



Asia-Pacific Migration Report 2020

Assessing Implementation of the Global Compact for Migration



International
Labour
Organization





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United Nations Publication
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Printed in Bangkok
ST/ESCAP/2801
Sales no.: E.18.II.F.3
ISBN: 978-92-1-120817-7
eISBN: 978-92-1-005367-9

Suggested citation: United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). *Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration* (ST/ESCAP/2801).

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Acknowledgements

This publication is the product of collaboration among the members of the Regional United Nations Network on Migration for Asia and the Pacific.

The following members of the Regional United Nations Network on Migration and their respective consultants drafted the main chapters of the report: Sabine Henning and Paul Tacon (ESCAP), authors of chapter 1; Nilim Baruah (ILO) and Piyasiri Wickramasekara (consultant), authors of chapter 2; Pia Oberoi (OHCHR) and Kate Sheill (consultant) authors of chapter 3; Jerrold W. Huguet, author of chapters 4 and 5. Chapter 6 was drafted by Sabine Henning and Paul Tacon (ESCAP), with input from ILO, IOM, OHCHR, UNAIDS, UNDP, UNHCR, UNICEF and UN Women.

A number of Regional United Nations Network on Migration members gave generously of their time in providing technical comments or drafting sections of the report. Their cooperation is greatly appreciated. They include: Nilim Baruah, Shabarinath Nair and Piyasiri Wickramasekara (consultant) (ILO); Jamie Calderon, Donato Colucci, and Patrick Duigan (IOM GMDAC and MGI teams); Sieun Lee, Jonathan Martens, Michel Newson, Nyaradzo Chari-Imbayago, Amr Taha, Mariko Tomiyama, Lara White and Brian Wittbold (IOM); Quinten Lataire (UNAIDS); Pia Oberoi and Kate Sheill (consultant) (OHCHR); Tam Hoang (UN-Habitat); Younghwa Choi, Gaelle Demolis, Nansiri Iamsuk, Robin Mauney, Leo Bernardo Villar and Valentina Volpe (UN Women); Sebastian Boll, Paul Buckley, George May and Francisco J. Santos-Jara Padron (UNDP); Lisa Guppy and Georgina Lloyd (UNEP); Jenelle Babb, Kyungah Kristy Bang, Sowirin Chuanprapun, Ichiro Miyazawa, Nyi Nyi Thaung, Wesley Teter and Sue Vize (UNESCO); Christophe Lefranc (UNFPA); François Kernin and Samuel Siew (UNHCR); Jan Beise, Nicola Brandt, Yukun Pei and Eshani Ruwanpura (UNICEF); Jessica Wong-Dewangga, Rebecca Miller, Morgane Nicot and Anna Tsitsina (UNODC); Samuel Clendon and Fausto Aarya De Santis (WFP).

Overall direction, guidance, and support were provided by Srinivas Tata, Director, Social Development Division. Vision for the report and management of its production were provided by Sabine Henning, Chief, Sustainable Demographic Transition Section, Social Development Division, ESCAP. The report was technically edited by Sabine Henning, Marco Roncarati (ESCAP) and Paul Tacon.

The following ESCAP staff, consultants and interns provided inputs and excellent research assistance: Channarith Meng, Vanessa Steinmayer, Pakkaporn Visetsilpanon, Anna Thuy Duong, Hakim Jamal Horton and Uditha Meghal Perera. The following ESCAP staff members provided administrative support: Leena Taechamongkalapiwat and Lawan Uppapakdee.

The authors wish to thank the Regional United Nations Network on Migration, coordinated by Nenette Motus, Regional Director for Asia and the Pacific, IOM – Regional Office.

Special thanks are owed to those who took part in the Expert Group Meeting on the Asia-Pacific Migration Report 2020, held virtually at the United Nations Conference Centre in Bangkok from 29 to 30 July 2020. In particular, the meeting's discussants are recognized: Maruja Asis, Helen Brunt, Vivienne Chew, Olga Chudinovskikh, Lakshman Dissanayake, Tim Dixon, William Gois, Guy S. Goodwin-Gill, Carolina Gottardo, Asher Hirsch, Bela Hovy, Sakkarin Niyomsilpa, Keiko Osaki-Tomita, Nicola Piper, James Raymer, Sara Salman, Ellene Sana, Tasneem Arefa Siddiqui, Ronald Skeldon and Elana Wong.

The following United Nations agencies made financial contributions to the preparation of the report: ESCAP, ILO, IOM and OHCHR.

The team also wishes to thank Marco Roncarati, who edited the final report for publication; Alan Cooper, who edited parts of the report; and Daniel Feary, who designed its cover and layout.

Foreword

Countries in Asia and the Pacific have been places of origin, destination and transit for migrants and their families for centuries. Today, the number of international migrants, to, from and within the region, is at an all-time high. Motivated by new opportunities, enabled by innovative connections and technologies, driven by conflicts, emerging threats and the effects of unsustainable development, and responding to demand from abroad, large numbers of people of all ages and genders move to, from, within and beyond the region.

The complexity, linkages and impacts of this multidimensional reality are profound, creating opportunities and challenging actors within and outside the region. Every day, migrants reshape societies of origin, destination and transit, contribute to economic growth, innovation and sustainable development, and make the region more prosperous and liveable. However, the most positive impacts of migration are only possible when migration is safe, orderly and regular, and, above all, when the human rights of all migrants and their families are protected.

On 10 December 2018, United Nations Members States adopted the Global Compact for Safe, Orderly and Regular Migration at an intergovernmental conference in Marrakesh, Morocco, followed by the formal endorsement by the General Assembly on 19 December 2018. The Global Compact for Migration is a historic achievement: it is the first intergovernmentally-adopted framework for cooperation addressing all aspects of migration governance in a holistic and comprehensive manner.

The Global Compact for Migration rests on the core purposes and principles of the United Nations, including its Charter, international human rights law, international labour law and the 2030 Agenda for Sustainable Development, among others. Its cross-cutting and interdependent guiding principles are: people-centeredness; international cooperation; national sovereignty; rule of law and due process; sustainable development; human rights; gender-responsiveness; child-sensitivity; whole-of-government approach; and whole-of-society approach.

To help ensure the success of the Global Compact for Migration, a mechanism exists for international follow-up and reviews of progress, including at local, national, regional and global levels. These reviews will take place in the framework of the United Nations, using a State-led approach, but also involving all relevant stakeholders.

At the regional level, member States invited relevant subregional, regional and cross-regional processes, platforms and organizations, including the United Nations Regional Commissions, to carry out reviews of implementation of the Global Compact for Migration within their respective regions, beginning in 2020. These reviews will feed into the International Migration Review Forums, at the global level, scheduled to take place every four years and beginning in 2022.

In Asia and the Pacific, the Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration is being organized by ESCAP and the Regional United Nations Network on Migration for Asia and the Pacific, using the ESCAP platform. The Regional Review will take place in Bangkok and virtually from 10 to 12 March 2021.

In preparation for the first regional review, ESCAP and the Regional United Nations Network have authored the Asia-Pacific Migration Report 2020, which takes stock of implementation of the Global Compact for Migration in ESCAP member States. In accordance with the indicative clustering of the Global Compact for Migration objectives set out in General Assembly resolution 73/326 on the organization of round tables for the International Migration Review Forums, and recognizing the cross-cutting and interdependent guiding principles of the Global Compact for Migration, the main chapters focus on: (1) migration levels and trends in Asia and the Pacific; (2) ensuring that migration is voluntary, regular, safe and orderly; (3) protecting migrants through rights-based border governance and border management measures; (4) supporting migrants' protection, integration and contribution to development; and (5) strengthening evidence-based policymaking, public debate and cooperation for safe, orderly and regular migration. A separate chapter is devoted to the devastating short- and long-term impacts of the COVID-19 pandemic on migrants and their families, as the

world nears the end of the first year of the pandemic, with a special focus on health-related, migration, economic and social impacts. The report concludes with a series of recommendations on the way forward towards a comprehensive approach to safe, orderly and regular migration in the Asia-Pacific region.

The analyses in the report are based on the latest publicly available evidence on international migration in Asia and the Pacific, desk research by members of the Regional United Nations Network, and information provided by country offices of Network members. The good practices described here were collected from States, international organizations and relevant stakeholders working in the region. While they address elements of the Global Compact for Migration, they have not been independently verified and are neither exhaustive nor always geographically balanced. The report authors also benefitted from knowledge, analysis and recommendations gathered at an expert group meeting on the draft report held at ESCAP on 29 and 30 July 2020.

COVID-19 has and will continue to have especially dire effects on people and communities on the move. At the same time, the pandemic has highlighted migrants' contributions to communities around the globe, including socioeconomic contributions. The Global Compact for Migration provides a blueprint for international cooperation on migration. Safe, orderly and regular migration can reduce the vulnerability of migrants and societies to the negative impacts of COVID-19 and future pandemics, and help in recovery and building back better, stronger, more inclusive and resilient communities that protect human rights, stimulate strong socioeconomic recovery and growth, and accelerate implementation of the Sustainable Development Goals. Greater regional and subregional cooperation on migration can contribute to a more effective COVID-19 response, and to maximizing the benefits of migration for all.

The conclusions and recommendations of this report are intended for consideration by ESCAP member States and associate members, in partnership with all relevant stakeholders to ensure a collaborative and comprehensive response to the call for action of the Global Compact for Migration.

In this spirit, we sincerely hope that the *Asia-Pacific Migration Report 2020* will contribute to wider discussion and understanding of migration and development, to national policy formulation, and to greater regional cooperation in making migration safe, orderly and regular in Asia and the Pacific and beyond, now and in the future.



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Executive summary

International migration is a defining and expanding global reality. Its levels, complexity and impacts have increased over time. Migrants have been recognized as key accelerators of sustainable development, yet they face challenges in countries of origin, destination and transit. Migrants and their families everywhere face risks to their safety, dignity, human rights and fundamental freedoms, regardless of their migratory status.

Recognizing these facts, and determined to improve cooperation on international migration, United Nations Member States adopted the Global Compact for Safe, Orderly and Regular Migration in 2018. Based upon the core purposes and principles of the United Nations, including its Charter, international human rights law, international labour law and the 2030 Agenda for Sustainable Development, among others, the Global Compact for Migration is the first intergovernmentally-adopted framework, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner. Its cross-cutting, interdependent guiding principles and its 23 objectives and associated concrete actions provide a framework and roadmap for international

coordination and cooperation on migration, which is critical to address the challenges and opportunities of migration now and in the future.

The years 2020 and 2021 mark the first time that regional commissions, in accordance with General Assembly resolutions 73/195 and 73/326, and in collaboration with regional partners, are reviewing the implementation of the Global Compact for Migration within their respective regions. These regional reviews will contribute to the work of the International Migration Review Forums, the first of which will take place in 2022. ESCAP and the Regional United Nations Network on Migration for Asia and the Pacific are organizing the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration from 10 to 12 March 2021, using the ESCAP platform. The present report presents a baseline of Global Compact for Migration implementation by ESCAP member States according to the indicative clusters of the Global Compact for Migration objectives presented in General Assembly resolution 73/326. It discusses short- and long-term impacts of the COVID-19 pandemic on migrants and their families, and it recommends future collaborative action by governments and relevant stakeholders in order to achieve safe, orderly and regular migration in Asia and the Pacific.

Overview of migration in Asia and the Pacific

The Asian and Pacific region¹ is home to over 4.6 billion people, about 60 per cent of the world's population in 2020. It includes countries with some of the largest and fastest ageing populations, countries that are highly vulnerable to climate change and natural disasters, and countries that are experiencing the highest levels of wealth inequality in the world, as well as persistently high levels of income inequality and inequality of opportunity. In addition, the region is home to both rising economic and political powers, and countries remaining among the group of those that are least developed. The number of international migrants in the region has grown within this context from almost 52 million in 1990, to 65 million in 2019, representing a quarter of the global international migrant stock of 272 million in 2019. The percentage of male and female migrants in the region is roughly balanced at 51 and 49 per cent, respectively. Migrants are concentrated in prime working ages, with over 78.0 per cent (almost 51 million migrants) being 15 to 64 years old in 2019, compared to 67.7 per cent for the general population. Almost 107 million people from Asia-Pacific countries lived outside their countries of birth in 2019, representing almost

40 per cent of the world's migrants, and equivalent to 2.2 per cent of the region's total population of 4.6 billion in 2019. The bulk of migration is intra-regional. In 2019, almost 46 million migrants from Asia-Pacific countries moved to other countries in the region (43 per cent of all emigrants from Asia-Pacific countries), while 70 per cent of the foreign-born stock in Asia and the Pacific came from within the region. Often migration is concentrated within the same subregion. Almost 61.0 million migrants from the region had moved outside the region in 2019, compared to only 26.7 million migrants in 1990. The main destinations outside the region were in North America, Europe and the Middle East. Irregular migration in the region occurs alongside regular migration. Although no overall data exist, it is likely that irregular migration is significant, given large-scale migration trends in Asia and the Pacific and the widespread desire to migrate, the often high costs of regular migration and restrictive and complex migration policies. Smuggling of migrants represents a subset of irregular migration and, along with trafficking in persons, is significant in the region.

Migration between countries in Asia and the Pacific and to other regions of the world is driven by a variety of causes, both voluntary and involuntary, but the

FIGURE A Growth in the international migrant stock by subregion in Asia and the Pacific, 1990–2019



SOURCE: ESCAP calculations based on United Nations Department of Economic and Social Affairs (2019). International Migrant Stock 2019 Database. Available at <https://www.un.org/en/development/desa/population/migration/data/estimates2/index.asp>.

1 This report considers the region as that covered by ESCAP. For further information, see <https://www.unescap.org/about/member-states>, accessed 25 November 2020.

dominant form is temporary labour migration. Most labour migration from Asia-Pacific countries is South-South, with destinations either within the region or in the Middle East. People in the region also migrate for education, family formation, permanent settlement and retirement, as well as due to political and armed conflicts, food insecurity, and environmental change and disasters. Return and circular migration are likewise common. Irregular migration takes place across the region, while smuggling and trafficking in persons also occur. In addition, the number of refugees, asylum seekers, stateless persons and internally-displaced persons in and from the region remains high. At the end of 2019, there were over 7.8 million refugees and people in refugee-like situations in Asia-Pacific countries, representing 38 per cent of the global refugee population, and the largest regional refugee population in the world.

Much of this vast movement of people in Asia and the Pacific and beyond has been facilitated by advances in communications, transportation, technology, and both established and emerging networks. The socioeconomic and political situation in countries of origin and destination, including demographic factors, has framed migration across borders in the region.

Ensuring voluntary, regular, safe and orderly migration (Global Compact for Migration Objectives: 2, 5, 6, 12, 18)

Most of the region's migrants are temporary workers in elementary and middle skilled occupations migrating from lower to higher income countries. In several parts of the region, there are pathways for regular labour migration across different skill levels, but those for workers in elementary occupations are often costly and cumbersome. Women migrants, especially domestic workers, are particularly at risk of discrimination, violence, abuse and exploitation. Recruitment process malpractices, such as excessive fees, erode the benefits of migration for migrant workers and their families.

Good practices in the region show that measures such as the prohibition of recruitment fees, wage protection, adherence to occupational safety and health standards, decent work promotion, the introduction of complaint mechanisms, skills development and qualifications recognition, and provisions for worker mobility, can lead to improvements in the situations of migrant workers. Some regional frameworks foster mobility in education for academics and students.

For migrants moving on humanitarian grounds, child protection and family unity, the lack of access to regular migration pathways is one factor creating or exacerbating situations of vulnerability. Migrants in vulnerable situations in the region have many needs that cut across sectors and providers, and fragmentation and overlap occur in protection pathways among multiple organizations delivering services. Existing procedures for screening, assessment and referral of migrants in vulnerable situations, including victims of trafficking in persons, are often slow and inadequate, although some good practices are found in the region, especially related to children.

The Global Compact for Migration is firmly rooted in the 2030 Agenda. The region, however, has fallen behind in achieving almost all of the 17 Sustainable Development Goals by 2030. Thus, a large proportion of the region's population remains susceptible to poverty, precarious working conditions, vulnerable employment and a lack of access to social protection, as well as being at risk of disasters and political conflict. As such, many people will continue to see migration as a way to reduce their vulnerability and save themselves and their families from being left behind.

Protecting migrants through rights-based border governance and border management measures (Global Compact for Migration Objectives: 4, 8, 9, 10, 11, 13, 21)

Border governance and border management are central to achieving safe, orderly and regular migration. What migrants experience (and expect to experience) at the border informs their decisions throughout the migration cycle: the routes they take, how they live and work in transit and when they reach their destination, and their options for return.

The right to a nationality is a fundamental human right connected to all other human rights, as well as being necessary to access regular migration pathways. Being able to prove nationality affects every aspect of the migration experience and is essential to the orderly administration of migration and prevention of statelessness. All countries in Asia and the Pacific are States parties to the Convention on the Rights of the Child, which addresses the right to birth registration and to acquire a nationality. However, very few have acceded to conventions that address statelessness, and in practice birth registration remains complicated,

especially for migrants in an irregular situation. In this context, civil registration and vital statistics can play a critical role in achieving inclusive, equitable and people-centred development. Countries in the region have agreed to a Regional Action Framework on Civil Registration and Vital Statistics (2014) and proclaimed 2015–2024 as the Asia and Pacific Civil Registration and Vital Statistics Decade.

Search and rescue is a vital element of border management and of ensuring safe migration. States are obligated under international law to make every effort to protect the right to life, whenever a person is at risk on water or on land and regardless of their nationality or status or the circumstances in which they are found. Numerous migrants have died or gone missing in mixed movements along their migration routes within and outside the region, and many deaths and disappearances go unreported and unrecorded. There are, to date, no regional mechanisms ensuring safe, equitable and predictable disembarkation of people in distress at sea.

Smuggling of migrants is prevalent in the region. Migrants often resort to smugglers due to the costs and other barriers associated with regular migration, and smugglers exploit and profit from the need of people to migrate. Thus, migrant smuggling is deeply embedded in the socioeconomic dynamics of the region. The lack of accessible, safe and legal pathways for migration fuels this activity, exposing migrants to human rights violations and legal jeopardy. In addition, migrants are often criminalized for having been smuggled. States are called upon to cooperate in addressing these crimes, beyond efforts on intercepting irregular movements. Many States in the Asia-Pacific region have criminalized migrant smuggling in some form, and some have introduced related legislation to protect migrants who have been smuggled. Notwithstanding such developments, incorporating measures to prevent migrant smuggling into national law has been uneven.

Trafficking in persons in the Asia-Pacific region is a significant problem. It is a crime as well as a human rights violation and has also been recognized as a development issue, intersecting with challenges such as decent work deficits and violence against women. Several Asia-Pacific States have taken steps to ensure that trafficked persons are not prosecuted for violations of immigration laws, and most have ratified the United Nations Protocol to

Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). Despite action at national and subregional levels and in multi- and bilateral cooperation, the challenges presented by trafficking in persons require a more comprehensive approach that centres on the human rights of trafficked persons and ensures increased access to safe migration and decent work.

Secure borders are essential elements of a comprehensive and holistic approach to migration governance, enabling States to ensure the security of all those within their jurisdiction. In exercising this prerogative, States need to fulfil their obligations relating to protection of the rights of people on the move, including those arriving at borders with varying needs. Multi-agency coordination at the national level, along with international cooperation across borders, is an essential components of effective border management.

Cross-border movements in the Asia-Pacific region are vast, varied and complex. Borders across the region are also increasingly digital, raising new concerns for data protection and privacy risks for migrants. There have been several initiatives focused on rights-based training of border officials in the region, including with a focus on gender-responsive law enforcement. However, enhanced capacity-building is needed, in particular with regard to gender-responsive, disability-inclusive and child-sensitive law enforcement cooperation and responses at international borders.

Detention is a frequent response to irregular migration in Asia and the Pacific, and in many cases is *de facto* and open-ended, constituting arbitrary detention. The right to personal liberty is an essential component of legal systems, and benefit of the rule of law is guaranteed under the international human rights framework. Therefore, migrants should not be detained solely on the basis of their irregular entry or residence, and detention, including for children, on grounds of their or their parents' migration status, should only be used as a measure of last resort. Although some States and subregional actors are seeking to limit the use of immigration detention and explore non-custodial alternatives, especially for children, there is room for improvement in reducing or eliminating the practice of immigration detention, and in the implementation of alternative measures, favouring non-custodial community-based care arrangements.

According to the Global Compact for Migration, States have the sovereign right to determine who may enter and remain on their territory, subject to their obligations under international law. In Asia and the Pacific, many migrants return to their origin country without assistance, and most return movement within the region is intraregional. Voluntary return should always be promoted in preference to forced or coerced return. However, several States do not fully comply with their non-refoulement obligation not to expel, return or extradite persons to another State, even when substantial evidence indicates they would be in danger of torture or other serious human rights violations. In some countries in the region, migrants also often face situations amounting to collective expulsion. Support for reintegration of returned migrants should be strengthened, with a view to more rights-based, gender-responsive, child-sensitive and disability-inclusive programmes.

Supporting migrants' protection, integration and contribution to development (Global Compact for Migration Objectives: 14, 15, 16, 19, 20, 22)

All migrants have rights, and the degree to which and the way their rights are respected, protected and fulfilled in destination countries affects their contributions to development. In Asia and the Pacific, some origin countries have strengthened consular and other services to assist migrants in destination countries. They also support migrant workers, often through memoranda of understanding and bilateral agreements between countries. However, since most migrant workers from South and South-West Asia and many from Indonesia and the Philippines move to Western Asia for employment, the policies of Gulf Cooperation Council countries are critical to their protection and well-being.

Migrant access to basic services is often constrained by laws, fees, language barriers, and restrictions related to residency and migration status. Despite widespread recognition of health as a basic human right, it has proven challenging to ensure health care for all migrants, particularly for women, children, persons with disabilities and irregular migrants in areas where health services are not fully developed. In several countries in the region, there are comprehensive health-care schemes that cover migrant workers, but this is limited mostly to those with long-term contracts, and seasonal migrant workers are rarely covered.

Although the right to education for all, regardless of nationality, is well-established in international human rights instruments, many migrants in the region, in particular migrant children, lack access to education. It is challenging to provide education to large groups of migrant children in the face of language barriers and when many children have experienced trauma or are accustomed to different educational systems in countries of origin. Yet, there are positive examples in the region, such as subregional frameworks permitting access to education, and bilateral dialogues between countries in the region on educating migrant children. Access to other basic services (including housing, clean water and sanitation), especially for migrants in irregular status and in the informal sector of the economy, is often limited and further constrained by overall inadequate living and working conditions.

International migrants bring change to countries of destination. Achieving social cohesion requires some degree of mutual adaptation by all involved. Given the temporary and employment related nature of much migration in the Asia-Pacific region, migrant integration is often not the primary goal of countries of destination and origin, and migrants themselves. Yet, even with a narrow labour market focus, matching occupational skills of migrant workers with host country demand is important, and it remains challenging, due to barriers of language, certification and skills transfer. Other challenges to effective integration in the labour market include ensuring fundamental principles and rights at work, decent working conditions, protection from labour market discrimination and addressing negative public perceptions of migrant workers. As with other aspects of migration, the integration of migrant workers into the labour force is highly gendered. Overall, women and men have different opportunities and pathways for integration into society.

International migrants generally contribute to economic and social development in both origin and host countries when there is a conducive policy environment. The key to creating conditions for migrants and diasporas to fully contribute to sustainable development in all countries is to mainstream migration into development planning, human resource development strategies, labour migration policies and cooperation agreements with international organizations. Some countries in the region promote diaspora development overseas or support existing diasporas so as to contribute to national development initiatives. Most migrants from the region send remittances to families and

others in their origin countries, which supports household consumption and contributes to poverty reduction. Between 2009 and 2019, remittances to the region rose from \$183 billion to \$330 billion, nearly half of the 2019 global total of \$717 billion. India and China are the world's largest remittance recipients, with the Philippines, Pakistan and Bangladesh also among the top ten countries at the global level. Remittances are not just important in absolute value; in some countries of the region they are a significant part of GDP. Remittance growth accelerated over 2016–2019; however, remittances are expected to decline significantly over 2019–2020 due to the COVID-19 pandemic. The region was the source of about \$110 billion in remittances in 2019, up from \$62 billion in 2009. The largest source country was the Russian Federation, followed by China, Malaysia, the Republic of Korea and Thailand. The median cost of sending \$200 in remittances to Asia-Pacific countries in the first quarter of 2020 was at a low of 2.7 per cent; however, such costs vary considerably across subregions, with countries in the Pacific experiencing much higher costs.

Migrants are often excluded from social protection systems in both origin and destination countries. Even when they can access social protection systems, the benefits may not be portable between countries. In Asia and the Pacific, portability of social

security between countries of origin and destination is limited. Some innovative approaches in the region exist at subregional levels. In addition, bilateral agreements on social security have been signed between countries in and outside the region, and several countries of origin have adopted unilateral approaches that extend a certain amount of social security coverage to citizens abroad. In general, however, social protection coverage for migrants is patchy and uncoordinated rather than rights-based and consistent.

Strengthening evidence-based policymaking, public debate and cooperation for safe, orderly and regular migration (Global Compact for Migration Objectives: 1, 3, 7, 17, 23)

Policymakers need accurate, reliable and timely migration data, disaggregated by sex, age, disability, migration status and other characteristics. It is a crucial element in evidence-based, gender-responsive, child-sensitive and disability-inclusive policymaking and public discourse. Countries in Asia and the Pacific generally collect data on migrant stock, in-flows, work permits issued to foreigners, and foreign students, but these data are usually not further disaggregated by age, sex,

FIGURE B Remittance inflows to the Asia-Pacific region and subregions, 2009–2019, billions of \$



SOURCE: ESCAP calculations based on World Bank (2020). Migration and remittances data. Available at <https://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data>.



migration status, disability and other crucial criteria. In addition, entities collecting the data often do not share their information or collection practices, and some national statistical offices lack the capacity to collect, tabulate and disseminate the data regularly according to national and international standards. Data and information can also give migrants knowledge that allows them to migrate safely. Examples from countries in the region show that, among others, pre-departure training contributes to more informed decision-making over the migration cycle.

Particular migrant groups, such as women, children, persons with disabilities and members of ethnic or religious minorities, face increased risk of rights violations while on the move. Data and research from Asia and the Pacific confirm that these vulnerabilities are often associated with the high proportion of temporary migrants in the region, and with migrants who work in the informal sector, particularly those without proper documentation.

Over the past two decades, countries in Asia and the Pacific have made progress in reducing systematic discrimination against migrants. However, public perceptions of migrants, their families, and their contribution to economies and societies in destination, origin and transit countries, are often negative, according to various surveys and polls conducted in the region. To respond, it is necessary to conduct more in-depth and high-quality research

on this topic, challenge assumptions, test different approaches, be evidence-based in evaluating impact, build professional networks and create centres of expertise bringing together different disciplines to build the requisite evidence and communicate it to a wider audience.

International migration has been rising on the global, regional, national and subnational agendas, within and outside the United Nations, building on cooperation and partnerships among governments and relevant stakeholders. Most member States in Asia and the Pacific voted to affirm the Global Compact for Migration and the Global Compact on Refugees. Member States from the region have taken part in the regular reviews of the 2030 Agenda through the voluntary national review process at the high-level political forum on sustainable development and have also discussed migration in that context. In addition, a number of regional formal and informal bodies and processes exist in Asia and the Pacific that address migration. Moreover, there are regional consultative processes which are State-led, informal, regional and non-binding, and they allow for information-sharing and policy dialogues dedicated to migration-issues in a cooperative manner. Bilateral, national and subnational activities complement the global and regional cooperation and partnership activities, including the involvement of relevant stakeholders. Since 2019, the Regional United Nations Network on Migration for Asia and the Pacific has been in place, bringing together the

expertise and experience of United Nations entities in the region to support member States implement the Global Compact for Migration. Country-level networks have also been founded and are being established. With regional reviews of the Global Compact for Migration being conducted in 2020 and 2021, and the global review to take place in 2022 and every four years from there on, future reviews of the Global Compact for Migration are forthcoming.

COVID-19 and international migration in Asia and the Pacific

COVID-19 has affected all countries in Asia and the Pacific, with particularly severe implications for the most marginalized people. Migrants in the region have been especially affected by the pandemic. The impacts of the pandemic on migrants result from personal, social, situational and structural factors, extending beyond their health to further affect their socioeconomic situation and protection in complex, interconnected ways. They are exacerbated by interactions with other factors that cause vulnerability to infection, including migrants' sex, age and disabilities.

In the region, migrants are at a heightened risk of contracting the disease, due to barriers to lack of access to basic health services, unsanitary and overcrowded living conditions, obstacles to undertaking health-seeking behaviours, and increased exposure to infected people given their role as essential workers. Additional negative effects result from disruption or discontinuity of essential health services, including, sexual and reproductive health services, and nutrition. Lack of income has led to decreased affordability of healthy diets and overall access to food. This is of particular concern for migrants, who often reside in urban areas, and where food prices can be higher and more volatile than rural areas due to ongoing lockdowns, travel restrictions and dependence on retail markets. Such a heightened level of food insecurity is having detrimental impacts on the health of children of migrants.

Given their concentration in care, domestic work and nursing, women migrants workers face higher risk of exposure to COVID-19, greater difficulty accessing health services and gender-based violence support services, due to cultural barriers and migrant status, and often being unable to take care of themselves while coping with the demands of caring for more family members at home. Despite the numerous

challenges facing migrants across the region, migrants in some countries, including those in irregular situations, have been allowed to enrol in national health insurance schemes and access free COVID-19 testing and treatment. In providing these services, certain countries have erected firewalls between health centres and immigration authorities. In many countries, migrants play important roles in the COVID-19 response, serving as essential workers including in health care, transportation, or the food and agricultural sector.

As the virus moves with people, governments in almost all countries of the region have imposed widespread, often *ad hoc*, restrictions on international and internal movements. The measures used include suspending international travel, closing borders, tightening visa and/or entry requirements, and mandatory internal lockdowns. In some cases, such restrictions have led to increased movement, as people attempt to go home or rejoin family members. In others, migrants have been stranded in origin, destination or transit countries, often ineligible for government support and without resources to sustain themselves. With borders closed, some migrants have resorted to dangerous ways to migrate or return home, including with the help of smugglers. With large numbers of returning migrants, countries in the region are working to ensure that the returnees are safe, and that quarantine and reintegration measures are in place and followed.

Countries in the region are suffering from economic slowdowns and even standstills, due to the combined impacts of domestic virus outbreaks, severe lockdown measures and the broader pandemic-induced global recession. With most migrants in the region being temporary migrant workers, loss of jobs and wages among them have been particularly severe. It has also resulted in large scale returns of migrant workers, including those organized by governments in South Asia. Remittances have declined drastically. Remittances to Eastern Europe and Central Asia are expected to decline 16.1 per cent from \$57 billion in 2019 to \$48 billion in 2020. Remittances in East Asia and the Pacific are estimated to fall 10.5 per cent over the same period, from \$147 billion to \$131 billion. Some countries in the region have tried to shield certain migrant workers from the economic impacts of the pandemic by including them in economic stimulus packages or income support programmes; however, very few migrants have been able to access such support, and significant numbers remain excluded.



While lockdowns have reduced social interaction for all groups in society, migrants have been particularly isolated. Lockdown measures exacerbate the isolation of live-in migrant domestic workers, increasing risks of abuse or discrimination. Social marginalization and xenophobia experienced by migrants is on the rise, feeding public perceptions of migrants as carriers and spreaders of COVID-19. Lockdowns have had major impacts on children's learning and education. They have disrupted counselling and meals offered at schools, and child protection services have been further restricted. Lockdowns and closed borders have also meant separation of many migrant children from parents and other family members.

In spite of the above, migrants play a critical role as essential workers, particularly in the health sector, the formal and informal care economy, and along food supply chains. Therefore, their contributions should be recognized and valued, and they should be a fundamental element of countries' long-term recovery.

According to the Secretary-General of the United Nations, the post-COVID-19 response should be guided by four basic tenets: (a) exclusion is costly in the long-run, whereas inclusion pays off for everyone; (b) an effective response to COVID-19 and protecting the human rights of people on the move are not mutually exclusive; (c) "No-one is safe until everyone is safe"; and (d) people on the move

are part of the solution. In this context, the Global Compact for Migration is a critical tool in Asia and the Pacific and around the world. It provides guidance in overcoming the COVID-19 challenges and developing and implementing post-COVID-19 recovery policies and plans. If such policies and plans address all 23 objectives of the Global Compact for Migration and embody its cross-cutting and interdependent guiding principles, their benefits will be felt by all—migrants and non-migrants alike.

Moving forward: Recommendations towards a comprehensive approach to safe, orderly and regular migration in the Asia-Pacific region

Migration is shaping all countries in the Asia-Pacific region and beyond. The number of people moving from, to and between Asian and Pacific countries has grown over recent decades, driven by many factors and with profound consequences for all countries, as well as for migrants and their families. Migration in the region is highly complex, due to: the various actors involved and their respective interactions with one another and the rest of the world; disparate demographic, political, social, economic and environmental contexts in the region and beyond; the influence of geography in a region, in which small island states and city-states coexist with countries of large geographical extent; and a high

level of uncertainty regarding the future and how it will affect opportunities and challenges of people crossing borders.

Overall, the effects of international migration in the region have been largely positive for countries of origin and destination, and for migrants themselves. However, the obstacles and risks to safe, orderly and regular migration in the region are significant. The manifold impacts of the COVID-19 pandemic on migrants highlight the extent to which they are forced into vulnerable situations and unable to protect themselves, despite often being essential to the pandemic's response and to the long-term recovery of countries in the region and abroad.

The Global Compact for Migration offers a unique opportunity for the Asia-Pacific region to align migration with sustainable development and respect for human and labour rights. Achieving the 23 objectives of the Global Compact for Migration requires a vision of safe, orderly and regular migration that comprehends the interlinkages and synergies between the objectives, no one of which stands alone.

Focused on the cross-cutting and interdependent guiding principles of the Global Compact for Migration, the following recommendations are proposed for consideration by Asian and Pacific Governments, in partnership with all relevant stakeholders to make migration in the region, and beyond, safe, orderly and regular:

People-centredness: Asia and the Pacific is a region with some of the largest, smallest and fastest ageing populations; a region particularly afflicted by disasters and climate change, which hit the poorest communities and countries hardest; a region with high and increasing inequality; and a region with countries that are considered economic and political powerhouses on the global stage, while others remain developing countries, some of which landlocked. In such a region, the special circumstances of the people, their contributions, challenges, vulnerabilities and needs must be recognized when formulating policies that affect the lives and well-being of migrants and their families. Migration policies must respect, protect and fulfil the human rights of all migrants and those affected by migration; reduce the situations of vulnerability they face; and integrate them into sustainable development as both agents and beneficiaries. Also,

the great complexity and diversity of the region must be considered and taken adequate account of when formulating and implementing migration policies in Asia and the Pacific.

International cooperation: Migration is inherently international, and no country can address it alone. Furthermore, given the importance of intra-regional, and intra-subregional migration in Asia and the Pacific, and the number and diversity of countries in the region, governments should collaborate through policy coordination, norm-setting and cooperation across all 23 objectives of the Global Compact for Migration. This can be achieved at the bilateral, subregional, regional and cross regional levels, in particular given the large extent of migration between Asia-Pacific countries and major countries of destination in the Gulf Cooperation Council and the Arab States (including Jordan and Lebanon).

National sovereignty: According to the Global Compact for Migration, every country has a sovereign right to determine national migration policies and govern migration within their jurisdiction, in conformity with international law. States should take fully into account the legitimate concern of countries of origin to protect the rights and interests of their citizens abroad. States should cooperate with one another on a basis of sovereign equality, seeking mutually beneficial solutions in accord with international law, including international human rights law, labour law and the law of the sea.

Rule of law and due process: International migration should not be governed by exception. All procedures relating to international migrants and migration, including those related to irregular migration, must be based on laws promulgated through regular processes, subject to judicial review and appeal; implemented equally, without discrimination; and explicitly aligned with principles of due process.

Sustainable development: Migration is a multi-dimensional reality of major relevance to sustainable development. Since significant acceleration is needed across the region to achieve the goals and targets of the 2030 Agenda, governments should intensify efforts to attain sustainable development. Further commitment and work toward achieving the goals of the 2030 Agenda will support implementation of the objectives of the Global Compact for Migration, and vice versa.

Human rights: Countries in the region have ratified core international human rights treaties, as well as relevant international labour, criminal and humanitarian law standards, and the law of the sea. However, States in the region that have not yet done so should ratify or accede to the international instruments and apply them to international migration. Given the importance of migration for work in the region, there should be a renewed commitment to respect, promote, ratify and implement all such treaties and conventions, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) and the ILO Declaration on Fundamental Principles and Rights at Work. Migration-related policies and laws of countries in the region should be consistent with these obligations.

Gender-responsiveness: All policies related to migration should recognize and build upon the independence, agency and leadership of migrant women and girls, and empower and protect the rights of all migrants, regardless of sex or gender identity. Although countries in the region have advanced gender equality and the empowerment of women, women and girl migrants in the region still face limited opportunities and significant risk of discrimination, exploitation and abuse.

Child-sensitivity: Migration-related child protection risks and restricted access to basic services are of significant concern for the large number of child migrants and children of migrants in the region, including those children who have been “left behind” by one or both parents migrating. The best interests of the child must at all times be a primary consideration in all policies and practices in the context of migration, including for unaccompanied and separated children, and regardless of the child’s migration status. Migration policies should seek to ensure access for children affected by migration to national systems, including protection, education, health, justice and social protection systems, and should respect and promote the right to family life and family unity.

Whole-of-government approach: Given the extent of Asia and the Pacific, and the complex inter-regional and cross-regional character of migration in the region, Governments should ensure that all government entities address migrant concerns when

formulating, implementing, reviewing and revising policies, with a focus on achieving sustainable development for all. Working together creates synergies, bridges gaps and ensures coherence and accountability.

Whole-of-society approach: The number, kind and level of engagement on migration issues of relevant non-state actors (relevant stakeholders) in the region is significant and growing. Governments should recognize the advantage of working with the growing group of stakeholders at the regional, subregional, national and subnational levels, and include them when formulating, implementing, monitoring and adjusting migration policies. Given the level of expertise and engagement of United Nations entities on migration issues in Asia and the Pacific, the Regional United Nations Network on Migration for Asia and the Pacific and the respective country-level networks should continue to actively engage with relevant and diverse stakeholders in a transparent, inclusive and meaningful way. This will facilitate effective, timely and coordinated United Nations system-wide support to member States on implementing the Global Compact for Migration.

The adoption of the Global Compact for Migration has created an opening for profound changes to ensure rights-based migration governance, grounded in evidence, norms and a shared understanding, benefiting migrants and communities of origin and destination alike. In many ways, the region has been pioneering on migration issues. However, the region still has a considerable way to go in meeting all objectives of the Global Compact for Migration and adhering to its cross-cutting and interdependent guiding principles.

The coming years offer a crucial window of opportunity in which to achieve safe, orderly and regular migration in Asia and the Pacific. This will be vital in helping the region achieve sustainable development and respect for human rights, and it is made all the more urgent by the imperative to “build back better” from the COVID-19 pandemic. The Global Compact for Migration is a framework, roadmap and call for action for international and regional coordination and cooperation on international migration. It is critically important to addressing the challenges and opportunities of migration for all, both now and in the future.

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Cambodian woman migrant worker at a rubber tree plantation in Thailand.

Chapter 1

Overview of migration in Asia and the Pacific

1.1 Introduction

Over the past 30 years, the people of Asia and the Pacific have become more mobile. In 2019, the number of migrants to and from the region¹ was around 65 million people and almost 107 million people, respectively. Motivated by new opportunities, using new connections, and driven by unsustainable development, conflicts, and the emerging threats of climate change and environmental degradation, women, men, girls and boys have moved within the region and beyond, reshaping societies of origin, destination and transit, and contributing to sustainable development.

Most migrants, male and female, are temporary migrant workers who are responding to changing demographics, economic demand in destination countries in the region and beyond, and a well-established labour recruitment industry. However, migration in the region is increasingly diverse. Many migrants move several times over the course of their lives, to multiple destination countries, returning periodically to their origin countries. Refugees and asylum seekers primarily search for protection in neighbouring countries. Some migrants move abroad for education, family reasons, retirement or long-term settlement. While most migrate through regular channels, many are in irregular situations. All migrants and members of their families, regardless of status, are entitled to the same human rights and protections as anyone else. Yet, migrants often face precarity, exclusion and even violence. The COVID-19 pandemic has highlighted and exacerbated these risks, and migrants have been disproportionately affected by its health, mobility-related and socioeconomic implications.

Migration is a multidimensional reality. Migrants contribute in various ways to societies at community, local, national and regional levels in countries of destination, transit and origin. Migrants, their families and communities of origin they support, as well as destination communities they

contribute to, all benefit. Thus, fewer people in the region are left behind, subject to poverty, social exclusion and other vulnerabilities. Recognizing the contributions and risks faced by migrants, Member States addressed migration in several goals and targets of the 2030 Agenda for Sustainable Development (box 1 considers these, and annex table 15 displays specific indicators and their data availability).

For over a quarter century, the Programme of Action of the International Conference on Population and Development, adopted in Cairo in 1994, has guided global action on population and development, including international migration. In December 2018, United Nations Member States agreed the landmark Global Compact for Safe, Orderly and Regular Migration. This non-binding cooperative framework for migration, the result of discussions within the United Nations, addresses all aspects of international migration in a holistic and comprehensive manner, and is “rooted in the 2030 Agenda”. Moreover, it “offers a 360-degree vision of international migration and recognizes that a comprehensive approach is needed to optimize the overall benefits of migration, while addressing risks and challenges for individuals and communities in countries of origin, transit and destination.” It “fosters international cooperation among all relevant actors on migration, acknowledging that no State can address migration alone, and upholds the sovereignty of States and their obligations under international law”, including human rights obligations.

The cross-cutting and interdependent guiding principles of the Global Compact for Migration are: people-centredness, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsiveness, child-sensitivity, and whole-of-government and whole-of-society approaches. It contains 23 objectives and a list of suggested actions that States can draw upon to ensure that migration is safe, orderly and regular.

¹ Referring here to the member States covered by the United Nations Economic and Social Commission for Asia and the Pacific, namely: Afghanistan; Armenia; Australia; Azerbaijan; Bangladesh; Bhutan; Brunei Darussalam; Cambodia; China; Democratic People's Republic of Korea; Fiji; Georgia; India; Indonesia; Islamic Republic of Iran; Japan; Kazakhstan; Kiribati; Kyrgyzstan; Lao People's Democratic Republic; Malaysia; Maldives; Marshall Islands; Micronesia (Federated States of); Mongolia; Myanmar; Nauru; Nepal; New Zealand; Pakistan; Palau; Papua New Guinea; Philippines; Republic of Korea; Russian Federation; Samoa; Solomon Islands; Sri Lanka; Tajikistan; Thailand; Timor-Leste; Tonga; Turkey; Turkmenistan; Tuvalu; Uzbekistan; Vanuatu; and Viet Nam. The following associate members are also covered by this report: American Samoa; Cook Islands; French Polynesia; Guam; Hong Kong, China; Macao, China; New Caledonia; Niue; and Northern Mariana Islands. While references to the Asia-Pacific region and subregions by other international organizations may differ, the ESCAP region is divided into five subregions: East and North-East Asia: China; Democratic People's Republic of Korea; Hong Kong, China; Japan; Macao, China; Mongolia; and Republic of Korea. South-East Asia: Brunei Darussalam; Cambodia; Indonesia; Lao People's Democratic Republic; Malaysia; Myanmar; Philippines; Singapore; Thailand; Timor-Leste; and Viet Nam. South and South-West Asia: Afghanistan; Bangladesh; Bhutan; India; Islamic Republic of Iran; the Maldives; Nepal; Pakistan; Sri Lanka; and Turkey. North and Central Asia: Armenia; Azerbaijan; Georgia; Kazakhstan; Kyrgyzstan; Russian Federation; Tajikistan; Turkmenistan; and Uzbekistan. Pacific: American Samoa; Australia; Cook Islands; Fiji; French Polynesia; Guam; Kiribati; Marshall Islands; Micronesia (Federated States of); Nauru; New Caledonia; New Zealand; Niue; Northern Mariana Islands; Palau; Papua New Guinea; Samoa; Solomon Islands; Tonga; Tuvalu; and Vanuatu.

BOX 1 Migration-related targets in the 2030 Agenda and the Addis Ababa Action Agenda (United Nations, 2015a; 2015c)^a

Direct references to migration, remittances and human trafficking in the 2030 Agenda are found in the following targets of the Sustainable Development Goals (SDGs):

- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
- 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment
- 10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies
- 10.c By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent
- 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.9 By 2030, provide legal identity for all, including birth registration
- 17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

Furthermore, a number of targets refer to migration indirectly, including the following:

- 3.c Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States
- 4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries
- 17.3 Mobilize additional financial resources for developing countries from multiple sources

In addition, all targets which refer to a universal goal, such as eliminating extreme poverty (SDG 1.1), ending hunger (SDG 2.1), achieving universal health coverage (SDG 3.8), and ensuring that all children have access to free, equitable and quality primary and secondary education (target 4.1), as well as ensuring legal identity and birth registration for all, cannot be achieved without the inclusion of migrants. The need for disaggregation of data by migratory status, as called for in target 17.18, is likely to indicate that in many cases migrants are a priority group for achieving these goals. Finally, migrants contribute to achieving the SDGs through remittances, skill transfer and other contributions in countries of origin and destination (chapter 4).

In the Addis Ababa Action Agenda (2015c, para. 40), Member States committed to work towards reducing the average transaction cost of migrant remittances to less than 3 per cent of the amount transferred by 2030. They also agreed to work to ensure that no remittance corridor would require charges higher than 5 per cent by 2030, mindful of the need to maintain adequate service coverage, especially for those most in need.

a In addition to remittance costs, the Action Agenda asks for increased cooperation to access to and portability of earned benefits; enhanced recognition of foreign qualifications, education and skills; lower costs of recruitment for migrants and the combatting of unscrupulous recruiters, in accordance with national circumstances and legislation. It also calls for implementing effective social communication strategies on the contribution of migrants to sustainable development in all its dimensions, in particular in countries of destination, in order to combat xenophobia, facilitate social integration and protect migrants' human rights through national frameworks.

This chapter gives an overview of migration to, within and from the Asia-Pacific region. It considers the overall sustainable development context and its relation to migration since 1990, changes in migrant stock over time, and main trends in migration relating to:

- Migration for work, including seasonal migration, and resultant remittances
- Student and highly-skilled migration
- Irregular migration, smuggling of migrants and trafficking in persons
- Refugees, stateless persons and internal displacement
- Long-term migration for permanent settlement and family reasons
- Return migration

The chapter draws from available international and national data sources, as well as research studies, mainly covering the period 1990 to 2019. These data are subject to limitations related to geographic and temporal coverage, quality, comparability, disaggregation and accessibility, which are noted in relevant sections. The scale of irregular migration — unknown, but likely significant — further limits the comprehensiveness of the data presented. The specific numbers cited are in effect best estimates.

1.2 **Regional context: Demographics and sustainable development in Asia and the Pacific**

Home to over 4.6 billion people, about 60 per cent of the world's population, the region's demographic profile is extremely varied, with China and India, the world's most populous countries, and small island developing States (SIDS) in the Pacific. Some countries, such as Armenia, China, Japan, the Republic of Korea, the Russian Federation, Singapore, Thailand and Viet Nam are rapidly ageing; others, especially in South and South-West Asia, the Pacific, and North and Central Asia have growing working-age populations.

The region has made considerable progress towards sustainable development since 1990. The proportion of the population living on less than \$1.25 per day decreased from 53 to 14 per cent from 1990 to 2012;

near-universal primary education was achieved; and under-five, infant and maternal mortality each fell by over 50 per cent (ADB, ESCAP and UNDP, 2015). The result has been a wealthier, healthier and more educated population. However, progress has been uneven; not all Millennium Development Goal targets were met, and advancement towards the SDGs has not been uniform. Although regional progress on reducing income poverty remains strong, an estimated 233 million people in Asia and the Pacific still live below the international extreme poverty line (less than \$1.90 a day). Approximately 1 billion (988 million) live on incomes below \$3.20 a day (the poverty line for lower middle-income countries), and almost 2 billion, close to half of the region's population, live on less than \$5.50 per day (the poverty line for upper middle-income countries). Where data are available, under half of the poorest quintile are covered by social protection, and the income gap between rich and poor in many countries is increasing (ESCAP, 2021).

Gender inequalities, and informal and poor-quality employment also remain prevalent. Emerging risks threaten progress: natural disasters affected an average of 130 million people per year over the 2010–2019 period (ESCAP, 2019), and these are increasingly becoming climate-related. Although the number of conflicts in the region decreased in the period, the continuing conflict in Afghanistan, and the conflicts in Myanmar and the Syrian Arab Republic, caused large-scale displacement, affecting the region. Meanwhile, conflicts in Iraq, Lebanon and Libya have affected migrant workers from the region, resulting in large-scale returns of migrants. Finally, the COVID-19 pandemic poses further threats, highlighting the need for fundamental changes in societies to ensure that people who escape poverty stay out of it for good.

The period also saw rapid economic growth, both within the region and in neighbouring regions, especially in the Middle East. This growth was driven by transformative economic reforms in China, almost eradicating extreme poverty and expanding the horizons of its citizens, and natural resource booms in countries such as the Russian Federation and in the countries of the Gulf Cooperation Council (GCC).² The growth was also driven by economic transformation in countries such as Malaysia, the Republic of Korea, Singapore and Thailand. Least Developed Countries (LDCs), including Bangladesh, Cambodia, the Lao People's Democratic Republic and Samoa, also saw strong economic growth throughout the period, such that Samoa and Maldives graduated from LDC

2 Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

status in 2014 and 2011 respectively, while many other LDCs are scheduled to graduate in the coming years. Although, economic growth has appeared to be durable in the region, recessions in 2008/09 and the ongoing recession as a result of the COVID-19 pandemic, have slowed these trends and led to temporary reversals due to contractions across emerging market and developing economies, including those in Asia and the Pacific (World Bank, 2020d).

Intra- and interregional connectivity increased with strengthened economic cooperation and integration in subregional organizations such as the Association of Southeast Asian Nations (ASEAN) and the Eurasian Economic Union (EEU). Mobile phone and internet penetration massively increased people's access to information and communication across borders, albeit unevenly. The region has transitioned from a mostly rural to a mostly urban population, achieving this in 2019, with an additional 1.2 billion urban dwellers projected by 2050 (UN DESA, 2018; ESCAP and others, 2019).

Thus, since 1990, countries and populations in Asia and the Pacific underwent profound transitions at varied paces: some experienced rapid population ageing, others remained in the early stages of their

demographic transitions. While extreme income poverty decreased, inequalities in many cases widened, often between neighbouring countries. Even for those not in poverty, social and economic volatility remained widespread, with new forms of environmental precarity emerging. Increased education and connectivity expanded people's horizons and opportunities. Growth in neighbouring countries and regions created demand for workers. Such demand and a more detailed discussion of drivers takes place in chapter 2.

1.3 Immigrant stocks in Asia and the Pacific

The number of immigrants (box 2) in the Asia-Pacific region, obtained from official United Nations international migration stock estimates, grew from almost 52 million in 1990 to 65 million in 2019, representing a quarter of the global international migrant stock of 272 million in 2019 (UN DESA, 2019a). Thus, Asia and the Pacific, while home to about 60 per cent of the world's population, hosts 25 per cent of all international migrants in the world. Migrants made up 1.4 per cent of the region's total population, compared to 3.1 per cent of the global total population. Significant variations in migrant

BOX 2 Estimating migrant stock

An international migrant is defined, for statistical purposes, as "any person who changes his or her country of usual residence". Such a change may be short-term (3–12 months) or long-term (beyond 12 months). This definition includes migrant workers, students, families of migrants and refugees. People who travel for tourism, pilgrimage or medical treatment, as well as military personnel and diplomats, are excluded (UN DESA, 1998, pp. 9–18). The migrant stock is defined as "the total number of international migrants present in a given country at a particular point in time" (UN DESA, 2017a, para. 43).

These concepts are clear, yet the practicalities of gathering internationally-comparable data on immigrant stock are more complex. In many cases, data on change of country of usual residence are not gathered during censuses, and definitions may vary between countries and over time (see also chapter 5), while migrants in an irregular status may avoid participation in censuses for fear of exposure. As such, the International Migrant Stock 2019 Revision used country of birth as the primary indicator of migrant status, followed (where this information was unavailable) by country of citizenship (UN DESA, 2019b).

The concept of "country of birth" is complex in both North and Central Asia, and South and South-West Asia. People who moved internally within a political entity (notably colonial India before 1947 and the Union of Soviet Socialist Republics before 1991) may be counted as foreign-born and, hence, recorded as international migrants, despite never crossing an international border. For example, someone born in Moscow, moving to Almaty in 1967, then remaining there after the Soviet Union's break-up and the creation of independent States, would be counted in Kazakhstan as Russian Federation-born and thus as an international migrant.

populations existed between subregions: while migrants represented 0.5 per cent of the East and North-East Asian population, they represented 21.2 per cent of the population of the Pacific.

Figure 1 shows growth in international migrant stock has not been linear: it fell over 1990–1995 and has risen since 2010. Nor has the change been consistent across subregions. It decreased in North and Central Asia (reflecting the consolidation of populations in the former Soviet Union), and South and South-West Asia (with Afghan refugee and migrant returnees re-establishing their lives in their country of origin and those who moved during the partition of India ageing), yet grew rapidly in other subregions.

Comparing major countries and territories of destination in the region over 1990–2019, both consistency and change are apparent. The Russian Federation remained the region's main destination country, with over 11.6 million people born abroad; similarly, Hong Kong, China;³ India; the Islamic Republic of Iran; Kazakhstan; and Pakistan showed consistently high numbers of migrants (figure 2.1). Significant growth was seen in Australia, Malaysia, Thailand and Turkey. These changes were driven by factors such as sustained policies to attract immigrants to Australia, the economic transformation of Malaysia and Thailand into attractive countries

of destination for migrant workers, and large-scale refugee movements to Turkey due to the civil war in the Syrian Arab Republic.

Considering migrants as a proportion of the total population, Macao, China had the largest proportion (62.4 per cent) of foreign-born people in its population in 2019 (figure 2.2). The figures are particularly high in many Pacific countries and territories, such as American Samoa, Guam and the Northern Mariana Islands (47.7, 42.6 and 38.1 per cent, respectively). This is largely explained by small populations of these countries. Considering countries and territories with populations over 1 million, Hong Kong, China had the largest proportion of migrants (39.6 per cent in 2019), including fellow-Chinese citizens from mainland China and migrants from outside China. The growth of active immigration policies in Australia and Singapore also contributed to the growth in the immigrant share in these countries.

Figure 3 shows the top 20 migration corridors in the region in 1990 and 2019, the most important being in North and Central Asia, and South and South-West Asia. Among others, this reflects historical trends related to the break-up of the Soviet Union and the British colony of India, and large-scale movements of refugees from the Syrian Arab Republic to Turkey.

FIGURE 1 Growth in the international migrant stock by subregion in Asia and the Pacific, 1990–2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

3 Foreign-born data in Hong Kong, China and Macao, China include Chinese nationals born in mainland China.

FIGURE 2 Countries and territories of destination for migrants in 1990 and 2019

FIGURE 2.1 In absolute terms

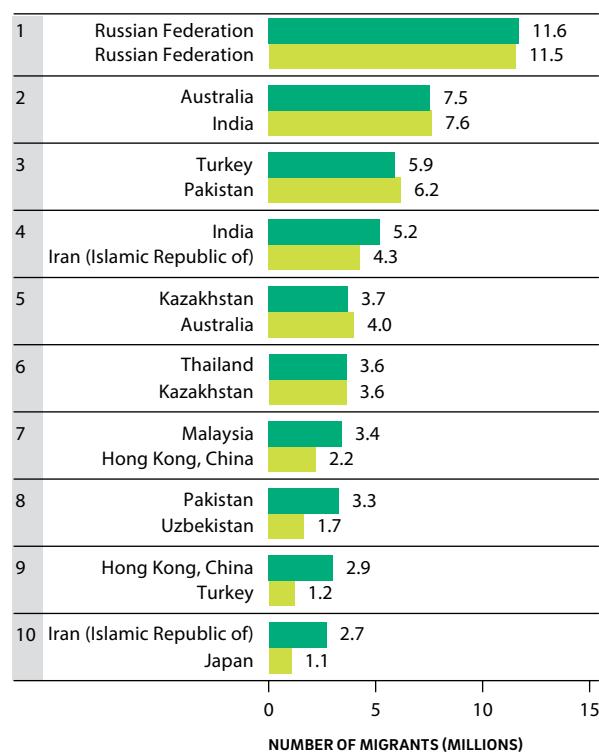
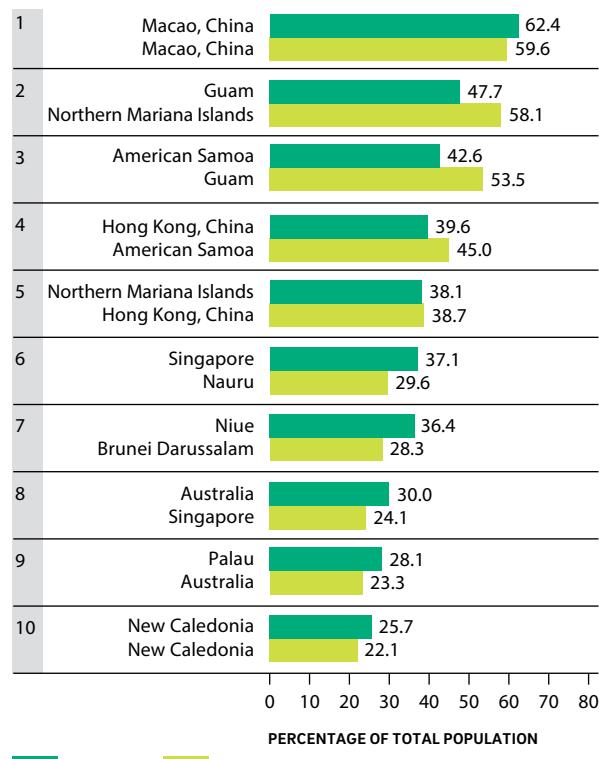


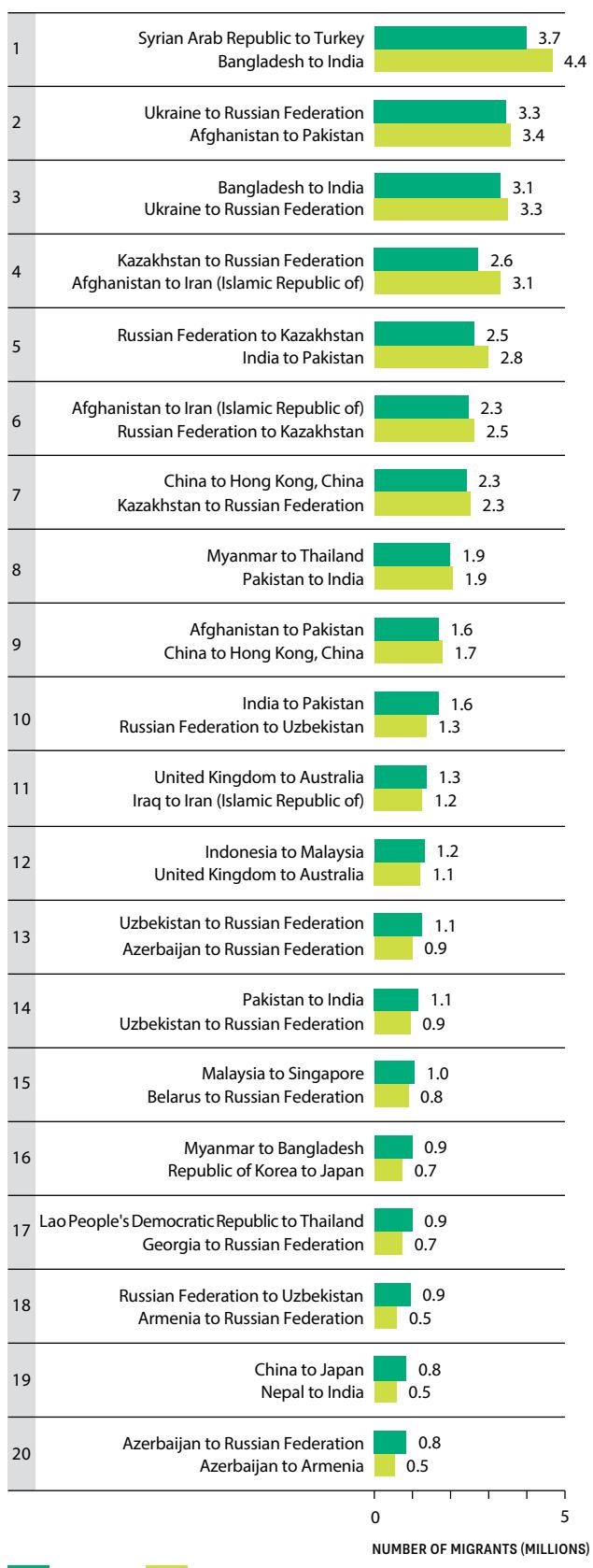
FIGURE 2.2 As a percentage of the total population



2019 1990

SOURCE: ESCAP calculations based on UN DESA (2019a).

FIGURE 3 Top 20 migration corridors to Asia-Pacific countries and territories, 1990 and 2019



2019 1990

SOURCE: ESCAP calculations based on UN DESA (2019a).

NOTE: Corridors represent an accumulation of migratory movements over time and provide a snapshot of how migration patterns have translated into significant foreign-born populations in specific destination countries.

Although the largest corridors for migration to the region in 2019 involved non-regional countries (Syrian Arab Republic and Ukraine), almost all other large corridors were intraregional, mostly between neighbouring countries or countries in the same subregion.

In 2019, the percentage of male and female migrants in the region was roughly balanced at 50.6 and 49.4 per cent, respectively (figure 4). While the female figure was slightly higher than the global average of 47.9 per cent, this percentage has declined since 2005. There was, furthermore, significant subregional

variation, with female migrants representing the majority of migrants in North and Central Asia, East and North-East Asia, and the Pacific in 2019.

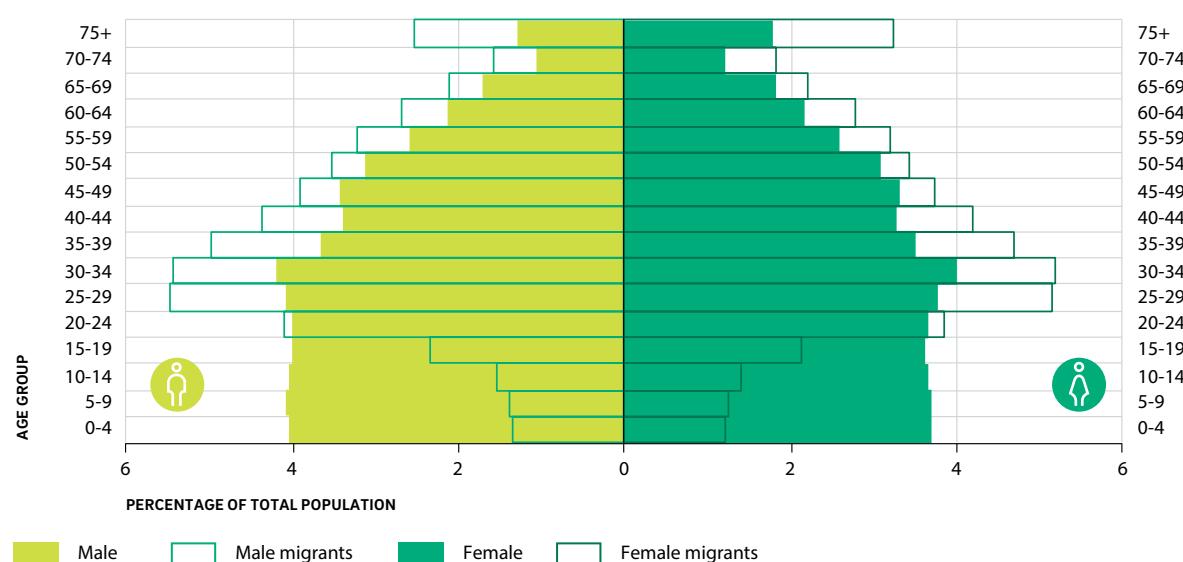
The age structure of the region's migrant population is significantly different to that of the general population: migrants are concentrated in prime working ages, with over 78 per cent (almost 51 million migrants) of working age (15–64) in 2019, compared to 67.7 per cent of the general population (figure 5) (UN DESA, 2019c, p. 29). As Asia and the Pacific is ageing rapidly, migrants are likely to be crucial in bolstering ageing workforces.

FIGURE 4 Percentage of female migrants in Asia and the Pacific and its subregions, 1990–2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

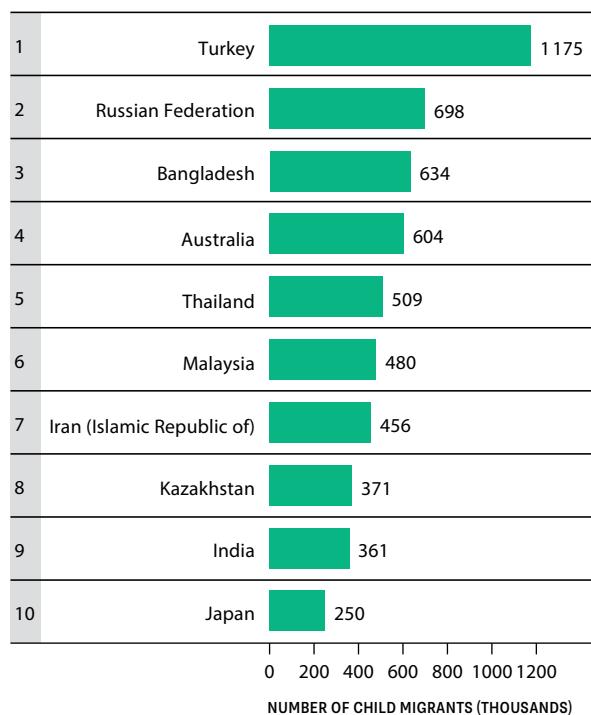
FIGURE 5 Population pyramids of the total population and the migrant population in Asia and the Pacific, 2019



SOURCE: ESCAP calculations based on UN DESA (2019d).

In 2019, the region hosted around 7 million international child⁴ migrants (including refugees), comprising 11 per cent of total migrant stock. Turkey hosted by far the most child migrants (1.2 million), almost all were refugees (figure 6).

FIGURE 6 Top 10 countries of international child migrants in Asia-Pacific countries, 2019



SOURCE: UNICEF analysis based on UN DESA (2019a).

1.4 Emigration from Asia-Pacific countries

In 2019, almost 107 million people from Asia-Pacific countries lived outside their countries of birth (figure 7), about 40 per cent of all the world's migrants, and equivalent to 2.2 per cent of the region's total population of over 4.6 billion in 2019. This proportion varied from below 1 per cent in East and North East Asia, to almost 8 per cent in North and Central Asia. The increase in the number of emigrants from countries in Asia and the Pacific of over 40 million during 1990–2019 was largely driven by emigration from South-East Asia, rising from 7.5 million to nearly 23.0 million, and South and South-West Asia, where emigrant numbers grew by almost 18.0 million. The numbers of migrants from East and North-East Asia and the Pacific roughly doubled, and, while numbers from North and Central Asia fell slightly during 1990–2019, an upward trend occurred since 2015.

The most important countries of origin in 1990 and 2019 remained broadly similar, besides Turkey, which dropped from the top 10 origin countries, and Myanmar, which took Turkey's place in 2019 (figure 8). In absolute terms, migrant numbers from India almost tripled from 6.6 million to 17.5 million; China, Indonesia, Pakistan and the Philippines also saw significant growth. The number of emigrants from the Russian Federation decreased, linked to post-Soviet return migration of Russian compatriots.

FIGURE 7 Emigrants from Asia and the Pacific and its subregions, 1990–2019



SOURCE: ESCAP calculation based UN DESA (2019a).

4 Those below the age of 18 years.

FIGURE 8 Top 10 countries and territories of origin for migration in Asia and the Pacific, 1990 and 2019

FIGURE 8.1 In absolute terms

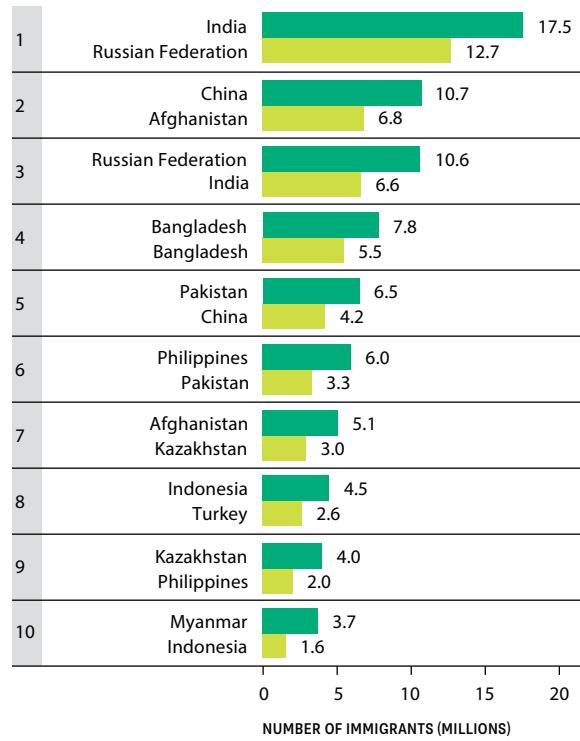
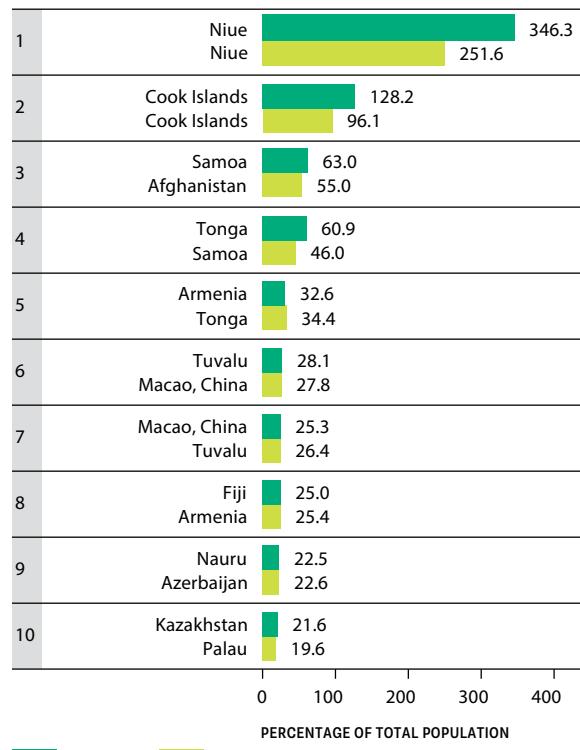
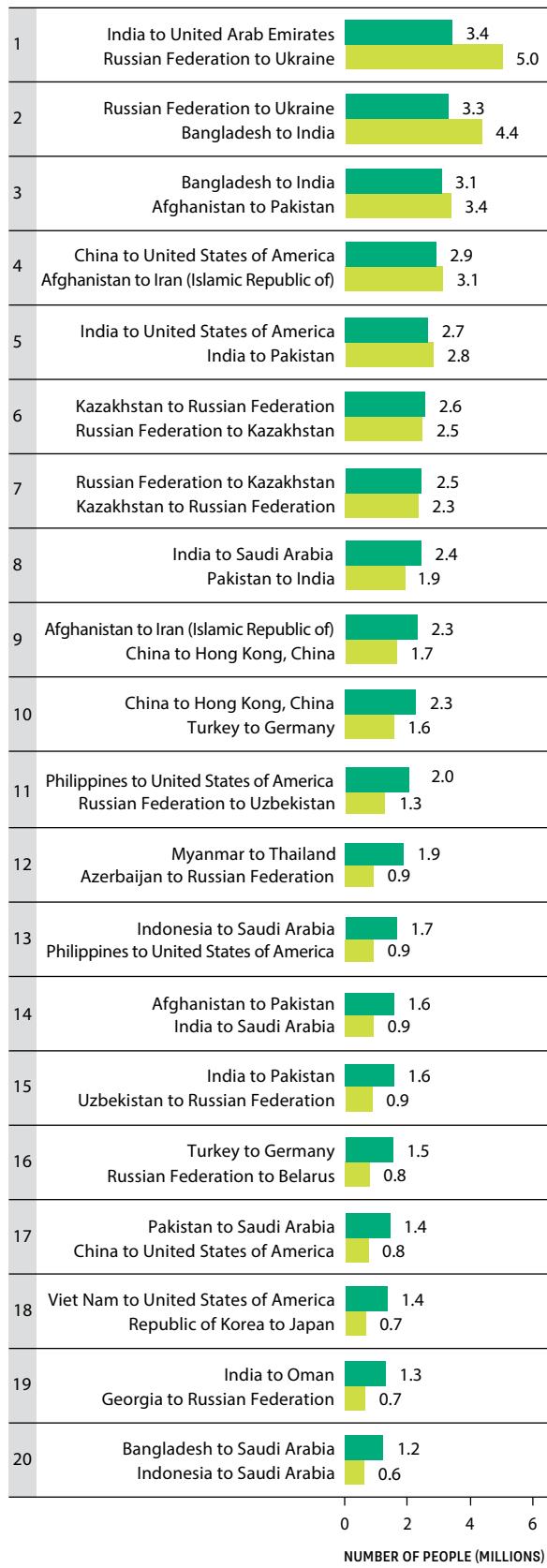


FIGURE 8.2 As a percentage of the total population



SOURCE: ESCAP calculations based on UN DESA (2019a).

FIGURE 9 Top 20 migration corridors for migration from Asia-Pacific countries and territories, 1990 and 2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

NOTE: Corridors represent an accumulation of migratory movements over time and provide a snapshot of how migration patterns have translated into significant foreign-born populations in specific destination countries.

Given small populations in many Pacific countries and territories, their emigrant numbers in some cases exceeded their resident population; the almost 6,000 migrants from Niue in 2019 equated to 346 per cent of the resident population. Of countries with a resident population of more than 1 million, the largest emigrant population was found in Armenia, whose almost 1 million emigrants represented the equivalent of 33 per cent of the resident population.

Figure 9 shows the main migration corridors for migrants from Asia-Pacific countries and territories. Over half of the largest corridors were linked to countries outside the region, particularly in the Middle East (the United Arab Emirates, Saudi Arabia and Oman), Europe (Ukraine and Germany) and the United States of America. Corridors between Asia-Pacific countries and countries beyond the region have grown significantly, with the India-Oman; Bangladesh-, India-, Indonesia-, and Pakistan-Saudi Arabia; India-United Arab Emirates; and China- and India-United States corridors experiencing major increases. Regarding intraregional corridors, most were between neighbouring countries and territories.

The gender composition of emigrants has shifted since 1990. The number of female emigrants grew from 31.7 million in 1990 to 48.9 million in 2019, yet this was outpaced by the growth of male migration, especially from South and South-West Asia, where numbers almost doubled, and South-East Asia, where female migrants went from being a slight majority to a minority. Thus, women made up just

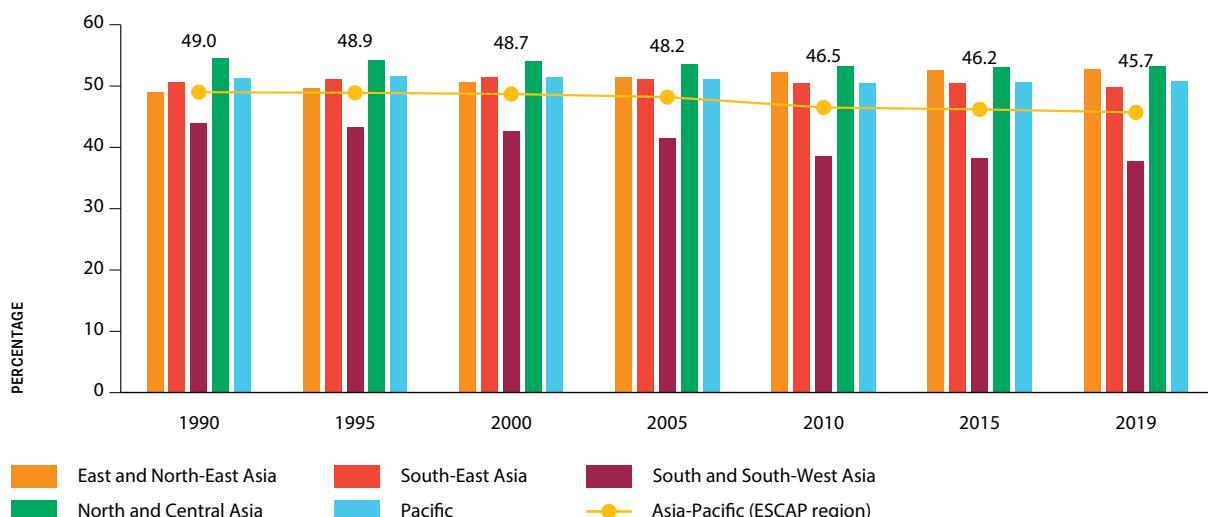
under 46 per cent of migrants from Asia-Pacific countries in 2019, compared to just under 49 per cent in 1990 (figure 10). Women also accounted for most migrants from East and North East Asia, North and Central Asia, and the Pacific (52.8, 53.2 and 50.6 per cent, respectively).

