



**THE GLOBAL COMPACT FOR
SAFE, REGULAR AND ORDERLY
MIGRATION (GCM)
AND
THE UN NETWORK ON
MIGRATION**



United Nations
Network on Migration
Working Better Together



INTERNATIONAL MIGRATION
REVIEW FORUM 2022

The GCM at a Glance



First comprehensive UN framework adopted through intergovernmental negotiations to enhance international cooperation in global migration governance



- 2015- High Level Summit on people on large movements
- 2017-2018- Global thematic (and stakeholder) consultations and negotiations
- December 2023- GCM adoption at the Marakesch conference
- 23 objectives and associated commitments
- An aspirational approach - its purpose is to enhance international cooperation
- Balanced – 360-degree approach
- State-led – but whole of Government/Society approach
- People-centred, human rights-based
- Rooted in SDGs - consistent with target 10.7
- Not legally binding



GUIDING PRINCIPLES

Human rights

Child-sensitive

Whole-of-society approach

International cooperation

Rule of law and due process

Gender-responsive

Whole-of-government approach

People-centered

National sovereignty

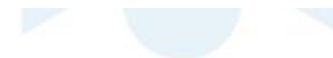
Sustainable development





GLOBAL COMPACT: 23 OBJECTIVES

GCM OBJECTIVES	1 DATA	2 MINIMIZE ADVERSE DRIVERS	3 INFORMATION PROVISION	4 LEGAL IDENTITY AND DOCUMENTATION	5 REGULAR PATHWAYS	6 RECRUITMENT AND DECENT WORK	7 REDUCE VULNERABILITIES
							
8 SAVE LIVES	9 COUNTER SMUGGLING	10 ERADICATE TRAFFICKING	11 MANAGE BORDERS	12 SCREENING AND REFERRAL	13 ALTERNATIVES TO DETENTION	14 CONSULAR PROTECTION	15 ACCESS TO BASIC SERVICES
							
16 INCLUSION AND SOCIAL COHESION	17 ELIMINATE DISCRIMINATION	18 SKILLS DEVELOPMENT AND RECOGNITION	19 MIGRANT AND DIASPORA CONTRIBUTIONS	20 REMITTANCES	21 DIGNIFIED RETURN AND REINTEGRATION	22 SOCIAL PROTECTION	23 INTERNATIONAL COOPERATION



THE UN NETWORK ON MIGRATION



- Established by the Secretary-General in 2018 to ensure effective, coordinated systemwide support to the implementation, follow up and review of the GCM.
- Consists of **39 entities of the UN system** who wish to be a part of it and for whom migration is of relevance to their mandate.
- An **Executive Committee** (10 entities – currently UNDESA, ILO, IOM, OHCHR, UNDP, UNHCR, UNICEF, UNODC, WHO, World Bank)
- **IOM** serves as the **Coordinator and Secretariat**
- A **Network workplan** for GCM implementation

NETWORK MEMBERSHIP

- Chief Executives Board secretariat (CEB)
- **Department of Economic and Social Affairs (DESA)**
- Department of Public Information (DPI)
- Food and Agriculture Organization (FAO)
- Inter-Agency Standing Committee secretariat (IASC)
- International Fund for Agricultural Development (IFAD)
- **International Labour Organization (ILO)**
- International Maritime Organization (IMO)
- **International Organization for Migration (IOM)**
- Joint United Nations Programme on HIV/AIDS (UNAIDS)
- Multi-Partner Trust Fund Office (MPTFO)
- Office for the Coordination of Humanitarian Affairs (OCHA)
- **Office of the High Commissioner for Human Rights (OHCHR)**
- Peacebuilding Support Office (PBSO)
- United Nations Alliance of Civilizations (UNAoC)
- **United Nations Children's Fund (UNICEF)**
- United Nations Conference for Trade and Development (UNCTAD)
- **United Nations Development Programme (UNDP)**
- United Nations Economic, Social and Cultural Organization (UNESCO) United Nations Economic Commission for Africa (UNECA)

- United Nations Economic Commission for Latin America and the Caribbean (UNECLAC)
- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)
- United Nations Economic and Social Commission for Western Asia (UNESCWA)
- United Nations Economic Commission for Europe (UNECE)
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
- United Nations Environment (UNE)
- United Nations Framework Convention on Climate Change secretariat (UNFCCC)
- **United Nations High Commissioner for Refugees (UNHCR)**
- United Nations Human Settlements Programme (UN Habitat)
- United Nations Industrial Development Organization (UNIDO)
- United Nations Institute for Training and Research (UNITAR)
- **United Nations Office on Drugs and Crime (UNODC)**
- United Nations Population Fund (UNFPA)
- United Nations Sustainable Development Group (UNSDG) secretariat
- United Nations University (UNU)
- Universal Postal Union (UPU)
- World Food Programme (WFP)
- World Bank
- **World Health Organization (WHO)**



THE WHOLE-OF-SOCIETY APPROACH



“We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders”.



UN general Assembly Resolution 73/195, paragraph 44

NETWORKS AT COUNTRY AND REGIONAL LEVELS



GLOBAL COMPACT FOR MIGRATION – CHAMPION COUNTRIES



THE BOUNDARIES AND NAMES SHOWN AND THE DESIGNATIONS USED ON THIS MAP DO NOT IMPLY OFFICIAL ENDORSEMENT OR ACCEPTANCE BY THE UNITED NATIONS OR THE INTERNATIONAL ORGANIZATION FOR MIGRATION.

Objective 15: Provide access to basic services for migrants

31. We commit to ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services. We further commit to strengthen migrant-inclusive service delivery systems, notwithstanding that nationals and regular migrants may be entitled to more comprehensive service provision, while ensuring that any differential treatment must be based on law, be proportionate and pursue a legitimate aim, in accordance with international human rights law.

Relevance of Guiding Principles:

- People-centered- individuals at the core; well-being of migrants and communities they reside in.
- National sovereignty- **States may distinguish between regular and irregular migration status**, including as they determine their legislative and policy measures for GCM implementation, taking into account different national realities, policies, priorities, and requirements, in accordance with international law.
- Sustainable development- GCM rooted in the SDGs and migration as a major reality of relevance for countries of origin, transit and destination.
- Human rights- GCM is based on international human rights law; **Upholds the principles of non-regression and non-discrimination**; Respect for and protection of human rights of migrants, regardless of status.

