

**CI contribution to the outcome document of the UN Summit for Refugees and Migrants on 19 September 2016  
on addressing large movements of migrants and refugees**

*“Nonetheless, when the stranger in our midst appeals to us, we must not repeat the sins and the errors of the past. We must resolve now to live as nobly and as justly as possible, as we educate new generations not to turn their back on our ‘neighbors’ and everything around us. Building a nation calls us to recognize that we must constantly relate to others, rejecting a mindset of hostility in order to adopt one of reciprocal subsidiarity, in a constant effort to do our best.”(Pope Francis to US Congress).*

Through its 165 member organisations worldwide, Caritas Internationalis works with local actors and migrants in countries of origin, transit and destination. Our work includes provision of shelter and education in large refugee camps; health care and trauma counselling for migrants and refugees; housing and on-the-job training of asylum seekers; integration work with migrants and refugee in/and with the host societies; support for sustainable return of migrants; care for victims of human trafficking; and engagement with policy makers.

Caritas Internationalis welcomes this summit as a first step towards global governance on migration and a change in the narrative on migration. We call upon the international community to be courageous and not miss this opportunity. Caritas Internationalis welcomes the commitments for the respect of rights of all migrants and for sharing responsibilities when receiving refugees. However, we are concerned about the current gap between such commitments and current policies and practices on the ground. The outcome of the summit must ensure that there is a real change in practices for the benefit for migrants and refugees. Without a clear commitment to shift from current policies, there is a danger that the implementation of parties' commitments might not take the right approach to ensure the safety and dignity of all migrants and refugees. We hope that this spirit of transformation will guide the summit in September and its outcome.

On the basis of our global experience we would like to present the following key recommendations to be included in the 19th September UN Summit outcome document, based on a people-centred, human rights and dignity approach to internal and international migrants and refugees:

1. As Pope Francis has repeatedly said, it is our firm belief and calling to ensure that all those who seek refuge are welcome and looked after. Borders have been created by men, in order

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<sup>1</sup> [http://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco\\_20150924\\_usa-us-congress.html](http://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150924_usa-us-congress.html)

to provide countries with some level of control and management of migration patterns. This should not prevent anyone from crossing borders and it is our personal and collective duty and responsibility to welcome everyone in need without any exception.

2. The international community must send a strong signal that the human rights of refugees and migrants are not up for debate, and that people fleeing conflict, persecution, natural disasters, failed development and the effects of climate change are entitled to the full enjoyment of their human rights. At a time when the human rights of refugees and migrants are being eroded and violated at alarming rates, it is vital that this high level meeting should demonstrate the international community's clear commitment to protect these rights. Proof of this commitment would be to engage people at many levels, including municipalities, in finding solutions for people on the move.
3. The current approach of governments to dealing with refugees and large-scale migration is worrying. The main priority in dealing with an influx of refugees and migrants must be meeting essential protection needs and ensuring full respect for international refugee and human rights law in any response taken – not building walls, closing borders and violating both international human rights and refugee law.
4. To defend each person's right to live with dignity, it is crucial that they can first and foremost enjoy the right not to migrate. Addressing the root causes of forced migration and displacement is needed to avert – if possible at the earliest stages – the movement of forced migrants as a result of lack of opportunities, violence, war, persecution and climate-induced disasters. We also call for developed nations not to use ODA to pay for the costs of refugees at home (in some countries over 20% of their overseas development budget), but rather to mobilise other domestic resources for that purpose. Moreover, we call for the unconditionality of aid, with regard to migration.
5. It is crucial to ensure good quality reception conditions by avoiding the use of camps and ensuring that migrants and refugees have access on arrival to good quality, adequate and affordable services (including for example, health care, psycho-social support and accommodation). Reception conditions must also take into account the specific situation of vulnerable groups and guarantee their protection (for instance, protection of women and children against risks of sexual violence in reception centres and camps).
6. Swift engagement in outlining the global compact for safe, regular and orderly migration – involving a clear process, timeline and indicators – is needed. We emphasize the need to give sufficient space to Civil Society – including faith-based organisations, cities, the private sector and other stakeholders as appropriate – in the debate triggered by the report of the UN SG on responsibility sharing, safe, legal and responsible migration, and combating xenophobia.
7. Some countries are currently shouldering a disproportionate share of the responsibility associated with large movements of refugees and migrants. We therefore call on the international community to support the global compact aimed at sharing the responsibility of providing protection to those fleeing conflicts, persecution, natural disasters, failed development and the effects of climate change, as proposed by the Secretary General in his report. We welcome the second draft of the global compact on refugees as being more specific and concrete, in outlining both local solutions and legal pathways for admission in other countries. However, there is no longer any mention of shared responsibility, which we believe is an important element to indicate that the international community has a joint responsibility for addressing large flows of refugees.