1.5 Intraregional migration

Consistently over 70 per cent of the foreign-born population in Asia and the Pacific has come from within the region. Thus, countries in Asia and the Pacific are the chief destination of emigrants from the region. In 2019, intraregional migrants made up over 92 per cent of the migrant population of South-East Asia, particularly in the context of neighbouring countries. Almost 46 million migrants from Asia-Pacific countries moved to other countries in the region (43 per cent of all emigrants from Asia-Pacific countries), the single largest region of destination in 2019. However, this represented a decrease compared to 1990, when the figure was almost 60 per cent.

In 2019, the majority of intraregional migrants were found in other countries of the same subregion. The proportion of immigrants who came from the same subregion ranged from around 12 per cent in the Pacific to over two thirds of all migrants in South-East Asia. The proportion of migrants who moved to countries in the same subregion ranged from around a quarter of migrants from South and South-West Asian countries, to almost 56 per cent of migrants from Pacific countries.

FIGURE 10 Percentage of female emigrants in Asia and the Pacific and its subregions, 1990-2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

Considering gender, in 2019, there were similar numbers of male and female migrants from other Asia-Pacific countries in the region (around 22.8 million female and 23.0 million male). Intraregional migrants made up 70 per cent of the populations of male and female migrants in the region. Almost 47 per cent of female emigrants moved to another Asia-Pacific country; the related male figure was around 40 per cent.

This trend of intraregional migration reflects intermediary factors such as common linguistic and historical ties, greater connectivity, preferential migration regimes including free visa regimes (for example between India and Nepal) and subregional free movement of labour (such as within the EEU), as well as the existence of recruitment industries connecting migrants in countries of origin with employers in countries of destination. These factors facilitate migration between specific countries of origin and destination.

1.6 Interregional migration

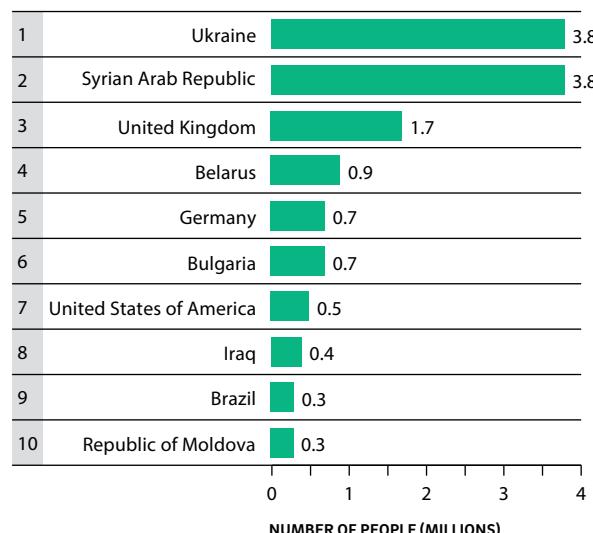
In 2019, there were 18.9 million migrants from countries outside Asia and the Pacific residing in the region, making up 29 per cent of its migrant stock. The shares of extraregional migrants were highest in the Pacific (49 per cent) followed by North and Central Asia, and South and South-West Asia (33 per cent). The origins of these migrants were diverse, as figure 11 shows: the largest numbers of migrants from outside the region came from Ukraine

and the Syrian Arab Republic (3.8 million migrants each, residing primarily in the Russian Federation and Turkey), followed by the United Kingdom of Great Britain and Northern Ireland (1.7 million, 1.3 million of whom were found in Australia).

Historical factors explain some of these trends. Large migrant populations from Belarus, Moldova and Ukraine partially reflect the impact of the break-up of the Soviet Union as well as active labour migration. The sizeable number of British migrants in Australia resulted from active encouragement of migration from the United Kingdom. The large population of German- and Bulgarian-born migrants were mostly found in Turkey, suggesting Turkish ethnicity, with either returns from Germany or expulsions from Bulgaria in the 1980s. The large Brazilian population was found primarily in Japan, suggesting Japanese ethnicity and movement under privileged migration regimes for descendants of Japanese origin (*nikkeijin*). Refugee movements also help explain significant numbers of Syrian and Iraqi nationals, mostly found in Turkey.

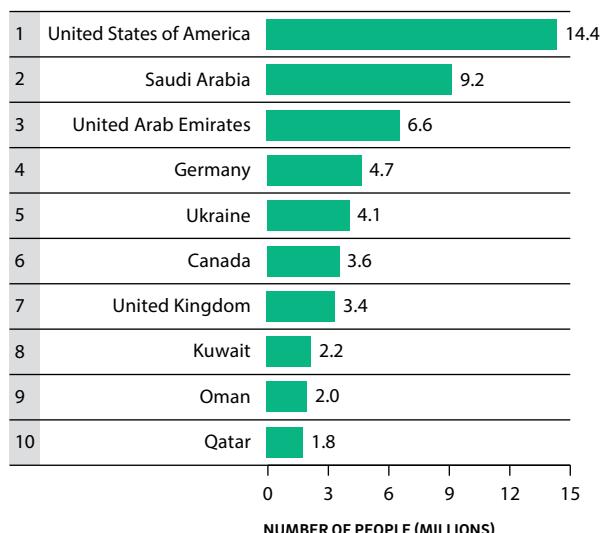
Almost 61.0 million migrants (close on 57 per cent of emigrants) from the region had moved outside the region in 2019, compared to only 26.7 million migrants (41 per cent) in 1990. Figure 12 shows the main destination countries outside the region were in North America, Europe and the Middle East, with ten countries alone hosting around 51 million migrants.

FIGURE 11 Top 10 non-Asia-Pacific countries of origin, 2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

FIGURE 12 Top 10 extraregional countries of destination for Asia-Pacific migrants, 2019



SOURCE: ESCAP calculations based on UN DESA (2019a).

Of the subregions, only South and South-West Asia saw a majority of its migrants moving outside the region (almost 69 per cent), primarily to countries in the Middle East, in response to labour demand in these countries and facilitated by entry regimes which permit relatively large numbers of migrants to enter, and recruitment agencies specialized in connecting migrants from South and South-West Asia and Middle Eastern employers. Male migrants dominated this population, with almost 17 million male migrants from Asia-Pacific countries moving to the six oil-producing GCC countries, compared to almost 6 million female migrants, reflecting the gendered nature of demand for migrant workers in these countries.

Though many children, women and men of all ages migrate, the largest group comprises men of prime working age. Migrants move both within the region and, increasingly, beyond it. Migration is mostly South-South in orientation. The growth in migration to Asia-Pacific countries can largely be explained by migration from neighbouring countries, while the growth in emigration has in many cases been driven by migration beyond the region. Although the COVID-19 pandemic is likely to affect migration for years to come (chapter 6), given the overall drivers of migration, as described further in chapter 2, the number of migrants is expected to continue growing.

1.7 Main trends in migration

While overall trends have already been noted, this section describes the main types of migration in the region.

As recognized in the New York Declaration for Refugees and Migrants (United Nations, 2016a, para. 1): "Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors. Many move, indeed, for a combination of these reasons."

Migration trends to, from and between Asia-Pacific countries are driven by several factors. These are discussed in greater detail in chapter 2. The following subsections address outcomes of the drivers of migration, highlighting key trends in the region.

1.7.1 Temporary labour migration

Most documented migrants to and from the region are temporary migrant workers. International migrant workers are those of working age "who, during a specified reference period, were in the labour force of the country of their usual residence, either in employment or in unemployment" or "persons who, during a specified reference period, were not usual residents of the country but were present in the country and had labour attachment to the country, namely, were either in employment supplying labour to resident producer units of that country or were seeking employment in that country" (ILO, 2018e). This chapter focuses on the first group.

Ascertaining true levels of international labour migration is challenging, the short-term duration of migration mean they are not necessarily captured in censuses, the source of migrant stock data, while an unknown proportion occurs in an irregular fashion. Yet, outflow data reported by origin countries give an insight into the scale of movement (box 3).

BOX 3 Migration flow data

While migrant stock data are used to show the number of migrants in a given place at a given time, migrant flow data show how many people changed their country of usual residence in a given time period, usually a calendar or fiscal year (UN DESA, 2017a, p. 10).

Data on migrant flows are usually gathered from administrative sources, generated through processes such as visa issuance or exit clearance. However, such administrative sources are often not primarily designed with data collection in mind (Raymer, Guan and Ha, 2019) and might not be comparable. As a result, they may be fragmented and make use of inconsistent definitions within and between countries. They also do not account for irregular migration.

The data presented in table 1 highlight the scale and direction of labour migration, with disaggregation by sex. Although the data are not comparable, they point to the huge scale of labour migration, with over 1.5 million and 0.7 million people migrating through organized labour pathways in a single year from

the Philippines and Bangladesh, respectively. They also provide an insight into the main destinations of labour migration.

Most labour migration from Asia-Pacific countries is South-South, with destinations either within the region or in the Middle East. Due to historical trends and policy preferences, many countries of the global North have (with some exceptions) tended to close their borders to low-skilled migrants from Asia and the Pacific.⁵ Migrants in this category have either come from neighbouring countries with free movement arrangements (in the European Union), or irregularly from neighbouring countries in North America (for the United States and Canada), or North Africa, and Eastern Europe (for Europe). Migrants from the Asia-Pacific region residing in Europe and North America thus tend to be more skilled (section below), family migrants or refugees.

Migrant workers from South and South-West Asia were primarily moving to oil-producing countries of GCC, namely Qatar and Saudi Arabia. In South-East

Asia, the situation was more mixed: Saudi Arabia was the main destination for overseas Filipino workers, whereas migrants from other countries in the subregion tended to move to neighbouring countries.

Almost 97 per cent of migrants from Kyrgyzstan moved to the Russian Federation, indicating a highly-concentrated migration route within North and Central Asia. Additional data signify that, in 2018, 1.8 million documents permitting migrants to work were issued in the Russian Federation, and that almost 1.5 million of these were issued for citizens of Tajikistan and Uzbekistan; in addition, over 800,000 people arrived from countries of EEU who could work without permits (Chudinovskikh, forthcoming).

As indicated in table 1, data on the gender composition of labour migration outflows vary significantly; the proportion of women varied from less than 1 per cent in Pakistan, to over 70 per cent in Indonesia. Available official data suggest that most outflows were male-dominated. This does not, however, account for women who migrated irregularly.

TABLE 1 Annual labour migration outflows from selected Asia-Pacific countries, latest available year

COUNTRY	NUMBER (LATEST AVAILABLE YEAR)	NUMBER OF FEMALE MIGRANTS (PERCENTAGE)	MAIN COUNTRY OF DESTINATION (NUMBER)
Armenia	86 800 (2017)	5 100 (5.9)	..
Bangladesh	700 200 (2019)	104 800 (15.0)	Saudi Arabia (399 000)
Bhutan	7 100 (2018)	4 500 (62.9)	India (2 200)
Cambodia	96 200 (2019)	28 200 (29.3)	Thailand (82 800)
Fiji	26 800 (2017)	7 100 (26.4)	..
India	368 000 (2019)	..	Saudi Arabia (161 000)
Indonesia	261 800 (2017)	184 000 (70.1)	Malaysia (89 000)
Kyrgyzstan	263 400 (2018)	60 700 (23.0)	Russian Federation (254 600)
Lao People's Democratic Republic	49 400 (2017)	26 400 (53.5)	..
Mongolia	41 800 (2018)	..	..
Myanmar	161 900 (2017)	63 900 (39.4)	Thailand (149 000)
Nepal	354 000 (2016/17)	16 600 (4.7)	Qatar (113 500)
Pakistan	625 200 (2019)	4 100 (0.7)	Saudi Arabia (332 700)
Philippines	1 595 400 (2017)	..	Saudi Arabia (433 600)
Samoa	1 700 (2017)	..	..
Sri Lanka	211 500 (2018)	81 700 (38.6)	Qatar (5 600)
Thailand	115 200 (2017)	25 100 (21.8)	Taiwan Province of China (35 200)
Viet Nam	134 800 (2017)	53 300 (39.6)	Taiwan Province of China (67 000)

SOURCE: Armenia, Bhutan, Fiji, Kyrgyzstan, Mongolia, Samoa: ILOSTAT (n.d.a); Indonesia, Lao People's Democratic Republic, Thailand and Viet Nam: ILO (2018c); Bangladesh: Bangladesh Bureau of Manpower, Employment and Training (n.d.b), (n.d.c); Cambodia: Chuop Narath (2020); India: Ministry of External Affairs, Overseas Employment Division (n.d.); Nepal: Nepal, Ministry of Labour (2018); Pakistan: Pakistan Bureau of Emigration and Overseas Employment (n.d.a); Philippines: Levinson (2020); and Sri Lanka: Sri Lanka Bureau of Foreign Employment (n.d.).

NOTE: “..” indicates data not stated or not available.

⁵ The paper uses the term “low skilled” with reference to the attributes of the occupation rather than the person. Many jobs in agriculture, in construction, in manufacturing, and in services fall in this category. These jobs are classified as elementary occupations in the ISCO-08 international classification of occupations.

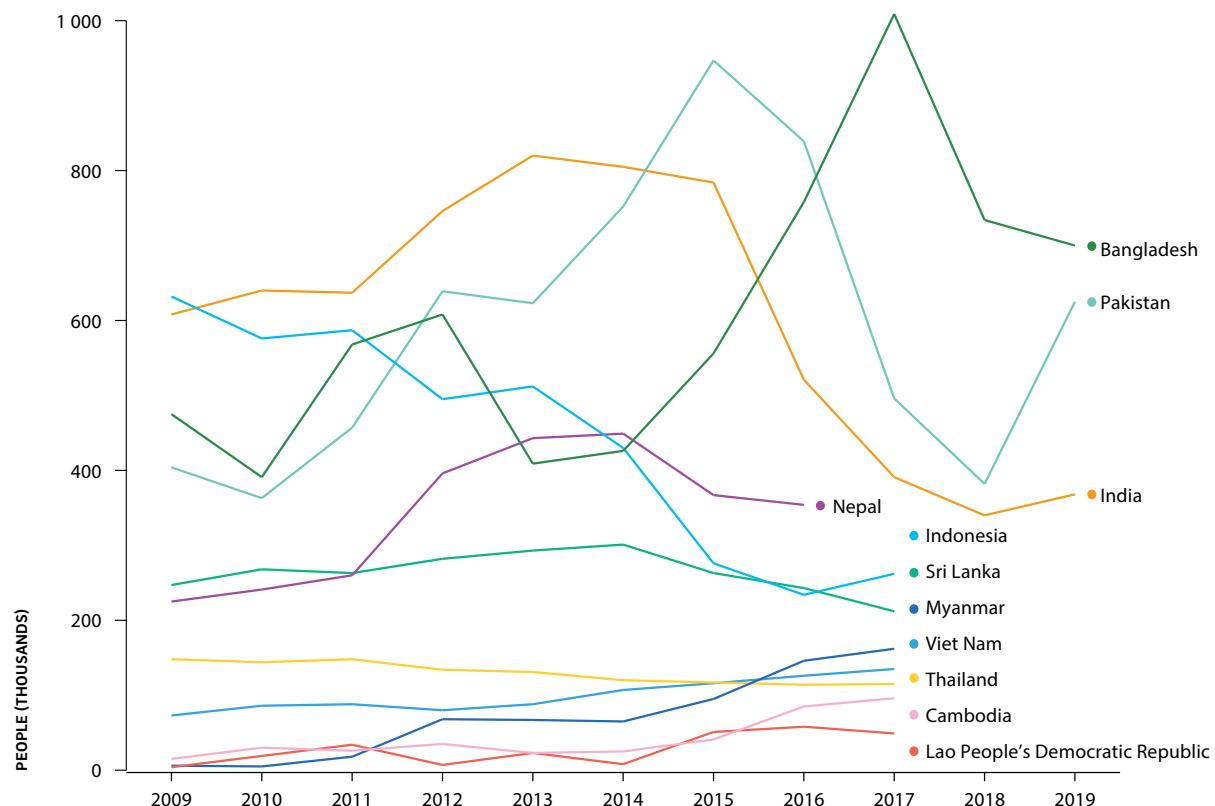
Trend analysis over time suggests significant volatility in the number of migrant workers crossing international borders. For example, figure 13 shows countries of origin with migration oriented towards GCC, such as India, Indonesia, Nepal and Pakistan, have seen a relative decline in migration in recent years. In 2018, total deployment from 12 main origin countries in Asia fell by 10 per cent to 4.8 million workers (ILO, 2019a). For South Asian countries, the total outflow to GCC countries dropped from 2.4 million (2016) to 1.5 million (2018). A slight recovery occurred in 2019 due to a sharp rise in migration from Pakistan. The decline is linked to efforts by destination countries to raise the share of their national employees, trends towards automation and diversification of economic activities, and significant declines in oil prices.

By contrast, labour migration from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam oriented towards Thailand (for Cambodia,

the Lao People's Democratic Republic and Myanmar) and Taiwan Province of China (for Viet Nam) grew over the period 2009–2017. This mirrors population ageing and workforce upskilling in Thailand, creating demand for workers mainly in agriculture, construction, manufacturing and services. Meanwhile, the Republic of Korea is emerging as a major destination country for migrant workers from Cambodia, Myanmar, Uzbekistan and Viet Nam, as its workforce ages, and recent policy change in Japan is providing increased opportunity for migrant workers.

Figure 14 shows that, while the exact proportion varies (and definitions of skills vary between countries), in most cases the majority of migrants leaving countries for which there were comparable data in the latest available year were in occupations classified as either low- or medium-skilled. Where sex-disaggregated data were available, the proportions of migrants at different skill levels were

FIGURE 13 Annual outflow of migrant workers from selected Asia-Pacific countries, 2009–latest available year



SOURCE: Bangladesh: Bangladesh, Bureau of Manpower, Employment and Training (n.d.); Cambodia (to 2017), Indonesia, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam (to 2017); ILO (2018c); Cambodia (2018–19): Chuop (2020); India: Ministry of External Affairs, Overseas Employment Division (n.d.); Nepal: Nepal, Ministry of Labour (2018); Pakistan: Pakistan Bureau of Emigration and Overseas Employment (n.d.b); Sri Lanka: Sri Lanka Bureau of Foreign Employment (2017); and Viet Nam (2018–19): Thu (2020).

NOTE: Figures for Nepal refer to fiscal years 2008/9, 2009/10, 2010/11, 2011/12, 2012/13, 2013/14, 2014/15, 2015/16 and 2016/17.

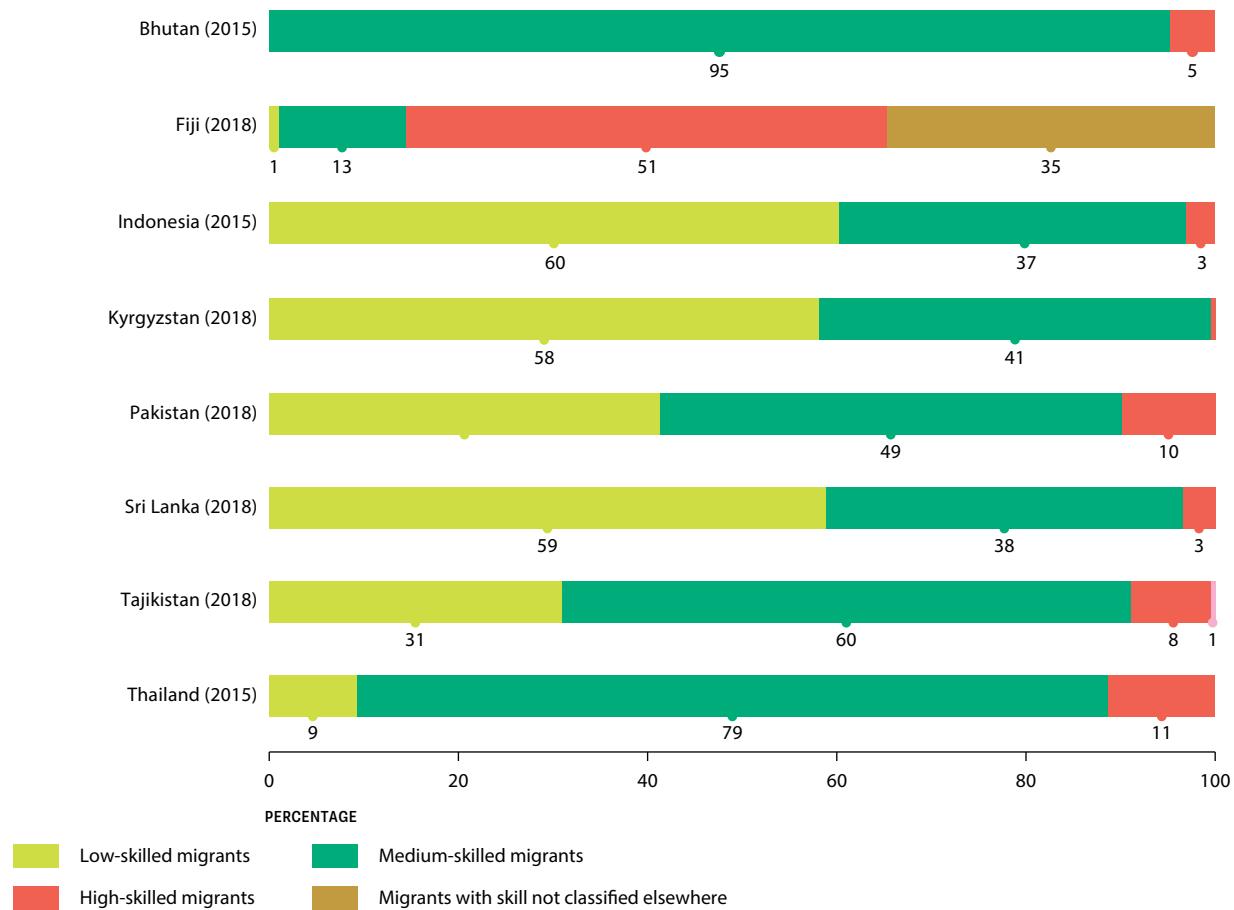
similar across sexes, with the exception of Sri Lanka, where over 91 per cent of female migrants were classified as low-skilled, largely due to domestic work being considered low-skilled work in the data source.

Time-series data from major origin countries, such as Bangladesh and Pakistan, show proportions of highly-skilled compared to low-skilled migrants varying over time. In Pakistan, over the past 10 years, there has been a relative decline in migrants classified as "unskilled", and a rise in those "semi-skilled", though the largest group is considered "skilled". Taken together, unskilled and semi-skilled migrants from Pakistan constituted the plurality of migrants leaving the country in 2019 (figure 15). Bangladesh had almost 13.0 million labour migration movements since 1976, with over 6.0 million (47 per cent) classified as "less skilled", while almost 4.5 million movements of "skilled" migrants, 35 per cent of the total, occurred (Bangladesh, Bureau of Manpower, Employment and Training, n.d.a).

In destination countries, migrants are concentrated in manual sectors, such as construction and agriculture, as well as the service sector and domestic work, the latter particularly engaging women. In Thailand, migrants are estimated to comprise up to 80 per cent of the workforce in agriculture and construction (United Nations Thematic Working Group on Migration in Thailand, 2019, p. 14). In Malaysia, 70 per cent of migrant workers were in manufacturing, construction and plantations (Loh and others, 2019, p. 20). In Saudi Arabia, a major destination for migrant workers from Asia-Pacific countries, 4.2 million migrant workers, over half of the workforce's 8.3 million migrants in 2017, were in construction (Saudi Arabia Monetary Authority, 2019).

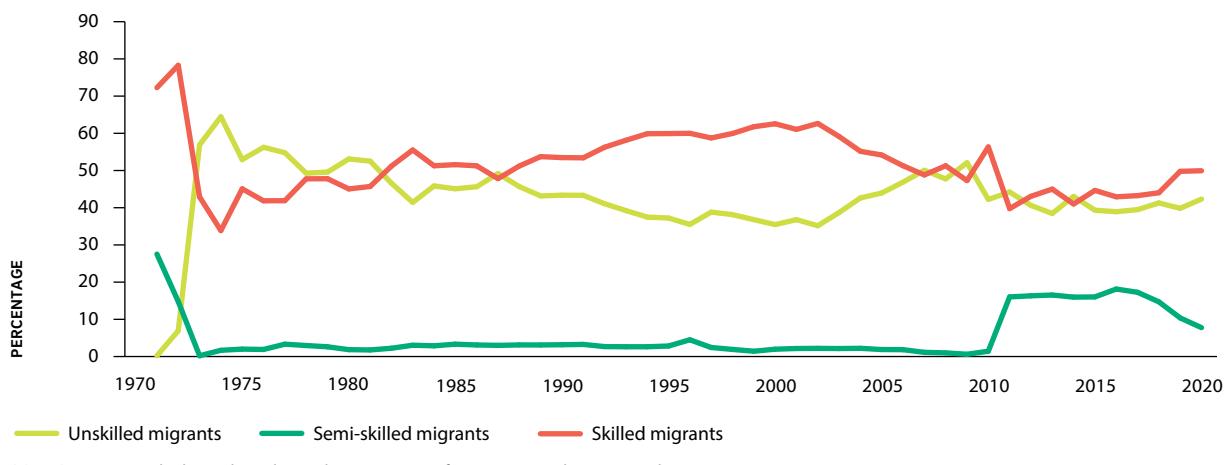
Evidence suggests that such labour migration generally benefits the economies of destination countries and does not displace national workers. For example, in Malaysia, a World Bank simulation found that adding 1,000 migrants to the workforce created 836 new full-time and 169 part-time jobs

FIGURE 14 Percentage distribution of migrants departing from selected Asia-Pacific countries by skill level, latest available year



SOURCE: ESCAP calculations based on ILOSTAT (n.d.b).

FIGURE 15 Skill composition of migrants departing from Pakistan, 1971–2019, percentage



SOURCE: ESCAP calculation based on Pakistan Bureau of Overseas Employment (n.d.c.).

for Malaysian workers, while estimates of the contribution of migrant workers to the Thai economy in 2013 ranged from \$6 billion to \$24 billion (ESCAP and others, 2015). Yet, the low status accorded to work by migrant workers and negative stereotypes surrounding them contribute to restrictive pathways to regular migration that often limit migrant access to services.

Laws and policies in main countries of destination for Asia-Pacific migrants explicitly seek to make labour migration temporary. Migrants in low-skilled and low status jobs are generally admitted for specific periods and for a single employer in major destination countries and territories, such as GCC countries; Hong Kong, China; Singapore; and Thailand (Zahra, 2019; Fillinger and others, 2017; ILO, 2019a; United Nations Thematic Working Group on Migration in Thailand, 2019). Permission to reside is usually linked to an employment contract; on its expiry, migrants are expected to return, rather than take up a new contract or move towards permanent residence. Migrants are generally expected to remain with a single employer throughout their period in the country of destination. Although some destination countries, such as Qatar, the Republic of Korea and Singapore, have facilitated greater labour market mobility for migrants, the effect of these reforms are limited (chapter 2). In other countries, the nature of work means that migration may be seasonal (box 4).

Measures that support the temporary nature of their stay affect migrant workers' ability to enjoy human rights, such as rights to association and family unity. Procedures are often complex, and many migrants rely on recruitment agencies for assistance, leaving

them vulnerable to high fees, debt, exploitation and abuse. Research on fees paid by migrant workers shows they are high (chapter 2) (ESCAP, forthcoming).

Migrant workers also face risks of workplace injury while abroad. In SDG target 8.8, Member States committed to "protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants". To measure progress on this target, SDG indicator 8.8.1 requires countries to report on "Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status" (see ILOSTAT database "non-fatal occupational injuries and fatal occupational injuries per 100,000 workers").

However, data on non-fatal indicators disaggregated by migrant status are only available for Macao, China (fatal injuries); Pakistan (non-fatal occupational injuries); the Republic of Korea (fatal injuries); the Russian Federation (fatal injuries); and Turkey (non-fatal and fatal occupational injuries). Insights drawn from these data are limited: in general, available data suggest that injury rates for migrants are lower than for nationals, and that male migrants are more at risk of occupational injury compared to female migrants. Given the irregular nature of much migration in the region, it is likely that these figures are underreported.

BOX 4 Migration for seasonal employment in the Pacific

For migrants working in agriculture and other sectors, such as hospitality, demand for labour is not constant throughout the year. In many cases, migrants only move for a few months to work during harvesting seasons or tourist high seasons. Seasonal migrants in the agricultural sector are at particular risk of exploitation, as they are working in a sector with significant dangers and under legal frameworks which often exclude agricultural workers (ILO, 2015a, p. 6).

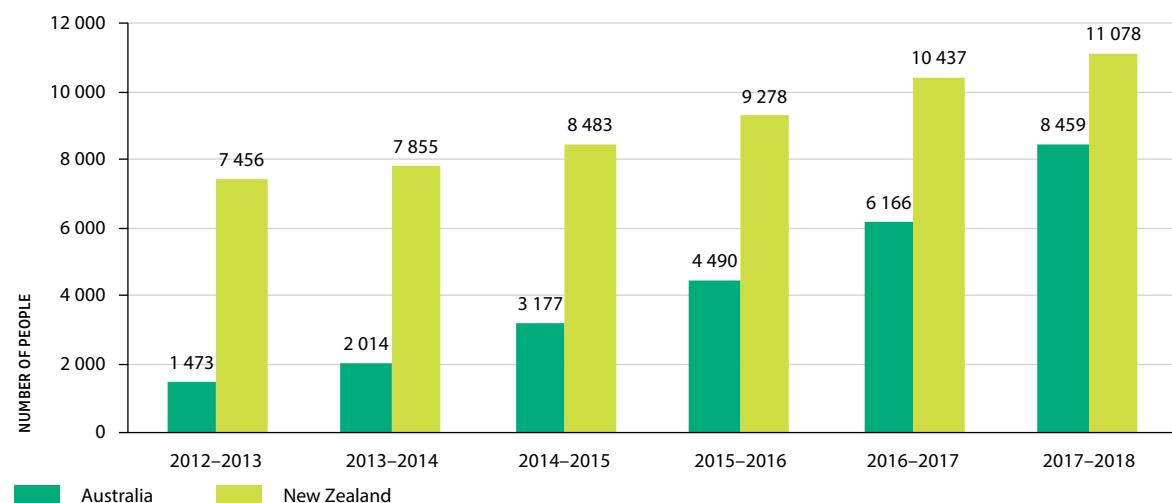
Seasonal work is particularly important in the Pacific. Australia and New Zealand run programmes to recruit seasonal migrant workers to address protection gaps and ensure positive development outcomes for migrants and their communities of origin, while ensuring employers meet labour demands. The Seasonal Workers Programme and Pacific Labour Scheme in Australia and the Recognised Seasonal Employer Scheme in New Zealand target migrants from the Pacific and South-East Asia. They allow workers to take jobs in horticulture and viticulture (in New Zealand) and in agriculture and accommodation (in Australia). Workers may stay for up to nine and seven months in Australia and seven months in New Zealand. To address protection concerns, the scheme in New Zealand outlines the application of labour law, including minimum wages and health and safety

(New Zealand Ministry of Business, Innovation and Employment, n.d.). In Australia, workers may access additional free training, called “Add-On Skills Training” to build first aid, IT and English-language skills to assist migrants’ employability (Australia, Department of Education, Skills and Employment (2020).

The numbers of migrants involved in these schemes are significant given most countries are Pacific island countries with small populations. Figure 16 shows participation in the programmes has grown steadily, with the Seasonal Workers Programme in Australia expanding increasingly rapidly, a process likely to continue since the programme is not capped, as is the case in New Zealand. For both Australia’s and New Zealand’s programmes, Vanuatu and Tonga are the main countries of origin (3,350 from Vanuatu and 2,790 from Tonga in Australia in 2017/18; 4,450 from Vanuatu and 1,900 from Tonga in New Zealand). Data from the Australian programme show that only 14.6 per cent of participants were women in 2017/18.

Both the Australian and New Zealand schemes have received mostly positive development impact assessments. They employ workers who would otherwise be unemployed, enable them to increase earnings and remittances, and develop skills useful in their countries of origin. The Australian scheme

FIGURE 16 Seasonal Worker Programmes in Australia and New Zealand, 2012/13-2017/18



SOURCES: Australia: Lawton (2019); New Zealand: New Zealand Immigration (n.d.).

BOX 4 *continued*

has delivered an estimated AUD143.6 million (\$105 million) in benefits to countries of origin, almost AUD100 million (\$74 million) to Tonga alone (World Bank, 2018). Furthermore, the Recognised Seasonal Employer Scheme, in particular, shows good practice by being developed through consultation with employers and trade unions; having a strong pastoral care emphasis, ensuring minimum standards of housing and access to information and services; guaranteeing workers a minimum number work hours; and ensuring they have a realistic idea of their earnings (Brickenstein, 2015). In addition to the impact on countries of origin, the scheme has shown benefits for employers, as seasonal workers, and returning seasonal workers in particular, have been found to have higher levels of productivity than working holidaymakers and local workers (Curtain and others, 2018). However, their positive impacts are limited by the small number of women able to participate; only 13.7 per cent of participants in the Australian Seasonal Worker Programme during 2012–2017 were women, and those able to participate were assigned lower-paid jobs (World Bank 2018).

The Australian and New Zealand seasonal work schemes reflect unique circumstances, notably the geographic situation and labour market needs of countries of origin and destination. Nevertheless, they do show promising practice in terms of identifying means through which seasonal workers may actively promote country of origin development, while also delivering benefits for countries of destination.

1.7.2 Remittances

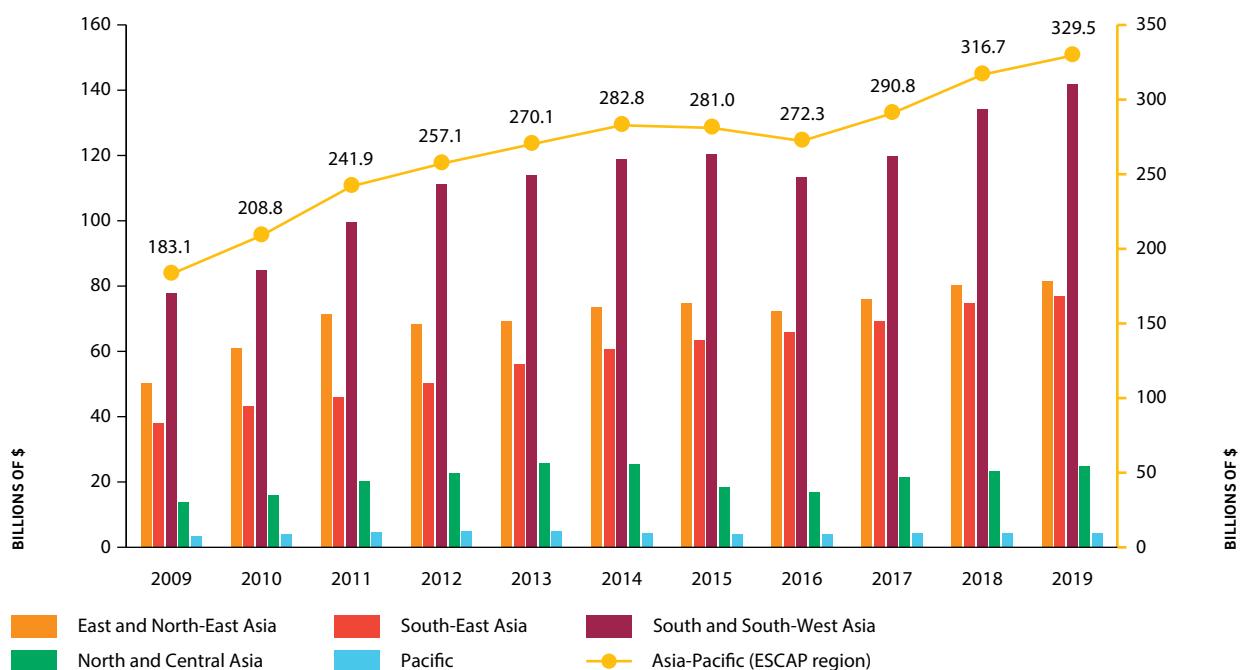
Most migrant workers send remittances to families and others in their origin countries. This is one of the most visible contributions of migrants to origin country development, supporting household consumption and contributing to poverty reduction. Remittances are recognized as important contributors to development in the 2030 Agenda and the Addis Ababa Action Agenda for Financing for Development. For example, in Kyrgyzstan, household survey data indicate remittances reduced poverty rates by 6–7 percentage points between 2010 and 2014 (UNDP and EADB, 2015). At a macroeconomic level, remittances can support governments to service debts and can contribute to keeping current account deficits under control (Chami and others, 2008).

As a share of income, women migrant workers remit higher proportions of their salaries than men. Remittance-sending can also raise the status of migrant women, as they become their household's main income-earners (UN Women, 2017b). In the 2018 Philippines Migration Survey, almost 11 per cent of female respondents indicated sending remittances in the previous 12 months, compared to 9 per cent of men (Philippines, Statistical Authority, 2019).

Data from Ratha and others (2020) show remittance flows to Asia and the Pacific rose from \$183 billion in 2009 to \$330 billion in 2019, slightly less than half the global total of \$717 billion in 2019. India and China were the world's largest remittance recipients, receiving over \$83 billion and \$68 billion in 2019, respectively. The Philippines (\$35 billion), Pakistan (\$22 billion) and Bangladesh (\$18 billion) were also among the top ten global remittance receivers. Figure 17 shows much of this growth was driven by remittances to South and South-West Asian countries; these received \$142 billion in 2019, up from \$78 billion in 2009. The growth has not been steady, however, with decreases by over \$8 billion in North and Central Asia, and by almost \$6 billion in South and South-West Asia over 2014–2016. This reflects the impact of economic recession in the Russian Federation, beginning in 2014, large-scale labour force nationalization in GCC countries and falls in oil prices.

Remittance growth accelerated over 2016–2019; nevertheless, remittances are expected to decline significantly over 2019–2020 due to the COVID-19 pandemic (World Bank, 2020c) (chapter 6).

FIGURE 17 Remittance inflows to the Asia-Pacific region and subregions, 2009–2019, billions of \$



SOURCE: ESCAP calculations based on World Bank (2020a).

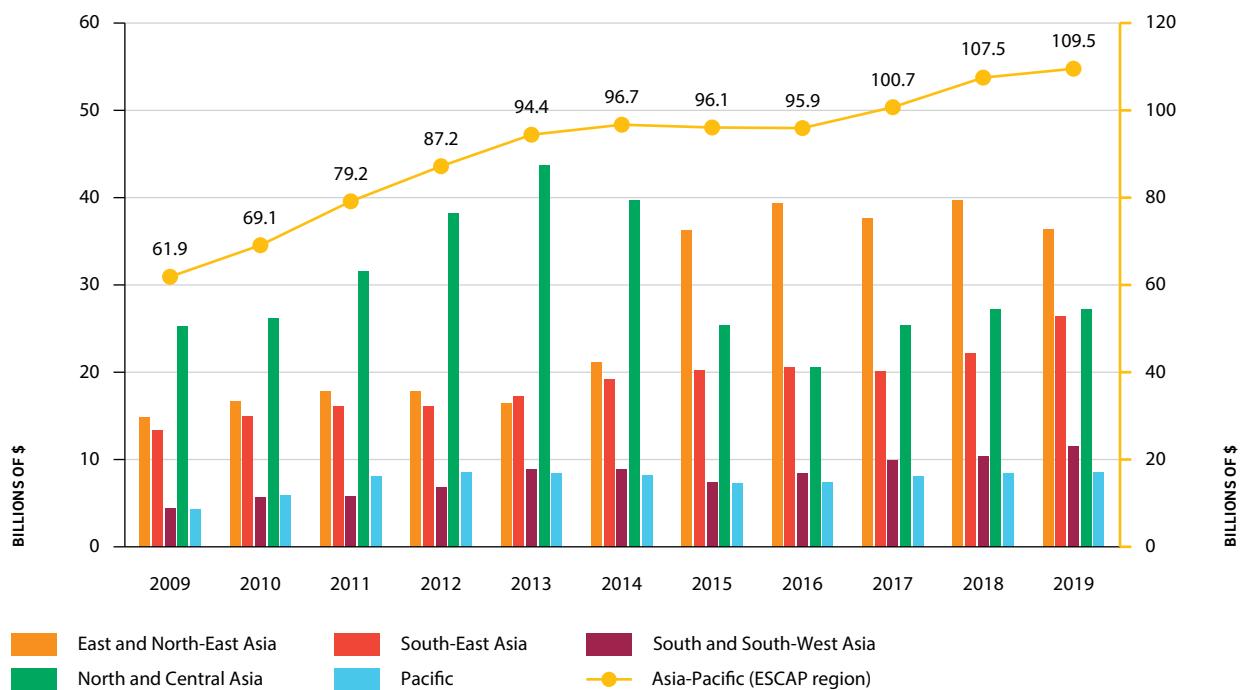
Remittance volumes vastly outstrip overseas development aid, and, while foreign direct investment inflows to the region are greater, remittances are less volatile. Indeed, they often show counter-cyclical tendencies, rising during crises, reflecting obligations and altruism underpinning the sending of remittances. For example, remittances to Nepal surged after the 2015 earthquake (Ratha and others, 2020). Remittances are not only important in absolute value; in some countries of the region, remittances make up a significant part of gross domestic product (GDP). Tonga is the world's most remittance-dependent country: remittances made up an estimated 40.2 per cent of the country's GDP in 2020. Tajikistan, Kyrgyzstan, and Nepal (26.2, 25.1 and 22.6 per cent, respectively) are also among the top ten countries in the world in this regard.

Figure 18 shows the region was the source of \$109.5 billion in remittances in 2019, up from \$62.0 billion in 2009. The largest source country was the Russian Federation, with over \$22 billion originating from the country in 2019, followed by China (\$15 billion), Malaysia (\$11 billion), the Republic of Korea (almost \$11 billion), and Thailand (\$9 billion). Relatively few studies exist on the impact of outgoing remittances for countries; evidence suggests minimal impacts compared to the size of the country from

whence remittances are sent, and these are offset by migrant contributions to growth (Naufal and Genc, 2017).

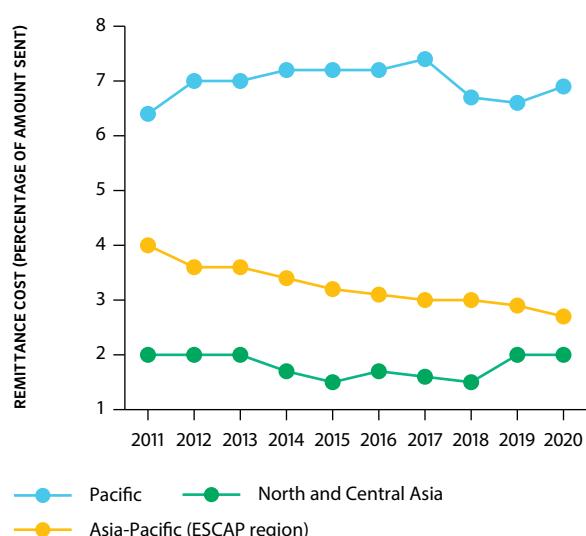
Costs of sending remittances are often significant, limiting their development impact. According to World Bank (2020b) data, the median cost of sending \$200 in remittances to Asia-Pacific countries in the first quarter of 2020 was 2.7 per cent. Though this meets the 2030 Agenda target of being below 3.0 per cent, the range was from -5.8 per cent, to send money from Pakistan to Afghanistan, to 21.0 per cent, to send money from South Africa to India.⁶ Figure 19 shows that the cost of remittances has declined since 2011, driven by greater competition in the remittance sector. As a subregion, the Pacific is a major outlier (hence its inclusion in the figure); significant compliance costs with anti-money laundering measures and a lack of economies of scale have led to median remittance costs remaining high (at around 6–8 per cent). By contrast, the median costs of sending remittances to countries in North and Central Asia (another subregional outlier) are, at 2 per cent, below the target of SDG 10.c. Notably, in all cases there is no indication of what volume of remittances are sent through cheaper or more expensive means. Thus, figures below are unweighted, and migrants may be paying more than the costs indicated here.

⁶ “A negative total cost for [an] operator may be due to a promotion active at the time information was collected and does not mean that the sender is remunerated for using the service” (World Bank, 2020b).

FIGURE 18 Remittance outflows from the Asia-Pacific region, 2009–2018, billions of \$

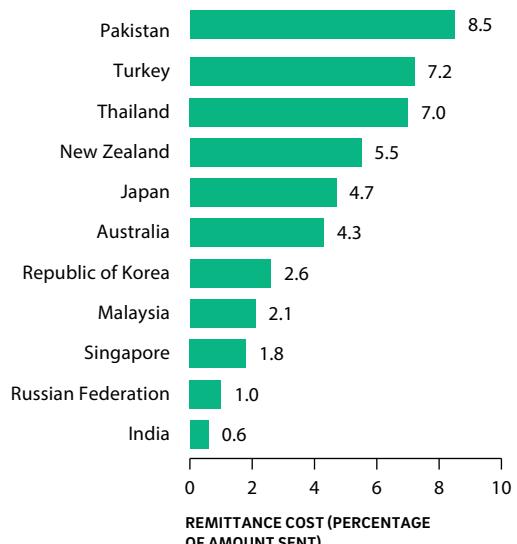
SOURCE: ESCAP calculations based on World Bank (2020a).

The median cost of sending remittances from Asia-Pacific countries was 3.1 per cent in the first quarter of 2020, slightly higher than the SDG target. The most expensive corridor was from Malaysia to Viet Nam (20.8 per cent). As figure 19 shows, the median costs of sending remittances from Asia-Pacific countries have declined since 2011.

FIGURE 19 Median cost of sending \$200 to Asia-Pacific countries and selected subregions, 2011–2020, percentage of amount sent

SOURCE: ESCAP calculations based on World Bank (2020b).

Figure 20 indicates the low cost of remittances to North and Central Asian countries was driven largely by low costs of remittances from the Russian Federation (median: 1 per cent). Similarly, the substantial costs of remittances to Pacific countries can be explained by relatively high costs from Australia and New Zealand. As can be seen, the lowest and highest overall costs were, respectively, for remittances from India and Pakistan.

FIGURE 20 Median cost of sending \$200 from selected Asia-Pacific countries, Q1 2020, percentage of amount sent

SOURCE: World Bank (2020b).

1.7.3 Student and highly-skilled migration

While the majority of migrants move to lower-status jobs, facing restrictive policies in destination countries, others, whose potential or actual skills are considered valuable there, follow different migration pathways.

1.7.3.1 MIGRATION FOR EDUCATION

Migration for education is becoming more important in the region due to: settled populations of international migrants in destination countries seeking higher levels of education; large and growing university-age populations; greater wealth and development; increased educational aspirations among young people; and encouragement of student mobility by recipient countries and their respective educational institutions (UNESCO, 2013).

This is particularly evident in China and India, where large student populations and expanding aspirations of young people and their families have driven growth in migration for education in recent years. Traditionally, the flow of students had been towards English-speaking countries, such as Australia, the United Kingdom and the United States. However, this pattern is changing, with a sharp increase in the flow and exchange of students in Asia and the Pacific, and the development of several education hubs in the region. Numerous universities, especially those from Australia, the United Kingdom and the United States, have set up branch campuses or signed collaborative agreements with Asian-based providers (UNESCO, 2013).

Data on student migration in the region are limited; whether they migrate independently for education or accompany their parents, the number of migrant children in education can be significant. There are indications that migrants from China, Japan and the Republic of Korea move for education to South-East Asian countries such as Malaysia, the Philippines and Singapore, to benefit from English-language education; indeed, South-East Asia is second to the United States as a destination for primary and secondary students from the Republic of Korea (Kim and Thang, 2016). In Thailand, over 145,000 non-Thai students were in Thai public schools in the 2017 academic year (Roman and Chuanprapun, 2019).

In 2017 (the latest year for complete data), out of the 5.3 million internationally-mobile students worldwide, an estimated 1.5 million were studying in Asia and the Pacific, an increase of almost 0.5 million from 2014 (UNESCO, n.d.). Over 1.0 million of these students were from other Asia-Pacific countries. The top country of study was Australia, with over 381,000 internationally-mobile students in 2017, an increase of over 40 per cent from 2014. Over 318,000 of these students were from other Asia-Pacific countries. The second-largest country of study was the Russian Federation, with over 250,000 internationally mobile students in 2017 (164,000 from Asia-Pacific countries). Both countries have policies which seek to attract international students. Strong growth in internationally-mobile student numbers was registered in Turkey, China and the Republic of Korea, with, respectively, 124, 45 and 35 per cent growth, while Japan, Malaysia and Singapore also remained popular countries for students.

The number of Asia-Pacific students outside their country of origin rose significantly (24 per cent) over 2013–2017, from 1.8 million to 2.4 million. Students from China accounted for over 900,000 of the students from the region, 200,000 more than in 2013. Large student numbers also came from India, the Republic of Korea and Viet Nam. The main destination country for Asia-Pacific internationally-mobile students outside the region in 2017 was the United States, with 668,000 students (321,000 from China alone), followed by Australia, the United Kingdom, the Russian Federation and Japan.

Specific hubs for student migration within the region exist, reflecting factors such as price, proximity, prestige, policy measures to attract students, and language and cultural similarities. Over 80 per cent of internationally-mobile students in Australia in 2017 were from Asia-Pacific countries. In the Russian Federation, 139,000 students came from North and Central Asia in 2017, 85 per cent of all Asia-Pacific students in the country. The largest origin countries for Asia-Pacific students in Turkey were Azerbaijan and Turkmenistan, while for Malaysia it was Bangladesh.

Sex-disaggregated data on outbound internationally-mobile students are unavailable; yet, for inbound internationally-mobile students, more males than females (64 to 36 per cent) studied in Asia-Pacific universities in 2017. Though this may partially be due to the lack of data on female inbound students in important countries of study, where data are available, male students dominated,

with Australia, China, Japan, Malaysia, the Republic of Korea and Turkey all reporting that women made up less than half of all internationally-mobile students (48, 45, 45, 24 and 34 per cent, respectively). Of major study destinations reporting sex-disaggregated data, only Hong Kong, China; the Republic of Korea; and Singapore indicated that a majority of students were female (58, 57 and 50 per cent, respectively).

For countries of origin, student migration may enable students to access skills otherwise unavailable in origin countries. As such, student migration can play an important role in country of origin development if skills are used or transferred upon return. However, in many cases, students are seen as potential highly-skilled, long-term immigrants, as well as an important source of income, with countries such as Australia, Japan and Singapore enabling students to stay after graduation (Baas, 2019). In Australia, over 14,000 former students and their partners were granted permanent residency in 2018/19 (Australia, 2019).

1.7.3.2 HIGHLY-SKILLED MIGRATION

Highly-skilled migrants, with education and skills perceived as valuable, follow different migration paths to low-skilled migrants. Compared to the restrictive policies for migrants in low-status occupations, destination countries actively aim to attract highly-skilled migrants, generally classified as migrants with tertiary education and/or engaged in high-level positions or ones requiring specific technical skills, such as medicine (box 5). Countries offer these migrants family reunification, pathways to permanent residence and other incentives. Such migrants, thus, have more migration options, leading to more diverse migration routes, including beyond the region. Data on migrant skills in the region are limited and of low quality. For the Russian Federation, an estimated one quarter of migrants from beyond North and Central Asia were highly skilled in 2018, amounting to around 50,000 migrants (Chudinovskikh, forthcoming). In Thailand, there were an estimated 112,800 professional and skilled workers in 2018 (United Nations Thematic Working Group on Migration in Thailand, 2019). In Malaysia, professionals and managers made up 5,100 (11 per cent) of the inflow of migrants in 2016 (ILO, 2018c).

The most consistent, comprehensive and comparable data on migrant skills are produced by OECD. Covering its 36 member States, including Australia, Japan, New Zealand, the Republic of Korea and Turkey from the Asia-Pacific region, as well as countries in

Europe and the Americas, it has comprehensive data on migrant skills for the years 2010/11 and 2015/16. The data show almost 36 million migrants from Asia-Pacific countries were in OECD countries in 2015/16: 19 million women and 17 million men. This represented a rise of around 2 million since 2010/11. Of these migrants, over 14 million (almost 40 per cent) had a tertiary degree and may be considered highly skilled (compared to 13 million, or 37 per cent in 2010/11). India and China supplied the largest groups of highly-skilled migrants: 3.1 million and 2.0 million, respectively, followed by the Philippines (1.8 million). Women made up over half the highly-skilled migrant population in OECD countries: almost 7.6 million migrant women with tertiary degrees, 53 per cent of the population of highly-skilled migrants and almost 40 per cent of all female migrants. The largest number of highly-skilled female migrants came from India (1.4 million), followed by the Philippines (over 1.1 million) and China (almost 1.1 million).

Almost 9.5 million tertiary-educated migrants from Asia-Pacific countries over age 15 were employed in OECD countries (4.8 million men and 4.7 million women), accounting for half of the total employed population of Asia-Pacific migrants in OECD countries of 19.9 million. However, data indicated that many highly-skilled migrants were not able to effectively use their skills, as they were economically-inactive, unemployed or overqualified for their work. Almost 585,000 migrants with tertiary degrees were unemployed, over half (335,000) of whom were women; over 3.7 million were economically-inactive, of whom over two thirds (2.5 million) were women; and over 3.2 million, or a third, of employed highly-educated migrants were classified as "overqualified" for their jobs, almost 1.7 million of whom were women.

The relatively settled status of highly-skilled migrants in destination countries affords them flexibility in both building links between origin and destination countries. For example, migrants with citizenship in destination countries can advocate for origin countries through political engagement and also engage in return projects supporting sustainable development in origin countries. Where they learn new skills, they may support dissemination of such skills to origin countries. Yet, positive outcomes require migrants earning long-term residency and/or citizenship in destination countries; qualification frameworks ensuring their skills and educational certificates are recognized so they may practise

BOX 5 Migration of health workers

Migration of health workers is an important subset of highly-skilled migration. Health workers, including doctors, nurses and others, are in particular demand globally, due to human resource shortages in many countries. These workers provide crucial services in destination countries, particularly in the context of the COVID-19 pandemic (chapter 6). Asia-Pacific countries are important contributors of migrant health workers. In the United Kingdom and the United States, the two largest countries of destination for migrant health workers, India- and Pakistan-trained doctors made up the largest share of foreign-trained doctors in 2017 (32 and 11 per cent, respectively, in the United Kingdom; 21 and 6 per cent, respectively, in the United States). China, the Philippines, the Russian Federation and Sri Lanka also constituted major countries of training of migrant doctors working in these two countries (OECD, 2019a).

Within the region, migrant health workers play important roles. Using data from WHO National Health Workforce Accounts, migrant health personnel including medical doctors, nursing personnel and midwifery personnel constitute a significant proportion of the health workforce in many countries in the region, including in Australia (where over half of doctors and over a third of nurses were foreign-born, respectively, in 2016 and 2017), Brunei Darussalam, and SIDS, such as the Cook Islands, the Maldives, the Marshall Islands, Niue and Tuvalu, also have high proportions.

TABLE 2 Foreign-born as a proportion of total health personnel in selected Asia-Pacific countries, latest available year

COUNTRY	YEAR	CATEGORY	PERCENTAGE
Armenia	2011	Doctors	9.1
	2011	Nursing personnel	7.1
Australia	2016	Doctors	55.7
	2017	Nursing personnel	36.1
Brunei Darussalam	2018	Doctors	24.7
	2018	Nursing personnel	24.7
	2018	Midwifery personnel	24.7
Cook Islands	2018	Nursing personnel	23.3
Lao People's Democratic Republic	2017	Doctors	6.3
Malaysia	2017	Doctors	5.2
Maldives	2016	Midwifery personnel	36.2
	2018	Doctors	82.1
	2018	Nursing personnel	39.4
Marshall Islands	2018	Nursing personnel	16.9
Niue	2018	Nursing personnel	44.4
Papua New Guinea	2017	Nursing personnel	12.1
	2017	Midwifery personnel	12.1
Tuvalu	2018	Nursing personnel	61.2

SOURCE: WHO (n.d.).

In small, developing countries, losing even modest numbers of health workers to migration can have significant impacts. For example, the 35 doctors from Timor-Leste working in Organisation for Economic Cooperation and Development (OECD) countries equated to 30 per cent of the country's doctors, with magnified impact in particular specializations (Tangcharoensathien and others, 2018). Migration may also be perceived as a lost investment in education and training (Li, Nie and Li, 2014). WHO has developed a Global Code of Practice on the International Recruitment of Health Personnel to ensure ethical recruitment of health workers (WHO, 2010), while target 3.c of the 2030 Agenda calls for the "recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States."

their skills in both origin and destination countries (chapter 2); and decent work enabling them to learn new skills.

1.7.4 Refugees, asylum seekers, stateless persons and internally-displaced persons

While the majority of people move in search of a better life, others are forced to leave their homes because of disasters, armed conflict or persecution. Refugees and asylum seekers flee across an international border to escape persecution and conflict, while internally-displaced persons are displaced within their own countries by disasters, climate change or conflict. Some refugees, asylum seekers and internally-displaced persons are stateless and do not have a nationality of any country. The number of refugees, asylum seekers, stateless persons and internally-displaced persons in and from the region remains high.

While refugees are covered by the Global Compact on Refugees (box 6), in light of their distinct status under international law, refugees can travel over the same routes and use the same means of transport as other groups of people on the move. Further, while stateless persons may not have crossed international borders and internally-displaced persons have not crossed them, they may yet be vulnerable to onward forms of unsafe and irregular migration. Thus, a brief overview of the situation of these groups lends context to the analysis of international migration for the purpose of this report.

1.7.4.1 REFUGEES

At the end of 2019, over 7.8 million refugees and people in refugee-like situations were estimated to be living in Asia-Pacific countries, representing 38 per cent of the global refugee population under the mandate of UNHCR, and the largest refugee population in the world (UNHCR, 2020a). Many more could be considered vulnerable migrants, driven by similar urgency but without the same recognition (box 7).

BOX 6 Unique status of refugees in international law

Refugees have special status in international law guaranteed by the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, which define a refugee as:

“...any person who... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that country.”

The Convention outlines State obligations to comply with the principle of non-refoulement, which means that refugees are protected against return to a country where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion. This principle is a norm of customary international law, by which all States are bound. While refugees enjoy hospitality of States, they often do not enjoy all the basic rights that would be afforded to them under the 1951 Convention or international human rights law.

The New York Declaration for Refugees and Migrants (United Nations, 2016a) reaffirms the importance of the international refugee regime and contains a wide range of commitments by Member States to strengthen and enhance mechanisms to protect people on the move. It paved the way for the adoption of the Global Compact for Migration and the Global Compact on Refugees (United Nations, 2018h; UN News, 2018). The Global Compact on Refugees is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It has four key objectives: to ease the pressures on countries hosting large numbers of refugees, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for return in safety and dignity. It provides the primary means of addressing the situation of refugees, in line with their unique status in international law.

BOX 7 Migrants in situations of vulnerability

Notwithstanding the gradual expansion of refugee protection, many people are compelled to leave their homes for reasons not falling within the refugee definition of the 1951 Refugee Convention. Where migrants fall outside the specific legal categories of protection, such as refugees or trafficked persons, but are unable to effectively enjoy their human rights, and are at increased risk of violations and abuse, it is especially important to ensure that their human rights are respected, protected and fulfilled. Some migrants need specific protection because of the situations they left behind, the circumstances in which they travel or the conditions they face on arrival, or because of personal characteristics such as their age, gender identity, disability or health status (OHCHR and Global Migration Group, 2018). To better monitor the situation of such migrants in the region, States should collect data disaggregated by migratory status, age and sex. As vulnerable situations are often not obvious, these data should be combined with qualitative methods to identify those in vulnerable situations and analyse why and how migrants move from and into situations of vulnerability, including the factors that trigger migration and influence migrant decision-making.

Most refugees had fled to and remained in the nearest country of asylum. Developing countries continued to shoulder a disproportionately large responsibility for hosting refugees. States across the region maintained their long-standing tradition of hospitality towards refugees, even though only 22 of them had acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (in addition, Turkey had ratified and Fiji and Tuvalu had succeeded). Turkey, followed by Pakistan and the Islamic Republic of Iran, were the main countries of asylum in Asia and the Pacific (table 3).

TABLE 3 Top five countries of asylum in the Asia-Pacific region, end-2019

COUNTRY OF ASYLUM	POPULATION OF REFUGEES AND PEOPLE IN REFUGEE-LIKE SITUATIONS (END-2019)
Turkey	3 579 500
Pakistan	1 419 600
Iran (Islamic Republic of)	979 400
Bangladesh	854 800
China ^a	303 400

SOURCE: UNHCR (2020a; 2020d).

a The 303,100 Vietnamese refugees are well integrated and in practice receive protection from the Government of China (UNHCR, 2020d).

Over 90 per cent of refugees in the region came from three origin countries. The largest number (3.6 million) came from the Syrian Arab Republic; 99 per cent of those who had fled to Asia-Pacific countries were in Turkey. There were also 2.4 million refugees from Afghanistan, mostly in Pakistan (1.4 million) and the Islamic Republic of Iran

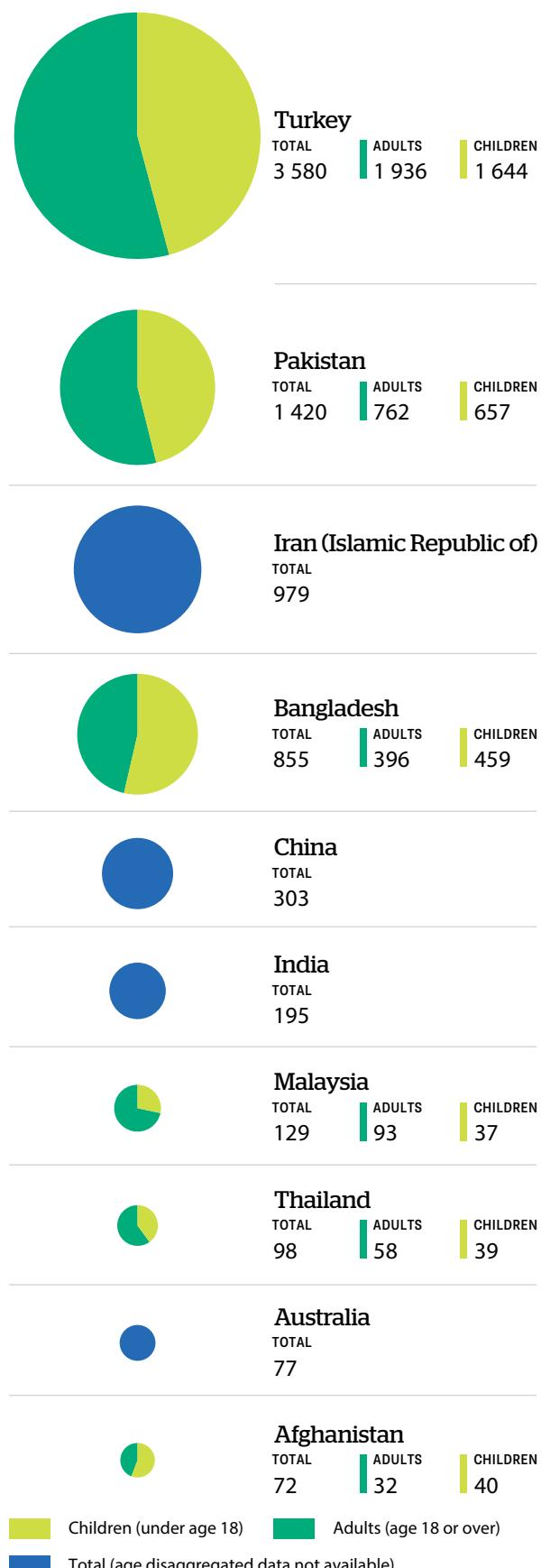
(1.0 million), and 1.0 million refugees from Myanmar, primarily in Bangladesh, Malaysia and Thailand (UNHCR, 2020a).

Demographic data were available for 81 per cent of the total refugee population in the Asia-Pacific region, equivalent to 6.3 million people. At the end of 2019, available data for Asia and the Pacific indicated that there were slightly more male than female refugees in the region (53 and 47 per cent, respectively) and that almost half of all refugees were children (an estimated 2.9 million, 47 per cent). About 1.6 million refugee children were living in Turkey, most coming from the Syrian Arab Republic. Other large populations of child refugees were living in Pakistan (0.7 million) and Bangladesh (0.5 million) (UNHCR, 2020a).

In the Asia-Pacific region, around 98 per cent of child refugees originated from the Syrian Arab Republic (1.6 million or 57 per cent), Afghanistan (0.6 million or 23 per cent) and Myanmar (0.5 million or 18 per cent). Just under half of the refugees from all three countries were children. (UNHCR, 2020a) (figure 21).

Almost 5.0 million refugees in the region had left their country of origin at the end of 2019, over 4.0 million of whom remained within the region. Five main countries of origin accounted for some 90 per cent of refugees from the region (table 4).

FIGURE 21 Composition of refugees in the top 10 Asia-Pacific countries of asylum, end 2019, in thousands



SOURCE: UNICEF analysis based on UNHCR (2019).

TABLE 4 Top five Asian-Pacific countries of origin for refugees, end-2019

COUNTRY OF ORIGIN	POPULATION OF REFUGEES AND PEOPLE IN REFUGEE-LIKE SITUATIONS (END-2019)
Afghanistan	2 728 900
Myanmar	1 078 300
Viet Nam	316 400
China	212 900
Pakistan	137 200

SOURCE: UNHCR (2020a).

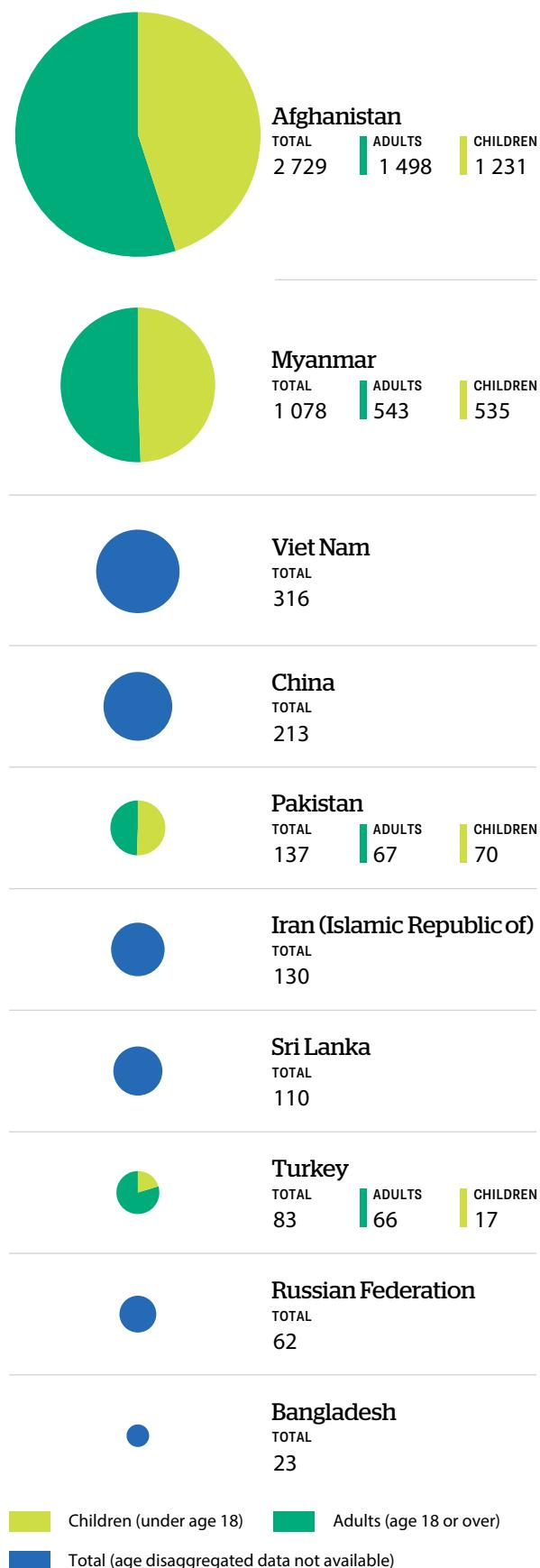
Numbers of male and female refugees were roughly similar (53 and 47 per cent, respectively). Around 77 per cent of child refugees came from Afghanistan and Myanmar (around 1.8 million). In both cases, almost half of the refugee population were children under 18 (45 and 50 per cent of refugees from Afghanistan and Myanmar, respectively) (UNICEF analysis based on UNHCR, 2020a) (figure 22).

1.7.4.2 ASYLUM SEEKERS

There were 543,300 asylum seekers in the region at the end of 2019. Almost 330,000 were in Turkey, almost 77,400 were in Australia, 50,600 were in Malaysia and over 29,000 were in Japan. Over 175,000 asylum seekers came from Iraq, followed by 140,000 from Afghanistan (UNHCR, 2020a).

Over 860,000 asylum seekers originated in the region. The largest number (over 250,000) came from Afghanistan, almost 105,000 from China, and over 86,000 from the Islamic Republic of Iran. Almost 300,000 asylum seekers were found in countries of the region, while over 164,000 asylum seekers were in the United States and almost 134,000 were in Germany. In practice, asylum claims can take long periods to process, with many asylum seekers waiting years for claims to be decided. During this period, they may be constrained from working legally and be at risk of arrest and detention, while children seeking asylum may face difficulties accessing education and other services.

FIGURE 22 Top 10 Asia-Pacific countries of origin for refugees, and composition, end 2019, in thousands



SOURCE: UNICEF analysis based on UNHCR (2020a).

1.7.4.3 STATELESS PERSONS

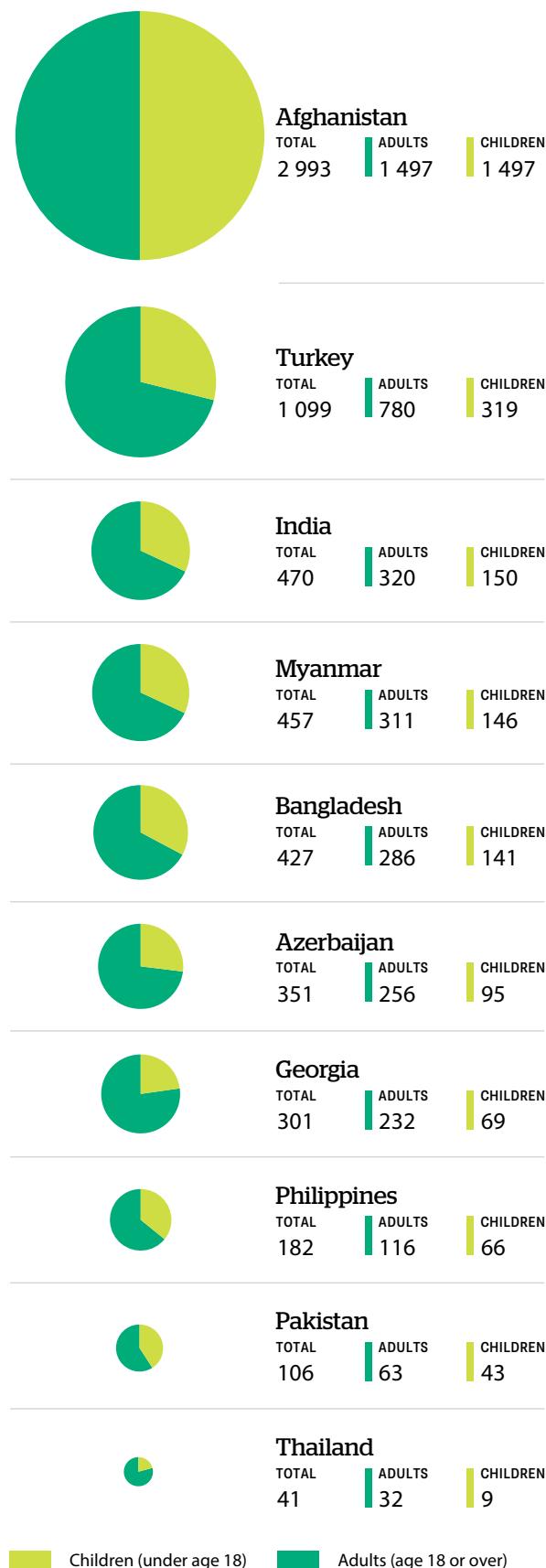
There were almost 2.4 million stateless people in the region at the end of 2019. Most of them were residing in Bangladesh (854,700), Myanmar (600,000), Thailand (475,000), Malaysia (108,300) and Uzbekistan (97,300). The large stateless population in Bangladesh was predominantly made up of stateless refugees from Myanmar. Other stateless persons may not have moved internationally, but are stateless due to factors such as shifting borders, restrictive citizenship laws, and inadequate civil registration and vital statistics systems. Statelessness may result from migration through factors such as laws preventing birth registration of migrant children in either countries of origin or destination (chapter 3) (UNHCR, 2020a).

1.7.4.4 INTERNALLY-DISPLACED PERSONS

Although internal displacement does not come under the aegis of the Global Compact for Migration, the links between internal displacement and onward international migration, and especially unsafe and irregular migration through forms of smuggling and trafficking in persons, means that their situation is relevant for a full understanding of international migration in the Asia-Pacific region. In 2019, the stock of conflict-induced internally-displaced persons was over 6.5 million in the region, with almost 3.0 million internally-displaced persons in Afghanistan alone. Internal displacement can be long-standing; such persons in Azerbaijan were displaced as a result of the 1988–1994 conflict with Armenia (UNHRC, 2015a). An estimated 2.6 million children (39 per cent) were internally-displaced in Asia-Pacific countries as a consequence of conflict and violence. Some 58 per cent of these internally-displaced children, 1.5 million, were living in Afghanistan (Internal Displacement Monitoring Centre, 2020) (figure 23).

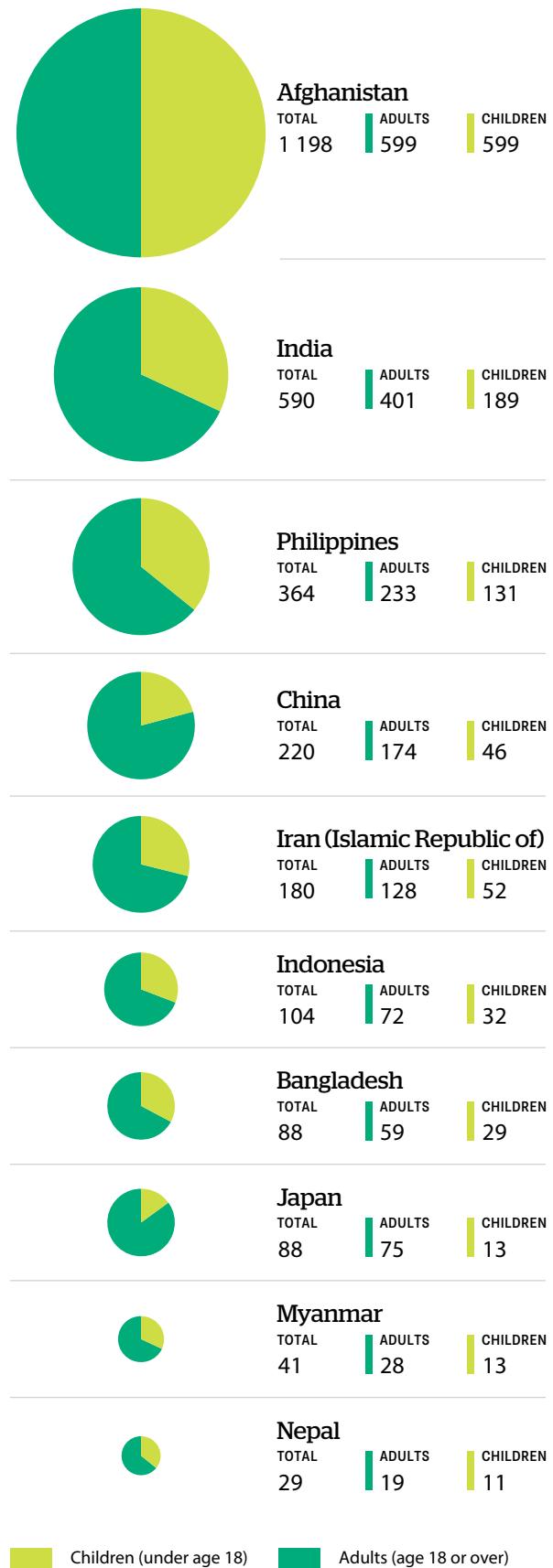
In 2019, the region saw an additional 788,000 people newly displaced due to conflict. Further, almost 20.0 million people were newly displaced due to disasters, with the largest numbers of such displacements taking place in India (over 5.0 million), the Philippines and Bangladesh (4.1 million each) and China (4.0 million). Although such displacement may be short-term, if internally-displaced persons are unable to return to their communities of origin, or if they remain vulnerable to repeated displacement, they may turn to forms of unsafe, disorderly and irregular international migration. With climate change impacts being expected to accelerate (chapter 2), these risks are likely to increase.

FIGURE 23 Top 10 countries of internally-displaced persons as consequence of conflict and violence, and composition, 2019, in thousands



SOURCE: Internal Displacement Monitoring Centre (2020).

FIGURE 24 Top 10 countries of internally-displaced persons as consequence of natural disasters, and composition, 2019, in thousands



SOURCE: Internal Displacement Monitoring Centre (2020).

BOX 8 Mixed migration

Mixed migration refers to the movements of people travelling together, generally in an irregular manner, over the same routes and using the same means of transport, but for different reasons. The men, women and children travelling in this manner often have either been forced from their homes by armed conflict or persecution or are on the move in search of a better life (UNHCR, 2016). People travelling as part of mixed movements have varying needs and may include asylum seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children and migrants in an irregular situation. Although people on the move are entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey.

The aforementioned definition highlights the rights and protection needs of all people on the move, regardless of status, and recognizes that motivations for migration can be “various and intertwined”. Refugees and migrants travelling irregularly are particularly vulnerable given their irregular status and nature of movement. They are often compelled to use dangerous routes and means of transportation, and may have to rely on the assistance of smugglers, who may abuse their rights during the journey.

