



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Addressing Mixed Migratory Movements: A 10-Point Plan of Action

Contents

Introduction

- 1. Cooperation among key partners**
- 2. Data collection and analysis**
- 3. Protection-sensitive entry management**
- 4. Reception arrangements**
- 5. Mechanisms for profiling and referral**
- 6. Differentiated processes and procedures**
- 7. Solutions for refugees**
- 8. Addressing secondary movements**
- 9. Return arrangements for non-refugees and alternative migration options**
- 10. Information strategy**

Introduction

Refugees and asylum seekers account for a relatively small portion of the global movement of people. Increasingly, moreover, refugees and asylum seekers move from one country or continent to another alongside other people whose reasons for moving are different and which are not protection-related.

More often than not such movements are irregular, in the sense that they take place without the requisite documentation and frequently involve human smugglers and traffickers. The people who move in this manner often place their lives at risk, are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse. States regard such movements as a threat to their sovereignty and security.

It has become imperative for the international community to address this phenomenon in a more coherent and comprehensive manner. States have assumed protection responsibilities under international instruments which it is in their collective interest to honour.

More specifically, steps must be taken to establish entry management systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for all of the people involved in mixed movements. UNHCR is especially mindful of the need to ensure that the provision of protection and asylum to refugees and other people of concern to the Office does not compound the difficulties that states experience in controlling the arrival and residence of foreign nationals and in combating international crime.

This paper sets out ten key areas in which action is required to address the issue of mixed and irregular migratory movements, focusing on initiatives in which UNHCR has an interest and a potential role to play. The Plan of Action provided in the paper is especially relevant to situations where refugees are at risk of *refoulement*, human rights violations and hazardous onward movements.

The paper does not purport to be comprehensive in relation to matters that are beyond the competence and responsibility of UNHCR. Nor does it contain a detailed blueprint for the implementation of each component of the Plan of Action.

The matrix in Annex I sets out the goals that the Plan of Action is intended to achieve and contains suggestions for activities that might be undertaken under each of the ten component parts. The Plan of Action is global in nature and its implementation would evidently have to be adapted to specific regional and national contexts.

1. Cooperation among key partners

Effective approaches to the issue of mixed movements require full cooperation amongst all of the key actors concerned: affected states, governmental bodies, regional organizations, international organizations with relevant mandates (e.g. UNHCR, OHCHR and IOM) as well as local and international NGOs.

A first step in any effort to address a mixed migratory movement is to identify and convene such actors in an appropriate forum so that they can exchange information and establish modalities for cooperation and coordination. The convenor of such a forum is preferably one or more of the affected states, but an international organisation can also play a ‘good offices’ role in this respect.

2. Data collection and analysis

A key to any coherent and comprehensive strategy is the collection, analysis and exchange of data about the characteristics of the mixed migratory movement that has to be addressed. Such data typically includes information relating to conditions in countries of origin, motivations for movement, modes of transport, transit routes and entry points. An international or regional organisation may be well placed to offer support for this function.

3. Protection-sensitive entry management

The establishment of a functioning entry management system is an important element in any strategy relating to mixed movements. Border control is essential for the purposes of combating international crime, including smuggling and trafficking, and to avert security threats.

Practical protection safeguards are required to ensure that such measures are not applied in an indiscriminate or disproportionate manner and that they do not lead to *refoulement*. In this respect, there is also a need for border guards and immigration officials to receive training and clear instructions on how to respond to asylum applications, and how to meet the needs of separated children, victims of trafficking and other groups with special needs.

With regard to irregular maritime migration, there are a particular range of considerations to be addressed, including safeguarding lives at sea, respecting the obligations of maritime law, maintaining the integrity of the search and rescue regime and ensuring the smooth flow of maritime traffic.

4. Reception arrangements

Appropriate reception arrangements are needed to ensure that the basic human needs of people involved in mixed movements can be met. Such reception arrangements should also enable new arrivals to be registered and provided with temporary documentation. There will usually be a need to establish who is responsible for the provision of such arrangements and what undertakings they will give with respect to the way they are managed. UNHCR may become involved on a temporary basis, especially in situations where a high percentage of the new arrivals are refugees or asylum seekers.

5. Mechanisms for profiling and referral

Once new arrivals have been registered and provided with temporary documentation, an initial determination can be made with regard to who they are, why they have left their own country and where their intended destination is. Counselling provides an opportunity to establish whether they wish to seek asylum and to identify other options available to them, including return, regularization or regular onward migration. This channelling arrangement does not constitute a refugee status determination. Rather it is intended to give a good indication of a person's motive for departure and to ensure the person's case is managed appropriately in accordance with such motives. Annex II to this note provides a schematic representation of how such a profiling and referral mechanism might work.

6. Differentiated processes and procedures

In relation to asylum claims, those which appear to be relatively simple (because they are well founded or manifestly unfounded) can be assessed in an expedited procedure. Other and more complex claims require a more detailed assessment. Different processes outside

the asylum arrangements are necessary for people with particular needs, which are not refugee related, including women who have been trafficked, as well as persons who are seeking to migrate (see chapter 9 below).

