International Organization for Migration (IOM)
The UN Migration Agency

IOM Comments to the Foreign Affairs Committee of the Parliament of Finland concerning the EU's "New Pact on Migration and Asylum"

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The International Organization for Migration (IOM) welcomes the European Union (EU) Pact on Migration and Asylum presented by the European Commission. IOM is pleased to see affirmation in the package that migration and mobility can be manageable under a comprehensive, rights-based, whole-of-route approach grounded in partnerships and cooperation.

Migration and mobility will continue to be a defining feature of the landscape in Europe and the world in the foreseeable future. In adopting the 2030 Agenda for Sustainable Development, the European Union (EU) clearly recognized the positive contribution made by migrants for inclusive growth and sustainable development. IOM's view is that the challenges and opportunities of international migration must unite rather than divide us if we are to collectively achieve safe, orderly and regular migration across the entire migration cycle. The new EU Pact on Migration and Asylum will be an opportunity for the EU to give new impetus and direction to its governance of migration.

Key Takeaways

- **The New Pact offers an opportunity to benefit European societies and improve cooperation with partner countries by reimagining the future of human mobility as safe, orderly, inclusive and, human rights centered.**
- **A wider, comprehensive approach recognizes that migration is a human reality to be managed towards mutually beneficial ends. People on the move can be part of the solution.**
- **The comprehensive approach foreseen in the Pact can promote a wider and more holistic policy framework that not only builds resilience into the EU's response to irregular crossings, but also includes regular migration and actors in the impacts of the COVID-19, climate change, and sustainable development.**
- **Balance is key: progress on borders, returns and tackling irregular migration can only be achieved with equal attention on facilitation, legal channels, rights, protection, integration and building cohesive communities.**
- **The COVID-19 experience has highlighted the value of migrant workers in the EU and everywhere. Their contributions and potential should be maximized. Well managed human mobility will be instrumental to recovery from the COVID-19 crisis and beyond. Inclusion and protecting the health and human rights of people on the move in turn protects everyone.**
- **Effective and sustainable external partnerships are based upon mutual interest. It is therefore crucial that the new Pact on Migration and Asylum reflect a willingness to understand and incorporate the views and aspirations of key partner countries, and particularly across the African continent. Migration, as a transnational phenomenon, requires international cooperation and sustainable, multilateral solutions further enhancing the EU-UN partnership of shared values.**

The complexity of the proposed framework reflects the nature of migration governance itself. Ensuring policy consistency and coherence amongst the sheer number of stakeholders invested in its effective management, while essential, is likely to pose significant challenges. Recent events across the Mediterranean, including delays in disembarking refugees and migrants rescued at sea, increasing reports of push-backs and the devastating fires at the Moria Registration and Identification Centre (RIC) on the Greek island of Lesvos, have further highlighted the urgent need to reform the EU's management of migration and asylum. COVID-19 has also heavily affected relevant policies and practices, and its detrimental socio-economic impact has not spared anyone. Refugees, migrants and large refugee hosting countries around the world, have been particularly affected.

IOM appreciates the vision and the innovations that have been presented in the Pact, but it leaves open several questions about implementation which will need careful and thorough consideration.

I. Sustainable partnership with Third Countries

IOM encourages the EU **to strive for balance between EU priorities such as returns and readmission, and** issues that go to the heart of other states' perspectives such as **enhanced mobility and legal migration channels**. We reiterate our call on the EU to revitalize and demonstrate **a genuine spirit of partnership and mutual support** that considers the realities of migration, particularly in Africa with regard to free movement, and the priorities and needs of African countries. In this regard, dialogue through the Valletta process between the EU and African countries and the AU-EU-UN Taskforce on Libya are rightly seen as best practices to replicate and reinforce.

To be effective, the EU should recognize that migration within and from third countries is inextricably, but not exclusively, linked to the European Union and its policies towards non-EU countries. **Stronger understanding and incorporation of partner priorities may be a key factor to future**, necessary, success in jointly managing safe, orderly and regular migration.

