ See, for example, CAT/C/MDV/CO/1 and CAT/C/VNM/CO/1.

region. Overall, voluntary return should always be promoted in preference to forced or coerced return.

C. Supporting migrants' protection, integration and contribution to development (Global Compact objectives 14, 15, 16, 19, 20 and 22)

41. All migrants have rights as recognized in core human rights treaties, and the degree to which and the way their rights are respected, protected and fulfilled in destination countries affects their contributions to sustainable development.

42. There has been progress in the region with regard to enhancing consular protection and providing assistance and cooperation throughout the migration cycle. For example, countries of origin have worked with civil society organizations in host countries to develop an infrastructure for the protection of their nationals abroad. Several Asia-Pacific destination countries have reformed their policies to increase protection for migrants, including through post-arrival training in the Republic of Korea and the provision of health insurance and requirements for proper housing and safe working environments in Singapore.³⁴

43. Migrants' access to basic services is often constrained by laws, fees, language barriers and restrictions related to residency and migration status. Although health is a human right,³⁵ and several host countries have comprehensive schemes, including health insurance, to ensure that migrant workers have health coverage,³⁶ in practice providing health care for all migrants has been challenging, particularly for women, children and migrants with irregular status. Even where national health insurance schemes include non-nationals, they may exclude informal workers, particularly in agriculture and domestic work, where migrants, especially women, are concentrated. Migrants living with HIV face travel restrictions that prevent them from legally entering or residing in many countries solely based on their HIV status. Implementing firewalls between social service providers and immigration enforcement would enable all migrants to access services without fear.

44. Although the right to education for all, regardless of nationality, is well established in international human rights instruments, many migrants in the region, in particular migrant children, lack access to education. Countries such as Thailand have taken steps to ensure that all migrant children have the right to education, regardless of status; however, access remains limited across the region.³⁷ Yet, there are positive examples, such as subregional frameworks permitting access to education, and bilateral dialogues between countries on educating migrant children.

³⁴ Singapore, Ministry of Manpower, "Singapore's approach to ensuring the well-being of migrant workers", presentation, December 2019.

³⁵ See, for example, the International Covenant on Economic, Social and Cultural Rights.

³⁶ Marius Olivier, *Social Protection for Migrant Workers in ASEAN: Developments, Challenges, and Prospects* (Bangkok, ILO, 2018).

³⁷ UNESCO, *Global Education Monitoring Report 2019: Migration, Displacement and Education – Building Bridges, Not Walls* (Paris, 2019).

45. Access to basic services such as housing, clean water and sanitation is often limited and constrained for migrants in irregular status in the informal sector, particularly for women migrants who have experienced violence and discrimination.

46. International migrants create new cultures, integrating elements of origin and destination countries. However, social cohesion requires mutual adaptation by all. Given the temporary and employment-related nature of much migration in the region, the integration of migrants is often not the primary goal of origin and destination countries, or of migrants themselves. In the context of integrating migrants into the labour market, matching migrant workers' occupational skills with host country demand remains challenging, due to barriers of language, certification and skills transfer. The integration of migrant workers into the labour force is highly gendered, with women and men having different opportunities and pathways for integration into society.