While UNHCR is likely to be a principal partner for states in relation to refugee status determination procedures, NGOs, lawyers and civil society institutions also have a role to play in this component of the Plan of Action. In relation to other processes, UNHCR is likely, if at all, to be only minimally involved. The likely partners will depend on the situation in the specific country, and on which organisations are present and willing to partner.

7. Solutions for refugees

People who are recognized as refugees or as otherwise being in need of international protection require a protection-based response that includes a durable solution. Which of the three solutions (voluntary repatriation, local stay or resettlement) should be pursued will depend on the situational opportunities and constraints. A comprehensive approach that includes careful consideration of all three, may offer the best chances for success.

Beyond these three durable solutions, legal migration opportunities may offer a fourth or interim solution for some refugees. In some refugee-receiving countries, international assistance may be required to strengthen national protection capacities.

8. Addressing secondary movements

Addressing the situation of refugees and asylum seekers who have moved on from countries where they had already found adequate protection requires a strategy which takes into account both the legitimate concerns of states about irregular onward movement and the rights and well-being of the people concerned.

Refugees and asylum seekers who had found effective protection in another country should preferably be readmitted to that country with the agreement and cooperation of its authorities. UNHCR's involvement (including financial and other support) may facilitate readmission.

Refugees and asylum seekers sometimes have compelling reasons to undertake secondary movements, including lack or loss of access to effective protection. In such a situation, they should have their asylum claims examined and be granted access to support and durable solutions, as with any other refugee. In the longer term, such secondary movements are most effectively addressed by means of measures to strengthen national protection capacities. UNHCR has an important contribution to make here.

9. Return of non-refugees and alternative migration options

For people who are found not to be refugees, and for those who do not wish to seek asylum, expeditious return in safety and dignity is the preferred response. UNHCR may, on a good offices basis, assist states in the return of people who are not in need of international protection.

People who do not meet the criteria for refugee status nevertheless qualify for alternative temporary migration options, so that they can stay legally in the country where they arrive or move to a third country, for humanitarian reasons or for the purposes of work, education or family reunion. Efforts to address irregular migration should also focus on possibilities for regular migration, over the shorter or longer term.

10. Information strategy

All of the measures described above should be complemented by information campaigns in countries of origin, transit and destination. People need to be alerted to opportunities for legal migration, the dangers of irregular movement and the difficulties they might face upon arrival.

Such information campaigns will not curb irregular movements entirely but, if combined with the other action points and supported by longer term measures to tackle the root causes of such movements, they may have a positive impact.

While information campaigns are primarily a task for agencies with a migration mandate, such as IOM, UNHCR may also play a role in such initiatives. UNHCR may also initiate public awareness activities about the plight of refugees in order to promote tolerance and to combat racism and xenophobia.

UNHCR
June 2006

Annex I

Ten Point Plan of Action Matrix

Goals:

- The response to managing mixed migratory movements is comprehensive, cooperative and protection sensitive.
- It provides for solutions which address differently and in appropriate ways the situation of the respective groups.
- Refugees are identified and protected, while the irregular movement is reduced.

Objectives	Activities
<p>1. Collaboration among key partners</p>	<ol style="list-style-type: none"> 1. Identify key partners/stakeholders at national level to participate in a collaborative response for all categories of movers (asylum-seekers/refugees, migrants without protection needs, people with specific needs such as victims of trafficking, etc.). 2. Promote the creation of a national coordination structure at the appropriate level(s). 3. Establish a regular consultation mechanism with partners (Government, IOM, ILO, UNODC, ICMPD, UNICEF, UNDP, UNFPA, NGOs, regional organizations etc). 4. Ensure consultation also with civil society structures and academia in order to exchange information on developments and to mobilize community support. 5. Include asylum/migration issues on the agenda of the UN Country Teams (UNCT) and reinforce information flow and links among UNCTs in the region. 6. Inject asylum/migration issues in UNDAF at national level. 7. Establish consultation and coordination mechanism at regional level. 8. Encourage/mobilize donor support. 9. Lobby and advocate internationally for appropriate responses to mixed migratory movements, around the ten points, within national and international fora.
<p>2. Data collection and analysis</p>	<p><u>On refugee flows and mixed movements</u></p> <ol style="list-style-type: none"> 1. Pursue establishment of a database covering the specific region to better understand movements and identify appropriate responses. 2. Use such a database to systematize collection of data on asylum-seekers and refugees, to set in train the exchange of data with UNHCR country offices in the region, as well as in other impacted States, to anticipate routes, movements and

