

PROMOTING SAFE AND REGULAR MIGRATION

This issue brief is one of four that IOM, the UN Migration Agency, has drafted to support stakeholders in their discussions on the recommendations of the UN Secretary-General's report on the implementation of the Global Compact for Safe, Orderly and Regular Migration, ahead of the inaugural International Migration Review Forum (IMRF) in May 2022. The brief draws on the extensive policy and operational experience IOM has acquired working around the world in close cooperation with States partner agencies, civil society, the private sector, academia as well as migrants themselves, and presents insights and ways forward to support implementation of the Secretary-General's recommendations.

Why does the Secretary-General's report highlight the issue of promoting safe and regular migration?

Against a global backdrop characterized by the need to address pressing interconnected challenges ranging from climate change to inequality and armed conflict, the need to pursue good migration governance, and the rights-based regular migration pathways that form a crucial part of it, has never been more pressing. Yet, the very challenges that good migration governance can help to solve also undermine the solidarity and international cooperation needed to address them.

As we enter the third year of the COVID-19 pandemic, our understanding of the impacts of COVID-19 mitigation measures on human mobility is clearer than ever. Although the number of international migrants increased in 2020,¹ States responded to the pandemic by restricting access to travel and regular migration pathways that had previously provided migrants safe avenues for migration and played an important role in helping to address labour market imbalances. Regardless of the pandemic, insufficient regular migration pathways have left many migrants, particularly those from countries with low levels of development and without legal proof of identity, no choice but to opt for dangerous irregular routes. Routes that have claimed more than 15,000 lives since the adoption of the Compact.²

The Secretary-General's report highlights that some of the restrictions on travel and regular migration pathways implemented by governments in response to the pandemic are now being lifted. But there is a risk that the impact of the pandemic will linger in the form of measures intended to

limit transmission of a disease that is increasingly being seen as endemic. Already the gradual resumption of international travel and migration for individuals fully vaccinated against COVID-19 threatens to exclude the many migrants without access to vaccines, building on the many inequities faced by migrants as a result of pandemic response measures, including lack of access to COVID-19 testing and treatment support. This risks further compounding the multitude of existing challenges that prevent many migrants from pursuing regular pathways, including access to legal identity and could lead to migration and mobility becoming more fragmented, undermining future economic and social development.

What are some of the issues at stake?

As governments prepare their societies, economies and labour markets for the "post-COVID-19 normal", they are faced with an opportunity to expand regular pathways to accommodate for family unification needs, promote international education but also attract migrants at all skill levels who can help address emerging economic and labour market challenges, both in countries of origin and destination. It is important that such measures are also taken with another imperative in mind – making migration safe. Regular pathways contribute to making migration safe by reducing the need of migrants to resort to unsafe and irregular migration pathways that pose great risks to their lives, particularly in times of crisis.³

Effective facilitation of safe and regular pathways requires multi-faceted and coordinated approaches inclusive of protection mechanisms that address vulnerabilities and empower migrants. It is also important to ensure that the range of pathways available can cater to as diverse a range

1 *World Migration Report 2022*. International Organization for Migration (IOM), Geneva.

2 See <https://missingmigrants.iom.int/>. Missing Migrants Project data reflect documented incidents involving a death or disappearance during migration both on land and at sea; however, it excludes deaths that occur in immigration detention facilities or after deportation to a migrant's homeland, as well as deaths more loosely connected with migrants' irregular status, such as those resulting from labour exploitation.

3 Refer to the IOM Issue Brief on preventing loss of life.

of migrants as possible, and that they are equitable, flexible, accessible, fit-for-purpose and responsive to the prevailing socioeconomic and labour market situation and migrants' needs. Integrated and streamlined border management and immigration processes that include all authorities involved at points of entry is crucial to the promotion of approaches that comply with international human rights law to guarantee safe and dignified returns and the principle of non-refoulement. Governments need to work together to enhance the predictability and certainty of cross-border mobility, in a manner that fully integrates public health measures and builds capacity to manage admission and stay safely and equitably.

International cooperation and bilateral labour migration agreements

Regional consultative processes on migration and bilateral labour migration agreements (BLMAs) have long served as important platforms for technical and policy coordination on migration. Negotiated between countries of origin and destination, BLMAs are an effective tool for addressing labour market needs in destination countries while simultaneously creating safe and regular migration pathways for migrants. To provide a whole of UN guidance to governments and partners, IOM and ILO have coordinated a first ever guidance on BLMAs in the context of the UNNM Thematic Working Group 4, to be released to Member States and partners in 2022. The Guidance has already fed into the development of specific regional instruments, for instance as lead by the African Union and IGAD.

