



## BACKGROUND DOCUMENT

### *Fifth Meeting of the Regional Committee on Mixed Migration, 15 – 17 September 2015*

Hosted by the Government of Djibouti

“Improving Protection of Migrants in the Horn of Africa and Yemen”

**Dates:** 15 – 17 September 2015

**Venue:** Kempinski Hotel, Djibouti

#### **I. Background on the Committee:**

In December 2010, representatives of the Governments of Djibouti, Ethiopia, Puntland, Somaliland and Yemen convened a Regional Consultation to discuss the phenomenon of mixed migration in the region and to chart a way forward in responding to the situation. A number of recommendations were agreed upon during the 2010 Regional Consultation including the establishment of a multi-ministry intergovernmental committee on mixed migration.

The ‘Regional Committee on Mixed Migration’ held its first meeting in Addis Ababa in December 2011. The goal of this Regional Committee is to achieve greater regional collaboration through annual meetings and periodic reports from member governments on their activities and progress made with implementing the recommendations of the Committee. In September 2012 the Djiboutian government hosted the 2<sup>nd</sup> meeting, in 2013 the Kenyan government hosted the 3<sup>rd</sup>, and in October 2014 the Ethiopian government hosted the 4<sup>th</sup> meeting of the Regional Committee. The 2015 Regional Committee on Mixed Migration will take place on 15 - 17 September in Djibouti, and is made possible by generous funding from the US State Department’s Bureau of Population, Refugees, and Migration (BPRM) and the European Union (EU).

#### **II. Overview:**

The Regional Committee is a government-led initiative with Djibouti serving as the 2015 host, and extending invitations to other governments to participate.

##### *Participants*

The Djiboutian government will host representatives from Ethiopia, Kenya, Federal Government of Somalia, Puntland, Somaliland, Sudan and Yemen, as well as from the Intergovernmental Authority on Development (IGAD) and the African Union (AU). Observer states will include representatives from Egypt, Eritrea, Libya and South Sudan. IOM, UNHCR, the Regional Mixed Migration Secretariat (RMMS), Mixed Migration Hub for North Africa (MHUB) and donors will also attend as observers.

#### **III. Objectives**

The primary objective of the 5<sup>th</sup> meeting of the Regional Committee on Mixed Migration is to support the member states of the Committee to foster bi-lateral and multi-lateral discussions on cross-border mixed migration issues. The meeting provides an opportunity for states to review progress made within the region since the 2014 meeting and to discuss in working groups current concerns relating to key topics in mixed

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**IOM Regional Office for Central & East Africa**

Rhapta Road, Westlands, PO Box 55040 Nairobi

Tel: +254 2 4444167, 4444174, 4446898 • Fax: +254 2 4449577 • E-mail: [sronairobi@iom.int](mailto:sronairobi@iom.int)

migration as per recommendations made at the 2014 meeting. Agreed recommendations relating to the thematic topics will be developed and endorsed by the Committee for action and review in the coming year.

The 2015 meeting will include one supplementary session, enabling participants from the 1<sup>st</sup> regional technical meeting held in Nairobi, Kenya between 15 – 18 June to reconvene to review Standard Operating Procedures (SOPs) developed by Djibouti, Ethiopia, Kenya, Puntland and Somaliland for regulation of movement of persons and cross-border information-sharing.

#### **IV. Background on Working Group Themes:**

The key themes of discussion at the 2014 meeting considered: (1) Migration Data and Analysis: Moving Beyond Numbers; (2) Migration and Health: Delivering Care in a Complex Environment; and, (3) Environmental Migration: Assessing the Impact on Human Mobility. The committee discussed and endorsed seven general and 22 specific recommendations in the working groups and later panel discussion. Key themes for the 2015 have been selected from the general recommendations in accordance with current critical concerns within the region and will include: **(1) Migration and Development; (2) Detention of Irregular Migrants; and, (3) Child Protection within Migration Management.**

These thematic areas will be discussed in working groups made up of committee members and participants, with the overall objective to arrive at an increased understanding of mixed migration in the Horn of Africa in order to deliver appropriate and achievable response. The groups are intended to enable committee members and participants to consider new and advanced strategies in migration management, to foster cross-border negotiation and agreements and to identify gaps where further support, coordination or cooperation may be beneficial. The topics, though disaggregated, are interrelated, with each impacting upon the rights of migrants and the advancement of systems to respond to on-going needs of mixed migration flows. Topics will be considered holistically, and in recognition of previous areas of discussion, recommendations, agreements and on-going activities.