Some of these priorities include:

- Realizing the economic and social potential of regional integration through the facilitation of human mobility, and the development of comprehensive systems to manage this. The Free Movement of People Protocol emanating from the Continental Free Trade Agreement will be a key area in need of political and technical support in the coming decade.
- Increasing gender and youth-responsive employment and livelihood opportunities, including through the development of new labour migration pathways, student mobility, and inter-regional mobility.
- Addressing the challenges related to irregular migration, and particularly ensuring the protection of those who have been trafficked, smuggled or exploited during the migration journey.
- Enhancing the social inclusion of and engagement with migrants and Diaspora to contribute to national development in partner countries.
- Addressing drivers of developing and protracted crisis and displacement through an integrated humanitarian, peace and development framework.
- Supporting efforts to mitigate the impacts of climate change and environmental degradation, and addressing displacement caused by such change.

IOM considers that **equal priority and balance should be given between the EU's internal and external migration dimensions**. Externally, the EU will need to continue to strengthen its dialogue with countries of origin, transit and destination to foster international cooperation and develop migration governance capacity. **A balanced partnership reflecting the interests, needs and priorities of all stakeholders – including**

migrants' decisions and agency – are essential to building trust between parties. Partnerships demonstrating true co-ownership allow political decisions to translate into successful action. There is a strong need to strengthen dialogue and cooperation with countries in the EU's Neighbourhood and to ensure that the respective Neighbourhood policies sufficiently reflect migration in all its dimensions.

We hope the MFF will include adequate provision for these solutions. We also hope the proposed 10 per cent earmarking for migration in the 2021-2027 Neighbourhood Development and Cooperation Instrument (NDCI) will be fully inclusive of the needs of forcibly displaced persons, leaving no one behind. It must be kept in mind that with 85 per cent of the world's displaced living in developing countries, greater investment is needed in supporting host countries and in enhancing protection space and asylum systems globally.

II. Labour Migration, Integration, and Social Cohesion

Most migration to Europe is managed through safe and legal channels, and the COVID-19 crisis has highlighted the value of migrant and refugee workers in the EU and elsewhere. Their contributions and potential should be maximized. The pandemic has also exacerbated the stigmatization and potential vulnerability of migrants - often scapegoated as disease spreaders. Moreover, it has exposed their unequal access to basic services, particularly healthcare. To achieve social cohesion and wellbeing in societies, migrants must be successfully included through access to basic services in health, housing, education and employment. Leadership across society must be enlisted to promote tolerance and diversity, fight xenophobia and promote a balanced, evidence-based public discussion.

Concerning regular labour migration, IOM welcomes the fact that the Pact addresses migrant skills and attracting talent through partnerships and that it acknowledges **the reality that Europe needs migrants**. The EU and its Member States should **design regular migration pathways in a way that facilitates labour mobility and decent work** reflecting labour market and demographic realities while at the same time responds to the needs of migrants, promotes integration, enhances social cohesion and fights discrimination. The EU has a particular role to play in terms of adding value to supporting regular migration pathways developed at national level, though supporting policies.

Flexible and accessible legal avenues for admission of migrant workers to the EU

Labour migration represents a key legal pathway which, when well-managed, can benefit all parties involved. Implementing labour migration schemes in tune with demographic and labour market realities contributes to the up-skilling of talent pools – in a context where needed skills profiles are continually shifting – the creation of more dynamic European labour markets and economic growth. It may also serve as an important policy tool in addressing the irregular migration of prospective migrant workers.

IOM recommends **promoting the fair and ethical recruitment to protect all migrant workers against all forms of exploitation and abuse**. This would guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination. It also reduces recruitment fees for jobseekers and lowers high costs and administrative burdens for employers which disincentivizes hiring migrant workers through existing legal channels.

Migrant Integration in National Policies

The benefits that come with successful migrant integration -- and the costs associated with failure -- demonstrate the **importance of investing in integration at national level to promote more inclusive and socially cohesive societies** across Europe. Successful migrant integration can contribute to flourishing societies that benefit from cultural diversity, creativity, new skills and exchange. Failure to effectively

promote integration negatively impacts the cohesiveness of European societies and their economies. This may in turn may also have ramifications for national stability and security.

