

WRITTEN SUBMISSION OF AMNESTY INTERNATIONAL TO THE GLOBAL COMPACT ON REFUGEES

Amnesty International welcomes this important opportunity to make a written contribution as part of ongoing discussions around the Global Compact on Refugees.

Both the New York Declaration and the Comprehensive Refugee Response Framework (CRRF, Annex 1) recognise that more equitable responsibility sharing and international cooperation are at the heart of refugee protection. To this end, 193 Member States have explicitly committed “to a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees, while taking account of existing contributions and the differing capacities and resources among States” (paragraph 68, New York Declaration).

In order to build on the important commitments made for greater and fairer responsibility sharing and turn them into concrete actions that will meaningfully improve the lives of refugees, Amnesty International recommends the following be included in the Programme of Action:

1. CONCRETE REFUGEE RESPONSIBILITY SHARING MECHANISM:

- Identify a clear process and timeframe for the establishment of a new responsibility sharing mechanism. As part of the process for identifying and establishing a new mechanism for equitable responsibility sharing, concrete steps should be taken by UNHCR and the Office of the United Nations Secretary General to mandate an authoritative body or individual to investigate and propose a credible and comprehensive responsibility sharing model that States can agree to for the financing, hosting and resettlement of the global refugee population. For example, this role can be established in the form of a Secretary-General appointed Special Envoy, or Special Advisor on Refugee Responsibility Sharing. Alternatively, steps could be taken to set up a United Nations General Assembly core group on Responsibility Sharing, via a UNGA resolution, to explore and propose a concrete responsibility sharing mechanism.

This mechanism should include a criteria to calculate and distribute among States, equitably and fairly, the global vulnerable refugee population (around 10% of the overall refugee population) in need of resettlement. The proportion that each State takes would be based on objective criteria that reflect the country’s capacity to host refugees. Such criteria could include GDP or GNI, population, unemployment rate, existing refugee population and/or number of asylum applications received, for example.¹

In addition, the mechanism should include support and guidance to States in order to ensure they are able to actualise their commitments.

- A second mechanism should also be established to facilitate the voluntary transfer of

¹ For Amnesty International’s full proposal on genuine responsibility sharing, produced ahead of the General Assembly high-level meeting on addressing large movements of refugees and migrants, please see ‘Genuine responsibility- sharing: Amnesty International’s five proposals’ (AI INDEX: IOR 40/4380/2016), available at: <https://www.amnesty.org/en/documents/ior40/4380/2016/en/>

refugees from countries of first asylum where the refugee population has reached a certain threshold.² The threshold would also be defined using objective criteria that reflect the country's capacity to host refugees. Other States, with a greater capacity would be asked to accept a proportion of those refugees. Again, a process and timeframe should be put in place for the establishment of a transfer mechanism, with steps taken in the Programme of Action to begin this process via an authoritative United Nations body or individual.

The European Union emergency relocation scheme, while far from perfect, was an attempt to put in place a system to share responsibility and distribute people in need of international protection among European States. For many people it has been a real opportunity to rebuild their lives in safety after surviving wars and perilous journeys to reach Europe. While ultimately the response from European governments was disappointing and largely lacked the political will to fully live up to the legal commitments they made, the scheme did offer a concrete way for States to show solidarity and relieve some pressure on the asylum systems of European frontline States. Based on lessons learnt and should shortcomings be addressed, this is a model that could be strengthened and expanded to protect more asylum seekers and refugees.

WITH REGARDS TO RESETTLEMENT SPECIFICALLY:

- While the modalities for concrete responsibility-sharing and transfer mechanisms are established, in the interim, current resettlement schemes need to expand significantly, offering a greater number of places to meet global resettlement needs. In addition, resettlement schemes should offer greater flexibility and speed through the provision of more emergency resettlement places for those with urgent protection and other needs (for example medical), as well as through dossier submissions.
- By the end of 2020, States should provide resettlement places on a scale which would meet the annual resettlement needs identified by UNHCR, which is 10% of the global refugee population.

2. EXPANDED COMMUNITY SPONSORSHIP:

The Programme of Action should include a clear commitment and plan for States to expand and increase complementary pathways for refugee admission. One concrete area will be for community sponsorship programmes to be established and expanded globally.

