International Organization for Migration (IOM)

The UN Migration Agency

"Towards a Global Compact on Refugees"

Thematic Discussion Four: Measures to be taken in pursuit of solutions

IOM recognizes that return and reintegration policies are effective when linked with the protection of rights and the development of opportunities in the country of origin, particularly those that address the drivers of irregular and forced migration, which are often inter-twined. Reintegration assistance needs to be integrated at a structural level, within development policy and programming, addressing the underlying drivers of forced migration, and also be aligned with national policy priorities. Return is one of the available durable solutions, refugees must be empowered to make informed and voluntary choices. The expansion of complementarity pathways, and finding true sustainable solutions for displacement are concepts that are potentially important to both compacts, the Global Compact on Refugees (GCR) and the Global Compact on Migration (GCM). IOM looks forward to working with UNHCR and all stakeholders to maximize the opportunities that the New York Declaration provides for making progress in this important arena.

Panel one: How can we support voluntary and sustainable return?

IOM supports the emphasis in the Comprehensive Refugee Response Framework (CRRF) on the need to promote solutions for refugees, including voluntary, informed, dignified and sustainable return and reintegration in countries of origin. In framing and designing concrete interventions that promote solutions, IOM programming is supported by the Progressive Resolution of Displacement Situations (PRDS) Framework.[1] The Framework was adopted by IOM in 2016, based on an analysis of IOM programming, global dialogue and review by the Technical Working Group on Durable Solutions under the Global Cluster for Early Recovery.

The Framework highlights the importance of understanding the complexity of returns by analyzing the displacement situation within the wider mobility context and identifying the varying needs, risks and vulnerabilities, as well as capacities, of different population groups, and using that analysis to tailor responses. The Framework emphasizes the need to utilize existing networks and mechanisms and to build upon ongoing programming by IOM and other actors, based on multi-year timeframes. This requires strong partnerships at the global, regional, national and local levels and cooperation among humanitarian,

---

[1] See: https://www.iom.int/progressive-resolution-displacement-situations

peace-building, human rights, security and development actors and by so doing, strengthening the nexus between humanitarian and development action.

IOM recognizes that sustainable returns require a focus on longer-term, development-principled support that fosters conducive conditions and 'builds back better' in the return environment. This entails a comprehensive approach which addresses risks associated with conflicts, human-made and natural hazards. Further, targeted individual or household-based support for returnees must be balanced with inclusive approaches in the return environment that promote equity, cohesion and strengthened governance at the community level and that address root causes of vulnerabilities to prevent risks of future crises and resulting displacement.

In line with this approach, IOM supports community stabilization initiatives that involve participatory planning. Engaging both returnees and receiving communities in the design of livelihoods and infrastructure programmes, for example, serves to both mitigate local tensions and strengthen service delivery. Similarly, policy and institutional reform paired with effective outreach efforts can make a critical difference in connection with programmes related to housing, land and property rights of returnees. IOM has been working in the field of land and property restitution for over a decade and has a dedicated Land, Property and Reparations Division which provides expert advice, technical assistance, capacity building and operational support on Housing Land and Property (HLP) issues within a variety of contexts, including durable solutions, transitional justice, peacebuilding and reconciliation as well as stand-alone land and property restitution initiatives. IOM is also a member of the HLP Areas of Responsibility Working Group under the Global Protection Cluster.

IOM HLP experience derives primarily from the internal displacement context and programmes implemented in Colombia, Iraq, Nepal, Yemen and Sri Lanka. The tools, principles and lessons learned from these programmes are also applicable to addressing the HLP need and rights of refugees. Best practices include conducting early assessments to understand the scope and severity of HLP rights violations and the needs and expectations of the impacted communities; collecting and storing documentation pertaining to the HLP rights early on, and incorporating into programmes the principle that HLP rights are portable, meaning that individuals who are granted asylum status or integrate locally, should not be precluded from making HLP claims.