IOM suggests the following:

- Include integration incentives for EU Member States – both financial and technical – on its agenda, highlighting the cross-cutting implications;
- Consider integration challenges specific to migrants in rural communities, and adopt a more comprehensive policy around integration, which takes into account the whole of society;
- Encourage policies and targeted initiatives that tailor integration response to migrants' specific needs, which can vary across different migrant categories and levels of vulnerability;
- Facilitate recognition of skills, qualifications, and competences of migrants to ensure smooth access to labour markets and avoid brain waste.

No one should be left behind, and this includes migrant access to health care, education, and other key public services. This is in line with the 2030 Agenda through which EU Member States committed to leave no one behind in the implementation of the Sustainable Development Goals. As part of this, the collection, collation and analysis of data pertaining to migrant welfare – for example, concerning migrants' access to health and social care -- in the EU would, in turn, help to establish policies and actions under the Multiannual Financial Framework (2021-2027) that target inequality and exclusion.

III. Resettlement and Complementary Pathways

On the way forward, IOM would like to see **a clearer delineation between safe channels such as legal migration for work, and pathways for international protection such as resettlement**, which should remain a high priority in its own right with greater commitments from EU Member States. Emphasis on relocation of asylum seekers and vulnerable groups within Europe should be sustained.

The majority of refugees are hosted in countries near their countries of origin. **Resettlement and humanitarian admission programmes** – foremost as protection tools for the most vulnerable refugees and as durable solutions for those in need of international protection – are **actionable ways to demonstrate a spirit of solidarity and responsibility sharing with host countries**.

IOM considers that **more can and should be done**, globally – but also in Europe – **to support the expansion of resettlement** and provide durable solutions for those in need of international protection. The EU's leadership on this issue will be crucial to maintain broad global support for the support of refugees.

The proposed Union Resettlement and Humanitarian Admission Framework (URHAF) will be crucial as a basis for a collective and harmonized approach between EU Member States. Commitments under the framework need to be commensurate in scale and size to the unprecedented global resettlement needs. The URHAF should form the basis for the elaboration of multi-annual resettlement plans, enabling predictability and a strategic level response.

Complementary pathways, such as humanitarian admission programmes and family reunification, also need to be considered to keep up with the increasing demands for third country solutions. IOM supports UNHCR's view that resettlement should remain the priority and that complementary pathways, including humanitarian admission, should complement resettlement rather than substitute it.

IV. Safe, Dignified Return and Sustainable Reintegration

Return migration is an indispensable part of a comprehensive approach to migration governance. **Returns should always be carried out in safety and dignity in accordance with international and European human rights laws**. A well-functioning and balanced return and readmission migration policy relies on the effectiveness of various migration management components. A comprehensive, integrated approach to return includes measures to promote sustainable reintegration. Dialogue and partnership with countries of origin are key.

Voluntary returns should be prioritized and include provisions for sustainable reintegration. Some migrants, including victims of trafficking, sexual abuse and unaccompanied children, who are found not in need of asylum may have a legitimate need for other forms of assistance and protection.

IOM is pleased to see recognition in the proposal of the importance of a common approach to voluntary returns with more harmonized procedures, complementarity with other sectors and links to the external dimension and reintegration. IOM will continue to offer steadfast support to assisted voluntary returns and reintegration programmes, drawing on its long-standing global experience.

Achieving **dignified return and sustainable reintegration** requires a comprehensive and integrated approach. It **should address the economic, social and psycho-social needs of individual returnees as well as the needs of communities of return in a mutually beneficial way**, while responding to structural factors at play. This also requires specific tailoring to the development context in each country, as well as strengthening the capacity of partner countries to reinforce migration management systems of return and sustainable reintegration processes. IOM sees that sound reintegration schemes should be developed together with origin, transit and host countries as sustainable reintegration is beyond the capacity of one single actor's engagement and depends on the combined efforts of all stakeholders.

It is also important to **identify and promote alternatives to detention for migrants** – including migrant children -- who are unauthorized to remain in the host state. Individual assessments and decision-making, case management, and the development of options for living in the community offer a path to viable alternatives to detention. The provision of alternative open accommodations in the community for beneficiaries who have registered with a return programme (and would otherwise be detained) is an option that has been successfully implemented.