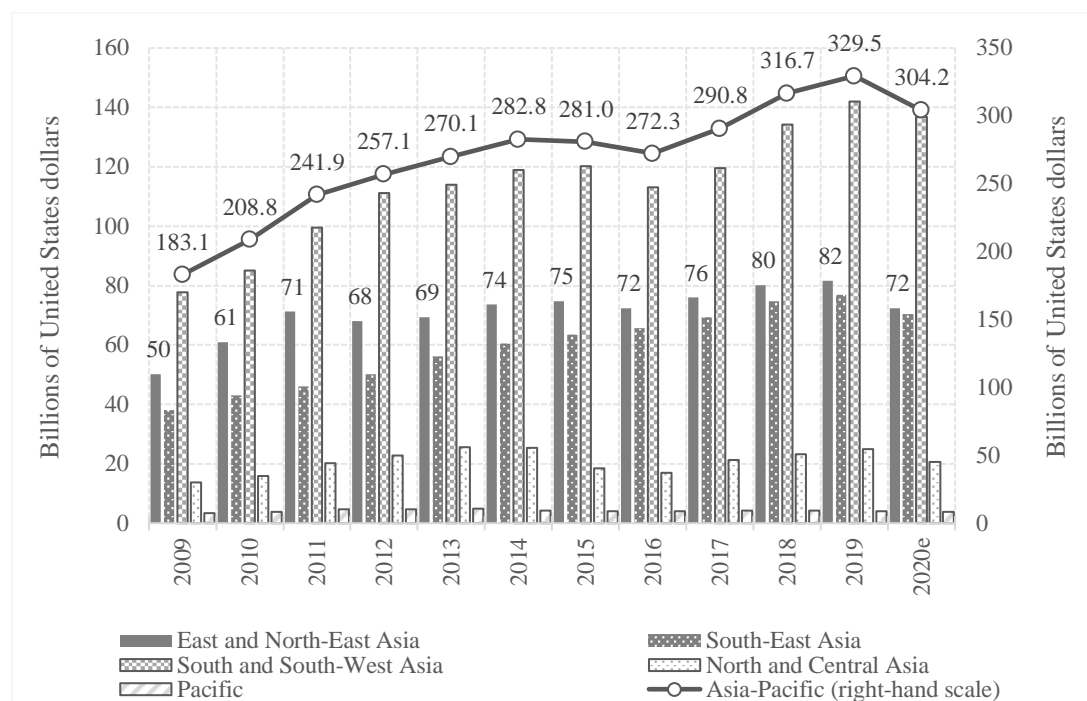
47. International migrants contribute to economic and social development in origin, transit and host countries when there is a conducive policy environment.³⁸ Key to creating conditions for migrants and diasporas to fully contribute to sustainable development is the mainstreaming of migration into national development plans, human resource development strategies, labour migration policies and cooperation agreements with international organizations.³⁹ Examples include the seventh five-year plan (2016–2020) of Bangladesh and the national labour migration policies of Kiribati, Sri Lanka and Tuvalu, which incorporate various aspects of labour migration, recognizing and supporting its development impacts. Several countries, such as Armenia, Bangladesh, India, Indonesia, Pakistan and Sri Lanka, promote and support diaspora development and engagement overseas. However, more efforts are required, with a focus on long-term engagement and inclusion.

48. Most migrants send remittances, supporting household consumption and contributing to poverty reduction in countries of origin. Between 2009 and 2019, remittances to the region rose from \$183 billion to \$330 billion, nearly half of the 2019 global total of \$714 billion (see figure VI). India is the world's largest remittance recipient, followed by China, with the Philippines, Pakistan and Bangladesh also among the top 10 global recipients.

³⁸ Hein de Haas, "Migration and development: a theoretical perspective", *International Migration Review*, vol. 44, No. 1 (2010).

³⁹ Piyasiri Wickramasekara, "Mainstreaming migration in development agendas: assessment of South Asian countries", Working Papers in Trade and Development, No. 2015/02 (Canberra, Australian National University, 2015).

Figure VI
Remittance inflows to the Asia-Pacific region and subregions, 2009–2019
 (Billions of United States dollars)



Source: ESCAP calculations based on World Bank, “Migration and remittances data”, 2020.

49. The region was also the source of approximately \$110 billion in remittances in 2019, up from \$62 billion in 2009. The largest source country was the Russian Federation, followed by China, Malaysia, the Republic of Korea and Thailand. Although remittance costs have been reduced in Asia and the Pacific, they remain high in some parts of the region. The median cost of sending \$200 in remittances to Asia-Pacific countries in the first quarter of 2020 was 2.7 per cent; however, such costs vary considerably across subregions, with countries in the Pacific subregion experiencing much higher costs. This has resulted in many migrants continuing to resort to informal channels. Expanding access to digital formal remittance services can reduce costs and increase financial inclusion for underserved populations.

50. Approximately half of the region’s population has no social protection coverage.⁴⁰ Coverage for migrants in the region is patchy and uncoordinated rather than rights-based and consistent. In addition, the portability of social protection benefits remains almost non-existent. Nevertheless, some innovative approaches are being tested. For example, within the region, social protection is covered by the Treaty on the Eurasian Economic Union and the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers; bilaterally, some countries, like the Philippines, have signed agreements on social security with countries in and outside the region. Unilaterally, several countries of origin, including Indonesia, the Philippines, Sri Lanka, Thailand and Viet Nam, have adopted mechanisms to provide some social security coverage to citizens abroad.⁴¹

⁴⁰ *The Protection We Want: Social Outlook for Asia and the Pacific* (United Nations publication, 2021).

⁴¹ Olivier, *Social Protection for Migrant Workers in ASEAN*.

D. Strengthening evidence-based policymaking, public debate and cooperation for safe, orderly and regular migration (Global Compact objectives 1, 3, 7, 17 and 23)

51. Policymakers need accurate, reliable, timely and comparable migration data, disaggregated by sex, age, migration status and other characteristics, to guide public discourse and formulate evidence-based policies. Data collection, analysis and dissemination are often limited and uncoordinated. National statistical offices face challenges and capacity shortages in this regard. Many migrants are also part of hidden populations that rarely appear in official statistics.