Relevance of Guiding Principles:

- Gender-responsive- human rights and specific needs addressed of women, men, boys, girls.
- Child sensitive- GCM promotes existing international legal obligations on rights of the child; Upholds the principle of best interests of the child in all situations.
- Whole-of-government- Horizontal and vertical policy coherence across all sectors/levels of government.
- Whole-of-society- stakeholder partnerships to address migration in all its dimensions by including **migrants, diasporas, local communities, civil society**, academia, the private sector, parliamentarians, **trade unions**, national human rights institutions, the media and other relevant stakeholders in migration governance.

To realize this commitment, we will draw from the following actions:

(a) Enact laws and take measures to ensure that service delivery does not amount to discrimination against migrants on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other grounds irrespective of cases where differential provision of services based on migration status might apply;

(b) Ensure that cooperation between service providers and immigration authorities does not exacerbate vulnerabilities of irregular migrants by compromising their safe access to basic services or by unlawfully infringing upon the human rights to privacy, liberty and security of person at places of basic service delivery;

(c) Establish and strengthen holistic and easily accessible service points at the local level that are migrant-inclusive, offer relevant information on basic services in a gender- and disability-responsive as well as child-sensitive manner, and facilitate safe access thereto;

(d) Establish or mandate independent institutions at the national or local level, such as national human rights institutions, to receive, investigate and monitor complaints about situations in which migrants' access to basic services is systematically denied or hindered, facilitate access to redress, and work towards a change in practice;



To realize this commitment, we will draw from the following actions:

(e) Incorporate the health needs of migrants into national and local health - care policies and plans, such as by strengthening capacities for service provision, facilitating affordable and non-discriminatory access, reducing communication barriers, and training health-care providers on culturally sensitive service delivery, in order to promote the physical and mental health of migrants and communities overall, including by taking into consideration relevant recommendations from the World Health Organization Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants;

(f) Provide inclusive and equitable quality education to migrant children and youth, as well as facilitate access to lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non -discriminatory access to early childhood development, formal schooling, non -formal education programmes for children for whom the formal system is inaccessible, on -the-job and vocational training, technical education and language training, as well as by fostering partnerships with all stakeholders that can support this endeavour.



IMRF Progress Declaration:

(para 8):

“We commend the positive role and contributions of millions of migrants in responding to and recovering from the coronavirus disease (**COVID-19**) pandemic, including as essential workers, and remain deeply concerned that the pandemic has had a severe and disproportionate impact on migrants, including through increased COVID-19 exposure, discrimination, violence, job losses, wage theft, protracted family separation, and restricted or **lack of access to health-care services** and other basic services, including vaccines, social protection, education and child services, and being subjected to unsafe and undignified returns.”

Progress, Challenges and Gaps on implementation:

Roundtable 1

- Progress on access to services by migrants in irregular situations, by simplifying administrative procedures

Roundtable 2

- Increased cross-border cooperation on safe access to services for victims of trafficking
- Poor access to services in immigration detention, impacting health, including child development.
- Challenges implementing alternatives to detention, including access to services for migrants.

IMRF Progress Declaration: Progress, Challenges and Gaps on implementation:

Roundtable 3

- Several consular services improved with virtual service delivery
- Essential to effective COVID-19 pandemic response, many migrants and their families had little access to basic services, such as health care, though disproportionately exposed to COVID-19 due to living condition and working in essential jobs.
- Not systematically covered in COVID-19 for: testing, vaccination, treatment, recovery, social protections, even for migrant with regular status
- During COVID-19, many countries eased remittance transfers deeming it an essential service.

Roundtable 4

- Some countries provided COVID-19 health services to migrants by extending visa and residence permits and halting forced returns

Recommended actions/Commitments:

(para 51) “..providing all migrants with safe access to basic services, regardless of their migration status...”

(para 53): “...strengthening the provision of information, support and services, which contribute to migrants’ integration.”;

(para 59) “...providing access to information at all stages of migration, including on access to justice and services..”

(para 66) “...providing returning migrants with equal access to ...services”

Network Workstream: Strengthening migrants' socio-economic integration

Co-leads: ILO- UNDP

Overall objective:

To advance GCM implementation via the successful socio-economic integration of migrants, including in countries of destination (immigrants) and upon return (return migrants), through access to decent work (comprising job creation, **social protection, social dialogue** and fundamental principles and rights at work) and access to financing, with a gender-responsive, rights-based, **whole-of-government, whole-of-society** approach.

Deliverable

Checklist of key actions (“do& don’t”) with examples to ensure migrants’ socio-economic integration

- Access to decent work, to savings and credit, social protection and social cohesion
- Freedom of association, to join and form unions, civil society organizations, business associations is assured- to enable information/access to services
- Financial inclusion
- Social protection and social cohesion bring host and migrant communities together allowing a mutual process of growth and long-term integration.
- As well as those practices/policies that endanger integration (“do& don’t”). • A practical tool for Network partners, UN agencies, stakeholders and Member States, to be used in their different contexts, including at the regional and national level to guide their GCM implementation.
- Process- With Member States, stakeholders and UN system- consultations, survey, webinar, mapping

Portugal: National Support Centers for the Integration of Migrants

A National Support Network for the Integration of Migrants (RNAIM) was officially created in 2016 (although existing since 2003, but not aggregated to CNAIM). At the same time, Local Support Centres for the Integration of Migrants (CLAIM) were set up in partnership with municipalities, civil society organizations, and higher education institutions to provide decentralized information and support to migrants.

In 2004, the High Commission for Migration (ACM) created the National Support Centres for the Integration of Migrants (CNAIM) – “one-stop shops” that offer migrants free access to a wide range of governmental services under one roof, such as regularisation, nationality, family reunification, housing, voluntary return, work, health or education. With the adoption of the National Plan for the implementation of the Global Compact for Migration, in 2019, Portugal sought to give an impulse to the national network (RNAIM), which translated into the inauguration of 44 new CLAIM and 1 new CNAIM. And today, RNAIM is composed of 144 CLAIM and 4 CNAIM. This expansion allowed for a greater diversification in the support services provided and a wider geographical reach. Moreover, the expansion of the Network focused in the areas where the influx of migration tends to concentrate and, consequently, demand for support is higher.