The Mixed Migration Centre (2019b) has identified three main mixed migration flows in the region:

- Irregular movements of migrants and refugees from Afghanistan, driven by ongoing conflict and poverty, including movements via Turkey to Europe. In 2018, over 100,000 Afghan nationals arrived in Turkey. Afghan nationals constituted the largest group of people entering Europe irregularly in 2019, with over 34,000 detections of Afghans by the end of the year (a 170 per cent increase from 2018 and a quarter of all irregular arrivals in Europe), according to Frontex (2020).
- Movement of Rohingya refugees overland from Bangladesh to India, and across the Andaman Sea to Indonesia, Malaysia and Thailand. Around 18,000 Rohingya refugees had registered with UNHCR in India in January 2019, while Indonesia, Malaysia and Thailand all reported the arrival or interception of boats with Rohingya in 2019.
- Mixed maritime movements from Asia to Australia and Mayotte and Réunion, Overseas Departments of France. From January 2018 to August 2019, 13 boats from Sri Lanka were intercepted by Australian authorities.

Addressing mixed movements can be challenging for Governments, which must ensure the rights of often-large groups of people with varied protection needs and statuses, ensuring access to services and preventing *refoulement*, often in pressing and desperate conditions. Appropriate border management policies can help address these challenges (chapter 3).

As of 2019, around 3.0 million internally-displaced persons due to natural disasters were living in the region; among them 1.1 million children (38 per cent of the total). Over half of these children were displaced within Afghanistan (600,000). Other large numbers were internally displaced in India (190,000) and the Philippines (131,000) (figure 24).

Patterns of human mobility are complex and involve people with different legal statuses and a variety of vulnerabilities. A full comprehension of international migration requires understanding the situation of different groups of people on the move, such as refugees or stateless persons. In the Asia-Pacific region, refugees and migrants from Myanmar have

often travelled side by side to reach countries such as Malaysia and Thailand, at grave risk to their lives (Human Rights Watch, 2020a) (box 8).

1.7.5 Irregular migration, smuggling of migrants and trafficking in persons

1.7.5.1 IRREGULAR MIGRATION

Irregular migration occurs alongside regular migration. Irregular migrants share the same major origin countries as regular migrants. The following examples show some of the origins and destinations of persons in irregular status throughout the region.

Undocumented migrants or those in an irregular status do not fulfil the requirements established by the destination country to enter, stay or exercise an economic activity (United Nations, 1994b). It is inherently difficult to quantify numbers of irregular status migrants. Irregular migration takes many forms: some migrants cross borders without the requirements outlined above, though most enter destination countries with required documentation, and then voluntarily or involuntarily enter an irregular status due to violation of permission to stay or reside by overstaying or working without proper documentation due to policy changes or unscrupulous practices by recruiters or employers. Some make use of smugglers, others migrate independently. Despite their specific legal protections under international law, refugees may too be treated as irregular migrants in countries with no asylum system or national refugee legislation.

Understanding irregular migration is complicated because migrants in irregular situations are often reluctant to participate in studies and surveys for fear of drawing attention to their status and risking arrest, detention and deportation, or being prevented from doing so, especially when in situations of exploitation. Migrants in irregular situations may even be unaware of their status, as boundaries between regular and irregular migration are porous, especially when temporary migration regimes place strict limits on migrants; migrants may be considered in an irregular status simply by moving employer without authorization, for example. Other migrants may have become irregular due to policy change, while differing and changing destination country laws make between-country comparison difficult.

As such, no overall data on irregular migration exist, despite estimates produced in specific countries. It is likely that irregular migration in the region is significant, given large-scale migration trends; widespread desire to migrate to improve livelihoods or escape destitution, deprivation or environmental degradation; high costs (and perceived low benefits) of regular migration; restrictive and complex migration policies; limited enforcement capacity in many origin and destination countries; and involvement of actors in the recruitment industry who engage in illegal practices.

Irregular migration is an infringement on a core element of State sovereignty, the right of States to determine who enters and remains in the country. It also constitutes a risk to migrants in an irregular

situation, as they are generally at higher risk of abuse and exploitation, and may use unsafe pathways to migrate, including irregular mixed maritime routes, which can result in deaths of migrants. Their lack of legal status in destination countries may be used by authorities to deny them access to services such as health or education, in contravention of human rights Conventions. Unscrupulous employers may use their status to force them to work longer hours for lower pay, while irregular migrants may not report such practices for fear of arrest, detention and deportation. Where their migration is widespread, the poor conditions faced by migrants in an irregular situation may have knock-on effects on other workers, inducing a race to the bottom in terms of working conditions and pay.

Countries of the region are countries of origin, transit and destination for irregular migrants. The similar motivations driving both regular and irregular migration are mirrored by similar routes being followed. A study of over 1,800 migrant workers from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam in Malaysia and Thailand, in 2016, found that 74 per cent of respondents had migrated through irregular means (ILO, IOM and Rapid Asia, 2017, p. 33). Thailand reported that from 2012 to 2016, between 190,000 and 240,000 people were detected attempting entry into the country without the requirements needed to cross the border (UNODC, 2018c, p. 275).

In addition to registered refugees, Pakistan hosted over 2.2 million and 1.0 million persons in irregular status from Afghanistan and Bangladesh, respectively (UNODC, 2018c, p. 11). Japan identified about 2,270 Vietnamese, 1,770 Thai and 4,010 Chinese nationals in situations of irregular residence in 2016 (UNODC, 2018c, pp. 73–96). Between 3,000 and 4,000 people were refused entry to Pacific countries (excluding Australia and New Zealand) between 2010 and 2013 (UNODC, 2018c, p. 109). New Zealand estimated that 13,900 people were overstaying their visas in December 2017, the largest numbers from Tonga (2,500), Samoa (1,550) and China (1,530) (New Zealand Immigration, 2018).

In the Russian Federation, in 2018, around 4.2 million people declared that their reason for entry was work; however, only 1.8 million working documents were issued, suggesting that the number of irregular migrants is high. For example, only 30 per cent of people from Azerbaijan declaring work as the



reason for arrival in the Russian Federation were issued documents permitting work (Chudinovskikh, forthcoming).

Irregular migration also takes place for Asia-Pacific migrants beyond the region, to destinations in Europe, the Middle East and Northern America. Given their status as countries on the frontiers of Europe, the Russian Federation and Turkey are transit countries for migrants seeking to move irregularly (UNODC, 2018c). Migrants from Afghanistan were the third-largest group of people attempting to make unauthorized border crossings into European Union countries, with 12,700 people having been detected in 2018 (Frontex, 2019). Saudi Arabia reported that 55,900 people from Pakistan, and 5,300 people from the Philippines, were in a situation of illegal residence in 2016 (UNODC, 2018c, pp. 13–71). From 2012 to 2016, between 13,600 and 23,800 people from the Philippines and 14,400 to 16,900 from China were found attempting to make illegal entry into the United States each year (UNODC, 2018c, pp. 71–95).

Migrants in an irregular situation are especially at risk of threats to their health, rights and safety, either en route or as a result of their status. The

Missing Migrants Project of IOM estimates that over 400 migrants moving to, from and between Asia-Pacific countries died in 2019 due to causes such as illness, exposure to the elements or abuse by smugglers (IOM, n.d.b). Ensuring that people do not feel compelled to migrate at any cost and are able to access safe and legal pathways for migration is essential to ensuring that safe, orderly and regular migration contributes to sustainable development (chapter 2).

1.7.5.2 SMUGGLING OF MIGRANTS

Smuggling of migrants represents a subset of irregular migration. Where potential migrants cannot access regular migration channels and are unable to use their own means to migrate irregularly, they may make use of the services of migrant smugglers to cross borders.⁷ The services provided—for a cost—can include arranging for fraudulent documents and clandestine travel. The structure of smuggling groups is diverse, ranging from highly organized and vertically integrated structures to loose networks of service providers who may be former migrants themselves.

⁷ Migrant smuggling is a crime in international law, defined by the Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the Convention Against Transnational Organized Crime as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (United Nations, 2000a).

Migrant smuggling raises concerns for a number of reasons. It can constitute a risk to migrants' health, safety and human rights, especially where clandestine forms of travel are used or where smugglers subject migrants to inhuman or degrading treatment. It is not uncommon for migrants to encounter deceptive recruiters, employment agents or employers who charge steep fees for recruitment, travel and employment opportunities. Smugglers often charge high fees or use a travel-now, pay-later model, which may leave migrants in debt. Migrant smuggling is further linked to crimes such as corruption of State officials, as well as being an infringement of State sovereignty. Some smuggling groups have links to organized criminal or terrorist groups, with profits fuelling other forms of crime and disruption.

For many migrants, however, smugglers offer services that they believe will lead to a better life, despite these risks. For some people fleeing conflict or persecution, using the services of smugglers may be perceived as the only choice to reach asylum. For migrant workers, engaging smugglers may be cheaper and faster than going through regular processes (ILO, IOM and Rapid Asia, 2017). For example, it is estimated that Cambodian nationals pay between \$34 and \$138 to be smuggled from Cambodia to Thailand, considerably less than the \$700 regular migrants tend to pay. Similarly, fees associated with official migration channels from the Lao People's Democratic Republic are estimated to range between \$400 and \$700, which amounts to four to six months' wages in Thailand, while the cost of irregular migration is equivalent to only one month's salary (UNODC, 2018b). Fees vary according to factors such as migrants' profiles and perceived wealth, distance to be travelled and number of border crossings involved, and risk of detection.

Smugglers may take advantage of the weak points in States' border security and use transit countries with minimal visa requirements to enter via air. In some cases, the routes used by smugglers can extend far. Recent examples include smuggling from Asia via the Caribbean to the United States; and smuggling via Pacific countries to Australia and New Zealand. There are indications that this trend is on the rise (UNODC, 2018b).

As sea or air smuggling routes generally require more resources and organization, land routes are widely used when geography allows (UNODC, 2018c). Border crossings via land might not involve

TABLE 5 Key routes for smuggling of migrants in the Asia-Pacific region

ROUTE	NOTES
South-West Asia to Europe	Migrants from Afghanistan, the Islamic Republic of Iran and Pakistan travel to Turkey, with many moving on by land or sea to Greece or Bulgaria, and on to other European countries. While most are young men (including many unaccompanied minors from Afghanistan), data show increasing numbers of Afghan families on the move. Refugees fleeing conflict and persecution also move along the same routes.
South Asia to Europe and GCC countries	This may involve travel by land or by air using fraudulent documents. Data show that many of these migrants are young men.
Within South-East Asia	Thailand is the main destination country for migrants from Cambodia, the Lao People's Democratic Republic and Myanmar. Malaysia is a destination country for migrants from Indonesia, the Philippines and Bangladesh.
Routes from South, South-East and South-West Asia towards North America or Europe	Due to their high cost, these flows are smaller in magnitude than those by land or sea towards Europe, and nearly always involve travel by air, often with fraudulent identification documents.
From countries in South-West Asia and South Asia to Australia, transiting through South-East Asia	Activity along this route has diminished substantially since the halting of maritime arrivals to Australia in 2013, though migrants still move through part of this route, from South Asia to South-East Asia.

SOURCE: UNODC (2018c).

sophisticated smuggling activities, for example at locations where border controls are not heavily enforced in the Mekong subregion or some parts of Central Asia. Smugglers facilitate migrants who have been smuggled to evade border controls and have a safe onward passage along hazardous overland trails. In the region, smuggling of migrants generally occurs from lower- to higher-income countries with demand for cheap labour. Table 5 outlines some of the main routes for migrant smuggling, showing that some countries simultaneously serve as origin, transit and destination countries (UNODC, 2018b; 2018c).

While data collected in the Pacific remain limited, available information indicates Pacific islands are used as transit points by nationals of countries in South-East Asia, South Asia, and East Asia for smuggling to Australia, New Zealand and the United States. Pacific law enforcement agencies report that migrant smuggling networks have become entrenched in Fiji, Papua New Guinea, Samoa, Tonga and Vanuatu. Key Pacific transit countries are Fiji, Samoa, Palau, Federated States of Micronesia and Papua New Guinea. Visa-free arrangements in Pacific countries have been identified to facilitate migrant smuggling by air to States including Australia, Canada, New Zealand and the United States (UNODC, 2018b).

Most detected migrants who have been smuggled from the region are young men. For example, smuggled male migrants from the Lao People's Democratic Republic often work in construction and agriculture, and, in smaller numbers, in Thailand's fishery sector. While most smuggled Cambodians detected in Thailand are male, smuggling of females also occurs. Male Cambodian migrants are more likely to use smuggler services to reach Thailand (UNODC, 2018b). Some sources show rising numbers of women using smugglers, particularly from South-West and South Asia. Women are usually accompanied by their children or other family members. Recent studies suggest women and girls are smuggled both within and out of the region for employment in a wide range of sectors, as well as to access education (UNODC, 2018b).

Migrants who have been smuggled can spend significant time in transit countries, due to the complexity of journeys. In countries of transit, they may be treated as migrants in an irregular situation by authorities and subject to arrest, detention and deportation. They may be unable to work and support themselves and may be extorted and mistreated by smugglers. Evidence suggests that smugglers are often of the same nationality as the migrants whose movement they facilitate. This applies, for example, to Cambodians operating in Thailand. Smugglers are typically migrants who, successfully or not, were smuggled along the same routes in which they operate. Ethnic and/or

linguistic ties between smugglers and migrants are fundamental elements bringing them together. In an unregulated market, a reliable connection is key, and smugglers often aim to establish a relationship to gain trust with migrants (UNODC, 2018c).

1.7.5.3 TRAFFICKING IN PERSONS

Migrants in an irregular situation are at high risk of being trafficked. Trafficking differs from smuggling insofar as it need not involve cross-border movement and is defined by exploitation, rather than contravention of laws on movement across international borders for profit. This exploitation takes many forms, including for sexual exploitation and labour, forced marriage and the removal of organs (chapter 3).⁸ In the region, trafficking can be understood within the broader context of exploitation—especially labour migration driven by development gaps between countries. Rather than a separate phenomenon from migration, it represents extremes of exploitation that many migrant workers experience. As with smuggling, knowing the scale of trafficking is challenging. Globally, an estimated 40 million people live in conditions of modern slavery,⁹ nearly 25 million in Asia and the Pacific (ILO and Walk Free Foundation, 2017). Among the world's estimated 4.8 million victims of forced sexual exploitation, 73 per cent are in Asia; they reportedly remain trapped in such situations for an average of two years. Children under age 18 comprise 21 per cent of all victims (ILO and Walk Free Foundation, 2017).

An IOM database of identified trafficked persons recorded 91,000 individual cases around the world since 2002 (Counter-Trafficking Data Collective, n.d.). UNODC also maintains data on global numbers of identified victims of trafficking reported by Governments. Over time, countries have detected and reported more trafficked persons, while convicting more traffickers. This is due to factors including increased capacity to identify and report trafficking cases; greater understanding of trafficking's nature; and/or increased numbers of trafficked persons.

⁸ Trafficking is defined by Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

⁹ This is an umbrella term without an international agreed definition and is often used for advocacy purposes. It includes people in situations of "forced labour, debt bondage, forced marriage, other slavery and slavery-like practices, and human trafficking" (ILO and Walk Free Foundation, 2017, p. 9). The common denominator of these practices or crimes is that they are all forms of exploitation in which one person is under the control of another.

Yet, an unknown number of people from and in the region are victims of trafficking and do not appear in these datasets. It is likely that numerous trafficked persons in the region are neither identified nor receive support, given disparities between estimates of scale and identified cases. This is a serious protection gap, leaving victims without assistance.

The IOM database on trafficked persons shows that 18,400 individuals identified as having been trafficked since 2002 came from Asia-Pacific countries, of whom 11,800 (64 per cent) were women, and 800 indicated having been under age 18 when they were being exploited. Identified trafficked persons came from 19 different countries in the region, the majority from the Philippines (11,400). Of these, over half (7,000) indicated they had been exploited in an Asia-Pacific country, 2,000 in the Philippines alone, indicating the prevalence of intraregional trafficking. About 5,800 of the identified trafficked persons had been subjected to forced labour, whereas sexual exploitation was found in 1,500 cases (1,100 of whom were women). The main form of control identified was “false promises” (800 cases).

The data also show Asia-Pacific countries are trafficking destinations, with 10,100 trafficked persons identified since 2002 and the majority (5,300, or 53 per cent) being men. About 800 trafficked persons were children at the time of exploitation. Identified trafficked persons came from 18 countries of origin, mostly other Asia-Pacific countries, but also including people from Moldova, Nigeria and Ukraine identified in Kazakhstan, the Russian Federation and Turkey. The country of origin with the largest number of reported cases was the Philippines (2,300) followed by Ukraine (1,900), while the country of exploitation with the most reported cases was the Russian Federation (2,800). The main forms of exploitation identified were forced labour (4,800 cases) and exploitation (2,100 cases, of which 1,600 were women). The main forms of control identified were “false promises” (1,700 cases) and “excessive working hours” (1,500 cases).

UNODC data from 2016 show 60 per cent of cases of trafficking in persons detected by Governments in East Asia and the Pacific,¹⁰ 55 per cent of cases in Eastern Europe and South Caucasus, and the plurality of cases in Central Asia and South Asia were cases of sexual exploitation. Women and girls made up the largest group. Forced labour represented

the second-most detected form of trafficking in all subregions. Most trafficked persons in the respective subregions were from other countries of the subregion. Trafficking in persons was particularly significant in South-East Asia. Nearly half of all victims in Asia (46 per cent) were trafficked there for both sexual exploitation and forced labour. In 2016, countries such as Malaysia and Thailand had more victims of forced labour than sexual exploitation (IOM, 2019e). Trafficked persons from East Asia and the Pacific were detected in or repatriated from over 60 countries worldwide; those from South Asia in over 40. In South-East Asia, trafficking often took place along axes of development from less developed countries, such as Cambodia, the Lao People’s Democratic Republic, Myanmar and Viet Nam, to more developed countries including Malaysia, Singapore and Thailand.

Trafficked persons from South Asia, though mainly detected within the subregion, have been identified in many parts of Western and Southern Europe, and those from Afghanistan have been detected in Northern Europe, including the Netherlands and the United Kingdom. Trafficked persons from Bangladesh and India have been detected in South-East Asia. For Central Asia, most of the detected trafficking remains within the subregion—again along a development axis, with the most affluent countries, Kazakhstan and the Russian Federation, mainly destination countries. Kazakhstan is a destination for persons trafficked from other Central Asian countries, but trafficked persons have also been detected in or repatriated from other regions, such as Western, Central and Southern Europe, and particularly from the Middle East and East Asia. Areas of the Asia-Pacific region are also destinations for trafficking flows: South-East Asia is a destination for individuals trafficked from Eastern Europe, and East Asia for people trafficked from South America.¹¹

Both men and women were identified as those trafficked, with proportions of women varying from 21 per cent in South Asia to 58 per cent in Eastern Europe and Central Asia. In South Asia, men, women and children were trafficked, though data for this subregion are limited. In Central Asia, a larger share of adult men were detected compared to other regions, only marginally smaller than the share of women. Trafficking for forced labour and sexual exploitation were found in near-equal proportions in South Asia and Central Asia. In East Asia and the

¹⁰ Regions refer to UNODC subregions. See UNODC, 2018c, p. 2 for regional classifications.

¹¹ All data: UNODC, *Global Report on Trafficking in Persons 2018*, noting that data reported are mostly for the year 2016 (2018a).

Pacific women and girls accounted for two thirds of detected trafficked persons, but considerable variation existed within the region. In South Asia, East Asia, and the Pacific, over 30 per cent of detected trafficked persons in the same year were men.¹²

The Pacific island States are a source and destination for trafficking in persons, primarily committed for labour exploitation in fishing, construction and extractive industries, such as logging and mining. Migrants may be documented or in irregular status and suffer multiple forms of coercion to prevent them from leaving. Pacific islanders are also trafficked to Australia, New Zealand and the United States.

Traffickers of both sexes deliberately mislead their victims, and many trafficked persons also report physical, psychological and sexual abuse, as well as excessive working hours and withholding of income, as control means. Measures to address trafficking are discussed further in chapter 3.

1.7.6 Migration for permanent residence and family reasons

While most migration in the region is temporary, some countries aim to attract migrants for permanent residence and citizenship. The criteria for permanent residency vary, although higher education, skills or willingness to invest are often common factors; other considerations include humanitarian reasons, or retirement. In some countries, policies enable members of specific ethnic groups to migrate and obtain citizenship.

1.7.6.1 MIGRATION FOR PERMANENT RESIDENCE

The traditional countries of permanent settlement in the region include Australia and New Zealand, while Singapore also allows permanent residency for highly-skilled migrants. Annually, between 2009/10 and 2018/19, Australia granted residency to over 160,000 skilled migrants (under the skill stream) and their family members. These migrants included those sponsored by employers, those fulfilling specific criteria enabling them to migrate without being sponsored by an employer, and those indicating a willingness to invest or being recognized as having specific talents. For some,

permanent residence is a pathway to citizenship: in 2018/19, 127,600 foreign-born persons were granted Australian citizenship, the largest group (28,500) from India.

For New Zealand, after reaching a peak in 2015/16, the number of residence decisions approved dropped to 34,500 in 2018/19; 13,300 of the migrants accepted in this year were skilled migrants, while others were partners of migrants or citizens, children, as well as applicants from Fiji, Kiribati, Tonga and Tuvalu who met certain criteria and were selected by ballot as part of the Pacific Access Category. Between July 2009 and February 2020, 520,400 people became permanent residents, with over 150,000 from China (79,200) and India (73,800) alone (New Zealand Immigration, 2020b). In 2018, 35,700 people were granted New Zealand citizenship, the largest number (5,500) from the United Kingdom (New Zealand Department of Internal Affairs, n.d.).

1.7.6.2 MIGRATION OF MEMBERS OF SPECIFIC ETHNIC GROUPS

Several Asia-Pacific countries, including Armenia, Japan, Kazakhstan, the Russian Federation and the Republic of Korea operate programmes facilitating migration of members of specific ethnic groups to nation-States considered their traditional homelands, for entry, temporary or permanent residence and access to the labour market, and in some cases citizenship.

In Japan, until recent labour migration reforms, people of Japanese origin had privileged access to migrate to Japan and work on a temporary basis (Hollifield and Sharpe, 2017). In the Republic of Korea, the process is managed by the Overseas Koreans Act; the “H-2” visa enables ethnic Koreans from other countries, notably China and North and Central Asian countries, to work in the Republic of Korea for up to three years. Between 240,000 and 306,300 people per year made use of this programme from 2009 to 2016. Around 57 per cent of these workers were men (OECD, 2019b).

In Kazakhstan, “oralman”, ethnic Kazakhs living outside Kazakhstan, are able to apply for permanent residence. They can also access support for integration into social protection systems in Kazakhstan on the same footing as citizens

12 All data: UNODC, *Global Report on Trafficking in Persons 2018* (2018a).

(Kazakhstan Egov, n.d.). Between 1991 and 2017, Kazakhstan reported that over 1 million persons had made use of the programme (Kazakhstan, Ministry of Labour and Social Protection, 2017). The Russian Federation has, since 2006, facilitated the migration of persons with historical roots in the country, along with professional and educational qualifications, under the “return of compatriots” programme. By the end of 2018, over 795,000 people had returned under this policy, with most having acquired citizenship. Except for the period 2014–2016, the majority of returnees came from Kazakhstan (Chudinovskikh, forthcoming, p. 20).

1.7.6.3 MIGRATION FOR FAMILY FORMATION

In the region, and particularly East and South-East Asia, migration for marriage, and family formation and reunification is common. This reflects the exodus of women from rural areas and demographic imbalances in destination countries which encourage men to search internationally for partners. Other factors include notions of appropriateness in gender roles in relationships, greater contact between people of different nationalities through travel and migration, and an industry brokering such marriages (Bélanger and Flynn, 2018). Migrant women often see marriage migration as a means of accessing hypergamous marriages, “marrying up” for economic and social benefit (Yeung and Mu, 2019). In the Republic of Korea, over 2010–2018, the number of visas granted to spouses of Korean citizens steadily rose from 141,600 to 159,200. Chinese citizens made up the largest proportion (around a third) of marriage migrants, followed by Vietnamese. Annually, over 80 per cent of marriage migrants are women (E-Nara Indicator, 2020). Over 2011–2013, an estimated 51,000 non-Japanese and 61,000 non-Korean women, respectively, married Japanese men in Japan and Korean men in the Republic of Korea (Chung, Kim and Piper, 2016). In 2012, 80 per cent of foreign wives in Japan originated from China (42 per cent), the Philippines (21 per cent) and the Republic of Korea (18 per cent) (Chung, Kim, and Piper, 2016), while 40 per cent of marriages each year in Singapore involve foreign spouses (Yeung and Mu, 2019).

Marriages in this context are often brokered by commercial entities. Given the nature of these marriages, the dependence on spouses for visas and lack of familiarity with local laws, language and customs, such migrants are at particular risk of abuse, isolation and exploitation; this includes

trafficking for forced marriage (IOM, 2017a; United Nations Action for Cooperation Against Trafficking in Persons, 2016). Women from the north of the Lao People’s Democratic Republic are at times trafficked to China for forced marriages (IOM, 2018). The phenomenon is also prevalent, amongst others, in Afghanistan, Indonesia, Kazakhstan, Malaysia, Myanmar, the Philippines, Uzbekistan and Viet Nam (Counter-Trafficking Data Collective, n.d.).

The status of children from mixed nationalities can be challenging; they are often brought up in multilingual households, facing discrimination in wider society. The growth of such marriage has been a spur for development of policies aiming to promote multicultural societies in countries such as Japan and the Republic of Korea (Asis and Feranil, 2020). Yet, many countries restrict the ability of temporary and low-skilled migrants to marry. In Singapore, current or former work permit holders wishing to marry Singaporean citizens or permanent residents must obtain approval from the Ministry of Manpower ensuring they are not breaching work permit conditions (Singapore, Ministry of Manpower, n.d.).

1.7.6.4 MIGRATION FOR FAMILY REUNIFICATION

Highly-skilled migrants admitted under long-term migration schemes are usually permitted to sponsor family members to move with them, or join them in destination countries. In the Russian Federation, highly-skilled specialists have access to three-year visas and are permitted to bring family members (Chudinovskikh, forthcoming). In Australia, in 2018/19, there were almost 50,000 family stream migrants, 30 per cent of all migrants entering the country under the Migration Programme. These were mostly partners of citizens (85 per cent of those within the family stream), as well as parents of migrants or Australian citizens. An additional 3,000 children of permanent residents and citizens were also admitted (Australia, Department of Home Affairs, 2020). In such cases, family members are permitted to work and become eligible for permanent residence and citizenship.

Yet, migrants with access to such privileges are a minority within the region’s overall migration landscape; most migrants on temporary work visas are explicitly excluded from bringing family members. Partners and children of migrants are either left behind in countries of origin or move irregularly to maintain family unity. In the first

case, families left behind may benefit materially from remittances, but require specific support to protect against risks, such as negative health and educational outcomes. Children moving with parents, where this is not permitted, often face denied access to education, health and adequate housing, and risks of deportation (Asis and Feranil, 2020).

1.7.6.5 RETIREMENT MIGRATION

Asia-Pacific countries, and South-East Asian countries in particular, are attractive destinations for retirees, offering low living costs, high-quality services for older persons and pleasant climates. Recognizing this demand and seeking to benefit from wealthy retirees, countries like Malaysia, the Philippines and Thailand have instituted retirement visas. In Thailand, an estimated 73,000 people were staying on retirement visas in November 2018. The Malaysia My Second Home programme has issued over 42,000 visas (Investment Migration Insider, n.d.). Retiree migrants come from different countries. In Malaysia, Chinese nationals form the largest group of applicants. In Thailand, British nationals were the largest group of retirement visa holders in 2018 (Styllis, 2020). Japanese and Korean retirees have also used these programmes, with some retired migrants opening new businesses in their destination countries. However, some retirement migrants struggle to maintain family relationships across distances and to integrate, while costs of living can be higher than expected (Kim and Thang, 2016).

1.7.7 Return and circular migration

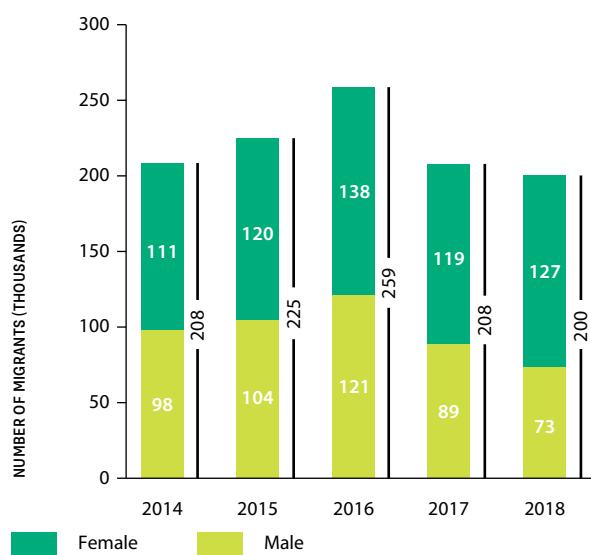
Since most migration in the region is temporary labour migration, migrants are expected to return¹³ to their origin countries at the end of their contracts, and most migrants aim to do so (Battistella, 2018). Return migration takes many forms. Migrants may return voluntarily, having achieved their objective, such as acquiring qualifications, reaching a saving aim, or upon retirement; they may return due to personal or family circumstances, or may feel that the situation in the origin country has evolved such that they would be able to thrive. Alternatively, migrants may be compelled to return due to contracts or visas ending, or crises in their countries of destination.

In the case of child migrants, long-term migrants or migrants born in the country of destination, "return" may take place to a country of which they have little knowledge or experience. Return migrants are usually citizens of the countries in which data are gathered, unless questions are asked about country of previous residence or birth, it may be hard to identify them in data sources. Furthermore, as with outward migration, administrative data sources related to return migrants are scattered among different government agencies and not necessarily compatible or integrated. Return migration may be intended to be permanent or temporary, and such migrants may engage in circular migration, looking to migrate again.

1.7.7.1 RETURN MIGRATION

Data on return migration tend to be sporadic, focused on specific countries or situations, especially related to deportation or assisted voluntary returns of irregular migrants through programmes administered by IOM. Nonetheless, it is clear that return migration involves numerous people: an estimation of emigration, transit and return flows found that return migration made

FIGURE 25 Number and composition of return migrants, Indonesia, 2014-2018



SOURCE: ILO, forthcoming.

¹³ There is no agreed international definition of return; it is an umbrella term to refer to all the various forms, methods and processes by which migrants return, including through assistance, or are compelled to return, to their country of origin or of habitual residence, or to a third country. There are many terms employed to describe migrant returns including deportation, expulsion, removal, extradition, pushback, handover, transfer or any other return arrangement, see OHCHR and Global Migration Group (2018, pp. 16-17).

up between 26 and 31 per cent of all movements recorded over five-year periods around the world (Azose and Raftery, 2019). The following examples are drawn from available data from major countries of destination and origin, programmatic data and other data including estimates.

Over 2010–2015, an estimated 380,000 Indian migrants returned from the United Arab Emirates; 358,000 migrants from the Russian Federation returned from Ukraine; and 350,000 migrants from Bangladesh returned from India, constituting some of the largest return migration flows in the world (Azose and Raftery, 2019).

Over 2014–2018, from 200,000 to 250,000 migrants returned to Indonesia annually (figure 25). Over 2014–2016, about equal numbers of men and women returned; yet, after 2016 the number of men returning dropped significantly. About half of all migrants in Singapore returned to their country of origin. The number of returnees from Malaysia increased significantly from around 53,000 in 2014 to almost 82,000 in 2018. Large numbers of returnees also came from Brunei Darussalam, Japan and the Republic of Korea (ILO, forthcoming).

An OECD household survey in countries including Armenia, Cambodia, Georgia and the Philippines found that return migrants made up between 22 per cent (in Cambodia) to 46 per cent (in Armenia) of the migrants surveyed, indicating that, although the exact numbers of return migrants varied, return migration was significant in all countries. Most returns took place within a year of migration, with over 71 per cent of migrants from Armenia and 60 per cent of migrants from Cambodia spending below 12 months abroad before returning, and migrants tended to come from low- and middle-income destination countries. With the exception of Armenia, less well-educated migrants returned more than more well-educated ones (OECD and others, 2017). Tajikistan registered between 388,000 and 642,000 returns per year over 2013–2016, reflecting the seasonal and short-term nature of much migration from this country (IOM, 2017b, p. 50).

In terms of forced returns, Australia reported 54,000 visa cancellations taking place in 2018/19, and 9,200 people were deported. Chinese nationals accounted for the largest group of those whose visas were cancelled, at 8,300, while Malaysian nationals accounted for the largest group of people removed, at 1,800 (Australia, Department of Home Affairs, 2019;

Australia, 2019). In New Zealand, in the financial year 2017/18, 600 people were deported, while a further 2,300 people returned voluntarily (New Zealand Immigration, 2018). Pakistan (4,300), Afghanistan (2,600), the Russian Federation (4,600), Georgia (5,100), India (3,700) and Turkey (2,500) were among the top 15 origin countries for effective returns from European Union countries in 2018 (Frontex, 2019).

Return migrants form a distinct group, often being a source of skills or entrepreneurship supporting local development. In China and India, the return of highly skilled migrants was a key factor supporting growth in the IT sector (Debnath, 2016). Surveys in Armenia, Georgia and the Philippines showed that households with return migrants were more likely to be self-employed outside the agricultural sector, and more likely to run businesses (OECD, 2017). However, their reintegration is not a straightforward process. Legal and social contexts are likely to have changed, while migrants' own skills and experiences may not have prepared them for the context in the origin country (Battistella, 2018). If migration was not fully voluntary, the initial conditions forcing migrants to move could lead to repeat migration. Those forced to return either due to deportation or evacuation are even more likely to require support, as they face unplanned loss of income and livelihood, as well as having faced potentially traumatic situations. Research suggests that return and reintegration are "w-shaped" rather than linear processes, with high points of initial relief upon return followed by low ones (related to difficulties reintegrating), which, if overcome, can result in new high points (IOM, 2019b).

Over half of returned Filipino migrants surveyed in 2018 reported difficulties on return, mostly related to finding work (Philippines Statistical Authority, 2019, p. 125). Similarly, only 10 per cent of returned migrants in Tajikistan were registered as employed in their region of origin, with many citing low wages and lack of permanent employment as reintegration challenges. Data on returning migrants in Cambodia showed no significant differences between their situations and those of non-migrants, suggesting migration had been more a survival measure than an opportunity to build skills and savings (OECD and Cambodia Development Resource Institute, 2017). Return migrants to Afghanistan continued to face many of the same challenges which had forced them to leave, and many of them required psychosocial support due to traumas experienced through migration and barriers upon return (Mixed Migration Centre, 2019a).

The return of migrant women often involves complex issues, as they may have adapted to new roles which challenge gender norms in origin countries, or face suspicion of having violated gender norms while abroad.

Return migrants, therefore, frequently require specific support for reintegration. OECD research suggests that greater levels of social protection spending can lead to more return migrants indicating an interest in remaining (OECD, 2017). Countries such as Nepal, the Philippines and Sri Lanka have put in place measures to support return and reintegration of migrant workers, while other countries have used programmes to enable returning migrants to contribute to development and be supported in their return projects.

1.7.7.2 CIRCULAR MIGRATION

For many migrants, return may be temporary, and large numbers of migrants engage in circular migration, moving repeatedly between origin and

destination countries. This may reflect difficulties faced by migrants on return, preference for the destination country, or failure to achieve objectives through a single migration experience due to lower-than-expected wages or high recruitment costs. Meanwhile, migrants form a structural part of the economy of many destination countries, encouraging circular migration. Hence, although a single migration experience may be temporary, many migrants spend large proportions of their lives abroad. The scale of this circular migration is considerable: for example, over 2006–2017, around half of all deployed overseas Filipino workers were re-hires, migrants who had previously emigrated, who had returned and were migrating once again; in 2017, the proportion rose to almost 60 per cent, almost 1.2 million people (Philippines Overseas Employment Administration, n.d.). Similarly, it is estimated that around 600,000–700,000 migrants from Tajikistan regularly move between Tajikistan and Kazakhstan and the Russian Federation (IOM, 2015). Thus, while a single migration experience might be considered temporary, for many migrants, migration is a permanent element of life.

1.8 Conclusion

Migration to, from and between countries of the Asia-Pacific region is significant and growing. Women and men, girls and boys, migrants are navigating (or sometimes bypassing) complex and often costly migration procedures to access migration opportunities due to increased connectivity, growth and demand. They are moving to work and support their families, seek education to improve their skills, form or reunify families, seek asylum, settle or re-settle, retire, or to return to their country of origin, often only to migrate again.

While much of the migration is intraregional, shaped by the growing links between Asia-Pacific countries, there is significant and growing emigration from the region to the Middle East, particularly driven by the post-2000 natural resource boom. These changing circumstances have contributed to shifts in the nature of migration, with men increasingly making up the majority of migrants from the region.

The largest proportion of migrants in Asia and the Pacific are temporary migrant workers. Although most migrant jobs are classified as low-skilled, or have a low status, they form an important part of the labour market of destination countries, and contribute to their development, while remittances

support poverty reduction in origin countries. Meanwhile, growing numbers of highly-skilled migrants are found in countries of the wealthy global North, settling as long-term migrants. The region continues to manage the consequences of conflicts, both within it and on its borders.

Most people move with adequate documentation; however, a large number migrate, live and work in irregular situations, potentially being exposed to risks of abuse and exploitation. In extreme circumstances, migrant workers find themselves in situations of trafficking, forced labour and modern-day slavery. Even on return to their origin countries, migrants often need support to reintegrate and overcome the human rights violations they may have suffered. The regional landscape of migration is complex and dynamic; migrants are both powerful agents of development, and rights-bearers. Remittances sent to families and communities in origin countries provide vital support, reducing poverty and enabling investment in health and education across millions of households. Migrants contribute to development of destination countries through work and innovation, often providing essential skills and experiences, and linking origin and destination countries for mutual

benefit. Migrants who can move in a safe, orderly and regular fashion are best placed to support such contributions.

Migrants in Asia and the Pacific face vulnerabilities and human rights risks during their journeys, from pre-departure to return. These risks vary according to characteristics such as age, sex, disability, skill level, migration status and the nature of the migration scheme under which they move. Addressing these concerns so that migration is safe, orderly and regular is essential to achieving the vision of a sustainable Asia-Pacific region, where migrants drive development, their rights are respected,

protected and fulfilled, and where they enjoy the benefits of their migration. It is in pursuit of these goals that United Nations Member States called for “orderly, safe, regular and responsible migration” in the 2030 Agenda, and negotiated and adopted the Global Compact for Safe, Orderly and Regular Migration.

The subsequent chapters address the 23 objectives of the Global Compact for Migration, aiming to highlight progress, gaps, promising practices and lessons learned to support fulfilment of the vision of the Global Compact for Migration in the Asia-Pacific region.



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Vietnamese workers learn skills at a recruitment and training centre before going to work in Japan.

Chapter 2

Ensuring that migration is voluntary, regular, safe and orderly



This chapter addresses the following objectives of the Global Compact for Migration:

- 2 Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- 5 Enhance availability and flexibility of pathways for regular migration
- 6 Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

- 12 Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- 18 Invest in skills development and facilitate mutual recognition of skills, qualifications and competences

2.1 Introduction

This chapter focuses on why and how people move, and addresses recent policy and practice related to the Global Compact for Migration objectives listed above. Subsequent chapters discuss situations at borders (chapter 3) and in destination countries (chapters 4 and 5).

Governments and stakeholders in Asia and the Pacific have worked on many of these objectives for some time. What is new is their agreement, through the Global Compact for Migration, to cooperate at the bilateral, regional and international levels to intensify efforts in these areas. The Global Compact for Migration aims to leverage the potential of migration for the achievement of the above objectives and migration-related targets of the SDGs (box 1) for closer follow up by countries.

The United Nations universal human rights instruments and ILO core Conventions apply to all migrants and define their fundamental rights (see also chapter 4). Three international migrant worker Conventions define an international charter of rights of migrant workers: the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990; the ILO Migration for Employment Convention, 1949 (No. 97); and the ILO Migrant Workers Convention, 1975 (No. 143) (chapter 4). Standards relevant to the specific objectives addressed in this chapter are included below as each objective is considered.¹⁴

2.2 Minimize the adverse drivers and structural factors that compel people to leave their country of origin

RELATED TO OBJECTIVE 2

It has long been recognized that migration should be a choice, not done out of necessity or desperation. When people migrate voluntarily, they expand their sphere of choices and freedoms, and can develop skills and capabilities. They also contribute to sustainable development in countries of origin, transit and destination. However, when they lack opportunities at home, or when environmental factors, conflict, instability or other factors force them to move, their capabilities may be reduced; rather than having the freedom to remain and thrive at home, they are compelled to leave in order to survive.

Global Compact for Migration Objective 2 echoes a long-held understanding first highlighted in the Programme of Action of the International Conference on Population and Development, which states that "the long term manageability of international migration hinges on making the option to remain in one's country a viable one for all people" (United Nations, 1994b, p. 67). This is also the first principle of action of the Global Commission on International Migration: "Migrating out of choice, not by necessity" (GCIM, 2005, p. 4). The ILO Director-General's 2014 report on Fair Migration further states: "The creation of more decent work opportunities in countries of

¹⁴ Annex tables 11 and 12 list United Nations universal human rights and ILO core convention with a focus on international migrants, including their ratification/accession status.

origin is key to making migration an option rather than an obligation. It is also crucial to sustainable development" (ILO, 2014a, p. 21).

As such, Objective 2 is not about stopping all migration, but minimizing unsafe, disorderly and irregular migration resulting from circumstances such as poverty or environmental degradation, so that the beneficial impacts of migration can be maximized for all concerned parties (Secretary-General of the Intergovernmental Conference, 2017).

2.2.1 The drivers of migration

The considerable body of research on drivers of migration has come to a consensus that these are multifaceted and contextual (Carling and Talleraas, 2016; ESCAP, 2017b; Secretary-General of the Intergovernmental Conference, 2017; Migali and others, 2018; de Haas and others, 2020). The report of the Global Commission on International Migration identifies development, democracy, human security, demography, culture, communication and curiosity as underlying factors for the increasing number of people on the move (GCIM, 2005). Other important drivers have since been identified, such as environmental factors. Focus on adverse drivers should not divert attention from positive drivers leading to potential migration benefits for all parties—origin and destination countries, and migrant workers and their families. Only major drivers are discussed in this chapter; facilitating factors, such as social networks, revolutions in communication and transport, geographical proximity and colonial links are not reviewed.

2.2.1.1 ECONOMIC DRIVERS

As noted in chapter 1, most migration in the region is for employment by workers in elementary and middle skilled occupations on temporary employment contracts. The pattern of flows within and outside the region generally involves migration from lower to higher income countries, as reflected in movements from Cambodia, the Lao People's Democratic Republic and Myanmar to Thailand; from Indonesia to Malaysia; from South and South-Western Asian countries to GCC; and from North and Central Asia to the Russian Federation. Table 6 highlights major destination and origin countries for the region.

Table 4 in the annexes provides ILO estimates of migrant workers by sex (economically active persons among the total migrant population) by broad Asia-Pacific subregions and the Arab States, for 2017. The highest proportion of migrant workers as a share of total workers is in the Arab States, at around 40 per cent. Central Asia and Western Asia is next, but at a much lower share of between 7 and 16 per cent. Migrant workers make up 80.3 per cent of male migrants and 56.7 per cent of the total migrant population (15 years or over); this highlights that most migration is for employment (ILO, 2018b).

These migrants are attracted by wages significantly higher than those available in origin countries, although higher wages may be offset by fees incurred to migrate. Most migrants experience increased income from migration. For example, a survey of migrant workers from India and the Philippines in Saudi Arabia found a median increase of \$204 per month following migration; in the Russian Federation, migrant workers from Kyrgyzstan, Tajikistan and Uzbekistan experienced a median increase of \$332 per month (ESCAP, forthcoming). A recent study in Thailand found that migrant workers' ability to

TABLE 6 Major destinations and origin countries of Asia-Pacific migrant workers

SUBREGION	MAJOR DESTINATIONS	ORIGIN
South-East Asia	Brunei Darussalam, Malaysia, Singapore and Thailand	Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar, Philippines, Viet Nam, Malaysia (major source for Singapore), South Asian countries (Bangladesh, India and Nepal to Malaysia and Singapore)
South and South-West Asia	Jordan, Kuwait, Lebanon, Malaysia, Maldives, Oman, Qatar, Saudi Arabia, Singapore and United Arab Emirates	Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka
East and North-East Asia	Hong Kong, China; Japan; Republic of Korea; Taiwan Province of China	China, Indonesia, Philippines, Thailand, Viet Nam
Pacific	Australia and New Zealand	Pacific island countries for seasonal employment; skilled migrants from Asia, especially from China, India and Philippines
North and Central Asia	Kazakhstan and Russian Federation	Armenia, Azerbaijan, Georgia, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

double their monthly salary made migration for employment to Thailand an attractive undertaking for workers from Cambodia, the Lao People's Democratic Republic and Myanmar (ILO, 2020f). In developing countries, where wages are much lower and job opportunities are limited, potential increases in wages are significant drivers of labour migration.

Drivers of irregular migration are also found in destination countries (chapter 1). Despite high demand for migrant workers due to economic expansion and changes in the labour force, restrictive immigration policies may create avenues for irregular migration. An unregulated and large informal sector attracts workers in irregular status. Even documented workers may inadvertently fall into irregular status due to employers' actions or policy changes; for example, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers recognizes migrant workers "who are documented and those who become undocumented through no fault of their own" (ASEAN, 2017a, p. 8).

2.2.1.2 DEMOGRAPHIC DRIVERS

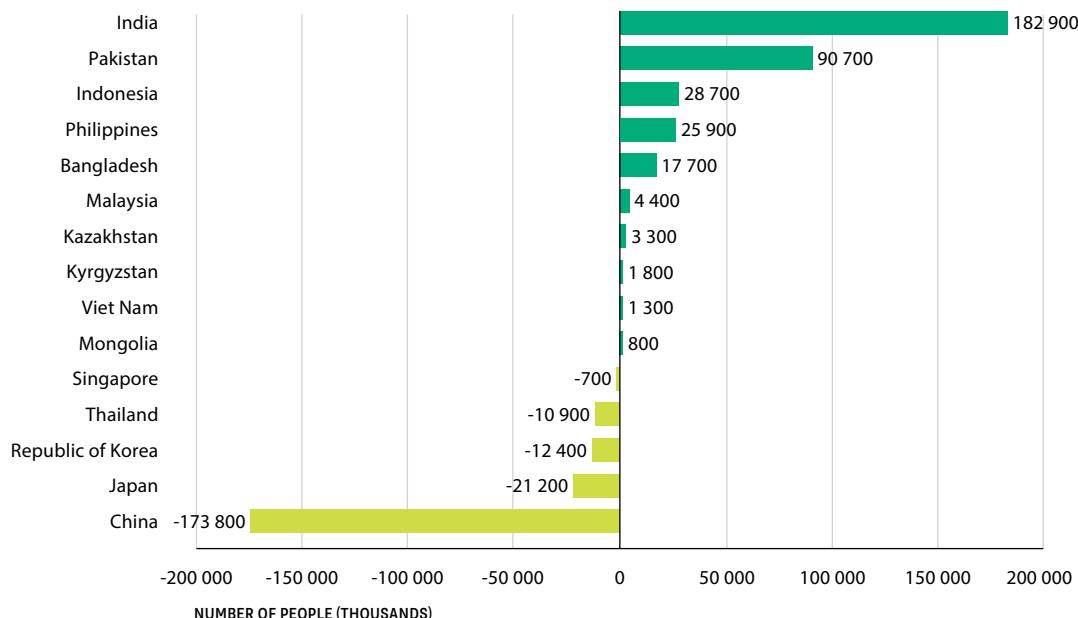
Divergent demographic trends in Asia and the Pacific, as well as neighbouring regions, play an important role in driving migration. East Asian countries (such as China, Japan and the Republic of Korea),

some countries in both South-East Asian (such as Thailand and Singapore) and North and Central Asian countries (notably the Russian Federation) are experiencing rapid population ageing, with actual or projected declines in workforce sizes (Figure 26). The most dramatic decline in the workforce, of 174 million between 2020 and 2050, is projected to take place in China. Meanwhile, in many GCC countries, the overall size of the national population is very small, limiting the extent of the potential labour force and, therefore, making employers in these countries seek migrant workers.

At the same time, some countries in North and Central Asia, South and South-West Asia, South-East Asia, and the Pacific are projected to experience population growth, and particularly an increase in their working-age populations, up to 2050. For instance, in South-East Asia, Brunei Darussalam, Cambodia, the Lao People's Democratic Republic, Indonesia, Myanmar and the Philippines still have large youth populations and will only join Singapore in the 'aged' category¹⁵ beyond 2050 (ILO, 2019i; ESCAP 2020d). In many such countries, youth unemployment and underemployment are high, reflecting difficulties integrating large and growing youth populations into labour markets.

These situations create an opportunity for labour migration, providing opportunities for more efficient allocation of workforces by moving people

FIGURE 26 Change in working age population (15–64 years old) between 2020 and 2050 for selected Asia-Pacific countries



SOURCE: Based on UN DESA (2019d).

15 Meaning the share of the population 65 years or over is greater than 14 per cent.

from relatively youthful countries to ageing ones (Kikkawa, Gaspar and Park, 2019). While migration can be an outlet for youth populations, whether such an aspiration can be realized depends on the willingness of countries with labour shortages to recognize it and liberalize their labour markets accordingly (West, 2018). Otherwise, migration will be largely irregular.

2.2.1.3 CONFLICTS AND FOOD INSECURITY

Political instability and armed conflicts, poor governance systems, human rights violations, violence and insecurity, corruption, and political persecution are human-made crises acting as drivers of unsafe and disorderly migration. Such movements often assume the character of mixed migration flows, including refugees and asylum seekers fleeing persecution and conflict, and migrants seeking better lives and opportunities for survival.¹⁶ As noted in chapter 1, most refugee movements in the region are between neighbouring countries.

Food insecurity is another key driver of migration and displacement. WFP research findings show that in situations of armed conflict, refugee outflows per 1,000 population increase by 1.9 per cent for each percentage point increase of food insecurity. Food insecurity can also be an outcome of migration, as significant numbers of migrants find themselves concerned about not being able to meet their food needs along the migration route, particularly when transiting (WFP, 2017). Moreover, due to the socioeconomic impact of COVID-19, migrant workers who depend on daily labour are emerging as a new group at increased risk of food insecurity (WFP, 2020). Scarcity of food and water, brought about by climate change, can also cause violent conflict leading to migration (Atapattu, 2020). Providing assistance in safe locations closer to migrants' places of origin is a viable solution in terms of reducing emigration as a survival strategy, ensuring more cost-effective humanitarian interventions and long-term socioeconomic benefits. At the same time, prevention of conflict is critical to stop displacement and forced migration.

2.2.1.4 ENVIRONMENTAL DRIVERS

Sudden and slow-onset disasters, climate change and environmental degradation are main manifestations of environmental drivers. The region is highly vulnerable to environmental degradation and the impacts of climate change. In many contexts where migration is not forced per se, it is increasingly undertaken as a coping strategy in avoiding adverse effects of climate change and socioeconomic pressures resulting from environmental decline and the impairment and loss of essential ecosystems.

The Asia-Pacific region is the most natural disaster-prone in the world. According to the *Asia-Pacific Disaster Risk Report 2019*, disaster-related events are increasingly linked to environmental degradation and climate change. Furthermore, disasters are growing in complexity and uncertainty. In addition, many of the region's disaster hotspots extend across national boundaries (ESCAP, 2019). Floods, droughts and cyclones are common, along with geophysical hazards, such as earthquakes, tsunamis and volcanoes. Climate change exacerbates this situation, increasing the risk of hydro-meteorological hazards (such as flooding, storms, heat waves and extreme weather events) and climatological hazards (drought and wildfires). It also drives accelerated temperature and sea-level increases, coastal erosion and salinity intrusion, through threatening the existence and livelihoods of communities in Pacific island countries and territories (IOM and others, 2018). The *Global Climate Risk Index 2019* highlights that Bangladesh, Nepal, Sri Lanka, Thailand and Viet Nam were among the top ten countries in the world most affected by climate change in 2017. The same source found that Bangladesh, Myanmar, Pakistan, the Philippines and Viet Nam were among the top ten countries globally most affected during the 1998–2017 period (Eckstein and others, 2018). China, Bangladesh, India and the Philippines witnessed more disaster displacement than all other countries in 2019 (70 per cent of the global total); a significant proportion of those displaced were women, children and vulnerable individuals (Internal Displacement Monitoring Centre, 2020).

Communities at particular risk of climate change impacts include inhabitants of low-lying SIDS, coastal and riverside communities exposed to increased flooding, and mountaintop communities dependent on glaciers for water. The Pacific is extremely

¹⁶ According to the Mixed Migration Centre (2020b), while being motivated to move by a multiplicity of factors, people in mixed flows face a range of legal statuses and a variety of vulnerabilities. Despite being entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey.

vulnerable to climate change and natural hazards. Across the Pacific SIDS, there is a high exposure of people and the economy to both climate-related and seismic hazards. The 2020 *ESCAP Disaster Riskscape Report*, focusing on the Pacific SIDS, notes these countries have average annual losses per capita at least three times above the average for South-East Asia, South and South-West Asia, and North and Central Asia. In Palau, Tonga and Vanuatu, the losses in question are \$1,181, \$711 and \$605, respectively. Palau has the highest figure for the entire Asia-Pacific region (ESCAP, 2020b). The *World Risk Report 2016* shows that 5 Pacific countries are among the top 20 countries globally most affected by disaster risk (Bündnis Entwicklung Hilft and United Nations University, 2016).

Around 600,000 people in low-lying atoll States in the Pacific and South and South-West Asia are projected to be at risk of being displaced and made stateless due to climate change by 2100, though adaptation may slow this process (Piguet, 2019). If the cumulative impacts of sea level rise are considered, research indicates low-lying atolls will be extremely difficult to inhabit 50 years or more before this date (Storlazzi and others, 2018).

Environmental degradation and climate change erode the resilience and increase the vulnerability of individuals, households and communities, and can trigger widespread internal and international migration (ILO, 2019j). However, while there is an evident relationship between environmental degradation and climate change and migration, the outcome of this interaction is complex. Hence, migration patterns are also complex, comprising trends such as seasonal migration and multiple, recurring and onward displacement.

Environmental drivers of migration do not stand alone, but form part of an overall economic, social, demographic and political background against which households make migration decisions. Household characteristics, such as wealth and human capital, as well as wider factors, such as the existence of social protection systems and gender factors, may expose households to differing climate risks and ability to cope with vulnerability; they may also facilitate or constrain migration (Foresight, 2011). Sudden-onset disasters, such as tornadoes or floods, tend to trigger immediate but short-term displacement in search of safety and shelter, with the aim of returning once the crisis has passed. Slow-onset disasters may induce

migration for work, whereby a household member moves to earn more money elsewhere, which can be sent as remittances and contribute to building resilience against environmental disasters (Oakes, Milan and Campbell, 2016a; 2016b). This adds further complexity to the environment-migration nexus.

Environmental degradation and climate change pose risks of increased unsafe, disorderly and irregular migration if not well-managed. An OHCHR (2018) study highlights that high poverty levels, food insecurity and low adaptive capacity pose risks to human rights in the context of climate change and mobility, and underscores the need to protect the rights of those most vulnerable. Atapattu (2020) highlights legal lacuna regarding protection regimes for persons displaced in the context of disasters and climate change.

Both mitigation and adaptation strategies have been proposed to address the environmental drivers of migration (ILO, 2019i; Siddiqui and Billa, 2014). The most important international frameworks in this regard are: the 2030 Agenda, particularly SDG 13 on climate action, the Sendai Framework for Disaster Risk Reduction 2015–2030,¹⁷ the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity (ESCAP, 2017b). SDG 13 on climate action proposes strengthening resilience and adaptive capacity to climate-related hazards and natural disasters in all countries, and integrating climate change measures into national policies, strategies and planning. The ASEAN Declaration on Promoting Green Jobs for Equity and Inclusive Growth of ASEAN Community, adopted in 2018, is an example of subregional action (ILO, 2019i). The task force on displacement established under the United Nations Framework Convention on Climate Change is of particular importance, as it calls for States to integrate mobility challenges and opportunities into national planning processes to facilitate orderly, safe, regular and responsible migration (UNFCCC, 2018).

Within the region, the Ulaanbaatar Declaration, issued at the 2018 Asia Ministerial Conference on Disaster Risk Reduction, calls upon States to “ensure a human rights-based, people-centred and whole-of-society approach in developing and monitoring national and local disaster risk reduction strategies inclusive of women and girls, children and youth, persons with disabilities, older persons, displaced

¹⁷ For countries having national disaster risk reduction strategies aligned to the Sendai Framework, see United Nations, 2015b.

and migrant populations, and those in vulnerable situations such as the poor and marginalized" (UNDRR, 2018). In the Pacific, Vanuatu's incorporation of a human rights-based approach within its 2018 National Policy on Climate Change and Disaster-Induced Displacement (Vanuatu, 2018) is a promising indication of progress in building disaster risk management and climate change adaptation into national plans within the region.

Unsafe, disorderly and irregular migration arises, therefore, out of a complex mixture of economic, demographic, political, food security and environmental drivers, which can induce people to move in order to search for livelihoods or even to survive. Legal and policy frameworks to respond to these trends should not aim to prevent migration, but rather ensure that people are able to exercise the choice whether to migrate or not, and that people's rights and dignity are protected, regardless of their status.

2.2.2 The 2030 Agenda, and migration and its drivers

The 2030 Agenda provides a framework to address the drivers of migration and the adverse causes leading to unsafe, disorderly and irregular migration (see box 1 on how SDGs relate to migration). Achieving SDG 1 (no poverty) and SDG 2 (no hunger) contributes to reducing migration pressure by enabling people to thrive in place, rather than feeling they must migrate to survive. Attaining SDG 8 (economic growth and employment) can minimize

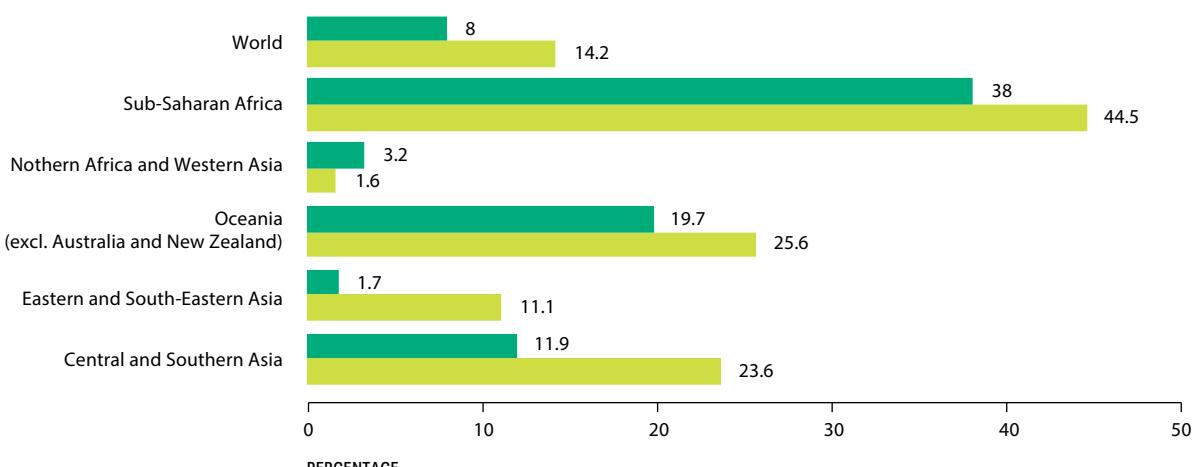
drivers for unsafe and disorderly migration by creating decent work at home. This also reinforces SDG target 8.8 protecting labour rights and promoting safe and secure working environments for all workers, including migrants, particularly women. However, poverty reduction does not necessarily lead to less migration. Most research shows that migration increases with development and only flattens after a certain level is reached (Carling and Talleraas, 2016; de Haas and others, 2020). Furthermore, development may lead to more safe, orderly and regular migration, as migrants move for opportunities, rather than survival.

2.2.2.1 SUSTAINABLE DEVELOPMENT GOAL PERFORMANCE IN THE ASIA-PACIFIC REGION

Attainment of the SDGs is critical in creating an environment for sustained, balanced and equitable growth in countries of the region. The *United Nations SDG Report 2019* shows progress in poverty reduction across regions. Asian subregions, particularly Eastern and South Eastern Asia and Central and Southern Asia have achieved remarkable progress in poverty reduction between 2010 and 2018 (figure 27). However, Oceania (excluding Australia and New Zealand) has experienced only a modest reduction. These trends, among others, have an impact on migration, especially its drivers.

An ESCAP review of progress on SDGs concluded that the region needed to apply extra efforts to achieve the 17 goals by 2030. It found that, despite great success in meeting income poverty targets, the

FIGURE 27 Percentage of employed population living below \$1.90 a day, selected SDG regional groupings, 2010 and 2018



SOURCES: Based on data from United Nations, 2019g, p. 22, see <https://unstats.un.org/sdgs/report/2019/goal-01/>

NOTE: For SDG indicators and grouping countries according to regions, see <https://unstats.un.org/sdgs/indicators/regional-groups>

region was likely to miss all measurable SDG targets related to other forms of poverty, as well as hunger, gender equality and reduced inequalities within and between countries (ESCAP, 2020a). Such inequalities often drive migration. Regarding SDG 8, recent United Nations SDG Reports found GDP per capita growth rates well below the target of 7 per cent per annum, high levels of informal employment, large gender pay gaps and large shares of youth not in employment, education or training. The per capita GDP growth rate dropped to 1.5 per cent in 2019, and it is expected to decline by 4.2 per cent in 2020 before increasing again to 3.1 per cent in 2021 (UN DESA, 2019g; 2020b).

The COVID-19 pandemic is likely to have a significant dampening effect on growth, meaning these figures would require revision. Annex table 16 provides estimates for relevant SDG indicators. Therein, and for 2016, the proportion of informal employment in total employment was highest in South Asia (88 per cent), and South-East Asia (78 per cent). Moreover, and using data for 2019, unemployment is seen to affect youth much more significantly than adults: the unemployment rate in Central and Southern Asia was 3.0 per cent for adults, but 18.4 per cent for youth.

Annex table 17 shows information from 2016 on social protection benefits in the region, based on the SDG indicator for five categories (children, mothers with newborns, older persons, the unemployed, persons with disabilities and other vulnerable persons).¹⁸ Levels of social protection have an impact on the perceived need to migrate, as people may use remittances as a form of income diversification or to pay for health care or education. South Asia has among the lowest levels of social protection coverage for older persons, persons with disabilities or other persons in vulnerable situations in the region. South-East Asia scores better in most provisions than East Asia except for benefits for older and vulnerable persons. Regarding the population served by at least one benefit, South Asia fares lowest, with 14.2 per cent coverage, compared to 45.2 per cent of the global population. This highlights the large social protection gaps in South Asia. While social protection data by migrant status are not available, coverage is likely to be low (chapter 4).

Under these circumstances, a large proportion of the population of the region remains vulnerable to poverty, low-quality work, unemployment and

other factors. As such, many people are likely to see migration under any circumstances as a means of reducing poverty and vulnerability, by enabling access to higher pay and better jobs. They remain likely to be open to engaging in unsafe, disorderly and irregular migration. This highlights the need for intensified efforts by all countries in the region to reinforce achievement of SDG-related goals in their follow up to the Global Compact for Migration.

The *United Nations SDG Report 2020* notes that the COVID-19 pandemic has been causing the worst global economic crisis since the Great Depression, and highlights that the pandemic has abruptly disrupted implementation towards many of the SDGs and, in some cases, turning back decades of progress (UN DESA, 2020b). Thus, in addition to the immediate effects of COVID-19 on migrants and their families, there are long-term indirect effects that are yet to be fully identified, understood and measured (chapter 6).

2.2.2.2 PROGRESS REGARDING WELL-MANAGED MIGRATION TARGETS

SDG target 10.7 calls for States to "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". The first indicator of this target (10.7.1) is defined as "Recruitment cost borne by employee as a proportion of monthly income earned in country of destination".¹⁹ It recognizes that high recruitment costs faced by many low-skilled migrant workers reduce the overall benefits from migration, and lead to migrant indebtedness and abusive situations such as forced labour. Thus, the objective is to minimize the costs incurred by migrant workers in obtaining jobs abroad. ILO instruments stipulate that no recruitment fees and related costs should be levied on migrant workers.

ILO and the World Bank are the two custodian agencies for SDG indicator 10.7.1. They have developed guidelines, an operational manual and a modular questionnaire template for data collection through labour force surveys or stand-alone surveys by national statistical offices and others. In the region, surveys have been completed or are ongoing in Bangladesh, Cambodia, Indonesia, the Philippines and Viet Nam. In Viet Nam, the 2019 Labour Force

¹⁸ Coverage of the population in some cases is less than 40 per cent and due caution has to be exercised in interpretation of data.

¹⁹ "Recruitment costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. These are equal to the total amount that migrant workers and/or their families paid to find, qualify for, and secure a concrete job offer from a foreign employer and to reach the place of employment for the first job abroad." (UN DESA, n.d.a).

Survey (4th quarter) reported average recruitment costs equivalent to 8.7 months of migrant wages (World Bank, 2020e). For Bangladesh, the average recruitment costs borne by workers was found to be equivalent to earnings of 17.6 months for men, and 5.6 months for female domestic workers (Bangladesh Bureau of Statistics, 2020). The World Bank and ILO have also conducted migration cost surveys focusing on migrants originating from India, Kyrgyzstan, Nepal, Pakistan, Tajikistan and Uzbekistan to destination countries of the region (such as Malaysia or the Russian Federation) and beyond (including Qatar and Saudi Arabia). These studies have found that recruitment costs remain high in many countries.

SDG indicator 10.7.2 measures the number of countries that have implemented well-managed migration policies (see chapter 5, box 23, for an explanation of the methodology). Estimated results vary across the Asia-Pacific region, revealing that 80 per cent of participating countries in Central and Southern Asia were assessed to have policy measures fully meeting the criteria. While the results for Central Asia and Southern Asia show a high level of adherence, the results should be interpreted with caution given data coverage and self-reporting by individual countries.²⁰ A majority of countries in Eastern and South-East Asia reported only partially meeting such requirements (57 per cent), whereas in the Pacific this figure was even lower, with only 33 per cent of countries assessing that such requirements were fully met; both levels were below the global average. About 50 to 60 per cent of countries in Central and Southern Asia, Eastern and South-Eastern Asia, and Oceania reported having policies that focused on human rights of migrants and met the respective criteria of SDG indicator 10.7.2 (UN DESA, 2020a). However, the number of countries with available data was limited.

The Global Compact for Migration is rooted in the 2030 Agenda, and it “aims to leverage the potential of migration for the achievement of all Sustainable Development Goals, as well as the impact this achievement will have on migration in the future” (United Nations, 2019e, para. 15c). In turn, the achievement of the SDGs, in particular the migration-related targets, will help to ensure that migration is safe, orderly and regular.

2.3 Enhance availability and flexibility of pathways for regular migration

RELATED TO OBJECTIVE 5

Even as poverty decreases, migration is likely to rise, as people use their access to additional resources to further improve their situation. It is thus beneficial to increase access to safe pathways for regular migration. Action on the following areas can help achieve Objective 5: (a) labour mobility in line with demographic and labour market needs; (b) academic and student mobility; (c) family unification options; and (d) addressing needs of vulnerable migrants.

2.3.1 Labour mobility and decent work reflecting demographic and labour market needs

Throughout the region, there are pathways for regular labour migration across different skill levels. Nevertheless, as chapter 1 notes, existing pathways are often costly and cumbersome, particularly for workers in elementary occupations, promoting preference for irregular channels. Also, legal channels have not kept pace with employer demand for workers or the size of the labour pool seeking employment, although it is not obligatory for governments to ensure this is the case.

Labour shortages occur when the supply of workers does not meet demand. Such shortages can be absolute or relative; in the latter case, various factors (such as mobility, wages or conditions of work) discourage local workers from filling certain jobs. Linking labour mobility policy to the domestic labour market is complex, and there are different ways for governments to react to labour and skill shortages with respect to migration (ILO, 2019e).

Many economies use certification systems requiring employers to try first to recruit local workers while offering government-set wages and working conditions. If this fails, employers are certified to recruit foreign workers. Alternatively, many economies have established quota systems for selected occupations, where a specified number of migrant workers are admitted in shortage occupations, based on available labour market information and forecasts. Yet another approach is

²⁰ See chapter 5 for a discussion of this data source.

charging a levy on employers as a disincentive for hiring migrant workers and to encourage domestic hiring. This approach dispenses with quotas at an economy or sector level, putting it at an enterprise level linked to numbers of locals employed (called a dependency ratio) (ILO, 2019e). Finally, some countries have instituted free movement of labour from selected countries of origin through subregional arrangements. Some subregional approaches are outlined below.

South-East Asia

An important part of the ASEAN Community vision is a globally integrated and competitive single market, built on principles of equitable economic development and shared prosperity. One of the five core elements of the vision is a freer flow of skilled labour (ILO and ADB, 2014) (chapter 5). In pursuit of this goal, ASEAN member States have a framework for Mutual Recognition Agreements for eight high-skill professions (engineering, nursing, architecture, medicine, dentistry and tourism, and framework agreements in surveying and accountancy). Progress achieved to date has been limited due to cross-country differences in the professional requirements, protectionist attitudes of national level professional bodies, lack of coordination among a multiplicity of stakeholders involved in the recognition process, restrictive national immigration laws of member States, and inadequate funding and databases. Architectural and engineering services have made more progress, with recognized professionals registering at the ASEAN level (Kikkawa and Suan, 2019).

Two areas need to be addressed for major progress regarding mutual recognition arrangements: lowering existing domestic regulatory barriers that impede them in facilitating mobility, and capacity building of governments and other stakeholders at both the national and regional levels (Mendoza and Sugiyarto, 2017). Lowering mobility barriers in ASEAN

would increase welfare gains to workers, as well as origin and destination economies. A World Bank economic model has shown trade integration has a larger positive effect across all ASEAN economies when mobility barriers for skilled workers are lowered, as envisioned by the ASEAN Economic Community (Testaverde and others, 2017). However, barriers to mobility exist, including cumbersome regulations and high migration costs. Further, many occupations are reserved for domestic jobseekers and include those covered by mutual recognition agreements (ILO, 2019e). Flexible visa and multiple entry options are needed to facilitate temporary and circular migration, and mobility of business visitors and investors.

Many more persons in the region, especially in North and Central Asia, move within the frameworks of national laws on admission and bilateral memoranda of understanding (MoUs) than under ASEAN arrangements. While mobility under such frameworks has steadily increased in ASEAN, irregular migration remains common. For example, a recent ILO survey conducted in seven provinces in Thailand from July to September 2018 found 64 per cent of interviewed migrant workers (1,200) — from Cambodia, the Lao People's Democratic Republic and Myanmar — entered Thailand irregularly; only 36 per cent used the MoU channel (ILO, 2020f). This is partly due to this channel being perceived as complicated, lengthy and expensive compared to entering Thailand irregularly. While paying less in recruitment costs and fees, these migrants consider trade-offs when choosing not to obtain required documentation. Irregular workers are more likely to earn less, have poorer employment conditions and more limited labour rights.

There is a need to promote circulation of skills beyond the high- to middle- to lower-skilled workers, given already high and increasing demand for workers in services, including health care and household services (table 7). The background report

TABLE 7 Categories of workers and likely demand trends

CATEGORY	POSSIBLE TREND	SOURCES
Care workers	Likely increase due to ageing, demand for care of older persons and persons with disabilities.	Tayah and Assaf, 2018; ADB, 2019; Anwar, 2019; ILO, 2019j; 2018a.
Domestic workers	Likely increase due to higher labour force participation of host country women, demand for care of older persons and persons with disabilities.	Tayah and Assaf, 2018; ADB, 2019; ILO, 2018a; 2019h; 2019j.
Skilled workers	Likely increase due to shortage of workers with high technological skills in developed Asian economies; ASEAN demand.	ADB, 2019; Gentile, 2019; ILO, 2019j; Kikkawa and Suan, 2019; ILO, 2019i; Testaverde and others, 2017.

of the 12th session of the ASEAN Forum on Migrant Labour highlights the anticipated growth of the care economy in ASEAN and beyond. Since services are mostly provided by domestic workers, including by migrant domestic workers, promoting skills training and skills and competency recognition, and ensuring effective protection and fair treatment of both local and migrant domestic workers may be considered a priority in the region (ILO, 2019j).

East and North-East Asia

Japan - new developments

Japan provided limited opportunities for admission of workers in elementary and middle-skilled occupations until recently. An ageing population and increased demand for care workers, labour shortages in small and medium-sized enterprises, limitations of the industrial trainee scheme, and the 2021 Olympics were key factors leading to recent policy revisions. In June 2018, the Government announced a new “Specified Skills” visa, with a plan to admit 500,000 migrant workers by 2025 (Deguchi, 2018). The target for the next five years is 345,000 migrant workers across 14 industries, with nursing, hospitality and construction as priority employment sectors. Nine MoUs on labour migration have so far been signed under the new policy, including with Cambodia, Nepal, the Philippines and Viet Nam. The new law has plans for two admission streams of migrant workers, which are:

- Less-skilled workers and former interns with basic Japanese competency are allowed a maximum stay of five years, but cannot bring family members.
- Persons with higher skills, and knowledge of the Japanese language and culture are allowed to bring their families and apply for citizenship after living in Japan.

The new law makes provisions to prevent abuses such as underpayment of wages, poor working conditions, inability to change jobs and withholding of passports. Migrant workers are to be protected from exploitative brokers by direct employment. They should better integrate into the labour force because they must pass a Japanese language proficiency examination and an industry-specific qualification examination (Endoh, 2019).

The Employment Permit System of the Republic of Korea

The Republic of Korea signed MoUs with 15 origin countries in the region, developing a unique state-managed recruitment system for low-skilled migrant workers. Only public employment services are involved, and Korean labour law applies to all migrant workers. Yet, the total allocation for all countries ranged from 50,000 to 60,000 workers per annum over 2011–2019 (Baruah, 2020). From North and Central Asia, only Kyrgyzstan and Uzbekistan are part of the Employment Service System of the Republic of Korea, while quotas are small. Divided among 15 countries, numbers employed are not high; however, average monthly wages are significantly above levels in most other Asian countries and GCC countries.

The Pacific: Seasonal employment and temporary migration

Seasonal labour migration opportunities for Pacific island countries were introduced by Australian and New Zealand schemes as early as 2007 and have become important labour mobility avenues (box 4). Access has been uneven within countries, women have benefited less than men, and remote and rural communities have faced challenges in accessing information and infrastructure needed for participation (ILO, 2019g). In July 2018, the Australian Government launched a new Pacific Labour Scheme. The scheme initially allowed 2,000 citizens from Kiribati, Nauru and Tuvalu access, but it has since been uncapped and open to citizens of nine Pacific island countries (Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu) and Timor-Leste (Australia, Department of Foreign Affairs and Trade, 2019). Under this scheme, workers can take up low- and semi-skilled jobs in rural and regional Australia for up to three years. Notably, the scheme does not allow workers to bring their families to Australia.

Intra-Pacific flows are another dimension of labour mobility in the subregion and have the potential to increase. The lack of integration among Pacific island countries and their observed skill shortages in the same areas have limited intra-Pacific labour mobility. Fiji and Papua New Guinea host the largest number of foreign workers. The latter relies mostly on foreign workers from beyond the Pacific: Pacific islanders held only 511 of the total 41,096 work permits issued to non-citizens in Papua New Guinea in May 2015 (ILO, 2019g).

North and Central Asia

As noted in chapter 1, the Russian Federation is a major destination country for migrant workers in North and Central Asia. Under its “patent” system, migrants from Commonwealth of Independent States member States can enter the country and look freely for work, on payment of a monthly fee. The system promotes flexibility, as workers can access employers directly, leaving out intermediaries. The patents are popular because they are administratively less burdensome for workers than work permits. Yet, patent costs can be high, especially in the Moscow region (Bisson, 2016), and, while entry is flexible, infringements of immigration regulations can be grounds for expulsion and re-entry bans (IOM, 2014).

In Kazakhstan, numbers of migrant workers have increased. The real number is unknown, as many are in an irregular situation. This is partly due to new laws accommodating to migrant inflows. The oil-driven economic boom of the past decade has spurred demand for migrant workers. Some of the work is seasonal and women currently account for about half of all migrant workers. Kazakhstan has entered into visa-free policies with several countries in North and Central Asia and emerged as an alternative for migrants banned from the Russian Federation (IOM, 2014; Kazakhstan, Embassy of the Republic of Kazakhstan in Ukraine, 2019).

Another factor promoting labour mobility within North and Central Asia is the formation of EEU, as further discussed in chapter 5. This union comprises Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation, and aims at the free movement of goods, services, capital and labour. Citizens of its member States do not need a work permit to enter and work across EEU. Foreign-born workers also enjoy access to the same social services as local workers. A recruitment cost study has shown that migrants from Kyrgyzstan who migrated after the accession of Kyrgyzstan to EEU paid lower migration costs than those who had migrated previously (ESCAP, forthcoming).

Kazakhstan and the Russian Federation have adopted comprehensive migration policies. The Russian Federation’s State Migration Policy Concept for 2019–2025 recognizes that population decline in the Russian Federation creates a structural need for migrant workers. The objective of the new Concept is to make the country more attractive for migrants and

strengthen mechanisms for regulation of migration. It aims to simplify and develop transparent rules and administrative procedures for admission and acquiring the right to stay and to work in the Russian Federation. It also encourages migrants to settle and develop certain regions of the country.

The Middle East including Gulf Cooperation Council States

For South and South-West Asian countries and the Philippines, the major demand for migrant workers is from the Middle East, particularly GCC States. The ILO study for the Abu Dhabi Dialogue on the Future of Work analysed possible trends and drivers of migration between Asian origin countries and Middle Eastern destination countries, as summarized in table 8 (ILO, 2019h).