#### **(1) Migration and development: focusing on positive aspects of migration**

The impact of mixed migration is often referenced from a negative stance, specifically relating to the burden felt by States and host communities and increased security issues. Whilst there is a need for already-stretched human resources and policy to respond to increased influxes of foreign nationals entering a State, including the responsibility of governments to protect, the discourse on mixed migration often neglects the more positive aspects of migration and the contributions, both socially and economically, migrants bring to host communities.

As presented through research papers at the 8th International Conference on Migration and Development in June 2015, hosted by the World Bank in Washington D.C., USA in June 2015, migration is a natural consequence of development within States, across regions and internationally. Whether in the home or host nation, when considered from a development perspective, migration can and does affect social and economic change over time.

The positive aspects of migration can be seen at every point of the migratory journey; in the source country families, communities and the state benefit from migrant remittances in addition to the potential return of well-educated and internationally experienced returnees, as has been seen in Somalia and Kenya for example in recent years. In countries of transit, governments and host communities benefit from increased contributions to sometimes struggling economies, from aid money invested to support during and post humanitarian emergencies that also supports host communities and from a temporary labour force filling

low-level labour jobs that may otherwise remain unoccupied. In destination countries similarly contributions to local economies have been identified in studies of migrants and refugees living in Uganda for example<sup>i</sup> whereby refugees' involvement in farming and agriculture, as middle men, running stores and other such businesses positively contributed to the local economy in three studied locations. Studies from the UK further indicate that the economic impact of migration may affect the income of other migrants in a competitive market force but has a positive affect on wages of higher income earners. Migration was similarly found to have no impact on the level of unemployment of nationals in a destination country<sup>ii</sup>.

Efforts to increase awareness and understanding of the positive aspects of migration, if conducted in a regular fashion are necessary. At a grass-roots level, sensitization to the community and economic benefits in host communities helps to reduce stigma and perhaps encourage the enhanced protection of transiting migrants. At a policy level, bilateral or multilateral agreements made on the understanding of the mutual benefits of migration when carefully managed can be profitable for all involved. Increased focus on the regularisation of labour migration channels in particular is fundamental, to reduce the number of persons relying on irregular channels and thus reducing the burden on states to respond to criminal activities, to the protection and insurance of migrant rights and equally to the ability of states to effectively manage returns and remittances, for example.

**Questions to consider for working group 1:**

1. In what ways can governments effectively support regular migration in a way that would be beneficial to the individual, community and State?
2. Identify any current gaps within each nation's labour market that could be strengthened through well-structured employment programmes recruiting workers at home and within the region.
3. In addition to labour contributions, in what ways can migration positively affect the host community or receiving society?
4. What additional measures need to be taken by the State to support the integration of migrants within a community to enable positive growth and community development?
5. In what ways can the regularisation of migration support communities and enhance positive aspects of migration?

**(2) Detained migrants – moving forward with bilateral agreements and repatriation**

The mixed nature of migratory flows through the east and horn of Africa and Yemen includes migrants travelling with documents for the sake of employment, asylum seekers and refugees as well as undocumented migrants seeking opportunities elsewhere. Necessary border controls applied for the protection of State sovereignty and to ensure the protection of nationals within, require that persons travelling within a State provide travel documentation, and proof of permission to enter. For numerous reasons, many migrants travel without such documents and permissions and thus, if identified by the authorities on route are often detained until their immigration status has been examined. Complex circumstances and long processes, in addition to often-limited human and/or other resources result in protracted periods in detention for some migrants prior to release or to return.

International laws, including the International Covenant on Civil and Political Rights (ICCPR) for example which has been signed and ratified by all Committee member states prohibits the use of arbitrary arrest and

detention, which by definition includes persons detained in mass round ups and those held for an indefinite period of time.

A key challenge in the east and horn of Africa is the availability of resources to enable expedited processing, investigations and returns from border points. Individuals are often held at entry points, or collected in round-ups and arbitrarily detained for a protracted period whilst their status is investigated. Those whose nationality can be proved may be returned, however this is dependent upon the availability of transportation and accompanying staff. Those whose nationality cannot be established (i.e. stateless) will be returned to their last country of residence, again dependent upon transportation and resources.