The RNAIM also includes the Migrant Support Line that offers general information on migration issues to both individuals and organizations, and the Telephone Translation Service which provides simultaneous telephone conference to clear linguistic barriers. The main beneficiaries of the Network are migrants, that regardless of legal status benefit from free support, information, referral, advice, and mediation services which are delivered in several languages. Key resources include staffing and infrastructure.

Azerbaijan:

Innovative methods in facilitation of accessibility of services (via development of mobile application)

In 2019, the State Migration Service launched the MigAz mobile application. The aim was to facilitate the access of foreigners to e-services, to minimize the time spent on migration services and appeals to the State Migration Service.

The main beneficiaries of the mobile application are all foreigners and stateless persons living in the Republic of Azerbaijan, as well as those abroad intending to visit Azerbaijan, regardless of their status. Currently, access to services, such as registration upon place of stay, permissions for temporary and permanent residence, checking the status of application and travel ban, calculator for checking the registration deadline, online payment, online queue, ASAN visa, is available through the mobile application. At the same time, the mobile application provides users with an extensive database on the history of Azerbaijan, tourist sites, recreation centers, our national music and cuisine. The mobile application was developed and launched by the Government of Azerbaijan.

Protection of personal data in the mobile application is carried out in accordance with the Laws of the Republic of Azerbaijan "On Personal Data" and "On Right to Obtain Information". Also, in accordance with the "Security" clause of the "Rules" (<https://eservice.migration.gov.az/?lang=en>) on the provision of electronic services, the State Migration Service of the Republic of Azerbaijan takes possible and necessary technical and organizational measures to ensure the protection of data constituting personal and commercial information, as well as to prevent accidental losses and unauthorized access, usage, modification of the System or disclosures.

ILO- with government institutions, trade unions and civil society organizations:

Migrant Worker Resource Centres: Ensuring access to information and services for women and men migrant workers in countries of origin and destination

Although evidence shows that migrant workers contribute significantly to the economic development of the ASEAN region, they continue to suffer exploitation and abuse, with women facing specific risks and challenges due to their gender, their sectors of occupation and lack of access to information and decent work opportunities. Women and men migrant workers often have limited information about safe migration and rights at work and where to access support. In countries of destination, migrants face language barriers and discrimination when attempting to access services to which they are entitled.

To increase positive migration experiences that protect the human and labour rights of migrant workers, ILO support Migrant Resource Centres (MRCs) across the region. These MRCs are managed in partnership with a variety of partner institutions, including job centres within provincial labour departments, trade unions and civil society organizations (CSOs). MRCs provide a space for workers to find information on migrating for work, ask questions, and lodge complaints. Counselling is provided at the MRCs through outreach activities, meetings, online and over the phone or various online platforms. Information is also disseminated through broadcasts on local radio and television, job fairs, and seminars on safe migration in schools, vocational training centres and in the community. Before migration, migrant workers can get a better understanding of the risks as well as the potential benefits to be considered, allowing potential migrant workers to make informed decisions. In destination countries, MRCs offer legal aid when migrant workers' rights are abused, support worker organizing and networking, serve as an accessible link to the local authorities, and deliver training (including financial literacy). Upon return, MRCs provide migrant workers with information, opportunities for skills training and other services to support their sustainable reintegration. Some MRCs have particular provision for migrant women to receive immediate support and be referred to violence against women (VAW) specialized service providers, including health, police/justice, and social services.

Impact:

The ILO-supported MRCs have provided services to more than 284,032 migrant workers and their family members (47 per cent women) from 2011 to 2021. Crucially, MRCs provide legal support to migrant workers who seek to resolve complaints and receive due wages, compensation or other legal remedies in cases of abuse, exploitation or fraud. Since the ILO began tracking such settlements in 2014, a total of US\$10,876,898 has been awarded to migrant workers in compensation for legal complaints. A total of 4,707 legal cases were settled during 2014-2021.



MIGRATION NETWORK HUB

Discussion Spaces

The Migration Network Hub provides online discussion spaces to enable interaction, knowledge-sharing and learning on topics related to the implementation of the Global Compact for Migration among Member States and other stakeholders.

These spaces are created prior to each Network's Dialogue.

All discussion spaces

9

<h3>Anti-Discrimination</h3> <p>Join discussion</p> <p>0 Topic(s) 0 Post(s) 4 Member(s)</p>	<h3>COVID-19</h3> <p>Join discussion</p> <p>0 Topic(s) 0 Post(s) 4 Member(s)</p>	<h3>Climate Change</h3> <p>Join discussion</p> <p>2 Topic(s) 14 Post(s) 33 Member(s)</p>
<h3>Reducing Inequalities</h3> <p>Join discussion</p> <p>0 Topic(s) 0 Post(s) 4 Member(s)</p>	<h3>Migrant Smuggling</h3> <p>Join discussion</p> <p>1 Topic(s) 3 Post(s) 3 Member(s)</p>	<h3>International Migration Review Forum 2022</h3> <p>Join discussion</p> <p>4 Topic(s) 42 Post(s) 23 Member(s)</p>
<h3>Alternatives to Immigration Detention</h3> <p>Join discussion</p> <p>1 Topic(s) 3 Post(s) 1 Member(s)</p>	<h3>Regular Pathways</h3> <p>Join discussion</p> <p>2 Topic(s) 42 Post(s) 7 Member(s)</p>	<h3>Labour Migration</h3> <p>Join discussion</p> <p>2 Topic(s) 12 Post(s) 11 Member(s)</p>

 DISCUSSION SPACES

 EXPERTS

 RELEVANT LINKS

 RESOURCES

 WORKING GROUPS

 REGIONAL REVIEW PROCESS

 VIDEOS

 PROJECTS

 EVENTS

 TWITTER



MIGRATION NETWORK HUB: REPOSITORY OF PRACTICES

Share a practice

Available languages:

[Español](#)

[Français](#)

The Repository of Practices showcases replicable practices and serves as an inspiration for actors involved in GCM implementation at the global, national, regional, and local levels.