TABLE 8 Potential factors affecting labour mobility and migration

FACTORS INCREASING LABOUR MOBILITY	FACTORS DECREASING LABOUR MOBILITY
Mega projects in destination countries	Lower oil prices and reduced economic growth in destination countries
Ageing populations in destination countries	Success in nationalization efforts of the workforce in destination countries
Investments in skills development, certification, and recognition	Technological changes and digitalization (such as automation)
Persisting social preferences for certain types of employment in destination countries	Ageing populations in origin countries
Faster growth in destination countries and rising economic inequalities	Higher heat stress in destination countries (particularly GCC countries)
	Impact of COVID-19

SOURCE: Adapted from ILO (2019h).

At the same time, there seem to be greater options for skilled workers and investors in some GCC countries. Saudi Arabia, for example, approved a “Privileged Iqama” residency scheme in May 2019 that allows expatriates to live and work without the need of sponsorship by a Saudi national. The United Arab Emirates introduced a “Gold Card” for 5- and 10-year residency permits in three broad categories

for investors, entrepreneurs and special talents (ADB, 2019). However, these do not affect the majority of migrants in low-skilled occupations.

2.3.2 Bilateral labour agreements and memoranda of understanding

Given problems in negotiating multilateral labour agreements, various countries have developed bilateral labour agreements on migration, which, together with MoUs, serve to increase legal pathways for low-skilled migration. This has been the case with MoUs signed between origin countries in the region and Japan,²¹ Malaysia, the Republic of Korea and Thailand, as destination countries. Such agreements enhance protection of migrant workers and understanding on recruitment, placement and return.²² A global review of the agreements has shown that major concerns are lack of adherence to international standards, transparency, follow up and implementation (Wickramasekara, 2015a).

2.3.2.1 ASSESSING LABOUR MARKET REQUIREMENTS

Determining skills and labour market needs is essential for effective policymaking. It supports labour market functions, internal labour mobility and foreign labour recruitment. Specific to labour mobility, it helps assess labour shortages based on robust labour market information, and, where comparable systems such as the ILO International Standard Classification of Occupations (ISCO)-1988 or ISCO-08 are used, skill-matching of migrants with jobs. A recent study of Asia-Pacific Economic Cooperation countries found that some (especially Australia; China; Hong Kong, China; Japan; Malaysia; the Republic of Korea; the Russian Federation; and Singapore) do systematically assess skills and labour shortages of their workforces, to a greater or lesser extent (ILO, 2019e). All countries under study used occupational and industry classification systems adapted from or aligned with ISCO-88 or ISCO-08. Alignment of national occupational classifications with ISCO-08 at three and four digit levels will allow identification of specific shortages and the sharing of comparable information on labour and skill needs.

2.3.2.2 RESTRICTIONS ON MIGRATING FOR EMPLOYMENT

In response to reports of abuse of migrant workers, particularly women, in destination countries, several Asia-Pacific countries use bans on migration to selected countries as stop-gap measures. These range from outright bans on specific countries or sectors, to restrictions, including higher minimum ages to work in sectors such as domestic work, and requirements for spousal consent to migrate (ILO and UN Women 2017). Bans are imposed on men's migration with much less frequency (other than to conflict areas), and action taken to counter exploitation of male migrant workers more often relates to negotiation for better conditions. Destination countries place further restrictions on women's labour migration, including limiting job access based on age, origin country, spousal permission, pregnancy status, religion or education (ILO and UN Women, 2017) (see also chapter 3 for further discussion on criminalization of irregular emigration).

The ILO Committee of Experts on the Application of Conventions and Recommendations points out: "imposing a ban on women migrating for employment runs counter to the principle of equality and restricts women's rights instead of protecting them" (ILO, 2016b, p. 171). Moreover, such measures can further expose migrant workers to abuse by pushing them towards irregular channels (Henderson, Shivakoti and Withers, 2020; ILO, 2015b; Napier-Moore, 2017).

2.3.3 Pathways through academic mobility, exchanges and joint research

Movement of people — academics and students — can invigorate academic research, building new networks and opportunities for collaborative research. However, there is limited consolidated information on mobility involving academic professionals, fellowships and joint research collaboration programmes in the Asia-Pacific region. Most available information relates to student mobility (chapter 1).

21 Japan uses the format of memorandum of cooperation for recent agreements with origin countries.

22 The annex to the ILO Migration for Employment Recommendation (number 86) outlines a "Model Agreement on Temporary and Permanent Migration for Employment", which countries may use as a guide.

Examples of existing frameworks for increased academic mobility include the ASEAN Economic Community Blueprint; this calls for enhanced cooperation among universities in ASEAN countries to expand student and staff intra-regional mobility. The ASEAN University Network is another mechanism to promote academic mobility and research collaboration. It covers ASEAN+3 with 30 universities in ASEAN and 21 in China, Japan and the Republic of Korea. Yet another network is University Mobility in Asia and the Pacific, initiated in 1991, which is a voluntary association of government and non-government representatives of the higher education (mainly university) sector. It currently comprises 35 eligible countries/territories with over 570 participating universities. Most programmes concern student mobility with scholarships and sponsorship, while another component concerns research collaboration (Ashizawa, 2019). At the Pacific Economic Cooperation level, there has been a proposal for an Academic Mobility Card.

2.3.4 Upholding the right to family life

The Global Compact for Migration calls for the review and revision of applicable requirements that may impede family unification of migrants at all skill levels. As noted in chapter 1, this right is normally granted to skilled workers in temporary or permanent status. However, most low wage and seasonal workers across the region do not currently meet requirements to bring family members with them. Marriage in countries of destination can also be complex for low-skilled migrant workers.

Family separation seriously affects migrant workers and family members across the region (Kouba, 2015; Wickramasekara, 2015c). Migrant workers can be on repeated temporary schemes, meaning their absence from families is long-term. If children accompany parents, they are often forced into situations of irregularity, potentially leading to child labour and affecting ability to access services such as protection, health, education and justice, with lifelong impacts. A major exception in the region is North and Central Asia. Migrants moving within EEU have the legal right to bring their families. Yet, in practice, many still choose to leave children in their origin countries. Common reasons include the short, non-permanent nature of the migration, not wanting to interrupt the schooling of their children and not having sufficient resources to provide for their children with a comfortable life in the host country.

2.3.5 Responding to the needs of migrants in situations of vulnerability

Factors that create situations of vulnerability may cause migrants to leave their country of origin. These factors may arise during transit or at destinations (independently of what causes migrants to leave), or may relate to migrants' identities or circumstances. Migrants in vulnerable situations are in need of the protection of the international human rights framework for the following reasons: lack of access to economic and social rights, due to the reasons for leaving their country of origin; the effects of climate change and environmental degradation or separation from family; experiences in transit, including violence and discrimination and/or the conditions on arrival, such as lack of access to economic and social rights; and because of personal characteristics such as age, gender identity, disability or health status (OHCHR and Global Migration Group, 2018).

Lack of migrants' access to regular migration pathways is one factor creating or exacerbating situations of vulnerability at all migration stages. Migrants without such access move, live and work in precarious circumstances, at disproportionate risk of violence, discrimination, exploitation and marginalization, with few means of redress (OHCHR and Global Migration Group, 2018). This hampers integration within countries of destination, social inclusion and development at large. Human rights and humanitarian grounds of admission and/or stay at the national level can enable migrants in vulnerable situations to access safe and regular migration pathways and ensure protection of their rights (DLA Piper and OHCHR, 2018). The Republic of Korea presents an example of responding to this need, through offering a G-1 Miscellaneous Visa to individuals applying for recognition of humanitarian status, and who have not been granted refugee status, but where reasonable grounds exist to believe their life or personal freedom may be violated by torture or other inhuman treatment or punishment, or other circumstances.

Australia's Global Special Humanitarian Visa (Australia, Department of Home Affairs, n.d.a) as well as the Woman at Risk Visa (Australia, Department of Home Affairs, n.d.b) are both permanent residence visas with the prospect of citizenship. The former is available to individuals not satisfying the Refugee Convention definition but having experienced substantial discrimination in their home country.

The latter is available to women applying from outside of Australia, if they and their dependent family members are living outside of their home country, and do not have the protection of a male relative and are in danger of gender-based victimization, harassment or abuse. Both residence permits allow the individual to stay in Australia indefinitely, work and study, enrol in Australia's scheme for health-related care and expenses, apply for citizenship (after four years' residence), propose family members for permanent residence and attend English language classes, if needed.

Australia and New Zealand have also expanded the use of pre-existing temporary work quotas to target migrants from disaster-affected areas and those facing adverse impacts of climate change. Further action may be forthcoming, as the United Nations Human Rights Committee has ruled in a case relating to New Zealand that Governments must account for climate factors when considering deportation of migrants, recognizing conditions of life in a country at heightened risk due to the climate crisis becoming "incompatible with the right to life with dignity before the risk is realized." (United Nations, 2020a).

In conclusion, a range of pathways exist for migration from and between Asia-Pacific countries, and there have been some actions at national, bilateral and regional levels to ensure there are sufficient regular pathways for safe, orderly and regular migration. However, further action is needed, given that significant gaps remain making migration pathways either cumbersome and costly, disincentivizing migrant use of these pathways, or inaccessible.

2.4 Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

RELATED TO OBJECTIVE 6

Both government and private agents play critical roles in the successful management of flows in labour migration, the main form of migration in the region, with private agents dominating the recruitment sector, especially in South-East Asia and South and South-West Asia. With their work often not effectively regulated, migrant workers have been subject to exploitation and violations of their human

rights. These violations are present across and within many countries to varying degrees, and, without adequate safeguards in place, threaten lives; they also present serious reputational and financial risks to both public and private sectors. The actionable areas that can be identified for achieving Objective 6 are fair and ethical recruitment of migrant workers and ensuring decent working conditions. Some proposed actions are common to both, such as the ratification of relevant international instruments and dialogue through bilateral and regional platforms, while others are specific to each area.

2.4.1 Fair and ethical recruitment²³

Recruitment is a major aspect of the labour market, with employers having three strategies to recruit workers: (a) directly through job announcements and screening; (b) through public employment services; and (c) through private intermediaries including licensed recruitment agencies and social networks (Wickramasekara and Baruah, 2017). In some corridors (such as the intra-Mekong subregion, and the Indonesia-to-Malaysia corridor), a large volume of labour migration still passes through irregular channels, while migrants in North and Central Asia tend to migrate using personal networks and through direct contact with employers. In the case of labour migration into the Republic of Korea (but also previously from Bangladesh to Malaysia), the recruitment process is through Government-to-Government channels. However, for large numbers of migrants in South and South-West Asia and South-East Asia, the overseas recruitment process mainly takes place through private recruitment agencies.

Malpractices in recruitment processes erode the benefits of labour migration for migrant workers and their families (Wickramasekara and Baruah, 2017). High costs for jobs, including recruitment fees, reduce net earnings, and increase risk of forced labour and trafficking in persons, especially for low-skilled workers. Migrants borrow money for costly travel, leaving them unable to cover expenses and limiting remittances, leading to further borrowing in response to crises and household needs. In this context, spiralling indebtedness has been witnessed amongst rural populations in Cambodia, the Lao People's Democratic Republic and Myanmar (IOM, 2019b).

²³ There has been considerable research and consensus on the issue of fair recruitment at country, regional and international levels (United Nations, 2014b; Ducanes and Baruah, 2020; Wickramasekara, 2014; Verité and United Nations Global Compact, 2015; Wickramasekara and Baruah, 2017).

The following instruments are particularly relevant to the management of the recruitment industry:

- Private Employment Agencies Convention, 1997 (No. 181) and the related Recommendation No. 188; in the region, ratified by Fiji, Georgia, Japan and Mongolia
- Protocol of 2014 to the Forced Labour Convention, 1930 (P029); in the region, ratified by Kyrgyzstan, the Russian Federation, New Zealand, Sri Lanka, Tajikistan, Thailand and Uzbekistan

In 2016, an ILO tripartite meeting of experts adopted general principles and operational guidelines for fair recruitment consisting of a set of guidelines with 13 general principles for fair recruitment (ILO, 2016a). These were updated in 2019 by adding the definition of recruitment fees and related costs (ILO, 2019b). The ILO General Principles and Operational Guidelines for Fair Recruitment are becoming an international benchmark; they emphasize, as one of their key principles, that "No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers" (ILO, 2016a, p. 3).

Most Asia-Pacific origin countries have implemented extensive regulations governing licensing and operation of recruitment for overseas employment. However, successes in curbing recruitment abuses have been limited, implying that structural factors and interests in both origin and destination countries make recruitment industries hard to regulate. The role of subagents is also important. They work at grassroots levels and are often the main point of contact for migrant workers. They may have a weak relationship with formal recruitment agencies and are often identified with higher migration costs (ESCAP, forthcoming). Most countries of origin have so far had little success in regulating these subagents.

2.4.2 Emerging good practices

In the region, there has been some progress with respect to fair recruitment, with pilot projects being advanced across several countries. The principle that workers should not pay fees or related costs for their recruitment and placement is increasingly being incorporated in the legislation or bilateral MoUs of several destination and origin countries, and by the private sector, benefitting both women and men migrant workers.

Prohibition of recruitment fees by destination and origin countries

Legislation limiting or banning the charging of recruitment fees to migrant workers has been adopted in multiple countries of origin and destination for Asia-Pacific migrant workers, including Indonesia, Jordan, Lebanon, Nepal, the Philippines (for domestic workers), Qatar, Saudi Arabia, Thailand and the United Arab Emirates. However, the definition and amount of acceptable fees often differs, hampering implementation across countries.

In Thailand, the Royal Ordinance Concerning the Management of Employment of Foreign Workers B.E. 2560 (2017) came into force in 2018. The Ordinance includes the provision: "Collection of any fees from migrant workers is prohibited with no exception". However, implementing rules and regulations have not yet been elaborated. Further, in June 2018, Thailand became the region's first country to ratify the 2014 Protocol to the Forced Labour Convention, 1930 (No. 29). In addition, Indonesia's Law 18/2017 (below) protects migrant workers, including concerning recruitment costs.

Private sector initiatives

Beyond Government initiatives, the role of the private sector in recruiting migrant workers is essential to curb migration costs and ensure ethical recruitment. The Responsible Business Alliance, a private organization of employers of electronics, retail, auto and toy companies committed to supporting the rights and well-being of workers and communities worldwide affected by global supply chains, and which has a strong presence in Malaysia, has developed detailed guidance for members delineating what recruitment costs migrant workers should not pay and what they may pay (Responsible Business Alliance, 2019). In addition to a placement fee, the Alliance stipulates that migrant workers should not pay costs in five categories: (a) pre-departure fees and costs; (b) documentation/permits and associated costs of obtaining such documents; (c) transportation and lodging costs; (d) arrival/on-boarding, including but not limited to new-hire training or orientation and medical exams; and (e) other legal requirements, including deposits and bonds whether legislated or not. The Alliance limits acceptable costs to the following areas, if they are noted in their contract and receipts are provided: basic expense items to prepare for interviews, costs

to meet minimum qualifications for jobs, such as degrees or certification, passport replacement costs due to employee loss or fault, and dormitory and meal costs (which must be fair market value and meet international health and safety standards). In 2019, the Alliance and its members identified and facilitated the return of nearly \$5 million to 10,570 migrant factory workers in Thailand for recruitment fees and other costs they paid during their recruitment (Responsible Business Alliance, 2019).

The International Recruitment Integrity System

IOM, in collaboration with government partners, civil society and the private sector, created the International Recruitment Integrity System at the global level to promote ethical international labour recruitment. This aims to transform the international recruitment industry to make it fair for workers, recruiters and employers. The approach is based on promoting the employer pays principle, greater transparency and migrant workers' rights. Pilot testing was carried out in Nepal and the Philippines; certification was then launched in selected countries in December 2018 and is being extended to other countries.

Self-regulation through codes of conduct

Self-regulation is an additional safeguard that can be implemented within a robust national legal framework of licensing and certification of private employment agencies. The Vietnamese Association of Manpower Agencies launched its 2018 Code of Conduct, which revised the previous code to include gender issues and make it more rights-based in line with international standards and frameworks. In 2020, 104 recruitment agencies in Viet Nam were ranked on compliance with the Code. In Myanmar, a Code of Conduct for Overseas Employment Agencies was launched in 2016; as of September 2019, 90 per cent of members of the Myanmar Overseas Employment Agencies Federation had signed up. The Myanmar Code Compliance and Monitoring Committee has developed country specific reference guidelines to enhance the monitoring and ranking of signatories to the Code (TRIANGLE in ASEAN and others, 2019).

The Migrant Recruitment Advisor Platform of the International Trade Union Confederation

The Migrant Recruitment Advisor web platform (Recruitment Advisor, 2020) was developed by the International Trade Union Confederation, with support from the ILO Fair Recruitment Initiative, to

provide peer-to-peer reviews about recruitment agencies and help protect migrant workers from abusive employment practices. The Migrant Recruitment Advisor currently has coordination teams in five countries (Indonesia, Malaysia, Nepal, the Philippines and Sri Lanka). The platform allows workers to comment on their experiences, rate recruitment agencies and learn about their rights. Initially available in English, Indonesian, Nepali and Tagalog, it will be made available in more languages. The Advisor also connects workers to civil society support mechanisms through collaboration with the Migrant Forum in Asia to assist grievance resolution.

2.4.3 Ensuring decent work conditions

Many migrants in the region work in low-paid and low status occupations, which local workers avoid. Migrants are at risk of informal work, illegally low pay and unsafe working conditions. Sectors in which they predominate, such as agriculture and domestic work, are often excluded from labour law protections. Thus, in addition to ensuring recruitment processes are fair, decent work for migrant workers must be addressed. Importantly, relevant international instruments promoting human and labour rights of migrant workers at all skills levels should be ratified. Moreover, decent work requires addressing vulnerabilities of migrant domestic workers, ensuring written contracts, enhancing abilities of labour inspectors, increasing flexibility in job changes for migrant workers, prohibiting confiscation of travel documents, enhancing social dialogue and membership in trade unions, and promoting effective complaint and redress mechanisms.

ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and ASEAN Forum on Migrant Labour

In November 2017, ASEAN member States adopted the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN, 2017a), which builds on the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (the 'Cebu Declaration') (see also chapter 5). The Consensus expands the obligations of ASEAN member States and highlights basic migrant rights, including to an employment contract, to file a complaint or grievance, to join a trade union, to retain personal documents, to be visited by family members and to the same treatment as nationals during imprisonment or detention. The instrument is non-binding and gives governments discretion

over how rights and obligations are implemented. An Action Plan (2018–2025) to implement the ASEAN Consensus was developed and adopted during 2018.

The ASEAN Forum on Migrant Labour brings together key stakeholders, including tripartite constituents — government, and employers' and workers' organizations, as well as the ASEAN Secretariat, civil society and international organizations — annually to discuss, share experiences and build consensus on the protection of migrant workers. Since being established in 2008, its thematic discussions have provided comprehensive recommendations for ASEAN member States and social partners in key areas of the Cebu Declaration (ILO, 2019di).

2.4.4 New laws or improvement of laws

New laws and reforms have been introduced regarding the protection of migrant workers in several countries.

South-East Asia

Law 18 of 2017 on Protection of Indonesian Migrant Workers aims to decentralize the migrant worker recruitment and placement process and reduce the dominant role of private recruitment agencies, including through banning the charging of recruitment costs to migrant workers and mandating that employers cover all recruitment costs. The selection, training and briefing of potential migrants is devolved to different levels of government, especially the provincial and even village level. Recruitment agencies are expected to be the last, rather than the first, link in enabling the overseas placement of Indonesian workers.

As of January 2019, employers hiring migrant workers (except domestic workers) in Malaysia must register their employees with the Social Security Organization and contribute to the Employment Injury under the Employees' Social Security Act 1969. However, the Act only covers migrant workers who have a valid passport and hold a temporary Employment Visit Pass or a valid employment pass.

Singapore has made significant progress in workplace safety and health outcomes. From 2010 to 2018, the workplace fatal injury rate declined from 4.9 to 1.2 per 100,000 workers, improving Singapore's ranking on workplace safety and health outcomes among OECD countries from eighteenth to seventh (Workplace Safety and Health Council, 2019). This is

due to concerted tripartite efforts to strengthen, raise awareness of and deepen industry ownership of occupational safety and health regulations, and develop capabilities. For the next decade, Singapore has developed a Workplace Safety and Health 2028 vision, with Tripartite Strategies to recommend a set of 10-year strategies. Migrant workers, often in jobs that are dirty, dangerous and demanding (so called "3D jobs"), will benefit the most from adherence to these occupational safety standards.

In Thailand, the fishing and seafood industry has been a subject of intense global scrutiny in recent years for forced labour, trafficking in persons and lack of decent work. Recent government measures have aimed to address these problems (ILO, 2018f; 2020a). Thailand ratified the Work in Fishing Convention (188) and the 2014 Protocol to the Forced Labour Convention (C29). Changes to Thai law to comply with these new obligations have included amendments to the Prevention and Suppression of the Human Trafficking Act 2008 and the Labour Protection of Work in Fishing Act, bringing together recent rules on work in fishing. In 2018, the Thai Cabinet approved the Ministerial Regulation on Labour Protection in Sea Fishing Work (No. 2), B.E. 2561. The Regulation requires that sea fishing workers are paid monthly wages via bank accounts and that employers provide satellite communication systems allowing workers to communicate with authorities or family members while at sea. In addition, the Government has enacted the Labour Protection in Fisheries Work Act in May 2019, in line with Convention No. 188 and the Act establishes minimum labour standards for fishers employed on Thai fishing vessels.

South and South-West Asia

Bangladesh enacted the Wage Earners' Welfare Board Act 2018 and issued 'Overseas Employment and Migrants (Recruiting Agency Classification) Rules 2020'. The latter classify agencies into four categories based on performance as anticipated in the 2013 Overseas Employment and Migrants Act.

India is currently in the process of drafting a new Emigration Bill to replace the Emigration Act of 1983.

In Nepal, the 2007 Foreign Employment Act and the 2008 Foreign Employment Rules were revised in 2019. Major changes relate to the decentralization of the foreign employment administration, the regulation of recruitment agencies and subagents and the protection of migrant workers.

In Pakistan, the Bureau of Emigration and Overseas Employment made several amendments to the Emigration Ordinance 1979 and associated Emigration Rules in 2016 and 2019. In 2017, the Ministry of Overseas Pakistanis and Human Resource Development drafted the National Emigration and Welfare Policy. In October 2020, the National Assembly Standing Committee on Overseas Pakistanis and Human Resource Development unanimously approved the country's first-ever National Emigration Policy.

Sri Lanka is currently in the process of reviewing its National Labour Migration Policy of 2008.

2.4.5 Wage protection

Migrant workers have benefitted from minimum wages in Malaysia and Thailand, and from mandatory electronic wage transfers in GCC countries. Wage protection systems prevent underpayment by requiring employers to pay workers' wages electronically via authorized financial institutions to make payments transparent and traceable (ILO 2019f). The Thailand Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E. 2557 (2014) contains detailed provisions on wage protection, including specification of wages, record-keeping of wage payments, payment for work on holidays and frequency of payment.

2.4.6 Ratification of international migrant worker related Conventions

The Global Compact for Migration makes a clear recommendation to promote signature, ratification, accession and implementation of relevant international instruments related to international labour migration, labour rights, decent work and forced labour. Many countries in the region have ratified or acceded to United Nations universal human rights instruments (except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) and the eight ILO core Conventions (annex table 11). These protect the fundamental rights of migrant workers, such as freedom from forced labour and slavery, discrimination and child labour. This is important because most migrant rights violations relate to fundamental rights.

The Philippines is a role model in the region, having ratified all three international migrant worker Conventions (ILO Conventions 97 and 143, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families) and the Domestic Workers Convention, 2001 (No. 189). In addition, Bangladesh (2011), Indonesia (2012), Tajikistan (2002) and Turkey (2004) have ratified the 1990 Migrant Workers Convention. Armenia (2006); Hong Kong, China (1997); Kyrgyzstan (2008); New Zealand (1950); and Tajikistan (2007) have ratified Convention 97. The 2014 Protocol to the Forced Labour Convention has been ratified by Kyrgyzstan (2020), New Zealand (2019), the Russian Federation (2019), Sri Lanka (2019), Tajikistan (2020), Thailand (2018) and Uzbekistan (2019). There has been widespread ratification of the ILO Convention on Equality of Treatment (Accident Compensation), 1925 (No. 19). Fiji was the first country in Asia and the Pacific to ratify the ILO Violence and Harassment Convention, 2019 (No. 190), in June 2020.²⁴

2.4.7 Decent work promotion for migrant workers by migrant associations, trade unions, employers' federations and civil society organizations

Freedom of association is a basic human right and is enshrined in the ILO Constitution and the ILO Declaration on Fundamental Principles and Rights at Work (1998). Facilitating migrant voices to be heard through their access to trade unions and associations is an essential condition for achieving decent work. However, legal and practical restrictions limit migrant ability to enjoy this right. Initiatives by trade unions and employers are underway across the region, and including partners beyond the region, to enhance labour protection of migrant workers.

Interregional trade union cooperation: Memoranda of understanding among regional trade union federations in Africa, America and Asia

In May 2018, the International Trade Union Confederation — Asia Pacific, the ASEAN Trade Union Council, the South Asian Regional Trade Union Council, the Arab Trade Union Confederation, the African Regional Organisation of the International Trade Union Confederation and the Trade Union Confederation of Americas signed an MoU,

²⁴ C.190 is scheduled to come into force on 25 June 2021.

expressing a commitment to cooperate and carry out joint campaigns to promote and protect migrant workers' rights. Parties highlighted that migrant workers' situations should be addressed through principles of international trade union solidarity, social justice, equal treatment and opportunity, and gender equity (International Trade Union Confederation – Asia Pacific, 2020).

General Federation of Nepalese Trade Unions

This federation has long cooperated with destination country unions for protection of Nepalese migrant workers. It acts on three fronts: organizing workers before migration, during employment abroad and on return; support and rescue; and policy and dialogue. The Federation establishes support groups with destination country unions; expands organization in destination countries; enters into MoUs and cooperation with local trade unions in destination countries; and intervenes at national and international levels.²⁵ The Federation has assisted Nepali migrant workers in establishing informal support/community groups and worked with unions and CSOs in destination countries to provide services to migrant workers.

South Asian Forum of Employers Resolution on Migration, 2019

At the eighth meeting of the South Asian Forum of Employers, held in New Delhi in February 2019, participants adopted the Delhi Resolution on Migration, an action programme with five components: (a) establishing an optimal business climate as a remedy for migration and precondition to create decent jobs; (b) encouraging decent work standards across business in South Asia, including legal environments needed for decent work; (c) encouraging non-discrimination between local and migrant workers in member firms; (d) promoting skills development through in-company training of both local and migrant employees, and inviting Governments to provide adequate vocational training; and (e) engaging in dialogue on migration and other common issues with trade unions. Following the resolution's adoption, the South Asian Forum of Employers and South Asian Regional Trade Union Council agreed to collaborate on migration issues.

Cooperation between the ASEAN Confederation of Employers and the ASEAN Trade Union Council on the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers

The ASEAN Confederation of Employers and the ASEAN Trade Union Council issued a joint statement for collaboration to support the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in April 2019 (ASEAN Trade Union Council and the ASEAN Confederation of Employers, 2019). They called upon the ASEAN Committee of Migrant Workers and Governments of ASEAN member States to strengthen tripartite social dialogue mechanisms in the formulation and implementation of laws, policies and programmes to realize the ASEAN Consensus principles and commitments at the national level and in monitoring and evaluation of its implementation. They also agreed to jointly lobby governments on key priority issues of the Consensus and promote services to migrant workers and their employers in priority areas.

Migrant Forum in Asia and civil society cooperation to promote decent work for migrant workers

Civil society cooperation across borders takes place throughout the region, both in advocating a rights-based approach to labour migration and providing direct assistance. For example, Migrant Forum in Asia engages members of parliament in the region on migration advocacy. It also promotes the Lawyers Beyond Borders Network of volunteer lawyers in both origin and destination countries for impact litigation and policy advocacy, and to facilitate legal assistance for migrant workers, primarily in the Middle East and GCC country context.

Migrant Forum in Asia also follows up on implementation of Global Compact for Migration objectives by organizing national as well as subregional consultations, such as in Nepal in July 2019. In this, working groups identified and discussed the most relevant objectives for their work areas and countries (Migrant Forum in Asia, 2019). The Forum also organized six national consultations (India, Indonesia, Malaysia, Nepal, Philippines and Thailand) and three state level consultations in India from March to November 2019 to develop a strategy for

²⁵ It has signed agreements with trade unions in Hong Kong, China (HKTCU), Republic of Korea (KCTU/MWU), Malaysia (MTUC), Bahrain (GFBTU), Kuwait (KTUF), Qatar, Lebanon (FENASOL), Jordan (JTGU -Textile sector) and India.

follow up on national focus areas. Decent work, legal and regular pathways and fair recruitment have figured prominently in these consultations (Migrant Forum in Asia, 2019). The Taskforce on ASEAN Migrant Workers is a co-organizer of the ASEAN Forum on Migrant Labour and coordinates the preparation and participation of CSOs with the ASEAN Forum.

International Domestic Workers Federation

This federation is a membership-based global organization of domestic and household workers. The Federation's main goal is to build a strong, democratic and united domestic/household workers global organization to protect and advance domestic workers' rights everywhere (International Domestic Workers Federation, n.d.). As of May 2020, the Federation had 74 affiliates from 57 countries, representing over 560,000 domestic/household worker members. Most are organized in trade unions, associations, networks and workers' cooperatives. The Federation has 14 affiliate organizations in 10 countries of the region. It focuses on promoting the ratification of the ILO Conventions on Domestic Work (C.189) and Violence and Harassment, 2019 (No. 190). Its "My Fair Home" campaign promotes dignity and decent work for all domestic workers and aims to improve conditions in care work where they play a major role.

Network of Domestic Workers in Thailand

This initiative began in 2011 with two networks: the Thai Domestic Workers Network and the Migrant Domestic Workers Network. As of December 2017, the Network of Domestic Workers in Thailand had 591 members, 395 in the Thai Domestic Workers Network, and 196 in the Migrant Domestic Workers Network (ILO, 2019j). The Network of Domestic Workers in Thailand organizes domestic workers and advocates for increased legal and social protection for domestic workers. Further, the Network disseminates information to its members on immigration policy, work permits, health insurance and reproductive health.

2.4.8 Confiscation of passports and travel documents

Confiscation of passports and travel documents and work permits by employers or recruitment companies is a forced labour practice. The principle of non-retention of travel and identity documents is now increasingly accepted by destination countries. For instance, recent bilateral MoUs and agreements

in the region contain a provision prohibiting such confiscation either in the main text or in the attached standard employment contract (such as the 2018 Malaysia-Nepal MoU and Saudi Arabian domestic worker agreements with Asian countries). However, it is not strictly enforced (Wickramasekara, 2015a).

2.4.9 Effective complaints mechanisms for migrant workers

Migrant workers need accessible, transparent and effective complaint mechanisms to report violations of their rights, realize decent work during different stages of the migration cycle and seek remedies, including following return to the country of origin. This is especially important for job categories not covered by labour laws of the destination country, such as workers in agriculture and domestic work.

Cambodia- Dispute Resolution Guidelines for Resolving Migrant Workers Grievances

These Guidelines clarify the roles and responsibilities of key stakeholders in the dispute resolution process, as outlined in Cambodian law. They are a practical tool and reference point for labour officials, service providers and stakeholders in supporting Cambodian migrant workers to obtain protection, remedies and compensation through dispute resolution from both employers in the country of destination, as well as recruitment agencies in Cambodia.

Online complaints mechanisms

The Philippines e-CARES System is an electronic case registry and response system where migrant workers can register complaints. The e-CARES system classifies the nature of such complaints, assigns cases to specific overseas posts concerned, and allows migrants to track progress of their cases online (ILO, 2019j). The Department of Labour in Brunei Darussalam launched an online complaints service giving migrant workers, employers and the public the opportunity to file complaints 24-hours a day. The Department of Employment in Thailand launched an online complaint handling platform called "Help Me", available in six different languages (Burmese, English, Khmer, Laotian, Thai and Vietnamese). The website allows migrant workers and others to register complaints with the Department of Employment.

Support services from migrant worker resource centres

These often serve as 'one-stop shops' for migrant workers to access information on migrating for work, obtaining counselling services and lodging complaints. They can be set up by governments (as in India), trade unions, CSOs or other concerned stakeholders. They operate in both origin and destination countries. Their non-bureaucratic nature, welcoming atmosphere, support in migrants' own languages and extended opening hours attract migrant workers to access services. These centres provide information (chapter 5), facilitate lodging complaints and grievance resolution. For instance, centres operated by the Malaysian Trade Union Council have supported migrant workers in settling claims against employers.

International organizations such as ILO and IOM support centres operated by government, trade union and CSO partners across the region. During the 2010–2018 period, the network of centres run by the TRIANGLE in ASEAN programme alone provided direct assistance to 130,300 migrant workers; over half of those beneficiaries were women. Just over \$4 million was awarded in compensation through legal support provided by the centres and their networks (cited in ILO, 2019f), though the actual compensation received by migrant workers may have been lower. The IOM Centre in Poi Pet, Cambodia, has delivered safe migration information materials and presentations to 33,700 returned Cambodian migrants.

2.4.10 Provisions for change of employer and worker mobility

Most temporary migrant workers are tied to their employers as they cannot change their employment during the contract period. This applies in the Asia-Pacific region as well as in major countries of destination in GCC through the *kafala* (sponsorship) system. This creates an imbalanced employer-employee relationship that may lead to forced labour practices, labour exploitation or migrants becoming undocumented (Kouba and Baruah 2019).

Gulf Cooperation Council countries

There are incremental changes to sponsorship systems in several GCC countries, including Bahrain, Qatar, Saudi Arabia and the United Arab Emirates. Workers can change employers if their

first contract ends, the employer goes bankrupt or the employee has proof of abuse, including non-payment of wages. Encouraging developments are the recent legal reforms in Qatar dismantling major restrictive elements of the *kafala* system. These relate to removing the requirement for workers to obtain an exit permit for leaving the country either temporarily or permanently, and the requirement of a no-objection certificate to change employers. Now all workers can change employers without first obtaining a no-objection certificate (Qatar, Ministry of Administrative Development, Labour and Social Affairs, 2020; ILO, 2020e). These reforms apply to all workers, including those not covered by labour law, such as agriculture and domestic workers. Saudi Arabia announced reforms in 2016 allowing workers to change employers under certain circumstances, such as if employers fail to renew workers' residence permits and if wages are unpaid for three consecutive months (ILO, 2019f).

Asia

Migrant workers can change employer in the Republic of Korea up to three times during their initial three-year contract, and two additional times if the employment period is extended. Justifiable reasons include termination or failure to renew employment contracts, closure or temporary shutdown of businesses, labour rights violations, failure to meet the terms of employment contracts, or noncompliance with regulations. In Singapore, migrant workers can change their employers when their employment term ends, in case of a dispute or grievance as verified by the Ministry of Manpower or with consent of the employer. Migrant domestic workers may also change employers at any time, but must remain in the domestic work sector and obtain their current employer's approval. The Thai Royal Ordinance on the Management of Employment of Migrant Workers (2017) notes that migrant workers, in principle, have the right to change employers if the latter terminate the employment without reasonable cause or cannot continue the business, or if the migrant worker quits due to violations of the employment contract or law (Kouba and Baruah, 2019).

The ILO Bali Declaration, 2016

The Bali Declaration, adopted at the 16th Asia and the Pacific Regional Meeting of the ILO in Bali, Indonesia, in December 2016, determined priorities for national policy and action to promote inclusive growth,

social justice and decent work in the region, to be implemented in consultation with social partners. The Declaration highlights the need to “redress employer-worker relationships that impede workers’ freedom of movement, their right to terminate employment or change employers, taking into account any contractual obligations that may apply, and their right to return freely to their countries of origin”. It also mentions the right of workers to keep their travel and identity documents (ILO, 2016c, p. 3).

2.4.11 CHALLENGES

Notwithstanding these examples of progress, several challenges remain. First, women migrant workers continue to face particular risks of violence, abuse and exploitation in the workplace and particularly in domestic work. Gender based discrimination in labour migration law (with restrictions related to factors such as pregnancy, occupation, age, marital status and age of children) is prevalent, as is the lack of maternity protection and prevention of discrimination on the basis of pregnancy. Ratification of key Conventions for women migrant workers, such as Convention 189, is low in the region. Second, despite the enactment of new laws, the development of implementing rules and regulations is often slow, and the enforcement of laws has gaps in several countries. Third, while millions of migrants have found employment through labour migration systems in Asia and the Pacific and the Middle East, and remittances have flowed back to their countries of origin, structural flaws in current migration regimes have been magnified by the COVID-19 pandemic. Experiences in major countries of destination demonstrate that migrant workers are among the highly vulnerable groups affected by the COVID 19 pandemic (chapter 6). Added to this, poor living and working conditions, low wages and high migration costs reflect limited rights for many workers. As a consequence, fair wages and decent living conditions for women and men migrant workers should be a key consideration in countries in Asia and the Pacific and the Middle East when they admit migrants.

2.5 Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral

RELATED TO OBJECTIVE 12

While previous objectives have focused on migrant workers, Objective 12 focuses on procedures for screening, assessment and referral of victims of trafficking in persons, and migrants in situations of vulnerability, including children, and persons affected by any form of exploitation and abuse related to smuggling of migrants. It has only a few actionable points: (a) communicating information on procedures for legal entry and admission for all migrants, including those in mixed movements; (b) training for concerned first responders and government officials; (c) gender-responsive and child-sensitive referral mechanisms; and (d) prompt identification and referral of children to protection services.

2.5.1 Relevance of assessment and referral mechanisms

Migrants in situations of vulnerability should have access to full protection under the international human rights framework, to which all persons, including non-nationals, children, trafficked persons, migrant workers, stateless persons and persons with disabilities, are entitled (OHCHR and Global Migration Group, 2018). In addressing the needs of migrants in vulnerable situations, upholding their rights and affording them access to critical services and protection, effective screening, assessment and referral procedures and mechanisms are essential to meet the wide array of needs that cut across sectors and providers. Manifold and overlapping protection systems might exist in a specific context, with multiple organizations (having diverse mandates) providing different services. Coordination is thus essential to ensure migrants get the necessary protection and assistance, avoid fragmentation in service delivery, and to promote effective use of resources and accountability (IOM, 2019c). Referral mechanisms can be local or subnational, national or transnational.

2.5.2 Vulnerable migrants in the Asia-Pacific region

As noted in chapter 1, within the region, irregular migration, trafficking in persons and smuggling are significant challenges that have received increasing attention and mobilized action by States to establish relevant protocols and measures to improve enforcement and ensure better protection of migrant rights (UNODC, 2018c). Across the region, many migrants face exploitation stemming from being subject to trafficking, irregular status and poor implementation of labour law, or lack of coverage by labour law. Migrant workers in particular sectors (for example, fishing, domestic work, agriculture, construction and manufacturing) also often face forced labour situations, exploitation and serious abuse.

The prevalence of forced labour in Asia and the Pacific has been estimated as being the highest in the world in 2016: an estimated 4.0 in 1,000 people experienced forced labour, followed by Europe and Central Asia (3.6 per 1,000). Available data show that the largest share of adults in forced labour were domestic workers (24 per cent). This is highly relevant for the Asia-Pacific region, which hosts almost a quarter of the world's women migrant domestic workers (ILO and Walk Free Foundation, 2017).

Many protection and assistance measures for trafficked persons and child migrants are offered by government entities and service providers. As States bear ultimate responsibility for upholding human rights, they must ensure that all people, including migrants, obtain protections enshrined in international law. In addition to providing key services for vulnerable migrants, national Governments and other national level entities have a central role to play in carrying out structural interventions, which might include developing or improving migration, social protection and/or labour policies to benefit vulnerable migrants; developing large-scale national programmes of protection and assistance for vulnerable migrants; signing bilateral labour agreements to prevent violence, exploitation and abuse of migrant workers; and concluding re-admission agreements. It is vital that referral mechanisms, whether local or national, share information on protection gaps with stakeholders involved in structural action to improve policy and programmes.

2.5.3 Selected interventions

The Coordinated Mekong Ministerial Initiative against Trafficking in Persons²⁶ has developed guidelines to assist national partners in undertaking victim identification and affording access to support services through referral mechanisms in the subregion. They consist of guidelines on overarching principles, including on protecting the human rights of victims of trafficking, and a detailed set of recommendations for undertaking effective screening, referral and assistance throughout all phases of the process (Coordinated Mekong Ministerial Initiative against Trafficking in Persons, n.d. and chapter 5). Indonesia has invested in developing capacities to prosecute trafficking in persons and other transnational crimes. This includes the revision of the relevant legislation and the training of a cadre of trainers to further capacitate prosecutors throughout Indonesia. Support aims to enhance participants' knowledge on victim-centred prosecution, case troubleshooting, and network-building between mentors and protégés.

Specific interventions regarding children

ASEAN has adopted a subregional declaration specific to migration and children's rights (box 9), as well as Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons, especially Women and Children. Both are significant developments in addressing the lack of protective policy frameworks throughout the region.

Accounting for the particular needs and vulnerabilities of child migrants across the region, international partners have supported child protection mainstreaming, incorporating child protection principles in counter-trafficking and trainings for law enforcement officers. As a core component of the curriculum, emphasis is on the rights and needs of children throughout the victim identification process, covering laws governing the trafficking of children. It is also crucial that mechanisms be established for cross-border information sharing on case management (beyond trafficking). The governments of Myanmar and Thailand began (in August 2019) discussions on an MoU to establish a cross-border child protection mechanism and framework, including case management standard operating procedures. Discussions on this were paused temporarily during the COVID-19 pandemic.

²⁶ Comprising Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.

BOX 9 ASEAN Declaration on the Rights of Children in the Context of Migration

At the 35th ASEAN summit, held in Bangkok in November 2019, ASEAN member States endorsed the ASEAN Declaration on the Rights of Children in the Context of Migration (ASEAN, 2019). The Declaration ensures that children's rights enshrined in the Convention on the Rights of the Child can be fully enjoyed by all children in the region, including those in the context of migration. The Declaration specifically acknowledges the increased vulnerabilities suffered by children in the context of migration through greater risk of exploitation, deprivation and discrimination. The Declaration reaffirms the commitment to ensuring that the best interests of the child are a primary consideration in all policies and practices in the context of migration. It acknowledges that children in the context of migration must have access to strengthened and fully resourced national systems of child protection, education, health and justice. It also encourages ASEAN member States to guarantee that all children are registered at birth and to use case management to ensure children in the context of migration receive necessary and effective cross-sectoral services. Moreover, the Declaration emphasises the need for ASEAN member States to develop alternatives to child immigration detention and to keep families together in non-custodial environments. It also encourages member States to increase child- and gender-sensitive cooperation on border governance policies and, where feasible, develop bilateral cross-border agreements and standard operating procedures that protect children in the context of migration. Finally, the Declaration calls for increased data collection to build the evidence base regarding the experiences of children in the context of migration and appoints the ASEAN Ministerial Meeting on Social Welfare and Development with the task of monitoring progress concerning the Declaration.

In January 2019, addressing elevated detention rates of migrant and refugee children across the country, the Royal Thai Government signed an interministerial MoU on the "Determination of Measures and Approaches Alternative to Detention

of Children in Immigration Detention Centres", which acknowledged that children should only be detained as a measure of last resort and any detention period should be as brief as possible. The MoU stated that decisions and/or actions affecting the child shall always take into consideration her/his best interests and views in determining ways to provide care for children. The MoU also affirmed government responsibility to ensure children remain under their family's care and that children should only be transferred into privately-run shelters or government custody as a measure of last resort. In relation to the aforementioned MoU, standard operating procedures were adopted in September 2019. This is a major step to ending immigration detention of children and establishing a practical link between Thai immigration and child protection law.

The European Union and UNICEF have co-funded the programme "Protecting Children Affected by Migration in Southeast, South and Central Asia", involving eight countries (Bangladesh, Malaysia, Myanmar, Thailand, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan). This programme has been supporting children who are migrating or have been forcibly displaced within their own countries or across borders, or children who have been "left behind" by one or both parents migrating to find work. It has supported the development of child protection systems that are inclusive of children affected by migration, and enhanced policies and procedures that provide better access to child protection systems.

2.6 **Invest in skills development and facilitate mutual recognition of skills, qualifications and competences**

RELATED TO OBJECTIVE 18

If migrants' skills are not recognized, they may find themselves unemployed or underemployed, resulting in brain waste. This is to the detriment of migrants, whose investment in skills development is squandered, and origin and destination countries, which cannot benefit from the full potential of migrants. The emphasis of Objective 18 is on promotion of demand-driven skills development and facilitation of mutual recognition of skills, qualifications and competences. This objective is closely linked to the commitments in the Addis Ababa Action Agenda

(United Nations, 2015c) to increase cooperation to enhance the recognition of foreign qualifications, education and skills (chapter 1). Objective 18 is also closely linked to SDG targets 4.3 and 4.4 on equal access for all women and men to affordable and quality technical, vocation and tertiary education and the focus on increasing the number of youth and adults with relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship. The ILO Centenary Declaration in 2019 identified the promotion of the acquisition of skills, competencies and qualifications for all workers throughout working life as a joint responsibility of governments and social partners (ILO, 2019c). Skills development to enhance employability is an area of vital importance to migrant workers in achieving decent work overseas.

2.6.1 Relevant international and regional instruments and their ratification

Two international instruments with special focus on skills development exist: the ILO Human Resource Development Convention, 1975 (No. 142) and the ILO Human Resource Development Recommendation, 2004 (No. 195).²⁷ The former has been ratified by 13 countries in the Asia-Pacific region.²⁸ UNESCO has developed both regional and global conventions promoting access to fair assessment and recognition by designated authorities in each Member State. The Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo Convention) is the region's legal instrument to facilitate dialogue and ensure fairness in this regard (UNESCO 2018). As of October 2020, 10 States are parties to it.²⁹ Though not yet in force, the Global Convention on the Recognition of Qualifications concerning Higher Education is the first United Nations higher education treaty with a global scope. Together with the Tokyo Convention, the Global Convention promotes qualifications recognition based on established principles of fairness and transparency.

2.6.2 Development of national and regional qualification and recognition standards

ASEAN Qualifications Reference Framework 2010

In May 2010, this framework was developed as a voluntary mechanism to benchmark national qualifications frameworks into mutually comparable regional standards. Eight levels of competencies were designed and agreed among all ASEAN member States. The Framework consists of two skills recognition initiatives: Mutual Recognition Arrangements, facilitating the mobility of skilled professionals in ASEAN (higher levels of the Framework); and Mutual Recognition of Skills, focusing on technical/vocational skills (levels 1–4 of the Framework). ASEAN member States, the ASEAN Secretariat and ILO are developing action plans to implement the Framework and address mutual skills recognition nationally and regionally in selected occupations (Sakamoto, 2019). The ASEAN Regional Skills Technical Working Group, consisting of ASEAN senior officials, drives this cooperation. The ILO is working with Cambodia, the Lao People's Democratic Republic and Myanmar on Mutual Recognition of Skills, with Thailand as a destination country. The project has developed model competency standards in several fields, including on tourism/hospitality and domestic work. The ASEAN Secretariat issued the "ASEAN Guiding Principles for Quality Assurance and Recognition of Competency Certification Systems" in 2016 (ASEAN Secretariat, 2016). Many member States have established national qualification frameworks. ASEAN also adopted the ASEAN Agreement on Movement of Natural Persons, in November 2012.

The Pacific Qualifications Framework

This unified meta-framework for the Pacific's fourteen member countries was developed by the Secretariat of the Pacific Board for Educational Assessment. It has adopted a unified structure in terms of sectors and fields of education and training, based on outcomes of learning in terms of knowledge, skills and competences. The Framework covers school education, technical and vocational education and training, tertiary or

²⁷ Article VI (12) of the Human Resource Development Recommendation states: "Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers."

²⁸ Afghanistan, Australia, Azerbaijan, Fiji, Georgia, India, the Islamic Republic of Iran, Japan, Kyrgyzstan, the Republic of Korea, the Russian Federation, Tajikistan and Turkey.

²⁹ Armenia, Bangladesh, Cambodia, China, the Lao People's Democratic Republic, the Marshall Islands, the Republic of Korea, Timor-Leste, Turkey and the Holy See.

higher education and community-based training (UNESCO, 2018; ILO, 2019g). It is aligned with the national qualification frameworks in Australia and New Zealand, and provides a common structure for referencing the qualifications from different education and training systems in the subregion. It serves as a subregional quality assurance standard for institutions and accrediting agencies and facilitates the accreditation of programmes as well as the international recognition and benchmarking of Pacific qualifications, thereby facilitating mobility of students, academics and migrant workers. Fiji, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu have made progress in their development of national qualifications agencies and national qualifications frameworks aligned with the Framework, which is supported by the Pacific Quality Assurance Framework, developed in 2006. This latter framework facilitates the establishment of mutual recognition arrangements with the quality assurance standards of each of the Pacific island countries (UNESCO, 2018).

2.6.2.1 RECOGNITION OF PRIOR LEARNING AND ACCREDITATION OF SKILLS GAINED INFORMALLY

People can acquire skills and competencies outside the formal education and training system through on-the-job-training, informal apprenticeships and other ways, but such skills are often not accepted or valued. This is the rationale behind focusing on recognition of prior learning.³⁰ Such recognition is a key component of developing a comprehensive and flexible national qualifications framework (UNESCO, 2018). Only a few countries in the region have comprehensive systems for the recognition of skills and qualifications, including recognition of prior learning. This recognition identifies, documents, assesses and certifies mainly non-formal and informal learning outcomes against standards used in formal education and training. It emphasizes that learning should be recognized based on outcomes, rather than on how, when or where learning occurs. Recognition of prior learning helps informal workers acquire portability of skills.

The Philippines Technical Education and Skills Development Authority has incorporated this recognition into its qualification assessment systems. For this purpose, it issued the “Implementing Guidelines on the Implementation Portfolio

Assessment Leading to Recognition of Prior Learning” within its Assessment and Certification System in June 2018. It has developed an Onsite Assessment Programme in 2015, which aims to provide opportunities for overseas Filipino workers to acquire Technical Education and Skills Development Authority/government-issued certification or recognition (National Certificates or Certificate of Competencies) of the level of their technical skills and knowledge.

Based on the Malaysian Qualifications Framework adopted in 2007, Malaysia has developed a well-integrated approach called Accreditation of Prior Experiential Learning. This provides a process for individuals to seek recognition of previous training, work experience, professional development, professional licensing and examinations, and other work-based education and training. Such practices consist of an assessment process undertaken by recognized providers where individuals apply for an assessment of their current skills and knowledge.

Bangladesh is developing an e-system of recognition of prior learning for migrant workers to assess skill recognition in destination and origin countries. The Nepal Foreign Employment Board initiated a scheme in 2018/19 for such recognition of returnee migrant workers. The ILO Triangle Project works with the National Committee for Tourism Professionals of Cambodia in implementing a pilot project on recognizing prior learning assessment on housekeeping for the Common ASEAN Tourism Curriculum Certificate II (Level 1) for returning domestic migrant workers.

2.6.2.2 EMERGING GOOD PRACTICES

UNESCO Qualifications Passport for vulnerable migrants

Acknowledging the challenges faced by vulnerable migrants and refugees in having skills recognized, the Qualifications Passport for refugees and vulnerable migrants was developed to serve as a standardized document (UNESCO, 2019a). It contains an assessment part with information on the highest achieved qualification(s), subject field, other relevant qualifications, as well as relevant job experience and language proficiency (in cases where it is can be substantiated and might be

³⁰ The ILO defines prior learning as “Recognition of prior learning is a process of identifying, documenting, assessing and certifying formal, non-formal and informal learning outcomes against standards used in formal education and training” (ILO, 2018d, p. 9).

relevant). In addition, there is an explanatory part with information on the status of the document and a short description of the pilot project. Finally, there is information on prospective progress and contact information on authorities and agencies which could assist in the job-seeking process and application. Although this document does not constitute a formal recognition or authorization or license to practice a profession, it summarizes and presents available details on the applicant's educational level, work experience and language proficiency. Thus, it provides important information relevant for applications for employment and internships, as well as qualification courses and admission to studies.

Sri Lanka Skills Passport

In 2017, the Employers Federation of Ceylon, together with the Tertiary and Vocational Education Commission and ILO, implemented a pilot project to introduce the Skills Passport among returnee migrant workers. This is a document that records the knowledge, skills and competencies of a worker. It can serve workers as a "gateway" to finding a job, accessing further training for reskilling and upskilling. The digitalized form of the Passport includes a bio page of a worker, skills competencies, work experience (local and foreign), languages and extracurricular activities. The data in the Passport databases will be verified and upgraded by Federation members and the Commission. Cabinet approval was given in June 2020 to launch the Passport as a national initiative to all workers seeking employment within Sri Lanka as well as abroad. All occupations that can be tested and certified with a National Vocational Qualification from the Commission are eligible for a Passport, including domestic workers who have to qualify for a National Vocational Qualification before proceeding for overseas jobs. Initially, the Passport will be given to the 100–150 returnee migrant workers who were involved in the pilot project.³¹

Skilled Workers Arrival Database for Employment Support Skill Card India

As a result of the impact of COVID-19, over 2 million Indians have returned through the government repatriation programme, *Vande Bharath* Mission. Since many returning migrant workers have lost their jobs, the Government of India has introduced

the Skilled Workers Arrival Database for Employment Support to identify and record their skills profile. This database will help employers – both national and foreign – to recruit workers based on their skill profiles and the needs of these employers. It will also help support the reintegration of the returnees into the domestic labour market.

Skills recognition in the Agenda of Regional Consultative Processes

Both the Colombo Process of Asian Labour Sending Countries and the Abu Dhabi Dialogue (chapter 5) have given priority to skills recognition and certification. The Colombo Process established a thematic working group on skills and qualification recognition. The 2018 Kathmandu Declaration of Ministers pledged to continue dialogues regarding the possibilities of establishing a regional qualification framework for enhanced recognition of skills of migrant workers in destination countries, and promote the exchange of initiatives and good practices on recognition of prior learning for migrant workers (Colombo Process, 2018; ILO, 2018d). The Abu Dhabi Dialogue is undertaking a number of initiatives, as described below, to address skills recognition.

Governments of India and United Arab Emirates Skills Harmonisation Partnership³²

This partnership addresses mismatches between workers' skills and the requirements of employers, stimulates demand for skilled Indian workers in the United Arab Emirates and raises labour market mobility for certified workers. The partners are the Ministry of Skill Development and Entrepreneurship (Government of India), the National Skill Development Corporation in India, and the Ministry of Human Resources and Emiratisation, United Arab Emirates and the Abu Dhabi Quality and Conformity Council. Skills harmonization will be attempted in five stages: (a) aligning occupational qualifications of the United Arab Emirates and India; (b) training/ up-skilling and certification in accordance with standards; (c) recognizing Indian awarding bodies; (d) creating upskilling infrastructure in the United Arab Emirates; and (e) incentivizing recruitment and retention of skilled workers. Under the new Harmonised Skills Framework, the recruitment of 100 skilled and certified workers across two

31 Information supplied by the ILO Office for Sri Lanka and the Maldives.

32 This draws upon Abu Dhabi Dialogue (2019b). Report on the Implementation of ADD Thematic Programmes, Submitted to their Excellencies the Hon. Ministers, Abu Dhabi Dialogue 5th Ministerial Consultation, 17th October 2019.

benchmarked occupations in the construction sector will be facilitated. The Government of the United Arab Emirates will recognize additional Indian qualification sectors, such as health care, tourism and hospitality, security, domestic work, retail and ‘Future Technologies’, including Blockchain, 3D Printing and Artificial Intelligence.

Domestic worker and care worker skill upgrading³³

GCC employers are interested in hiring skilled domestic workers, but domestic workers often do not receive appropriate guidance and lack requisite skills. Some have skill deficits related to, among others, on-demand work, the use of modern household appliances and detergents, cooking, caring for children (including children with disabilities) and older persons, and coping with workplace conflicts (including with other workers). Tayah and Assaf (2018) recommended the development of national benchmarks or occupational standards, and assessing and recognizing workers’ skills against such benchmarks to better match employer expectations with worker qualifications and to improve the quality of the services delivered to employers. This recommendation on national competency benchmarks has been accepted by the Abu Dhabi Dialogue. The Abu Dhabi Quality and Conformity Council has identified four main occupations in the domestic work sector to prioritize: head housekeeper; housekeeper; child carer; and home cook. Occupational terms and standards have been developed for all four identified occupations. These benchmarks could be extended to other carer occupations, such as care for older persons, and used with regional competency standards developed to recognize the regional mobility of domestic and care workers within the GCC subregion.

Republic of Korea: The Happy Return Programme of the Employment Permit System

The Republic of Korea incorporated the Happy Return Programme in 2009 as part of its Employment Permit System to discourage overstaying. As part of the Happy Return Programme, migrant workers can participate in vocational training, as well as benefit from pre-return recruitment services, such as assistance in applying for jobs in Republic of Korean companies located in the worker’s home country, and administrative support for insurance benefit claims. The Programme aims to help workers

reintegrate into their home countries and continue using their newly-acquired skills. Vocational skills provided before return are not confined to the workers’ current employment and cover several in-demand skills. Support in linking to jobs in the home country is provided through job matching and job fairs. Certificates are issued to all workers completing the programme. Migrants are also given customized training upon return so that they can join Republic of Korean firms. The courses, including fees, are fully funded by the Republic of Korea Government.

2.6.2.3 SKILLS PARTNERSHIPS

Global Compact for Migration Objective 18 (para. 34e) calls for building “global skills partnerships amongst countries that strengthen training capacities of national authorities and relevant stakeholders”. This requires collaboration between public and private sectors, and origin and destination countries. At the global level, ILO, IOM, UNESCO, the International Organisation for Employers and the International Trade Union Confederation launched a Global Skills Partnership, in December 2018. It aims to mobilize the technical expertise of these organizations toward supporting governments, employers, workers and their organizations, educational institutions and training providers, and other stakeholders to develop and recognize migrant workers’ skills, with a focus on women and youth. Particular attention will go to low- and medium-skilled migrants, with support from skills partnerships at local, national, subregional and regional levels (ILO, IOM and UNESCO, 2018).

At a subregional level, the Australia-Pacific Training Coalition provides an example of a skills mobility partnership. Established with support from the Australian Agency for International Development, in 2006, it is designed to provide training excellence to selected centres in the Pacific, and help Pacific nationals gain Australian-standard skills and qualifications for vocational careers and occupations in high demand throughout the Pacific (Chaloff and Yusuki, 2020). It provides an opportunity for Pacific island countries to build local skills to replace costly foreign workers. But overseas mobility in the first two stages was very low due to limited availability of local jobs, the absence of a linked labour migration programme and stringent requirements of Australian skilled migration options. The programme, now in its third stage (2018–2022), has introduced major

³³ This draws upon Tayah and Assaf (2018) and Abu Dhabi Dialogue (2019b).

reforms. It places more emphasis on labour mobility connecting graduates to migration pathways. Participants choose between domestic or labour mobility tracks, and eligible students in the latter are provided with necessary additional training, as well as further support to meet migration requirements (ILO, 2019g).

2.7 Conclusion

People facing poverty, high unemployment and underemployment, and increasing income inequalities have turned to temporary labour migration in the region. Political and armed conflicts, human rights violations, corruption and political persecution also act as drivers of unsafe and disorderly migration. Sudden and slow-onset disasters, climate change and environmental degradation directly and indirectly impact the resilience and vulnerability of individuals, households and communities, and are triggering widespread internal and international migration.

Throughout the region, pathways for regular labour migration exist across different skill levels. These, however, particularly for workers in elementary occupations, are often costly and cumbersome, giving rise to a preference for irregular channels in some migration corridors. Legal channels also have not kept pace with employer demand for workers or the size of the labour pool seeking employment. In addition to more regular channels for migrant workers at all skill levels, there is a need for safe, regular and accessible migration pathways for other categories of migrants, including those moving for child protection, family unity, education-related opportunities and humanitarian grounds.

With the majority of migrants in the region being migrant workers and private recruitment agents dominating the recruitment sector in many countries, migrant workers face risks of exploitation and human rights violations if recruitment practices are not regulated or do not follow global, regional and national standards. Malpractices in recruitment processes erode migration benefits for migrant workers, their families and society in general. Women face discrimination in migration laws and practice, and are at particular risk of violence, abuse and exploitation in the workplace, particularly in domestic work. Good practices, based on collaboration between governments and relevant stakeholders at national and regional levels, show that measures — such as the prohibition of

recruitment fees in destination and origin countries, wage protection, adherence to occupational safety and health standards, decent work promotion, the introduction of complaint mechanisms and provisions for worker mobility — can lead to improvements. Importantly, rules and regulations covering recruitment practices and decent work need to be enforced across borders to ensure compliance by employers and recruitment agencies.

Within the region, irregular migration, smuggling of migrants, trafficking in persons and forced labour are significant challenges. In addition, migrants in vulnerable situations may not meet the refugee definition contained in the Convention relating to the Status of Refugees, but are entitled to protection under the international human rights framework. Migrants in vulnerable situations have a wide array of needs cutting across sectors and providers, and there is fragmentation and overlap in protection pathways and service delivery, given the existence of multiple organizations. Existing procedures for screening, assessment and referral of victims of trafficking in persons and migrants in situations of vulnerability, including children, are often slow and inadequate, although good practices, especially related to children, can be found in the region.

Skills development to enhance employability is of vital importance for all actors to benefit from migration. Recognition of qualifications and skills are beneficial to workers and employers in countries of destination and origin (upon return). In the region, there have been several positive developments both immediately prior to and since the adoption of the Global Compact for Migration. Some of them have taken place at the international, regional and national levels, involving United Nations Member States, United Nations entities and other relevant stakeholders. However, there is a need to build on these initiatives to ensure full recognition of migrants' skills

2.8 Recommendations

The following recommendations, listed according to each Global Compact for Migration objective covered by this chapter, are for action by Asian and Pacific Governments, in partnership with all relevant stakeholders and through a collaborative approach:



MINIMIZE THE ADVERSE DRIVERS AND STRUCTURAL FACTORS THAT COMPEL PEOPLE TO LEAVE THEIR COUNTRY OF ORIGIN

- Strengthen efforts to achieve the SDGs, particularly SDGs 1 (no poverty), 2 (zero hunger), 8 (economic growth and decent work) and 10 (reduced inequalities) to minimize pressures for unsafe, disorderly and irregular migration, and provide the choice for people to remain at home.
- Strengthen the evidence base required to understand the intersectionality between migration and the SDGs.
- Address the environmental drivers of migration through meeting commitments to prevent environmental degradation, and building resilience and reducing vulnerabilities by enhancing implementation of the 2030 Agenda, particularly SDG 13 on climate action, the Sendai Framework for Disaster Risk Reduction, the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention to Combat Desertification and the Convention on Biological Diversity.
- Migration and mobility should be mainstreamed into climate mitigation and adaptation plans for action. States should aim to increase legal access to safe, dignified migration channels and planned relocation. States should also take measures to introduce required age-, disability- and gender-responsive policies and legal protection systems for people affected by climate change. Research and the dissemination of information on climate change induced displacement should be promoted.
- Ensure all stakeholders urgently address the causes of displacement and movements brought about by conflicts and violence, human rights violations, food insecurity, corruption and political persecution, including through intensified efforts for effective implementation of SDG 16, with its comprehensive approach to peace, development and conflict prevention.



ENHANCE AVAILABILITY AND FLEXIBILITY OF PATHWAYS FOR REGULAR MIGRATION

- Review existing pathways for regular migration and take appropriate action to provide migrants' access to safe, transparent and affordable regular migration, including through special visa categories and addressing: labour market needs, for all types of skills; family reunification; academic mobility; and human rights and humanitarian protection.
- Improve and standardize gender disaggregated migration data systems, especially on emerging demands for skills and occupations, to provide the evidence base for governments and migrants to make informed choices on labour mobility.
- Build public consensus in countries of destination on appropriate labour mobility policies and the decent treatment of migrant workers by acknowledging, documenting and disseminating the valuable contributions of migrant workers to growth and sustainable development of their countries.
- Address existing barriers to labour mobility, including cumbersome immigration regulations in occupations where there are shortages, high migration costs, gender discrimination, and non-recognition of skills and qualifications, including through flexible visa and work permit systems.
- Use regional economic communities to expand legal and flexible pathways for orderly migration and mobility for workers with different skills for effective realization of welfare gains from economic integration.



FACILITATE FAIR AND ETHICAL RECRUITMENT AND SAFEGUARD CONDITIONS THAT ENSURE DECENT WORK

- Enforce, through effective means, labour and migration laws, including through rapid development and enforcement of implementing rules and regulations and enhanced labour inspection services, to ensure decent working and living conditions, and access to justice for all migrant workers.
- Review, with the participation of all stakeholders, constraints to effective regulation of private employment agencies and their subagents in origin and destination countries, and address them through adoption, enforcement and monitoring of

legislation guided by the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.

- Promote, support and participate in international initiatives to address fair recruitment of migrants including the ILO Fair Recruitment Initiative, the IOM International Recruitment Integrity System, private sector initiatives on responsible recruitment, and trade union and civil society monitoring systems, such as the Migrant Recruitment Advisor Platform.
- Promote job mobility of migrant workers in countries of destination through eliminating retention of travel and identity documents, and permit job changes for admitted migrant workers in shortage occupations on a flexible basis, provided reasonable contractual obligations, including required notice periods, are met.
- Ensure protection of women migrant workers, especially migrant domestic workers, through: ratification of relevant ILO migrant worker Conventions, especially C.189, and C.190; extension of labour law to excluded groups, such as migrant domestic workers; removal of gender based discrimination in admission and post admission policies; and appointment of women labour attaches; as well as: gender responsive support services; effective complaints and dispute resolutions systems; access to support from trade unions and CSOs; skills development; and sex-disaggregated data collection.



STRENGTHEN CERTAINTY AND PREDICTABILITY IN MIGRATION PROCEDURES FOR APPROPRIATE SCREENING, ASSESSMENT AND REFERRAL

- Ensure prompt and individualized screening, assessment and referral procedures for all migrants, including children, that can identify those in vulnerable situations and provide timely and adequate assistance through effective coordination among multiple organizations offering protection systems and services.
- Develop or improve migration, social protection and labour policies to benefit migrants in vulnerable situations, including through sharing information on protection gaps with the stakeholders involved.

- Ensure effective implementation of anti-trafficking initiatives and frameworks, including the March 2016 Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime and other relevant Bali Process initiatives, the ASEAN Convention on Trafficking in Persons, Especially Women and Children, and the associated Bohol Workplan, and the Coordinated Mekong Ministerial Initiative Against Trafficking in Persons.
- Provide migrants who have been identified as trafficked persons with protection and temporary residence permits during legal proceedings as well as options for continued stay, resettlement or (preferably voluntary) repatriation.
- Strengthen child protection systems, in collaboration with all stakeholders, and ensure they are accessible to children affected by migration. In this respect, countries should promote and implement their obligations under the United Nations Convention on the Rights of the Child, in particular the principle of the best interests of the child, as well as the ASEAN Declaration on the Rights of Children in the Context of Migration.



INVEST IN SKILLS DEVELOPMENT AND FACILITATE MUTUAL RECOGNITION OF SKILLS, QUALIFICATIONS AND COMPETENCES

- Ratify the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo Convention) and implement its provisions to effectively manage recognition of diverse pathways of learning, including online learning.
- Implement schemes for formal recognition of prior learning by migrant workers and enforce mechanisms for recognition of qualifications of returnee migrants, building on existing good practices in the region, such as skills passports.
- Collaborate across borders to identify the demands for skills, promote demand-driven skills development to ensure the employability of migrants, and provide opportunities for migrants to acquire vocational skills through public-private partnerships and during employment abroad.
- Promote mutual recognition agreements of skills within regional economic communities and remove barriers to these, as well as progressively extend them to cover middle skilled occupations.



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Lesvos, Greece, September 29, 2015: Refugees, escaping war arriving in Greece by boat from Turkey.

Chapter 3

Protecting migrants through rights-based border governance and border management measures



This chapter addresses the following objectives of the Global Compact for Migration:

- 4 Ensure that all migrants have proof of legal identity and adequate documentation
- 8 Save lives and establish coordinated international efforts on missing migrants
- 9 Strengthen the transnational response to smuggling of migrants
- 10 Prevent, combat and eradicate trafficking in persons in the context of international migration
- 11 Manage borders in an integrated, secure and coordinated manner
- 13 Use migration detention only as a measure of last resort and work towards alternatives
- 21 Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

3.1 Introduction

Border governance and border management are central to achieving safe, orderly and regular migration. What migrants experience (and expect to experience) at the border informs their decisions throughout the migration cycle: the routes they take, how they live and work in transit and when they reach their destination, and their options for return. Laws and policies defining border governance can facilitate migration that is safe for migrants, but they can also exacerbate migrants' risk of human rights violations. Only a rights-based approach to border governance and management can realize the aspiration of the Global Compact for Migration, to ensure safe, orderly and regular migration.

Border governance encompasses the broad range of legislation, policies, plans, strategies and activities related to the entry of persons into, and the exit of persons from, the territory of a State. It covers detection, interception, rescue and immediate assistance, screening, interviewing, identification of situations of vulnerability and appropriate referral, reception, detention and return. It also covers related activities, such as training and capacity-building, cooperation and coordination, and technical, financial and other assistance, including that provided to other States (OHCHR, 2014b; OHCHR and Global Migration Group, 2018). Border management refers to the administration of measures to facilitate and expedite authorized movement of persons

(regular migration) and goods, whilst preventing and intercepting unauthorized movements of persons (irregular migration) and goods, for example by detecting, disrupting and investigating those responsible for transnational crimes, including smuggling of migrants, trafficking in persons and related crimes, as well as identifying the victims of such crimes or any other person in need of assistance and/or protection.³⁴

Migrants cross or try to cross international borders every day. As outlined in chapter 2, they do so for multiple and often overlapping reasons: to work, reunite with family, and escape environmental change and disasters and poverty, discrimination and other human rights violations. Though much migration proceeds relatively smoothly, borders can be dangerous places for migrants. States often explicitly exempt borders from their international human rights obligations through legislation or policies, such as those related to extraterritorial processing. This can allow border officials and private actors, such as airline officials, security companies, smugglers or traffickers, to abuse migrants' rights with impunity.

According to the Global Compact for Migration, States have a sovereign right to exercise border controls. All border governance measures must ensure that the human rights of migrants are respected, protected and fulfilled, without discrimination of any kind. State measures addressing migration at international

³⁴ Note: Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory, and interdictions at sea. Under international human rights law and international refugee law, States have a responsibility to ensure that border management legislation, policies and practices adhere to human rights and refugee law and respect the rights of all people moving across their borders despite their migration status. OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (OHCHR, 2014b) provide guidance on how to ensure border governance and management activities comply with human rights standards. Also see IOM Key Migration Terms, <https://www.iom.int/key-migration-terms>.

borders must support border staff in dealing with the complicated reality of migration, including myriad documentation issues and diverse migrant situations and needs, without adversely affecting the dignity and rights of all migrants. Migration governance more broadly is also needed to ensure that States coordinate and cooperate with a wide and complex range of other State and non-State actors.

Respecting the human rights of all migrants regardless of their nationality, migration status or other circumstances, facilitates effective border governance. States assume their human rights obligations voluntarily and in exercise of their sovereignty, in pursuit of a shared objective of "encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (United Nations, 1945). Global migration governance measures support rather than cede national sovereignty, by giving States more control to determine who enters and stays in their territory through enhanced coordination and cooperation between States, leading to improved migration governance that better respects human rights (OHCHR, 2014a).

This chapter reviews progress in the region in regard to the abovementioned Global Compact for Migration objectives. It provides some examples of promising practices in the region across elements of border governance affirmed in the Global Compact for Migration. Although all of the objectives addressed in the chapter are relevant to border governance, several have elements that extend to other areas of migration experience and governance beyond the remit of this chapter.

3.2 Ensure that all migrants have proof of legal identity and adequate documentation

RELATED TO OBJECTIVE 4

Everyone has the right to nationality. The requirement for official identity documentation facilitates safe and regular migration and prevention of statelessness in domestic contexts. A lack of birth registration and documentation undermines a person's dignity, ability to earn a livelihood, access to services and, thus, the social and economic development of their country of residence; it also

puts the individual, and particularly children, at risk of being stateless (see, for example, United Nations, 2019a). Access to birth registration, regardless of parental migration status, is critical to ensuring all children enjoy rights to nationality as a prerequisite for enjoyment of a wide range of human rights, such as access to health care, education, and social welfare and protection. Statelessness can leave children at risk of exploitation and abuse, including that associated with child labour and recruitment into armed forces and groups, child marriage, and reliance on smugglers to travel. The human right of every person, including migrants, to a nationality, and the right of every child to be registered immediately after birth and to acquire nationality, are not fully reflected in current State practice throughout the region.

3.2.1 Legal frameworks

The right to a nationality is a fundamental human right connected to the enjoyment of other human rights, as well as being necessary to access regular migration pathways. It is recognized in a number of the core international human rights treaties (including United Nations, 1948; 1965; 1966b; 1979; 1989; 1990; 2006a). The Convention on the Rights of the Child, to which all ESCAP member States are States parties, in Article 7, specifies that States parties shall ensure the implementation of the rights of a child to be registered, to have a name, to acquire a nationality and to know and be cared for by their parents. States parties are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when they are born. A key measure is the conferral of nationality to a child born on the territory of the State, at birth or as early as possible after birth, if the child would otherwise be stateless (United Nations, 2017e). One of the most important safeguards to prevent statelessness is thus to ensure that nationality laws allow children born in the territory of a State to acquire the nationality of that State if they would otherwise be stateless; that is, someone who is "not considered as a national by any State under the operation of its law" (United Nations, 1954, Art.1(1)). Statelessness is regulated in the Convention relating to the Status of Refugees (United Nations, 1951), the Convention relating to the Status of Stateless Persons (United Nations, 1954), and the Convention on the Reduction of Statelessness (United Nations, 1961a), though accession to these is very low in the region (annex tables 11–12).

The lack of a regional human rights framework and associated bodies advancing regional norms and jurisprudence further limits options for ensuring the right to a nationality and protecting the human rights of stateless persons. However, ASEAN member States have affirmed the right to a nationality in the ASEAN Human Rights Declaration. In the ASEAN Declaration on the Rights of Children in the Context of Migration (2019), member States agreed “to coordinate with respective concerned consular offices/embassies/legal authorities in facilitating the registration of all births on our territories and the issuance of birth certificates, allowing for all children born in the territory to be registered in accordance to the respective prevailing laws and regulations” (operative paragraph 8).

The 2030 Agenda, in target 16.9, calls on all States to provide legal identity for all, including birth registration, by 2030 (United Nations, 2015a). In adopting the Global Compact for Migration, States reaffirmed commitment to fulfil the right of all individuals to a legal identity by providing their nationals with proof of nationality and relevant documentation and strengthening measures to reduce statelessness, including by registering migrants’ births, and ending gender discrimination in nationality laws (United Nations, 2019e). States should also take measures to ensure that migrants are able to access safely the necessary documents during public health emergencies (chapter 6).

3.2.2 Regional patterns and concerns

Asia-Pacific migrants often have limited access to birth registration for their children. This is especially the case when they are undocumented, but also applies when they have a regular migration status. For example, migrants in the Republic of Korea have to register births with their embassy, and a child born to an unmarried Korean father and non-Korean mother requires the child to have a passport issued by the mother’s country of origin, which may not be feasible. Furthermore, in Brunei Darussalam, Kiribati, Malaysia (if children are born overseas) and Nepal, women are prohibited from conferring their nationality to their spouses and children. This denies both the mother’s equal nationality rights and the child’s right to acquire a nationality (United Nations, 2018d; UNHRC, 2019a; Global Campaign for Equal Nationality Rights and others, n.d.).³⁵

Barriers to migrants passing on their nationality or citizenship to their children can compromise the child’s rights, such as access to education or health care. Discriminatory social contexts also present a barrier to women’s access to nationality and citizenship documentation. This immediately excludes them from many State protections and puts them at a heightened risk of statelessness (United Nations, 2014a; 2017f; OHCHR, 2013; OHCHR and Global Migration Group, 2018). Racial and ethnic discrimination also cause statelessness (United Nations, 2004). In North and Central Asia, statelessness is mainly due to ethnic-based discrimination since the dissolution of the Soviet Union (Institute on Statelessness and Inclusion, 2020). In 2019, the exclusion of nearly 2 million people in Assam state, India, from the National Register of Citizens, put them at risk of statelessness and indefinite detention (OHCHR, 2019d). The Rohingya, the world’s largest known stateless population, are excluded from Myanmar’s 1982 Citizenship Law that guarantees nationality by birth to members of 135 listed ethnic groups. This deprivation of nationality rendered the Rohingya stateless, fuelling discrimination and persecution and contributing to large-scale movements within the region.

Where borders cut through areas used by nomadic peoples they can be at risk of statelessness and other human rights concerns. This is the case for the Sama Dilaut, a migratory maritime people of South-East Asia, many of whom are descendants of refugees brought about by civil unrest in the southern Philippines in the 1970s. Largely undocumented, they live and move across eastern Borneo (Indonesia and Malaysia), the west coast of Sulawesi (Indonesia) and the southern Philippines. They face acute discrimination and high risk of statelessness (Brunt, 2017).

3.2.3 Promising practices

In the Regional Action Framework on Civil Registration and Vital Statistics (CRVS) in Asia and the Pacific (2014), countries in the region agreed on: (a) universal civil registration of births, deaths and other vital events; (b) provision of legal documentation of civil registration of births, deaths and other vital events, as necessary, to claim identity, civil status and ensuing rights; and (c) production and dissemination of accurate, complete and timely vital statistics

³⁵ Brunei Darussalam also has a reservation on the Convention on the Elimination of All Forms of Discrimination against Women (women’s equal rights with men with respect to the nationality of their children, United Nations, 1979).