V. Common European Asylum System, Disembarkation and Post-Arrival solutions

There is now a possibility to **move towards a coherent approach** where **predictable asylum arrangements and solidarity** replace the existing practices which serve neither asylum seekers, migrants nor States. Recent events have underscored **the need for fair, efficient, and adaptable asylum and appropriate reception systems to apply for all persons arriving irregularly to the European Union**. Assisting refugees and migrants and ensuring the security of the countries that receive them are complementary and mutually reinforcing goals. **IOM and UNHCR support border procedures with a view to quickly identifying persons in need of international protection, as well as migrants with specific needs**, and facilitating the return of persons found not in need of international protection – a critical element to maintain the credibility of the asylum system. **UNHCR has shared its recommendations with Member States on how these procedures can be implemented, in line with international and regional refugee and human rights standards**, and stands ready to provide further support to States on this.

Common European Asylum System

IOM broadly supports the recommendations for the Common European Asylum System (CEAS) put forward by UNHCR as the lead agency in the UN system on asylum and refugees. The new approach should reinforce the CEAS' credibility, integrity and efficiency.

Search, Rescue and Disembarkation

Reaching an agreement on how to deal with search and rescue events and disembarkation is also critical. The Organization applauds the Commission's position that **search and rescue, and saving lives at sea, is not optional**. It is both **a moral duty and an international obligation, and should not be criminalized**. IOM and UNHCR have shared joint recommendations on this and welcome both the recommendations in the Pact regarding a common approach to search and rescue, disembarkation and related solidarity, as well as the proposed Guidance on the Facilitation Directive.

The EU should continue to **build the capacity of relevant national and EU agencies for upholding fundamental rights**. The EU should also improve reception conditions in line with existing EU standards, and in support of national authorities. The latter can be done with the support of mandated EU and UN agencies along all migration routes.

VI. Comprehensive and Integrated Border Management

Progress on fighting smuggling and enhancing humanitarian border management can be achieved with equal attention and resources devoted to strengthening and broadening legal migration and safe pathways, genuine partnerships, integration and building prosperous, healthy, cohesive communities. It can also reduce the demand that feeds the business of criminal smuggling groups. Investing in regular migration channels and enhanced mobility will also be essential to sustainable development and growth in the EU and elsewhere.

Border management should be integrated within a comprehensive, sustainable approach linking internal and external asylum and migration policies. A siloed approach that advances on borders, irregular migration and return policy without parallel progress on migrant protection and assistance, legal migration and mobility, integration and building cohesive communities, may fall short of the aforementioned objectives in the longer term.

"Strong" borders should become synonymous with facilitating human mobility in a safe, orderly and humane way. Border systems must be strong, but also rights-based and "health-proof" through the deployment of flexible and innovative public health solutions at borders. **Protecting the health and human rights of people on the move in turn protects everyone**.

Organized, criminal smuggling groups that prey on the desperation of migrants need to be stopped. **Migrant smuggling** is an extremely profitable criminal business model. International law enforcement cooperation is essential, and **more needs to be done** in parallel **to undermine that model by reducing the demand through awareness raising, as well as safe, regular alternatives for migrants and would-be migrants**. Without demand-reduction, smuggling will prove resilient and new routes or sub-routes are likely to emerge or expand.

Equally, **fighting all forms of human trafficking** (which constitutes a grave violation of human rights) domestically and through cooperation among European institutions, Member States and with partner countries must be refocused and more prominent. Strengthened means to protect victims of trafficking should also be considered.

VII. Climate Change, Environment, and the European Green Deal

The EU should **take into account the potential impacts of climate change and environmental degradation on migration and displacement**, both within the Union and across its external borders. IOM considers it important to enhance knowledge, understanding and coordination in this area, through integrating climate/environmental migration & displacement in migration research, data collection and monitoring mechanisms.

Mitigating and adapting to climate change and environmental degradation top the global agenda. The potential impacts on movements, migrants, and society are significant. IOM believes that now is the time to **mainstream migration considerations into climate change and environment policy** and ensure that migration policy is coherent with the European Green Deal in which the EU is committed to becoming a global leader in the response to climate change and environmental degradation.