Community sponsorship (also known as private sponsorship) gives citizens the chance to take a lead role in the resettlement of refugees. National community sponsorship schemes, established by governments, allow individuals, groups or organisations to apply to become 'sponsors' and commit to settling ('sponsoring') a refugee or refugee family by taking financial responsibility and offering integration support for a pre-determined period of time in order to allow sponsored refugees to become self-sufficient. This model for community-driven resettlement started in Canada forty years ago, following the Vietnam War and as a response to the urgent resultant refugee situation. Considered hugely successful and with a proven track record in Canada, community sponsorship provides a robust model with which to effectively respond to growing resettlement and integration needs around the world. While Canada's model provides an excellent example of good practice, community sponsorship schemes can be adapted, adjusted and set up successfully in different national contexts, as seen most recently in the United Kingdom. There are numerous additional benefits of establishing community sponsorship, which include strong integration and reduction of social isolation among refugees, new and innovative partnerships across sectors and actors, community/citizenship building and the possibility of reduced xenophobia and prejudice in

² As per previous footnote: <https://www.amnesty.org/en/documents/ior40/4380/2016/en/>

sponsoring communities.

Amnesty International recommends the following is included in the Programme of Action:

- All states with established resettlement programmes and integration infrastructure should put in place legislation and/or policy frameworks that enable community sponsorship via a national community sponsorship scheme. In countries such as the United Kingdom, New Zealand, Argentina and Ireland, this is already underway. By 2023 (5 years) at least 10 new national community sponsorship schemes should be in place.
- Community sponsorship schemes should be solidly grounded in human rights principles (including non-discrimination) and respect for refugees' own agency and decision making, and subject to proper oversight. Schemes should add to government-led resettlement and should provide refugees with long term residence with a pathway to citizenship.
- States should consider working alongside the Global Refugee Sponsorship Initiative, Amnesty International, local level partners, community actors, faith communities, citizens, the private sector and refugees themselves to establish robust and successful community sponsorship programmes which complement traditional resettlement programmes.
- Plans should be put in place to ensure refugees are actively consulted and included in planning and implementing community sponsorship schemes to ensure that schemes are sensitive to their experiences and meet their needs.

WITH REGARD TO WELCOMING REFUGEES SPECIFICALLY

- Key stakeholders should consider building a 'global community of welcome' that brings together different actors, both governmental and non-governmental, from small community organisations to mayors and municipalities, local and international organisations, in order to network, support each other and most crucially showcase in a powerful, positive and united way the strength and breadth of the work being worldwide to welcome and protect refugees.
- States should actively highlight, promote and publically share positive stories of refugees, many of whom hugely enrich the communities in which they settle and elevate the work of communities that actively welcome refugees, in order to profile and widely share important learnings from vital work being done to promote integration and multiculturalism.

3. EXPANDED TERTIARY EDUCATION AS A COMPLEMENTARY PATHWAY:

Study visas and refugee scholarships can also offer a complementary route to safety, with the additional benefit that tertiary education offers a means to build leadership, economic independence and integration potential. Currently only around 1% of refugees can access tertiary education.

The Programme of Action should include concrete actions to significantly increase tertiary education opportunities as a complementary pathway including:

- Build strong partnerships between governments and academic/education institutions to ensure access to student visas, scholarships, travel documents and safe travel to take up study opportunities
- Encourage all universities to pledge at least two refugee scholarships each, in particular for refugees living in acute or protracted refugee situations, in need of durable solutions. This should be in addition to programmes assisting refugees already in country and specifically act as a pathway to third country resettlement.
- Scholarships should be available regardless of refugees' nationalities; accept alternative proof of primary and secondary education if refugees no longer have their educational certificates; provide comprehensive assistance and financial support (i.e. living and other

costs) to enable full participation and completion of study, including TOEFL support if needed; and provide psycho-social support and allow for the possibility of family joining if necessary.

- Above all, refugee education visa schemes and scholarships should prioritise the protection needs of refugees and the pursuit for a durable solution. Refugees studying should have appropriate legal status, and should be able to stay after their study has concluded if they continue to have protection needs. Scholarship schemes should also consider the provision of post-graduate opportunities, work experience, further training, work placements and employment.
- Build new and innovative alliances and networks between governments, academics, teachers, student bodies and youth activists to increase refugees' accessibility to tertiary education and create opportunities for learning and empowerment, while meeting protection needs and providing durable solutions.
- Work closely with refugees who have had the opportunity to take up refugee scholarships, to build successful and robust refugee scholarship programmes.

4. ENDING CHILD DETENTION:

The New York declaration commits to “work towards the ending of this practice” (paragraph 33).

Children should never be detained for immigration-related purposes, as it will never be in their best interest. Amnesty International opposes all detention of children – whether accompanied or unaccompanied – solely for immigration purposes and recommends that a presumption is established in law against detaining family units of parents and children for immigration-related reasons.

The Programme of Action should contain concrete actions to be taken by states to end the practice of child detention across the globe, including by:

- Publically committing to end the detention of children solely for immigration purposes.
- Immediately putting in place national legislative and policy frameworks which prevent all detention of children for immigration purposes.