52. In addition, migrants lacking accurate information about migration processes are disempowered and at risk of exploitation, discrimination and abuse. Examples from the region show that, among other things, pre-departure training and orientation provide prospective migrants with timely and accurate information that contributes to more informed decision-making over the migration cycle.⁴²

53. Migrants in vulnerable situations face an increased risk of rights violations while on the move. Migrant women, for example, are more likely to be concentrated in low-recognition sectors such as care or domestic work, in which they are at heightened risk of domestic, sexual or gender-based violence. They may also be constrained by administrative and cultural practices, as well as fear of retaliation or deportation after reporting abuse. Significant numbers of children migrate, including for family reasons, safety or education, or at the behest of traffickers, or are left behind by their parents.⁴³ Migrant children, unaccompanied by relatives or separated from parents or legal guardians, are particularly at risk.

54. Across the region, discrimination and negative public perceptions of migrants, their families and their contributions to communities persist. This has a corrosive effect on the wider society, reducing trust and hindering the meaningful inclusion of migrants in communities. To respond, it is necessary to build public narratives on migration and migrants that are centred on shared values and on the principle that people have more in common than they do differences. Governments and stakeholders should challenge assumptions, be evidence-based in evaluating impacts, build professional networks and create multidisciplinary centres of expertise, highlighting evidence and communicating it to a wider audience.

55. The 1994 Programme of Action of the International Conference on Population and Development has guided global action on population and development, including international migration. Since then, international migration has risen on the global, regional, subregional, national and subnational agendas, within and outside the United Nations. At the global level, countries in the region have been both participants and organizers of the Global Forum on Migration and Development, with civil society also participating.⁴⁴ States and other relevant stakeholders participated in the High-level Dialogues on International Migration and Development, and the processes leading to the adoption of the New York Declaration for Refugees

⁴² *Asia-Pacific Migration Report 2020*.

⁴³ *Ibid.*

⁴⁴ The Global Forum on Migration and Development is a State-led, informal and non-binding process helping to shape the global migration and development debate outside the United Nations.

and Migrants in 2016, which gave rise to the Global Compact for Migration and the global compact on refugees in 2018. Migration's links to sustainable development, and vice versa, were recognized in the 2030 Agenda, and Member States in the region have taken part in its regular reviews at the high-level political forum on sustainable development, where they have also discussed migration.

56. Countries are increasingly engaging in regional and subregional migration governance efforts, which, given the importance of intraregional migration, are highly relevant, such as those through ASEAN or the Eurasian Economic Union. Initiatives include conventions, treaties, joint declarations, regional guidelines, plans of action and forums, as mentioned above, to pursue and systematize deeper cooperation and partnership on general issues such as freedom of movement of labour and more specific issues such as trafficking and birth registrations.

57. Moreover, State-led, informal, regional and non-binding regional consultative processes dedicated to migration, such as the Bali Process, the Colombo Process or the Abu Dhabi Dialogue, facilitate action-oriented information-sharing and policy dialogues and coordinated action between countries of origin and destination. Bilateral, national and subnational activities complement global and regional cooperation and partnership activities, including the involvement of relevant stakeholders. Often, these activities are the most effective in delivering results on the ground or facilitating discussions of sensitive topics.

58. The Regional United Nations Network on Migration for Asia and the Pacific was established in 2019, bringing together the expertise and experience of United Nations entities to support Member States in implementation of the Global Compact for Migration. Country-level networks have also been founded or are being established.⁴⁵

IV. Coronavirus disease pandemic and international migration in Asia and the Pacific

59. The COVID-19 pandemic has had devastating impacts on all countries in the region. Migrants and their families have been particularly affected by the pandemic as a result of personal, social, situational and structural factors that extend beyond their health to further affect their socioeconomic situation and protection in complex and interconnected ways. Importantly, migrants play key roles in the COVID-19 response, serving as essential workers and being instrumental to the long-term recovery of countries in the region and beyond.

⁴⁵ Thus far, such networks exist in the following countries: Azerbaijan, Bangladesh, Cambodia, Georgia, Kazakhstan, Kyrgyzstan, Maldives, Philippines, Sri Lanka, Thailand, Timor-Leste and Turkmenistan.