On the other hand, given the critical role that migration plays in the context of environment and climate change, it will be crucial to integrate migration into the measures that will be taken in the framework of the Green Deal. The EU in promoting a just transition in the roll-out of the Green Deal must address the complex nexus with migration.

The migration implications of the Green Deal should be considered, both internally and externally, including the impact of the transition to a Green Economy on labour market needs and the way that migrants will be impacted by the Just Transition.

VIII. Governance, Data, and Implementation

All countries must engage in migration governance together. Migration, as a transnational phenomenon, requires international cooperation and sustainable, multilateral solutions. The EU has a global role to play in promoting **a comprehensive approach to well-managed migration and towards a more balanced, evidence-based discussion around migration** both in Europe and internationally.

Enhanced Migration Data, Evidence, and Public Discourse

Evidence-based, forward-looking and well-planned policy can enhance migration governance, which benefits both migrants and the communities that welcome them. Accurate and disaggregated data serves as a foundation for evidence-based policies which can promote social cohesion. Sound analysis and evidence-based information communicated strategically can contribute to balancing public discourse and reducing discrimination. Accurate data allows for effective monitoring and evaluation of the implementation of policies over time.

IOM recommends, and stands ready to support, further improving and investing in the collection, analysis and communication of accurate, comparable, reliable, forward-looking and comparable migration data.

IOM calls on the EU and Member States to **develop a communications strategy to accompany the pact with the tone and content promoting a balanced and forward-looking narrative on migration**. This narrative should also aim **to address EU citizens' concerns about migration and its impact on their communities**.

Migration and mobility will continue to be a defining feature of the landscape in Europe and the world in the foreseeable future**. In adopting the 2030 Agenda for Sustainable Development, the European Union (EU) clearly recognized the positive contribution made by migrants for inclusive growth and sustainable development.** IOM's view is **that the challenges and opportunities of international migration must unite rather than divide us** if we are to collectively achieve safe, orderly and regular migration across the entire

migration cycle. The new EU Pact on Migration and Asylum is an opportunity for the EU to give new impetus and direction to its governance of migration.

Current data, research and knowledge indicate that the coming decade will bring new challenges for which governments must prepare themselves.[1] The key factors influencing mobility and migration are constantly evolving, in a context where the global fundamentals – notably the economy, peace and security – will have a strong impact on how dynamics and attitudes will evolve. Conflict, both civil and transnational, will greatly affect displacement and broader migration patterns.

Governance

IOM, particularly now in its role as coordinator and secretariat of the UN Network on Migration, believes that it is in our **mutual interest to improve migration governance through a whole-of-government approach and through robust cooperation between the UN and EU**. The EU in its endeavor to realize a new European Pact on Migration and Asylum should:

- Pave the way for Member States' agreement on a rights-based, strategic, comprehensive approach to migration governance;
- Be underpinned by whole-of-society, whole-of-government and sustainable development principles;
- Mainstream migration into sector policies to ensure the effectiveness of each policy and coherence between the internal and external migration governance policies in the Pact.

Longer-term structural solutions must be rooted in genuine partnerships and existing international frameworks. Several key agreements targeting these challenges from a position of strength afforded by regional and international cooperation are already in place. **The New Pact should seek to harness and complement the principles and actions laid out in Global Compacts for Migration and on Refugees, the 2030 Agenda/Sustainable Development Goals, the Valletta Declaration and Action Plan, the Paris Climate Agreement, and the Sendai Framework for Disaster Risk Reduction, among others**. Ultimately, these principles must be supported by adequate operational responses and financial resources based on the value of partnership, within the Union and beyond.

The EU can continue to rely on its partnership with the United Nations to utilize the agencies' unique international legal and political mandate as well as long-standing relationships and on-going programming in its member states and beyond. Over the past decade, UN agencies and the EU have cooperated across Europe and in 170 countries around the world. Enhanced collaboration with the United Nations can reinforce global partnerships through the UN's worldwide membership, long-standing relationships and recognition by third countries. IOM remains a steadfast and reliable partner engaged in regular, multi-level strategic dialogue with the EU, notably through the EU-IOM Strategic Cooperation Framework.

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[1] See, for example, the discussions contained in the *World Migration Report 2020* (IOM, Geneva, 2019).