

High Level Plenary Meeting: September 19, 2016

Why it matters for refugees and hosting States

Answers to Frequently Asked Questions

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Global Commitments to Addressing Large Movements of Refugees & Migrants

1. What are the Global Commitments?

These are commitments the UN Secretary-General (SG) has urged Member States (MS) to adopt to address large movements of refugees and migrants, which are set out in the report, *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants* (SG Report). They are organized in three complementary pillars as follows:

Pillar 1: Upholding safety and dignity in large movements of both refugees and migrants

Pillar 2: Global Compact on Responsibility-sharing for Refugees

Pillar 3: Global Compact for Safe, Orderly and Regular Migration

Pillar 1 calls upon MS to commit to addressing the causes of large movements; to fully implement relevant legal obligations, previous collective decisions, guidelines and policies; to protect people *en route* and at borders; to prosecute criminal smugglers and traffickers; to review border management and detention policies, with a view to upholding human rights; to prevent discrimination and promote inclusion; to combat xenophobia; and to develop comprehensive national plans for the inclusion of refugees and migrants who are permitted to remain.

Pillar 2 calls upon MS to support the full implementation of international and regional refugee instruments; to share responsibility for hosting refugees more fairly; and to support UNHCR when it calls for a comprehensive refugee response (CRR).

Pillar 3 calls upon MS to elaborate a comprehensive international cooperation framework on migrants and human mobility; to recognize that all migrants, regardless of their status, must receive protection, respect and fulfilment of their human rights; to develop more opportunities for safe, orderly and regular migration, in line with the Sustainable Development Goals (SDGs); to counter exploitative practices; to account for migrants' specific needs and vulnerabilities in humanitarian and development plans; and to uphold MS responsibilities to their citizens abroad, including in safe, voluntary and dignified returns.

Global Compact on Responsibility-sharing for Refugees

2. What is the proposed Global Compact?

The proposed Global Compact is a commitment by States to address the need for greater responsibility-sharing for refugees, in an agreed-upon manner. It does not seek new legal commitments, rather it is based on existing legal obligations of States under international refugee, human rights and humanitarian law; standards promoted in resolutions of the UN General Assembly (GA) and conclusions of UNHCR's Executive Committee; as well as on past best practices. Through the proposed Global Compact, MS re-affirm their commitment to existing legal obligations and standards and commit to responding to large movements of refugees in a more predictable and comprehensive manner, which safeguards the rights of refugees, while effectively and predictably supporting countries and regions affected by large movements.

3. What is new about it?

While there are several examples of comprehensive responses to large movements of refugees, these remain the exception and not the rule. The proposed Global Compact seeks to change that. In essence, it moves from a piecemeal and rather *ad hoc* approach by States, to a more predictable and comprehensive one, engaging a wide range of stakeholders.

By adopting the Global Compact, States would re-commit to uphold the fundamental principles of international refugee protection, in particular the principles of *non-refoulement* and access to asylum and refugee protection, and agree to support comprehensive responses to large movements of refugees, based on international cooperation and equitable, but differentiated, burden-sharing.

4. What form will it take?

This will be determined by MS as they discuss the outcome document.

5. Is it only for Member States?

While the SG's request is directed at MS, the intention is to involve all relevant actors in the CRRs on the basis of a 'whole of society' approach, including the UN, international organizations, national and local authorities, civil society partners, academia, the private sector and the media.

6. What are the timelines for adoption?

It is envisioned that the Global Compact on Responsibility-sharing for Refugees would be adopted at the 19 September High Level Plenary Meeting.

7. What are the standards for responsibility-sharing?

The proposed Global Compact for Responsibility-sharing for Refugees does not foresee a "one size fits all" approach to responsibility-sharing. Contributions to an international response can take different forms, including, for example, financial and in-kind support, technical assistance, or increased pathways for admission, including through resettlement. No fixed standards would be applied in defining a State's contribution, which would depend both on the needs that are present and the State's own capacities to respond. "Equitable responsibility-sharing" does not mean "equal responsibility-sharing." Differentiated responses are envisioned. What the Global Compact seeks to achieve is a commitment by States to support an international response and to help shoulder some of the responsibility in resolving a given large-scale refugee situation.