Contribute to the growing collection of practices demonstrating what governments, organizations, and people around the world are doing to promote the well-being of migrants and their communities.

Your submission will undergo a peer review process based on specific GCM criteria. While online, the form cannot be saved and completed later. It is highly advised to download and use this template to prepare the required information in advance. To submit your practice you must first log in or create an account. For help, contact us.

Learn how to submit a practice

**Prepare your submission using this
Word template**

Submit your practice

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REPOSITORY OF PRACTICES



Explore the practices

Learn about recent practices from governments, civil society, international organizations, and other stakeholders to gain an insight into their experiences implementing the Global Compact's objectives and guiding principles – get ready to be inspired!

[View all practices](#)

Submit a practice

Transform your experience into knowledge for others by sharing a practice that has been implemented and can serve as inspiration for those working to implement the Global Compact!

[Submit practices](#)



Map showing the number of Practices published to date. All Practices undergo peer review before publication

Geographic Scope

84 Practices

Latest practices

- Local Immigration Partnerships (LIPs)
- It Takes a Community
- Assessing the Evidence: Country Profiles on Migration, Environment and Climate Change

[Explore Practices](#)



Practices by GCM Objectives

84 Practices

Recently published

Explore practices according to the GCM objectives.

[Explore practices](#)



THE PLEDGING INITIATIVE

- The Network launched the Pledging Initiative on 17 December 2021 to help build momentum for the IMRF and to assist all actors in contributing to the implementation of the GCM in tangible ways.
- A pledge is a measurable commitment to advance the implementation of one or more GCM guiding principles, objectives, or actions while considering the 360-degree approach of the GCM.

MAKE
A PLEDGE



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Migrants Workers Access to basic services

*Dr. Fatima DIALLO,
Vice Chair CMW*

11.2023



UNITED NATIONS



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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Regular pathways

***Dr. Fatima DIALLO,
Vice-Chair CMW***

11.2023



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The norm: freedom of movement for all migrants

- The right to leave one's country of origin for a destination or host country, and to settle there or return (Art. 8)
- Right to move freely within the territory of the host State (Art. 39)



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*Rights but also
Obligations*



The general obligation to respect the laws and regulations of the host country

- The recognition of rights to migrant workers and members of their families is not intended to exempt them from complying with the laws and regulations of any State of transit and of the State of employment (Art 34)
- Obligation to comply with laws governing the entry and residence of foreigners

Entry requirements

- Comply with immigration laws:
- Visa or work permit requirements established by the destination country
- Proof of financial capacity or a contract and/or be sponsored by an employer in the host country



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Residency requirements

- To respect specific obligations attached to their status
- To register with the relevant authorities
- Obligation to respect public order, morality in the host country and or the rights and freedom of others
- To respect the cultural identity of the inhabitants of the host country (Art. 34). However, this is a joint obligation incumbent on both migrant workers and the host State



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Conditions of irregular entry and/or stay

- If illegal entry or residence constitutes a violation of national legislation, it must not be made a criminal offense.
- migrants in an irregular situation on the territory of a State and subject to a return decision may be obliged to collaborate with the national authorities with a view to their return.
- Context: 15% to 20% of migrants who are representing 3.3% of the world's population are in an irregular situation (IOM, 2017, UNDESA, 2017).



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*General
observation
N°2 on the
rights of
migrant
workers in an
irregular
situation and
members of
their families
(2013)*

- Promoting the use of term « migrant in irregular situation rather than the term « illegal migrant » that lead to stigmatization linked to criminalisation.
 - The term “migrant workers in an irregular situation”= non-documented or in an irregular situation if they are not authorized to enter, to stay or to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which it is a party (art.5).
- balance between the sovereign power of States parties to control their borders and to regulate the entry and stay of migrants workers and members of their families, on the one hand, and the protection of the rights of all migrant workers and members of their families, **including those in an irregular situation**



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*General
observation
N°2 on the
rights of
migrant
workers in an
irregular
situation and
members of
their families
(2013)*

- While States parties have no obligation to regularize the situation of migrant workers or members of their families, they shall take appropriate measures, whenever migrant workers or members of their families within their territory are in an irregular situation, to ensure that such a situation does not persist (art. 69)
- Committee emphasizes on the need for protection of migrant workers in irregular situation from/against/in:
 - Violence, arbitrary arrest and detention
 - expulsion proceedings (non-refoulement, Prohibition of collective expulsion, Procedural safeguards in individual expulsion proceedings, Consular protection
 - labour exploitation
- It also highlighted the need to recognize the civil, political and ESCR rights to migrants in irregular situation which include the right to access basic social services.



**Merci de votre
attention!**



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Definition

- **Migrant worker:** a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (Art 2).
- **Members of the migrant worker's family:** persons married to migrant workers or related to them by matrimonial ties, as well as their dependent children and other dependents who are recognized as members of the family by the applicable legislation. (Art 4).

Why is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families important?

- 1)The Convention recognizes migrant workers as human beings
- 2)Reflects the important role played by labor migration in the global economy.
- 3)Recognizes vulnerability and ensures protection
- 4)Establishes minimum standards for the protection of the civil, political, economic, social and cultural rights
- 5)Defines international standards concerning the treatment, welfare and rights of all migrant workers and members of their families, as well as the obligations and responsibilities of the States concerned



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Why is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families important?

- 1) Includes all migrant workers, regardless of their status
- 2) Promotes the principle of non-discrimination
- 3) Provides an internationally recognized definition of a migrant worker.
- 4) Seeks to prevent and eliminate the exploitation of all migrant workers and their families throughout the migration process
- 5) Creates the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families

**The
convention
recognizes all
human rights
to Migrants
workers and
members of
their families
including
rights to basic
social
services**



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Social Security

Best practices from
State Party

- Lack of access to social security increases dependence migrants workers dependency on employers and worsens their vulnerability.
- Migrant workers shall enjoy equal treatment with nationals, if they meets the conditions required by the legislation of the host country, reimbursement of contributions in the event of absence of benefits (Art. 27 CRMW)
- Migrant workers should access non-contributory schemes and benefits from contributed schemes, including retrieving contributions upon leaving the country.