Valuable lessons have also been learned from experience in the climate change context. Returns can be impeded by the adverse effects that climate change or environmental degradation has on the living conditions, including the availability of employment opportunities and means of subsistence in the areas of return. To respond to these challenges, IOM is pioneering programmes combining assistance to sustainable reintegration with adaptation to climate change and sustainable environmental management. In Niger, a programme conducted in partnership with the United Nations Convention to Combat Desertification focuses on creating employment opportunities in sectors associated with sustainable natural resource management, farming, and land rehabilitation.

IOM's Displacement Tracking Matrix and other complementary IOM data collection and analysis tools, such as the on-going longitudinal study on *Access to Durable Solutions Among IDPs in Iraq,*[2] is also a useful reference and evidence-base for new and creative approaches to return.

---

[2] http://iomiraq.net/reports/access-durable-solutions-among-idps-iraq

Panel two: How do we expand access to resettlement?

The numerous countries hosting refugee populations, and those states engaged in resettlement – whether large-scale, well-established programmes or emerging programmes – are to be commended. Their collaborative efforts resulted in over 189,000 refugees being resettled to another country in 2016. Expanding access to resettlement requires the political will of policy makers, the responsiveness of their constituencies, the investment of financial resources, as well as the development of technical expertise.

IOM and UNHCR co-lead the emerging resettlement countries joint support mechanism (ERCM) aimed at the expansion of resettlement beyond the traditional resettlement countries. Establishing partnerships between emerging resettlement countries and traditional resettlement countries has proven to be an effective way to exchange best practices and develop expertise.

Effective resettlement programming also depends on partnerships between governmental and the non-governmental entities who support arrival. The post-arrival phase is among the most difficult, cost intensive and critical in order to ensure the success and sustainability of resettlement. If resettled refugees do not reach a level of self-sufficiency and generalized well-being, then the *raison d'être* for resettlement is lost. Civil society actors are crucial for making the humanitarian process successful and effective public information and high-level advocacy by all resettlement actors is imperative to keep refugee resettlement as a viable durable solution.

Panel three: How can we expand access to complementary pathways for admission?

Complementary pathways are not intended to substitute for the protection afforded to refugees under the international protection regime. However, by opening up new solutions, they can enhance protection and also serve as an important expression of solidarity and responsibility sharing. Private sponsorship programmes, family-based and labour mobility schemes, medical evacuation, and education programmes are examples of complementary pathways for admission that can provide new and durable solutions for refugees.[3] When utilized strategically, complementary pathways can also improve living conditions in first-asylum countries and have a positive impact on the perception of refugees.

IOM has supported States in expanding pathways for admission through labour mobility and family reunification programmes. In the context of its environmental work, IOM has also been assisting states in exploring facilitated migration schemes as an adaptation strategy to climate change.

Complementary Labor Mobility Schemes. Temporary and longer term labour mobility schemes have great potential to help to mitigate the detrimental impacts of prolonged displacement and enhance self-reliance. However, in developing labor mobility and other complementary programmes for refugees, it is important that States adhere to international conventions protecting human rights of refugees[4] – most notably non-refoulement, take measures to provide decent work conditions in the country of destination and avoid exploitation. In practice this means that:

---

[3] Adapted from: UNHCR (2017) Global Trends, Complementary Pathways to Protection and Solutions box, p. 29.
[4] The New York Declaration for Refugees and Migrants, The 1951 Refugee Convention, International Human Rights Law, International Refugee Law, Labour Law, International Humanitarian Law.

- Programmes implementing labour mobility pathways for refugees should be based on an agreement that the guarantee of non-refoulement will be preserved. This may entail creating re-admission agreements with the first country of asylum if the labour mobility scheme is temporary, including specific assurances that refugee status will be retained;

- Measures to address refugee-specific vulnerabilities need to be addressed, including psychosocial support, along with access to general health services, pre-departure and post arrival orientation, and information about labor rights and markets, which are required for both refugees and migrant workers;

- Provisions for the portability of skills and development of new or advanced skills are other important ingredients for successful programmes. The fact that refugees may lack evidence of formal qualifications needs to be addressed. Schemes facilitating the rapid assessment of skills will also ensure successful integration into labour markets and mitigate the problem of deskilling, which is a common phenomenon for individuals who end up working in destination markets below their skill levels;

- Recruitment and placement processes must be consistent with ethical practices, and minimize risk of exploitation;

- Equal treatment with nationals and compliance with international labour standards is necessary to ensure decent work and to prevent the undercutting of labor conditions for national workers. This can be critical to the acceptance of labor mobility schemes involving refugees;

- Labour mobility channels for refugees should be responsive to the demand for skills and labour, and be based on market analysis, as well as dialogue with government and the private sector.