8. Are host States' contributions included?

There has been increasing focus on supporting States hosting large numbers of refugees; for example, recognition from financial institutions, such as the World Bank and regional banks, including the recent commitments of significant funding through grants and concessional loans for Middle Income Countries that would otherwise not be eligible for these terms. The response plans for the Syria situation also have resilience components that address the needs of hosting States. These examples are just a start.

9. What if only a few States adopt the Compact?

Regardless of what is concluded at the 19 September High Level Plenary Meeting, all States will continue to be bound by their legal obligations under international refugee, human rights and humanitarian law. Their commitment to the over-arching principle of international cooperation, as expressed in the 1951 Convention and past GA resolutions, would also continue to apply. What the proposed Global Compact seeks to provide is greater predictability to share responsibility for refugees, and concrete guidance on how this should be done. It is hoped that all MS will support this acknowledgement of the imperative of international cooperation for refugees.

10. Is there a follow-up process?

UNHCR would review and report on the implementation of the Global Compact and CRRs to the GA as part of the High Commissioner's regular, annual report to the GA, which is introduced by the High Commissioner in November of each year. In the interim, it is expected that MS, UN agencies, international financial institutions, and others, will take the necessary actions to translate the commitments contained in the Global Compact and envisioned under a CRR into concrete actions and outcomes.

11. Is the resettlement and admission pathways goal realistic?

The proposed Global Compact calls for providing resettlement spaces or other legal pathways for admission to at least 10 per cent of the global refugee population annually.

UNHCR is ready to work towards this target with States. As resettlement operations have grown in recent years, UNHCR has focused on strengthening its operational capacity and the planning and management of predictable global resettlement activities.

There has also been openness to new processing modalities, and a realization of the value of considering admission pathways outside the traditional resettlement framework.

Humanitarian pathways - which include traditional resettlement, but also other humanitarian admission programmes, private sponsorship programmes for individuals in humanitarian need, special humanitarian visas, and medical evacuation - provide protection for refugees with compelling needs.

Additional pathways may not be specifically based on protection vulnerabilities, but may equally advance protection and solutions for refugees and serve as an important expression of solidarity. Such pathways may include family reunification, including for extended family members, labour mobility schemes, and academic scholarships and apprenticeships.

These additional innovative and diverse avenues to admit refugees – which have been, and will continue to be, explored in close collaboration with States, IOM and other partners - have proved successful, particularly in the context of the Syria situation, and offer the promise of more solutions for refugees.



Comprehensive Refugee Response (CRR)

12. How does it relate to the Global Compact?

The CRR is the vehicle by which MS commitments to a Global Compact are taken forward in a given situation. A CRR would be initiated by UNHCR, pursuant to its mandate and in close cooperation with MS and other stakeholders. The elements of a CRR would encompass the range of actions required for a holistic response, taking into account the root causes of flight, and would include measures to:

- establish or maintain adequate reception arrangements;
- ensure fair and efficient procedures to determine refugee status and to address specific protection needs;
- provide humanitarian and development funding to address refugee needs and support host communities affected by refugee influxes;
- reinforce capacities of refugees, their hosts and the national institutions that support them;
- provide access to sustainable solutions through: expanded third country admissions; local solutions, as appropriate; and, when conditions in the State of origin are conducive to return, support for safe, sustainable return, including through reconstruction and development funding.

13. What triggers a CRR?

UNHCR would initiate and coordinate a CRR in situations involving a large movement of refugees, in coordination with other relevant stakeholders. As indicated in the SG Report, whether a movement is characterized as “large” depends less on the absolute number of people moving than on its geographical context, the receiving States capacities to respond, and the impact caused by its sudden or prolonged nature on the receiving country.

14. Do CRRs apply only to future large refugee movements?

CRRs can be applied to any large movement of refugees, be it past, present or future. Many countries have generously hosted large numbers of refugees for years, having opened their borders to tens, if not hundreds, of thousands of people fleeing conflict and persecution. For many of these situations, greater engagement and support by the international community is needed. The CRR provides a framework for revitalising the international response to these situations and identifying where greater cooperation and support is needed and can be found.