A. Health-related impacts

60. Migrants are at a heightened risk of contracting the disease, due to de jure and de facto lack of access to basic health services, unsanitary and overcrowded living conditions, obstacles to undertaking health-seeking behaviours and increased exposure to infected people given their role as essential workers.⁴⁶ Migrant women face high risks of exposure and vulnerabilities, given their concentration in care, domestic work and nursing, greater difficulty in accessing health services due to cultural barriers and the informality of their work, and greater domestic burdens, which limit their ability to recuperate. Children can be at very high risk in situations where latrines and water supplies are inadequate.⁴⁷ Older migrants and migrants living with disabilities or with HIV are also affected by reduced or discontinued essential health care.⁴⁸ Return migrants, meanwhile, may also be excluded from health-care systems in their countries of origin.⁴⁹

61. There have been some positive examples of migrant-inclusive approaches that contribute to protecting the health of migrants and the communities in which they reside. For instance, in Thailand, the Ministry of Public Health, with support from IOM, the World Health Organization and civil society partners, launched a migrant COVID-19 hotline to provide multilingual information to migrants. In the Republic of Korea and Sri Lanka, access to free COVID-19 testing and treatment is available for all, including migrants.

B. Impacts on mobility and protection

62. To control the pandemic, many Governments have imposed widespread, often ad hoc, restrictions on international and internal movements. Such measures have included suspending international travel, closing borders, tightening visa and/or entry requirements and mandatory internal lockdowns. In some countries, people returned to their countries of origin in anticipation of border closures.⁵⁰

63. With borders closed, some migrants have taken more dangerous routes to move or return, including through the use of smugglers who are making use of more dangerous routes to cross borders and are charging higher fees.⁵¹ People who were planning to migrate found themselves stranded, often having

⁴⁶ OHCHR, “COVID-19 and the human rights of migrants: guidance”, 7 April 2020; and United Nations, “Policy brief: COVID-19 and people on the move”, June 2020.

⁴⁷ United Nations, “Policy brief: COVID-19 and people on the move”.

⁴⁸ Ibid.; and IOM Regional Office for South-Eastern Europe, Eastern Europe and Central Asia, “Migrants with HIV of extra concern in COVID-19 era”, 14 April 2020.

⁴⁹ UN-Women and others, “Preliminary findings: gender-differentiated consequences of COVID-19 on women’s and men’s economic empowerment in Afghanistan” (forthcoming).

⁵⁰ IOM, “IOM Thailand COVID-19 Newsletter”, June–August 2020.

⁵¹ Mixed Migration Centre, “Impact of COVID-19 on migrant smuggling”, COVID-19 Global Thematic Update, No. 1, 1 September 2020.

already spent significant sums on recruitment but without access to employment.⁵²

64. With large numbers of returning migrants, countries also face challenges to ensuring safe return, quarantine and reintegration. Many return migrants have lost their main source of income, are unable to access their full salaries and are uncertain when they can return to work abroad again. They may also face stigmatization and discrimination as perceived carriers of the virus.⁵³

C. Economic and social impacts

65. The COVID-19 pandemic has triggered the deepest global recession in decades. Economic recessions have a significant impact on migrant workers, due to their greater precarity, workplace discrimination, exclusion from social protection and aspects of labour law. Ratha and others⁵⁴ noted the particularly grave impacts of the COVID-19 pandemic on migrant workers, as the possibilities for intersectoral mobility or return migration are extremely limited. Instead, many migrants are locked in place, unable to work, move to find work or return to their countries of origin, while many have incurred debts to pay costs associated with migration.

66. Some countries in the region have tried to shield migrants from the economic impacts of the pandemic by including them in economic stimulus packages or income support programmes. However, significant numbers of migrants, especially migrants in irregular situations, are excluded from these measures.

67. While lockdowns have reduced social interaction for all, migrants have been particularly isolated, with an increased risk of depression, abuse and discrimination. Children's learning and education have been affected due to school closures. Social marginalization and xenophobia experienced by migrants, as perceived virus carriers, are on the rise. In addition, lockdowns have created situations that are conducive to the trafficking of migrants, trapping them in situations of exploitation.⁵⁵

68. Ending the pandemic and recovering from it will require a renewed focus on the Global Compact, and on addressing the factors that render migrants especially vulnerable to the COVID-19 pandemic, ensuring their inclusion in societies, recognizing and valuing their contributions and securing their human rights. Not only will this help in the current pandemic, it will also help countries to build back better.

⁵² See, for example, ILO, "Ensuring fair recruitment during the COVID-19 pandemic", June 2020; ILO, "Impact of COVID-19 on Nepali migrant workers: protecting Nepali migrant workers during the health and economic crisis – challenges and the way forward" (2020); and IOM, *Rapid Assessment of the Socioeconomic Impacts of COVID-19 on Labour Mobility in the Pacific Region* (Suva, 2020).

⁵³ Karen Anne S. Liao, "Emergency returns: COVID-19 and the repatriation of Filipino migrant workers", 2 June 2020.