(including on causes of death), produced based on registration records (ESCAP, 2014b). A Ministerial Meeting to follow-up on this Declaration, scheduled for 2021, will provide opportunities to address the protection needs of people on the move with regard to registration and documentation. By adopting the Regional Action Framework, Asia-Pacific States have affirmed the important contribution of CRVS to promoting social protection and inclusion by facilitating access to essential services, promoting gender equality, and preventing and reducing the risk of statelessness and other human rights violations, as well as promoting durable solutions for refugees, including by documenting links to countries of origin (ESCAP, 2014a).

At the High-Level Segment on Statelessness, convened by UNHCR in October 2019, 360 pledges were made to improve national birth registration procedures, including pledges by Indonesia, Kazakhstan, Kyrgyzstan, the Philippines, Tajikistan and Turkmenistan. Some ESCAP member States have committed to assessing inequalities in access to registration, often faced by migratory populations. Eight Asia-Pacific countries “pledged” on action to address statelessness (Azerbaijan, Indonesia, Kazakhstan, Kyrgyzstan, Philippines, Tajikistan, Thailand and Turkmenistan), including on birth registration (UNHCR, 2019b). In 2019, Kazakhstan amended its national procedures to ensure universal birth registration and prevent childhood statelessness, allowing children of undocumented migrants full inclusion in the national CRVS system (UNHCR, 2019a).

In 2019, the Islamic Republic of Iran amended its nationality law to allow children born to Iranian women and non-Iranian men to acquire Iranian nationality, regardless of whether they are born on Iranian territory (UNHCR, 2019c). Uzbekistan has amended its Citizenship Law, conferring citizenship to an estimated 50,000 stateless people and their children, and has introduced universal birth registration, including for children born to, among others, parents who are undocumented migrants (UNHCR, 2020c). Turkmenistan’s Law on Civil Status Acts entered into force in July 2020. The new law will ensure that all children born in the country, including those of undocumented parents, have their births registered (UNHCR, 2020b).

A 2019 project in Belu/Indonesia, that borders Timor-Leste, aimed to increase birth registration among approximately 5,000 under-registered children, including children of mixed Indonesian/Timorese descent who may have at least one parent with

a migratory background (UNHCR, n.d.). In April 2019, the National Human Rights Commissions of Malaysia and Indonesia signed an MoU, with the Commission on the Human Rights of the Philippines as an observer. The Malaysian Commission will collaborate on research and draw up a joint action plan to address statelessness in Sabah from a human rights perspective, with the aim to provide recommendations for the government of Malaysia as well as neighbouring countries.

The Kiribati Ministry of Justice is working with UNICEF Pacific and UNHCR Multi-Country Representation in Canberra to review and reform Kiribati citizenship law and policy in order to prevent childhood statelessness and ensure equal rights of I-Kiribati men and women to confer their nationality to their children born abroad. As part of this cooperation, a consultation workshop on “Every Child’s Right to Nationality, Statelessness and Gender Equality in Conferral of Nationality” was organized, in November 2019, by the Government of Kiribati (under the leadership of the Ministry of Justice), with UNHCR and UNICEF support.

Nationality for All is the only regional-level CSO in Asia and the Pacific working solely on statelessness. It emerged from the work of the Statelessness Network Asia Pacific over the preceding five years to connect and mobilize civil society in the region. Nationality for All works to support and promote collaboration between governmental actors, United Nations agencies, and civil society on addressing the impact and root causes of statelessness in the region. Advocating to end childhood statelessness and to reform nationality laws, policies and practices that discriminate on the basis of gender, ethnicity and religion is central to this work. Partnering with civil society, it uses a range of strategies, including identifying and sharing good practices relevant to the region, technical advice and government engagement on solutions, and developing evidence-based tools and training to support partners and affected communities in its work.

There is consensus on the goal of universal birth registration in the Asia-Pacific region and an agreed framework on how to move towards this shared goal, which is a cornerstone of efforts to reduce the risk of statelessness. Measures include strengthening CRVS systems and removing discriminatory nationality law provisions, as well as providing support to address specific situations of stateless persons or people at risk of becoming stateless. Despite these efforts,

many migrants remain without required identity documentation, undermining their ability to realize their rights, including by limiting access to services.

3.3 Save lives and establish coordinated international efforts on missing migrants

RELATED TO OBJECTIVE 8

Search and rescue is a vital element of border management work and of ensuring safe migration. It arises from States' obligations under international human rights law and, in the context of rescues at sea, is one of the oldest principles of the law of the sea and a well-established principle of customary law. As noted in chapter 1, the region continues to see mixed migration through well-established irregular and unmonitored land and maritime routes (United Nations, 2019e), with States' responses often focused on deterrence instead of on human rights and humanitarian assistance, and approaches that endanger the lives of migrants in distress (UNHCR, IOM and UNODC, 2020). Interception practices, such as pushback measures to prevent the onward journeys of vessels towards States of destination, have resulted in persons remaining aboard vessels stranded at sea in dangerous circumstances for several months. Search and rescue operations should be especially maintained during public health crises, such as COVID-19, while ensuring compatibility with public health measures (chapter 6).

3.3.1 Legal frameworks

States are required to make every effort to protect all persons' rights to life, wherever they are at risk on water or land and regardless of their nationality or status or the circumstances in which they are found (United Nations, 1966b; 2016b; 2018f; 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). This means retrieving persons in distress, providing for their initial medical or other needs, and delivering them to a place of safety (box 10). This pertains even when the State is intercepting a boat engaged in smuggling. The Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol), which supplements the United Nations Convention against Transnational Organized Crime, requires that States "ensure the safety and humane treatment of the persons on board" (United Nations, 2000b). Border officials should avoid any dangerous interception measures, such as

BOX 10 Protection at sea framework

One of the oldest principles of the law of the sea and a well-established principle of customary law applies in the case of rescue at sea. It requires that States (and private vessels) respond to situations of distress and provide rescue of and assistance to any person. This applies even on the high seas that are beyond States' territorial waters (IMO, 1974; 1979; 1989).^a The flag State — the State under whose jurisdiction a vessel sails — has a duty to ensure its vessels render assistance and rescue people in distress at sea (United Nations, 1982, Art. 98). Rescue is not complete without ensuring that the rescued migrant is taken to a place of safety, which for migrants at sea implies disembarkation. There are no agreed criteria for this, but guidance indicates that it should be carried out promptly and to a place where the safety and well-being of the migrants can be guaranteed. Any operations and procedures, such as screening and status assessment of rescued migrants, that go beyond rendering assistance to persons in distress should not be allowed to hinder the provision of such assistance or unduly delay disembarkation (IMO, 2004). The Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime encourages States to work to identify more predictable disembarkation options. A "place of safety" should be a location where the rescued migrants' safety and life are no longer at risk; basic human needs, such as food, shelter and medical needs, and any age- or gender-specific issues, can be met; and transportation arrangements can be made for their next or final destination, ensuring protection of onward refoulement (IMO, UNHCR and International Chamber of Shipping, 2015; OHCHR and Global Migration Group, 2018).

^a Noting that the territorial zone of a State extends up to 12 nautical miles (1 nautical mile = 1,852 metres) from its baseline, and the State has full jurisdiction and control over its territorial waters.

pushbacks at sea, that pose a risk to the safety and lives of migrants (OHCHR, 2016). These could amount to collective and arbitrary expulsions or refoulement, whereby migrants are returned to countries where they face torture; cruel, inhuman or degrading treatment or punishment; or other irreparable harm.

Reception facilities and the immediate, unconditional assistance provided must meet human rights standards with appropriately trained staff. The assistance must not be conditional, for example, on an individual agreeing to be returned to their origin country or most recent transit country. Where necessary, assistance should take priority over border control or police or other enforcement procedures (United Nations, 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). Reception facilities need to be child-sensitive and gender-responsive. Migrant families should not be separated during disembarkation and border controls, or at reception or registration (OHCHR and Global Migration Group, 2018). Reception facility staff and other relevant actors should enable migrants' communication with their families and access to consular missions, and facilitate communication and information flow with families looking for missing migrants (United Nations, 1961b; 2000b; 1990; 2008b; 2011; 2016b; 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). States need to facilitate the provision of humanitarian assistance to migrants in distress and ensure that civil society actors, shipmasters, and other actors are not criminalized for providing this lifesaving help (United Nations, 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

The Global Compact for Migration affirms that States have a duty to: ensure that their migration-related policies and laws do not create the risk of migrants going missing; search for individuals who do go missing in the course of their migration; and provide information and support to their families (ICRC, 1949; United Nations, 2006b; 2019e; OHCHR and Global Migration Group, 2018). Irregular migration can be especially precarious and lead to the disappearance of some migrants. They may get lost or be abandoned by facilitators, including smugglers en route, on land or at sea, potentially resulting in death. If a State makes finding or identifying missing migrants difficult, this may constitute facilitating disappearances (UNHRC, 2017). All State authorities and civil society actors need to ensure that any photographs, declaration, personal data or belongings of rescued or missing migrants are not taken or used, unless necessary and proportionate to a legitimate purpose, in accordance with international human rights law (United Nations, 1948; 1966b; 1989; 1990; 2019e; OHCHR, 2014c; 2014b; OHCHR and Global Migration Group, 2018).

3.3.2 Regional patterns and concerns

Migrants and refugees have died or gone missing in mixed movements along the route from South and South-West Asia towards Europe, and maritime movements in South-East Asia (for data, see chapter 1). Recorded causes of deaths during migration in the region are primarily dehydration, starvation, violence, drowning or vehicular accident (IOM, 2020 n.d.b). Yet, deaths and disappearances are not commonly reported by people on the move or their relatives, especially when travelling irregularly, nor systematically recorded by governments. Where data are collected, they are often not gender- or age-disaggregated. Furthermore, State cooperation remains limited in terms of prevention, such as ensuring compliance with search and rescue obligations and ensuring disembarkation, and clarification of the fate of missing migrants.

To date, there are no regional mechanisms ensuring equitable and predictable disembarkation of people in distress at sea, despite the political commitments made by all Bali Process member States in their March 2016 Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime, and reaffirmed at the August 2018 Bali Process Ministerial Conference (Bali Process, 2016a).

3.3.3 Promising practices

The Bali Process acts as a regional forum for policy dialogue, information sharing and practical cooperation (see chapter 5 for further details). It has a Task Force on Planning and Preparedness, comprising operational level governmental officials responsible at national level to deal with trans-border large movements of migrants and refugees. This aims to develop early warning capabilities of officials and their capacity to coordinate action at an operational level in the event of a large influx of irregular migrants. The fifth Task Force Co-chair statement, in February 2020, recognized "the primacy of saving lives at sea and not endangering the life and safety of persons in responding to irregular maritime migration" (Bali Process, 2020b). The Task Force has potential, but is currently limited to information sharing, rather than providing concrete guidance.

In 2015, ASEAN member States established a Trust Fund "to support the humanitarian and relief efforts involved in dealing with challenges resulting from irregular movement of persons in

Southeast Asia". The Fund can support emergency humanitarian activities related to the irregular movement of persons in Southeast Asia. It was identified as a relevant ASEAN mechanism to address maritime movements and support countries of disembarkation.

Indonesia adopted Presidential Regulation No.125 Concerning the Handling of Foreign Refugees (2016) determining governmental agencies' responses to persons in distress at sea, including in terms of coordination of rescue and immediate assistance. The Indonesian Search and Rescue Agency has also developed operational procedures to ensure coordinated rescue at sea and disembarkation of persons in distress at sea (Indonesia, 2016).

Efforts to ensure safe disembarkation of persons in distress at sea in Aceh stands as an example of a whole-of-society approach with regards to coordination on search and rescue and disembarkation. Members of fishing communities have intervened to bring people in distress to shore (Siegfried, 2020a; 2020b).

There is a need to build on the Bali Declaration commitments in the region to ensure comprehensive, coordinated, victim-, protection- and human rights-centred procedures that protect the lives of people on the move. These complement measures to reduce migrants' situations of vulnerability, such as ensuring safe and regular migration routes (chapter 2) to ensure no one dies during migration.

3.4 Strengthen the transnational response to smuggling of migrants

RELATED TO OBJECTIVE 9

Smuggling of migrants is often a function of underdevelopment, as well as of border governance. It follows the pathways of labour migration, filling a gap created by prohibitive costs for regular migration to low-wage labour opportunities, as well as meeting the needs of people moving from situations of vulnerability. The lack of accessible, safe and legal pathways for migration fuels this activity exposing migrants to exploitation and other human rights violations. For example, Cambodian nationals have been documented as paying between 5 and 20 per cent of the cost to regular migrants to be smuggled into Thailand. Similarly, the costs of irregular migration from the Lao People's Democratic

Republic to Thailand are equivalent to only one month's salary, compared to approximately four to six months' wages in Thailand using official and regular migration channels (UNODC, 2018c). For some, smuggling has become a livelihood strategy. A criminal law perspective alone is insufficient to end smuggling. States are required to strengthen development programmes and cooperation at the national, regional and international levels, with special attention to economically and socially depressed areas, in order to combat the root socioeconomic causes of the smuggling of migrants, such as poverty and underdevelopment, and the lack of accessible, safe and regular pathways for migration (United Nations, 2000a).

3.4.1 Legal frameworks

While smuggling is a crime in international law, it does not in itself constitute a human rights violation. However, migrants who have been smuggled are at increased risk of abuse and exploitation when the smuggler exploits unequal power relationships. The situation is imperilled by dangers and delays in transit, crossing borders in a clandestine manner due to regular channels for migration being insufficient or unaffordable, and increased border securitization. Being smuggled does not negate any human rights of migrants regarding access to protection and assistance measures.

The Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol), which supplements the United Nations Convention against Transnational Organized Crime establishes migrant smuggling as a crime and sets out various response measures States are required to take or encouraged to consider (see annex table 11 for ratification). These include preventing the facilitation of irregular entry to obtain a financial or other material benefit. The stated intention of States in adopting the Protocol was to criminalize and prosecute those smuggling others for gain, not migrants themselves (United Nations, 2000b). Similarly, the purpose of migrant smuggling being for "financial or other benefit" was included to ensure persons assisting or facilitating irregular entry of migrants solely on the basis of family and/or humanitarian motives should also not be criminalized: the Protocol is focused on transnational organized crime groups (UNODC, 2017). Furthermore, it affirms that responses to migrant smuggling situations should accord to States' existing protection

obligations under international human rights law, as well the 1951 Refugee Convention (United Nations, 2000b).

Under the Protocol, States parties should protect smuggled migrants, in particular their right to life and not being subject to torture or other cruel, inhuman or degrading treatment or punishment, and to take appropriate measures to protect them against violence. They are also to offer appropriate assistance to migrants whose lives or safety are endangered due to being smuggled. Thus, any measures States take to address migrant smuggling must consider human rights obligations and migrant protection needs (United Nations, 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). The Protocol also requires States to criminalize producing, obtaining or providing fraudulent travel or identity documents to enable migrant smuggling (United Nations, 2000b). States recognize some individuals feel compelled to use smugglers to cross borders otherwise closed to them, and international law recognizes that individuals seeking asylum often need to enter a country without required documentation and should not be penalized for irregular entry (United Nations, 1951; 2016b).

3.4.2 Regional patterns and concerns

The smuggling of migrants ranges from land travel on foot to sea journeys and direct air travel from origin countries; air travel has the lowest physical risks for the migrant, but the costs involved put it out of reach for many or may lead to severe debts. As sea or air smuggling routes generally require more resources and organization, land routes are often widely used when geography allows (UNODC, 2018b). Border crossings via land might not require sophisticated smuggling activities; for example, where border controls are not heavily enforced in parts of the Mekong subregion or North and Central Asia. The use of a smuggler's facilitation is not only to evade border controls, but also to increase the probability of safe passage along hazardous overland trails (see table 5, on key migrant smuggling routes).

While the majority of States in the region have ratified the Smuggling of Migrants Protocol (annex table 11) and criminalized migrant smuggling in some form, and some have introduced related legislation to protect migrants who have been smuggled, incorporation of all aspects of the international legal definition of migrant smuggling into national law has been uneven. For example, Malaysian law does

not include the "financial or other material benefit" element of the definition, leaving no exemption to protect persons involved in smuggling of family members or acting for solely humanitarian reasons, with the effect of expanding the concept of migrant smuggling and, thus, the scope of criminalized conduct. This creates a protection gap, as those providing rescue and assistance to migrants could be prosecuted under this law. Furthermore, many Asia-Pacific States have criminalized irregular entry and stay, and sometimes criminalized those providing accommodation and employment to undocumented migrants. This approach is inconsistent with both the letter and spirit of the Protocol, which primarily aims to address organized crime, not migration (ESCAP, 2017a).

Recognizing that smuggling is inherently cross-border, the Global Compact for Migration recommends the use of transnational, regional and bilateral mechanisms to share relevant information and intelligence on smuggling routes, risks to migrants and related matters. Most operational cooperation in the region occurs at the bilateral level, between origin or transit countries and destination countries (ESCAP, 2017a). However, such cooperation is currently opaque, and the extent to which agreements take into account international legal obligations is unclear (OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

Where counter-smuggling measures only entail border closures, this can lead to rapid route displacement rather than a reduction in smuggling. Furthermore, stricter border control measures can heighten risks to migrants and provide more opportunities for smugglers to profit (UNODC, 2018b). Counter-smuggling measures and initiatives that help manage irregular migration (such as creating special zones at airports or readmission agreements) must not adversely affect migrants in enjoying their rights and dignity (OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

Every year, thousands of migrants die during smuggling activities. Accidents in extreme terrain and weather, reliance on risky and unsafe methods of transportation, and other conditions, as well as deliberate killings, have been identified along most smuggling routes. The perilous route from South-East Asia to Europe was exposed in late 2019 when the bodies of 39 Vietnamese nationals were found in a refrigerated lorry trailer in the United Kingdom (Independent Anti-Slavery Commissioner, 2019). Vietnamese migrants often use the services of

smugglers to reach European Union States. Migrants crossing borders irregularly risk violence not just from smugglers, but also from border officials (UNODC, 2018b).

3.4.3 Promising practices

The Bali Process has made migrant smuggling one of its principal focuses. The Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks, co-chaired by Fiji and New Zealand, focuses on concrete, action-oriented activities, through Joint Periods of Action, to disrupt and dismantle criminal networks involved in these crimes.

3.5 Prevent, combat and eradicate trafficking in persons in the context of international migration

RELATED TO OBJECTIVE 10

Trafficking in the context of migration is a risk for migrants regardless of their status. Migrants who have used regular migration pathways to access work opportunities such as temporary or seasonal work may be at risk of exploitation, which in some cases may constitute trafficking in persons. Factors such as dependence on employers for documentation and repeat contracts, and high recruitment costs facilitate exploitation; migrants may feel they have little option but to accept such circumstances. Migrants in irregular status additionally lack access to consular protection, and fear reporting to law enforcement officials will result in their detention and deportation. As well as a crime against those trafficked, trafficking in persons is a human rights violation. However, some anti-trafficking interventions have been documented as further violating the rights of trafficked persons, for example through the detention of migrants, or confinement of trafficked persons in closed shelters. Increased access to safe migration through measures, including regular pathways and regularization of status, together with access to decent work, would be a significant step towards eradicating trafficking in persons.

3.5.1 Legal frameworks

The Global Compact for Migration calls on States to implement the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the international legal standard on human trafficking, supplementing the United Nations Convention against Transnational Organised Crime. The Protocol seeks to prevent and combat trafficking involving organized criminal groups, to protect victims and promote cooperation between States in those efforts. The Protocol provides a three-part definition of trafficking in persons; each one must be present to identify cases of human trafficking (United Nations, 2000c).³⁶ Trafficking in persons is legally distinct from the smuggling of migrants, though they may be linked in practice in some cases and, as both crimes involve conduct which develops over time, they may be difficult to distinguish on the ground. Most Asia-Pacific countries have ratified this Protocol (annex table 11).

There are also two subregional conventions. The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ASEAN, 2015a), has been ratified by all ten member States. The Convention mandates increased coordinated enforcement and collaborative action across the region in preventing trafficking and protecting and assisting victims (Global Initiative against Transnational Organized Crime, 2017). The Convention's normative framework is complemented by a Plan of Action (ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children), which highlights priority areas for ASEAN member States' practical implementation of the Convention, including for States to incorporate its programmes and activities into their respective national plans of action against trafficking in persons. The South Asian Association for Regional Cooperation (SAARC) also has a convention, but it departs from the internationally agreed definition of trafficking (SAARC, 2002).

Trafficking in persons has also long been recognized in international human rights law as a form of violence against women. It is included in the definition of gender-based violence in the United Nations Declaration on the Elimination of Violence against Women, and in the authoritative guidance on gender-based violence against women provided by the United Nations Committee on the Elimination of Discrimination against Women (United Nations,

³⁶ These elements are: the act (recruitment, transportation, transfer, harbouring, etc.), means (deception, coercion, threat or use of force, etc.), and purpose (exploitation). In the case of trafficking in children, it is unnecessary to show that force, deception or any other means were used (United Nations, 2000c, Art. 3).

1994a; 2017a).³⁷ Trafficking in persons is further recognized as a development issue, with States committing to eradicating it (and related abuses of forced labour and child labour) in the 2030 Agenda (see SDG indicators 5.2, 8.7 and 16.2).

However, anti-trafficking interventions have often been documented as further violating the rights of trafficked persons, for example through the detention of migrants, or confinement of trafficked persons in closed shelters. National, regional and international anti-trafficking laws, policies and interventions should be rights-based, and should seek to implement authoritative guidelines to advance the prevention of trafficking and the protection of trafficked persons. Anti-trafficking measures should not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, though this also applies to migrants, internally-displaced persons, refugees and asylum seekers (United Nations Economic and Social Council, 2002; OHCHR, 2014b).

3.5.2 Regional patterns and concerns

The latest available data show increases in the numbers of detected victims of trafficking in persons in the region, which could be attributed to enhanced national capacities to detect, record and report data on trafficked persons, or may represent a rise in the incidence of trafficking (UNODC, 2019a, and chapter 1). Yet, the average conviction rate recorded in the region is below many other regions. Specifically, countries in South Asia reported some of the world's lowest conviction rates for trafficking offences (UNODC, 2018a). This suggests an environment of impunity in the region. In the Global Compact for Migration, States emphasizes the importance of ratifying the international standard on trafficking and enacting legislation, migration policy and planning, using definitions of trafficking in persons according to international law (for the status of ratification of these instruments, see annex table 11).

As stated in the Global Compact for Migration, a rights-based approach to anti-trafficking ensures migrants identified as trafficked persons are not criminalized for trafficking-related offences (OHCHR, 2002). Several Asia-Pacific States have taken the first step toward this, committing to ensure that trafficked persons are not prosecuted for violations

of immigration laws. For example, in Fiji and Malaysia those trafficked may not be charged for crimes such as irregular entry into the destination or transit country, periods of unlawful residence, or procurement or possession of any fraudulent travel or identity document to enter or transit a country (Malaysia, 2014, Art. 25); (Fiji, 2003, Section 31).

Border governance measures can be only one part of addressing trafficking in persons, as not all trafficking occurs in the context of migration and most trafficked persons are not identified. But of those who are, almost all identifications occur when individuals exit situations of exploitation, away from the border. This identification often relies on individuals reporting experiences of exploitation; trafficked persons thus need to feel safe to report. Instituting firewalls between immigration enforcement and criminal justice systems and those determining a trafficking status – and building trust with the migrant community that they will be enforced – is a necessary component of effective anti-trafficking measures. Successful anti-trafficking efforts must also look beyond borders to strengthen cooperation and multi-disciplinary methods for identification, and the availability of support towards sustainable age- and gender-responsive service provision and (re)integration, which are often under-resourced (UN Women, 2020c).

3.5.3 Promising practices

Recently, Bhutan, Brunei Darussalam and Nepal acceded to the United Nations Trafficking in Persons Protocol in 2020. Bangladesh and Palau acceded in 2019 (annex table 11).

Efforts to address exploitation in the fishing sector in Thailand are a notable example of progress in terms of legal and policy frameworks, where a confluence of factors has generated action. This includes Thailand being the only Asia-Pacific country that has ratified the ILO Work in Fishing Convention to date, ensuring that workers in the fishing industry have adequate working and living conditions (box 11).

International cooperation is vital to address trafficking in persons, with the Coordinated Mekong Ministerial Initiative Against Trafficking process demonstrating how subregional cooperation can lead to development and harmonization of

³⁷ The Committee on the Elimination of Discrimination against Women has developed further guidance on trafficking in women and girls in the context of global migration, see (United Nations, 2020f).

BOX 11 Ship to Shore Rights Project

Over 300,000 migrant workers from neighbouring countries work in the Thai fishing and seafood processing industries (ILO, 2018f). They fill both Thailand's manual labour shortage gap and contribute to a seafood supply chain generating billions of dollars in export revenue for the economy. Nonetheless, several reports have documented decent work deficits, and serious human rights abuses, including forced labour and trafficking, committed in these industries against migrant workers. In addition, global media exposés and warnings flagged by the European Union and the United States Government influenced Thailand to overhaul its unregulated fishing industry.

The EU-ILO project "Combatting the unacceptable form of work in Thai fishing and seafood processing industry the Ship to Shore Rights project", worked along the seafood supply chain and in partnership with the Thai Government, employers' organizations, trade unions and CSOs to make progressive changes. Thailand's legal and regulatory framework was brought in line with international labour standards. The ratifications of the ILO Protocol 29 to the Forced Labour Convention, and Work in Fishing Convention (ILO, 2007; 2014b; 2018f) led to the codification, in 2019, of stronger legal protection for workers in the industry, and, regarding forced labour, to work in the Thai economy more generally. The project also supported regulatory agencies in enhancing effective inspection and enforcement on land and at sea, such as port-in port-out inspection. Collaboration with trade unions and CSOs were part of the project's effort in organizing migrant fishers/workers and increasing their access to support services, while employers' organizations helped improve compliance and establish due diligence measures through voluntary private sector initiatives in the Thai seafood processing sector.

Positive impacts on the improvement of employment and working conditions were documented in ILO studies, including, for instance, higher pay and more formal forms of migration in the fishing sector. Yet challenges persist in implementation of practical rules and regulations, and the legal recognition of workers' rights to organize. More also remains to be done in protecting workers' fundamental rights and achieving the decent work agenda. This demands further commitment and concerted efforts from the Government, employers, trade union and all other stakeholders to end to poor labour practices and forced labour in the Thai fishing and seafood processing industries.

national, bilateral cooperation mechanisms allowing rights-based returns, and multilateral systems to support transnational referrals. It brings together stakeholders engaged in anti-trafficking through national and subregional taskforces, integrating also a Civil Society and Youth platform. The process has driven, in partnership with ASEAN, the development of subregional standards for identification, referrals, and assistance that emphasize the rights of trafficked (and presumed trafficked) persons at their centre. Through this process, closer bilateral relationships and greater harmonization in national policy frameworks have emerged (see also chapters 2 and 5).

Given how embedded regional trafficking patterns can be in international migration flows, strong bilateral cooperation is necessary. A wide range of multi- and bilateral cooperation frameworks exist in the region to address the challenges of trafficking in persons, notably the MoU between

Myanmar and Thailand. This was one of the first signed in the Greater Mekong Subregion, in 2009, due to substantial migrant labour flows between the countries. Since then, over 20 case management meetings have brought together technical level officials and, more importantly, practitioners/social workers to address problematic cases. The MoU is accompanied by standard operating procedures to ensure effective implementation and, more crucially, annual Case Management Meetings, where government officials and practitioners can discuss specific cases. The MoU, standard operating procedures and Case Management Meetings framework is not void of limitations, but it can serve as an exemplar for governments looking to coordinate bilateral implementation of international legal provisions and foster effective cross-border case management, while providing space for development of trust and habits of cooperation amongst officials and practitioners.

Despite action at national, bilateral and subregional levels to eradicate trafficking in persons and increase adherence to international standards, there remains a need for strengthened and comprehensive action across the region, not only through a criminal law approach, but by ensuring that the human rights of trafficked persons are at the centre of all efforts to prevent and combat trafficking, and to protect, assist and provide redress to victims, including addressing the factors that make migrants vulnerable to exploitation (chapter 2).

3.6 Manage borders in an integrated, secure and coordinated manner

RELATED TO OBJECTIVE 11

Secure borders are essential elements of a comprehensive and holistic approach to migration governance, enabling States to ensure the security of all those within their jurisdiction. However, borders do not only serve as barriers to entry: effective border governance and management should ensure the safe and smooth entry of those who are entitled to cross them. Doing so requires an integrated approach to border management, based on effective intra- and inter-State cooperation, grounded in international legal obligations, including human rights and refugee law, while ensuring effective national security measures. The vast and diverse Asia-Pacific region has many border situations: land and sea, open and closed, and uneven progress towards borderless economic subregions in ASEAN and EEU. The range of cross-border movements introduces further complexity, as people cross through regular and irregular means for work, marriage or family reunification, education, or to leave situations of vulnerability, to seek asylum, or a combination of factors.

Without specific attention to protecting migrants' rights, strengthened border control can enable rather than reduce the role of intermediaries whose actions can be harmful to migrants' rights, undermining counter-smuggling interventions (Objective 9) and anti-trafficking measures (Objective 10). Given the complexities of borders, including the increased use of technology, risks border officials face, and the many actors involved, it is vital that States take a rights-based approach to border management to navigate these challenges without losing sight of the individuals at borders, and ensuring respect for their safety and dignity.

3.6.1 Legal frameworks

Effective governance of its borders is fundamental to a State's duty to ensure the security and well-being of all people within its jurisdiction, by protecting the rule of law and upholding human rights. Migrants arriving at borders have a range of different needs. These may include the needs of unaccompanied or separated children, survivors of torture or trauma, persons with disabilities, victims of sexual and gender-based violence, and trafficked persons. It is important that border officials can identify protection needs and refer migrants to relevant authorities for accurate identification and referral to adequate procedures; these may include mechanisms of admission and stay based on human rights and humanitarian grounds (United Nations, 2005; 2014a; 2016b; United Nations General Assembly, 2016a; UNHRC, 2016b; OHCHR, 2014b; OHCHR and Global Migration Group, 2018; DLA Piper and OHCHR, 2018).

States need to resource and implement individual screening and assessment procedures to ensure identification of migrants' protection needs or situation of vulnerability and effective referral pathways. For children crossing international borders, this includes, ensuring they are treated first and foremost as children (giving benefit of the doubt in situations of ambiguity or where reasonable doubt as to age exists: OHCHR, 2014b; OHCHR and Global Migration Group, 2018), are identified and referred promptly to child protection authorities and other relevant services, and appointed a guardian, if unaccompanied or separated. States should ensure child protection officials are available to conduct an individual best interests' determination for each child. The principle of the child's best interests should take precedence over migration management objectives or other administrative considerations (United Nations, 2013b; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). The identification of any child separated from their family or guardian should be prioritized (United Nations, 2005; OHCHR and Global Migration Group, 2018). One challenge is coordination across differentiated specialized case management procedures for persons with specific needs to ensure cross referrals.

International cooperation is part of integrated rights-based border management, to ensure coordination between origin, transit and destination countries to facilitate movement of people, prevent irregular crossings without cause, and ensure safe and dignified return. As such, all international

cooperation agreements must comply with States' obligations to respect, protect and fulfil human rights, including for all migrants regardless of status. Such cooperation must never be made conditional on measures that unlawfully or disproportionately restrict or penalize migration or migrants. These bilateral, regional and international cooperation agreements, arrangements, laws and policies should always be publicly available to support transparency

BOX 12 Data protection in the context of border management

States should not collect, store or share data in a way that could compromise human rights. Border authorities should only collect data (particularly biometric data) proportionate to a legitimate aim, obtained lawfully, accurate and up to date, stored for a limited time and disposed of securely. All personal data should be permanently and irreversibly anonymized when stored for statistical purposes. Children's personal data, in particular biometric data, should only be used for child protection purposes, with strict enforcement of appropriate rules on collection, use and retention of, and access to, data (United Nations, 2017d). States must ensure they protect the confidentiality of all information in any processes under bilateral, regional or international cooperation agreements. Any cooperation or other data-sharing agreements not in accordance with human rights law and standards, including as pertains to the right to privacy and data protection, should be suspended until revised.

The use of surveillance technology in border management should be subject to independent human rights monitoring to ensure it performs justifiable functions and does not unnecessarily and disproportionately interfere with rights to privacy where less intrusive alternatives are available. It is not permissible for States to track or collect, store or share data of migrants' journeys or location data. The same applies to communications, including through State use of digital technologies and media, or those who assist them, with the objective of limiting migrants' human rights (United Nations, 1966b; 1988; 2019e; UNHRC, 2013; 2015b; 2015c; 2016a; OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

(United Nations, 2015a; 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). The structures and mechanisms for effective border management, including use of information and communication technology, need to uphold the principle of non-discrimination and respect migrants' right to privacy, including through protection of their personal data (United Nations, 2019e and box 12).

The use of criminal law and the criminal system of justice to manage irregular migration is disproportionate. Given that irregular entry and stay are not *per se* crimes against persons, property or national security under international law, no migrant should be criminalized for crossing a border irregularly or with the help of a facilitator (United Nations, 2000b; 2013a; UNHRC, 2012; 2018b; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). Criminalization of migrants in irregular status has wider negative impacts in society, in that it can fuel racist and xenophobic attitudes, putting all migrants – or anyone perceived to be a migrant – at risk of such discrimination or violence.

3.6.2 Regional patterns and concerns

Borders across the region are increasingly digital; countries have continued to invest in biometric screening procedures, including the collection of fingerprints, iris scans and facial images. Migrants with access to regular channels of migration often must supply their information before leaving and throughout their journeys, with security agencies and private corporations having access to that data. Authorities use these technologies to identify migrants in irregular status, who then also have their biometric data collected and stored. As outlined in box 12, there are human rights concerns, including those related to data protection and migrant rights to privacy and the lack of accountability of State agencies and private corporations involved in screening and associated data management.

Training of border officials in human rights is essential to effective border management. To be responsive to all migrants, all training needs to address age-, disability- and gender-specific concerns. For example, Mongolia reports that human rights are incorporated in the curriculum of the University of Internal Affairs that trains border authorities (UNHRC, 2020).

Ensuring that law enforcement is responsive to the diversity of the community increases the overall operational effectiveness and responsiveness of law enforcement to all. For example, gender-inclusive law enforcement improves the protection of the rights of women and girls, and lesbian, gay, bisexual, transgender and intersex people, in line with international human rights law. It can also promote the participation of women in decision-making, planning, implementation and oversight in law enforcement, which improves accountability. It is well established that women in law enforcement have operational advantages, including their ability to access areas and information outside the reach of male counterparts, for example, in conducting interviews with or securing evidence from women and girls, and searching women in a culturally appropriate and non-threatening manner. In addition, the majority of women and girls who have experienced sexual and gender-based violence and exploitation will only report the crime to a woman law enforcement officer (Amling, 2020; UN Women, 2020c).

A UN Women, UNODC and Interpol study (currently under review) explores the experiences and views of women police officers from across ASEAN, including related to working in border management. Overall, though most ASEAN countries operate a quota system or have targets for women's recruitment or overall representation in law enforcement, in some States, the 10 per cent quota minimum acts as an annual maximum for women recruits. Many women officers would like more operational experience, for example deployment to border locations, but report they are not typically encouraged to seek this. Part-time or flexible work hours are only formalized in policies in Singapore, and this often restricts women's options to administrative roles since it helps balance family responsibilities, of which they disproportionately bear the burden.

However, while training is essential, laws and standard operating procedures should be updated to reflect best practice. Legal framework assessments may help to identify gaps and needs in laws and procedures, in order to have a concrete impact on gender and rights-based approaches.

3.6.3 Promising practices

Several initiatives focus on rights-based training of border officials in the region. In July 2018, OHCHR and United Nations Office of Counter-Terrorism piloted a training on operationalizing the OHCHR

"Recommended Principles and Guidelines on Human Rights at International Borders" with ASEAN border officials in Bangkok. The manual for the training is forthcoming. In October 2019, the National Human Rights Commission of Korea and the Ministry of Justice, with OHCHR, held a policy dialogue on building human rights capacity of border officials.

A joint programme by UN Women and UNODC strengthens the capacities of law enforcement officers to investigate trafficking cases from a gender and victim-centred perspective. With Government of Canada funding, the "Enhancing women's role in law enforcement and border security to prevent trafficking in persons, transnational organized crime and terrorism in ASEAN Countries" programme has developed three gender-sensitive modules on gender awareness; gender-informed investigations; and team building, self-development, and gender-informed self-care. Based on these modules, 273 frontline officers (136 women, 137 men) in Cambodia, Indonesia, the Lao People's Democratic Republic, the Philippines, Malaysia, Myanmar and Thailand increased their capacities on gender-responsive law enforcement.

3.7 Use migration detention only as a measure of last resort and work towards alternatives

RELATED TO OBJECTIVE 13

According to international human rights standards, migrating through irregular channels is not a criminal offence, therefore migrants should not be treated as criminals. However, far from using detention only as a last resort, Governments in the region often use immigration detention to respond to irregular migration, justifying detention measures based on security narratives. This constitutes arbitrary detention under international human rights law. Across the region, detention is often used for anyone found in an irregular situation, including asylum seekers, children and stateless persons. Migrants might only be released from detention when agreeing to return to their country of origin, being able to present a valid reason to remain in the destination country or being accepted to resettle in a third country. Given the time such procedures can take, much detention is *de facto* indefinite, in violation of international law and with serious impacts on all aspects of migrants' lives, including their physical and mental well-being.

3.7.1 Legal frameworks

The right to personal liberty is an essential component of legal systems and is guaranteed under the international human rights framework (United Nations, 1948; 1966b; 1989; 1990; 2006a). It is fundamental and extends to all persons at all times and circumstances, including all migrants, irrespective of citizenship, nationality or migratory status (United Nations, 2014b; UNHRC, 2018b). Migrants, therefore, should not be detained solely on the basis of their irregular entry or residence, and immigration detention should gradually be abolished. This is especially urgent in the context of COVID-19, where some Governments in the region have justified detention on the basis of public health, while often detention centres have become epicentres of COVID-19 infections (chapter 6).

In entering or staying irregularly in a country, migrants in an irregular situation have not committed any crime against persons, property or national security and their criminalization by States can exceed the legitimate interests of States in protecting their territories and regulating irregular migration flows. Automatic and/or mandatory detention in the context of migration is arbitrary and, as such, prohibited under international law (United Nations, 2013a; UNHRC, 2018b, and discussion under Objective 11). Any such form of administrative detention or custody of adults must be applied as an exceptional measure of last resort, based on an assessment of the individual's particular circumstances, for the shortest period and only if justified by a legitimate purpose in non-punitive facilities (United Nations, 1966b; 1990; 2014b; 2019e; UNHRC, 2018a; United Nations, 2018a).

To ensure that the detention is resorted to only as an exceptional measure, States should seek and have available realistic alternatives. Anyone detained in the course of migration proceedings, should be able to exercise their due process rights and have access to adequate conditions. This is critical, as immigration detention, a form of administrative detention, does not always provide detainees with the guarantees afforded to persons held in criminal detention, although it should (United Nations, 1948; 1966b; 1966a; 1984; 1989; 1990; 2014b; 2019e; United Nations General Assembly, 2010; 2016b; UNHRC, 2018b).

The deprivation of liberty of a migrant child, including unaccompanied or separated children, on grounds of their or their parents' migration status is prohibited; it constitutes a child rights violation and

contravenes the principle of the best interests of the child (United Nations, 2017e; UNHRC, 2018b; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). In the ASEAN Human Rights Declaration, member States affirmed the protection against arbitrary detention (ASEAN, 2012). The ASEAN Declaration on the Rights of Children in the Context of Migration (2019) provides a framework for the development of effective procedures and alternatives to child immigration detention to ensure that children are kept together with their families in a non-custodial, clean and safe environment.

Migrants in vulnerable situations should not be detained (UNHRC, 2018b; OHCHR and Global Migration Group, 2018). Furthermore, trafficked persons should not be detained, charged or prosecuted for irregular entry into or residence in transit and destination countries, or for their involvement in unlawful activities to the extent that such involvement is a direct result of their situation as trafficked persons (United Nations Economic and Social Council, 2002). All situations of migrant detention should be subject to independent monitoring and inspection (United Nations, 2008a; 2014b; 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018). Responsibly governing migration requires States to take all necessary measures to amend legislation to establish a presumption against detention in law, and legally prescribe and implement human rights-compliant, non-custodial and community-based alternatives to detention as a matter of priority (OHCHR, 2014b; 2019b; OHCHR and Global Migration Group, 2018).

3.7.2 Regional patterns and concerns

The lack of an individualized approach to the screening of migrants and of sufficient officials trained to identify migrants in vulnerable situations sees many States in the region implementing detention policies that can amount to arbitrary detention practices. Some individuals may remain in detention indefinitely solely on the basis of their irregular entry or status until a solution can be found. For stateless people, detention often becomes arbitrary and indefinite (see, for example, UNHRC, 2018a). Governments in the Asia-Pacific region often use immigration detention as their response to irregular migration, justifying detention by expressing security concerns. This is seen most clearly in the use of offshore detention facilities criticized by human rights experts for their highly punitive character, and the lack of transparency

concerning conditions in those facilities (United Nations, 2017c; 2019d; 2019c; OHCHR, 2019a). There is limited or no independent monitoring or access to detention facilities in the region. Even in some countries where National Human Rights Institutions have the mandate to monitor circumstances, concerns have been raised about a lack of regular and/or unannounced visits.

There are several factors contributing to the often systematic use of immigration detention in the region: lack of adequate legal and policy frameworks for the prevention or restriction of immigration detention, including due to the lack of ratification of relevant international instruments; limited resources or technical knowledge for the implementation of effective non-custodial alternatives to detention; limited political will to implement such measures; and the lack of appropriate legal and policy frameworks allowing self-reliance of migrants in irregular status if released from detention. In the region, examples exist of refusal to release individuals denied asylum and held in detention unless they agree to assisted return to their home countries. This raises concerns about indefinite detention as well as possibilities of coercion and forced return, which could amount to refoulement (United Nations, 2017c, and see Objective 21 discussion). Examples also exist of undocumented migrants in detention being allowed to submit an administrative appeal to challenge their detention, but this being reviewed by a ministry of justice rather than an independent body (United Nations, 2019b).

There remains scope for improvement in the application of alternatives to detention and reducing, or eliminating, the practice of immigration detention. Many States across the region have limited capacity and need international support to develop mindsets, expertise, facilities and tools to implement non-custodial, community-based alternatives to detention, notably to ensure they are not narrow in conception or misconceived. For example, bail or closed shelters do not meet the standards of community care and case management as good alternatives to detention. In particular, States should prioritize community-based, non-custodial measures for children, that ensure access to education and health care, and which respect their right to family life and family unity. Efforts to end child detention should not be at the expense of the right to family unity: families with children should benefit from alternative measures that respect the child's rights to liberty as well as family life (OHCHR and Global Migration Group, 2018).

3.7.3 Promising practices

Numerous States have adopted positive measures or legislation to prohibit or significantly limit the detention of children for immigration-related reasons. For example:

- Some States have made efforts towards ending immigration detention of children. For instance, in Thailand, the adoption of the "Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres", in January 2019, provides a framework for the release of all children and their mothers from immigration detention (Chew, 2019).
- In Bangladesh, while there is no legislation or policy prohibiting use of immigration detention, a child, if found with forged documents or travelling without documents, cannot be detained with adult prisoners and must be placed in a Child Development Centre.
- The numbers of children in immigration detention in Australia has significantly been reduced over the last few years. Most children have been released on temporary bridging visas or moved into alternative community detention arrangements, including those who were previously detained offshore in Nauru.
- In November 2019, the Secretariat of the Asia Dialogue on Forced Migration co-convened a Regional Roundtable on Alternative Care Arrangements for Children in the Context of International Migration in the Asia Pacific, to share experiences and positive practices and assist each other to meet and address implementation challenges (Park, 2019). The round table was co-hosted by the Department of Children and Youth under the Thai Ministry of Social Development and Human Security, the International Detention Coalition, and the Asia Dialogue on Forced Migration.

There are positive moves towards a reduction in use of immigration detention, in particular with respect to children, in line with the clear recognition of the imperative for detention to be used as a last resort. However, there is need for further commitment in the region to meeting the clear obligations under international human rights law to move towards the abolition of immigration detention.

3.8 Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

RELATED TO OBJECTIVE 21

States are entitled to determine who may enter and remain on their territory, subject to their obligations under international law. This means returns need to be conducted with respect to international human rights and refugee law, including principles of non-discrimination, non-refoulement, prohibition of collective expulsion, the right to family life, and the best interests of the child, and with due procedural guarantees, such as individual determination with right of appeal, including during public health crises (chapter 6). All core international human rights law treaties apply across return procedures, together with negotiated agreements on migration, and elements of international refugee and criminal law, placing limitations on States' sovereign prerogatives to decide which non-nationals can enter or reside.

3.8.1 Legal frameworks

The prohibition on refoulement is recognized as a principle of customary international law applying to all persons, irrespective of citizenship, nationality or migrant status and in any territory or facility under a State's jurisdiction or any area under its control or authority, such as during counter-smuggling operations and measures to manage irregular migration, and even when outside that State's territory, for example, in the context of rescue and interceptions (United Nations, 1951; 1966b; 1984; 2000b; 2006b; 2013a; 2016b; 2018e; 2019e; UNHRC, 2018b; OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

Prohibition of collective expulsion is primarily a due process right, ensuring migrants have a reasonable and objective examination of their individual circumstances, including any appeal, before return to identify risks of refoulement with due diligence and in good faith. Collective expulsions, without an objective examination of individual cases regarding personal risk, violate international law, including principles of non-refoulement (United Nations, 1990; 2004; 2018e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

States should avoid returning migrants, especially long-term residents, where that constitutes arbitrary or disproportionate interference with rights to family and private life (United Nations, 2004; 2013a). Children should only be returned to origin countries when it has been determined that it is in their best interests. In such cases, the authorities should then prepare an individual plan, together with the child where possible, for their sustainable reintegration (United Nations, 2017d). The obligation of the State is to ensure that children enjoy protection and care as necessary for their well-being and development and according to their rights (United Nations, 2005; 2017d; OHCHR and Global Migration Group, 2018). In addition, everyone has the right to re-enter their own country, and States are obligated to admit them without penalty (United Nations, 1948; 1966b; 1990; 1999c; 2006a; 2015; 2016b; 2019e).

Voluntary return should always be promoted in preference to forced or coerced return, as it provides a stronger basis for human rights and migrant well-being through and after the return process, and for a more sustainable post-return experience for the migrant. Many returns are entirely voluntary, based on individual choice, but in some circumstances, migrants require assistance to return safely. As stated in the Global Compact for Migration, voluntary return should be based on the migrant's free, prior and informed consent, and returning migrants should be assisted in their reintegration. Although return programmes may be labelled as voluntary, many are State-induced, with varying degrees of pressure exerted on the migrant. Dissuasive measures or policies constitute coercion and risk refoulement (United Nations, 2017c; 2018e). Returns from an actual or implied threat of indefinite or otherwise arbitrary detention, or from detention in inadequate conditions, constitute forced return due to the coercion inherent in the decision to return (OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

Comprehensive individual assessments of each migrant's circumstances are central to fair procedural safeguards and the foundation of human rights protection in return processes. Such assessments address the risk of refoulement, prevent collective expulsions, protect against discrimination, and identify other international human rights protection needs and legal obligations to halt return, such as those pertaining to the right to family and private life, the right to rehabilitation, and the best interests of each child, subject to or affected by a returns process (United Nations, 1990; 2013a; 2018e; 2019e; OHCHR, 2014b; OHCHR and Global Migration Group, 2018).

3.8.2 Regional patterns and concerns

In the region, millions of migrants return to their origin country without assistance and not all returns are recorded as such (see discussion in chapter 1). However, a snapshot of regional patterns of returns is available through the IOM Assisted Voluntary Return and Reintegration programme that provides support to migrants requiring assisted return. Most return movement within the region is intraregional, and, in 2018 (the last year with data), involved assisted returns from Australia, Indonesia and Thailand to Afghanistan, the Islamic Republic of Iran, Malaysia, Pakistan and Sri Lanka. Assisted returns to the region fell by 32 per cent compared to 2017, whereas those from the region increased very slightly. In 2018, the majority of migrants in the Assisted Voluntary Return and Reintegration programme were from Australia (48 per cent) and Indonesia (27 per cent). The most recent data show that very few migrants returning from or to the region were identified as being in vulnerable situations. Of those who were, most were identified as trafficked persons (IOM, 2019f). UNHCR often refers persons determined not in need of international protection to the Assisted Voluntary Return and Reintegration programme upon request.

Several States in the region do not fully comply with their non-refoulement obligation not to expel, or collectively expel, return or extradite a person to another State where substantial evidence indicates they would be in danger of torture or other serious human rights violations (see, for example, United Nations, 2018a; 2018b). Dangerous interception methods, such as pushbacks of boats with migrants aboard that constitute collective expulsion, have been conducted by Asia-Pacific States including Australia, Bangladesh and Malaysia (OHCHR, 2020a).

Not all States in the region employ adequate individualized procedures to assess migrant risk of human rights violations if they are returned or lack other procedural safeguards, such as the right to appeal decisions through processes with suspensive effects (for example, United Nations, 2018a). States accepting diplomatic assurances regarding returns should not use them to undermine the principle of non-refoulement (United Nations, 2018b; 2018e; UNHRC, 2019b; OHCHR, 2014b). States should ensure full consideration of the best interests of child migrants or children of migrants affected by a return.

Some States cooperate to forcibly return individuals, including journalists and human rights defenders fleeing origin countries and who may face criminal proceedings on return, or migrant whistle-blowers (United Nations, 2019f). Returns are further rendered unsafe when the State criminalizes migrants on return, for instance when migrants in irregular situations are detained for blemishing the reputation of the country.

Moreover, some States in the region continue to criminalize irregular emigration. This is contrary to the right of everyone to leave any country, including their own, and to return to their country. Such laws can render safe and sustainable return impossible, as migrants face criminalization on return to their own country, and have been documented in, for example, the Democratic People's Republic of Korea, Sri Lanka, Turkmenistan and Viet Nam (United Nations, 2016b; United Nations General Assembly, 2018; UNHRC, 2014; UNODC, 2019b; Human Rights Watch, 2020b). Some States also impose arbitrary restrictions, particularly against human rights defenders, that include international travel bans, the confiscation of or refusal to issue passports, and forced exile. Women are particularly affected, since measures aimed at protecting them from abuse effectively restrict or ban them from migration, as, for example, due to policies introduced in Cambodia, Myanmar, Nepal and Sri Lanka (ILO, 2015b; Napier-Moore, 2017; UNICEF, 2019b).

For marriage migrants in the region, return to their origin country can see them lose custody of their children or child support. It may also create difficulties with divorce proceedings if they are not concluded prior to returns (United Nations, 2019a).

Support for reintegration of returned migrants is minimal throughout the region. Human rights-based, gender-responsive, disability-inclusive and child-sensitive programmes can support the sustainability of returns and help migrants and their families overcome discrimination and other rights abuses faced on return (United Nations, 2018c; 2019d). All measures taken at international borders should avoid re-traumatization and prohibit the use of negative stereotypes and perceptions about migrants: for example, ensuring that border officials do not express any negative judgment relating to the migrant's actual or imputed sexual orientation, gender identity or expression. As noted in chapter 1, States also need to improve their data collection and reporting on returns.

3.8.3 Promising practice

The Thailand-Myanmar Joint Working Group on the Preparation of the Return of Myanmar Displaced Persons facilitates cooperation between the governments of Thailand and Myanmar on the voluntary return of displaced persons from Myanmar living in Thailand, with UNHCR and IOM providing support throughout the return process (ASEAN Learning Center, 2019).

3.9 Conclusion

Despite progress, much remains to be done to ensure borders in the Asia-Pacific region are managed as part of comprehensive rights-based migration governance regimes focused not just on deterrence, but also on facilitating entry and return and ensuring referral to services and protection. The Global Compact for Migration is intended to help States govern migration in a way that is people-centred and rights-based, which means ensuring the region does not see large numbers of criminalized people and policies that create vulnerable situations for migrants.

The criminalization of migrants and those who assist them, and the underlying factors driving irregular migration, is a thread running through the cluster of objectives covered in this chapter: (a) the lack of documentation's centrality to migrant status and risk of criminalization (Objective 4); (b) the criminalization of humanitarian assistance (Objective 8); (c) the criminalization of migrants who use smugglers (Objective 9) and of trafficked persons (Objective 10); (d) immigration detention (Objective 13); and (e) risk factors on return (Objective 21). The use of criminal law and the criminal system of justice to manage irregular migration is a disproportionate response to the situations in question and an ineffective approach to border management. It increases the risk of migrants' experiencing human rights violations, including by acting as a barrier to justice.

3.10 Recommendations

The following recommendations, listed according to each Global Compact for Migration objective covered by this chapter, are for action by Asian and Pacific Governments, in partnership with all relevant stakeholders and through a collaborative approach:

4 ENSURE THAT ALL MIGRANTS HAVE PROOF OF LEGAL IDENTITY AND ADEQUATE DOCUMENTATION

- Ensure that no migrant is arbitrarily deprived of their nationality or travel and identity documents.
- Ensure that all children born in the territory of the State have their births registered, regardless of nationality and residence status, and are able to acquire a nationality.
- Ensure the full respect, protection and fulfilment of human rights for stateless migrants, including their access to public education, health services, the formal labour market, social security systems and public welfare.
- Amend or repeal all provisions in nationality laws, administrative policies or other barriers that discriminate on the basis of gender, race, ethnicity or other factors, to ensure that all persons enjoy equal rights with respect to nationality, including the right to transmit it to their spouses and children.

8 SAVE LIVES AND ESTABLISH COORDINATED INTERNATIONAL EFFORTS ON MISSING MIGRANTS

- Protect the lives and safety of migrants and ensure that all migrants facing such risks are rescued, disembarked at the nearest place of safety and offered immediate assistance, in accordance with the international law of the sea, international human rights law and other relevant standards.
- Implement the legal obligation to ensure that there are no arbitrary or collective expulsions, for example by tow-backs or push-backs, in any area over which States exercise jurisdiction or effective control, including areas outside the territory of States, border areas and on the high seas.
- Coordinate efforts regarding missing migrants and facilitate their recovery, including identification and transfer of their remains, and improve collection of disaggregated data on locations and causes of migrant disappearance or death, and safely and appropriately notify their families.



9 STRENGTHEN THE TRANSNATIONAL RESPONSE TO SMUGGLING OF MIGRANTS

- Ratify the Smuggling of Migrants Protocol and fully transpose its provisions into national law, and cooperate on the basis of provisions of the Protocol.
- Ensure that no migrant is liable to criminal prosecution for crossing a border irregularly or for being the object of smuggling.
- Ensure that measures taken to address irregular migration, or to counter migrant smuggling, are not discriminatory in purpose or effect, including by subjecting migrants to profiling on the basis of prohibited grounds and regardless of whether or not they have been smuggled.
- Limit migrant need for the services of smugglers by increasing availability of and access to regular pathways, including for family reunification and labour migration, and through regularization processes and temporary or medium-term migration programmes.
- Foster the development of alternative livelihood programmes in communities relying on income from migrant smuggling activities, which can reduce the economic drivers that attract small-scale operators to engage in the smuggling business.
- Gather and share evidence-based knowledge on *modus operandi*, routes and economic models of migrant smuggling networks to better inform policymaking among countries in the region.
- Ensure all bilateral, regional and international cooperation agreements, arrangements, laws and policies are made public and transparent – and are not to be upheld nor entered into with countries unable to demonstrate respect for human rights, protection and fulfilment at international borders, in accordance with international human rights law – and suspend any such agreements that do not meet these criteria.



10 PREVENT, COMBAT AND ERADICATE TRAFFICKING IN PERSONS IN THE CONTEXT OF INTERNATIONAL MIGRATION

- Reduce the risk of trafficking and other exploitation of migrants through, among other measures, regulated ethical recruitment for labour migration and decent work standards throughout the region, and suspension of access to new work permits for employers with un-remediated labour law violations, including vessel owners.
- Avoid criminalization of migrant victims of trafficking in persons for trafficking-related offences and ensure they receive appropriate protection and assistance, not conditional upon cooperation with authorities against suspected traffickers.
- Strengthen training and capacity of border authorities, in particular border liaison officers and maritime authorities along known trafficking routes, to screen, detect and assist victims of trafficking.



11 MANAGE BORDERS IN AN INTEGRATED, SECURE AND COORDINATED MANNER

- Ensure safe, regular and accessible pathways for migration, including for decent work, child protection, family unity, education-related opportunities and humanitarian issues.
- Ensure all bilateral, multi-lateral, regional and cross-regional border management agreements and processes are rights-based and gender- and age-responsive, including by taking into consideration relevant recommendations from the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders.
- Ensure all legislation and policies concerning migrant children and children of migrant parents are anchored in international human rights law, and in particular the principle of the best interests of the child, and, wherever possible, ensure that child protection officers, rather than immigration or border enforcement officials, screen child migrants and are empowered to refer migrant children to relevant experts for further screening, interview, assistance and protection.
- Implement individual screening and assessment procedures as soon as possible after migrants arrive, so those in vulnerable situations can be identified promptly and without discrimination and can be referred to appropriate services and protection bodies.

- Ensure enough competent experts are present at borders to complete human rights-based screenings and referrals, including cross-referrals where necessary.
- Train border authorities on the risk of stereotyping and bias, such as negative stereotypes and perceptions about migrants, that can be detrimental to screening and are attentive to the needs of migrants in vulnerable situations. This includes measures such as ensuring that border authorities do not presume women to be vulnerable or to lack agency.

13

USE MIGRATION DETENTION ONLY AS A MEASURE OF LAST RESORT AND WORK TOWARDS ALTERNATIVES

- Protect migrants from all forms of arbitrary detention and work progressively to end all forms of immigration detention, including by establishing in law a presumption against immigration detention that requires administrative and judicial bodies to presume in favour of liberty. Until that is realized, ensure that detention is only ever used as an exceptional measure.
- Ensure that any restrictions on liberty imposed on migrants are not punitive in nature and are provided for in law, carefully circumscribed and subject to prompt and independent review.
- Eliminate detention of children because of their migration status or that of their parents, bearing in mind that immigration detention is never in the best interests of children.
- Prioritize non-custodial, community-based alternatives to detention in law and in practice to ensure that detention is resorted to as an exceptional measure. The implementation of alternatives to detention should benefit all children and extend to the entire family whenever it is in the best interests of the child to keep the family together.

21

COOPERATE IN FACILITATING SAFE AND DIGNIFIED RETURN AND READMISSION, AS WELL AS SUSTAINABLE REINTEGRATION

- Ensure that all returns are conducted with migrants' free, prior and informed consent, and fully respect the human rights of migrants, while complying with international law.
- Ensure that all returns or deportations to migrants' countries of origin or to a third country comply with non-refoulement obligations under international human rights law and international refugee law, cognizant that implementing the principle of non-refoulement requires individual assessment procedures of the personal risks of harm if migrants are returned.



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Tajik migrant agricultural worker in Podolsky district, Moscow region.

Chapter 4

Supporting migrants' protection, integration and contribution to development



This chapter addresses the following objectives of the Global Compact for Migration:

- 14 Enhance consular protection, assistance and cooperation throughout the migration cycle
- 15 Provide access to basic services for migrants
- 16 Empower migrants and societies to realize full inclusion and social cohesion
- 19 Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
- 20 Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
- 22 Establish mechanisms for the portability of social security entitlements and earned benefits

4.1 Introduction

Respecting, protecting and fulfilling the human rights of migrants, and integrating them into host societies is an integral part of the Global Compact for Migration. Importantly, it not only benefits migrants, host communities also benefit, thus sustainable development is more extensively promoted.

The human rights Conventions apply to all people, including international migrants, regardless of status. While chapter 3 highlights the relevance of these instruments in managing borders, the present chapter considers how they address treatment of migrants in destination countries, the protections and services migrants are entitled to, and the roles they can play in their host societies. Non-discrimination is an important starting point for ensuring the rights of migrants, yet in many cases specific actions by authorities and stakeholders in both origin and destination countries are needed to fulfil the promise of these rights.

4.2 Enhance consular protection, assistance and cooperation throughout the migration cycle

RELATED TO OBJECTIVE 14

A key challenge for migrant protection is their interaction with two different sets of authorities, those in the country in which they reside and those of their country of origin. Furthermore, by being non-resident citizens, they may not be aware of the rights and procedures available to them in destination countries and may have lost certain rights in their origin countries. These risks create a protection gap, whereby migrants are not fully covered by law or able to access services and assistance over their migration cycle, including upon return.

Objective 14 is key to achieving SDG target 8.7, ensuring effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour; target 8.8, protecting labour rights and promoting safe and secure working environments for all workers, including migrant workers; and target 10.7 on orderly, safe, regular and responsible migration; as well as SDG 5 on achieving gender equality. It also supports the implementation of international conventions (box 13 and chapters 2 and 3).

Both origin and destination countries can put in place administrative structures and practices to support migrants (ILO, 2019d). For origin countries, human rights-based, gender-responsive and child-sensitive consular protection, assistance and cooperation are valuable means of support. For example, embassies and consulates often support migrants in cases of disputes with employers, including non-payment, late payment or partial payment of wages. Embassies and consulates can also facilitate migrant voting from abroad, when permitted by the origin country.

Provision of consular services is constrained by the number of consular officers posted in a host country, often with only a few responsible for many migrants from the origin country. Migrants may further fear to report complaints to consular officials if employers confiscate their documents or issue threats against them. The COVID-19 pandemic has exacerbated demands on consular officials, as thousands of migrant workers have become unemployed, not received wages and are either stranded or forced to return to their origin countries (chapter 6).

BOX 13 **Protection of migrants under international law**

Several provisions of the International Covenant on Civil and Political Rights are germane to protecting the rights of migrants. Article 8 states that no one shall be held in servitude or required to perform forced or compulsory labour. The Covenant also provides for freedom of association, including the right to form and join trade unions; it states that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law”; and declares the right of minorities, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (United Nations, 1966a).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations, 1990) was adopted by the General Assembly in 1990 and entered into force in 2003. It takes into account the principles embodied in the United Nations human rights instruments as well as the principles and standards set forth in the relevant instruments elaborated within the framework of ILO (see annex table 11 for lists of member States in Asia and the Pacific that have ratified this, as well as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and key ILO Conventions on migration for employment; see also chapter 2).

The Convention further spells out the rights of all migrant workers, regardless of their documentation status. These include the right to non-discrimination, the right to equality with nationals before courts and tribunals, prohibition of the confiscation of a migrant's identity documents, prohibition of collective expulsion, and the right to treatment not less favourable than that which applies to nationals of the State with regard to remuneration, conditions of work and terms of employment. It is not lawful to derogate by contract from this principle of equality with nationals. As regards members of their families, entitlements of each child of a migrant worker include, amongst others, the rights to a name, registration of birth and to a nationality, and access to education on the basis of equality of treatment with nationals of the State concerned.

The Convention also elaborates on other rights of migrant workers and their family members who are documented or in a regular status. These rights include the right to liberty of movement within the host country; the right to form and join associations and trade unions; and the right to equality of treatment with nationals in relation to educational institutions, vocational training, access to housing and access to social and health services. As regards members of their families, entitlements include, among others, that States shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.

Migrants are furthermore supported by the provisions of the 1963 Vienna Convention on Consular Relations (United Nations, 1963), which, among others, provides a framework for the protection of the interests of nationals abroad and assistance to nationals abroad (including supporting their access to tribunals or representing them during legal proceedings). Consular officers and nationals have the right to communicate freely, and consular officers have the right to visit detained nationals.

4.2.1 Regional good practices

Countries of origin in the region have explored complementary modalities to consular services for assisting migrants abroad, such as working with CSOs in the host country. They have also developed significant infrastructure for the protection of their nationals abroad; the following are selected examples of such issues. The Philippines has developed a large network of Philippine Overseas Labour Offices to administer and enforce policies of the Department of Labour and Employment in regard to migrant workers. Each Office is staffed by a minimum of a labour attaché from the Department, a foreign service officer, a welfare officer and a centre coordinator, with the latter two assigned by the Overseas Workers' Welfare Administration of the Department. Currently there are 34 Offices around the world: 11 in Asia, 13 in the Middle East, 7 in Europe and 3 in the Americas (Philippines, Department of Foreign Affairs, 2020a).

The purpose of the Offices is to enhance and protect the general welfare of Philippine workers abroad. They promote understanding and support between the host Government and the Philippines, and between Philippine workers and management in the country of assignment through, among others, information dissemination concerning Philippine policies and programmes on labour and employment. They act as a representative abroad of the Philippine Overseas Employment Administration with the authority to enter into contracts with foreign employers. The Offices also accredit employers and employment placement agencies, only issuing exit clearance for Filipino workers who have contracts with accredited employers. Exit permits serve as an exemption certificate from payment of travel tax and airport terminal fees for departing workers, as well as a guarantee of worker coverage by the Philippines Government systems of social protection and benefits. The Offices also work with destination countries to address key issues such as reforms to uphold and protect the rights of Philippine migrants (Philippines, Department of Foreign Affairs, 2020a). They further assist Philippine workers in the preparation of contracts and all other documents relating to employment, certifying or attesting the same, collecting relevant fees and designing model contracts of employment suitable to their areas of assignment (Philippines Department of Foreign Affairs, 2020b). This approach aims to proactively prevent exploitation before migrant workers leave their country.

Sri Lanka enters into MoUs and bilateral agreements on labour migration with foreign Governments which include measures to protect fundamental labour rights as well as physical, mental and health rights, and address contractual violations. Responsibilities are shared between the Ministry of Foreign Employment and the Ministry of Foreign Affairs on the basis of an agreed framework that articulates the roles, responsibilities and functions of Sri Lankan diplomatic missions in host countries. In this regard, an operational manual has been developed for handling migrant worker grievances (ILO, 2018h). In order to protect and assist migrant workers, Myanmar has stationed five labour attachés in Thailand, two in Malaysia and one in the Republic of Korea. Migrants may file complaints with the labour attachés or with other Embassy officials in countries where no labour attaché is posted (Myanmar Delegation, 2020).

Several Asia-Pacific destination countries have reformed policies to increase protection for migrants. In the Republic of Korea, for example, migrant workers receive post-arrival training that covers an additional two hours on Korean language, two hours on Korean culture and customs, six hours on Republic of Korea immigration, labour and grievance procedure laws, and six hours on industrial safety and skills. Migrant worker rights are protected in accordance with labour laws in the country. According to the terms of the Employment Permit System, migrant workers can access the human rights institutions and channels enjoyed by Republic of Korea nationals, such as the National Human Rights Commission and its complaints mechanisms. To ensure that these legal protections effectively cover System workers, the Government maintains 36 Foreign Workforce Support Centres throughout the country where System workers can lodge complaints or grievances against employers, receive labour consulting services free of charge, and enrol in Korean language and culture classes. The entire extent of System protection and oversight mechanisms are underutilized, however, with an apparent lack of full enforcement of the labour standards which are integral to the System (Kim, 2015). Migrant workers in the country have been able to form their own labour union and have the right to join other unions.

Singapore has instituted numerous policies for the protection of migrant workers. In addition to health insurance provisions highlighted above, employers must post a bond of SGD5,000 (\$3,700) per migrant worker to ensure prompt

payment of salaries, required medical expenses and repatriation. Employers are required by law to provide and maintain proper housing and safe working environments for migrant workers. Singapore employment agency fees are capped at two months' salary and they must refund half of their fee if employment is terminated within the first six months. Information materials are provided to migrant workers prior to departure, upon arrival and registration for their work permit, and during their stay. Migrant workers may seek advice or report complaints to a Ministry of Manpower 24-hour hotline and Services Centre, the police, their Embassy and numerous CSOs. Migrant workers with verified disputes or grievances are allowed to find a new employer in Singapore (Singapore, Ministry of Manpower, 2019).

The good practice examples cited above are from the region but, as indicated in chapter 1, the majority of migrant workers from South and South-West Asia, as well as large numbers from Indonesia and the Philippines, move to Western Asia for employment, so GCC country policies are crucial to the protection and well-being of those workers. Bahrain's Flexi Permit system encourages regularization and inclusion into social systems, as it allows migrant workers to live freely within the country and work in any non-specialized occupation without a sponsor for a renewable period of one or two years. The system is one of the few in the region readily transitioning irregular workers to regular status.

As a substantial proportion of migrants to Western Asia are women domestic workers, formal protections for them are of great importance. In 2017, the United Arab Emirates enacted a law on domestic labour based on the premise that the relationship between employer and domestic worker is an employment relationship. The law confirms that the employment must be voluntary and based on mutual consent; that the employment contract may be terminated either during or at the end of the term of the contract by either party, thus, neither party can be forced to remain in the employment relationship against their will; that the worker is free to leave the country at any time; and that the worker is eligible to transfer to another employer upon termination of the contract without the consent of the current employer (ILO, 2019f). In this regard, the law on domestic work offers greater protection to the worker than legislation in many other host countries or in many countries of origin. Yet, the ILO (2019f) also notes that migrant workers in GCC countries, especially women and temporary migrants, face significant challenges in

accessing social protection, including maternity protection, health care and employment injury benefit, partially due to employment periods often too short to meet eligibility criteria. Women in GCC countries also have difficulty accessing justice and support services.

4.3 Provide access to basic services for migrants

RELATED TO OBJECTIVE 5

Migrants' access to basic services are often constrained by laws, fees, language barriers, and restrictions on housing and movement. The gaps in provision of such services have been highlighted by the ongoing COVID-19 pandemic (chapter 6; also United Nations Network on Migration, 2020c). The following sections describe how this plays out with regard to access to basic services for migrants in destination countries.

4.3.1 Health

Ensuring migrants enjoy access to health services is critical. Crowded and unsanitary living conditions, working conditions without adequate occupational safety and health protections, and a lack of social protection, such as health insurance and access to health care, put migrants at heightened risk of occupational injury and contracting communicable diseases (chapter 1). The COVID-19 pandemic has underlined the need for Governments to take a proactive and rights-based approach in cooperation with other States and international partners in addressing health needs of all people irrespective of nationality, migrant status, age, gender or other characteristics (chapter 6). The rights of all migrants to health are laid out in international human rights law (box 14).

Despite recognition of health as a basic human right, ensuring health care for all migrants, including those in an irregular status, is problematic in a region where health services are sometimes not fully developed. Yet, under human rights law, States have immediate obligations in relation to the right to health, as outlined in box 14. In practice, migrants are often excluded from public health-care schemes, with responsibility for providing health insurance being placed on employers who often do not fulfil this duty. Where systems do include migrants, language, knowledge and geographic barriers

BOX 14 **Migrant rights to health in international human rights law**

Article 12.1 of the International Covenant on Economic, Social and Cultural Rights affirms that States parties recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (United Nations, 1966b). States have recently reaffirmed this right of every human being, without distinction of any kind (United Nations, 2019c). The Committee on Economic, Social and Cultural Rights, in its general comment No. 14 (United Nations, 2000a) articulates that the right to the highest attainable standard of health includes the right to timely and appropriate health care, and recalls that "States parties have a duty to respect the right to health by ensuring that all persons, including migrants, have equal access to preventive, curative and palliative health services, regardless of their legal status and documentation". Similarly, in its General Comment No. 20 (United Nations, 2009) on non-discrimination in economic, social and cultural rights, the Committee affirms that "all children within a State, including those with an undocumented status, have a right to receive education and access to adequate food and affordable health care". The Committee on the Elimination of Racial Discrimination, in its General Recommendation No. 30 (United Nations, 2004), recommends that States should respect the right of non-citizens to health, among others, by refraining from denying or limiting their access to preventive, curative and palliative health services.

In the joint general comment No. 4 (United Nations, 2017b) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (United Nations, 2017b) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, the Committees recalls that every migrant child "should have access to health care equal to that of nationals, regardless of their migration status" and details the holistic approach to the right to health that States parties should take. However, they note that migrants face specific obstacles in this regard, as documentation and proof of ability to pay may be required from those seeking access to health care. Migrants, particularly those who do not speak the language of the host country, may not be aware of their entitlements. Migrants in an irregular situation may also fear being detained for deportation, particularly in countries where public officials have a duty to report on irregular migrants. Discrimination can often exacerbate insufficient financial and legal protection, and may force migrants and their families, including children, to postpone treatment until they are seriously ill. In addition to ensuring access to health care without discrimination and ensuring an intercultural approach to health policies, programmes and practices, strict firewalls should exist between health-care personnel and law enforcement authorities, and adequate information should be made available in the languages commonly spoken by migrants in the host country, in order to ensure that such situations do not result in migrants avoiding seeking and obtaining health care (IOM, WHO and OHCHR, 2000).

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has reported to the Human Rights Council on, among others, access to health facilities, goods and services, especially by irregular migrant workers, and the right to sexual and reproductive health (United Nations, 2013c). The Special Rapporteur has also highlighted the importance of family unity for the mental health and well-being of children and adolescents on the move (United Nations, 2018g).

The obligations in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are more restrictive (United Nations, 1990). Its article 28 entitles all migrant workers and members of their families to urgent medical care, which must be granted on the same basis as to nationals and cannot be refused because of any irregularity with respect to stay or employment. The Committee on Migrant Workers, in its general comment No. 2 (United Nations, 2013a), acknowledges in this connection that, when read together with other international human rights instruments, this article may create broader obligations for State parties to both instruments. Binding and effective firewalls between public health service providers and immigration enforcement authorities and other security actors enable all migrants to access health services and are also of significant public health benefit. Immigration authorities should not carry out enforcement operations in or near medical facilities or premises.

The right of migrants to access sexual and reproductive health is guaranteed as part of the broader right to health. Gender inequalities and multiple forms of discrimination mean that women and transgender migrants, who have specific health needs, require special attention from sexual and reproductive health-care services (United Nations, 2016c). Often women migrant workers may not be able to access health services, including sexual and reproductive health services, owing to barriers to access in laws, as well as lack of insurance or social protection (Committee on the Elimination of Discrimination against Women, 2008).

BOX 15 Travel restrictions for migrants living with HIV

At least five countries in the region, and major destination countries outside it, impose HIV-related travel restrictions on people living with HIV. In these countries, applicants for some visas or residency permits are required to have an HIV test, and people who test positive are automatically denied the relevant visa or permit because of their HIV status. Migrants found to be living with HIV during testing undertaken for the renewal of their study, work or residence permits may be confined in immigration detention centres, without access to HIV-related care, before being deported. In at least 11 other countries in the region, HIV tests are mandatory for some entry, residence and travel permits. This usually involves a mandatory declaration of HIV status and/or testing, often conducted without appropriate counselling, confidentiality or referral to HIV prevention, treatment, care or support services, in violation of rights: all migrant HIV testing should be voluntary, on the basis of informed consent.

SOURCE: UNAIDS and UNDP, forthcoming; Joint United Nations Programme on HIV/AIDS, 2014.

limit access to these systems. Migrants living with human immunodeficiency virus (HIV) face specific constraints (box 15).

Access to health services, including sexual and reproductive health services, can be challenging for women migrant workers having experienced violence and discrimination based on both gender and migration status. Regardless of availability of essential services for survivors of violence, women migrant workers may be unaware of these or face challenges accessing them. Further, separation from family and isolation due to language barriers contributes to risky behaviour, such as unsafe sex or drug use, and vulnerability to sexual violence and other human rights abuses. This increases risks of HIV and other sexually transmitted infections, of concern given inadequate access to HIV prevention, treatment and care services, as well as stigma, discrimination and social exclusion.

In reality, migrants employed in lower-skilled jobs within manufacturing, domestic service, personal care or entertainment sectors (where women

often predominate) are frequently undocumented, with little access to health services, and thus their accompanying dependents can only access emergency care, compromising their right to enjoy the highest attainable standard of health outlined in human rights law. At worst, this lack of health-care access causes preventable deaths among migrants; yet, even where impacts are less extreme, this lack of access cascades beyond poor health to adversely affect poverty, access to education and gender inequalities. Migrants in an irregular status are often reluctant to seek health care and other social services for fear of being reported to immigration authorities.

4.3.1.1 REGIONAL GOOD PRACTICES

Several host countries have comprehensive schemes to ensure migrant workers have health coverage (ILO, 2018g), although in practice they face challenges. In Thailand, registered workers in the formal sector should be enrolled in the Social Security Scheme, operated by the Ministry of Labour, in which workers and employers each pay 5.00 per cent of worker's earnings into the fund and the Government contributes 2.75 per cent. The Social Security Scheme covers, among others, sickness, child delivery and HIV treatment. However, it does not cover informal work such as in agriculture, fishing or domestic services, excluding migrants in these sectors, especially affecting migrant women as they are overrepresented in domestic work. Migrants not eligible for the Scheme may purchase health insurance through the Migrant Health Insurance Scheme, operated by the Ministry of Public Health, which includes antiretroviral treatment for HIV, and costs workers THB500 (\$16) for a health examination and THB1,600 (\$50) for one year of coverage. Children under age seven may be enrolled for only THB365 (\$11) per year. While these health insurance costs are not high, many low-wage migrants do not choose this insurance. Financial and language barriers are common challenges, as is a lack of awareness of the Scheme. Although 1.4 million migrants were covered by the Scheme in 2014, the Ministry of Public Health estimates only 64 per cent of registered migrants eligible for one or the other of these schemes are enrolled. In 2018, an estimated 811,000 migrant workers were in an irregular status in Thailand, presumably with no health insurance (Moungsookjareoun and Kertesz, 2019). This lack of coverage prevents many migrants, and women in particular, from seeking care when needing health services or being subjected to violence. It must be

noted, however, that Thai Government hospitals near borders with other countries routinely treat migrants and other foreigners even if they cannot afford the full cost of treatment.