15. How is a CRR developed?

The CRR for any given situation would be specific to that situation, but UNHCR would draw on the key elements for such plans as set out in the SG Report (see response to Q14 above).

MS, in particular those directly affected by the refugee movement, would play a central role in the development of such plans. Such plans would be designed to support not just refugees but also States (their institutions and communities) that receive large flows of refugees. As it has in the past, UNHCR would facilitate discussions and consultations between MS and other stakeholders, help coordinate the development of detailed response plans and funding appeals, and provide any needed operational support and technical guidance. Ultimately, of course, MS would be responsible for the adoption and implementation of any plan, consistent with existing international obligations.

16. Can there be a CRR without a Global Compact?

Yes, and in fact there have already been comprehensive responses, with the response to the Syria situation being a current example. The aim of the Global Compact, however, is for this approach to become the norm rather than the exception in dealing with large scale refugee movements, thereby improving refugee protection and enhancing support to hosting States.

17. Can a CRR be regional?

Regional organizations and processes can be critical elements of an international response, ensuring that regional dynamics, including the drivers of displacement and the capacities of States in the region to respond, are fully and properly considered. The specific nature of any regional response, however, will very much depend on the situation. The recent Bali Ministerial declaration, for example, came out of the experience last year in response to the large movements that took place in the Bay of Bengal/Andaman Sea. That declaration had a strong emphasis on refugee protection, as well as on combatting trafficking and smuggling, and protecting the rights of migrants. Other regional organizations – African Union, Economic Community of West African States, South African Development Community, Mercado Común del Sur, League of Arab States, Organisation of Islamic Cooperation, European Union, Council of Europe – have also engaged, at different levels, on displacement issues and could play a role in any future responses.

18. How will UNHCR activate a CRR?

UNHCR has and continues to draw on good practice from past and current comprehensive plans of action, applying the elements that are outlined in the SG Report to a given circumstance. The advantage of the proposed Global Compact is that there will be a commitment by States to support such comprehensive planning and response from the outset and not after years of protracted displacement.

19. Are there examples of CRRs?

There have been a number of examples of comprehensive refugee responses designed for specific situations, covering all regions of the world (e.g., CPA, CIREFCA, ICARA, 3RP). The Comprehensive Plan of Action (CPA) for Indo-Chinese refugees is considered by many to be one of the most successful of such responses. It brought together donor and resettlement countries, as well as countries of first asylum and of origin, to address the large movements of refugees that began in the 1970s. As a result of commitments by all, the CPA ensured temporary refuge for those who needed it within the region, linked to commitments for admission to third countries, be it from countries of first asylum or directly from the country of origin (Viet Nam). An estimated 700,000 people ultimately benefited from the programme.

More recently, the Regional Refugee and Resilience Plan (3RP) was launched in response to the Syria crisis, bringing together both humanitarian and development partners to create a durable and multi-faceted resilience-based response to the Syria crisis. Grounded in response plans developed at the national level, the 3RP ensures that programmes are implemented and monitored in a coordinated, regional framework. Millions of refugees, and the communities that host them, have benefited from 3RP programmes, and will continue to do so as overall resilience is strengthened.

The US President's Leaders' Summit on Refugees

20. What is the US President's Leaders' Summit on Refugees?

United States President Obama is convening a Leaders' Summit on Refugees, to be held in New York on 20 September and co-hosted by Canada, Ethiopia, Germany, Jordan and Sweden. The Leaders' Summit on Refugees will be distinct from, but complementary to, the General Assembly's High-Level Plenary Meeting on addressing large movements of refugees and migrants. Participants will include States that have made new and significant commitments in support of refugees during 2016. The goals of the Summit are to secure:

1. broader and deeper commitments to funding international humanitarian organizations and UN appeals;
2. expanded opportunities for resettlement and other forms of humanitarian admissions for refugees; and
3. enhanced opportunities for refugee inclusion and self-reliance, particularly through access to education, legal employment and livelihoods.

Following the General Assembly High-Level Plenary Meeting on 19 September, the US President's Leaders' Summit on Refugees will provide interested States with an opportunity to showcase some of their tangible commitments and actions in the areas above.

