

## **Rising to the challenge: world leaders need to urgently adopt solutions for refugees and migrants beyond the UN Summit**

### ***Civil society laments uneven commitments and lack of urgency to deliver a new deal***

On paper, all 193 UN Member States have reached consensus on cooperation going forward from the unprecedented 19 September UN General Assembly Summit for Refugees and Migrants. Heads of state and government leaders attending the Summit are signing commitments to protect the human rights of all refugees and migrants, regardless of status; implement a global campaign, with national support to counter xenophobia; develop by 2018 a Global Compact for Safe, Orderly and Regular Migration; and ensure a more equitable sharing of responsibility for hosting and supporting the world's refugees.

There is progress in this, but *nowhere near enough*. Some governments are ready with energy, practical solutions and political will to work together and with civil society, but too many governments continue to hold back.

We, the undersigned civil society, refugee and migrant organizations who collectively advocate for the rights of refugees and migrants around the world, worked hard with states and UN partners during the negotiations. Given the life and death urgency of these matters—and the fraying of families, communities, and societies worldwide—we find it hard to accept that states are not seizing the moment to make more concrete, effective and immediate commitments. Much of the Summit's results are marred by hesitancy, half-heartedness, and delay.

Many of the 90 paragraphs of the Summit's outcome called the "*New York Declaration*" are not commitments at all, but mere "*considerations*" to be applied "*as appropriate*". Some of the language attempts to back-slide on or undercut existing fundamental human rights standards.

Close to 100 civil society organizations urged states to launch a real [New Deal for Refugees, Migrants and Societies](#) at the Summit, and we put forward [key tests of success](#). Our scorecard concludes that *the New York Declaration* meets only some of the tests, and even then only in part, while abjectly failing on others.

Overall, the **real and immediate test is whether the Summit will be able to make a difference on the ground for the millions of refugees, migrants and internally displaced people (IDPs)** in need of protection, safe passage, solidarity, inclusion, decent work and livelihoods, and for the societies that host them. We urge states, working in partnership with the UN and civil society, to take seven immediate actions to make that difference on the ground:

- 1. Make an implementation plan by the end of the year and act now:** to save lives at sea, provide safe and regular routes for refugees to leave conflict and persecution; to stop detaining children and their families; to ensure access to protection services and quality education for all refugee and migrant children within a few months of their displacement; and to provide regular and safe pathways for migrants at all skill levels with full rights, labor protection, decent work, family reunification. We expect states to translate the commitments in *the New York Declaration* into a rights-based, age- and gender-sensitive implementation plan that would include the elements below.
- 2. Deliver equitable and predictable responsibility-sharing and refugee protection mechanisms,** by working with the UN Refugee Agency (UNHCR) to (a) apply the Comprehensive Refugee Response Framework to solve **current and protracted refugee situations** across the world at the earliest opportunity; and (b) develop a **Global Compact for Refugees no later than by 2018** that explicitly includes criteria for triggering a

comprehensive response and for equitable and predictable responsibility-sharing. States must without delay pledge and change national policies to:

- (i) respect the **right to seek asylum** and reduce barriers to access to asylum;
  - (ii) increase **annual resettlement** places to at the very least meet the annual resettlement needs identified by UNHCR, as well as expanding additional pathways such as family reunion, private sponsorships, and work, student and humanitarian visas;
  - (iii) ensure **local inclusion of refugees** and access to basic services, including quality education as soon as possible for children and young people, vocational training and decent work opportunities, and
  - (iv) provide predictable and adequate **humanitarian assistance**, as well as development funding to support displaced people and communities hosting them.
3. **Review national border policies to uphold the human rights of all people at international borders, and commit to developing and implementing gender and age-sensitive guidelines to protect migrants in vulnerable situations**, drawing upon existing and emerging guidance from international agencies, such as the OHCHR Recommended Principles and Guidelines on Migrants at International Borders. These guidelines should be incorporated directly into the Global Compact for Refugees and the Global Compact for Safe, Orderly and Regular Migration. In addition, governments should review their bilateral and regional agreements to ensure that they not only avoid undermining the protection needs of migrants and refugees, but bolster them, and ensure that development aid is not conditioned by agreements on borders and readmission.
  4. **Fulfill the commitment to work to end the practice of child immigration detention in accordance with the best interests of the child**, including through supporting the Inter-Agency Working Group (IAWG) to End Child Immigration Detention. Tangible pledges are needed to end child immigration detention and to implement rights-based alternatives to detention for the entire family that protect the rights, dignity and welfare of refugee and migrant children.
  5. **Commit to the development of a Global Compact for Safe, Orderly and Regular Migration**, grounded in international human rights law and labour standards, in order to strengthen rights-based global governance of migration. States should fund and **establish a consultative mechanism with civil society organizations**, including migrants and refugees, directly involved in the process from now until the Compact is achieved.
  6. **Implement policies and vigorous campaigns at national and local levels to counter xenophobia, discrimination and racism** and improve inclusion into local communities, and review underlying policies that demonize and criminalize refugees and migrants. Instead, policies should support inclusive and diverse societies and allow for safe and decent paths for migration.
  7. **Agree on concrete measures to improve the protection and assistance for internally displaced people**. As states strengthen their commitments in the global *2030 Agenda* to leave no-one behind - including every migrant, refugee and displaced woman, man and child regardless of status and location - they must not forget people who are displaced within their own borders, and urgently commit to reviewing and improving protection and assistance for these groups.

Given conflict disaster, climate and environmental degradation, and economic inequality worldwide, the numbers of vulnerable refugees, migrants and internationally displaced people will keep rising. They may lose many things when they move but never their human rights and fundamental dignity.

The core of the challenge is that all governments must respond, and with urgency: not just a few, not only those in regions people move through or to, and not just those with money. The keyword for the Summit, for its Outcome, for states and civil society must be **change**: change with *commitments* that uphold the rights and improve the protection and support for all people moving within and across international borders.

## Score-card

### *Does the New York Declaration for Refugees and Migrants pass civil society's tests of success?*

++	positive
+	somewhat positive
-/+	negative and positive
-	somewhat negative
--	negative

Area	Test of success	Score	Explanation
<b>Overall assessment</b>	Defines actionable outcomes, implementation and accountability mechanisms, resources and time-lines; Includes civil society, migrants and refugees in decision-making; Promotes the implementation of existing international legal standards.	-	<ul style="list-style-type: none"> <li>- Implementation, time-lines and accountability mechanisms for many of the commitments are unclear.</li> <li>- Many commitments are mere “considerations” to be applied “as appropriate”.</li> <li>- Civil society is included in several sections of the document as a key partner, although modalities of civil society participation in follow up is as yet unclear.</li> </ul>
<b>Refugee and human rights law, and IDPs</b>	Promotes and implements existing refugee and human rights law and standards regarding the protection of all people on the move with particular attention to specific needs and vulnerabilities of children, and the human rights of internally displaced people, refugees and migrants regardless of their status and, in the case of children, also regardless of the migration status of their parents.	-/+	<ul style="list-style-type: none"> <li>- Promotes the implementation of existing refugee and human rights law and standards, with specific references to vulnerabilities of children and including the principle of <i>non-refoulement</i>.</li> <li>- No meaningful provisions on internally displaced people (IDPs) which are the largest group of people forcibly displaced today.</li> <li>- Stateless persons only mentioned in passing.</li> </ul>
<b>Responsibility-sharing for refugees</b>	Commits to developing a global system that ensures governments share responsibility for welcoming, protecting and assisting refugees, ensures a fair share of such admissions for each country and outlines concrete actions for achieving this and commits to putting them into practice.	--	<ul style="list-style-type: none"> <li>- Commitments to responsibility-sharing in principle; but little proposed to put this into practice or make new commitments. It falls short of developing a global system for equitable responsibility-sharing based on objective criteria and a trigger mechanism for comprehensive responses.</li> <li>- Resettlement target and alternative pathways to meet annual resettlement needs identified by UNCHR, falls short of the annual target of 10% of global refugees that was advocated for, but are a significant increase from current resettlement numbers.</li> <li>- No obligation to change current practice regarding response and welcome of refugees.</li> </ul>
<b>Migrants in vulnerable situations</b>	Endorses the development of principles and guidelines for essential protection and assistance to migrants who are vulnerable, on the move and at borders.	-/+	<ul style="list-style-type: none"> <li>- It is positive that the guidelines are included, even though there is no firm commitment or timeline to the development and application thereof.</li> <li>- Welcome commitment to step up search and rescue mechanisms and protect the human rights of all persons in transit and upon arrival but no detail on how this will be accomplished.</li> <li>- Concern about language included that allows states to develop bilateral or regional agreements that deter and interdict migrants without guarantees that their rights would be respected and protected.</li> </ul>