Paraguay Access to social security policies

The foreign workers in the private sector can enroll in and contribute to the national social security system and are entitled to social benefits and retirement pensions.



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Health



IOM HAND-WASHING STATION AT THE BORDER BETWEEN DRC AND RWANDA. © IOM 2019/M. MOHAMMED

Health

Best practices from
State Party

- **Right to health tied to emergency:** Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned.
- Recognition of emergency medical care to **irregular migrant workers.** (Art. 28)
- **Migrant Workers and Members of their Families who are Documented or in a Regular Situation enjoy equality of treatment with nationals regarding** the right to access to social and health services (Art.43, Art.45).

Bolivia health support to migrant workers and their families

State party has provided care for more than 91,000 pregnant migrant women, has administered more than 1,360,000 doses of vaccine and has extended welfare system coverage to 70,000 migrant children under the age of 5.



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Education

Best practices from
State Party

- **Right to education:** fundamental right of children of migrant workers, on the basis of equality of treatment with nationals, to have access to pre-school or school establishments, without discrimination on the grounds of their migratory status or that of their parents (Art. 30).

- **Migrant Workers and Members of their Families who are Documented or in a Regular Situation,** on the basis of **equality of treatment with nationals,** should have access to educational, vocational guidance and training institutions and services, subject to the admission and participation requirements and other regulations of the institutions and services concerned being met (Art. 43, Art. 45)

[Philippines Access to social services for the children of migrants program](#)

Efforts to secure the welfare of the children of migrants in situ and those left behind in the country of origin, including through the pilot education, entrepreneurial and training programmes.



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Access Housing

Best practices from
State Party

- Migrants workers have right to access to housing, including social housing schemes, and protection against exploitation in respect of rents (art.43)
- No State of employment shall prevent an employer of migrant workers from establishing housing or social or cultural facilities for them.
- The State can only set requirements for the establishment generally applied concerning the installation of such housing or facilities

[Argentina prevention of exploitation from employers or housing services](#)

National Migration Directorate conducts labour inspections in order to prevent or detect situations of exploitation or abuse of migrant by employers or by housing services.



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**Merci de votre
attention!**



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Amsterdam Centre for
Migration and Refugee Law



VICES
The Vrije Universiteit primary Centre
for European Studies

City of
Amsterdam

International Roundtable Global Migration Law in the European Union

Friday 24 November 2023, Vrije Universiteit Amsterdam

Eulalia Figueras, International Migration Law Specialist
International Migration Law Unit, IOM, HQ



Regular pathways in the GCM

What are regular pathways?



United Nations
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Working Better Together



Global Compact
FOR Migration

- A range of terms are used to refer to regular pathways for migration.
- UN Network on Migration ‘legal, policy and/or administrative mechanisms that provide for regular travel, admission and/or stay in the territory of a State (regardless of whether the initial entry was regular and/or temporary).’
- The GCM refers to regular migration pathways in Obj. 5, para. 21. States have committed to:

“adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration”

Regular pathways: discretionary & non-discretionary. Non-discretionary give effect to international law obligations, discretionary are not required by international law (as an exercise of discretion, international cooperation and solidarity).

Wide range of policies/programmes: labour migration, resettlement, regularization, scholarships for education, family reunification, humanitarian corridors, humanitarian admission programmes...They might involve training & skills matching, vulnerability screening, health assessments, documentation, entry/exit procedures, pre/post-arrival integration, residence, employment but also policies, tools and regulatory frameworks to support those.

People migrating outside of regular pathways, does not relieve States from the obligation to protect their rights (refugees, victims of trafficking, or migrant children (UASC), etc.).

What does the GCM say?

- The GCM has brought attention to the ways in which regular migration pathways, including new & expanded RP to admission and stay, can be an effective HR tool.
- GCM commitments include an explicit undertaking to enhance availability & flexibility of regular migration pathways (Obj. 5) but also actions under Obj. 2, 3, 7, 9, 10, 12, 15, 23.
- They contribute to reducing the risk of becoming vulnerable to SGBV, abuse, exploitation and exclusion, and increase human rights protection (labour rights, decent work, social protection, access to services, integration, etc.).
- Benefit all countries, building strong communities, SDGs contribution, responding to labour market needs, strengthening migration management capacities, supporting rule of law (CT, smuggling, etc.).

What does the GCM say?

- In addition, there is a specific commitment on RP “in order to respond to the needs of migrants in situations of vulnerability” (Obj. 5).
- MS are encouraged to develop or build on existing national/regional practices for admission and stay, including where based on compassionate, humanitarian, or other considerations.
- How do migrants find themselves in situations of vulnerability? What are compassionate, humanitarian, or other considerations?

Guidance note developed by Thematic Workstream 3 (TWG3) of the UN Network on Migration to support with implementation.
https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/resources_files/guidance_note-regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf

Regular pathways

International protection (refugee & complementary protection)

Resettlement (refugees)

Complementary pathways for refugee admission

Complementary protection (international)

Humanitarian pathways (humanitarian admission)

Pathways for migrants in vulnerable situations

Labour mobility pathways (or employment pathways)

Bilateral labour migration agreements (BLMAs)

Education pathways

Regularization

Family reunification (right to)

Skilled mobility partnership

Sponsorship

How can States move forward on regular pathways?

- Guiding principles
- Criteria, accessibility and affordability
- Procedures and procedural safeguards
- Individual determination
- Monitoring and review
- Provisional documentation during the procedure
- Access to services
- Status transition



Global Compact
FOR **Migration**



Multistakeholder collaboration and cooperation

- Whole-of-society approach
- Whole-of-government approach
- Regional/international cooperation

“Momentum is building, and governments all over the world are now taking steps to include displaced persons in their skilled migration programmes and businesses are realizing the enormous untapped potential offered by displaced talent” IOM’s Director of Programme Support & Migration Management.

UN Network of Migration

- Working Group on Regular Pathways for Migrants in Vulnerable Situations (workstreams):
 - 8 – Enhancing pathways for regular migration through bilateral labour migration agreements (BLMAs): Promote the implementation of Network Global Guidance on BLMAs to assist CoO and CoD to design, negotiate, implement, M&E rights-based and gender-responsive BLMAs.
 - 13 - Promote the implementation of Guidance on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability and to foster HRBAAction on pathways at the regional and country levels. Strengthening the focus on pathways in the implementation and review of the GCM.