Whilst the use of detention is often explained as a means of controlling borders, managing migration and to discourage irregular migration, a report by the Regional Mixed Migration Secretariat, published in February 2015<sup>iii</sup> suggests that the use of detention of irregular migrants can and does not prevent or discourage migration. As such alternatives to detention are encouraged, for example the use of border reception centres as have recently been established in Tanzania and community based accommodation options.

**Questions to consider for working group 2:**

1. Consider current detention practices in the region and how these could be adapted to ensure that the legal rights of migrants are maintained, with regards to arbitrary detention.
2. How could governments work together to reduce the number of migrants held in detention centres in the region?
3. What actions need to be taken or agreements made, to facilitate the safe return of detained migrants from each country?
4. What information is necessary for the host nation to collect prior to facilitating returns of migrants?
5. What information is necessary to exchange between nations to facilitate the timely return of detained migrants?

**(3) Child Protection within Migration Management**

Recent concerns have been sparked within the international community and national institutions alike by the number of child migrants who have been identified within mixed migration flows. Some estimates suggest that between 10 – 15% of migrants are unaccompanied or separated children. The push and pull factors affecting children and youth are as varied as those affecting the adult population. Economic factors for poorer families creates pressure on children and youths to seek employment to send money back to their families, limited employment opportunities within home countries has frequently been noted as a reason for flight for many young adults, particularly young graduates. The number of younger teens (10 – 15 years) caught up in the mixed migration flows having left school due to economic desperation and/or peer and family pressure, has also grown noticeably.

The desire for further educational opportunities equally encourages children and youths to depart. Misrepresentations or stories of exaggerated fortune from abroad and ever-strong ties to family and friends living within the diaspora through social media outlets has an unavoidable impact on the expectations of the young who are quickly tempted by the prospect of living this often slightly warped view of an alternative (and for some seemingly better) life. Equally children and youths like their parents flee from situations of conflict, political oppression, and ongoing internal emergencies in their home nations. They flee for safety and often become mixed up within the complex networks of migration in the region.

Children and youths are often perceived to be those most at risks of exploitation by smugglers connected to trafficking rings. Lured by people smugglers, children travel without needing to pay money up front and, as was reported by RMMS in their March 2015 study, 'Protecting Women on the Move: Mixed migration drivers, trends and protection gaps in Djibouti'<sup>iv</sup>, frequently become stranded in urban centers where they become reliant solely on erratic odd-jobs on the street or on begging. Protection risks faced by child migrants are exacerbated. In recent years the trafficking of persons trade has seemingly become far more lucrative than smuggling and thus children hoping to reach Europe or the Gulf States are frequently handed over by the initial smugglers for a price and thereafter held for ransom or sold into trade.

Effective migration management ought to include child protection focused activities. In source and transit countries activities to prevent children from leaving the home and seeking employment opportunities elsewhere are encouraged. Similarly, enhanced child protection mechanisms at immigration points and Migration Response Centers are essential to ensure that child migrants are supported in accessing basic services that may otherwise remain inaccessible. Access to family tracing is vital, and must be accompanied by counselling to reduce the likelihood of secondary movement. Child-focused services are also necessary at destination points for children who, post-arrival are likely to continue to face increased barriers and risks, particularly relating to trafficking and child labour.

**Questions to consider for working group 3:**

1. Consider the specific needs faced by unaccompanied and separated child migrants in each country. How do these differ from the challenges faced by adult migrants?
2. Consider current preventative activities developed within source and transit countries designed to discourage potential child migrants. Are these services accessible for children? If yes, how so? If not, how might they be adapted?
3. How can services provided at immigration points and migration response centers be adapted or enhanced to ensure that children are protected? What additional services and/or resources might be required to make this effective?
4. In what ways can bilateral agreements be utilized to reduce the number of child victims of trafficking?
5. Consider services that could be developed to support returned child migrants and their families to enable children to reintegrate and to discourage secondary movement.

**With thanks to the US Government's Bureau for Populations, Refugees, and Migration (BPRM) and to the European Union (EU) for their support.**



<sup>i</sup> A Betts, L Bloom, J Kaplan, & N Omata (2015) *Refugee Economies, Rethinking Popular Assumptions*.

<sup>ii</sup> <http://www.migrationobservatory.ox.ac.uk/briefings/labour-market-effects-immigration>

<sup>iii</sup> RMMS. (2015) *Behind Bars: the detention of migrants in and from the East and Horn of Africa*

<sup>iv</sup> RMMS. (2015) *Protecting Women on the Move: Mixed migration drivers, trends and protection gaps in Djibouti*