Migrant workers in the Republic of Korea's Employment Permit System (for other aspects of this system, see chapter 2) can access universal national health insurance and the same occupational accident insurance as Korean workers. Insurance addressing workers' specific needs (such as delayed payments or repatriation costs) is also available (Cho and others, 2018). More broadly, though, the Committee on the Elimination of Racial Discrimination has raised concerns about the lower rate of enrolment of migrants, including migrant children, in the health insurance scheme and that proposed plans to widen access would lead to migrants paying higher fees than Korean nationals (United Nations, 2019b).

In Singapore, migrant employers are legally required to provide health insurance. Under the Employment of Foreign Manpower Act, employers of low-wage migrant domestic and non-domestic workers are to provide medical insurance coverage of at least SGD15,000 (\$11,200) a year for inpatient fees and day surgeries. In addition, employers of low- and semi-skilled migrant workers are required to bear the costs of adequate medical treatment. This should include outpatient care, and employers are expected to cover expenses in excess of insurance coverage for inpatient care. Co-payment by migrant workers may be permissible if certain conditions are met, an option explicitly stated in employment contracts or collective agreement with workers' full consent. Health-care costs due to injury sustained during work are covered by the Work Injury Compensation Act, mandating employers to purchase work injury compensation insurance for workers doing manual work (regardless of salary level) and those doing non-manual work with salaries of SGD1,600 (\$1,200) or less, with a minimum medical expense coverage of SGD36,000 (\$26,800) a year. Despite these provisions, a survey of physicians conducted by Ang and others (2019) found that language and culture, and the perceived cost of medical care constituted barriers to migrants seeking treatment.

The above examples mostly involve migrants with work contracts of two or three years. Providing adequate health care for seasonal migrant workers presents other challenges. Such workers in Australia (Department of Education, Skills and Employment, 2020) and New Zealand (Kumar, 2012) (chapter 1) are

provided with health insurance and health care; however, studies show that screening for existing health conditions prior to employment has been inadequate and workers sometimes have not sought available treatment because of language and cultural barriers (Bailey, 2020). Thus, while countries in the region have provisions for health insurance, much migrant access to timely, appropriate and adequate care is limited by not knowing about procedures, and language and cultural barriers, or time constraints imposed by their jobs. Moreover, health service providers may doubt their ability to pay costs not covered by their insurance. Even where national health insurance schemes include non-nationals, they may exclude the numerous informal workers across the region, particularly in agriculture and domestic work, where migrants, especially women, are concentrated. In failing to uphold migrant rights to health care, receiving countries contribute to suboptimal outcomes for migrants as well as host populations, in terms of health and a range of important socioeconomic dimensions that cascade directly and indirectly from this deficiency.

4.3.2 Right to education and training

Migrants' education is critical for their empowerment, enabling them to access decent work, contribute to development and fulfil their rights, while supporting social cohesion and integration. This is especially true for migrant children, but also for adult migrants, who benefit from upgrading their skills to progress in their careers and contribute to skills exchange and development in origin countries. The right to education for all, regardless of nationality, is well-established in international human rights instruments (box 16).

Data on migrant children's enrolment, though scarce, suggest that, in 2015, there were large proportions of 15-year old students with an immigration background in Malaysia and Georgia (around 10 per cent); Kazakhstan and the Russian Federation (around 20 per cent); and Australia, New Zealand and Singapore (over 40 per cent) (UNESCO, 2019b). Yet, without further data, knowing if numbers of migrant children accessing education are proportionate is hard. UNESCO (2019b) notes that Governments are increasing access to provide education to immigrants, but many barriers remain to accommodating the needs of migrant and displaced children. Countries face challenges fulfilling the international commitment to respect the right to education for all. Needs change quickly, especially

BOX 16 **Migrant rights to education**

Article 13 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to education directed to the full development of the human personality and the sense of its dignity, and which strengthens the respect for human rights and fundamental freedoms (United Nations, 1966a). The Committee on Economic, Social and Cultural Rights affirms that the right to education applies regardless of the child's migrant status in its General Comments No. 13, para. 34 (United Nations, 1999b) and No. 20 (United Nations, 2009). The Convention on the Rights of the Child guarantees the right to education including compulsory and free primary education for all (United Nations, 1989). The Committee on the Rights of the Child, in its General Comment No. 6 (United Nations, 2005), affirms that every unaccompanied and separated child, irrespective of status, shall have full access to education in the country they have entered. Similarly, the Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 36 (United Nations, 2017b), advises that migrant women and girls should have access to universal, free and compulsory education from preschool to secondary school, regardless of socioeconomic status. The Committee also notes a barrier for some students of migrant backgrounds where applying a mandatory dress code and banning specific clothing can hamper access to inclusive education.

Article 30 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states that "Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment." Article 43 of the Convention provides for equality of treatment of documented migrant workers with nationals concerning educational institutions, and access to vocational guidance and placement services, vocational training, and retraining facilities and institutions. Article 45 states that members of the families of documented migrant workers, in the State of employment, shall enjoy equality of treatment with nationals concerning access to educational institutions and services, subject to admission requirements and other regulations (United Nations, 1990).

In joint General Comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (United Nations, 2017e), the Committees have affirmed that all children in the context of international migration, irrespective of status, shall have full access to all levels and aspects of education, including early childhood education and vocational training, on a basis of equality with nationals of the country where those children are living. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in General Comment No. 2 recommends that administrators, teachers and parents should never be required to report or share data on the migration status of pupils or their parents, and immigration authorities should not carry out enforcement operations in or near schools or other education premises (United Nations, 2013a). These firewalls would allow migrant children and children of migrants to enjoy their right to education without fear of repercussions from immigration enforcement.

In addition, the Convention against Discrimination in Education of UNESCO requires States "to give foreign nationals resident within their territory the same access to education as that given to their own nationals" (UNESCO, 1960).

when there are large numbers of immigrant children, and in contexts of scarcity, provision of education to migrants may not be a priority. Teachers need special skills to deal with migrants in potentially unstable situations, multilingual classrooms and children having faced trauma, and whose previous educational experience may be incompatible with existing systems. Curricula may need to be adapted to be more inclusive of migrants. From the migrant side, distrust of authorities, especially among migrants in an irregular situation, may lead to them withdrawing children from schools for fear of deportation.

Statelessness can also affect school enrolment. Some 26 per cent of the population of the State of Sabah in East Malaysia are non-citizens, mostly from Indonesia and the Philippines, while 49.0 per cent of primary school age non-citizens were out of school in 2015, compared with 1.4 per cent of citizen children. At lower secondary school age, 69.0 and 1.8 per cent of non-citizen children and citizen children, respectively, were out of school (Malaysia, Ministry of Education and UNICEF, 2019).

4.3.2.1 REGIONAL GOOD PRACTICES

Although migrant children have the right to schooling, immigration regulations may prevent or hinder their enrolment. Teachers and schools with many migrant children may not be adequately prepared for their special requirements. Teachers often do not feel sufficiently supported to teach students with multilingual and diverse learning needs, particularly in building the local language proficiency of migrant children, communicating with parents/guardians, and dealing with frequent and prolonged absenteeism and high drop-out rates. Other challenges schools and teachers face relate to educational systems' expectations of schools to demonstrate academic achievement, and attitudes of local parents towards migrants. In some cases, children may be specifically excluded from accessing education, as documented in Malaysia, where Malaysia-born children of migrant workers are often excluded from education, and in the Russian Federation, where school administrators, through lack of understanding, may exclude migrant children, despite policies that are inclusive of such children. In order to address the latter point, administrative regulations to clarify the right of migrant children to access schools, as issued in Turkey, can be of assistance (UNESCO, 2019b).

In Thailand, the enrolment of migrant and stateless children in public schools has increased markedly since the adoption of the Education for All Policy, in 1995, and the 2005 Cabinet Resolution on Education for Unregistered Persons. The country now mandates 15 years of free education for all children whether they are Thai nationals, undocumented migrants or stateless. More recently, the Equitable Education Fund, aiming to support education of poor and disadvantaged students, has benefited migrant and stateless children, and boosted their enrolment rate in public schools. Migrant learning centres run by CSOs also provide education to tens of thousands of migrant children in Thailand (UNESCO and the Korea Educational Development Institute, 2019). Despite progress, migrant children remain one of the largest groups of children out of school in Thailand. Local school authorities may not publicize enrolment procedures that facilitate access of migrant children to enter public schools. Migrants may also be reluctant to send their children to public schools due to language barriers, fear of discrimination, costs of uniforms and books, or their immigration status. Achievements in providing educational opportunities to migrant children, including through migrant learning centres, have often benefited from local CSO engagement (Nawarat, 2017). A disadvantage of the informal education given by migrant learning centres is that the certification they provide is not recognized by the Government of either the origin or the host country.

Within EEU, children residing with a migrant worker from a member State are entitled to attend pre-school institutions and receive education in the State of their parents' employment (EEU, 2015). Although most migrant children in Kazakhstan and the Russian Federation are enrolled in primary and secondary education, they experience barriers to access. These include migration status, gaps in legislation and policies related to the rights and obligations of migrant worker family members, and prejudice and discrimination among school administrations with regard to admitting migrant children. Some older migrant children work outside of home or have domestic obligations interfering with school attendance. Migrant children's scholastic achievement can be impeded by multiple school transitions, risk of school segregation, and limited professional ability of school staff to work with migrant children. Despite such obstacles, migrant families interviewed in a study tended to perceive their children's (especially daughters) academic success as high both in Kazakhstan and the Russian Federation (UNICEF, 2019a).

ASEAN has adopted the ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth. The Declaration includes migrant and stateless children, by which member States "strive to establish programmes and practices to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, through but not limited to incentives to enable all girls and boys to complete (not less than) free, equitable and quality primary and secondary education" (ASEAN, 2016).

Myanmar and Thailand created the First Joint High-Level Education Working Group Meeting on Migrant Children and Education, with its first meeting in Bangkok, in August 2019, to initiate dialogue between the countries' Ministries of Education on potential collaboration and action plans to support transitions and access to quality, accredited education for migrant children in both countries. The two Governments agreed to cooperate on three key priority areas: (a) reduce language barriers for migrant children and provide assistance to teachers in school; (b) support educational transitions in both countries; and (c) strengthen data management mechanisms. The initiative is supported by IOM, UNESCO and UNICEF (UNESCO, 2019c). Improving education for migrant children would also benefit from developing inclusive curricula with linguistically, culturally and developmentally appropriate teaching and learning materials (ESCAP, 2018).

An obstacle to migrant children's access to education is that most temporary labour programmes of Asia-Pacific countries make no provision for dependents to accompany low-skilled migrant workers, thus their children are often in an irregular status, unsure of their rights. Local government and school officials are sometimes also unaware of national education-for-all policies or how to accommodate children lacking legal status or identity documents.

4.3.3 Other services

Basic services for all, including migrants, extend beyond health care and education to cover, among others, housing, clean water and sanitation (box 17). In practice, many migrants are forced to live in inadequate housing, including shared accommodation, in employers' homes, and informal areas.

Many migrants, especially low-skilled migrant workers, are housed in temporary and shared accommodation not meeting international standards. In Thailand, workers on construction sites are provided with accommodation; yet, there is little oversight to ensure that it meets standards of decency, and concerns about safety for migrant women (Napier-Moore and Sheill, 2016b). The risks of shared accommodation have been further highlighted by the rapid spread of COVID-19 among migrant workers in such accommodation (chapter 6). In other destination countries, such as the Russian Federation, where migrants have a freer choice about where they live, they may, nonetheless, be compelled to rent informally and share small accommodation due to high prices and discrimination by landlords (Michigami, 2018).

4.3.3.1 REGIONAL GOOD PRACTICES

Qatar, a major destination country for migrant workers from the Asia-Pacific region, has taken special measures ensuring migrant workers engaged in projects related to the 2022 Football World Cup are housed in adequate conditions. The country developed a set of Workers Welfare Standards, ensuring housing provides a safe and healthy environment (Supreme Committee for Delivery and Legacy, n.d.). Regular monitoring occurs, including surveys among workers, to ensure compliance and adjustment of standards.

The discussion above refers to actions taken by host countries to ensure migrant access to basic services, but the 2008 National Labour Migration Policy for Sri Lanka also gives specific attention to the children who remain at home when a parent migrates overseas for employment. The policy framework includes a monitoring system stemming from registration and tracking all children of migrant workers through house-to-house visits, and provides support services to children in distress, caregivers in distress and neglected and abused children of migrant workers. A 2018 evaluation of the labour migration policy found that migrant worker children were tracked by home visits and by checking their school attendance. The evaluation found, however, that the children of women migrant workers were given special attention and that less information was available on children of fathers who migrate (ILO, 2018h).

BOX 17 Rights to basic services for migrants

Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions (United Nations, 1966a). The Convention on the Rights of the Child recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (United Nations, 1989).

The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 (United Nations, 1991) affirms that "the right to adequate housing applies to everyone" and that ensuring the right to adequate housing is essential to the inherent dignity of every human person. In addition, the International Convention on the Elimination of All Forms of Racial Discrimination provides for "the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... the right to housing" (United Nations, 1965). The Committee on the Elimination of Racial Discrimination states, in its General Recommendation No. 30 (United Nations, 2004), that State parties must "remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the [area] of ... housing" and that they must "guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices".

The right to housing is also further developed in regional frameworks and international labour law. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers recognizes "migrant workers have the right to adequate or reasonable accommodation" although this is then subject to national regulations in the destination country (ASEAN, 2017a). ILO Recommendation 115 on Workers Housing (ILO, 1961) applies to the housing of manual and non-manual workers, including self-employed workers, older workers, retired people and workers with disabilities. The Recommendation states as a general principle:

"the competent authority should, in order to ensure structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards".

In its General Comment No. 15 (United Nations, 2003), the Committee on Economic, Social and Cultural Rights specifies that States have a particular obligation "to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination on internationally prohibited grounds in the provision of water and water services". The Committee explicitly lists migrants among the groups to be considered particularly vulnerable or marginalized concerning the right to water requiring special attention by States. The Convention on the Rights of the Child requires State parties to combat disease and malnutrition "through the provision of adequate nutritious foods and clean drinking water" (United Nations, 1989).

The Committee on Economic, Social and Cultural Rights highlights in its General Comment No. 12 (United Nations, 1999a) the close link between the right to food and the inherent dignity of the human person and recognizes that the right to food is indispensable to the fulfilment of other human rights enshrined in the International Bill of Human Rights. The Committee further states that any discrimination in access to food constitutes a violation of the Covenant. Core obligations related to the right to health asserted by the Committee in its General Comment No. 14 (United Nations, 2000a), for example, include access to "the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone". The right to food is also recognized in the Convention on the Rights of the Child, which requests State parties to ensure that all children have access to adequate nutrition, including through material assistance and support programmes, where necessary.

BOX 17 *continued*

FAO has issued Voluntary Guidelines to support progressive realization of the right to adequate food in the context of national food security. In particular, Guideline 12.5 invites States "to take appropriate steps and suggest strategies to contribute to raise awareness of the families of migrants in order to promote efficient use of the remittances of migrants for investments that could improve their livelihoods, including the food security of their families" (FAO, 2005).

The New Urban Agenda, adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in Quito, in October 2016, envisions cities and human settlements that fulfil their social function. Paragraph 20 of the Agenda recognizes the need to give particular attention to addressing multiple forms of discrimination faced by several groups in society, including migrants, regardless of their migration status (United Nations, 2016d).

4.4 Empower migrants and societies to realize full inclusion and social cohesion

RELATED TO OBJECTIVE 16

Migrants practise their cultures and religions, and interact with citizens of destination countries, often creating new, hybrid cultures, integrating elements of origin and destination countries. International migration, therefore, brings change to countries of destination. Even migrants with shared cultural origins, such as the ethnic Japanese *Nikkeijin* from Latin American countries who moved to Japan, brought cultural differences to their destination country and caused questioning of concepts relating to belonging and citizenship (Sharpe, 2017).

For most migrants in the region, migration is temporary. Countries of destination must, thus, address how to include these temporary migrants in their societies, enabling them to enjoy the right "to take part in cultural life" recognized in international law, benefiting from the changes that they bring, and ensuring social cohesion. Social cohesion may be defined as "the extent of trust in government and within society and the willingness to participate collectively toward a shared vision of sustainable peace and common development goals" (UNDP, 2020). In this understanding, social cohesion is composed of vertical and horizontal dimensions. The vertical dimension concerns trust between society and state institutions, including political, social and economic leaders, processes and services. People's perceptions and behaviour along variables such as loyalty, legitimacy, trust and confidence in public actors, from the national to the local level, are key to this dimension. The horizontal dimension deals with "the trust, relationships and interactions among people in a society across divisions such as identity or other social constructs, including race or class" (UNDP, 2020). As such, it is about a dynamic and evolving sense of interdependence and common destiny within society, founded on equality of individuals, mutual recognition of dignity and worth, and belongingness of all groups.

Each dimension contains objective and subjective elements, such as practised cooperation and participation at various levels, including the marketplace, organizational life or political and interpersonal processes, and attitudes and beliefs of social actors *vis-à-vis* the State and other societal

groups, such as religious or ethnic communities (UNDP, 2020). Although not specifically related to migration, strengthening subjective and objective elements of social cohesion in both vertical and horizontal dimensions, and between migrants and non-migrants, are important considerations for meeting this objective of the Global Compact for Migration.

Social cohesion requires a degree of mutual adaptation on the part of both the host society and migrants. Countries with sizeable numbers of international migrants have mostly adopted approaches toward their inclusion based on assimilation, multiculturalism and/or integration. In the assimilation model, migrants adapt to the host society, whereas in the multiculturalism model, the host society adapts to include migrant groups. Integration models fall in between assimilation and multiculturalism; they entail a medium level of adaption from both sides, but may also result in less overall cohesion. At the local level, an inter-cultural approach to inclusion has developed, emphasizing the importance of contacts and bonds between both migrant and national individuals of different backgrounds (IOM, 2019e).

Social cohesion approaches, policies and practices differ for groups of migrants, for instance, contract workers, marriage migrants, international students, asylum seekers and permanent residents or settlers. Diasporas or groups of earlier migrants can play a significant role in the integration of more-recent migrants. Integration and social cohesion have also been considered from the perspective of urban planning.

The success of migrant inclusion can be assessed in terms of outcomes in areas such as language, education, labour market inclusion, health, housing, family reunification, political participation and naturalization. OECD and the European Union have undertaken an evaluation of the integration of migrants in OECD countries, which include Australia, Japan, New Zealand and the Republic of Korea in the Asia-Pacific region. The results are greatly determined by the predominant type of migration to those countries, as the cases of Australia and the Republic of Korea show. Australia employs a points system for the admission of permanent settlers, giving priority to migrants with higher education, who are proficient in English and who have a job offer; as such, migrants to that country score highly on measures of integration, including educational level, income and self-reported health status. On the

other hand, most migrants to the Republic of Korea are low- and semi-skilled workers, many of whom are temporary. Thus, migrants there have a higher employment ratio than among nationals but also are substantially underemployed for their level of education. It is notable that Japan, the Republic of Korea and the Russian Federation lack data on many of the indicators of migrant integration (OECD and EU, 2018), which is also true of the non-OECD countries in Asia and the Pacific.

Decent work is a fundamental aspect of social cohesion. The United Nations Division for Social Policy and Development has suggested that the well-being of international migrants largely depends on availability of work generating a decent income, a clear and secure legal status, access to social services and to social and health protection, and their participation in society (UN DESA, n.d.b). A secure legal status largely depends on a valid visa and work permit; components of a system of safe, orderly and regular migration, as outlined in chapter 2; and the right to social services and practices to ensure that right, as described earlier in this chapter.

A major challenge to labour market integration is matching the occupational skills of migrant workers with demand in the host country. Language ability can also be a factor in successful integration in the workplace. The designated skill visa recently introduced in Japan and the Republic of Korea Employment Permit System (described above) represent efforts to ensure that migrant workers have the requisite skills and language proficiency (OECD and others, 2016) (see also chapter 2 on skills partnerships). Other challenges to effective labour market integration include ensuring fundamental principles and rights at work and decent working conditions, especially when work permits are tied to a single employer; and tackling discrimination in the labour market and negative public perceptions. Overcoming these challenges requires an effective legal and policy framework as well as programmes to support behaviour/perception change. Migrant workers contribute to development, so improving labour market integration should be seen as an essential element in economic and social development strategies (OECD and others, 2016).

Ensuring the participation of migrants in society is more difficult in the context of temporary labour migration, which accounts for most of the migration within the region. Because migration is generally perceived to be temporary, both host societies and migrants are less inclined to strive for full migrant

inclusion. In reality, policies and practices regarding migrant workers often include degrees of exclusion or deliberate attempts to separate migrant workers from the communities they live in. For example, temporary migrant workers have difficulty exercising their right to freedom of association (chapter 2). The International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and several ILO Conventions affirm the right of migrant workers to join trade unions, yet most major countries that receive migrant workers from Asia and the Pacific deny that right.

As with all aspects of migration, migrant labour force integration is highly gendered. Migrant women are more likely to suffer discrimination: first as women, then as migrants. They face gender bias in hiring processes and are generally engaged in lower-paid jobs. Jobs for migrant workers are often gender segregated, perpetuating pay gaps between male and female migrants. Even when performing the same tasks, men usually earn more, as women are considered dependents and thus not requiring as high earnings (ASEAN, 2017b). For women migrant workers, limited inclusion has particular impacts reducing access to essential services when they are subject to violence or exploitation, as they may not know about those services or how to access them, or face language barriers. Limited inclusion also means that service providers do not tailor their services to migrants by providing translation or disseminating information in migrant communities. Measures to integrate migrants may be of even greater importance for marriage migrants, most of whom intend to remain permanently. Children of such migrants may be vulnerable, especially in the case of parental divorce. If the children are young at the time of divorce, they can become virtually stateless, without nationality in either their mother's or father's country.

Thus far, addressing migrant inclusion and social cohesion has been considered more in the context of societies accepting migrants for long-term residence. However, as even short-term migration becomes a structural part of the economies and societies of the Asia-Pacific region, there is a need for further consideration of how temporary migrants may be included, and social cohesion achieved, to help manage the changes brought by migration in a constructive fashion. In addition, inclusion and social cohesion of return migrants has to be considered.

4.5 Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

RELATED TO OBJECTIVE 19

International migration generally contributes to economic and social development in both origin and host countries. Workers move to where there is demand for labour and wages are higher. The movement of both low- and highly-skilled migrants improves economic efficiency and reduces disparities. Skills developed by migrants in destination countries can aid development when they return (chapter 1). Current and former migrants often develop important economic and social links between countries. Remittances improve the circumstances of families and contribute to local development (chapters 1 and 2).

Migration is an integral part of broader transformational processes and thus its impacts are heterogeneous, including negative and positive effects. The emigration of workers may harm development prospects of the communities they leave and reinforce structural imbalances, potentially leading to greater inequality rather than development. Furthermore, migrants' positive contributions require a conducive policy environment to have a positive impact; alone, their efforts are unable to overcome structural barriers to sustainable development (de Haas, 2010).

Key to creating conditions for migrants and diasporas to fully contribute to sustainable development in all countries is to mainstream migration into development planning; this entails including "migration as a cross-cutting issue in all relevant policies and programmes" to ensure whole-of-government approaches and policy coherence (Wickramasekara, 2015b). Mainstreaming outcomes should reflect that sustainable development is about enhancing peoples' freedom, choices and capabilities, and that development is dependent on the realization of human rights of all persons including migrants. Mainstreaming exercises should go beyond considering remittances, return migration and diasporas to understanding the complex relation between migration and development in all its dimensions.

Avenues for incorporating migration into development strategies include national development plans, national human resource development strategies, national labour migration policies and cooperation agreements with international organizations (Wickramasekara, 2015b). They can also be included in subnational and local development plans and the United Nations Sustainable Development Cooperation Frameworks in place to guide the work of United Nations Country Teams in support of achievement of the 2030 Agenda, as well as larger subregional and regional frameworks. For example, the Regional Roadmap for Implementing the 2030 Agenda in Asia and the Pacific calls for regional cooperation to "Strengthen the linkages between international migration and development, including through more effective management of migration." Work toward achieving the Global Compact for Migration's objectives and the 2030 Agenda will also furnish opportunities for mainstreaming migration into development strategies.

4.5.1 Regional good practices

An example of mainstreaming migration into development strategies is Bangladesh's Seventh Five-Year Plan (2016–2020), which cites remittances as a main factor in poverty reduction and recognizes multiplier effects leading to rural transformation, diversified employment and creation of an income base for the rural poor. The Plan especially urges a strengthening of overseas employment and remittances strategies through institutional reforms for Bangladesh's diaspora.

The National Labour Migration Policy for Sri Lanka, adopted in 2008, explicitly calls for "The State ... to incorporate labour migration into all its policy frameworks, including the policies on development, decent work, and employment" (ILO, 2018h, p. 10). In the 10-year review of the Policy, it was noted that it takes into account foreign employment, that the National Action Plan on sexual and gender-based violence prevention has a chapter on foreign employment, and that the Strategic National Action Plan to Monitor and Combat Human Trafficking has initiatives under labour migration. A revised policy is currently being drafted for adoption. Efforts to mainstream migration into national development strategies often consider the situation of return migrants. In this regard and in accordance with the National Labour Migration Policy of Sri Lanka, in 2015, the Government developed a sub-policy

and National Action Plan to support return and reintegration of migrant workers, and a Reintegration Coordination Unit was set up at the Sri Lanka Bureau for Foreign Employment (ILO, 2018h).

Kiribati and Tuvalu adopted national labour migration policies to support the welfare of overseas workers and maximize the development impacts of migration. They further seek to harness the benefits of migration in adapting to climate change impacts (Kiribati, n.d.; Tuvalu, Ministry of Foreign Affairs, n.d.).

Mainstreaming migration into national development strategies can also be valuable for host countries. Japan, the Republic of Korea, the Russian Federation and Singapore all decide how many lower-skilled migrant workers to admit each year and the skills they must possess, and set quotas for industries and/or regions. These actions do not constitute full migration mainstreaming but reflect efforts to align international migration with national development objectives.

Besides addressing remittances and return migration, mainstreaming of migration often includes harnessing the beneficial effects of a nation's diaspora. Diasporas can promote development in their home country by "virtual return": the transfer of knowledge and skills without a physical return.

Several countries in the region have established agencies at national and subnational levels to engage their diasporas. In Bangladesh, India, Indonesia, Pakistan and Sri Lanka, ministries have been established to maintain relations with their diasporas, including temporary migrant workers and long-term emigrants. These countries have set up programmes to attract human capital back to the origin country by paying moving costs, subsidizing salaries or providing funds for starting a business. India has developed a comprehensive system to engage with Non-Resident Indians, with specific support offered for consular services and voting, and opportunities for highly skilled professionals and students. Countries also try to tap into their diaspora's savings by permitting special bank accounts for them (in foreign currency, for example). India and Sri Lanka have sold diaspora bonds to promote investment in the country of origin. Diaspora organizations may raise funds that can be channelled to the country of origin for philanthropic purposes (Agunias and Newland, 2012).

In North and Central Asia, Armenia has been working on diaspora engagement for several years. In 1998, the Armenian Development Agency was established to promote foreign direct investment and exports, and to provide complete services for foreign investors. To encourage diaspora-led development, the Ministry of Economy launched an “Open Doors” investment policy, including free economic zones for diaspora investors. In 2007, the Government amended the nationality law to accept dual citizenship and eased travel and residence requirements, allowing diaspora to participate in local elections, if resident in the country, and invest in land. In 2008, the Ministry of Diaspora was established to actively promote initiatives for cooperation and rapprochement between the diaspora and Armenian citizens (Gevorkyan, 2016).

The Indonesian diaspora has been estimated to number about 8 million people. In response to demands from the diaspora, the Government plans to set up an office for diaspora affairs. Presidential Regulation Number 76/2017 put into law the “Diaspora Card” that provides Indonesians abroad with special entitlements, such as long-term visas and property ownership rights. The Indonesian diaspora has the potential to make a large contribution to their home country in terms of capital investment and human resources if the Government can develop the modalities to attract those resources (Setijadi, 2017).

Pakistan’s *Yaran e Watan* Diaspora Health Initiative is a joint initiative by the Government and the Pakistani diaspora health communities, with the objective of facilitating voluntary two-way engagement that addresses the gaps in the health needs of the country by coupling them with the expertise of Pakistani and foreign health professionals practising abroad. The two-way engagement relies on Pakistani health-related institutions posting professional volunteer opportunities on the platform to which overseas health professionals can apply. Similarly, overseas health professionals can post about their availability, and Pakistani institutions registered with the organization can connect with them. The scheme has been particularly valuable and relevant within the context of the ongoing global COVID-19 pandemic (Yaran e Watan, 2020).

Often a gap exists between the promise of diaspora programmes and their delivery of benefits. Rivalries can exist between diaspora groups, Embassies may underestimate the time and resources required to maintain active engagement with

diaspora communities, local institutions may not be flexible enough to deal with returning migrants, and rigid visa requirements in destination countries can interfere with diaspora engagement (Wickramasekara, 2015b).

The government plans cited above essentially target members of the diaspora who are well-educated and earning high salaries. In contrast, the Government of Myanmar has built into its Sustainable Development Plan, Strategy 4.5 to protect the rights and harness the productivity of all, including migrant workers. Most migrant workers from Myanmar are employed in low-wage jobs in Malaysia, Singapore and Thailand, and many are in an irregular status. Actions to be taken under the Strategy are to provide a legal identity for all, including birth registration for children of migrants born abroad; promote legal, affordable and secure migration services; provide improved cross-border financial services for migrant workers; and develop measures to encourage the diaspora’s contribution to the domestic economy (Myanmar, Ministry of Planning and Finance, 2018).

Despite these initiatives, mainstreaming of international migration has proceeded only to a very limited extent in most countries in the region for a number of reasons. The process involved in mainstreaming is laborious and time-consuming. International migration is still for many countries an issue affecting only a small population, reducing its perceived importance. Incorporating international migration in the development policies of origin countries can be precarious since much depends on policy directions and changes in destination countries. International migration trends can be volatile, and well-crafted plans can collapse through no fault of those preparing them.

4.6 Promote faster, safer and cheaper transfer of remittances and the financial inclusion of migrants

RELATED TO OBJECTIVE 20

As chapter 1 shows, personal remittances contribute significantly to GDP in many countries in the region. Remittances include cash and non-cash items that flow through formal channels, such as electronic wire, or through informal channels, such as money or goods carried across borders. They

largely consist of funds and non-cash items sent or given by individuals who have migrated to a new economy and become residents there, and the net compensation of border, seasonal or other short-term workers who are employed in an economy in which they are not resident (IOM, 2019b). They are often one of the most tangible benefits of international migration and a key motivation for migration. However, although much progress has been made in reducing remittance costs and bringing them into formal transfer channels, they remain stubbornly high in some parts of the region, especially the Pacific, while many migrants still feel constrained to use informal channels to send remittances.

In considering the impact of remittances on development, the non-pecuniary impact of remittances, such as on health, education, gender and social structures should not be overlooked. Beyond the financial aspect of remittances, social remittances may affect social and cultural change. Data on financial transfers are easier to access for nearly all countries and are relatively comparable; however, while trends in remittances are measured with these data, they do not capture informal transfers, which are estimated to be significant.

Remittances are sent directly to the families of migrants, thus assisting those whom migration is intended to benefit. In most cases, remittances are used for immediate family needs, such as food, clothing, paying debts, paying for funerals, buying land or building a house. Although the proportion of remittances set aside for "productive" use, such as saving and investment, is small, it should not be overlooked that so-called "non-productive" use, such as construction, has multiplier effects in the community by depending on it for most materials and labour, while use of remittances for school fees may be considered as a form of investment (ILO, IOM and Rapid Asia, 2017). The volume of remittances has frequently been seen as counter-cyclical in that they often increase when the economy of the home country takes a downturn, as after a natural disaster; for example, remittances to Nepal surged following the 2015 earthquake. Remittances have been credited with significant contributions to the reduction of poverty levels in Kyrgyzstan and Tajikistan (Prokhorova, 2017).

Connell and Brown (2005) note a partial transition from using remittances for consumption to using them for investment in the Pacific. At early stages of

migration from Pacific island countries, remittances were used largely for food, including for imported tinned food and for community feasts. The second most important use was for education, often for the specific purpose of gaining the skills needed for migration. The use of remittances for investment was limited and usually focused on opening shops, providing transport or building a house which could be rented out. While the use of remittances for saving was traditionally low and their volume was insufficient to influence national development, more recent studies suggest that households experience a higher per capita income driven by remittances, increased subjective economic welfare, improved ownership of assets, higher rates of financial inclusion and savings, and improved educational attainment and school attendance rates at primary and tertiary levels (World Bank, n.d.). Remittances have also contributed to business development and support for disaster risk reduction initiatives. A recent assessment by IOM in Vanuatu indicated that the top three priorities for remittances were: a) building a cyclone resistant home; b) school fees; and c) enterprise/livelihood options at home (Bailey, 2019). In Samoa and Tonga another study concluded that inward remittances led to growth in economic activities by adding to the liquidity of the banking system, which promoted financial sector development and in turn resulted in a rise in credit to the private sector (Jayaraman, Choong and Kumar, 2011). Prokhorova (2017) notes that the development impact of remittances to North and Central Asian countries is mostly felt at the level of recipient households which are able to escape monetary poverty; however, wider impacts are limited due to a lack of financial development in these countries, and a lack of trust in financial institutions.

High levels of remittance dependence can have adverse effects: from an economic perspective, recipients of remittances may consider them to be a form of rent, potentially causing public and private moral hazard. When remittances are spent on imports, they may inflate exchange rates to uncompetitively high levels, harming export-oriented industries in countries of origin. Furthermore, countries with high levels of dependence on remittances are extremely sensitive to economic downturns and currency fluctuations, especially where remittances come from one main country of destination. For example, remittances to Kyrgyzstan dropped by almost a quarter between 2014 and 2015 due to recession in the Russian Federation. The economic impacts of the COVID-19

pandemic are particularly harmful in countries in which large numbers of households are dependent on remittances (chapter 6). The act of sending remittances can place burdens on migrant workers, as they might be required to make sacrifices in order to be able to send remittances; this is especially true for women migrant workers who tend to send higher shares of their income as remittances (UN Women, 2017a). Moreover, remittance receipts are not equally distributed, leading to mixed evidence as to whether they diminish inequality, or exacerbate it (Imai, Malaeb and Bresciani, 2017).

The impact of migrant remittances is further reduced by the costs associated with sending them. While relatively low by international standards, remittance costs are a concern in the region, especially in the Pacific, where recent legislation to combat money laundering and the financing of terrorism has caused some banks to close their remittance operations because of the added scrutiny required and poor compliance by some money transfer operators (UNDP, 2017). As such, many migrants use informal transfer systems which, while not as reliable as formal channels, are often fast and inexpensive.

Transfers through banks are frequently not feasible for migrants because many migrants do not have a bank account at home and find it difficult to open one in the host country. Visiting a bank during business hours may also be difficult for migrant workers. A survey of 1,808 migrant workers from four countries of origin in South-East Asia (Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam) found that only 15 per cent of them used a bank to send remittances. Some 32 per cent used a broker system, 20 per cent had money hand carried by others and 19 per cent used a money transfer organization. The average transfer fee for migrants working in Thailand was only 2.2 per cent of the amount transferred, mostly because of the efficient broker systems that have developed (ILO, IOM and Rapid Asia, 2017, p. 64). This contrasts with World Bank (2020b) calculations that indicate that sending remittances via formal channels from Thailand to Cambodia costs 11.4 per cent, while from Thailand to Myanmar it costs 12.0 per cent.³⁸

An ILO, IOM and Rapid Asia (2017, p. 66) survey found that migrants working in Malaysia had paid an average transfer fee of 5.1 per cent. This is actually higher than the cost of sending remittances from

Malaysia to Myanmar calculated by KNOMAD (2020), which ranged between 2.2 and 4.1 per cent. Thus, while the formal channels of sending remittances appear to be less expensive, presumably many migrants are not able to utilize them because they are not as convenient or because the migrants do not have bank accounts in the country of origin. In the survey cited, male migrants remitted an average of \$187 per month, while female migrants remitted an average of \$166. This mostly reflected the wage gap between men and women as they tended to remit nearly the same proportion of their earnings (ILO, IOM and Rapid Asia, 2017, p. 65).

In practice, brokers may use banks to transfer funds to a city in the migrants' home country. Kubo (2017) found that as more banks opened branches in Myanmar, informal money transfer operators working in Thailand were likely to make use of those branches, having the paradoxical effect that the expansion of the banking system actually fostered and supported informal money transfers. The expansion of branch banks is also conducive to competition among informal money transfer operators.

One reason that remittances are not used as effectively as they could be is that most migrant workers lack financial literacy. If programmes of financial education are available in the host country, language is likely to be a barrier. A study of Filipino migrant workers in the Republic of Korea found that most of them were only passive users of financial services, they lacked financial literacy and they did not adequately discuss financial management with their families in the Philippines (Jang and others, 2019).

Digital financial services are increasing at a rapid rate in the region. Expanding access to digital formal remittance services, as well as products linked to those services, can increase financial inclusion for underserved populations, especially those in rural areas, which can in turn contribute to inclusive growth in countries in Asia and the Pacific. In the ASEAN region, where women comprise about 48 per cent of all migrant workers (ASEAN, 2017b), it is critical to ensure that access to digital financial services is responsive to the specific needs of women. As sending and receiving remittances are often the primary type of financial activity for families of migrants, they can serve as the entry point for

³⁸ Surveys of migrants on cost of remittances probably underestimate them because respondents are aware of the fee that they pay but not the amount that they lose on the exchange rate.

BOX 18 Fintech for remittances in the Pacific

Remittance costs to the Pacific are among the highest in the world. Small but frequent remittance amounts mean the minimum fee charged by remittance service providers constitutes a greater proportion of the transaction than elsewhere and distribution channels are also expensive due to the small and dispersed nature of populations in Pacific SIDS, which limits economies of scale. Financial technology (Fintech) companies combine innovative business models with digital technology to combat these constraints. Reduced operational costs and diminished intermediaries in transactions lead to lower remittance fees charged by fintech companies. Fintech companies also offer a means of improving financial inclusion and increasing transparency in remittances.

Fintech options need to progressively meet conditions of availability, accessibility, awareness, literacy and trust to be widely adopted. Mobile money is the most readily accessible Fintech remittance service in the region. Fintech is not prevalent in many Pacific countries, but online platforms exists in Fiji, Samoa and Tonga.

Adapted from Hahm, Subhani and Almeida (2019).

learning about other products that will bring them into the formal financial ecosystem (Gravesteijn and Last, 2019). They may also help overcome high remittance sending costs in the Pacific (box 18).

While the Global Compact for Migration and the 2030 Agenda mention only monetary remittances, social remittances are also important in some cases. In an evaluation of the impact of New Zealand's Recognised Seasonal Employer scheme on communities of origin in Vanuatu, respondents reported they and their communities had benefitted not only in terms of remittances sent but also by transfer of new skills, greater productivity consciousness, improvements in education and housing, and the start-up of small businesses in the community (Kumar, 2012).

4.7 Establish mechanisms for the portability of social security entitlements and earned benefits

RELATED TO OBJECTIVE 22

Social protection is a vital tool for fighting poverty, decreasing inequality and empowering people. However, migrants are often excluded from social protection systems in both origin and destination countries. As they are not working in origin countries,

they may be excluded from paying into systems in these countries, while they may also be excluded from participating in or benefiting from schemes in destination countries through *de jure* or *de facto* restrictions. Barriers to eligibility for social protection include exemptions for certain categories of workers (such as domestic workers or those in agriculture), the exclusion of smaller employers, or migrant inability to meet eligibility requirements for long-term benefits such as old-age pensions. In some cases, enrolment in national social security schemes is voluntary, resulting in many low-wage migrants not enrolling. In the short term, migrants do not have access to benefits such as for unemployment, while in the long term they are excluded from paying into pension schemes, leaving them at risk of involuntary work in old age, or old-age poverty.

Meanwhile, even if they are able to access social protection systems in origin or destination countries, the benefits of these schemes may not be portable.³⁹ Thus, even when migrant workers are enrolled in social security schemes, they might be unable to collect any benefits because they will eventually leave the country at the end of their contract (ILO, 2018g). If documented migrants are required to contribute to a social security scheme without portable benefits, they may have an incentive to work in an irregular status (Hagen-Zanker, 2018).

³⁹ Cross-border portability refers to migrant ability to preserve, maintain and transfer acquired social security rights and rights in the process of being acquired from one social security scheme to another, irrespective of nationality and country of residence (Holzmann and Jacques, 2019). Social security schemes migrants are potentially eligible for include health insurance, work accident insurance, maternity and delivery rights, old-age pensions and, rarely, unemployment insurance.

Holzmann and Jacques (2019) estimated the distribution of all migrant workers over four regimes of portability of social security in 2013, including full portability (benefits can be earned and paid out across borders); exportability (migrants can export benefits earned in destination countries); no access; and informality (irregular migrants are excluded). They found only 7.9 per cent of migrants from East Asia and the Pacific, and 0.4 per cent of migrants from South Asia enjoyed full portability of benefits. In East Asia and the Pacific, the number of migrants enjoying full portability had actually fallen by 5.7 per cent since 2000. As destinations, 17.8 per cent of migrants in East Asia and the Pacific, and no migrants in South Asia, enjoyed full portability. This was below the global average of 23.0 per cent. Migrants had greater access to exportable benefits: 71.5 and 50.5 per cent of migrants from East Asia and the Pacific, and South Asia, respectively, could potentially export benefits, while 73.0 and 68.0 per cent of migrants in East Asia and the Pacific, and South Asia, respectively, could export benefits.

The most common means of ensuring cross-border portability is through bilateral social security arrangements, but it is also possible through regional frameworks, multinational providers and benefit redesign. An example of the latter would be the payment of a lump sum to migrants leaving the host country for contributions they have made if benefits cannot be accessed outside the country. These approaches are both substitutes for and complements to portability (Holzmann and Jacques, 2019). However, in the region, neither host nor origin countries have social security schemes designed with portability in mind. Furthermore, coverage of social protection systems in countries of origin is limited; a great many migrant workers were never enrolled in such schemes in their home countries and so are poorly informed about their workings, and ineligible for transfers of benefits between schemes.

Some innovative approaches are being trialled in the region to ensure access to and portability of social protection. The Treaty on Eurasian Economic Union gives migrants equal rights to social security as national workers, with the exclusion of pensions. The Union has signed a treaty on pensions, which ensures that all work within different EEU member States will be counted for pension calculations (EEU, 2019).

The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the 2017 ASEAN Consensus on the Protection and

Promotion of the Rights of Migrant Workers call on ASEAN member States to promote the full potential and dignity of migrant workers, and place certain obligations on receiving and sending States. Some progress in the area of social protection has been made, embedded in the operational activities of mandated ASEAN institutional frameworks, in particular the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ILO, 2019f).

The Philippines has signed several bilateral agreements on social security, most with countries outside of the Asia-Pacific region, while the Republic of Korea is also actively concluding agreements in countries of origin. At the 5th Senior Labour Officials Meeting on Labour Cooperation, in Cambodia, in September 2019, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam endorsed the Siem Reap Roadmap toward the Labour Ministerial Declaration on the Portability of Social Security for Migrant Workers in those countries. In general, however, bilateral social security agreements remain rare in the region.

Several countries of origin, including Indonesia, the Philippines, Sri Lanka, Thailand and Viet Nam have adopted unilateral approaches to providing some social security coverage to citizens abroad (ILO, 2018g). The Philippines, in 2018, made enrolment in the national social security system compulsory for all Philippine migrant workers. They may pay a monthly contribution from their bank account in the Philippines. Their benefits are the same as for persons residing in the Philippines and include coverage for sickness, maternity, disability, retirement, death, funeral expenses, unemployment and compensation for work-related sickness or injury (Philippines, Social Security System, 2019). Similarly, Sri Lanka has established a contributory pension scheme for migrant workers abroad. They may make lump sum or monthly payments and the Government subsidizes costs. The scheme provides a pension at age 60 and survivors' benefits for the spouse of the migrant worker (ILO, 2018h).

4.8 Conclusion

This chapter highlights that migrants are rights-holders in destination countries and constituent parts of host societies, contributing to development in origin and destination countries. Origin countries have strengthened consular services to assist

migrants in destination countries, while some destination countries have also reformed policies to improve protection of migrants. Yet, significant gaps remain which prevent migrants from being fully protected while in-country.

Countries in the region have improved the provision of health and education services to migrants; but further progress is needed, such as removing *de facto* and *de jure* barriers to access, with employment in the informal sector of particular concern. Even when migrants are entitled to social services, they often find access difficult due to language barriers, not being aware of procedures, or inability to take time off from work. Migrants are sometimes denied services because employers have not complied with registration requirements. Migrants often live in congested and substandard units, increasing risk of infection by communicable diseases, as demonstrated in many countries during the COVID-19 pandemic. Although this may relate to certain capacity limitations, specific elements especially prevent migrants from enjoying their rights. Hence, further action to overcome diverse barriers to access to services is required. The greatest gains in integrating migrants in host societies have occurred by including them more fully in labour markets. Migrants are often perceived (and see themselves) as temporary sojourners, with resultant Government efforts to integrate them in host countries social and cultural spheres much weaker than efforts to promote labour force integration.

Migrants contribute to development in origin and destination countries through remittances and skills and knowledge transfer. Importantly, the benefits are experienced by both migrants and their immediate families, and often by the entire community. Although remittances are substantial, relatively few policies seek to strengthen their developmental impact, while mainstreaming migration into development approaches has not progressed beyond a few countries.

Coverage of migrant workers by social protection systems in host countries is often far from complete, both because their systems are not adequately developed, and administrators and employers consider that migrants are not meant to be included in the programmes. The portability of social protection benefits remains almost non-existent due to many migrants not having accrued any benefits and the lack of bilateral frameworks for such portability.

Thus, going forward to ensure the full implementation of the Global Compact for Migration in the Asia-Pacific region requires countries to strengthen migrant access to basic services, address protection gaps, focus on greater social cohesion for migrants, mainstream migration into sustainable development strategies and increase portability of social protection. As this chapter shows, while unilateral approaches by countries help, strengthened bilateral and multilateral cooperation can be particularly effective. Furthermore, strengthening capacity to implement adopted policies is essential to ensure changes in policies make a real difference to migrants.

4.9 Recommendations

The following recommendations, listed according to each Global Compact for Migration objective covered by this chapter, are for action by Asian and Pacific Governments, in partnership with all relevant stakeholders and through a collaborative approach:

14 ENHANCE CONSULAR PROTECTION, ASSISTANCE AND COOPERATION THROUGHOUT THE MIGRATION CYCLE

- Consider strengthening consular services through increased numbers and capacity of consular officers in key countries of destination.
- Cooperate to ensure that effective consular services are extended to migrants while abroad and explore modalities beyond consular services to assist migrants abroad, such as collaboration with CSOs to work in the best interests of migrants.

15 PROVIDE ACCESS TO BASIC SERVICES FOR MIGRANTS

- Erect firewalls between social service providers (particularly health care, education and housing) and immigration and law enforcement to not deter migrants from accessing services to which they are entitled.
- Expand national health-care schemes to cover migrant workers and other migrants, including through strengthening of outreach on services such as provision of information in appropriate languages, while reassuring irregular migrants that seeking health care will not lead to their detention and deportation.

- Strengthen the capacity of education and health-care systems to provide comprehensive care and access to services to migrants and their families.
- Review laws, regulations, and practices related to restrictions on entry, stay and residence based on HIV status, with a view to eliminating such restrictions, and support migrant access to HIV prevention, treatment, care and support.
- Undertake proactive measures to ensure that migrants are aware of their entitlements and how to access services, and collaborate with civil society in these efforts.
- Review and reform services to ensure that they are accessible to migrants.

16

EMPOWER MIGRANTS AND SOCIETIES TO REALIZE FULL INCLUSION AND SOCIAL COHESION

- Promote policies grounded in multiculturalism and transnationalism as means of promoting migrant inclusion and social cohesion, including through greater recognition of educational qualifications from other countries, more flexible visa arrangements and allowance of dual nationality.
- Grant permanent residence permits to migrants who have married nationals independent of their citizen spouses, and subsequently a clear path to citizenship. Children of mixed-nationality marriages should be permitted to hold dual citizenship at least to the age of 18 years.
- Reform industrial trainee schemes to ensure they provide actual training and are not a hidden form of importing low-paid foreign workers. Trade unions and CSOs could play a role in such reforms.

19

CREATE CONDITIONS FOR MIGRANTS AND DIASPORAS TO FULLY CONTRIBUTE TO SUSTAINABLE DEVELOPMENT IN ALL COUNTRIES

- Collaborate with all stakeholders to mainstream migration into sustainable development strategies at all levels, including through incorporating migration into national development plans, national human resource development strategies and national labour migration policies.
- Strengthen efforts to engage diasporas in development activities, including by means of dedicated government agencies and programmes, as relevant.

20

PROMOTE FASTER, SAFER AND CHEAPER TRANSFER OF REMITTANCES AND FOSTER FINANCIAL INCLUSION OF MIGRANTS

- Promote greater competition for remittance services, especially in the Pacific, to bring remittance costs below the SDG target of 3 per cent.
- Increase access to appropriate digital remittance services, particularly for migrant women.
- Ensure that anti-money laundering efforts provide efficient channels so the transfer of personal remittances by migrants are not obstructed.

22

ESTABLISH MECHANISMS FOR THE PORTABILITY OF SOCIAL SECURITY ENTITLEMENTS AND EARNED BENEFITS

- Engage in greater bilateral and multilateral cooperation, including through regional economic communities such as ASEAN and EEU, to promote full portability of social protection between countries of origin and destination.
- Inform migrants about the social security benefits to which they are entitled and how they may claim them.
- When social protection measures, such as old-age pensions or life insurance, are unavailable to migrants in the host country, establish remedial procedures for migrants to maintain and pay into country of origin systems while abroad.



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Older persons residing in the village of Bokonbaevo, Kyrgyzstan.

Chapter 5

Strengthening evidence-based policymaking, public debate and cooperation for safe, orderly and regular migration



This chapter addresses the following objectives of the Global Compact for Migration:

- 1 Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
- 3 Provide accurate and timely information at all stages of migration
- 7 Address and reduce vulnerabilities in migration
- 17 Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- 23 Strengthen international cooperation and global partnerships for safe, orderly and regular migration

5.1 Introduction

This chapter reviews progress in the Asia-Pacific region regarding the objectives of the Global Compact for Migration, listed above.

Many of these objectives are related to the SDGs, such as the call for disaggregated data or strengthened international cooperation and global partnerships. These topics are important to enable policymakers and migrants alike to make informed decisions, for example, regarding migration policies or potential employment opportunities abroad. In addition, they address the vulnerabilities of migrants with a focus, for example, on women migrants who in Asia and the Pacific account for around half of all migrants. Addressing their vulnerabilities and needs is crucial to ensuring that their migration is safe, orderly and regular.

5.2 Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

RELATED TO OBJECTIVE 1

To guide public discourse and formulate evidence-based and gender-response policies, policymakers need access to accurate, reliable, timely data that have been disaggregated by sex, age, migration status, disability and other characteristics (box 19). This call for disaggregated data aligns with a similar call in the 2030 Agenda, as conveyed in SDG 17.18,

and paragraphs 48, 74 and 76 of General Assembly resolution 70/1. As noted in chapter 1, there are significant limitations in gathering data on migration. While statistical definitions of concepts such as "international migrant" or "migrant worker" are clear, they are not used consistently, and potential data sources are overlooked. In addition, data are too often not shared either within or between government entities, or not presented in a form that allows them to be compared with other data.

5.2.1 Sources of migration data

Data on international migration are traditionally collected from population censuses, surveys and administrative records, but innovative approaches using other sources are being explored. Population censuses are the best way to measure migrant stock: they enumerate the entire population in a country at a given point in time and are usually conducted at regular intervals. The United Nations recommends that population censuses include questions on: (a) place of usual residence; (b) country of birth; (c) duration of residence; (d) place of previous residence; (e) place of residence at a specified date in the past; (f) country of citizenship; and (g) year or period of arrival. Other topics that may relate to international migration include acquisition of citizenship, language usually spoken at home, ethnicity, religion and country of birth of parents. The latter are not considered core topics and, as they can be sensitive in some countries, their inclusion should be deliberated carefully (UN DESA, 2017b).⁴⁰

⁴⁰ Since 2017, the United Nations Statistics Division has been working on improving statistics on international migration through advancing methodologies to measure the phenomenon, including by revising the 1998 Recommendations on Statistics of International Migration. The revision is intended to provide a clear linkage to data needs for policymaking, redefine conceptual frameworks, and incorporate new methodologies and international standards. The United Nations Statistical Commission in 2018 formalized the establishment of an Expert Group on Migration Statistics to provide guidance on the process. The United Nations has also created the Expert Group on Refugee and Internally Displaced Persons Statistics.

BOX 19 Data on migrants in international frameworks

The Global Compact for Migration's first objective is on data and includes "upholding the right to privacy under international human rights law and protecting personal data", (United Nations, 2019e). Improved and disaggregated migration data collection facilitates analysis of key trends and anticipation of challenges. Such data can be used in informing response design, monitoring implementation, and ultimately enabling evaluation of the effects of migration programmes and policies. Better informed policies stand to be more inclusive, less discriminatory and beneficial to migrants and States.

In Chapter X of the Programme of Action of the International Conference on Population and Development, Member States already called for cooperation with international and non-governmental organizations and research institutions to support the gathering of data on flows and stock of international migrants and on factors causing migration, as well as the monitoring of international migration (United Nations, 1994b). Later, the 2030 Agenda called for data disaggregation by migratory status, closely linking the call for such data to its core principle to "leave no one behind", including migrants. Moreover, the Addis Ababa Action Agenda (United Nations, 2015c), the Committee on the Elimination of Discrimination against Women General Recommendation No. 26 (United Nations, 2008b), the Committees on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Rights of the Child (United Nations, 2017d) and ILO (Multilateral Framework on Labour Migration, ILO, 2006) stressed the need for data disaggregated by diverse characteristics, and with specific attention to women, children and labour migration.

With particular attention to the 2030 Agenda, the Global Compact for Migration's first objective reiterates target 17.18, which calls for "high-quality, timely and reliable data, disaggregated by income, gender, age, race, ethnicity and migratory status" (United Nations, 2015a), and is pivotal in supporting achievement of SDG target 10.7, which aims to "facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies". SDG indicator 10.7.1 concerns recruitment costs (chapter 2). ILO and the World Bank are joint custodian agencies of the indicator and have developed data collection modules for national statistical offices. In the region, surveys on recruitment costs have been completed or are ongoing in Bangladesh, Cambodia, India, Kyrgyzstan, Nepal, the Philippines, Tajikistan and Uzbekistan (chapter 2). While highlighting the need for data, the 2030 Agenda also presents countries with new challenges and reporting requirements, as much migration-relevant data are required for SDG monitoring. Globally, data frameworks and practices are generally lagging behind expectations, as methodologies for measuring SDG indicators are still being developed (Vidal, 2020).

While a census is most useful for measuring migrant stock, it can also capture information on recent inflows by asking about the place of residence one year and/or five years prior to the census date. The simple questions on place of birth and year of arrival can provide a wealth of information when responses are cross tabulated with all other variables, such as age, sex, educational level, status of employment, occupation and numerous household characteristics. If censuses of roughly equal completeness and reliability are conducted periodically, their analysis can provide much information on migration levels, trends and flows over time. Two censuses have the potential to provide indirect estimates of changes in the number of undocumented migrants, yet the wealth of information provided by censuses is often not fully exploited, owing to lack of expertise or resources. Furthermore, although they are carried

out regularly, the ten-year gap between most censuses means that fast-moving and dynamic migration trends may not be reflected in the data.

Population surveys designed to obtain information on migrants can be included as a module in a periodic survey, such as a regular labour force survey or longitudinal survey, or as stand-alone surveys of small or large scale. A survey can ask more detailed questions about the migration experience, such as purpose of migration, who accompanied the move, satisfaction with current situation and future intentions. As international migrants comprise only a small percentage of the population in most cases, a migration survey must either sample a large number of people or be targeted at migrant communities. A drawback of standalone surveys is that they are usually not conducted at regular intervals.

Administrative data on migration are derived from immigration records, the issuance of work permits, labour deployment records, school enrolment data, marriage records and bank data, for example. Such data record numbers of administrative procedures rather than persons *per se*, but can provide information on migrant numbers, use of services and other issues. These data also have limitations: where free movement is permitted between two countries, there may be no record of migration. Furthermore, administrative records, by definition, do not include undocumented migrants. Data may be collected from several different agencies within government and often cannot be linked electronically. The definitions of population categories, such as age groups or occupations, may differ among agencies so that tabulations cannot be compared.

Even when information from each of the three main sources is collected, dissemination and utilization gaps remain. Administrative records often collect several items of information about an individual migrant, such as age, sex, marital status, country of origin, visa type, date of entry, work permit category and local address, yet the tabulations prepared for administrators usually include only some of these variables, and insufficient effort is made to analyse changes or trends. When tabulations are prepared, they may also lack valuable disaggregation by additional criteria such as sex, marital status, disability, or duration of residence. A major shortcoming in the collection and utilization of migration data is that the concept of public availability or access to migration statistics remains limited within most governments. Other barriers include lack of administrative and technical capacity, restrictive legislation, non-harmonized competencies across national authorities, and classification of some data as sensitive, thus restricting dissemination. Many governments annually post a set of tabulations on an agency website, but users have no ability to interact with the data producers to request other tabulations. The release of public use samples, whereby researchers can access raw data for their own analysis, is rare.⁴¹

Drivers of migration can be assessed by macro-level data on demographic structures, wage levels, poverty, unemployment rates, sex segregation in labour markets, gender pay gaps and information concerning conflict or environmental deterioration. The socioeconomic well-being of migrants can be

measured by, among others, access to social services; skills recognition, educational and professional qualifications; terms of employment; working and living conditions; and formal complaints filed. Migration's impact on origin countries can be measured by remittance receipt and use (by sex, where feasible), skilled worker out-flow and studies on impacts of migration on families. In host countries, some insight into migration's impact can be measured in terms of GDP contribution, labour force composition and wage trends (Serrao, 2019). Assessing country policies and strategies related to diaspora engagement and migrant remittances likewise provides insight into the socioeconomic well-being of migrants within different contexts.

While consistent collection and disaggregation of data has proven challenging, there is growing recognition among policymakers that reliance on a narrow range of indicators is inadequate in revealing more subtle impacts, positive and negative, that migration has across key dimensions necessary for informed policymaking. Efforts to improve measurement of data relevant to income, gender, age, race, ethnicity, migratory status, disability and subnational origin of migrants can provide policymakers in origin and destination countries with a much more detailed picture of the factors contributing to migration dynamics and their policymaking relevance. Such data can build a strong evidence base to inform where and what type of interventions may be relevant across sectors such as health, education and employment, and provide actionable insight into why migrants' outcomes may be different to non-migrants', whether and how inequalities between these groups change over time, and the possible reasons behind this.

Disaggregation of data by migratory status (namely based on country of birth, citizenship, usual residence, legal status or descent) is particularly critical, but also challenging, because many migrants are (voluntarily or otherwise) part of hidden populations rarely appearing within official statistics. Development of more robust and prescriptive guidance related to disaggregating data by migratory status and methods of collection have been a focus of the United Nations Interagency and Expert Group on Sustainable Development Goal Indicators. Annex table 15 includes migration-related SDG indicators and identifies the respective tiers which indicate

⁴¹ For more information on census microdata samples with information on Migration, see https://international.ipums.org/international/mort_fert_mig.shtml, accessed 29 August 2020.

data availability. All indicators are either Tier I or Tier II, which shows that data are regularly produced for some indicators, whereas they are missing for others.

5.2.2 State of migration data collection in Asia and the Pacific

Asia-Pacific countries generally collect data on migrant stock, inflows, work permits issued to foreigners, and foreign students. These data cover origin country and sex, although tabulations by sex are often not prepared or publicly available. Estimations are possible using existing sources, albeit with limitations (box 20). Countries also record personal transfers (remittances) channelled through financial institutions. Data on access to social services and working and living conditions are less likely to be available or disaggregated. Countries record numbers of low-skilled migrant workers deployed through formal channels, but many lack records on highly-skilled migrants using such channels. Other types of emigration (including for permanent settlement, marriage, study and irregular employment) are usually not measured. Few countries collect and compile return migration data (Serrao, 2019; see also chapter 3).

The Russian Federation has tackled the issue of a multiplicity of sources of data on migrants by assigning central responsibility to the Federal State Statistics Service (Rosstat), which compiles migrant-related data from the Directorate General on Migration Issues, established in 2016 within the Ministry of Interior, and from government agencies responsible for population registration, health, education and justice, among others. The system permits the compilation of the number of births and deaths to foreign citizens; the admission, graduation and stock of foreign students; the number of persons with communicable diseases by citizenship; and crime rates. The latter data reveal that the crime rate among foreigners is only one third to one half that of Russian citizens, for example. Furthermore, the 2019 Labour Force Survey contained a migration module in the main questionnaire, which covered 130,000 households and counted both nationals and foreigners aged 15–72. The migration questions were: (a) country of birth; (b) current name of place of residence prior to 1992; (c) duration of continuous residence in the country; and (d) main reason for move. These variables could be tabulated by all of the other variables in the Survey, enabling a full picture of the labour market situation of migrants in the Russian Federation (Chudinovskikh, 2018).

BOX 20 Estimating migration flows in South-East Asia

Annual movements and pathways of migrants to and from countries of ASEAN are unknown due either the absence of data, or serious limitations in existing data due to inconsistent definitions and coverage. Data on migrant flows, which show how many persons changed their country of residence in a given period of time, are particularly important in studying migration processes. However, these data usually come from administrative data sources on arrivals and departures, and thus fail to capture irregular migration, resulting in considerable underreporting. Differing definitions of migration between databases and countries also leads to incomplete or inconsistent data. Furthermore, the categories of data collected differs by country. For example, Indonesia is the only country to document the annual number of returning migrant workers.

To overcome these data limitations, a study by Raymer, Guan and Ha (2019) used a multiplicative component model framework to estimate total immigration and emigration for each ASEAN country from 2000 to 2015, using information from 34 other countries in the world. The model accounts for data, such as population size, GDP and female life expectancy, in constructing its estimates. Auxiliary information on bilateral issues, such as common language, connectivity and trade flows, is also used to build these estimates. These are used to calculate distribution of migrant flows in the ASEAN region. Using this model, it is estimated that 5.4 million persons in the ASEAN region changed their country of residence during the period under study, of whom 42 per cent migrated to other ASEAN nations. However, it was noted that attempts to overcome data limitations were only partially successful, occasionally leading to implausible estimates.

In Bangladesh, the Expatriates' Welfare and Overseas Employment Policy 2016 addresses needs for research and, especially gender-disaggregated data, with two programmes: a Labour Market Research Centre, monitoring labour markets at home and abroad to provide appropriate information on changing supply and demand for skills, and a Labour Migration Information System, collecting and producing dedicated, gender-disaggregated data. This system can identify sectors where women are concentrated or excluded, as well as required skill levels for migration. Such information helps policymakers identify priority areas for policy reform and address specific gender-based barriers. In Sri Lanka, steps have been taken to improve international migration data quality. The 2021 census questionnaire has been designed to capture more information on the stock of Sri Lankans overseas, including sex, age, relationship to household head, destination, reason for migration and duration of absence. A full-time statistician has been assigned to the Department of Immigration and Emigration to monitor administrative data (Gaveshika and Perera, 2019).

Subregional initiatives to improve migration data have also been developed. The ASEAN Community Statistical System's 2016–2025 ACSS Strategic Plan (ASEAN, 2018) and the EEU 2016–2020 Integration Development Programme in the Field of Statistics (Eurasian Commission, 2016) both call for improved migration data. Innovative data sources, such as "big data" (box 21), can also be used for the analysis of migration, but these must be monitored so that the privacy of migrants is protected and the data are not used as an instrument of surveillance and control.

Despite efforts to improve migration data, gaps in migration statistics within the region persist, including a lack of standard concepts and definitions, and specialized surveys or modules on migration within relevant data collection tools. National statistical offices face challenges collecting and monitoring expanded ranges of disaggregated data required for broader and deeper understanding of migration issues. The inclusion of migration in the 2030 Agenda requires that migration-related data be collected, existing data sources be fully used and new methods for data collection on migration-related topics be developed. More will need to be done to disaggregate data on SDGs related to migration and migrants. Such gaps limit global insight into

BOX 21 "Big data" for migration

Due to gaps in available data on international migration, the United Nations and other entities are exploring the use of "big data" (data collected from the use of telephone, Internet and online payment systems) to supplement traditional data sources. Big data on migrants provide opportunities and challenges for societies and migrants themselves. In 2020, an estimated 5.2 billion unique mobile telephone users exist globally, among them many migrants. Advantages of international migrant estimates compiled from telephone use include high spatial resolution, high frequency of update, timeliness (virtually real-time), coverage of hard-to-reach populations and a larger sample size compared with surveys (IOM and others, 2019a; 2019b). A growing body of research attempts to present various ways big data can help elucidate forced displacement, transnational networks, trafficking in persons or remittance flows. Big data sources, such as social media and telephone call records, can produce statistics on migrant flows, drivers and impact of migration, public opinion on migration and internal migration. While big data sources are timely, they also have broad coverage and are automatically collected. A major limitation is that such data usually reflect mobility rather than international migration. Other limitations include bias and privacy, and ethical issues (Migration Data Portal, 2020). Collection, use and storage of the data should be regulated by laws and covered by policies at the international level concerning privacy. Importantly, the right of individuals to privacy needs to be respected, as detailed in the United Nations Human Rights Committee General Comment No. 16 (United Nations, 1988), in particular paragraph 10: "every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination."

SOURCE: Migration Data Portal (2020).

the multidimensional character of migration and its links to the SDGs, and vice versa, as well as countries' development of more adequate national policies.

5.2.3 Initiatives from international organizations

In 2015, responding to calls for better data and analysis and acknowledging the importance of data in informing migration governance, improving programming and promoting a better public understanding of migration, IOM established the Global Migration Data Analysis Centre. This aims to strengthen the role of data in global migration governance; support IOM Member States' capacities to collect, analyse and use migration data; and promote evidence-based policies by compiling, sharing and analysing data from IOM and other sources (IOM, 2020d). The Global Migration Group (2017) produced the *Handbook for Improving the Production and Use of Migration Data for Development*, and the United Nations Statistics Division has prepared the *Handbook on Measuring International Migration through Population Censuses* to help countries compile and use migration data (UN DESA, 2017a).

The United Nations Population Division maintains an empirical database on international migration and provides biennial time-series estimates of the migrant stock for every country and area of the world by sex, age group, country of origin and destination, beginning in 1990. In addition, and given the absence of empirical data on inflows and outflows of international migrants for all countries in the world, every two years the United Nations Population Division estimates net numbers of international migrants by country and region from 1950 to the present day. Often these numbers are estimated as the residual not accounted for by natural increase between successive census enumerations (after adjustment for net coverage errors and data quality issues). Projections of net migration, based on the net migration estimates and further assumptions about future trends, including refugee flows, are also available for 2020–2100 (UN DESA, 2019a; 2019b).

ILO, the United Nations system focal point for labour force statistics, including on migrant workers (ILO, 2020g), has engaged in long-term capacity-building and dialogue to help ASEAN member States gather, compile and disseminate labour migration statistics, resulting in the International Labour Migration Statistics Database in ASEAN (box 22).

BOX 22 International Labour Migration Statistics Database in ASEAN

The International Labour Migration Statistics Database in ASEAN has been published annually since 2015.^a In validating, annotating and gathering the information from the relevant surveys and administrative records produced in the ASEAN member States, the Database in ASEAN fills an important knowledge gap for national and regional policymakers and for the broader research community. The seventh round of data collection for the Database in ASEAN was successfully completed in 2019 and data have been published on ILOSTAT (ILO, 2020g).

ILO has supported the Database in ASEAN since its inception, development and launch, and through successful completion of six rounds of national data collection. It has been facilitated by the TRIANGLE in ASEAN projects, which aim to ensure the benefits of labour migration are equally realized by women and men migrant workers, and employers and governments. TRIANGLE in ASEAN delivers technical assistance and support, with the overall goal of maximizing the contribution of labour migration to equitable, inclusive and stable growth in ASEAN.

^a See <http://apmigration.ilo.org/asean-labour-migration-statistics>, accessed 29 August 2020.

OECD publishes the annual *International Migration Outlook* focusing on more-developed countries, but also containing reports on migration levels and trends in the world's regions. The *Outlook* further provides information on migration policies for individual OECD member States.

IOM publishes the *World Migration Report* periodically, and the Organization's Migration Data Portal, launched in 2017, provides access to timely, comprehensive migration statistics and reliable information about migration data globally. Acknowledging the increasingly complex landscape of international migration data scattered across different organizations and agencies, the Portal is designed to support users in obtaining comprehensive and consolidated data on various aspects of migration, including links to the 2030

Agenda and the Global Compact for Migration, from one site, contributing to informed public debate (Migration Data Portal, 2020). IOM is also conducting surveys to maintain its displacement tracking matrix and for the Regional Evidence for Migration Analysis and Policy project (IOM, 2019a).

The United Nations also collects data related to government migration policies. SDG indicator 10.7.2, on migration policies, was measured as part of the United Nations Twelfth Inquiry among Governments on Population and Development, carried out by the United Nations Department of Economic and Social Affairs and IOM (box 23).

Data on remittance inflows and outflows, regularly provided by the World Bank, shed light on critical dimensions of migration and its contribution to development within and from Asia and the Pacific, given their volume (chapter 1). In this context, the

World Bank and its partners are the custodian entities of the following SDG indicators: volume of remittances as a proportion of total gross domestic product (17.3.2) (World Bank); remittance costs as a proportion of the amount remitted (10.c.1) (World Bank); and recruitment cost borne by an employee as a proportion of monthly income earned in country of destination (10.7.1) (ILO and World Bank). In support of measuring SDG indicator 10.c.1, which measures remittance costs, efforts exist to consolidate and make accessible data, analysis and remittance-market profiles on individual countries or areas, such as RemitSCOPE (box 24).

In light of the widespread lack of quality data on millions of displaced and migrant children, the International Data Alliance on Children on the Move was launched in March 2020. The Alliance — led by UNICEF, IOM, UNHCR and OECD, and currently including about 30 members from government

BOX 23 **Measurement of SDG indicator 10.7.2**

SDG indicator 10.7.2 refers to “Number of countries with migration policies to facilitate orderly, safe, regular and responsible migration and mobility of people”. It is comprised of the following six policy domains based on the IOM Migration Governance Framework: (a) migrant rights; (b) whole-of-government/evidence-based policies; (c) cooperation and partnerships; (d) socioeconomic well-being; (e) mobility dimensions of crises; and (f) safe, orderly and regular migration. Each of the six domains has 5 subcategories, leading to a total of 30 subcategories. The subcategories cover such topics as access by migrants to essential health care, public education, equal pay for equal work, social security and justice.

For each country, indicator 10.7.2 is obtained by computing the unweighted average of the coded values of the 30 subcategories. The Migration Governance Index is based on policy inputs, offering insights on policy levers that countries can use to develop their migration governance and aiming to clarify what “well-governed migration” might look like in the context of SDG target 10.7. The Index is not intended to rank countries on policy design, but rather to be a framework to help them assess the comprehensiveness of their migration policies, as well as identify gaps and areas to be strengthened. It has certain limitations, as Governments have differing interpretations of some of the topics. Further, as the responses for the 30 subcategories are unweighted, there is an implicit assumption that each is of equal importance for the formulation of migration policies (UN DESA, IOM and OECD, 2019).

While indicator 10.7.2 itself does not measure the implementation of migration policies or assess their effectiveness, its monitoring will support generation of a more complete baseline of migration policies across participating countries. As of September 2019, data on indicator 10.7.2 were available for 111 countries (UN DESA, 2020a). A new round of data collection was planned to start in September 2020. Globally, 54 per cent of Governments that replied to the migration module of the Twelfth Inquiry meet or fully meet the criteria for indicator 10.7.2. In other words, they report having policy measures to facilitate orderly, safe, regular and responsible migration and mobility of people for 80 per cent or more of the 30 subcategories under the six domains of the indicator. Periodic surveying and review of such results on a biennial basis, both consolidated and across the six separate domains of the survey, will provide invaluable insights into the trajectory of countries across the region in enhancing policy frameworks to better respond to a range of migration-related challenges and opportunities.

BOX 24 RemitSCOPE

RemitSCOPE was launched by the International Fund for Agricultural Development, in coordination with the Global Forum on Remittances, Investment and Development 2018, to provide market profiles for 50 countries or areas in the Asia-Pacific region. RemitSCOPE intends to address fast-changing market realities in the remittance industry to help bring together the goals of families involved in remittance flows, and the strategies of private-sector remittance service providers. It is designed as a free, one-stop shop available to any organization or entity interested in accessing all relevant public information on remittances, enabling users to spot gaps in the marketplace, attain a better understanding of challenges and opportunities that each country offers, help develop business cases, profile best practices and provide contrasting examples of regulatory environments (IFAD, 2018).

agencies, civil society and other partners — aims to improve data and statistics on children to support evidence-based policymaking that protects and empowers them. The work of the Alliance will also support implementation of the Global Compacts for Migration and on Refugees as well as the child migration relevant targets of the 2030 Agenda.

Objective 1(c) of the Global Compact for Migration calls for developing a global programme to build and enhance national capacities in migration data collection, analysis and dissemination. The United Nations Expert Group on Migration Statistics, comprising experts from Member States, international and regional organizations, and independent experts, provides technical advice towards this objective.

In another initiative, IOM, OECD and the United Nations Department of Economic and Social Affairs organized the International Forum on Migration Statistics, which met in Paris in 2018 and in Cairo in 2020. The Forum offered space for dialogue involving a broad range of actors, including national and regional authorities, civil society, international agencies and the private sector (IOM, OECD and UN DESA, 2020).

Further, the Asian Development Bank Institute, OECD and ILO publish an annual report on labour migration in Asia that analyses trends and includes a country-specific statistical annex of labour migration flows and stocks in the region. This report follows an annual capacity building roundtable on labour migration in Asia that includes sharing of experiences from OECD and Asian countries.

5.3 Provide accurate and timely information at all stages of migration

RELATED TO OBJECTIVE 3

Migrants lacking accurate information about migration processes are profoundly disempowered. They may be unaware of their rights and responsibilities, leaving them prey to exploitation based on misinformation, or prompting them to fall into irregularity for procedural reasons. Safe, orderly and regular migration thus requires informed and empowered migrants (box 25).

5.3.1 Country examples

Pre-departure orientations are key tools providing prospective migrants with timely and accurate information about migration. In some cases, a Government agency conducts the orientation; in others, it subcontracts it to a private training institution or a CSO, or it is provided by the private recruitment agency deploying the workers. Most orientation programmes cover topics such as migration procedures, rights of migrants, basic language and cultural orientation. In Bangladesh, the CSO BRAC provides information on safe migration to potential migrant workers to ensure they know their rights and how to exercise them. It works with Bangladesh Embassies abroad to support migrants and provides information to migrant worker families on the utilization of remittances. BRAC also has programmes on reintegration of return migrants, providing skills development and financial aid to help in obtaining decent work (BRAC, n.d.).

The Government of India has instituted a compulsory orientation programme to prepare migrants for work overseas. It has 10 modules covering basic aspects of international migration, including costs and benefits of migration, and how prospective migrants should prepare for journeys abroad. It includes a detailed account of the process of recruitment by foreign

BOX 25 International frameworks on accurate and timely information about migration

Providing appropriate information to all migrants is crucial to achieving SDG targets 8.7, 8.8 and 10.7, and is overseen by the ILO Multilateral Framework on Labour Migration. Its Guideline 12.1 calls for “facilitating migrant workers’ departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country”. Other guidelines in the Framework call for providing information and assistance upon return to the origin country; promoting the participation of employers’ and workers’ organizations, and of other CSOs in disseminating information to migrant workers; providing interpretation and translation services to migrants; and establishing effective consular services in destination countries to provide information to migrants, with both male and female staff (ILO, 2006).

Particular attention must be paid to the circumstances of children, who may face situations of multiple causes of vulnerability. The Committees on the Rights of Migrant Workers and Members of their Families and the Rights of the Child (United Nations, 2017e) has emphasized that children in the context of migration should be provided with all relevant information, among others, on their rights, services available, means of communication, complaints mechanisms, and immigration and asylum processes and their outcomes. Timely information should be provided in the child’s own language, in a sensitive and appropriate manner, to make their voice heard and be given due weight in proceedings.

employers and registered recruitment; discusses issues such as entry formalities, labour laws in host countries, sociocultural and religious aspects, and language; provides information on government welfare schemes; and describes the role of Indian Missions abroad in addressing worker grievances. Trainings focus on six GCC countries and Malaysia, where many Indian workers are employed (Bhaskar, 2017).

The Philippines provides different orientations tailored to specific types of migrant workers. All workers, regardless of skills, receive a one-day compulsory orientation consisting of modules on employment contract, country of destination, stages of a migrants’ life abroad, health and safety, financial literacy, travel tips and airport procedures, and government programmes and services. The Philippines also provides longer orientation seminars for domestic workers consisting of language training, cultural familiarization and stress management. Training programmes are further available for seafarers to upgrade their skills (Philippines, Overseas Workers Administration, 2020). In addition, the International Federation of Red Cross and Red Crescent Societies has developed “Virtual Volunteer”, a web-based application that the Philippine Red Cross (2020) uses to provide quality information to Philippine workers overseas and their families.

Sri Lanka also requires migrants to take pre-departure training, ranging from 5 days for persons who will be other than domestic workers to 40 days for housekeeping assistants (domestic workers) if deployed to the Middle East, and 30 days if deployed elsewhere. The 40-day training covers such topics as domestic housekeeping, cleaning methods, operation of household appliances, food preparation, table arrangement and food serving, language skills, caring for older persons and children, financial literacy, laws and customs of the host country, safe migration, migrant worker rights and responsibilities, and arrangements for family left behind. Those successfully completing the training receive a national vocational qualification certificate (Weeraratne, 2018).