Objectives	Activities
	<p>trends, identify secondary movements, and improve case tracking, using, as appropriate, ProGres.</p> <ol style="list-style-type: none"> 3. Build into this relevant information derived from RSD and interviews to ascertain trends, transit routes, etc. 4. Devise Country Information Notes on trends and patterns of movement. 5. Review and analyse reports to anticipate routes, movements and trends and to formulate country-specific strategies. <p><u>Overall</u></p> <ol style="list-style-type: none"> 1. Cooperate with data-collection and research initiatives, as appropriate, to contribute to the generation of a coherent and comprehensive overview of overall trends.
<p>3. Protection-sensitive entry management (in-country, at borders and at sea)</p>	<ol style="list-style-type: none"> 1. Undertake or strengthen capacity-building of border and law enforcement officials in order to sensitize them to refugee and human rights issues and to facilitate admission of persons in need of international protection. 2. Put in place training programmes/workshops for NGOs, lawyers, judiciary and national human rights institutions, to facilitate admission of persons in need of international protection and build constituencies for protection. 3. Actively monitor and follow up on conditions of detention and treatment of asylum-seekers/refugees and, as appropriate, illegal migrants. 4. Explore how UNHCR might positively interact with arrangements put in place for interception and managing maritime movements, including giving consideration to measures to monitor interception activities.
<p>4. Reception arrangements</p>	<p>Make recommendations on what role UNHCR can and should play in any reception arrangements for new arrivals, including in reception sites, with appropriate safeguards (e.g. unfettered UNHCR access).</p>
<p>5. Mechanism for profiling and referral</p>	<p>Pursue establishment of joint mechanisms, with identified partners and in appropriate locations, to profile arriving groups. This arrangement should preferably include mechanisms to identify the profile of new arrivals and their eventual protection needs, and should allow for appropriate counselling and referral of the persons concerned to the appropriate response mechanism (e.g. assisted voluntary return, RSD, particularised process for victims of trafficking).</p>
<p>6. Differentiated processes and procedures</p>	<ol style="list-style-type: none"> 1. Pursue the development of legal frameworks for determining refugee status and meeting protection needs. The aim should be: <ul style="list-style-type: none"> o functioning national asylum procedures; o adequate administrative and institutional capacities at

Objectives	Activities
	<p>appropriate level(s);</p> <ul style="list-style-type: none"> ○ NGO and civil society engagement in protection and assistance arrangements. <ol style="list-style-type: none"> 2. If there is no properly functioning national asylum procedure, UNHCR to assume responsibility for the asylum process. In this connection, offices to ensure that a proper case management is established, which is able to prioritise certain cases and can appropriately address particular needs (single women, unaccompanied and separated children, etc.). 3. Encourage the establishment of appropriate response mechanism for migrants without protection needs.
<p>7. Solutions for refugees</p>	<p>All solutions to be considered in a comprehensive approach.</p> <p><u>Voluntary repatriation</u> Undertake activities to facilitate voluntary return, underpinned, resources permitting, by promotion of sustainable reintegration in countries of origin, in cooperation with relevant partners, as well as by returnee monitoring.</p> <p><u>Local integration</u> Where repatriation is not feasible in the short or intermediate term, explore options for local stay (including advocating for leave to remain of persons found to be in need of international protection but unable or unlikely to access more formal status).</p> <p><u>Resettlement</u> In cooperation with the Resettlement Service, become familiar with the concept of strategic use of resettlement and coordinate on resettlement needs and dilemmas, with a view to agreeing on a region-wide approach to resettlement, as part of overall burden-sharing arrangements to ease pressure on host countries. Explore resettlement pools or resettlement quotas for specific groups in this context.</p>
<p>8. Addressing secondary movement</p>	<ol style="list-style-type: none"> 1. Make effective use of the Strengthening Protection Capacity Project (SPCP) to improve availability of quality protection closer to where protection is first sought or needed. 2. Actively examine how and under which circumstances UNHCR can ease the process of readmission and, as appropriate, set in train the necessary activities with countries of first asylum.
<p>9. Return arrangements and alternative migration</p>	<ol style="list-style-type: none"> 1. Contribute appropriately (i.a. through cooperation with IOM) to making return of persons found not to be in need of international protection a realizable solution. 2. Advocate for proper standards for return and be prepared to

Objectives	Activities
options for non-refugees	<p>facilitate return, including by activities in the areas of documentation and return counselling.</p> <ol style="list-style-type: none"> 3. Explore the need for and the value of a post-return passive monitoring role for UNHCR in countries of origin. 4. Actively encourage the establishment of legal migration channels (e.g. temporary labour migration schemes in third countries and in-country of presence).
10. Information strategy in countries of origin, transit and arrival	<ol style="list-style-type: none"> 1. Coordinate/cooperate in efforts of IOM and other partners to undertake mass information campaigns in countries of origin, transit and destination, to discourage irregular migration, warn of the dangers of smuggling and trafficking, and focus on legal migration options. 2. Explore whether and, if so, how to establish joint information centres in countries of origin. 3. Undertake public awareness activities with the media to sensitize about the plight of refugees, including through human interest stories, in order to promote tolerance, and combat racism and xenophobia.

Annex II

Schematic Representation of a Profiling and Referral Mechanism in the Context of Addressing Mixed Migratory Movements

