



IRAP's Response to the First Draft of the Global Compact on Refugees

April 2018

About the International Refugee Assistance Project

The International Refugee Assistance Project (IRAP) at the Urban Justice Center, based in New York, USA, provides comprehensive legal representation to refugees and displaced persons. Since its founding, IRAP has provided *pro bono* legal representation, legal advice, and expert referrals to thousands of refugees around the world seeking legal pathways from persecution to safe countries. IRAP recruits, trains, and supervises *pro bono* legal professionals to represent the world's most vulnerable refugees, harnessing private resources to advance refugees' access to durable solutions.

IRAP's clients include LGBTI individuals, religious minorities subject to targeted violence, survivors of sexual and gender-based violence, children with medical emergencies for which local treatment is not available, and interpreters who are persecuted for their work with the United States and NATO.

IRAP submits these comments on the First Draft of the Global Compact on Refugees (GCR) as a stakeholder and partner to: welcome the document's increased focus on the core principles of asylum and non-*refoulement* and continued focus on durable solutions; reiterate that UNHCR must lead by example in advancing human rights in refugee protection; and express ongoing concern that the GCR does not outline specific steps for responsibility-sharing.

1. IRAP welcomes the First Draft of the GCR's increased focus on the core principles of asylum and non-*refoulement* and its continued focus on durable solutions

IRAP responded in February 2018 to the GCR Zero Draft, noting concern that the Zero Draft "prioritizes orderly migration over the right to seek asylum and the prohibition on non-*refoulement*." IRAP welcomes the expanded focus on these core principles in the First Draft.

The core focus of the GCR is refugee protection, and the GCR should prescribe concrete commitments by states to affirm, strengthen, and implement the right to seek asylum and the principle of non-*refoulement*. The GCR must emphasize orderly migration to the detriment of the core international protection rights of refugees. The GCR should also clarify that implementation of group-based and alternate forms of identifying protection should not be allowed to undermine or diminish the 1951 Refugee Convention and its refugee definition.

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IRAP also welcomes the GCR's continued emphasis on durable solutions, including resettlement and complementary pathways. IRAP stands in strong support of UNHCR's efforts to expand resettlement opportunities, as well as the emphasis in both the CRRF and GCR on the role of civil society and private sector engagement in promoting refugee protection.

2. UNHCR and other UN agencies must lead by example in advancing human rights in refugee protection

IRAP reiterates that UNHCR and other UN agencies' actions provide an opportunity to demonstrate best practices for ensuring rights-based refugee protection. In the First Draft, UNHCR notes that it will "establish an asylum capacity support group" for states and indicates that it will provide other technical and legal assistance.

UNHCR's own activities in conducting RSD, among other functions, provide both the opportunity and obligation to set a positive example for States. UNHCR can ensure that its own RSD and other procedures are conducted with maximum transparency, including by implementing due process protections such as the rights of asylum-seekers to challenge evidence used against them and to benefit from access to counsel in all situations in which refugee status may be granted or denied.

3. Failure to outline specific steps for responsibility-sharing undermines the GCR's potential to advance refugee protection

The First Draft of the GCR expands on the Zero Draft by providing additional detail regarding the kinds of technical and financial support that donor states and international organizations can provide to refugee-hosting states. One key concern from the Zero Draft remains, however—the First Draft provides a menu of options that dedicated donor states can take without designating responsibility for any of the options to any states. IRAP remains concerned that, without concretely outlining the commitments of donor and refugee-hosting states, the GCR's potential to advance refugee protection is sharply curtailed.

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