Key takeaways

Regular pathways contribute to harnessing the potential of migration. When managed well, migration outcomes can be extremely positive for the people who move and the societies they are moving to and those that they are leaving behind.

A realistic approach is needed. Facilitating safe, orderly and regular migration is not new and there is a need to capitalize on existing regular pathways, and built upon them to address the changing needs of countries, migrants and the new global scenarios.

More pathways for regular (& sustainable) migration and more places on existing pathways. Sound and rights-based regulatory frameworks and strong safeguards in national/regional migration governance systems.

Invest in human capital and provide protection to those who need it (facilitating adaptation to climate change). Migration is only part of the story.

Strengthen partnerships & develop new ones, recommitting to real cooperation and responsibility sharing within and across regions.

Thank you very much for your
attention!

Decent work in the GCM

Labour migration - Context

Most migration today is linked directly or indirectly to the search for decent work opportunities. Even if employment might not be the primary driver, it usually features in the migration process at some point.

ILO estimates that there are 150 million migrant workers, representing over 65 % of all migrants. Migrant workers account for 4.4 per cent of all workers and have higher labour force participation rates than non-migrants globally (73 per cent and 64 per cent respectively).

Definitions

- **Decent work** is employment that "respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration...it also provides an income allowing workers to support themselves and their families...respect for the physical and mental integrity of the worker in the exercise of his/her employment.
- **ILO** "productive work for women and men in conditions of freedom, equity, security and human dignity".
- Applied to both the formal and informal sector. It must address all kind of jobs, people and families.

General Comment 18, 2006, United Nations Committee on Economic, Social and Cultural Rights – The Right to work - E/C.12/GC/186 February 2006.

https://www.ilo.org/newyork/speeches-and-statements/WCMS_229015/lang-en/index.htm

<https://www.ilo.org/global/topics/decent-work/lang-en/index>



Key elements

- Human rights are not only the foundation of decent work; decent work has been recognized as a human right itself. Recognized in the UDHR not only through “the right to work” but through the various aspects (just and favourable conditions, protection against unemployment, equal pay, social protection, and the right to form and join trade unions).
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) also refers to “the right to work”.
- GC18, CESCR - “work” as referred to in the Covenant means “decent work” and makes specific reference to a range of ILO Conventions.
- Other int. instruments: Art 5 International Convention on the Elimination of all forms of Racial Discrimination (CERD), Art 11 International Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Art 32 Convention on the Rights of the Child, and Art 25, 26, 40, 52 and 54 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

General Comment 18, 2006, United Nations Committee on Economic, Social and Cultural Rights – The Right to work - E/C.12/GC/186 February 2006.
https://www.ilo.org/newyork/speeches-and-statements/WCMS_229015/lang--en/index.htm
<https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

What makes work decent? And how to measure it?



- It pays a fair income (remunerative employment) and productive work
- Equal pay for equal work (equal opportunities and treatment)
- Guarantees a secure form of employment and safe working conditions
- Decent working time
- A safe working environment
- Combining work, family and personal life.
- Social security, social dialogue, employers' and workers' representation.

ILO Framework Work Indicators

<https://rli.blogs.sas.ac.uk/2019/02/25/gcm-indicators-objective-6-facilitate-fair-and-ethical-recruitment-and-safeguard-conditions-that-ensure-decent-work/>



Labour migration in the GCM

- GCM's cross-cutting and interdependent guiding principles.
- Labour migration components are significant GCM objectives.
- Reference to labour mobility & decent work as key elements in enhancing pathways for regular migration.
- Topics: Investing in skills development and qualifications recognition (Global Skills Partnerships), promoting fair recruitment practices, consular protection, protection of the rights of domestic workers and workers at all skills levels, reviewing labour laws and work conditions, non-discriminatory social protection systems, etc.

Decent work in the GCM



Mentioned explicitly in a number of GCM objectives, including:

- Obj 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- Obj 5: Enhance availability and flexibility of pathways for regular migration
- Obj 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- Obj 16: Empower migrants and societies to realize full inclusion and social cohesion
- Obj 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
- Obj 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.

The aim of Objective 6



- Ensure decent work for all migrants. Involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection, prospects for personal development and social integration, freedom to express concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.
- It requires actions to protect them against all forms of exploitation & improve recruitment mechanisms and admission systems to guarantee they are fair and ethical.
- Better protect migrants at work and maximize the socioeconomic impact of migrants in both their country of origin and destination (triple-win formula).

Objectives - International Migration Review Forum (IRMF)

- GCM: *'(...) vehicle to address the root causes of migration and to encourage pathways out of irregularity. However, without bold action that involves all social partners, states may continue to shirk their human rights obligations and fail to protect workers from deportation and abusive temporary work programmes.'*
- Expanding regular pathways is key to ensure decent work that responds to labour market realities, optimizing education opportunities, upholding family life, offering solutions in climate change settings and addressing migrant vulnerabilities.



Actions - International Migration Review Forum (IRMF) and beyond

- Promote signature, ratification and implementation of relevant international instruments.
- Build upon the work of existing bilateral, subregional and regional platforms.
- Improve regulations on public and private recruitment agencies.
- Establish partnerships with all relevant stakeholders.
- Enact and implement national laws that sanction human&labour rights violations.
- Strengthen the enforcement of fairðical recruitment and decent work policies.
- Take measures that prohibit the confiscation or non-consensual retention of work contracts, and travel or identity documents.
- Ensure migrants working in the informal economy have safe access to effective reporting, complaint, and redress mechanisms.
- Develop and improve national policies and programmes relating to international labour mobility.