Asis and Agunias (2012) cite good practices in conducting pre-departure orientations: (a) involving local governments as partners in provision; (b) involving CSOs in providing information for migrants; (c) supplementing orientations with other information programmes, such as on the risks of irregular migration and post-arrival orientation in host countries; (d) creating orientation programmes aimed at recruitment agencies; and (e) establishing migration information centres in local communities. They further recommend cooperation from receiving countries to strengthen and expand orientation programmes. Receiving countries can provide input about their laws, culture and working and living conditions; develop country-specific materials and resources for pre-departure information programmes or migrant worker education programmes on site; and involve local institutions to support migrant

worker education and conduct employer orientation. Yet, there are also common weaknesses. Migrants may not receive or absorb all the information needed from short orientations, which are not usually tailored for specific migrant groups; different stakeholders, such as government, private recruitment agencies and CSOs, disagree on the purpose and content of orientations; and reliable information on migration is often not available beyond major urban centres.

Another way to furnish information on migration processes is through migrant worker resource centres (chapter 2). These provide information for potential migrants, migrant workers and their families across the migration cycle, from pre-departure to return.

For example, the International Centre for Migration Policy Development's migrant resource centres in Afghanistan, run jointly with the Afghan Ministry of Refugees and Repatriations, aims to provide clear and understandable information on possibilities for orderly migration, as well as rules and regulations, including relevant pre-departure information, to potential migrants. It further seeks to raise awareness of risks and dangers associated with irregular migration, warning potential emigrants about exploitation by people smugglers and traffickers. With large numbers of returnees, the Centre also provides information on reintegration services in the country (GFMD, 2019).

In addition, several initiatives seek to harness the near-universal ownership of mobile phones to provide information on migration through mobile applications. For instance, in Nepal, the Government and the Asia Foundation have partnered to develop the Shuvayatra safe migration app,⁴² while IOM has launched its own safe migration app.⁴³

5.4 Address and reduce vulnerabilities in migration

RELATED TO OBJECTIVE 7

As shown in chapters 2–4, migrant vulnerabilities in the context of migration are not inevitable, but rather the outcome of structures and policies which render migrants vulnerable. For example, restrictions on changing jobs expose migrant workers to exploitative employers; bans on women's migration may push them into irregular migration channels; and migration policies which do not permit migration

of family dependents force migrant children into irregular situations, often unaccompanied. This section focuses particularly on women migrants, migrants in irregular situations and child migrants, recognizing that other migrants can also be in situations of vulnerability.

Objective 7 of the Global Compact for Migration provides a normative guide to addressing and reducing vulnerabilities in migration, with a focus on protecting the human rights of migrants in origin, transit and destination countries (box 26). In this regard, Member States committed to assist migrants and protect their human rights according to international law by reviewing relevant policies and practices to ensure they do not create, exacerbate or unintentionally increase migrant vulnerabilities (para. 23(a)). Particular vulnerability is likely to occur in mixed migration flows, where migrants in situations of vulnerability travel alongside refugees (chapter 1). The Global Compact for Migration makes explicit that the former require protection interventions based on international human rights law and standards.

5.4.1 Migrant women

Migrant women face specific vulnerabilities in the context of migration, as they are more likely to be concentrated in low-recognition sectors such as care or domestic work; subject to different forms of domestic, sexual or gender-based violence; and may be particularly constrained by administrative and cultural practices as well as fear of retaliation or deportation from reporting abuse. Furthermore, many measures meant to be protective of women migrants, such as recruitment bans, deny them opportunities to migrate or have perverse impacts.

Committee on the Elimination of Discrimination against Women General Recommendation No. 26 (United Nations, 2008b) provides a framework for developing gender-responsive migration policies to eliminate discrimination in line with State obligations under the Committee. The Recommendation highlights formulating evidence-based, gender-responsive and human rights-based migration policies as a core common responsibility, including through active involvement of women migrant workers and relevant CSOs. To achieve this, gender-

42 See <https://asiafoundation.org/publication/safe-migration-app/>, accessed 29 August 2020.

43 See https://www.iom.int/sites/default/files/migapp/MigApp_Datasheet-dec2017.pdf, accessed 29 August 2020.

BOX 26 International documents addressing migrant vulnerabilities

The concept of vulnerability is a foundational element of the human rights framework. International human rights law establishes that when an individual's rights are violated, or they are at risk of having their access to their rights curtailed, they are entitled to measures to secure and realize their rights and uphold human dignity. The majority of migrants are not intrinsically vulnerable, and many are able to migrate in safety and dignity. At the same time, some migrants may be placed in situations where they are at greater risk of human rights violations as they move, live and work in countries of transit and destination. This is especially true when policies and practices restrict access to safe and regular migration pathways or create regulatory frameworks that allow abuse and exploitation of migrants with impunity (United Nations, 2016a).

All core human rights standards apply equally to migrants. Accordingly, their full and effective implementation would address and reduce situations of vulnerability in the context of migration, including by providing the right to an efficacious remedy where their rights have been violated. Similarly, the eight fundamental rights conventions of the ILO are applicable to migrant workers (as are all international labour standards, unless otherwise stated) and would prevent and address vulnerable situations for those migrants. Furthermore, the United Nations system provides authoritative guidance on a range of issues central to migrants in vulnerable situations, such as irregular migration status (United Nations, 2013a) and the rights of non-citizens (United Nations, 2004). In particular, there is recognition that, in the context of international migration, children may be in a situation of double (or more) vulnerability – as children *per se* and as children affected by migration – possibly because they are migrants (unaccompanied, separated or with their families), are born to migrant parents in countries of transit or destination, or remain in their country of origin while one or both parents have migrated to another country. They may also endure the effects of additional vulnerabilities based on other aspects of their identity or experiences driving or during their migration (United Nations, 2005; 2017d; 2017e).

That migrants may be in situations of vulnerability does not mean they lack resilience or agency. Migrants are most often adaptable and courageous, making life-altering decisions on a regular basis (United Nations, 2016a). Understandings of vulnerability are often gendered, characterizing all women migrants as intrinsically vulnerable and in need of protection. Such approaches can give rise to policies including migration bans which undermine women's empowerment and agency. The Global Compact for Migration recognizes this bias. It stresses the need to address vulnerabilities in line with its guiding principle on gender responsiveness, calling for action that "promotes gender equality and the empowerment of all women and girls, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood".

Objective 7 identifies specific categories of migrants facing increased risks of rights violations, including women at risk; children, especially those unaccompanied; members of ethnic and religious minorities; victims of violence, including sexual and gender-based violence; older persons; persons with disabilities; persons discriminated against on any basis; indigenous peoples; workers facing exploitation and abuse; domestic workers; victims of trafficking; and persons subject to exploitation and abuse in the context of smuggling of migrants. Member States committed through the Global Compact for Migration to ensure migrants have access to public or affordable legal assistance and representation, consular protection (chapter 4) and humanitarian assistance.

The Global Compact for Migration refers specifically to the Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations, developed by OHCHR and the Global Migration Group in recognition of migrants who are outside specific legal protection categories but in heightened need of the protection of the international human rights framework because of situations they left behind, circumstances in which they travel, or because of personal characteristics. The 20 interrelated principles and associated guidelines provide States with guidance on how to operationalize the human rights framework in such situations and address rights concerns including access to justice, protection from violence and exploitation, and ending immigration detention (OHCHR and Global Migration Group, 2018).

Furthermore, realizing Objective 7 is instrumental in achieving SDG 5 on achieving gender equality and meeting target 5.2 on eliminating all forms of violence against women and girls. Reducing vulnerabilities in migration will also contribute to attaining SDG 16 on peaceful and inclusive societies, with access to justice for all.

based barriers must be identified and proactively addressed through migration policies recognizing and responding specifically to women's needs.

The ILO Eliminating Violence and Harassment in the World of Work Convention (C190) and its accompanying Recommendation were adopted in June 2019. The Preamble to the Convention recognizes that violence and harassment in the world of work "can constitute a human rights violation or abuse... is a threat to equal opportunities, [and] is unacceptable and incompatible with decent work." (ILO, 2019k). There is also acknowledgement of the disproportionate impact of violence and harassment on women, and that domestic violence becomes a world of work issue when it impairs the performance of victims and their capacity to continue to work, and when it spoils the working environment and becomes a threat for co-workers or third parties (ILO and UN Women, 2019a).

Given the high number of migrant workers, especially women, involved in domestic work, the ILO Domestic Workers Convention, 2011 (No. 189) is of particular relevance. The Convention applies to all domestic workers, but also has provisions particularly for those who are international migrants (ILO, 2011). The main thrust is to ensure that domestic work is recognized as work in terms of fair employment and decent working conditions. It should be covered by minimum age legislation where that exists. Countries should take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements. National laws and regulations should require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer or contract of employment that is enforceable in the country of work, addressing the terms and conditions of employment, prior to crossing national borders for the purpose of taking up the domestic work.

Other provisions of the Convention are that domestic workers are free to agree with their employer on whether or not to reside in the employer's household, are free to leave the household during their rest period, and are entitled to hold their travel and identity documents. Countries should take measures to ensure equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation,

periods of daily and weekly rest, and paid annual leave, according to national laws. Member States should establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.

In his most recent report on violence against women migrant workers, the United Nations Secretary-General notes that many migrant women have limited employment options, and are often concentrated in the informal economy with inadequate job security; limited access to social protection, including maternity and sick leave; long working hours; lower wages compared with non-migrants; and no childcare facilities. The report states that women are far more likely than men to suffer sexual harassment in the workplace: "Women migrant domestic workers are at a high risk of verbal, mental, physical and sexual abuse by employers and recruitment agencies and may be subjected to slave-like conditions. Their vulnerability is exacerbated by abusive labour practices that give employers control over the residence status of migrant workers or tie them to a specific employer". Yet, "many migrant women, in particular those with irregular migration status, do not report violence to the police owing to limited knowledge about their rights, lack of evidence, fear of detention and/or deportation, an absence of trust in the authorities and perceived stigma" allowing for impunity of perpetrators. (United Nations, 2019h). This demonstrates the need for explicit and binding procedures and standards (firewalls) separating criminal justice systems and immigration officials, and ensuring they are applied (see United Nations, 2019e; OHCHR and Global Migration Group, 2018).

At the regional level, a recent study of the situation of women migrant workers in South-East Asia found many gaps in the realization of protections offered by numerous international human rights instruments. Common complaints of women migrant workers concerned false contracts and the withholding of identity documents; substandard housing; difficulties accessing health care, especially for maternity care, occupational injuries and illness; lack of access to social protection; limited training opportunities; and difficulties accessing legal aid (ASEAN, 2017b). One problem that has emerged in addressing these vulnerabilities is a lack of data. For example, a series of studies carried out by UN Women revealed that there is no country in ASEAN with a harmonized system of data collection on violence against women migrant workers (box 27).

BOX 27 Data on violence against women migrant workers

The *Essential Services package for women and girls subject to violence* was jointly developed by UN Women and others (2015) to provide multi-sectoral services for all women and girls experiencing violence. Module 5 of the package, on coordination and governance, elaborates specific guidance on strengthening systems for recording and reporting data, in particular highlighting that data on violence must protect the confidentiality and privacy of victims and survivors, gathered after obtaining consent from victims and survivors, and that data for monitoring and evaluation must be anonymized. Data on violence against women migrant workers need to be carefully collected through specific tools able to safeguard the individuals involved in the data collection process (UN Women and others, 2015). This package has been shared with Government officials, employers, trade unions, recruitment agencies and CSOs from nine ASEAN countries at a regional dialogue, during which national roadmaps for eight countries, in which lack of capacity in collecting administrative data on violence against women migrant workers was identified as a key area of concern, were elaborated. UN Women also conducted scoping studies to collect evidence on existing mechanisms in ASEAN countries to prevent and respond to violence against women, including women migrant workers, identifying serious gaps in this regard.

In response to the prevalence of violence against women migrants, the United Nations Secretary-General encourages States to establish accessible and confidential gender-based violence prevention and protection services that are linguistically and culturally appropriate, including information on the rights of women migrant workers, hotlines, dispute resolution mechanisms, legal aid, psychological support and trauma counselling, sexual and reproductive health and social services, women-only spaces and women's shelters (United Nations, 2019h).

Gender-responsive policy frameworks increase the value placed on women-dominant sectors of labour, such as domestic work and care work and, in turn, contribute to higher wages and stronger

social protection systems. Beyond policy reform, however, it is necessary to establish systems to ensure the implementation of gender-responsive policy frameworks, among others, through sufficient financial resources, training and technical support, including for policy implementation by relevant Government agencies from national to subnational levels. This requires gender-responsive budgeting practices and targeted resourcing, taking into account needs for specific gender expertise. The Expert Working Group for addressing women's human rights in the Global Compact for Migration, convened by UN Women, released a series of guidance notes providing recommendations for ensuring gender-responsiveness. Issue 1 of the series recommends adopting gender-based budgeting, such that resource allocation and spending reflect needs and address inequities (including pay gaps); dedicating institutional resources to the formation of units with explicit mandates for addressing gender; and supporting gender-responsive research, education and policy development (Empowerwomen, n.d.).

5.4.2 Migrants in irregular situations

As discussed in chapter 1, there are many reasons why migrants may be in irregular status. Regardless of how they acquired irregular status, undocumented migrants are disproportionately affected by human rights violations, including because they have little recourse to justice and remedies owing to their irregular situation. They are also disproportionately affected by discrimination and marginalization. They may face riskier journeys, abusive employers and housing providers and may encounter substandard living and working conditions or extortion of payments.

Migrant workers in irregular situations, for example, often lack access to human rights protections and social protection services, as these tend to be contingent on regular migration status and the right to work (chapter 4). Thus, they cannot accumulate social security benefits, such as health care, disability and unemployment insurance, paid parental and sick leave, and pension benefits.

Migrants, including those in irregular status, should have non-discriminatory access to rights and associated services, which are clearly separate from immigration enforcement. National and regional responses to irregular migration are underdeveloped and often omit human rights norms and obligations

on the protection of migrants, instead focusing on criminalization, detention or removal of migrants (chapter 3). This approach fuels anti-migrant attitudes and discourses and does not resolve (and may even create or exacerbate) situations of vulnerability for migrants in the region.

5.4.3 Child migrants and children of migrants

As chapter 1 shows, significant numbers of children migrate, including for family reasons, safety, education or at the behest of traffickers. Children born to migrants in destination countries may not technically be migrants but treated as such by authorities due to their parents' status. Understanding the circumstances and factors underlying their migration can help address their needs (IOM, 2019e). Child migrants, especially those separated from their families, require many forms of protection. Key priorities are protection measures against the risk of exploitation and abuse, the negative impact of detention, the effect of family separation, inadequate access to education and health care, lack of attention to drivers of forced child migration, and discrimination. Above all, the absence of adequate legal pathways for the exercise of child and youth mobility is a major shortcoming of the contemporary migration framework that renders so much child migration unsafe. Lack of access to guardianship and legal representation also pose challenges to unaccompanied and separated child migrants (IOM, 2019e; United Nations, 2017d; 2017e).

Among the most vulnerable migrant children are those unaccompanied by relatives or separated from parents or legal guardians. A UNICEF study found there were over 430,000 foreign-born children (under age 18) in Kazakhstan, in 2019. Many of those interviewed did not have a passport, notarized permission from their parents to be in Kazakhstan, a legal representative with power of attorney or a work permit. This lack of documentation meant the children were largely invisible to the State, making ensuring their rights a challenge. Currently, children under age 7 are not registered when they cross the border into Kazakhstan, making tracing them impossible if separated from family members. Even when unaccompanied or separated children come in contact with a child protection agency, there is no system of case management that follows them across locations, leaving them mostly invisible (Vanore and Timár, forthcoming).

Objective 7 of the Global Compact for Migration does not address circumstances of potential vulnerability of children remaining behind when one or both parents migrate abroad. Numbers of such children are significant; however, a UNICEF study in Kyrgyzstan found that among the children of international migrants surveyed, one third had lived separately from their parents for at least five years. Some 80 per cent of the children of both international and internal migrants had not officially been registered by their current guardian with local or state authorities, which denied them certain state benefits and protections (UNICEF Kyrgyzstan, 2020). For migrant children living abroad who return to their countries of origin, differences between educational systems may make reintegration into the school system upon return difficult, rendering special attention necessary.

Available research on the outcomes of parents' migration on children left behind is often mixed, showing positive impacts on health and education because of remittances sent by the migrant parents, but also identifying potential psychological and developmental issues caused by parental absence. For example, although the 2018 Multiple Indicator Cluster Survey carried out in Kyrgyzstan found that children with at least one parent overseas lagged in anthropometric indicators relative to those with internal migrant parents and those whose parents were not migrants, on several measures the former fared better. For example, they had higher vaccination rates between ages 12 and 23 months, were more likely to receive medical help for diarrhoea and fever, enjoyed a more-balanced diet and were more likely to attend high school. Probably because of remittances received, families with an international migrant were more likely to own refrigerators, fans, agricultural land, livestock and their own housing (UNICEF, 2020b). Parents can prepare for their migration by establishing a continuum of care to support their children's psychosocial development, via continued contact and help from in-country guardians and the community. Case managers, teachers, health-care providers and caregivers can be trained to provide emotional and psychological support and ensure "left-behind" children receive relevant services (UNICEF, 2020a).

5.5 Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

RELATED TO OBJECTIVE 17

This objective seeks to uphold the principles of non-discrimination and elimination of racial discrimination, as outlined in international law (box 28), but also to promote open and evidence-based public discourse on migration and migrants in partnership with all parts of society, generating more realistic, humane and constructive perceptions in this regard. It does so as different forms of discrimination, fed by negative public perceptions and xenophobia, are at the root of policies making migration unsafe, disorderly and irregular. In some cases, laws, policies and practices can draw a line between citizens and non-citizens and between different groups of migrants, sometimes based on criteria clearly contrary to international human rights and labour laws, and often ignoring the evidence of migrants' impacts on economies and societies. Discrimination reflects and feeds negative public perceptions of migrants, and can have a corrosive effect on wider society, breaking down trust and hindering the meaningful inclusion of migrants into communities. The principle of non-discrimination is a fundamental tenet of international human rights law, and applies equally to all migrants, regardless of status (chapters 3 and 4, and box 28).

In reality, migration plays a critical role in economic growth and development in destination, origin and transit countries: migrants contribute through their work; they pay more into social protection systems than they receive; they provide skills and expertise in labour markets; their remittances contribute to the alleviation of poverty and provide access to education, health care and other benefits; and their investments and trade generate jobs and improve the balance of payments. Where there are negative impacts, they are mostly small-scale and usually contextual (OECD and ILO, 2018). Indeed, discrimination, hate and harmful narratives against migrants affect not only them, they have corrosive effects on wider society. For example, discriminatory policies against migrants also harm national workers. Where laws fail to protect migrants' rights in the workplace, employers are more likely to hire migrants rather than national workers and fail to

provide decent work outcomes both to migrants as well as nationals in the same sector (Hertog, 2014). Spreading hatred against individuals and groups contributes to marginalization and exclusion. At their very worst, such narratives fuel acts of violence against migrants, people of immigrant origin and people who support them.

Crucially, this objective does not aim to artificially manufacture a positive narrative, but to highlight the proposition that communities have more in common than that which divides them, to emphasize the positive contributions migrants make, and correct false and misleading narratives around migration with no grounding in reality. This objective is integral to SDG 16 on peaceful and inclusive societies and forms part of the Secretary-General's plan to develop a United Nations-wide strategy and global plan of action against hate speech (United Nations, 2020e). In connection with this, and encouraged by the recognition in the Global Compact for Migration of advertising as a business ethics issue, OHCHR has partnered with the private sector, including global brands and the advertising industry, to address the role of online content in driving hateful speech against migrants and minorities associated with migration (OHCHR, n. d.).

It is important to understand public perceptions of migrants in order to design policies that lead to positive outcomes of migration for local communities and migrants themselves. The Gallup "Migrant Acceptance Index", carried out in 2016 and 2017, built on responses to questions about respondents they felt about immigrants in general, and as neighbours and relatives. In Asia and the Pacific, New Zealand, Australia and Bangladesh were found to be among the most accepting countries of migrants, with index scores of 8.25, 7.98 and 7.45, respectively, out of a possible 9.00. Other countries in the region, such as Pakistan, Afghanistan, the Russian Federation, Thailand, Myanmar, Georgia and Turkey were, in that order, among the 20 least-accepting countries in the world (table 9). This survey provides some broad insight into levels of acceptance of migrants in Asia-Pacific countries, suggesting a wide variation (Fleming, Esipova and Ray, 2018).

Policies that address discrimination thus require Governments to challenge seemingly "common sense" existing stereotypes, preconceptions and practices, which are widely shared, and may be deeply held, despite a lack of grounding in reality. For example, a survey of 4,100 respondents in

BOX 28 Non-discrimination in international frameworks

Non-discrimination is central to human dignity and human rights, from the Universal Declaration of Human Rights onwards. Article 2 of the Declaration states: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (United Nations, 1948) Identical wording appears in both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The latter Covenant includes consideration of the prohibition of discrimination on grounds of nationality or legal status and affirms the principle of non-discrimination on the basis of migration status.

Article 2 of the Convention on the Rights of the Child affirms that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind..." (United Nations, 1989).

Equality and non-discrimination are core to the Convention on the Rights of Persons with Disabilities and are evoked consistently throughout its substantive articles with repeated use of the wording "on an equal basis with others", which links all substantive rights of the Convention to the non-discrimination principle (United Nations General Assembly, 2007).

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination requires States parties to prohibit and eliminate discrimination based on race, colour, descent and national or ethnic origin in the enjoyment by all persons of civil, political, economic, social and cultural rights and freedoms (United Nations, 1965). Although the Convention provides for the possibility of differentiating between citizens and non-citizens, this must not undermine the principle of non-discrimination and must not discriminate against any particular nationality. States have an obligation to dismantle discriminatory structures, and to tackle intentional discrimination. Any differential treatment based on citizenship or immigration status is discriminatory if the criteria for such differentiation are not applied pursuant to a legitimate aim and are not proportional to the achievement of this aim (United Nations, 2004).

The ILO Multilateral Framework on Labour Migration calls on stakeholders to implement policies and programmes to prevent and combat racism and xenophobia against migrant workers. The Framework provides a guideline on "promoting and implementing anti-discrimination legislation and policies, establishing or strengthening specialized bodies on equality and non-discrimination for migrant workers and conducting periodic gender-sensitive data collection and analysis on these issues" (ILO, 2006). A valuable action that can be taken to tackle discrimination is to improve the labour market position of migrant workers through, for example, the provision of vocational training and educational opportunities.

The International Labour Conference has adopted the Violence and Harassment Convention, 2019 (No. 190) and the associated Violence and Harassment Recommendation, 2019 (No. 206) concerning the elimination of violence and harassment in the world of work, and recognizing the right of everyone to a world of work free from violence and harassment (ILO, 2019k). To support the implementation of these instruments, the ILO and UN Women (2019a) have published the *Handbook: Addressing Violence and Harassment against Women in the World of Work*.

The second principle of the OHCHR and Global Migration Group's Principles and Guidelines (2018) is to counter all forms of discrimination against migrants. To do so, Governments should elaborate and implement human rights-based legal measures that protect migrants from all forms of discrimination, regardless of characteristics, motives or circumstances. Governments should protect migrants from multiple and intersecting forms of discrimination throughout their migration and ensure that legal provisions to prevent discrimination apply across all aspects of migration governance.

At the subregional level, Articles 2–5 of the ASEAN Human Rights Declaration affirm that all of the rights in the Declaration apply without discrimination. In particular, Article 4 states that "The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms" (ASEAN, 2012).

Japan, Malaysia, Singapore and Thailand showed that, despite growing labour shortages in 2019 and the contribution of migrant workers to national economies, 56, 53, 35, and 25 per cent of survey respondents in Malaysia, Thailand, Japan, and Singapore, respectively, said there was no need for low-skilled migrant workers in their countries. While a similar survey conducted by ILO in 2010 (including the Republic of Korea, but not Japan) found generally negative attitudes towards migrant workers, public opinion in Malaysia, Singapore and Thailand had become more negative by 2019 (ILO and UN Women, 2019b). Some 41 per cent of respondents in Japan and majorities in the other three countries perceived that migrant workers threatened their country's culture and heritage. Significant proportions of the public also said they had a poor work ethic and could not be trusted (32, 34, 44 and 60 per cent in Singapore, Japan, Malaysia and Thailand, respectively). A majority of the public in Malaysia, Singapore and Thailand (but not in Japan) believed migrants should not expect the same pay and benefits as nationals in the same job, despite this being contrary to long-established principles of non-discrimination.

As is the case with regard to the perceived negative economic impact of migrants, they are often linked with criminality. High percentages of respondents in each country believed that, contrary to evidence, crime rates had increased owing to migration (ILO and UN Women, 2019b). Data from the Russian Federation showed the crime rate among foreigners was only one third to one half that of Russian citizens (Chudinovskikh, 2018).

In addressing people's perceptions of migration and migrants it is necessary to understand the audience. Within a country, most people have mixed views of migrants and migration, recognizing both positives and negatives. Many people have practical concerns about immigration's impact on employment opportunities, social services, cultural change and border security. Since many people view persons in terms of groups, they easily identify migrants as "others", with the implication that communication reinforcing migrants' "otherness" can be counterproductive, even if pro-migrant messages are communicated. The social media era has made public debate more vulnerable to disinformation, distortion and xenophobia, underscoring the critical importance of public communication efforts.⁴⁴

TABLE 9 Results of the Migrant Acceptance Index in surveyed Asia-Pacific countries, raw scores, 2016-17

COUNTRY	SUBREGION	RAW SCORE
China	East and North-East Asia	5.11
Japan	East and North-East Asia	6.42
Mongolia	East and North-East Asia	2.99
Republic of Korea	East and North-East Asia	6.49
Kazakhstan	North and Central Asia	4.28
Kyrgyzstan	North and Central Asia	4.59
Tajikistan	North and Central Asia	4.39
Turkmenistan	North and Central Asia	5.36
Uzbekistan	North and Central Asia	4.90
Armenia	North and Central Asia	5.78
Azerbaijan	North and Central Asia	4.34
Georgia	North and Central Asia	3.05
Russian Federation	North and Central Asia	2.60
Australia	Pacific	7.98
New Zealand	Pacific	8.25
Bangladesh	South and South-West Asia	7.45
India	South and South-West Asia	4.90
Pakistan	South and South-West Asia	2.47
Nepal	South and South-West Asia	6.28
Iran	South and South-West Asia	3.95
Afghanistan	South and South-West Asia	2.51
Cambodia	South-East Asia	3.65
Indonesia	South-East Asia	3.93
Myanmar	South-East Asia	2.96
Philippines	South-East Asia	6.77
Singapore	South-East Asia	5.21
Thailand	South-East Asia	2.69
Viet Nam	South-East Asia	6.08

SOURCE: Fleming, Esipova and Ray (2018).

NOTE: Raw scores are out of a maximum possible score of 9.00.

Governments can take a number of steps to inform the public about migration and to counter negative perceptions. These include conducting information campaigns that allow the public to interact with migrants, providing the media with accurate information and human interest stories concerning migrants, strengthening pre-departure and post-arrival orientation so that migrants have a better understanding of their host societies, conducting research on the impact of migration, reviewing legislation to ensure that it is in line with international standards concerning the rights of

44 See Expert Group Meeting on The Asia-Pacific Migration Report, Bangkok, Thailand, 29–30 July 2020 <https://www.unescap.org/events/expert-group-meeting-asia-pacific-migration-report-2020>, accessed 29 August 2020.

migrants, avoiding terminology that demeans migrants, and cooperating with countries of origin/destination to develop safe, orderly and regular channels of migration (Tunon and Baruah, 2012). OHCHR (2019c) has identified seven key elements for reframing narratives on migration, including harnessing the power of story-telling and empowering migrants and communities, ensuring effective migrant participation and representation in any information campaign, acknowledging that narrative change will most likely happen at local levels, and avoiding stereotypes of migrants in public messaging (box 29).

Often, contact with migrants is key for changing the narrative. The above-mentioned ILO survey showed that among individuals and communities, those having the most contact with migrant workers were the most supportive of migrants. An overall decline in a positive perception of migrant workers was mostly driven by respondents having little or no engagement with them. The Gallup Migrant Acceptance Index also showed higher levels of

acceptance of migrants in countries where higher percentages of people reported knowing migrants (Fleming, Esipova and Ray, 2018).

Ensuring access of migrant children to school can be a key component to address discrimination and xenophobia against them and their families, enabling contact between nationals and migrants from an early age. Public schools play an important role in raising awareness of the host population concerning the situation and contributions of migrants, yet examples of this are rare. The dialogue among educators focuses on how to include migrants and refugees in educational programmes over educating national populations about migrants (UNESCO, 2019c). When teaching materials on migration have been prepared, they often focus on refugees rather than other types of migrants. When advice on teaching about migrants is offered, it sometimes assumes that the topic will be fraught with controversy and negative opinions, and must be approached with extreme care rather than emphasizing migration as a potentially liberating

BOX 29 Key elements for reframing narratives on migration

Storytelling is powerful. It is through these narratives that people explain and make sense of the world around them. Periods in which societies are in real or perceived crises are often marked by an increase in xenophobia, anti-migrant sentiment and discriminatory practices affecting the human rights of migrants. Even well-meaning, narratives of migration, which promote the idea of crisis (for example through emphasizing the magnitude of migrant arrivals), can contribute to the normalization within the mainstream of discriminatory language, attitudes and sometimes eventually behaviour that were previously confined to the extremes of society. Drawing out shared realities and connections can build support and narrative change, particularly at local levels, where people feel most connected to and invested in their communities.

It is important not to reinforce harmful frames by accepting the premise of anti-migration narratives or of frames that perpetuate misperceptions and stereotypes of migrants. Positive communication that paints a pragmatic vision of a society, which is centred in equality and dignity, is an important step to countering anti-migrant attitudes. Focusing on common humanity helps to share stories of migrants' whole experience, beyond just their migration. Identifying areas of common ground can help move attitudes towards more empathetic positions. Building diverse partnerships helps take these humane and constructive narratives to new audiences across communities, sectors and movements.

Everyone can be part of the change in narratives on migration. Context is key and designing and implementing successful narrative communication strategies can respond to particular personal, local, community, national and regional realities. Successful narrative change relies on the same building blocks as a human rights-based approach. The essential elements of this approach (participation and inclusion, empowerment, equality and non-discrimination, and accountability) should be embedded in all strategies to reframe narratives and shift the conversation on migration and migrants. In 2019, OHCHR published a toolkit of ideas and actions to assist governments and stakeholders in building human rights-based narratives on migration and migrants (OHCHR, 2019c).

phenomenon that enriches migrants and host communities in numerous ways (Our Migration Story, n.d.).

An innovative approach to raising awareness within the host population concerning the situation of migrant workers was carried out by ILO in Thailand. Twenty university students from across the country were selected as Youth Ambassadors to serve internships with ten CSOs working on migration issues. The internships not only contributed to the work of the host organizations but greatly increased the knowledge of the students concerning the situation of migrant workers in their country (ILO, n.d.). Another example of a campaign to combat intolerance and promote a more positive perception of migrants is the "#ThatsUs" campaign launched by the New Zealand Human Rights Commission, in 2016, in support of the New Zealand Migrant Settlement and Integration Strategy (Human Rights Commission, 2016). #That'sUs is New Zealand's first anti-racism campaign asking New Zealanders to start sharing personal stories about racism, intolerance and hatred, as well as their hopes for the future. It is based on the belief that talking about the impact of casual racism deters xenophobia (OHCHR and Global Migration Group, 2018). Promising practices in fighting xenophobia are New Zealand's legal and complaint mechanisms, available to people believing they have been discriminated against or subjected to hate speech. Depending on the concerns, individuals can complain to law enforcement agencies or international organizations such as the Human Rights Commission.

5.6 Strengthen international cooperation and global partnerships for safe, orderly and regular migration

RELATED TO OBJECTIVE 23

As Member States recognized in the Global Compact for Migration, "no State can address migration on its own because of its inherently transnational nature" (United Nations, 2019e). At a minimum, international migration involves origin and destination countries. As noted in previous chapters, gaps between jurisdictions — created by differing definitions, understandings and laws — are enabling factors for the abuse of migrants throughout the migration

cycle. International cooperation helps secure "triple win" outcomes (for origin and destination countries and migrants themselves) and is thus crucial to achieve safe, orderly and regular migration as well as to support achievement of SDG 17.

5.6.1 Global migration governance

As discussed in chapter 1, international migration has steadily risen on the agenda of the United Nations. The Programme of Action of the 1994 International Conference on Population and Development devotes an entire chapter (Chapter X) to it; United Nations High-level Dialogues on International Migration and Development were held in 2006 and 2013, and the 2030 Agenda, which followed, contains targets specifically related to migration and migrants. Further, the Addis Ababa Action Agenda also contains several proposals to strengthen the development outcomes of migration.

In 2016, in response to large outflows of migrants and refugees, the New York Declaration for Refugees and Migrants (United Nations, 2016a) was endorsed. This Declaration also called for the adoption of a global compact on refugees and a global compact on safe, orderly and regular migration through intergovernmental negotiations in 2018. The Global Compacts represent a new era for international cooperation, and together are recognized as both a means and an end to ensuring safe, orderly and regular migration. A regular International Migration Review Forum, to meet every four years from 2022, was instituted by the Global Compact for Migration to serve as the primary intergovernmental global platform for Member States to discuss and share Global Compact for Migration implementation at the local, regional and global levels, as well as to allow for interaction with other relevant stakeholders, so as to build upon accomplishments and identify opportunities for further cooperation. Each edition of the International Migration Review Forum would result in an intergovernmentally-agreed Progress Declaration, which could be taken into consideration by the high-level political forum on sustainable development. The United Nations Network on Migration (box 30) was created to ensure effective and coherent United Nations system-wide support for implementation as well as follow-up and review of the Global Compact for Migration, in response to the needs of Member States.

BOX 30 The United Nations Network on Migration

As decided by the Secretary-General and welcomed by Member States, the United Nations Network on Migration was established in 2018 to ensure effective and coherent system-wide support for Global Compact for Migration implementation, including the capacity-building mechanism, as well as follow-up and review, in response to Member States' needs. It has a membership of 38 United Nations entities, of which 8 comprise the Executive Committee: IOM, UN DESA, ILO, OHCHR, UNICEF, UNDP, UNHCR and UNODC.^a IOM serves as its coordinator and secretariat (United Nations, 2019e). In carrying out its mandate, the Network prioritizes the rights and well-being of migrants and their communities of destination, origin, and transit, placing emphasis on those issues where a common United Nations system approach adds value and from which results and impact can be readily gauged. Beyond its mandate to support implementation of the Global Compact for Migration, the Network is guided, among others, by the United Nations Charter, international law and the 2030 Agenda. The Network maintains thematic working groups tasked with providing it with technical advice and inputs, including by providing tools and guidelines, and through facilitating joint action at the regional and country levels. As called for in the Global Compact for Migration, the Network's capacity-building mechanism serves to contribute, on a voluntary basis, technical, financial and human resources in order to strengthen capacities and foster multi-partner cooperation in pursuit of Global Compact for Migration implementation. Thus, it provides a connection hub to facilitate demand-driven, tailor-made and integrated solutions; a global knowledge platform as an online open data source; and a start-up fund for initial financing to realize project-oriented solutions. The Network envisions provision of support to Member States at both the national and regional levels (United Nations Network on Migration, 2020a).

The Network also has regional components, including the Regional United Nations Network on Migration for Asia and the Pacific, which was established in 2019. This Regional Network is comprised of all United Nations agencies in Asia and the Pacific at the regional level wishing to join. ESCAP, IOM, ILO, OCHA, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNODC, UNDRR, and UN Women are members of its Executive Committee, and IOM serves as its secretariat and coordinator.^b ESCAP and other members of the Regional Network, will convene the intergovernmental meeting to conduct the first Asia-Pacific Regional Review of Implementation of the Global Compact for Migration (scheduled for March 2021), using the ESCAP platform.^c As part of the regional review process and in response to the whole-of-society approach of Global Compact for Migration implementation, ESCAP and OHCHR have engaged a stakeholder liaison focal point to ensure the meaningful, transparent and inclusive engagement with relevant and diverse stakeholders, as defined in the Global Compact for Migration.^d

As of November 2020, Bangladesh, Cambodia, Maldives, the Philippines, Sri Lanka, Tajikistan and Thailand have established national-level United Nations Networks on Migration, and several more countries are set to have networks in the foreseeable future.

Furthermore, as of November 2020, the Governments of Bangladesh, Indonesia, the Philippines, Nepal and Thailand are part of the group of 15 countries that have confirmed their interest in participating in the Network's GCM Champion Initiative.

These new partnerships foster dynamic, coherent, United Nations systemwide collaboration and action on migration at the country, regional and global levels and strengthen international cooperation on migration.

a For the full list of members, see <https://migrationnetwork.un.org/about#>, accessed 30 August 2020.

b For the TOR of the regional-level network in Asia and the Pacific, see https://migrationnetwork.un.org/sites/default/files/docs/ap_regions_migration_nw_tor_march_2020.pdf, accessed 30 August 2020.

c For information on the Regional Review, see <https://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly>, accessed 29 August 2020.

d For more information on stakeholder engagement in the context of the first Asia-Pacific regional review, see https://www.unescap.org/sites/default/files/Stakeholders_engagement_20200819.pdf, accessed 22 November 2020.

Global Forum on Migration and Development

Running parallel to the formal United Nations processes since 2007, the Global Forum on Migration and Development (GFMD) is a State-led, informal and non-binding process, helping shape the global migration and development debate outside the United Nations. It provides a flexible, multi-stakeholder space where governments can discuss the multi-dimensional aspects, opportunities and challenges related to migration and development, and the link between them, supplementing the more formal United Nations processes. The GFMD process allows governments — in partnership with civil society, the private sector, the United Nations system, and other relevant stakeholders — to analyse and discuss sensitive issues, create consensus, pose innovative solutions, and share policies and practices (GFMD, 2020).

With support from the United Nations system, GFMD has engendered a human rights-centred approach to migration policymaking and advocated for the inclusion of migration in the 2030 Agenda. GFMD created the Platform for Partnerships, which serves as a mechanism for States to share concrete projects, initiatives and good practices, improving learning and cooperation. Both the New York Declaration and the Global Compact for Migration recognize the contribution of the GFMD in advancing the international dialogue on migration and invited the GFMD to provide a platform to exchange experiences on the implementation of the Global Compact for Migration, share good practices on policies and cooperation, promote innovative approaches, and foster multi-stakeholder partnerships around specific policy issues. In recognition of the translocal nature of much migration and important roles played by local authorities, GFMD has established a Mayors Mechanism to address local dimensions (box 31).

In the Asia-Pacific region, countries have been both participants and organizers of the GFMD. Relevant stakeholder from the region have also organized and participated in the related civil society meetings. Almost all countries have assigned representatives to the GFMD network of country focal points, and, as of October 2020, 9 are part of the GFMD Steering Group (out of 29 governments in total). The following GFMD meetings have been organized by countries in Asia and the Pacific: Philippines (2008), Turkey (2014/15) and Bangladesh (2016), and over many years, a number of government representatives and stakeholders have contributed to the roundtable and thematic meetings either as co-chairs or team members. Three countries

BOX 31 Global Forum on Migration and Development Mayors Mechanism

Following the growing emphasis on the need for a whole-of-government and whole-of society approach to migration and development issues, GFMD recognized the value of involving local government authorities in GFMD discussions through the establishment of a Mayors Mechanism in 2018. First presented at the GFMD Preparatory Meetings in September 2018, the Mechanism was launched officially in December 2018, in Marrakesh, at the Fifth Mayoral Forum Meeting.

Co-organized by United Cities and local governments, the Mayors Migration Council and IOM, the Mayors Mechanism is a means to formalize the relationship between the Government-led GFMD process and the local authorities participating in the Mayoral Forum on Human Mobility, Migration and Development, an annual city-led dialogue launched in 2013 at the General Assembly's second High-level Dialogue on Migration and Development. The Mechanism provides local authorities with opportunities for peer-to-peer learning, networking and exchange of practices. It serves as a platform for interaction with States and provides opportunities to bolster innovative solutions to shared challenges. It also aims to add depth to GFMD deliberations by bridging existing divides between local realities and global policy discussions, as well as between migrants, civil society and States.

from the region were also part of a 14-member Assessment Team outlining the future of the GFMD after 2012 (Nicolas and Mendoza, 2014).

5.6.2 High-level political forum on sustainable development

As mentioned throughout the report, and in particular in chapters 1 and 2, the Global Compact for Migration builds upon the 2030 Agenda and explicitly states that it “aims to leverage the potential of migration for the achievement of all Sustainable Development Goals, as well as the impact this achievement will have on migration in the future.” (United Nations, 2019e). The Global Compact for Migration further points out that it is “rooted in the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda.”

(United Nations, 2019e). In Objectives 2, 19, and 23 it directly references and commits to promote the full and effective implementation of the 2030 Agenda, including its goals, and the Addis Ababa Action Agenda. The Global Compact for Migration also aims for enhanced bilateral, regional and multilateral cooperation for its implementation, and notes its cooperation efforts will be aligned with both frameworks.

The 2030 Agenda encourages Member States to conduct regular and inclusive reviews of their progress in the implementation of the SDGs. Voluntary national reviews (VNRs) serve as a review mechanism that allow Member States to share their successes, challenges and lessons learned in SDG implementation. The VNRs include a country report and presentation at the high-level political forum on sustainable development, which is the main United Nations platform on sustainable development, and has a central role in the follow-up and review of the 2030 Agenda and its SDGs at the global level.

Since 2016, 142 countries have reported through the VNR process, with 47 countries reporting during 2020. Of the countries that presented VNRs in 2020, 13 represented the Asia-Pacific region, including Armenia, Bangladesh, Brunei Darussalam, Georgia, India, Kyrgyzstan, Micronesia, Nepal, Papua New Guinea, the Russian Federation, Samoa, Solomon Islands and Uzbekistan. A total of 12 countries from the region made some reference to migration (annex table 14) either in their VNR report or their country presentation.

Linking reporting on the 2030 Agenda with a focus on migration and reporting on the Global Compact for Migration at the regional and global reviews (International Migration Review Forum) will allow Member States to share experiences, lessons learned and best practices in ensuring that migration is safe, orderly and regular. Since the International Migration Review Forum's Progress Declaration may be taken into consideration by the high-level political forum on sustainable development, linking both processes will allow Member States to leverage maximizing the potential of migration for the achievement of all SDGs, and vice versa.

5.6.3 **Regional migration governance**

As chapter 1 shows, most migration in Asia and the Pacific is regional, often taking place in the same subregion. As such, the regional level is critical for effective cooperation for safe, orderly and regular migration. Historically, States in the region had not been significantly engaged in regional migration governance, giving space to private actors and transnational groups to advance their priorities. However, in response to global trends, countries in the region have recently become more involved in regional migration governance efforts (Lavenex and Piper, 2019). Increased connectivity and economic integration are driving new trends in regionalism (McKinsey Global Institute, 2019), while the proliferation of regional treaties, declarations and processes, in part spurred by such global initiatives as the 2030 Agenda and the Global Compact for Migration, are contributing to increasing the importance of regions as a space of migration governance. As such, within this space, modes of cooperation and new partnerships are evolving amongst formal state institutions, regional bodies, a multiplicity of organizations and transnational actors (Lavenex and Piper, 2019). Some prominent examples of evolving cooperation by different subregional groupings within Asia and the Pacific follow.

The Association of Southeast Asian Nations

This 10-member association⁴⁵ has addressed international migration in various ways for nearly two decades. In recent years, there has been progress to develop regional initiatives and adopt global best practices and increasing will and practical capacity to pursue and enforce more treaty-based cooperation amongst member States across important domains, including trafficking in persons, health, and resilience to disasters and climate change impacts (Lavenex and Piper, 2019). ASEAN has adopted a number of Declarations directly and indirectly addressing migrants, including the 2004 Declaration Against Trafficking in Persons, Particularly Women and Children; the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Workers; the 2013 Declaration on Social Protection recognizing the right of migrant workers to social security; the 2017 Consensus on the Protection and Promotion

⁴⁵ Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam are ASEAN members, with Papua New Guinea as an observer.

of the Rights of Migrant Workers (chapter 2) and the 2019 the ASEAN Declaration on the Rights of Children in the Context of Migration (box 9).

The ASEAN Economic Community, instituted at the end of 2015 with the goal of promoting economic integration among member States, aspires to the free movement of skilled labour, resulting in the adoption of mutual recognition agreements to facilitate this process (chapter 2). The blueprint for the ASEAN Economic Community for 2025 affirms that these arrangements aim to facilitate the temporary cross-border movement of natural persons and business visitors engaged in the conduct of trade in goods, trade in services, and investment (ASEAN, 2015b). The blueprint also refers to remittances and notes an aim to make payment systems safe, efficient and competitive.

Building on the non-binding 2004 Trafficking in Persons Declaration, the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children was developed within and involving ASEAN member States. The Convention mandates increased coordinated enforcement and collaborative action across the region in preventing trafficking and protecting and assisting victims (Global Initiative against Transnational Organized Crime, 2017). The Convention's normative framework is complemented by a Plan of Action (ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children) and Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons, Especially Women and Children. ASEAN member States are to incorporate the Plan's programmes and activities into their respective national action plans against trafficking in persons and formally assign the Senior Officials Meeting on Transnational Crime responsibility to oversee the Plan's implementation (Australia, Department of Foreign Affairs and Trade, 2018).

A possible weakness of the ASEAN approach to migration is its non-binding nature. Indeed, even the provisions of the Conventions adopted by ASEAN are subordinate to member States' national laws, while the actual impact of mutual recognition agreements has been minimal. Moreover, facilitated mobility is only being considered in a very limited sense for a small proportion of medium- and high-skilled migrant workers, excluding the majority of migrants in low-skilled occupations, and thus limiting its potential benefits and impacts.

Eurasian Economic Union

North and Central Asia has a particularly concentrated subregional migration flow, with the vast majority of migrants from countries such as Armenia, Kyrgyzstan, Tajikistan and Uzbekistan moving to Kazakhstan and the Russian Federation. As such, there is major potential for effective subregional governance of migration.

The five-member EEU,⁴⁶ established in 2015, is a free-trade area with no tariff barriers between member States. Its founding treaty established freedom of movement of workers between member States. Migrants may work in any of these countries without being subject to quotas or work permits. They are entitled to join trade unions, access social protection, and migrate with their families, who enjoy access to education on an equal footing with nationals. As noted in chapter 4, a pensions treaty has been developed to ensure portability of pensions. Other major countries of origin, such as Tajikistan and Uzbekistan, are not EEU members, and members have been reluctant to cede authority to EEU institutions, holding back further integration; nonetheless, the above are a significant developments which have important impacts in simplifying the lives of migrant workers in this subregion (Schenk, 2017).

Pacific Islands Forum Secretariat

In 2017, Pacific Islands Forum Leaders endorsed the Pacific Roadmap for Sustainable Development and 132 Pacific Sustainable Development Indicators to guide regional efforts and support to countries for implementation, monitoring and reporting on global and regional sustainable development commitments. The Pacific Roadmap was prepared by the Pacific SDGs Taskforce through an open, consultative and country-driven process, and is premised on the underlying principle of leaving no one behind (Pacific Islands Forum Secretariat, 2020a). To this end, The Pacific Islands Forum Secretariat "is currently working with members, relevant technical agencies and the private sector to coordinate efforts for increased mobility in the region," recognizing the potential for enhanced regional mobility to contribute to economic integration, greater investment and improved business practices. The Secretariat seeks to emphasize supporting private sector development and improving mobility of businesses and skilled personnel throughout the region (Pacific Islands Forum Secretariat, 2020b). Beyond seeking to harness

46 Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation are members of the Eurasian Economic Union.

the socioeconomic promise of increased mobility across Pacific island States, Secretariat members confront the challenges posed by climate change and disaster that force displacement. Cooperation amongst members, a host of regional entities and the United Nations, including through the UN-PIFS Technical Working Group on displacement, demonstrates a commitment to addressing the drivers of human mobility across multiple dimensions.

Trade agreements in the Pacific include provisions for the movement of skilled persons. The Pacific Island Countries Trade Agreement entered into force in 2003 and covers trade in services, of which one component is the temporary movement of natural persons. The Pacific Agreement on Closer Economic Relations Plus (PACER-Plus), signed in 2017,⁴⁷ facilitates the cross-border movement of skilled workers, contractual service suppliers and business visitors, but does not create any obligations on citizenship, nationality, residence or employment on a permanent basis. Commitments by Pacific island countries that are not members of the World Trade Organization are equivalent to, or go further than, those made under the Pacific Island Countries Trade Agreement (Australia, Department of Foreign Affairs and Trade, 2017). PACER-Plus negotiations have also resulted in a Labour Mobility Arrangement involving PACER-Plus signatories, observers, industry and civil society representatives, as well as other relevant stakeholders (Pacific Labour Mobility Annual Meeting, 2019). The Labour Mobility Arrangement includes an annual Pacific Labour Annual Meeting (box 32). However, none of the PACER-Plus provisions regarding labour mobility are binding. In addition, development assistance is required to assist Pacific island countries to harness the potential benefits of labour mobility (Kautoke-Holani, 2018).

Pacific Community

This is the principal scientific and technical international development organization in the Pacific, comprising 26 country and territory members.⁴⁸ It aligns its vision with the Framework for Pacific Regionalism. Within its 2016–2020 Strategic Plan, the Community has sought to support sustainable economic development for people

BOX 32 Outcome of the Third Pacific Labour Mobility Annual Meeting

The Third Pacific Labour Mobility Annual Meeting was held in Auckland, New Zealand, in October 2019. Its theme was “He waka eke noa: A canoe we are all in together”. It focused on themes of intraregional labour mobility; skills and qualifications; inclusive labour mobility; remittances, superannuation and reintegration; and workers’ welfare and working conditions. Proposals included the creation of a Pacific Skills Visa to encourage greater circular migration, in relation to which Australia and New Zealand agreed to engage with other countries to identify potential sectors for further discussion. Participants also discussed the need to cooperate to ensure migrants were equipped with appropriate skills; means to ensure that migration schemes were inclusive of women, people with disabilities and older persons; and the importance of ensuring portable social protection benefits and promoting participation by workers and employers. They also agreed upon a list of workers’ welfare concerns for priority attention by Australia and New Zealand.

SOURCE: Pacific Labour Mobility Annual Meeting (2019).

across the Pacific, including by improving pathways to international markets through facilitating the mobility of learners and workers (Pacific Community, 2020).

South Asian Association for Regional Cooperation

SAARC⁴⁹ has made concrete steps in combating trafficking in persons. The adoption of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2002 (SAARC, 2002), at the eleventh SAARC Summit in Kathmandu, is a significant initiative combating and preventing trafficking in South Asia, especially as it recognizes the need for extraterritorial application of jurisdiction. Yet, the Convention focuses on sex work, leaving no room for consideration of labour

⁴⁷ The agreement was signed by Australia, Cook Islands, Kiribati, Nauru, New Zealand, Niue, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. It has been ratified by Australia, Kiribati, New Zealand, Samoa and Tonga.

⁴⁸ American Samoa, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Northern Mariana Islands, Palau, Papua New Guinea, Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, and Wallis and Futuna are full members, along with Australia, France, New Zealand and the United States of America.

⁴⁹ Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka are members of SAARC.

exploitation. The Convention also lacks a strong treaty body and perspective on the rights of victims (Wickramasekara, 2004). The Eighteenth SAARC Summit, held in 2014, addressed other forms of international migration for the first time in the Kathmandu Declaration. Heads of Government “agreed to collaborate and cooperate on safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region” (SAARC, 2014).

Greater Mekong Subregion

The Greater Mekong Subregion Economic Cooperation Program brings together the six nations⁵⁰ that share the Mekong River in supporting the implementation of high-priority cross-border economic, environmental and social projects. The Coordinated Mekong Ministerial Initiative against Trafficking is a high-level policy dialogue in the subregion combining efforts on prevention of trafficking, protection of victims and their repatriation and reintegration, and prosecution of the criminals responsible, to build a cohesive and comprehensive anti-trafficking response. An existing MoU represents the Governments’ recognition that trafficking in persons impacts the human security and human rights of the individual and that in many ways trafficking is a direct result of lack of human security and has to be addressed at the individual, societal, national, regional and international levels. The Initiative has provided a forum for developing trust and confidence between countries on trafficking in persons, as well as an effective system for the development and implementation of joint activities. The Initiative also facilitates participation of civil society and youth in regional policymaking, through its CSO/Youth Platform (IOM, 2020a).

5.6.4 Regional consultative processes

Regional consultative processes on migration are State-led, informal, regional and non-binding, allowing for information-sharing and policy dialogues dedicated to migration issues in a cooperative manner. These processes are composed of member States and they can also have observer States and/or observer organizations. Most of them address a wide range of issues, such as protection of migrant rights, migration and development, labour

migration, migration and health, and countering migrant smuggling and/or trafficking in persons. These diverse agendas reflect governments’ growing recognition that migration significantly affects other major public policy areas, and vice versa (IOM, n.d.c). In Asia and the Pacific, these processes vary in scope, durability, formalization and membership, and links to regional integration bodies (Rother, 2019). They also differ in terms of their openness to civil society.

Bali Process

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was established in 2002 and is the largest of the consultative processes in the Asia-Pacific region. It is co-chaired by Australia and Indonesia, and has 49 members,⁵¹ including States in the region, ILO, IOM, UNHCR and UNODC, as well as observer States and international organizations. The Sixth Bali Process Ministerial Conference, held in 2016, endorsed the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, which acknowledged the growing scale and complexity of irregular migration challenges both within and outside the Asia-Pacific region and supported measures to contribute to comprehensive long-term strategies addressing the crimes of people smuggling and trafficking in persons. The Declaration also welcomed efforts and initiatives by member States to expand safe, legal and affordable migration pathways and reduce migrant exploitation, including by regulating and legalizing labour migration flows, ensuring transparent and fair recruitment processes, and exploring viable temporary migration schemes (Bali Process, 2016a).

Strategies carried out by the Bali Process include:

- Implementing actions and directives on deterrence, prevention, early detection, disruption, protection and prosecution
- Developing further practical work programmes focused on legal cooperation, law enforcement and border management cooperation, consistent assessment processes for mixed movements of people, protection of victims of trafficking, and related capacity building
- Linking with other regional and multilateral forums to improve coordination of activities, and sharing relevant resources, expertise and lessons learned

50 Cambodia, China, Lao People’s Democratic Republic, Myanmar, Thailand and Viet Nam.

51 For its members, see <https://www.baliprocess.net/membership/>, accessed 29 August 2020.

- Assisting members to strengthen domestic responses to people smuggling and trafficking in persons
- Enhancing capacity to develop, and increasing awareness of, safe and legal migration pathways
- Encouraging, as appropriate, innovative solutions to address the root causes of irregular migration, including the enhancement of development potential and stabilization of key areas of origin (Bali Process, 2016b)

Initiatives undertaken by the Bali Process have been outlined in chapters 2, 3 and 4. The Bali Process has a unique level of engagement with civil society and the private sector (box 33).

Colombo Process

The Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia, or the Colombo Process, was established in 2003 as a forum for countries to discuss regular labour migration. With 12 members,⁵² it addresses five priority thematic areas, while incorporating four cross-cutting areas. The priority thematic areas are: (a) skills and qualification recognition processes; (b) ethical recruitment practices; (c) pre-departure orientation and empowerment; (d) cheaper, faster and safer transfer of remittances; and (e) labour market analysis. The four cross-cutting themes of the Colombo Process are: (a) migrant health; (b) implementation of the migration-related elements of SDGs; (c) promotion of equality for women migrant and workers; and (d) consular support for migrant workers (IOM, 2019d). The Colombo Process regularly organizes consultations, training and conferences on the priority and cross-cutting themes and engagement regarding the Global Compact for Migration (Colombo Process, 2017) (see also chapter 2 for specific initiatives).

Abu Dhabi Dialogue

One of the objectives of the Colombo Process is to enhance dialogue with countries of destination for labour migration. In 2008 and for that purpose, the United Arab Emirates hosted a Ministerial Consultation between Asian countries of origin and destination, in what has become known as the Abu Dhabi Dialogue. This voluntary and non-binding intergovernmental consultative process currently has

BOX 33 **Bali Process Government and Business Forum**

The Bali Process Government and Business Forum brings together senior business leaders and Government ministers across the Asia-Pacific region to contribute towards the eradication of trafficking in persons, forced labour, modern slavery and the worst forms of child labour. The Forum convenes every two years alongside the wider Ministerial Conference.

In 2018, Governments, business leaders and CSOs cooperated to elaborate a Work Plan comprising priority area of work for business leaders to focus on, including ethical employment, transparency in supply chains, and safeguards and grievance/redress mechanisms. Recommendations from businesses to Governments to enhance collaboration on tackling modern slavery were adopted as part of the Acknowledge, Act and Advance Recommendations, and the business track was made a permanent instrument of the Bali Process, setting out a pathway for both business and government to contribute to the eradication of these transnational crimes. The Forum actively supports Alliance 8.7, a platform established for partners to come together to share information, promising practices and lessons learnt, and to demonstrate progress in support of achievement of target 8.7 of the 2030 Agenda (Alliance 8.7, 2020). Such sustained engagement of civil society is a priority of the Bali Process member States and its Regional Support Office in addressing irregular migration issues (Bali Process, 2020a).

18 members⁵³ that are primarily countries of origin and destination for migrant workers from Asia-Pacific countries.

The Abu Dhabi Dialogue focuses on four key action-oriented partnerships concerning temporary contractual labour, based on a notion of partnership and shared responsibility (chapter 2): (a) developing and sharing knowledge on labour market trends, skills profiles, workers and remittance policies and flows, and the relationship to development; (b) building capacity for more effective matching of labour supply and demand; (c) preventing irregular recruitment

52 Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam.

53 For its members, see <http://abudhabidialogue.org.ae/members>, accessed 29 August 2020.

and promoting welfare and protection measures for contractual workers; and (d) developing a framework for a comprehensive approach to managing the entire cycle of temporary contractual work that fosters the mutual interests of countries of origin and destination (Abu Dhabi Dialogue, 2019a;2019b).

Other regional consultative processes

There are a number of other regional consultative processes for all of Europe, Eastern Europe and primarily Central Asia, in which Asian countries are members, as summarized in table 10. More information on various inter-State consultation mechanisms on migration can be found at IOM (n.d.c).

5.7 Conclusion

The Global Compact for Migration provides a comprehensive framework for strengthening the basis for evidence-based policymaking, covering, among others, the collection and analysis of timely, reliable and disaggregated statistics on migration; ensuring migrants have access to accurate information; reducing structural and policy-related vulnerabilities faced by migrants, in particular women and children; eliminating discrimination against migrants and creating more positive perceptions based on objective realities; and strengthening international cooperation at bilateral, regional and global levels to achieve its objectives.

The collection and utilization of adequate, timely and publicly available data on migration for evidence-based policymaking has progressed slowly over the past decade, but the objectives of the Global

Compact for Migration and the goals and targets of the 2030 Agenda have spurred international and national action on improving traditional sources of migration data and on developing and using innovative sources and methods. The same technologies that permit the collection of new forms of migration data, including mobile telephones, the Internet and social media, can also greatly assist in making accurate information available to potential migrants, migrants and their families, provided that the collection, use and storage of these data are regulated by laws and covered by policies concerning privacy and ethical concerns. As detailed in this chapter, a range of means can be used to empower migrants with the knowledge to migrate safely, including pre-departure orientation, migrant resource centres and mobile apps. There are a number of good practices in the region which could be built on to ensure that migrants are able to access accurate and timely information to prevent exploitation and promote regular migration.

Countries in Asia and the Pacific have made progress over the past two decades in adopting rights-based migration policies and reducing systematic discrimination against migrants, as detailed in this report; yet, public perceptions of migrants and their families and their contribution to economies and societies in destination, origin and transit countries often remain stubbornly negative, despite considerable evidence of the positive impact they have. To improve communication and public debate on migrants and migration, it is necessary to build on existing contacts, challenge assumptions, test different approaches, be evidence-based in evaluating impact, build professional networks and create centres of expertise.

TABLE 10 Selected regional consultative processes on international migration involving members from the Asia-Pacific region from Asia

PROCESS	DATE ESTABLISHED	MEMBERS IN ASIA	OBJECTIVES
Almaty Process	2011	Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan	Refugee protection, irregular migration, trafficking, migrant vulnerabilities
Budapest Process	2003 (for Asian members)	Afghanistan, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Pakistan, Russian Federation, Tajikistan, Turkey, Turkmenistan, Uzbekistan	Migration policy development
Silk Routes framework of the Budapest Process	2010	Afghanistan, Bangladesh, Islamic Republic of Iran, Iraq, Pakistan	Long-term policy making, improving migration management, protecting migrant workers
Prague Process	2009	50 States, including Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkey, Turkmenistan, Uzbekistan	Preventing irregular migration, promoting legal migration, return migration, integration of migrants, migration and development, asylum and international protection

SOURCES: IOM (n.d.a); ICMPD Budapest Process secretariat (n.d.); Prague Process (n.d.).

Over many decades, international migration has risen on the global, regional, national and subnational agendas, within and outside the United Nations, building on cooperation and partnerships among governments and relevant stakeholders, for safe, orderly and regular migration. After years spent deliberating on the question of convening an intergovernmental conference on international migration, United Nations Member States adopted the Global Compact on Refugees and the Global Compact for Migration in 2018. Both documents are considered non-binding landmark global intergovernmental agreements that present common approaches to refugee flows and international migration in all their dimensions.

In addition, a number of regional formal and informal bodies and processes exist in Asia and the Pacific that address migration. Bilateral, national and subnational activities complement the global and regional cooperation and partnership activities, including through the involvement of relevant stakeholders, and often these bilateral, national and subnational activities are the most effective in delivering results on the ground, facilitating discussions on sensitive topics and promoting the adoption of practical solutions.

5.8 Recommendations

The following recommendations, listed according to each Global Compact for Migration objective covered by this chapter, are for action by Asian and Pacific Governments, in partnership with all relevant stakeholders and through a collaborative approach:



COLLECT AND UTILIZE ACCURATE AND DISAGGREGATED DATA AS A BASIS FOR EVIDENCE-BASED POLICIES

- Ensure the 2020 census round provides opportunities to identify migrants and collect more disaggregated data, in particular by country of birth, country of citizenship and year/period of arrival.
- Facilitate the use of administrative data from national sources to identify global migration flows by standardizing definitions within and across countries and sharing information between government agencies within and across countries.
- Add migration questions to surveys, wherever possible, to facilitate the collection of more comprehensive national and international migration data.

- Improve the collection and analysis of data on long-term and permanent emigration to benefit policies and programmes, along with their impact on migrants.
- Compile more information on return migrants and their reintegration, including by sex, age, place of residence abroad, duration abroad, occupation and current place of residence.
- Enhance cooperation between Governments of countries of origin and of host countries in compiling statistics on migration for significant migration flows.
- Promote the creation and use of databases on migration that are available to individual and institutional researchers.



PROVIDE ACCURATE AND TIMELY INFORMATION AT ALL STAGES OF MIGRATION

- Strengthen pre-departure and post-arrival orientation to provide migrants essential and accurate information in a language and format that permits them to learn and retain the information. Countries of origin and host countries should cooperate in developing such courses to ensure that they are comprehensive and accurate.
- Increase the availability of Government information to prospective migrants on the costs, procedures and potential dangers of migrating for employment, specific to countries of destination. This information can be provided via Government websites, social media platforms, apps, posters and brochures at Government offices and at migrant resource centres.



ADDRESS AND REDUCE VULNERABILITIES IN MIGRATION

- Ensure that it is not a criminal offence to leave, enter or stay in a country irregularly, as this gives rise to situations of vulnerability. Consider regularizing within a reasonable period of time the status of migrants in an irregular situation, in order to address their needs and secure their rights.
- Repeal or amend all laws or measures that may give rise to discrimination against migrants, including direct and indirect discrimination that is based on multiple grounds.
- Ensure domestic workers enjoy just and favourable conditions of work and equality of treatment with nationals, in particular in terms of working conditions and labour standards.

- Ensure access of migrants to prevention and protection services related to sexual and gender-based violence, including through implementing firewalls between immigration enforcement and labour inspectorates, complaints processes and the criminal justice system.
- Adhere to principles of ethics, safety and confidentiality when collecting information and data in cases of sexual and gender-based violence.
- Tailor migration policies to account for the situation of children remaining in-country when one or both parents migrate.
- Ensure migrants facing acute hardship can access humanitarian assistance in order to meet their food and other essential needs.

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ELIMINATE ALL FORMS OF DISCRIMINATION AND PROMOTE EVIDENCE-BASED PUBLIC DISCOURSE TO SHAPE PERCEPTIONS OF MIGRATION

- Publicly acknowledge and create awareness on the valuable contributions of migrants to communities and sustainable development of their countries to create a more positive evidence-based narrative surrounding the role of migrants, and build public consensus on the need for safe, orderly and regular migration.
- Encourage stakeholder promotion of inclusion, social interaction and community engagement with migrants in destination countries.
- Ensure school curricula incorporate modules on migration and migrants for students to become aware of the contributions that migrants make to both countries of origin and destination.
- Conduct public information campaigns on the positive contributions of migration and migrants based on best practices, including using the power of story-telling and empowering migrants and communities, ensuring effective migrant participation and representation in campaigns, acknowledging that narrative change will most likely happen at local levels and avoiding stereotypes of migrants in public messaging.
- Provide internships for students to work with organizations that support and assist migrants so as to increase the spread of collaboration and understanding.
- Condemn and take effective measures against all acts and expressions of racism, racial discrimination, xenophobia and related intolerance, against stereotyping of migrants (including on the basis

of religion or belief) because they are non-citizens or have an irregular status, and against other intersecting forms of discrimination, such as age and gender.

- Hold accountable those who commit such acts, including politicians, opinion leaders and the media; enable victims to access justice, including through accessible complaint mechanisms; and provide effective remedies to these challenges.
- Introduce public education measures and run meaningful and targeted awareness campaigns to counter prejudice, exclusion and the social stigmatization of migrants. Promote local campaigns that support migrants and host communities, that build empathy and solidarity, and reinforce notions of a shared humanity.

23

STRENGTHEN INTERNATIONAL COOPERATION AND GLOBAL PARTNERSHIPS FOR SAFE, ORDERLY AND REGULAR MIGRATION

- Narrow disharmonies between global migration governance and actions at the regional, national and local levels by undertaking comprehensive reviews of policies to ensure their alignment with global standards, including human rights and labour standards.
- Promote implementation of the global commitments that member States have made through subregional organizations.
- Strengthen the role of regional economic communities as key actors promoting comprehensive approaches to safe, orderly and regular migration, including through skill recognition, portability of social protection and greater freedom of movement, as appropriate.
- Support member States in the region in accelerating the implementation of the 2030 Agenda, which will also contribute to the implementation of the Global Compact for Migration, and encourage them to report on their related activities to the high-level political forum on sustainable development, while sharing experiences, lessons learned and good practices.
- Strengthen the work of the Regional United Nations Network on Migration for Asia and the Pacific to facilitate effective, timely and coordinated United Nations system-wide support to member States in the region in implementing the Global Compact for Migration, where such a common United Nations system approach would add value.



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September 5, 2020. Returnee women migrant workers to receive COVID-19 prevention packages across Bangladesh.

Chapter 6

COVID-19 and international migration in Asia and the Pacific

6.1 Introduction^{54,55}

COVID-19 has had (and will continue to have) devastating impacts on all countries in Asia and the Pacific, with persons in vulnerable situations particularly affected. In many countries in the region, migrants and their families are among those primarily affected by the pandemic. Its impacts on migrants are often compounded by the interactions with other statuses which confer vulnerability, including the conditions in which immigrants travel or the conditions they face in countries of origin, transit and destination (chapter 5 and Global Compact for Migration Objective 7). Migrant groups particularly affected by COVID-19 include:

- Migrant workers, as the largest group of migrants in and from the region, are at higher risk of exposure to COVID-19 due to living and working conditions.
- Migrants in an irregular situation, who lack access to health services and social protection and face risks of detention in often-overcrowded detention centres, as well as deportation and loss of livelihood (OHCHR 2020b, 2020c).
- Migrant women, who face greater risks of sexual and gender-based violence, exploitation and abuse (Amling, 2020; UN Women, 2020a). They are also likely to be forced to take on more unpaid domestic care and domestic work (Mercado, Naciri and Mishra, 2020).
- Migrant children and children of migrants, who suffer interruptions to their education and associated services, including meal distributions at schools, as educational institutions close. Children left behind by migrant parents unable to send remittances are likely to face reduced access to education and heightened risks of school drop-out. In addition, there are greater risks of exposure to child labour, child marriage, trafficking in persons or mistreatment, gender-based violence, exploitation and social exclusion (UNICEF, 2020a).
- Migrants living with HIV, who face job losses and reorientation of health services away from HIV/AIDS-related treatments, affecting their ability to effectively reduce their viral load and rendering them more likely to suffer death or severe illness due to COVID-19 (IOM South-Eastern Europe, Eastern Europe and Central Asia Liaison Office, 2020).

• Older migrants, who are at particularly high risk due to the health impacts of COVID-19, given their age, and due to the effects of reduced or discontinued essential health-care services (United Nations, 2020b).

• Migrants with disabilities, who are at risk due to co-morbidities and pre-existing inequalities, such as higher levels of poverty and exclusion from education, and multiple barriers in access to disability-inclusive support services amid the pandemic (United Nations, 2020b).

• Trafficked migrants, who may be trapped in exploitative situations due to lockdowns and finding access to services limited as a result of cuts in financing and social distancing measures, leading to them being unable to access protection and justice (United Nations Human Rights Special Procedures, 2020).

In most cases, migrants' particular vulnerabilities due to COVID-19 result from the pre-existing structural factors, inequalities, injustices, human rights violations, biases and misinformation faced by migrants across the region. Many migrants reside in dormitories or other forms of housing that are substandard because of policies which restrict their access to regular housing. They are less likely to make use of health-care facilities because they have limited or no access to them, or do not know they can access them safely. The exclusion of migrants from economic stimulus measures reflects the reluctance to acknowledge the full rights of migrants in countries of destination. However, at the same time, migrants are essential workers supporting countries through the pandemic and beyond and are, therefore, part of the solution to COVID-19 and countries' long-term recovery.

This heightened vulnerability — and potential contribution of migrants — underlines the importance of the 23 objectives of the Global Compact for Migration and of the goals and targets of the 2030 Agenda directly related to migrants and migration. In addition, COVID-19 has highlighted the importance of the Global Compact for Migration's cross-cutting and interdependent guiding principles, such as people-centredness, international cooperation, human rights, gender-responsiveness, child-sensitivity, and a whole of society approach, among others.

54 This chapter was drafted in August 2020 and reflects the state of knowledge at that time.

55 The chapter highlights impacts of COVID-19 on migrants and their families as observed in Asia and the Pacific. For a general overview of the impact of the pandemic on migrants at the global level, see United Nations, 2020b.

The following sections address the health, socioeconomic and protection-related impacts of COVID-19, and how governments in the region have responded to the pandemic. They consider impacts due to factors in countries of origin, transit and destination of Asia-Pacific migrants.

6.2 Health-related impacts and responses

Chapters 4 and 5, with reference to Global Compact for Migration Objectives 7 and 15, note that States committed to addressing and reducing vulnerabilities in migration and ensuring that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services, including health care.

Yet, migrants are at a heightened risk of contracting COVID-19. This is due to factors such as: *de facto* and *de jure* restrictions in access to services; unsanitary and overcrowded living conditions; lack of access to basic services, such as water and sanitation, and social protection; additional obstacles in undertaking health-seeking behaviours; barriers accessing health care, including cost, language, and inaccessibility of and interruptions to services, including mental health services; inadequate access to personal protective equipment, such as face masks and adequate water for handwashing; and stigma, discrimination and exclusion. Migrants in irregular status may particularly fear using services due to concerns that their status will be shared with immigration enforcement authorities (OHCHR, 2020b; United Nations, 2020b).

This combination of factors, largely outside the control of migrants themselves, has led to concentrated outbreaks among migrants in various settings in the region, and affecting Asian and Pacific migrants beyond the region, including in migrant worker dormitories and immigration detention centres, as well as among some returning migrant workers. In addition, disruption or discontinuity of essential health services and reduced affordability and access to a nutritious diet, due to diminished income and increased poverty, has additional negative impacts on migrant health, food security and nutrition, in particular affecting migrant children.

BOX 34 COVID-19 in immigration detention centres

The spread of COVID-19 in immigration detention centres has led to a renewed focus on the need to explore alternatives to detention for immigration-related reasons. In its policy brief on immigration detention, the United Nations Network on Migration has called for the following actions by States and other stakeholders:

- Stop new detentions of migrants for migration or health-related reasons and introduce a moratorium on the use of immigration detention.
- Scale up and urgently implement non-custodial, community-based alternatives to immigration detention, in accordance with international law.
- Release all migrants detained into non-custodial, community-based alternatives, following proper safeguards.
- Improve conditions in places of immigration detention while alternatives are being scaled up and implemented.

SOURCE: United Nations Network on Migration, 2020b.

The following are examples of the increased COVID-19 health risks of Asia-Pacific migrants:

- In Singapore, concentrated outbreaks among low-wage migrant workers on temporary work visas housed in dormitory accommodation, often predominantly occupied by men and with limited possibility for physical distancing, have led to a documented COVID-19 prevalence of 16.5 per cent (53,200 cases among the population at risk of 323,000) among dormitory residents compared with a prevalence of 0.04 per cent among Singapore residents living outside these dormitories (2,200 cases among the population of 5,381,000), at the time of reporting (Singapore, Ministry of Health, 2020).
- In Thailand, 65 COVID-19 cases were reported between 25 April and 8 May 2020 associated with a single immigration detention centre. This represented 2.2 per cent of all COVID-19 confirmed cases in Thailand at the time of reporting (Thailand Ministry of Public Health, 2020).

- In Maldives, in June 2020, 65 per cent of confirmed COVID-19 cases were among non-Maldivian nationals (WHO, 2020c).
- In Malaysia, targeted screening among migrant workers at construction sites and in the security sector have found a positivity rate of 9.08 per cent, while in immigration detention centres, it has been 9.37 per cent, the highest such rate among all at-risk populations (Malaysia, Ministry of Health, 2020).

Migrant women face specific vulnerabilities to the health impacts of COVID-19 (United Nations, 2020b). Given their concentration in care, domestic work and nursing, they face high risks of exposure to COVID-19, while barriers may limit migrant women's access to health services. They are, moreover, subjected to increased risks of gender-based violence and greater domestic burdens, which limit their ability to recuperate. Reduced essential health service coverage, including sexual and reproductive health services, due to COVID-19 severely impacts women, newborns and adolescent girls (United Nations, 2020b). Data from Thailand suggest that migrant women experience heightened difficulties, including in access to hygiene products and longer waiting times at medical centres (UN Women, forthcoming).

Return migrants, meanwhile, may also be excluded from country of origin health-care systems. Among a sample of returnees to Afghanistan, 78 per cent of returnee women reported being unable to access medical care because of the pandemic (UN Women and others, forthcoming).

Children can be especially at risk in conditions where latrines and water supplies are inadequate, and extreme overcrowding is common. In addition, disruptions in children's diets result in acute wasting and stunting among children on the move, exposing them to lifelong consequences (United Nations, 2020b). Moreover, asymptomatic migrant children and children of migrants pose a serious health risk to older migrants, including their parents.

The struggle to access services for migrants is significant. For example, only a third of respondents to a survey of 260 Afghan migrants in India and Indonesia said that if they had COVID-19 symptoms they would be able to access health-care services immediately (34 and 35 per cent in India and Indonesia, respectively) (Mixed Migration Centre, 2020d).

Despite the numerous challenges facing migrants across the region, there have been some positive examples and reports of migrant-inclusive approaches contributing to protecting the health of migrants and the communities in which they reside. Countries have also made efforts to make information available in migrant languages. For example:

- In Thailand, the Ministry of Public Health, with support from IOM, WHO and CSO partners, launched a migrant COVID-19 hotline to provide multilingual information to migrants including on how to prevent and protect against COVID-19 and where to access testing and treatment (IOM Thailand, 2020a). In Thailand, migrants in irregular situations have long been allowed to enrol in national health insurance schemes, providing them with universal health care, including for COVID-19 (Onarheim and others, 2018).
- In Sri Lanka, the Ministry of Health provides access to free COVID-19 testing, treatment and information for migrants and is expanding laboratory testing capacities at the Bandaranaike International Airport in Colombo to facilitate the return of Sri Lankan migrant workers from abroad, as well as to establish procedures for entry of migrants and tourists (WHO, 2020a).
- To build confidence that migrants can access testing and treatment services, the Republic of Korea has indicated that services are open to all, with firewalls between health services and immigration authorities (IOM Crest, 2020).
- In Marawi City, Philippines, and with support from UN-Habitat, 2,500 internally-displaced families have been given Personal Protective Equipment and disinfectant supplies to address their high vulnerability to COVID-19. In addition, water and handwashing facilities have been installed, satellite markets and mobile stores have been setup, and intensive gardening support has been provided (UN-Habitat, 2020).

In many countries in the region, migrants play an important role in the COVID-19 response, particularly in the health sector. In Australia, for example, over 50 per cent of doctors and 35 per cent of nurses are foreign-born. Asia-Pacific migrants are well-represented among migrant health workers in OECD countries: 9 of the top 20 countries of origin for migrant doctors in OECD countries, and 7 of the top countries of origin for migrant nurses, were Asia-Pacific countries. Almost 237,000 doctors and over

437,000 nurses in OECD countries were born in the Asia-Pacific region according to the latest data, with almost 95,000 doctors from India and almost 238,000 nurses from the Philippines. Their contribution to addressing the pandemic both within and outside Asia and the Pacific is, therefore, also substantial. To strengthen the impact of migrant health personnel, Australia lifted restrictions on the working hours of international nursing students (Scarpetta, Dumont and Socha-Dietrich, 2020).