Additionally, we also suggest highlighting the benefits deriving from refugees' contributions to their communities of arrival.<sup>2</sup>

8. Considering that the high number of internally displaced persons and their suffering, which is partly similar to that experienced by refugees (as pointed out in the draft outcome document 1.20, Version 12th July), may result in their leaving their country and seeking refuge in another country, we think that greater attention should be paid to them.
9. More specifically, Caritas Internationalis
  - a. challenges deportations and forced returns of people and the reformulation or reinterpretation of international refugee and humanitarian law to prevent people from seeking refuge or to facilitate their return. "Any type of return, whether voluntary or otherwise..." as stated in the draft outcome document (3.15, Version 12th July) indicates that forced returns are envisaged. Caritas Internationalis welcomes the possibility of prepared, informed and voluntary repatriation, as appropriate, if those repatriated are able to live in the community of origin as outlined in the global compact on refugees. Caritas Internationalis also sees forced return as a way of freeing oneself from the responsibility and leaving migration management on the shoulders of developing countries only;
  - b. condemns the reformulation of the definition of 'safe countries' to which migrants can be returned, and the inclusion of readmission clauses in bilateral or multilateral trade and aid agreements (more trade preferences if nationals are successfully returned, more development aid if this is used to fund migration management, and border control measures);
  - c. calls for "humane return" that is in line with the 1951 Refugee Convention, which guarantees asylum seekers the right to be individually assessed, to have a chance to appeal a rejection and, crucially, the assurance that they will be moved to a country that will guarantee their human rights and where they will be free from persecution, in accordance to the principle of non-refoulement;
  - d. calls for the provision of adequate access to information: newly disembarked migrants should be informed about the possibility of requesting international protection; there should be no restriction of access to the asylum procedure merely on the basis of nationality, without any real personal investigation, thereby making a distinction between first and second class migrants;
  - e. calls for all individuals to be able to claim their right to asylum. The 1951 Refugee Convention requires that refugees have an individual right to claim asylum and are not treated on the basis of country of origin or transit, as this would otherwise warrant as grounds of discrimination based on nationality;
  - f. states that migrant and refugee children must not be detained and must be treated in accordance with international law regarding children's rights and especially the UN Convention on the Rights of the Child, ratified by almost all countries in the world. States should invest personnel and financial resources for implementation, and specifically in alternatives to detention. It has been proven that such alternatives are more humane and more cost effective. We suggest specifically referring to the "Recommended principles to guide actions concerning children on the move and other children affected by migration"<sup>3</sup>, as prepared by CS organisations. More generally, we remind national governments that detention should not be used

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<sup>2</sup> [http://www.ansa.it/english/news/2016/03/30/riace-mayor-among-fortunes-50-greatest-leaders\\_a8a93ef8-d679-45fd-a9c0-451c582ed80d.html](http://www.ansa.it/english/news/2016/03/30/riace-mayor-among-fortunes-50-greatest-leaders_a8a93ef8-d679-45fd-a9c0-451c582ed80d.html)

<sup>3</sup> <http://destination-unknown.org/wp-content/uploads/160601-recommended-principle-EN-corr-BD.pdf>

- against anyone, including adults, unless it is a matter of last resort. A clear commitment to avoid detention should be reflected in the outcome document;
- g. recalls that everyone has the right to family life and possibilities for family reunification should be prioritized. In particular, there should be equal access to family reunification among refugees and beneficiaries of subsidiary protection. Family unity must be seen as an inalienable right for all migrants, as well as a guarantee for effective integration in the receiving society;
  - h. urges countries to address human trafficking and (sexual) exploitation in large movements of migrants and refugees. More investment in training of border police and other stakeholders is needed to identify and address this crime against humanity. The outcome of the summit must reflect the respective 2030 Agenda goals and targets on ending human trafficking and (sexual) exploitation in particular of women and children, and on promoting decent work for migrants, including for refugees and people claiming asylum.

Finally, we underline that robust policies to counter racist and xenophobic tendencies, often spurred by populist political parties that promote the “fear of the unknown stranger”, or the “cost of refugee reception to society”, are needed. These tendencies are undermining solidarity, from person to person, but also among countries and governments. We therefore call for all people to foster and strengthen solidarity towards others, our brothers and sisters, reminding each of us of our responsibility towards our neighbours. We also call on the international community to support the related Addis Ababa Action Agenda commitments, and the UNSG initiative to launch a global campaign to counter xenophobia, showcasing examples and testimonies of those making efforts to welcome migrants, addressing and countering the sometimes legitimate fears and concerns of those who don't, and especially involving communities, cities and the private sector.

We believe that the best remedies for combating racism and xenophobia are integration policies for migrants and refugees involving the host communities, and giving migrants and refugees access to human rights regardless of their status, while also calling on their responsibilities. Our societies are diverse, and this diversity must be recognized as a new value, an opportunity to build on, and not as a risk.

Vatican City, 21.07.2016