Other special considerations pertaining to labor mobility schemes for refugees include: 1) determining the nature of the legal status a refugee will have in the third country. Once an individual is determined to be a refugee, their refugee status should be maintained unless they fall within the terms of the cessation clauses or their status is cancelled or revoked.[5] In addition, if a refugee is issued a work permit as a migrant worker in the third country, their refugee status should not be undermined. This is particularly important if a refugee's employment is terminated or they are unable to fulfil the terms of the work permit. The first country of asylum that issued refugee status will still bear responsibility to protect the refugee.

A final consideration is that complementary labour pathways for refugees would avoid prioritizing only the highly skilled, but should be open to refugees with a mixture of skills. This will help to ensure that first countries of asylum will more readily accept and agree to facilitate such pathways and also mitigate against the politically unpalatable perception of a brain drain from the first country of asylum.

Family Reunification Programming. Family reunification programmes must ensure that the principle of the protection of the family unit is honored. States must refrain from actions that disrupt family units, and also permit members of a dispersed family to reunite without returning to a country where they

---

[5] Under Article 1C of the 1951 Convention, refugee status may cease either through the actions of the refugee, such as by re-establishment in his or her country of origin, or through fundamental changes in circumstances in the country of origin. The latter are commonly referred to as the "ceased circumstances" or "general cessation" clauses.

4

would face danger. Such policies, often found in existing legal frameworks, must also ensure complementarity and coordination between all involved stakeholders.

As an ongoing best practice, IOM's Family Assistance Programme (FAP) provides both in-person and remote assistance to facilitate the reunification of Syrian and Iraqi families in Germany. Since June 2016, more than 189,000 beneficiaries have been assisted and Germany has issued over 110,000 visas for family members with a recognized refugee in the country. In addition to furthering the important goal of family reunification, the FAP serves to dissuade individuals from seeking unsafe, irregular and life-threatening channels, while providing protection from misinformation and exploitation by unscrupulous visa brokers and/or smugglers.

Panel four: How can we make local solutions work for refugees and the communities in which they live?

Local solutions require a holistic approach from the outset, recognizing the specific needs and capacities of refugees, and the impacts on hosting communities. While the detrimental impacts of large scale and protracted displacement are evident, there is a growing recognition that displacement can to some extent and when well managed, also stimulate economic growth and bring some benefits to hosting communities, through the infusion of new skills and the increased demand for goods and services. Remittances are also often critical in helping households and communities cope with displacement and can have a beneficial impact on the economy in the communities of origin. Inclusive policies and practices, in particular those which regularize the right to work and freedom of movement are key enablers for maximizing socio-economic benefits for all. Disaster Risk Reduction programming in communities hosting refugees involving scare resources, water, land and forests can also increase social cohesion and prevent conflict and benefit local communities.

Some governments have developed progressive policies, particularly related to access to the labour market which is a key concern to refugees and hosting communities. In 2016 in Uganda, UNHCR funded IOM to conduct a labour market needs assessment which revealed a high demand for casual workers in the food processing and agriculture sectors. This required steps to sensitize employers and refugees on respective employment rights and opportunities. In Greece, IOM continues to facilitate access to education for refugees and other children, by providing school kits, educational activities, and offering educational and logistical support to local schools. In Iraq, IOM is working with Syrian refugees and host community members to enhance self-reliance and financial inclusion, through skill development, cooperative formation and business development and rehabilitation of shared productive community infrastructure, such as village wells, etc.