<p><b>Best interest of the child; no detention</b></p>	<p>Explicitly recognizes obligations under international and regional human rights treaties to protect the best interests of the child and to end the practice of detaining children on the basis of their or their parents' migration status.</p>	<p>-</p>	<ul style="list-style-type: none"> <li>- Explicitly commits to working towards ending the practice of detaining children for immigration purposes and ample references to protecting the best interest of the child, including determination to provide quality education within a few months of arrival for all refugee and migrant children.</li> <li>- However language is used that backslides on existing rights and standards, such as the reference to detention of children as a <i>“last resort”</i> and <i>“for the shortest possible amount of time”</i> which effectively condones a widespread practice which numerous child rights bodies have clarified is always a child rights violation, and never in their best interest.</li> </ul>
<p><b>Global Compact for safe migration</b></p>	<p>Sets out a clear roadmap, for an inclusive process, to develop a norms-based framework on safe, orderly and regular migration to be adopted in 2018, including expanded channels for labor migration at all skill levels, family reunification, education, and regularization programs.</p>	<p>+</p>	<ul style="list-style-type: none"> <li>- A clear roadmap has been included in the documents including a comprehensive overview of content to be covered even though with some regrettable “as appropriate” reservations. Furthermore the terms of inclusion of civil society and other stakeholders is not yet clear and it remains to be seen how inclusive, comprehensive and norms-based the Global Compact process will really be.</li> </ul>
<p><b>Action for social inclusion and against xenophobia</b></p>	<p>Develops campaigns and supports the UN-led global campaign against xenophobia; ensures political, economic and social inclusion of refugees and migrants.</p>	<p>+</p>	<ul style="list-style-type: none"> <li>- Document included firm commitment to countering xenophobia, racism and intolerance against refugees and migrants, and commitment to implement the UN global campaign against xenophobia. However underlying policies that demonize refugees and migrants, such as the securitization, preventing regular entry, criminalizing irregular entry and detaining migrants who enter or stay without documents are counterproductively also included in the outcome.</li> <li>- Language on integration and inclusion, with particular reference to education, healthcare, justice and language training is included.</li> <li>- Further clarity is needed on how the campaign will be resourced, led and structured.</li> </ul>

**Signatories (as of 13 September):**

- African Foundation for Development (AFFORD)
- Alianza Americas
- American Relief Coalition for Syria (ARCS)
- Amnesty International
- Asia Pacific Refugee Rights Network (APRRN)
- Asylum Access
- CARE International
- Church World Service
- Global Coalition on Migration
- Heartland Alliance
- HIAS, Global Jewish Organization for Refugees
- International Catholic Migration Commission (ICMC)
- International Detention Coalition (IDC)
- International Rescue Committee (IRC)
- Lutheran World Federation
- NGO Committee on Migration
- Norwegian Refugee Council (NRC)
- Oxfam
- Platform for International Cooperation on Undocumented Migrants (PICUM)
- Refugees International
- Save the Children
- Scalabrini International Migration Network (SIMN)
- SOS Children's Villages
- Terre des Hommes
- U.S. Committee for Refugees and Immigrants
- Women's Refugee Commission