Examples

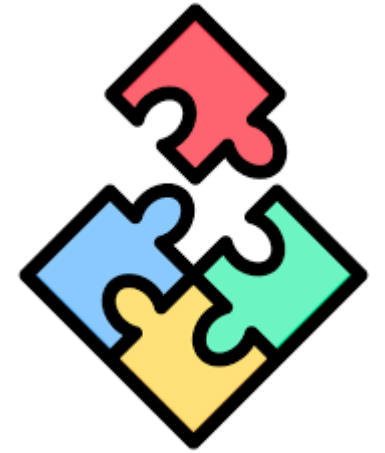
Displaced Talent for Europe (DT4E) sets the foundations for an innovative legal labour pathway for displaced talent by enabling displaced people in need of international protection in Jordan and Lebanon to connect with employers in Europe. In doing so, DT4E provides employers with access to an untapped international talent pool.



The Sustainable Resettlement and Complementary Pathways Initiative or CRISP, is a multi-stakeholder and global mechanism which aims to support states and other stakeholders to advance complementary pathways, including employment opportunities in third countries. The CRISP was developed jointly by IOM and UNHCR and launched in 2020.



Convergence



- GCM as a practical tool to implement the CMW.
- Complementarities and achievement of objectives.
- Consolidation of key principles under international law.
- Robust monitoring mechanism of the GCM (involvement, fund, regularity, champion countries).
- Advocacy and ratification.
- GCM could complement the CMW: One of the most developed commitments (Obj. 5) on pathways for regular migration in a broad range of areas; gender equality, stakeholders' engagement, ATDs.

Thanks for your attention :)

Any questions?





**THE GLOBAL COMPACT FOR
SAFE, REGULAR AND ORDERLY
MIGRATION (GCM)
AND
THE UN NETWORK ON
MIGRATION**



United Nations
Network on Migration
Working Better Together



INTERNATIONAL MIGRATION
REVIEW FORUM 2022

The GCM at a Glance



Global Compact
FOR **Migration**

First comprehensive UN framework adopted through intergovernmental negotiations to enhance international cooperation in global migration governance

- 2015- High Level Summit on people on large movements
- 2017-2018- Global thematic (and stakeholder) consultations and negotiations
- December 2018- GCM adoption at the Marakesch conference
- 23 objectives and associated commitments
- An aspirational approach - its purpose is to enhance international cooperation
- Balanced – 360-degree approach
- State-led – but whole of Government/Society approach
- People-centred, human rights-based
- Rooted in SDGs - consistent with target 10.7
- Not legally binding

Adoption of the GCM

- The GCM was *adopted* at the “Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration,” held in Marrakech, Morocco on 10 and 11 December 2018. The Conference was held under the auspices of the UN General Assembly.
- Subsequently, on 19 December 2018, the General Assembly (GA) *endorsed* the GCM in resolution 73/195 by 152 votes in favour to 5 against, with 12 abstentions.
- Voting against were: Czech Republic, Hungary, Israel, Poland, U.S.
- Abstentions were from: Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore, Switzerland.
- Countries may change their positions on the GCM with shifting national contexts. In Dec. 2021, the U.S administration announced endorsement of the GCM, including highlighting several priority objectives.



Support for the GCM- ‘Positive Peer Pressure’:

- Change of certain countries position on the GCM (US, Chile, Brazil, Dominica Republic more positive towards it)
- Over 90 MS submitted voluntary reports at the first Regional Reviews and IMRF (2022)
- High turnout of MS who actively participated in the Regional Reviews and IMRF
 - EU Delegation, led by Commissioner Johansson, made several pledges
- Diversity of 21 donors to the MMPTF which is one of the most diverse UN pooled funds
 - EU Member States together make up the biggest donor pool to the MMPTF
- 33+ growing Champion countries
- EU through DG INTPA (International Partnerships) is funding the Network secretariat to facilitate support to Capacity Building Mechanism (CBM)

GLOBAL COMPACT FOR MIGRATION – CHAMPION COUNTRIES



THE BOUNDARIES AND NAMES SHOWN AND THE DESIGNATIONS USED ON THIS MAP DO NOT IMPLY OFFICIAL ENDORSEMENT OR ACCEPTANCE BY THE UNITED NATIONS OR THE INTERNATIONAL ORGANIZATION FOR MIGRATION.

THE UN NETWORK ON MIGRATION



- Established by the Secretary-General in 2018 to ensure effective, coordinated systemwide support to the implementation, follow up and review of the GCM.
- Consists of **39 entities of the UN system** who wish to be a part of it and for whom migration is of relevance to their mandate.
- An **Executive Committee** (10 entities – currently UNDESA, ILO, IOM, OHCHR, UNDP, UNHCR, UNICEF, UNODC, WHO, World Bank)
- **IOM** serves as the **Coordinator and Secretariat**
- A **Network workplan** for GCM implementation