⁵⁴ Dilip Ratha and others, "COVID-19 crisis through a migration lens", Migration and Development Brief No. 32 (Washington, D.C., Global Knowledge Partnership on Migration and Development and World Bank, 2020).

⁵⁵ *Asia-Pacific Migration Report 2020*.

V. Conclusion and recommendations

69. Migration is an essential part of life in Asia and the Pacific. Its levels, complexities and impacts have increased over time. Migrants have been recognized as accelerators of sustainable development, but they face challenges in countries of origin, destination and transit. These situations have been further exacerbated by the COVID-19 pandemic.

70. Based on the cross-cutting and interdependent guiding principles of the Global Compact, the following recommendations are offered for consideration by Governments in Asia and the Pacific, in partnership with all relevant stakeholders, to advance the implementation of the Global Compact in the region:

(a) **People-centredness.** Effective migration policies will recognize the complexity, dynamism, diversity and vastness of the region, and the variety of circumstances of the people, their contributions, challenges and vulnerabilities. These policies must respect, protect and fulfil the human rights of all migrants and those affected by migration, eliminate the situations of vulnerability they face and integrate them into sustainable development, as both agents and beneficiaries. People migrate for a complex mix of demographic, political, economic, food security and environmental reasons, and the region must provide sufficient accessible, safe and legal migration pathways to respond to these drivers. Particularly for those forced to migrate by hardship, efforts should be made to help them thrive in place rather than having to migrate to survive;

(b) **International cooperation and a whole-of-society and whole-of-government approach.** Given that migration is multidimensional, and since no country can address its challenges and opportunities alone, safe, orderly and regular migration requires a collaborative, comprehensive, multisectoral, whole-of-government and whole-of-society approach to implementation of the Global Compact. Since most migration in Asia and the Pacific is within the region, regional, subregional and bilateral cooperation on international migration must be strengthened, including with destination countries beyond the region and with the meaningful engagement of relevant stakeholders. The Regional United Nations Network on Migration for Asia and the Pacific and its country-level networks should provide United Nations system-wide support to member States on implementing the Global Compact;

(c) **National sovereignty, rule of law and due process.** According to the Global Compact, every country has a sovereign right to determine national migration policies and govern migration within its jurisdiction, in conformity with international law. States should respect and respond to the legitimate concern of countries of origin to protect the rights and interests of their citizens abroad. States should cooperate with one another on a basis of sovereign equality, seeking mutually beneficial solutions in accordance with international law, including international human rights law, labour law and the law of the sea. International migration should not be governed by exception. All procedures relating to international migrants and migration, including those related to irregular migration, must be based on law;

(d) **Sustainable development.** The Global Compact is rooted in the 2030 Agenda. Since all countries in the region are lagging in achieving its goals and targets, countries need to undertake extra efforts to achieve sustainable development, which in turn will support the implementation of the Global Compact. An important step in this context is to mainstream migration into sustainable development strategies and plans at all levels;

(e) **Human rights.** Countries in the region have ratified many of the core international human rights treaties, as well as relevant international labour, criminal and humanitarian law standards, including the law of the sea. However, States that have not yet done so are encouraged to ratify and effectively implement these fundamental standards without delay. Given the importance of migration in the region, there should be a renewed commitment to respecting, protecting and fulfilling the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. Migration-related policies and laws of countries should be consistent with these obligations. Given the importance of migration for work in the region, there should be a renewed commitment to respecting, promoting, ratifying and implementing the respective treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

(f) **Gender-responsiveness.** Although countries in the region have made advances with regard to gender equality and the empowerment of women, women and girl migrants still face limited opportunities and a greater risk of discrimination, exploitation and abuse. All policies related to migration should recognize and build upon the independence, agency and leadership of migrant women and girls, and empower and protect the rights of all migrants, regardless of sex or gender identity;

(g) **Child-sensitivity.** Migration-related child protection risks and restricted access to basic services by children are a significant concern. The best interests of the child must always be a primary consideration in all migration policies and practices. Migration policies should ensure access for children affected by migration to national systems, including protection, educational, health, justice and social protection systems, and should respect and promote the right to family life and family unity.

71. In conclusion, the coming years offer a unique opportunity to achieve the goal of safe, orderly and regular migration in Asia and the Pacific and to ensure that no migrant is left behind. Achieving this goal is also critical to helping the region to achieve sustainable development and respect for human rights and recover from the COVID-19 pandemic. The Global Compact is a framework, road map and action plan for international coordination and cooperation on migration now and in the future. Safe, orderly and regular migration benefits all; the time to act is now.