IRIS Initiative

Ethical recruitment and protection of migrant workers lies at the heart of efforts to strengthen regular migration pathways. By working together, employers, civil society, and governments at all levels play a vital role in enhancing such pathways and ensuring that appropriate mechanisms are in place to prevent unethical practices. This includes private sector engagement in supply chains.

In the context of the global apparel industry, in December 2019, IOM and the H&M Group signed a [Memorandum of Understanding](#) to promote cooperation and mutual assistance. The agreement enables the partners to leverage each other's strength and influence to improve recruitment practices and conditions for migrant workers aligned with the [IRIS Initiative](#). To date, cooperation has impacted 300 facilities in H&M's supply chain across key sourcing regions in Asia, East Africa and Europe.

Family reunification

Well-designed and well-managed family reunification solutions strengthen regular migration pathways while upholding the right to family life and family unity and reducing vulnerabilities throughout the migration process. To ensure the best outcomes for both migrants and the community of destination alike, family reunification solutions must be holistic, coherent and provide the required support to migrants, including those with identified vulnerabilities, before, during and after their migration. Dedicated family reunification schemes, like [IOM's Family Assistance Programme](#), can provide innovative, flexible and technology-driven solutions in support of family reunification.

Ways forward

As underscored by the Secretary-General in his report, the Compact has proved its value as a guiding document for States throughout the tumult of the pandemic. In the lead-up to the inaugural IMRF, which will help States commit to better common action on pandemic preparedness and response as part of broader efforts to improve migration governance, IOM wishes to present considerations on how to promote safe and regular migration. These are listed below, beneath the relevant recommendations from the Secretary-General's report, which have been shortened here for brevity.

Secretary-General Recommendation: Increase cooperation to expand and diversify rights-based pathways for regular migration (paragraph 101):

- Adapt existing regular pathways and making them accessible to additional categories of migrants, including a possibility for a change of status, multiple entries, change of employer, etc.
- Expand flexible family reunification as a central component of safe and regular migration.
- Establish Temporary labour pathways for specific socioeconomic priorities, such as seasonal worker programmes for migrants in situations of vulnerability, including those displaced because of natural disasters, humanitarian emergencies, and the effects of climate change.
- Enhance the responsiveness of labour migration pathways to economic development priorities and labour market imbalances through facilitating corridor approaches, strengthening collaboration with the private sector, skills mobility partnerships and offering solutions along the whole migration continuum at pre-departure, in-migration, return and re-migration stages.

- Improve the regulation of cross-border recruitment, including through licensing of recruiters; enhancing the licensing and enforcement capacities of public authorities; adopting policies to prevent the charging of recruitment fees and costs to migrant workers.

Secretary-General Recommendation: Ensure compliance with the obligation of non-refoulement at borders (paragraph 102):

- Ensure that border officials and decision makers executing decisions on returns receive training about relevant obligations under international law to protect the rights and dignity of migrants, including the principle of non-refoulement, and that they are empowered and resourced to conduct their operations in compliance with those obligations.
- Streamline and make admission and stay processes more accessible. This could include augmenting operational and processing capacities to reduce wait times and enhanced provision of timely and accurate information through various channels and languages. Process visas for vulnerable migrants through State or non-profit actors, not profit-driven service providers.

- Fully integrate Health, Border and Mobility Management (HBMM) approaches, including current International Health Regulations (IHR) guidance and tools, so that border officials and migration authorities can adequately respond to public health threats in line with international obligations.
- Adopt principles and guidelines for national regularization programmes that offer permanent residence to migrants who have been living and working in destination countries for long periods.

Secretary-General Recommendation: Uphold the right to proof of legal identity for all migrants, regardless of status, and facilitate access to services, participation and protection of rights (paragraph 103):

- Facilitate access to proof of legal identity by building capacity around well-functioning civil registration and identity management systems, including the capacity to register births and issue documents abroad through consular networks. These systems must be rights-compliant to ensure migrants' rights to proof of legal identity are protected regardless of status, and should contain relevant data protection safeguards.