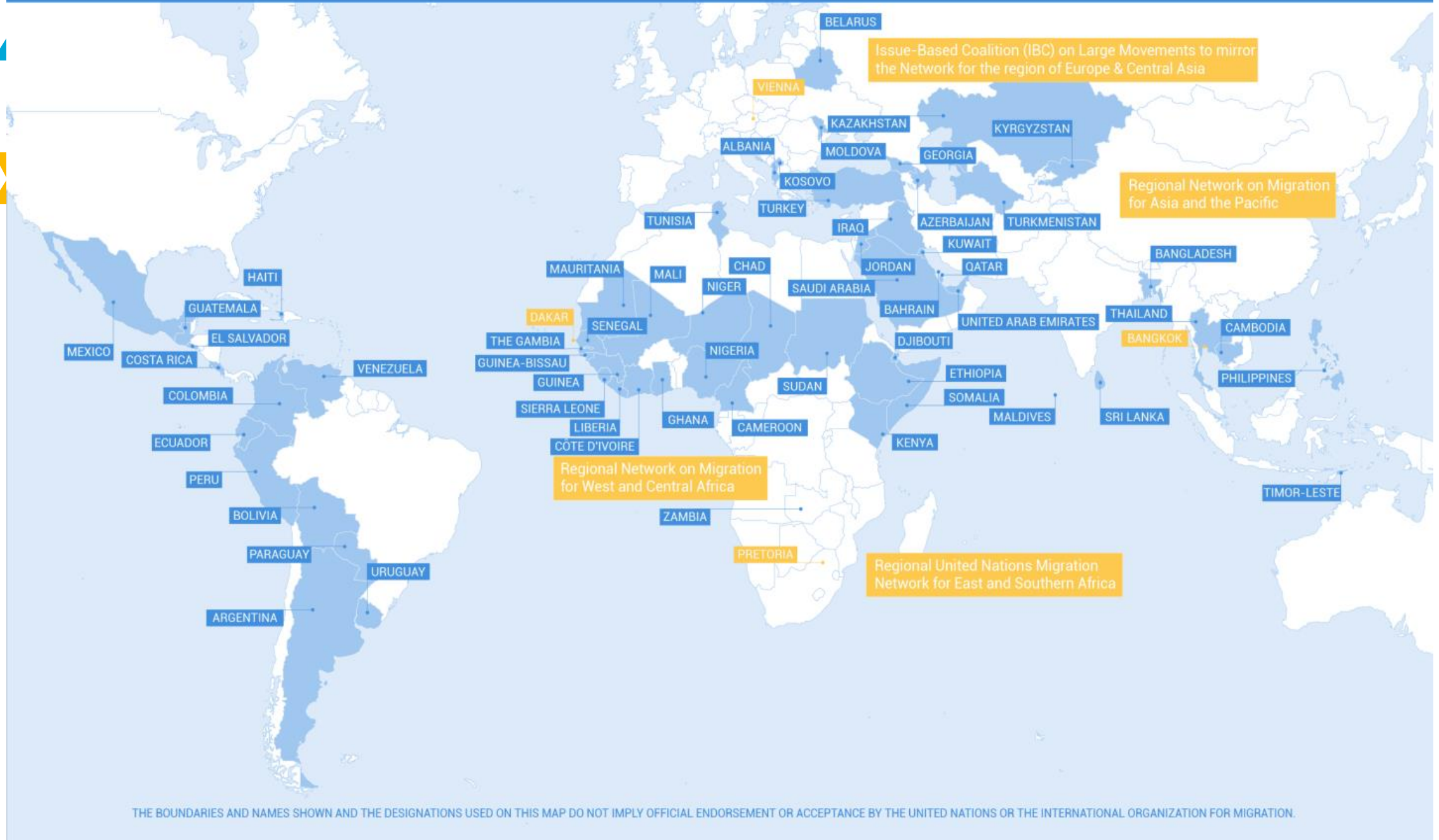
NETWORK MEMBERSHIP

- Chief Executives Board secretariat (CEB)
- **Department of Economic and Social Affairs (DESA)**
- Department of Public Information (DPI)
- Food and Agriculture Organization (FAO)
- Inter-Agency Standing Committee secretariat (IASC)
- International Fund for Agricultural Development (IFAD)
- **International Labour Organization (ILO)**
- International Maritime Organization (IMO)
- **International Organization for Migration (IOM)**
- Joint United Nations Programme on HIV/AIDS (UNAIDS)
- Multi-Partner Trust Fund Office (MPTFO)
- Office for the Coordination of Humanitarian Affairs (OCHA)
- **Office of the High Commissioner for Human Rights (OHCHR)**
- Peacebuilding Support Office (PBSO)
- United Nations Alliance of Civilizations (UNAoC)
- **United Nations Children's Fund (UNICEF)**
- United Nations Conference for Trade and Development (UNCTAD)
- **United Nations Development Programme (UNDP)**
- United Nations Economic, Social and Cultural Organization (UNESCO) United Nations Economic Commission for Africa (UNECA)



- United Nations Economic Commission for Latin America and the Caribbean (UNECLAC)
- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)
- United Nations Economic and Social Commission for Western Asia (UNESCWA)
- United Nations Economic Commission for Europe (UNECE)
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
- United Nations Environment (UNE)
- United Nations Framework Convention on Climate Change secretariat (UNFCCC)
- **United Nations High Commissioner for Refugees (UNHCR)**
- United Nations Human Settlements Programme (UN Habitat)
- United Nations Industrial Development Organization (UNIDO)
- United Nations Institute for Training and Research (UNITAR)
- **United Nations Office on Drugs and Crime (UNODC)**
- United Nations Population Fund (UNFPA)
- United Nations Sustainable Development Group (UNSDG) secretariat
- United Nations University (UNU)
- Universal Postal Union (UPU)
- World Food Programme (WFP)
- World Bank
- **World Health Organization (WHO)**

NETWORKS AT COUNTRY AND REGIONAL LEVELS





THE PLEDGING INITIATIVE

- The Network launched the Pledging Initiative on 17 December 2021 to help build momentum for the IMRF and to assist all actors in contributing to the implementation of the GCM in tangible ways.
- A pledge is a measurable commitment to advance the implementation of one or more GCM guiding principles, objectives, or actions while considering the 360-degree approach of the GCM.

MAKE
A PLEDGE



THE WHOLE-OF-SOCIETY APPROACH



“We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders”.



UN general Assembly Resolution 73/195, paragraph 44



MIGRATION NETWORK HUB: REPOSITORY OF PRACTICES

Share a practice

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The Repository of Practices showcases replicable practices and serves as an inspiration for actors involved in GCM implementation at the global, national, regional, and local levels.

Contribute to the growing collection of practices demonstrating what governments, organizations, and people around the world are doing to promote the well-being of migrants and their communities.

Your submission will undergo a peer review process based on specific GCM criteria. While online, the form cannot be saved and completed later. It is highly advised to download and use this template to prepare the required information in advance. To submit your practice you must first log in or create an account. For help, contact us.

Learn how to submit a practice

**Prepare your submission using this
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REPOSITORY OF PRACTICES



Explore the practices

Learn about recent practices from governments, civil society, international organizations, and other stakeholders to gain an insight into their experiences implementing the Global Compact's objectives and guiding principles – get ready to be inspired!

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Submit a practice

Transform your experience into knowledge for others by sharing a practice that has been implemented and can serve as inspiration for those working to implement the Global Compact!

[Submit practices](#)



Map showing the number of Practices published to date. All Practices undergo peer review before publication

Geographic Scope

84 Practices

Latest practices

- Local Immigration Partnerships (LIPs)
- It Takes a Community
- Assessing the Evidence: Country Profiles on Migration, Environment and Climate Change

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Practices by GCM Objectives

84 Practices

Recently published

Explore practices according to the GCM objectives.

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