The COVID-19 pandemic has highlighted the cost of exclusion of migrants to society as a whole. There is now a critical opportunity and urgent need for health systems to accelerate progress towards universal health coverage, including for migrants regardless of their migration status, to allow all people to enjoy the highest standards of physical and mental health. Realizing this goal would also respond to Global Compact Objectives 7 and 15, which focus on reducing migrant vulnerabilities and incorporating the health needs of migrants. It would, moreover, respond to SDG 3 on ensuring healthy lives and promoting well-being for all at all ages. Migrant inclusive approaches, with universal health coverage as a goal, are not only crucial to successfully overcoming COVID-19, they will further protect public health, at a lower overall cost, leading to improved development and human rights outcomes for the region.

6.3 Impacts on mobility and protection

The COVID-19 virus moves with people. Addressing the human mobility aspect of the pandemic — including cross-border movement of migrants, refugees, tourists, business travellers and others — is an essential part of controlling it. As a result, Governments in almost all countries of the region have imposed widespread restrictions on international and internal movements. Often, these measures have been taken *ad hoc* and led to further movements, including of migrants. In other cases, travel restrictions and border closures have trapped migrants, undermining their dignity and rights, and leaving them in precarious situations. At the same time, entry or reentry of persons at borders has been denied, including for asylum seekers and unaccompanied migrant children (United Nations, 2020b). The measures have included the suspension of international travel, border closures, changes to visa and/or entry requirements, and imposition of mandatory internal lockdowns. As of 30 July 2020, there were over 20,000 individual travel restrictions

related to travel documents that had been observed across countries within the Asia-Pacific region. In the Russian Federation and other Central Asian countries, an analysis of status of 602 points of entry, in June 2020, found that only 11 per cent were fully open, with 31 per cent partially closed and 58 per cent fully closed (IOM, 2020b).

In some cases, large numbers of people moved in anticipation of border closures. For example:

- Coinciding with a significant early outbreak in the Islamic Republic of Iran, and due to fears regarding the virus and local economic shutdowns, 153,300 undocumented Afghan migrants were recorded returning from the Islamic Republic of Iran to Afghanistan in a four week period, compared with usual numbers of returns averaging fewer than 10,000 per week (IOM Afghanistan, 2020).
- In the Greater Mekong Subregion, in March 2020, following the announcement of localized shutdowns of some industries and venues in Bangkok, an estimated 200,000 migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar rapidly crossed land borders to return home due to fears of both COVID-19 and economic impacts. Although this did not lead to feared outbreaks of COVID-19 in these countries, managing these large groups of returnees strained country of origin authorities' capacities (IOM Thailand, 2020b).

Border closures of the aforementioned nature have led to thousands of migrants becoming stranded in destination countries or at border points, including airports and land borders.

Managing the return of migrants, while ensuring public health and the rights of returnees, has proved difficult for some States, leading to rights abuses. For example, following Nepal's border closure, Nepalis returning from work in India were placed in makeshift quarantine facilities and supplied with inadequate food, water or sanitation; furthermore, women migrants reported a lack of separate toilets or washing places (Helvetas, 2020).

Quarantines to prevent transmission by isolating travellers from areas with community transmission or contacts of known cases have proven very effective in limiting the spread of the pandemic. However, these measures should be time limited and only imposed if no alternative protective measure can be taken by authorities to prevent or respond to

the spread of the virus. They need to comply with human rights norms and under no circumstances operate as a form of detention or be used to justify discrimination or the imposition of harsher or less adequate conditions on a particular group (OHCHR and WHO, 2020; WHO, 2020b).

In most cases, countries have adopted flexible policies to extend the visas of migrants stranded and prevent them from falling into an irregular status due to border closures. However, this does not shield migrants from the economic impacts of lockdowns (see below).

With borders closed, some migrants are taking more dangerous routes to move or return. Some migrants are resorting to the use of smugglers in order to migrate or return, despite movement restrictions. Evidence suggests that smugglers are making use of more dangerous routes to cross borders and charging higher fees, and, where this is the case, they are among the main groups committing violent acts against migrants (Mixed Migration Centre, 2020a).

With the onset of the pandemic, many people who had planned on migrating found themselves stranded in countries of origin or transit, often having already spent significant sums on recruitment costs but without access to employment. For example, an estimated 115,000 people were unable to migrate from Nepal despite having received work permits (ILO, 2020d), while in Pakistan over 60,000 people had completed their registration with the Pakistan Bureau of Overseas Employment, yet were unable to move (ILO, 2020b). Similarly, migrants due to move from Pacific island countries to Australia and New Zealand for seasonal work have been stranded, and in many countries are ineligible for government support (IOM, 2020e).

Countries of origin are coping with large numbers of returning migrants. At the time of writing, India had organized the return of almost 2.1 million migrants from abroad since the beginning of the COVID-19 pandemic as part of the Vande Bharat Mission (India, Ministry of External Affairs 2020), while 136,000 migrants from the Philippines had returned as a result of COVID-19 (Philippines, Department of Labor and Employment, 2020b). These returns pose challenges to countries to ensure safe return, quarantine and reintegration, bearing in mind that many migrants have lost their main source of income, been unable to access their full salaries (box 35) and cannot be sure when they can return to work abroad again, while facing stigma as potential carriers of the disease (Liao, 2020).

BOX 35 **Urgent Justice Mechanism for Repatriated Workers**

Repatriated workers are at risk of being underpaid, as employers either do not make final payments or deduct money illegally. A coalition of stakeholders, including Migrant Forum in Asia, Lawyers Beyond Borders Network, Cross Regional Centre for Migrants and Refugees, South Asia Trade Union Council, and Solidarity Center, have issued a call for an Urgent Justice Mechanism for Repatriated Workers, with the following objectives:

- The transitional justice mechanism will address grievances, claims and labour disputes of repatriated workers who have lost their jobs as a result of the pandemic. The mechanism needs to be expedited, accessible, affordable and efficient.
- It should be a priority to guarantee that all repatriated workers with legitimate claims are able to access justice and some kind of compensation.
- While it must be of the utmost importance to ensure that cases are resolved as soon as possible, especially when involving labour disputes, safeguards must be put in place to ensure that migrants are able to pursue their cases post return. Access to legal advice and support, facilitating power of attorney procedures, and easing requirements for in-person testimony and court appearance, or appearance in front of a tribunal/grievance mechanism, are paramount.
- States should require employers and businesses to keep all employment records, including payroll, employee lists, and hours worked, and allow workers to take copies of their records with them.

The call is aimed at States, international organizations and employers, and suggests the creation of an international claims commission to ensure that repatriated migrant workers can continue claims even upon return, and a compensation fund and strengthened access to national justice mechanisms for migrant workers.

SOURCES: Migrant Forum in Asia (n.d.a); (n.d.b); (n.d.c).

Governments, such as that of the Philippines, have instituted measures to support reintegration for returnees. The Philippines is gathering data on returnees through the Overseas Filipino Worker Assistance Information System to classify and identify needs and facilitate smooth return and access to COVID-19 testing (Asis, 2020). ASEAN countries have also committed to facilitating the movement of migrant workers and their reunion with families (ASEAN, 2020a).

The United Nations Network on Migration has called for forced returns to be suspended during the pandemic (United Nations Network on Migration, 2020d). In several GCC countries, undocumented and furloughed migrants are being encouraged to return, either through amnesties which remove the need to pay fines incurred as a result of their irregular status, or through pressure exerted on countries of origin (Amnesty International, 2020). In Malaysia, at least one boat with 200 migrants on it was prevented from entering the country due to concerns of the spread of COVID-19 (Malay Mail, 2020).

International migration is likely to increase post-pandemic. A survey of returned migrants in Myanmar found that 58 per cent of respondents planned to re-migrate once COVID-19-related measures were lifted (ILO, 2020c). Additionally, in order to build back better, countries will have to rely on the qualifications, expertise and experience of migrants. Reopening borders, when the time is considered appropriate by the respective countries, and enabling migrants to move and work once again in a regular and orderly manner, will unlock benefits for migrants, countries of origin, transit and destination, as well as restore a sense of normalcy. Post-COVID-19 migration and mobility regimes will require greater cooperation at the global, regional, subregional, national and subnational levels to prevent problems created by uncoordinated and *ad hoc* opening and closing of borders. It will be important that countries collaborate and follow common standards for border management and travel, which protect human rights and privacy, and ensure adequate data protection once the borders reopen (United Nations, 2020b).

6.4 Economic and social impacts

Economic impacts

According to the World Bank, COVID-19 has triggered the deepest global recession in decades. While the ultimate outcome is still uncertain, the pandemic will result in contractions across the vast majority of emerging markets and developing economies, including those in Asia and the Pacific (World Bank, 2020d). A combination of domestic outbreaks of the virus, severe lockdown measures and the effects of the pandemic-induced global recession have slowed down, and in some cases, halted economic activity. The global economy may contract by as much as 3 per cent in 2020 (Gopinath, 2020). Even countries with extremely low infection rates will be severely hit by this economic crisis. As noted by ESCAP (2021), "an economic contraction of 5 per cent could increase the Asia-Pacific poverty headcount at the international poverty lines of \$3.20 and \$5.50 per day by approximately 93 [million] and 90 million people, respectively. In a more extreme scenario, an economic contraction of 20 per cent could increase the Asia-Pacific poverty headcount by around 414 million people at the \$3.20 per day line and by 381 million people at the \$5.50 per day line."

Employment in the host economies of Asia-Pacific migrant workers contracted significantly. In the region, the total working hour losses for the second quarter of 2020 were estimated by the ILO at 15.2 per cent, or 265 million full time equivalent jobs. In the Arab States, the estimate was a decline of 16.9 per cent or 10 million full time equivalent jobs. For the third quarter of 2020, there was an estimated decline in working hours of 10.7 per cent for Asia and the Pacific. This resulted in the equivalent of the loss of 185 million full-time jobs in the region. All figures on losses in working hours were compared against the last quarter of 2019 (ILO Monitor, 2020).

As noted in chapters 1 and 2, most migrants in and from the region have moved under temporary labour migration schemes: their immigration status is linked to their employment and they are often *de jure* or *de facto* excluded from social protection systems (see also chapter 4). Furthermore, a large proportion of their wages is sent back to their families in countries of origin (chapter 5). Migrants and their households are, therefore, highly vulnerable to the negative economic impacts brought about by the COVID-19 pandemic.

Relative to the native-born population, economic recessions affect migrant workers more, due to greater precarity, such as informal employment, workplace discrimination and exclusion from social protection and aspects of labour law. The halt in economic activity linked to the pandemic is no exception. For example:

- Migrant workers in the Russian Federation have been almost twice as likely as Russians to lose their jobs during the COVID-19 pandemic. Some 40 per cent of Central Asian migrant workers in the Russian Federation reported that they were permanently laid off during the quarantine period, according to a survey conducted by the Russian Presidential Academy of National Economy and Public Administration, while 23 percent of Russian citizens stated the same. Adding those who kept their jobs, but were put on unpaid leave during the non-working period in the Russian Federation (from late March until mid-May 2020), a total of 75 per cent of Central Asian migrants were not working at the height of the pandemic, compared to 48 per cent of Russians (*The Moscow Times*, 2020).
- In Malaysia, the Ministry of Human Resources issued advice that if retrenchment was inevitable, foreign workers needed to be retrenched first (Malaysia, Ministry of Human Resources, 2020).

As Ratha and others (2020) note, the scale of the current crisis and the almost-universal nature of lockdowns is particularly grave for migrant workers, as the possibilities for intersectoral mobility or return migration, which existed in previous economic recessions, are extremely limited. Instead, many migrants are locked in place, unable to work, move to find work, or return to their countries of origin. For example:

- Migrant workers in Malaysia have been unable to work or return to their countries of origin. Although the government has distributed provisions to ensure that migrants are able to survive, migrant workers are not eligible for income support measures (ILO, 2020h).
- By the end of April 2020, 10,000 migrants from Kyrgyzstan who had lost their jobs in the Russian Federation had no means of support (IOM, 2020c).

As a result, migrant workers face economic hardship through foregone or withheld wages, affecting them particularly, since many have incurred debts to pay costs associated with migration. Migrant women are especially at risk. Data from Afghanistan suggest that women returning from abroad because of the pandemic were more likely to report decreased income from paid jobs compared to male returnees (UN Women and others, forthcoming).

Some countries have made efforts to shield certain migrant workers from the economic impacts of COVID-19-related lockdowns. Japan's economic stimulus has been inclusive of permanent residents as well as citizens (KPMG, n.d.), and Australia's income support programme has been available to migrants with permanent resident status; students have also been allowed to work longer hours and temporary residents have been able to access their superannuation funds to support themselves (Taylor, 2020).

More inclusive schemes were implemented in New Zealand and Thailand. In New Zealand, all workers have been eligible for income support, including migrants in temporary and seasonal employment (New Zealand Immigration, 2020). In Thailand, migrants who have contributed to the Social Security Fund for six months or more have been also eligible for compensation for COVID-19-related job losses (IOM Thailand, 2020c).

However, even the more inclusive stimulus measures have excluded migrant workers in an irregular situation (in New Zealand), and migrant workers who have not been able to contribute to the Social Security Fund (in Thailand). Indeed, according to key informants⁵⁶ in Thailand, the main challenge faced by non-Thai nationals in Thailand since the outbreak has been insufficient income; this was identified by 57 per cent of key informants, suggesting that even if migrants have been able to access these schemes, they have been insufficient (IOM Thailand, 2020d).

A lack of migrant income leads to increased unaffordability of a healthy nutritious diet and an overall decrease in access to food. Migrants also often lack the social and financial networks that allow them to borrow or find temporary means to access sufficient food. This often leads to adoption of negative coping strategies such as a depletion of household assets, which, though essential for a post

⁵⁶ Informants are persons identified by IOM Thailand through statistical analysis who were able to provide informed answers on the situation and vulnerabilities of different migrant communities and non-Thai populations across Thailand.

crisis recovery, are used to meet immediate needs. In addition, migrants often reside in urban areas where food prices could be higher and more volatile due to lockdown and restrictions, as well as dependence on retail markets.

Some countries and territories have instituted measures to keep migrants in regular status, for example:

- Thailand introduced measures providing greater flexibility to enable migrant workers who have changed employer to extend their permits (IOM Thailand, 2020b).
- The Russian Federation suspended the need to pay monthly fees for documents, permitting migrant workers to continue to work or find new employment (IOM Russian Federation, 2020).
- Hong Kong, China extended a one-month grace period for migrant domestic workers to find new employment if their employment was terminated before 31 July 2020 (IOM Crest, 2020).
- Pacific seasonal workers due to return have been able to secure more work with existing employers in Australia and New Zealand (IOM, 2020e).

Countries of origin have also taken measures to support migrants. At the time of writing, the Philippines had authorized payments of 10,000 Philippine pesos (around \$200) to over 270,000 overseas Filipino workers, although this represented around a half of the requests for assistance that had been received (604,400 as of 15 August 2020) (Philippines Department of Labor and Employment, 2020a). The Department of Labour and Employment has also indicated its readiness to promote rehiring of Filipino workers once restrictions are lifted (Philippines, Department of Labor and Employment, 2020c).

ASEAN member States (through ministers of labour and ministers of social welfare and development) have committed to providing appropriate compensation from employers and eligibility to receive social assistance for migrants laid off or furloughed during the pandemic, to ensure their well-being and livelihoods, and to include migrants in post-pandemic recovery programmes (ASEAN, 2020a; 2020b). However, 97 per cent of migrants surveyed in ASEAN countries indicated that they had not received any form of social security (ILO, 2020c).

Remittances

As noted in chapters 1 and 4, remittances are among the most visible contributions of migrants to countries of origin, often used for immediate household consumption but also investments. In Asia and the Pacific, they are not only important in absolute value, they significantly contribute to GDP in some countries. Due to the recession induced by COVID-19 and public health measures to address the disease, remittances sent by migrants are expected to decrease significantly between 2019 and 2020. This is already evident in some cases:

- The Central Bank of Bangladesh reported that there had been a 25 per cent drop in remittances in April 2020 compared to the previous year, a \$353 million decrease (Aneja and Islam, 2020).
- Sri Lanka reported a 35 per cent decrease in remittances (United Nation Network on Migration, 2020e).
- A remittance service provider in the Russian Federation indicated that remittances in March 2020 had declined by over 30 per cent compared to the same month in 2019 (Quinn, Bisenov and Bedwell, 2020).
- Remittance service providers in Australia reported a significant drop in remittances to Fiji, Tonga, Tuvalu and Vanuatu, while exchange rate fluctuations had decreased the amounts of money recipients in Tonga received (IOM, 2020e).

The World Bank estimates major declines in remittance receipts in 2020. The countries of the region are expected to receive almost \$304 billion in remittances in 2020, a decrease of over \$25 billion compared to 2019, and representing an 8.0 per cent year-on-year decline. Remittances to Eastern Europe and Central Asia are expected to fall 16.1 per cent from \$57 billion in 2019 to \$48 billion in 2020. Remittances in East Asia and the Pacific are estimated to decline 10.5 per cent over the same period, from \$147 billion to \$131 billion (Ratha and others, 2020).

The impacts of loss of income go beyond the migrants themselves to encompass their households in countries of origin. This is particularly concerning because, as noted in chapter 1, Asia-Pacific countries, such as Tonga, Kyrgyzstan, Tajikistan and Nepal, are among the most remittance-dependent in the world. For example, the projected 15 per cent decrease in

remittances to Kyrgyzstan translates to a drop of \$361 million, equivalent to 5 per cent of Kyrgyzstan's GDP (IOM, 2020c).

Evidence suggests, however, that the non-economic motives, which underpin the sending of remittances including altruism, family obligation and social expectation, mean that remittances will remain more stable than other sources of international finance, especially foreign direct investment (Ratha and others, 2020). Compared to initial estimates, remittances have proven more resilient than expected. For example, remittances to Bangladesh and Pakistan in the third quarter of 2020 showed an increase compared to the second quarter (Ratha and others, 2020). Similarly, data for the Pacific show that diaspora communities have continued to remit during the pandemic, and that Pacific migrants on extended visas are continuing to support their families, albeit at lower levels (IOM, 2020e). Migrants anticipating return to countries of origin may liquidate assets and send the proceeds as remittances, leading to temporary increases in inflows. In the case of Bangladesh and Pakistan, it is theorized that money which had been saved for the Hajj pilgrimage had been remitted due to the cancellation of the pilgrimage in 2020, while the surge of remittances to Bangladesh may have been driven by the need to support families there following floods (Ratha and others, 2020).

Countries are further undertaking measures to encourage the sending of remittances during the pandemic, thereby also responding to Global Compact for Migration Objective 20, to promote faster, safer and cheaper transfer of remittances, and SDG target 10.c, on reducing remittance costs. For example:

- Bangladesh has recently relaxed conditions for migrant workers to receive a 2 per cent bonus on remittances, including raising the ceiling for eligibility and increasing the time to submit paperwork (Financial Express, 2020).
- Beginning on 1 July 2020, Pakistan has exempted withholding tax for cash withdrawals or transfers to amounts equivalent to remittances "received from abroad in that account in a year" (Ansari, 2020).

Some remittance service providers are also reducing fees to stimulate remittance sending (United Nations Capital Development Fund, 2020). However, as lockdowns continue and economic activity in destination countries remains weak, job

opportunities will remain limited, further reducing opportunities for migrants to send remittances. Indeed, households in origin countries may be called upon to send migrants remittances to sustain them through the crisis.

Even where migrant workers are able to continue earning, they may face restrictions on sending money, as shutdowns and social distancing guidelines make in-person payments to agencies difficult (Aneja and Islam, 2020). This may be the case even when remittance service providers are declared among those providing essential services, as in the case of New Zealand, since outlets are often found in shopping centres still subject to lockdown measures (IOM, 2020e). In the long-term this could drive providers out of business, reducing competition in remittance markets and leading to higher remittance costs post-pandemic (United Nations, 2020b).

To address difficulties in making in-person payments, migrant workers are turning to digital remittance services. For example, remittances from digital-only remittance service providers in Australia and New Zealand to Fiji and Tonga increased by 19 and 16 per cent, respectively, between March and June 2020, compared to the same period in 2019 (IOM, 2020e). Government efforts have supported this transition. Nepal increased the amounts of money which can be sent digitally, while banks in Nepal are enabling recipients to receive money in bank accounts (Akram and Galizia, 2020). KazPost (in Kazakhstan) and Russian Postbank have launched virtual payment cards to facilitate lower-cost sending of remittances (UN Network on Migration, 2020e). Other innovative means to enable continued remittance-sending include the use of video calling to register new clients in Malaysia (IFAD, 2020).

These initiatives require high levels of migrant inclusion in formal financial institutions. Gender-responsive measures also need to be considered, as women are more likely to be excluded from both financial institutions and access to digital technologies. In addition, using digital remittance services exposes migrants and their families to risks associated with data privacy and surveillance.

Looking forward to a post-pandemic world, remittances are likely to play a crucial role in supporting economic recoveries. Ensuring that migrant workers are able to get back to work, are paid their salaries in full, including any back pay owed, and are able to send remittances quickly

and at low cost will, therefore, be a crucial part of the process of economic recovery. As such, implementation of Objective 20 of the Global Compact for Migration and SDG target 10.c, relating to the reduction in remittance costs and the financial inclusion of migrants, will be critical for boosting economic recovery.

Social Impacts

While lockdowns, where used, have reduced social interaction for all groups in society, migrants face the additional challenges of friends and families often living in different countries and time zones, without access to the cultural, religious or social touchstones and contacts that provide comfort during difficult times. Lockdown measures particularly exacerbate the isolation of live-in migrant domestic workers, also increasing their risk of abuse and discrimination while being confined indoors without the safeguards afforded by regular contact with the outside world.

The social marginalization and xenophobia experienced by migrants, and compounded by multiple vulnerabilities, already significant in the region (chapter 5), are likely to be further exacerbated by COVID-19. The increased risks faced by migrants may translate into inaccurate public perceptions of migrants as carriers and spreaders of COVID-19. For example:

- A survey of almost 5,000 respondents in Indonesia, Malaysia, Myanmar and Pakistan, found that around a third of respondents blamed specific groups, including migrants, for spreading COVID-19 (IFRC, 2020).
- In China, a reported rise in xenophobic incidents against migrants of African origin in Guangdong province led to the adoption of measures to punish xenophobic acts by service providers and landlords (Marsh, Deng and Gan, 2020).

In some countries, migrants are, therefore, concerned for their safety. For example, Bangladeshi migrant workers surveyed in Malaysia expressed increased fear of arbitrary arrest and detention since the beginning of the COVID-19 pandemic (Mixed Migration Centre, 2020c).

Such attitudes may also be used to justify harsher measures against migrants, especially those in an irregular situation, at worst risking refoulement, as migrants are rejected or returned due to perceived COVID-19 risks (United Nations Network on Migration 2020d; OHCHR 2020b and chapter 3). These attitudes may also affect the reintegration of return migrants. In response to this trend, the ASEAN Ministerial Meeting on Social Welfare and Development issued a joint statement resolving to protect the rights, safety and dignity of vulnerable groups, including migrant workers (ASEAN, 2020b).

Although some measures have been taken in countries to address the stigma faced by migrants, more needs to be done both as part of the pandemic response and in the future, as migration becomes possible once again, to ensure that measures to end the pandemic are based on scientific fact, not stigmatizing and discriminatory stereotyping.

Another important aspect of the social impacts concerns the effects on children, especially their learning and education. By the end of March 2020, most countries in the region had closed schools temporarily or until the start of 2021. Children, including migrant children, have experienced significant disruptions in their schooling, including schools not able to provide a haven for children to receive food and counselling. Examples to address challenges faced by children, include support provided by UNICEF, and partners in the region, to children placed in quarantine facilities in Myanmar after the repatriation of nearly 4,000 migrant workers to Kachin State from China.

In June 2020, ASEAN member States adopted a joint statement on mitigating impacts of COVID-19 on vulnerable groups. In the statement, they committed to "plans and measures that are disability inclusive, gender-responsive, age-sensitive and promote social solidarity, children's participation in close consultation with and meaningful participation of vulnerable groups and all stakeholders". They further committed to identify and respond to child protection and gender-based violence risks; and to ensure the protection of particularly vulnerable children, such as children affected by migration (ASEAN, 2020b).

6.5 Key lessons learned

Rights-based approaches to migration and migrants must be the foundation of response and recovery

During a time of crisis, such as the current COVID-19 pandemic, human and labour rights can all too easily come to be seen as a secondary issue. However, experience shows that measures that failed to uphold the human and labour rights of migrants, including rights to health, housing, social protection, and freedom from arbitrary detention, have only exacerbated the impacts of the pandemic. Protecting, respecting and fulfilling migrants' rights is, thus, critical to a sustainable COVID-19 response and recovery. Human rights and labour rights are, furthermore, integral to any effort to rebuild a more equitable society, as the world recovers from this pandemic and prepares for a more sustainable future.

Regional cooperation is key

Much migration takes place within the region and within its subregions (chapter 1). Collaboration through regional and subregional forums can enable countries of origin and destination to set standards and undertake programmes that ensure a coordinated, collaborative and effective approach to preventing further transmission of COVID-19. Such collaboration can also protect migrants in countries of destination, better coordinate border openings, facilitate the safe and dignified voluntary return of migrants to their countries of origin, and ensure that migrants' needs are addressed in economic support and post-pandemic recovery programmes. This should also include the suspension of forced returns during the pandemic, in order to protect the health of migrants and communities, and uphold the human rights of migrants, regardless of status (United Nations Network on Migration, 2020d; OHCHR 2020b).

Response measures meant for the general public may not meet the needs of migrant populations

While physical distancing and health monitoring undergird many national responses, these measures are often not feasible for migrants. People housed in situations such as camps, windowless rooms, overcrowded dormitories or detention centres often have little control over personal space, lack adequate hygiene facilities and enjoy limited access to health care. Moreover, migrants often face language and technical barriers that limit their access to crucial information. As highlighted in Global Compact for Migration Objective 15 and discussed in chapter 4, migrants need access to basic services, including water, sanitation and shelter; accessing these services at places where the services are delivered should not infringe upon the basic rights to privacy, liberty and security of persons at such places.

Migrants in an irregular situation lack access to adequate health services

Migrants in irregular status are often excluded from national health-care systems, except for emergency care, and must pay for services out-of-pocket (IOM, 2019e). In addition, given their migration status, if delivery of medical care or services, including vaccines, is linked to immigration enforcement actions, they risk being detained or deported. Thus, migrants in an irregular situation might avoid testing and early treatment, increasing the likelihood that only the most severe COVID-19 cases would be brought to the authorities' attention, and facilitating further spread of the disease. Even when the national system covers them, migrants can still face administrative, physical, financial and language barriers, and fear of deportation. Thus, in response to Global Compact for Migration Objective 15, which concerns provision of access to basic services to migrants, regardless of their migration status, it is important that access be provided without endangering the privacy of the person seeking services. As the world "builds back better", it must recognize that no one is safe until everyone is safe (United Nations, 2020b).

Unplanned containment measures can induce mass exodus

An early lesson of the COVID-19 pandemic has emerged from the impact lockdowns had on migrant workers. Lockdowns and anticipated border closures caused large exodeses of migrants to border crossings, creating major pressures in the countries of origin receiving these workers. The needs of migrants must, therefore, be considered when planning containment or lockdown measures. As outlined in Global Compact for Migration Objective 11 and discussed in chapter 3, borders must be managed and coordinated in an integrated and secure manner, in accordance with States' human rights obligations.

The well-being of communities and families is threatened by loss of remittances

Remittances play a critical role in the economic well-being of families, communities and entire countries throughout the region. If a downward spiral of poverty is to be avoided, urgent measures are needed to address the loss of income faced by many migrant families because of job loss during the pandemic. Even in communities where migrants have returned, the lack of social safety nets has in some cases led to an increase in economic hardship, as communities struggle to feed and house the wave of returnees. Thus, in line with Global Compact for Migration Objective 20 and SDG target 10.c, the transfer of remittances must be made faster, safer and cheaper, and banking solutions and financial instruments must be developed that meet migrants' needs. In addition, countries of origin and destination should include migrants in post-pandemic recovery plans and provide immediate support to address their financial hardship.

Stigma and discrimination against migrants are rising

Migrant populations are often subject to discrimination and stigma by host communities, being misperceived as carriers of disease, despite the absence of empirical evidence. In the context of COVID-19, misinformation can fuel discrimination against migrants. In certain countries in the region, inflammatory rhetoric, some of it by political leaders, has fuelled hatred and anti-migrant actions by blaming the spread of the COVID-19 on migrants. These narratives use misinformation to exploit divisions in society and increase the likelihood of discrimination and violence. As affirmed in Global Compact for Migration Objective 17, it is important that perceptions and public discourse about migrants be evidence-based and non-discriminatory, especially in the current context, and that misinformation be countered publicly and swiftly.

Migrants are part of the solution to COVID-19 and similar global crises

During the pandemic, migrants have often been frontline workers providing essential health care, transportation, and food production and delivery services. They will continue to play these roles as countries recover from the pandemic. Thus, for the future, it will be important that, as called for by Global Compact for Migration Objectives 18 and 19, countries recognize migrant skills, qualifications and competences, and that migrants and diasporas are empowered so that they can fully contribute to sustainable development in all countries.

6.6 Conclusion

The COVID-19 pandemic has highlighted the general harm caused by policies that exclude and disempower migrants and restrict their human and labour rights. Countries that have succeeded in controlling the virus among their national populations, while overlooking migrants, have seen the number of infections grow. Meanwhile, the impact of border closures and lockdowns on migrants, potential migrants, and members of their families, including children, have often been overlooked, leaving them disproportionately affected by job loss, socially isolated and with restricted access to basic services.

In many cases, exclusion of migrants during the pandemic is a continuation of the longstanding and systematic neglect that has restricted migrant access to economic, social, civil and political rights, such as adequate housing, fair wages, health care, family life and access to justice. Successful pandemic responses that “build back better” must address the causes of these vulnerabilities and reimagine mobility so as to ensure migrants’ rights and reduce their vulnerability to future crisis.

Finally, it is important to note that migrants and migration will play a key role in both regional and global recovery from the pandemic. In addition, to their contributions as health workers and other essential workers, migrants can help to quickly ramp up productive activities in countries of destination, kick-starting recoveries, while migrant remittances can help countries of origin recover from the economic impacts of the pandemic. For these contributions to be realized, however, migrants must enjoy full human and labour rights, free from discrimination, exploitation and abuse.

Ending the pandemic and recovering from its negative impacts on sustainable development will, therefore, require a renewed focus on the objectives of the Global Compact for Migration, on addressing the factors that render migrants especially vulnerable to the COVID-19 pandemic, ensuring their inclusion in societies, recognizing and valuing their contributions, and securing their human rights. Not only will this help in the current pandemic, it will reduce the level of risk during future pandemics.

6.7 Recommendations

The following recommendations are listed according to the Global Compact for Migration objectives covered in this chapter. They are examples of possible collaborative actions between Asian and Pacific Governments and relevant stakeholders to address the situation of migrants during and after the COVID-19 pandemic in a comprehensive and timely manner:

- Ensure that all COVID-19 measures and actions related to migrants and their families are based on all cross-cutting and interdependent guiding principles of the Global Compact for Migration.
- **Objective 1:** Disaggregate, at a minimum, all data related to COVID-19 by age, sex and migratory status in order to identify the specific needs of migrants in the pandemic, while ensuring that international data collection standards and the right to privacy are upheld.
- **Objective 1:** Undertake research on policies and strategies to counter the adverse impacts of COVID-19 on mobility, migration, and the attainment of the SDGs and objectives of the Global Compact for Migration.
- **Objective 1:** Improve data and analysis to better understand the impacts of COVID-19 on mobility, remittances and food security dynamics.
- **Objective 2:** Ensure that people are not forced into irregular migration by the socioeconomic and political fall-out from the pandemic.
- **Objective 3:** Provide accurate and timely information at all stages of the migration process, especially during crisis like the COVID-19 pandemic, so that migrants are informed of and can adjust to changes in country-specific immigration laws that affect their status; this information should be available in languages that are most frequently used or understood by migrants and in accessible formats.
- **Objectives 4 and 14:** Ensure that all migrants have proof of legal identity and adequate documentation for making travel arrangements, as required, when borders are about to close, or when they need to reunite with their families; stranded or trapped migrants should also have access to consular services.

- **Objectives 5:** Enhance the long-term availability and flexibility of pathways for regular migration through human rights-based, gender-responsive bilateral, regional and multilateral labour mobility agreements; moreover, establish robust regional and cross-regional labour mobility regimes which can function reliably during a crisis.
- **Objectives 6 and 16:** Ensure fair recruitment and decent work for migrant workers and full participation in the labour market, so that they have the same human and labour rights and protections enjoyed by other workers, including the highest practical standard of physical and mental health possible during a pandemic, and ensure that their rights are protected and their vulnerabilities are not exacerbated by the spread of an infectious disease in the workplace; in addition, ensure decent work for migrant workers in the future, so they can fully contribute to the post-pandemic recovery.
- **Objective 7:** Recognize the intersectionality of discriminations that groups of migrants, in particular those in vulnerable situations, are subject to during a pandemic, and ensure that responses integrate short-term and long-term migrant needs into recovery plans.
- **Objective 7:** Address gender-based violence against women and girls and integrate violence prevention and support into all emergency response planning, including by identifying critical support services as essential services, and designating sexual and reproductive health care as essential care for all women and girls, including women in prisons and other places of detention.
- **Objective 8:** Governments and systems must not lose track of the imperative to save lives and prevent migrant deaths during a crisis like COVID-19, and must work to prevent death and injury through joint or separate search and rescue efforts by countries; furthermore, migrants must be able to communicate with their families as they travel, and they – especially unaccompanied or separated migrant children and adolescents – must have access to consular missions, local authorities and aid organizations.
- **Objective 9:** Recognize that in times of crisis, especially with border closures and other disruptions to mobility, migrants may seek the services of smugglers to complete essential journeys, and ensure they are not criminalized for doing so.
- **Objective 10:** Prevent and eradicate trafficking in persons and provide migrants who have been trafficked with protection and assistance, including measures that permit them to remain in the country of destination, temporarily or permanently, in appropriate cases.
- **Objectives 10 and 15:** Continue essential services, such as education for migrant children and legal support for trafficked migrants, as well as development of structures to ensure that returning migrants are able to reclaim lost wages and reintegrate. Ensure that migrants subject to quarantine restrictions have access to adequate child-, disability- and gender-sensitive food, water and sanitation facilities.
- **Objectives 11, 12 and 21:** Ensure that borders are managed in an integrated, secure manner, in line with international human rights obligations, that migrants are not trapped and can return home; moreover, temporarily halt all involuntary returns, recognizing the risks to the health and rights of migrants, border officials and receiving communities (United Nations Network on Migration, 2020b). Ensure that return procedures are aligned with public health strategies and that returnees are able to access reintegration support; in addition, carry out individualized screening and assessment procedures on arrival or pre-return to identify migrants in vulnerable situations and ensure they are referred to appropriate services and protection bodies.
- **Objective 13:** Institute a moratorium on immigration detention and prioritize release including through a range of human rights-based, non-custodial alternatives to detention, in order to protect the rights and health of migrants and their families, and staff in immigration detention facilities, all of whom are at high risk of contracting COVID-19 in such facilities. Since immigration detention is never in the best interests of the child, children and their families who are detained should be released immediately. Guidance from the United Nations Network on Migration may be used in this regard (United Nations Network on Migration, 2020b).
- **Objective 15:** Review and revise existing laws and practices to ensure adequate living and working conditions for migrants that, among others, allow them privacy and enable them to exercise social distancing to guard against the disease.

- **Objectives 15 and 16:** Ensure access to universal health coverage for all migrants, regardless of status, with migrant-friendly services, outreach to migrants and firewalls to ensure that irregular migrants can access services without fear of arrest, detention and deportation. Work toward inclusion of migrants in societies, and establish policies and interventions so that COVID-19 diagnostics, treatments and vaccines are available to all migrants regardless of their status.
- **Objective 17:** Ensure that public discourse and response to COVID-19 does not contribute to xenophobia and racial discrimination, by encouraging values and evidence-based discussion of COVID-19 risks, and by introducing measures to prevent, monitor and address stigma and incidents of racism, xenophobia, incitement to discrimination, hatred, and violence, and by holding those responsible to account.
- **Objective 17:** Uphold the rights of those targeted by COVID-19-related hate speech and support journalists and others who challenge and counter such expressions (United Nations, 2020d).
- **Objectives 18 and 19:** Facilitate mutual recognition of skills, qualifications and competences, so that migrants can continue to contribute post-COVID-19 economic and social recovery, and empower migrants and diasporas to contribute to the recovery.
- **Objective 20:** Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants, so that costs are minimized during the crisis; there should be a particular focus on ensuring access by migrant women to digital services, as well as high standards of privacy and data protection.
- **Objective 22:** Assist migrant workers with accessing social protection, and ensure that entitlements are portable. During the crisis, extend social protection measures to migrant workers and their families, regardless of migration status, where such protections are not already available.
- **Objective 23:** Strengthen global, regional, subregional and bilateral partnerships, cooperation and coordination to protect populations at risk and strengthen the response to future crises by coordinating policy interventions and sharing of knowledge and best practices.

As noted in the United Nations Secretary-General's policy brief on COVID-19 and People on the Move (United Nations, 2020b), four basic tenets should guide the COVID-19 response:

- Over the long run, exclusion is costly, whereas inclusion pays off for everyone.
- Responding to COVID-19 and protecting the human rights of people on the move are not mutually exclusive.
- "No-one is safe until everyone is safe".
- People on the move are part of the solution.

With this in mind, it is vital that national, regional, and subregional responses to the COVID-19 pandemic should meaningfully integrate migrants, regardless of status, not only for prevention, testing and treatment, but also for inclusion in socioeconomic response and recovery measures. Moreover, response measures should be grounded in human rights for all, including migrants. The Global Compact for Migration is a critical tool for understanding and reducing migrant vulnerabilities to COVID-19, and the benefits of policies based on it will be felt by all – migrants and non-migrants alike.



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A 15-year-old boy left behind by migrating parents and living alone in south Kyrgyzstan.

Chapter 7

Moving forward: Recommendations towards a comprehensive approach to safe, orderly and regular migration in the Asia-Pacific region

Migration is shaping all countries in the Asian and Pacific region. The number of people moving from, to and between Asia-Pacific countries has grown over recent decades, driven by multiple factors and with profound consequences for all countries, as well as for migrants and their families.

Overall, these consequences have been largely positive, enabling countries of destination to address shortfalls in skills and labour forces by employing foreign workers, while countries of origin have benefited from remittances, skills transfer and transnational linkages. Migrants and their families have benefited from social and economic opportunities, learning to speak new languages and navigate new cultures, reuniting with family members, and supporting families and communities in countries of origin from afar.

Too often, however, migrants have also been forced to undertake dangerous forms of travel, risking their lives. They have experienced substandard living and working conditions which violate their human and labour rights; lived apart from their families and at heightened risk of violence, exploitation and xenophobia; and performed work that is dirty, dangerous and demeaning, and often below their skill level. Marginalization, resulting from multiple and intersecting forms of discrimination, has put many migrants in situations of vulnerability. Even migrants in regular situations often have faced cumbersome, complex and expensive migration procedures that have restricted their rights and limited their contributions, while migrants in irregular situations have been at risk of prolonged or even indefinite detention.

The manifold impacts of the COVID-19 pandemic on migrants highlight the extent to which they have been forced into vulnerable situations and rendered unable to protect themselves, despite often being essential to the pandemic response and to the long-term recovery of countries in the region and beyond.

The Global Compact for Migration offers a unique opportunity for the Asia-Pacific region to change this situation and align migration with truly sustainable development and respect for human rights.

The 23 objectives of the Global Compact for Migration address the different stages and characteristics of the migration cycle and various broad types of migrants. Each chapter of this report offers specific recommendations for Asia and the Pacific regarding implementation of the cluster of objectives under review.

However, achieving the 23 objectives of the Global Compact for Migration requires a vision of safe, orderly and regular migration that comprehends the interlinkages and synergies between the objectives, no one of which stands alone.

As such, this chapter outlines overarching recommendations that complement the more specific recommendations made in the substantive chapters. They focus on the cross-cutting and interdependent principles of the Global Compact for Migration, as applicable to Asia and the Pacific. They are for consideration by Asian and Pacific Governments, in partnership with all relevant stakeholders. They are intended to ensure a collaborative and comprehensive response to the call for action of the Global Compact for Migration:

People-centredness

- Individuals, regardless of their region of origin or destination or their migration status, should be at the centre of every migration policy. The formulation of such policies should recognize the particular and diverse circumstances of migrants in the region, their needs and the challenges they face, to ensure that these policies support and do not create vulnerable situations for migrants.
- Such policies should also be formulated bearing in mind that the Asia-Pacific region is characterized by much diversity and complexity, and migration is a multidimensional reality, driven by factors such as development, democracy, human security, demography, culture, communication and curiosity, as well as adverse effects of disasters, conflicts, climate change and environmental degradation, which contribute to undermining the safety and sustainability of some returns. It also is important for migration policies to be responsive to the fact that decisions to migrate are often manifold and overlapping, and change over time. Moreover, migrants' well-being and that of their families, regardless of their underlying motivations, should be fundamental to any migration policy.
- Migration policies must always seek to respect, fulfil, and protect the human rights of all migrants and those affected by migration; reduce their vulnerabilities; and integrate them into sustainable development as both agents and beneficiaries.

International cooperation

- Migration is inherently international and no country can address it alone. Furthermore, given the importance of intra-regional, and intra-subregional migration in Asia and the Pacific, and the number and diversity of countries in the region, governments should encourage existing regional economic communities, such as ASEAN and EEU to support comprehensive implementation of the Global Compact for Migration. This should be done through policy coordination, norm-setting and cooperation across all 23 objectives and the 10 cross-cutting and interdependent guiding principles, and could include, as appropriate, action plans, dialogue, regional agreements and cooperation with other regional economic communities.
- Where formal subregional cooperation on migration is not well-developed, regional consultative processes and other inter-state dialogue mechanisms on migration can serve as forums to develop practical solutions to the challenge of implementing the Global Compact for Migration, among others, through trust-building, problem-solving and experience-sharing.
- Comprehensive, cross-regional cooperation should be developed between Asia-Pacific countries and major countries of destination in GCC and the Arab States (including Jordan and Lebanon).
- Where strong bilateral corridors between specific countries of origin and destination exist, including with countries outside the region, countries should jointly develop comprehensive plans to ensure safe, orderly and regular migration between them.

National sovereignty

- In accordance with the Global Compact for Migration, States should recognize that every State has the sovereign right to determine their national migration policy and to govern migration within their jurisdiction, in conformity with international law. They should also recognize the legitimate concern of countries of origin to protect the rights and interests of their citizens abroad. States should cooperate with one another on a basis of sovereign equality, seeking mutually beneficial solutions in accordance with international law, including international human rights law, labour law and the law of the sea.

Rule of law and due process

- International migration should not be governed by exception. All procedures relating to international migrants and migration, including those related to irregular migration, must be based on laws promulgated through regular processes, subject to judicial review and appeal; implemented equally, without discrimination; and explicitly aligned with principles of due process.
- Countries should ensure that international migrants can pursue claims and complaints and access mechanisms of redress, even after returning to their countries of origin. This is especially important since most migrants in the region move temporarily, and may have to return before redress processes are finalized.

Sustainable development

- Migration is a multidimensional reality of major relevance to sustainable development. Since all countries in the region are lagging in achieving the goals and targets of the 2030 Agenda, countries need to undertake extra efforts to achieve sustainable development. Further commitment to and work towards achieving the goals and targets of the 2030 Agenda will support implementation of the objectives of the Global Compact for Migration, and vice versa.
- Countries should report on achieving the objectives of the Global Compact for Migration through regional reviews and International Migration Review Forums, as well as through VNRs at the high-level political forum on sustainable development, to contribute to sharing experiences and good practices, and advancing the implementation of the Global Compact for Migration.
- All stakeholders should mainstream migration into sustainable development strategies at all levels, including by incorporating migration into national development plans, national human resource development strategies and national labour migration policies. Mainstreaming should engage migrants as agents of development and ensure that they benefit from development processes.
- Global Compact for Migration implementation, review and follow-up efforts should be strategically framed in alignment with the 2030 Agenda, as well as included in Common Country Analysis and United Nations Sustainable Development Cooperation Frameworks.

Human rights

- All countries in the region have ratified at least some of the core international human rights treaties and States are called upon to consider ratifying or acceding to those to which they are not party.⁵⁷ Although all core human rights instruments are relevant to migrants, given the importance of migration for work in the region, there should be a renewed commitment to respect, promote, ratify and implement such treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990). Migration-related policies and laws should be consistent with these obligations.
- Where they have not already done so, national human rights institutions should integrate migrants and migration into their core work, and reach out to stakeholders to support that work.
- To ensure that migrants enjoy labour rights, countries should take concrete actions towards realizing decent work for all, according to the ILO Declaration on Fundamental Principles and Rights at Work, and promote, ratify and implement the migrant-related ILO Conventions, namely the Migration for Employment Convention, 1949 (No. 97); Migrant Workers Convention, 1975 (No.143); Private Employment Agencies Convention, 1996 (No. 181); Work in Fishing Convention, 2007 (No. 188); Domestic Workers, 2011 (No. 189); and Violence and Harassment Convention, 2019 (No. 190). They should also promote, ratify (where not ratified) and implement the eight ILO core Conventions related to freedom of association, non-discrimination, forced labour and child labour.

Gender-responsiveness

- All policies related to migration should include gendered analysis of migration situations and their impacts, and empower and protect the rights of all migrants, regardless of sex or gender identity.
- Although countries in the region have advanced gender equality and empowerment of women, women and girl migrants still face limited opportunities and greater risk of discrimination, exploitation and abuse, including in both formal

and informal sectors of the economy, as well as in accessing justice, health, education and other services.

- All policies related to migration should recognize and build upon the independence, agency and leadership of migrant women and girls.

Child-sensitivity

- All migrant policies must uphold the principle of the best interests of the child, including for unaccompanied and separated children, and those who remain at home when one or both of their parents migrate.
- Migrant children must be protected from exploitation, violence, discrimination and xenophobia by investments in strong local, national and regional child protection systems. In addition, every overall barrier to inclusion should be lifted and investments in specific policies and programmes should be made to ensure that migrant and displaced children belong in their communities.
- The detention of children because of their immigration status must be ended by introducing non-custodial practical alternatives, such as foster care, supervised independent living, or other family- or community-based living arrangements.
- Families should be kept united and statelessness should be reduced by allowing families to migrate together and preventing family separation, facilitating family reunification, and providing all children with a legal identity and registration at birth.

Whole-of-government approach

- Safe, orderly and regular migration requires a multisectoral response from all Government entities. National migration policies and plans of actions should be formulated, implemented, monitored and adjusted in careful alignment with national sustainable development policies and involve all stakeholders, to ensure policy coordination and coherence.

⁵⁷ The core human rights treaties are as follows: International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

- Interministerial bodies for safe, orderly and regular migration should review legislation and policies, and undertake actions and recommend reforms to strengthen coordination and implementation. Such bodies should be created if they do not exist.
- Working together creates synergies, bridges gaps, and ensures coherence which will benefit all.

Whole-of-society approach

- Asia and the Pacific has many very active stakeholders who have helped to advance discussions about international migration at the global level, leading to the adoption of the Global Compact for Migration. They are also active on the ground, developing and helping to implement effective migration policies and practices — at the regional, subregional, national and subnational levels — and providing direct support to migrants. Building on the work of these relevant stakeholders in the region, coordinating bodies should be created to ensure that there is aligned and concerted action to support safe, orderly and regular migration.
- Governments should set up institutionalized stakeholder engagement mechanisms and use them consultatively as a regular part of the process of developing, implementing, monitoring and evaluating migration laws, policies and programmes.
- The Regional United Nations Network on Migration for Asia and the Pacific, as well as the respective country-level networks, should continue to actively engage with relevant and diverse stakeholders in a transparent, inclusive and meaningful way in order to facilitate effective, timely and coordinated United Nations system-wide support to Member States on implementing the Global Compact for Migration, where such a common United Nations system approach would add value.
- Governments could consider supporting United Nations system-wide coordinated responses to implement the Global Compact for Migration through contributing to the Migration Multi-Partner Trust Fund. This is the only funding mechanism fully dedicated to supporting collective action on migration and ensuring that the mutual trust, determination and solidarity amongst States and with other stakeholders can be fostered to ensure safe, orderly and regular migration.
- Synergies should be built between the work of the Regional United Nations Network on Migration for Asia and the Pacific and other interagency

coordination mechanisms, such as issue-based coalitions, to help address key priority areas and cross-cutting challenges linked to migration (United Nations Development System Asia-Pacific, 2020).

The adoption of the Global Compact for Migration was a milestone for international cooperation on migration. Building on the 1994 Programme of Action of the International Conference on Population and Development and its Chapter X on international migration, and following many years of reluctance to discuss international migration at the United Nations, Governments started to engage on this topic in parallel, through the state-led Global Forum process and the High-level Dialogue on International Migration and Development, resulting in the inclusion of migration in the 2030 Agenda and the eventual adoption of the Global Compact for Migration. This brought about a process to ensure that migration, human rights and sustainable development would be comprehensively aligned, and created an opening for profound changes to migration governance, based on evidence and norms, and a shared understanding, benefiting migrants, communities of origin and destination alike.

Two years after the adoption of the Global Compact for Migration, this report discusses how countries of the Asia-Pacific region have developed good practices that can be built upon. In many ways, the region has been pioneering on migration issues. Countries of origin have created some of the most extensive apparatus in the world to support migrants abroad, mechanisms that have been cited and replicated far beyond their borders. Moreover, countries of transit and destination have responded to growing migration trends with innovative and practical policies and approaches, seeking to implement programmes which both protect the human rights of migrants and reap the benefits of migration.

However, this report also shows that the region still has a considerable way to go in meeting the objectives of the Global Compact for Migration. In the context of migration and beyond, there is a need for enhanced cooperation on human and labour rights, and mutual sustainable development. There also must be greater focus on empowering the most marginalized migrants and recognizing and responding to the dynamic nature of migration, given a changing Asia and the Pacific, characterized by emerging economic superpowers, greater connectivity and profound demographic shifts. Furthermore, there must be recognition of the heightened risk of catastrophic effects from



climate change, growing economic inequality and unsustainable development, along with greater adherence to the cross-cutting and interdependent guiding principles which must guide cooperation on international migration in the region.

The coming years, therefore, offer a window of opportunity in which to achieve the goal of safe, orderly and regular migration in the Asia-Pacific region. This will be critical in helping the region achieve sustainable development and respect for human rights. It is made all the more urgent by the imperative to “build back better” from the COVID-19 pandemic, which has highlighted the vulnerability of migrants, as well as their essential roles in many

countries of the region. Safe, orderly and regular migration can help spur recovery from the various impacts of COVID-19 and help build resilience against future pandemics and crisis. The Global Compact for Migration is a framework and roadmap for international coordination and cooperation on migration, and it is critically important for addressing the challenges and opportunities of migration, both now and in the future.

Safe, orderly and regular migration benefits all. Working together helps everyone achieve more, faster. The means are within our hands. Let us be ambitious: the time to act is now.

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Young inhabitants and soon to be 'climate refugees' of the fast-shrinking island Huene, Papua New Guinea.

Annexes

ANNEX TABLE 1 International migrant stock in the Asia-Pacific region, 1990–2019

COUNTRY	NUMBER	PERCENTAGE OF FEMALE MIGRANTS	PERCENTAGE OF TOTAL POPULATION									
	1990			2000			2010			2019		
ESCAP Region	51 747 174	49.6	1.6	50 575 144	50.0	1.3	55 572 874	50.0	1.3	64 890 524	49.4	1.4
East and North-East Asia	3 959 266	49.6	0.3	5 393 004	52.7	0.4	7 062 527	52.8	0.4	8 105 764	52.4	0.5
China	376 361	49.0	0.0	508 034	50.0	0.0	849 861	40.5	0.1	1 030 871	38.6	0.1
Democratic People's Republic of Korea	34 103	49.0	0.2	36 183	51.0	0.2	44 010	50.5	0.2	49 393	50.2	0.2
Hong Kong, China	2 218 473	49.3	38.7	2 669 122	54.1	40.4	2 779 950	58.7	39.9	2 942 254	61.1	39.6
Japan	1 075 317	49.9	0.9	1 686 444	52.7	1.3	2 134 151	54.4	1.7	2 498 891	51.7	2.0
Macao, China	205 047	53.0	59.6	240 791	54.6	56.3	318 506	54.0	59.2	399 572	53.6	62.4
Mongolia	6 718	49.1	0.3	8 206	44.4	0.3	16 062	26.0	0.6	21 128	33.2	0.7
Republic of Korea	43 247	43.7	0.1	244 224	41.4	0.5	919 987	42.9	1.9	1 163 655	43.9	2.3
South-East Asia	2 876 616	47.5	0.6	5 113 208	48.9	1.0	8 685 564	47.7	1.5	10 190 867	46.8	1.5
Brunei Darussalam	73 200	42.8	28.3	96 296	44.1	28.9	100 587	43.6	25.9	110 641	43.4	25.5
Cambodia	38 375	50.3	0.4	146 085	51.0	1.2	81 977	47.1	0.6	78 649	46.1	0.5
Indonesia	465 612	50.6	0.3	292 307	47.6	0.1	305 416	42.7	0.1	353 135	41.8	0.1
Lao People's Democratic Republic	22 866	48.4	0.5	21 948	47.3	0.4	32 955	38.9	0.5	48 275	35.6	0.7
Malaysia	695 920	41.7	3.9	1 463 598	43.8	6.3	2 417 395	39.2	8.6	3 430 380	38.9	10.7
Myanmar	133 545	45.9	0.3	98 011	46.8	0.2	76 414	45.6	0.2	75 998	45.2	0.1
Philippines	154 071	47.2	0.2	318 095	49.1	0.4	208 599	48.3	0.2	218 530	48.2	0.2
Singapore	727 262	52.4	24.1	1 351 691	55.5	33.6	2 164 794	55.8	42.2	2 155 653	55.9	37.1
Thailand	528 693	46.4	0.9	1 257 821	48.5	2.0	3 224 131	49.6	4.8	3 635 085	49.8	5.2
Timor-Leste	8 954	50.3	1.2	10 602	51.9	1.2	11 540	49.4	1.1	8 417	39.6	0.7
Viet Nam	28 118	45.8	0.0	56 754	42.2	0.1	61 756	41.8	0.1	76 104	42.1	0.1
South and South-West Asia	20 701 626	47.1	1.7	16 559 042	47.4	1.1	15 678 426	48.2	0.9	19 960 456	47.3	1.0
Afghanistan	57 686	43.6	0.5	75 917	43.6	0.4	102 246	43.6	0.4	149 762	49.9	0.4
Bangladesh	881 617	46.0	0.9	987 853	46.2	0.8	1 345 546	47.2	0.9	2 185 613	48.6	1.3
Bhutan	23 807	18.5	4.5	32 137	18.5	5.4	48 420	18.9	7.1	53 254	15.1	7.0
India	7 594 801	47.8	0.9	6 411 331	48.5	0.6	5 439 758	48.7	0.4	5 154 737	48.8	0.4
Iran (Islamic Republic of)	4 291 601	42.8	7.6	2 803 805	40.7	4.3	2 761 561	43.1	3.7	2 682 214	47.0	3.2
Maldives	8 689	45.0	3.9	27 092	45.0	9.7	54 659	23.7	14.9	69 249	12.3	13.0
Nepal	429 974	70.7	2.3	717 900	66.3	3.0	578 657	67.2	2.1	490 802	69.7	1.7
Pakistan	6 208 204	47.4	5.8	4 181 912	46.2	2.9	3 941 586	47.4	2.2	3 257 978	47.4	1.5
Sri Lanka	41 561	43.6	0.2	40 132	45.3	0.2	38 959	46.9	0.2	40 018	47.8	0.2
Turkey	1163 686	50.4	2.2	1 280 963	51.9	2.0	1 367 034	54.2	1.9	5 876 829	44.6	7.0
North and Central Asia	19 479 490	52.8	9.1	18 150 936	51.8	8.4	17 020 730	51.5	7.7	17 707 038	51.3	7.5
Armenia	658 789	58.9	18.6	657 900	58.9	21.4	211 147	59.4	7.3	190 159	59.0	6.4
Azerbaijan	360 600	56.2	5.0	327 540	56.9	4.0	276 901	53.2	3.1	253 887	52.1	2.5
Georgia	304 470	56.2	5.6	76 117	56.2	1.7	73 034	56.2	1.8	79 035	56.2	2.0
Kazakhstan	3 619 200	54.0	22.1	2 874 194	53.9	19.3	3 334 937	51.3	20.5	3 705 556	50.4	20.0
Kyrgyzstan	623 083	58.2	14.2	389 824	58.2	7.9	232 065	59.2	4.3	200 260	59.6	3.1
Russian Federation	11 524 948	50.9	7.8	11 900 297	49.7	8.1	11 194 710	50.7	7.8	11 640 559	50.9	8.0
Tajikistan	428 900	56.2	8.1	299 499	56.0	4.8	279 808	56.5	3.7	274 071	56.9	2.9
Turkmenistan	306 500	56.2	8.3	219 067	53.1	4.9	197 979	54.2	3.9	195 127	52.7	3.3
Uzbekistan	1 653 000	56.2	8.1	1 406 498	56.9	5.7	1 220 149	54.2	4.3	1 168 384	53.4	3.5
Pacific	4 730 176	49.0	17.3	5 358 954	50.1	17.1	7 125 627	50.3	19.3	8 926 399	50.4	21.2
American Samoa	21 283	47.5	45.0	24 912	48.2	43.1	23 555	48.6	42.0	23 539	49.0	42.6
Australia	3 955 213	49.1	23.3	4 386 250	50.1	23.1	5 882 980	50.3	26.6	7 549 270	50.4	30.0
Cook Islands	2 587	44.2	14.2	2 785	44.3	15.5	3 769	49.7	20.5	3 491	49.9	19.9
Fiji	13 283	48.5	1.8	12 719	48.1	1.6	13 351	46.5	1.6	14 038	46.0	1.6
French Polynesia	25 830	40.2	12.9	30 329	42.0	12.6	31 640	43.0	11.9	31 205	43.0	11.2
Guam	69 755	43.6	53.5	74 070	48.3	47.7	75 416	48.4	47.3	79 846	48.4	47.7
Kiribati	2 162	48.8	3.0	2 283	48.0	2.7	2 868	47.3	2.8	3 022	47.3	2.6
Marshall Islands	1 158	37.7	2.4	1 891	38.4	3.7	3 089	38.7	5.5	3 296	38.7	5.6
Micronesia (Federated States of)	3 685	43.0	3.8	3 116	44.8	2.9	2 806	46.4	2.7	2 819	46.5	2.5
Nauru	2 815	46.5	29.6	2 394	46.4	23.2	1 183	44.8	11.8	2 114	43.0	19.7
New Caledonia	37 673	44.6	22.1	49 651	45.8	22.9	61 158	46.2	24.1	72 537	47.6	25.7
New Zealand	518 047	50.2	15.2	678 813	51.4	17.6	947 443	51.5	21.7	1 068 739	51.6	22.3
Niue	461	46.9	19.8	498	46.2	26.2	589	45.8	36.4	588	45.7	36.4
Northern Mariana Islands	26 593	46.4	58.1	40 122	56.7	69.8	24 168	57.7	44.8	21 815	58.0	38.1
Palau	2 801	35.7	18.6	6 310	38.1	33.0	5 490	41.5	30.6	5 066	43.2	28.1
Papua New Guinea	33 710	42.6	0.7	26 304	39.7	0.4	30 425	39.3	0.4	31 212	39.3	0.4
Samoa	3 357	47.2	2.1	5 998	48.3	3.4	5 122	49.4	2.8	4 035	49.5	2.0
Solomon Islands	4 226	44.4	1.4	3 981	44.1	1.0	2 760	44.0	0.5	2 532	43.9	0.4
Tonga	2 911	48.9	3.1	3 684	46.2	3.8	4 604	45.7	4.4	3 752	45.4	3.6
Tuvalu	318	43.4	3.6	218	44.5	2.3	220	45.0	2.1	238	45.0	2.0
Vanuatu	2 308	45.0	1.6	2 626	49.7	1.4	2 991	50.3	1.3	3 245	50.3	1.1

SOURCES: United Nations, Department of Economic and Social Affairs, International Migration 2019, available at <https://www.un.org/en/development/desa/population/migration/publications/wallchart/index.asp> (accessed 2 October 2020); United Nations, Department of Economic and Social Affairs, Population Division, Population Estimates and Projections Section, available at <https://population.un.org/wpp/> (accessed 12 October 2020).

NOTE: On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 2 International migrant stock in the Asia-Pacific region, by broad age group, 2019

COUNTRY	CHILDREN (0-14)	YOUTH (15-24)	ACTIVE WORKING AGE (25-59)	OLDER PERSONS (60+)	TOTAL	CHILDREN (0-14) PERCENTAGE	YOUTH (15-24) PERCENTAGE	ACTIVE WORKING AGE (25-59) PERCENTAGE	OLDER PERSONS (60+) PERCENTAGE	MEDIAN AGE
ESCAP Region	5 270 827	8 072 261	39 291 599	12 255 837	64 890 524	8.1	12.4	60.6	18.9	..
East and North-East Asia	548 491	799 603	5 133 480	1 624 190	8 105 764	6.8	9.9	63.3	20.0	..
China	171 172	149 298	574 095	136 306	1 030 871	16.6	14.5	55.7	13.2	35
Democratic People's Republic of Korea	3 700	5 375	32 632	7 686	49 393	7.5	10.9	66.1	15.6	41
Hong Kong, China	103 970	224 923	1 603 430	1 009 931	2 942 254	3.5	7.6	54.5	34.3	50
Japan	200 378	232 438	1 756 666	309 409	2 498 891	8.0	9.3	70.3	12.4	38
Macao, China	17 464	35 156	258 784	88 168	399 572	4.4	8.8	64.8	22.1	45
Mongolia	2 897	2 501	13 827	1 903	21 128	13.7	11.8	65.4	9.0	37
Republic of Korea	48 910	149 912	894 046	70 787	1 163 655	4.2	12.9	76.8	6.1	35
South-East Asia	1 020 957	1 830 899	6 566 310	772 701	10 190 867	10.0	18.0	64.4	7.6	..
Brunei Darussalam	5 831	12 637	76 724	15 449	110 641	5.3	11.4	69.3	14.0	37
Cambodia	5 176	10 435	55 203	7 835	78 649	6.6	13.3	70.2	10.0	35
Indonesia	36 029	79 189	207 900	30 017	353 135	10.2	22.4	58.9	8.5	31
Lao People's Democratic Republic	4 523	5 760	34 959	3 033	48 275	9.4	11.9	72.4	6.3	35
Malaysia	319 819	912 902	2 102 471	95 188	3 430 380	9.3	26.6	61.3	2.8	28
Myanmar	10 750	10 085	46 219	8 944	75 998	14.1	13.3	60.8	11.8	36
Philippines	51 283	27 778	107 435	32 034	218 530	23.5	12.7	49.2	14.7	34
Singapore	175 638	255 978	1 426 080	297 957	2 155 653	8.1	11.9	66.2	13.8	39
Thailand	401 410	504 814	2 455 082	273 779	3 635 085	11.0	13.9	67.5	7.5	34
Timor-Leste	1 334	1 481	4 985	617	8 417	15.8	17.6	59.2	7.3	33
Viet Nam	9 164	9 840	49 252	7 848	76 104	12.0	12.9	64.7	10.3	37
South and South-West Asia	2 335 331	2 529 322	11 703 060	3 392 743	19 960 456	11.7	12.7	58.6	17.0	..
Afghanistan	53 226	23 417	67 682	5 437	149 762	35.5	15.6	45.2	3.6	24
Bangladesh	565 581	295 009	1 197 059	127 964	2 185 613	25.9	13.5	54.8	5.9	30
Bhutan	2 656	6 075	42 641	1 882	53 254	5.0	11.4	80.1	3.5	33
India	242 054	507 495	2 897 975	1 507 213	5 154 737	4.7	9.8	56.2	29.2	47
Iran (Islamic Republic of)	340 910	460 792	1 696 184	184 328	2 682 214	12.7	17.2	63.2	6.9	34
Maldives	2 624	6 350	58 876	1 399	69 249	3.8	9.2	85.0	2.0	33
Nepal	23 738	62 820	348 838	55 406	490 802	4.8	12.8	71.1	11.3	37
Pakistan	120 380	254 608	1 951 236	931 754	3 257 978	3.7	7.8	59.9	28.6	47
Sri Lanka	11 783	8 014	15 074	5 147	40 018	29.4	20.0	37.7	12.9	25
Turkey	972 379	904 742	3 427 495	572 213	5 876 829	16.5	15.4	58.3	9.7	32
North and Central Asia	855 168	1 724 617	10 896 464	4 230 789	17 707 038	4.8	9.7	61.5	23.9	..
Armenia	9 102	16 264	89 777	75 016	190 159	4.8	8.6	47.2	39.4	53
Azerbaijan	23 116	22 373	143 267	65 131	253 887	9.1	8.8	56.4	25.7	44
Georgia	11 499	13 517	32 921	21 098	79 035	14.5	17.1	41.7	26.7	38
Kazakhstan	257 937	501 171	2 135 299	811 149	3 705 556	7.0	13.5	57.6	21.9	39
Kyrgyzstan	8 556	17 552	116 319	57 833	200 260	4.3	8.8	58.1	28.9	44
Russian Federation	453 622	1 025 796	7 567 943	2 593 198	11 640 559	3.9	8.8	65.0	22.3	45
Tajikistan	11 716	17 320	141 585	103 450	274 071	4.3	6.3	51.7	37.7	54
Turkmenistan	10 738	14 499	94 762	75 128	195 127	5.5	7.4	48.6	38.5	53
Uzbekistan	68 882	96 125	574 591	428 786	1 168 384	5.9	8.2	49.2	36.7	52
Pacific	510 880	1 187 820	4 992 285	2 235 414	8 926 399	5.7	13.3	55.9	25.0	..
American Samoa	1 312	2 831	15 853	3 543	23 539	5.6	12.0	67.3	15.1	43
Australia	405 555	1 017 799	4 179 685	1 946 231	7 549 270	5.4	13.5	55.4	25.8	43
Cook Islands	628	622	1 901	340	3 491	18.0	17.8	54.5	9.7	32
Fiji	2 405	1 721	7 891	2 021	14 038	17.1	12.3	56.2	14.4	37
French Polynesia	2 835	3 321	19 473	5 576	31 205	9.1	10.6	62.4	17.9	44
Guam	6 958	12 285	50 286	10 317	79 846	8.7	15.4	63.0	12.9	37
Kiribati	633	597	1 633	159	3 022	20.9	19.8	54.0	5.3	29
Marshall Islands	691	362	1 984	259	3 296	21.0	11.0	60.2	7.9	34
Micronesia (Federated States of)	468	355	1 662	334	2 819	16.6	12.6	59.0	11.8	38
Nauru	350	248	1 269	247	2 114	16.6	11.7	60.0	11.7	36
New Caledonia	5 537	7 427	43 968	15 605	72 537	7.6	10.2	60.6	21.5	44
New Zealand	69 156	131 443	625 190	242 950	1 068 739	6.5	12.3	58.5	22.7	43
Niue	205	96	239	48	588	34.9	16.3	40.6	8.2	24
Northern Mariana Islands	1 629	2 240	14 957	2 989	21 815	7.5	10.3	68.6	13.7	46
Palau	309	466	3 833	458	5 066	6.1	9.2	75.7	9.0	40
Papua New Guinea	8 828	3 935	15 460	2 989	31 212	28.3	12.6	49.5	9.6	32
Samoa	1 366	858	1 471	340	4 035	33.9	21.3	36.5	8.4	23
Solomon Islands	400	265	1 517	350	2 532	15.8	10.5	59.9	13.8	39
Tonga	898	531	2 030	293	3 752	23.9	14.2	54.1	7.8	32
Tuvalu	45	34	135	24	238	18.9	14.3	56.7	10.1	34
Vanuatu	672	384	1 848	341	3 245	20.7	11.8	56.9	10.5	35

SOURCE: United Nations, Department of Economic and Social Affairs, International Migration 2019, available at <https://www.un.org/en/development/desa/population/migration/publications/wallchart/index.asp> (accessed 2 October 2020); United Nations, Department of Economic and Social Affairs, Population Division, Population Estimates and Projections Section, available at <https://population.un.org/wpp/> (accessed 14 October 2020).

NOTES: (..) indicates data not available; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 3 International migrants from countries of the Asia-Pacific region, 1990–2019

COUNTRY	NUMBER OF MIGRANTS			
	1990	2000	2010	2019
ESCAP Region	64 648 265	70 394 619	89 402 496	106 956 991
East and North-East Asia	7 176 276	9 442 581	13 031 891	15 340 871
China	4 231 648	5 885 006	8 733 242	10 734 807
Democratic People's Republic of Korea	39 784	72 414	96 575	113 121
Hong Kong, China	551 080	687 946	943 069	1 111 170
Japan	608 921	712 768	760 479	838 957
Macao, China	95 648	101 637	130 805	161 953
Mongolia	24 466	30 649	57 766	73 494
Republic of Korea	1 624 729	1 952 161	2 309 955	2 307 369
South-East Asia	7 501 805	11 869 452	17 855 387	22 638 940
Brunei Darussalam	26 323	45 242	43 871	46 994
Cambodia	355 430	459 625	953 169	1 097 975
Indonesia	1 638 365	2 431 466	3 429 170	4 533 048
Lao People's Democratic Republic	483 021	649 288	1 198 715	1 347 091
Malaysia	562 762	1 203 638	1 598 510	1 689 315
Myanmar	685 310	1 224 311	2 469 533	3 699 504
Philippines	2 033 684	3 092 284	4 719 359	5 996 161
Singapore	156 468	192 989	278 308	352 236
Thailand	311 308	537 198	773 556	979 976
Timor-Leste	11 261	148 339	35 020	39 202
Viet Nam	1 237 873	1 885 072	2 356 176	2 857 438
South and South-West Asia	27 177 727	27 186 172	36 674 792	45 983 115
Afghanistan	6 823 350	4 606 374	5 055 805	5 120 959
Bangladesh	5 451 831	5 442 722	6 750 115	7 835 380
Bhutan	28 465	120 187	86 154	49 233
India	6 623 177	7 932 405	13 229 275	17 513 533
Iran (Islamic Republic of)	631 339	831 372	989 560	1 302 576
Maldives	2 193	1 217	2 746	3 053
Nepal	748 060	977 405	1 434 586	2 285 420
Pakistan	3 343 328	3 401 303	4 992 279	6 509 984
Sri Lanka	885 951	981 294	1 410 887	1 910 470
Turkey	2 640 033	2 891 893	2 723 385	3 452 507
North and Central Asia	21 836 002	20 655 058	20 257 863	21 117 618
Armenia	899 649	876 470	917 350	964 864
Azerbaijan	1 634 081	1 628 482	1 164 567	1 155 867
Georgia	919 454	967 024	813 454	852 826
Kazakhstan	2 971 639	3 554 491	3 803 375	4 005 636
Kyrgyzstan	522 578	566 319	726 917	754 981
Russian Federation	12 662 893	10 721 414	10 130 259	10 575 205
Tajikistan	537 701	541 185	584 770	579 149
Turkmenistan	259 987	223 704	236 614	242 863
Uzbekistan	1 428 020	1 575 969	1 880 557	1 986 227
Pacific	956 455	1 241 356	1 582 563	1 876 447
American Samoa	2 041	3 186	2 159	1 817
Australia	303 696	385 120	487 844	577 338
Cook Islands	17 488	19 481	20 559	22 488
Fiji	90 166	131 917	182 913	222 728
French Polynesia	3 149	4 305	1 459	1 982
Guam	1 376	2 801	2 217	2 197
Kiribati	4 053	3 991	3 556	4 370
Marshall Islands	1 426	6 976	6 483	8 205
Micronesia (Federated States of)	7 714	16 915	19 406	21 819
Nauru	1 419	1 600	2 146	2 421
New Caledonia	4 151	4 945	4 911	4 833
New Zealand	388 173	490 020	662 996	787 715
Niue	5 860	5 754	5 358	5 593
Northern Mariana Islands	2 525	2 772	2 626	2 764
Palau	2 958	4 000	2 621	2 650
Papua New Guinea	3 111	4 556	4 238	4 753
Samoa	74 861	94 541	104 817	124 266
Solomon Islands	2 212	2 728	3 348	4 234
Tonga	32 666	46 714	52 049	63 652
Tuvalu	2 350	2 611	3 011	3 276
Vanuatu	5 060	6 423	7 846	7 346

SOURCE: United Nations, Department of Economic and Social Affairs, Population Division, Population Estimates and Projections Section, available at <https://population.un.org/wpp/> (accessed 15 October 2020).

NOTE: On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 4 Migrant workers by sex and broad subregion in Asia, ILO estimates, 2017

		CENTRAL AND WESTERN ASIA	ARAB STATES	EASTERN ASIA	SOUTH-EASTERN ASIA AND THE PACIFIC	SOUTHERN ASIA	TOTAL ASIA
Male	Total workers (million)	46.8	46.7	522.8	200.6	539.4	1356.3
	Labour force participation rate for total population (percentage)	73.7	77.1	75.5	79.6	79.1	..
	Migrant population aged 15+ (million)	5.5	22.3	4.3	9.0	6.5	47.6
	Migrants as a proportion of population aged 15+ (percentage)	8.6	36.8	0.6	3.6	1.0	..
	Migrant workers (million)	3.5	19.1	3.2	6.4	6.0	38.2
	Migrant workers-percentage of subregion in total (percentage)	9.2	50.0	8.4	16.8	15.7	100.0
	Labour force participation rate for migrant population (percent)	64.8	85.9	75.7	71.1	92.1	..
	Labour force participation rate for non-migrant population (percentage)	74.6	72.0	75.5	79.9	79	..
	Migrant workers as a proportion of all workers (percentage)	7.5	40.9	0.6	3.2	1.1	2.8
	Migrant workers as a proportion of migrant population aged 15+ (percentage)	63.6	85.7	74.4	71.1	92.3	80.3
Female	Total workers (millions)	30.5	9.0	405.3	145.7	181.8	772.3
	Labour force participation rate for total population (percentage)	45.4	18.9	60.2	56.6	27.9	..
	Migrant population aged 15+ (million)	5.8	7.9	4.3	7.8	5.6	31.4
	Migrants as a proportion of population aged 15+ (percentage)	8.6	16.5	0.6	3.0	0.9	..
	Migrant workers (million)	5.0	3.6	2.7	5.2	1.3	17.8
	Migrant workers-percentage of subregion in total	28.1	20.2	15.2	29.2	7.3	100.0
	Labour force participation rate for migrant population (percentage)	86.5	45.7	64.0	66.3	24.1	..
	Labour force participation rate for non-migrant population (percentage)	41.5	13.6	60.2	56.3	28.0	..
	Migrant workers as a proportion of all workers (percentage)	16.4	39.9	0.7	3.6	0.7	2.3
	Migrant workers as a proportion of migrant population aged 15+ (percentage)	86.2	45.6	62.8	66.7	23.2	56.7

SOURCE: ILO (2018). ILO Global Estimates on International Migrant Workers Results and Methodology, Second edition (reference year 2017) and International Labour Office, Geneva. Available at https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/index.htm (accessed 23 October 2020).

NOTES: (..) indicates data available; Numbers are given in millions for the following categories: Total workers, migrant population aged 15+ and migrant workers; Workers and migrant workers include both the employed and unemployed; The labour force participation rate is the ratio of the number of workers (employed plus unemployed) to the working age population (population aged 15+).

ANNEX TABLE 5 Refugees, asylum seekers, internally-displaced persons, returnees (refugees and internally-displaced persons), stateless persons and others of concern to UNHCR, by country/territory of asylum in the Asia-Pacific region, end-2019

COUNTRY/TERRITORY OF ASYLUM ¹	REFUGEES ²	PEOPLE IN REFUGEE-LIKE SITUATIONS ³	TOTAL REFUGEES AND PEOPLE IN REFUGEE-LIKE SITUATIONS	ASYLUM SEEKERS (PENDING CASES) ⁴	RETURNED REFUGEES ⁵	INTERNALLY DISPLACED PERSONS OF CONCERN TO UNHCR ⁶	RETURNED INTERNALLY DISPLACED PERSONS ⁷	PERSONS UNDER UNHCR'S STATELESSNESS MANDATE ⁸	OTHERS OF CONCERN TO UNHCR ⁹	TOTAL POPULATION OF CONCERN ¹⁰	
ESCAP Region	7 761 510	63 232	7 824 742	543 594	10 366	4 108 637	127 128	2 357 776	633 084	14 492 013	
East and North-East Asia	308 197	-	308 197	55 366	-	-	-	901	10	364 474	
China ¹¹	303 381	-	303 381	660	-	-	-	-	-	304 041	
Democratic People's Republic of Korea	-	-	-	-	-	-	-	-	-	-	
Hong Kong, China	130	-	130	-	-	-	-	-	-	130	
Japan ¹²	1 465	-	1 465	29 123	-	-	-	687	-	31 275	
Macao, China	-	-	-	2	-	-	-	-	-	2	
Mongolia	6	-	6	4	-	-	-	17	10	37	
Republic of Korea	3 215	-	3 215	25 577	-	-	-	197	-	28 989	
South-East Asia	188 996	48 659	237 655	55 219	879	490 915	116 747	1 294 497	184 854	2 139 885	
Brunei Darussalam	-	-	-	-	-	-	-	20 863	-	20 863	
Cambodia	-	-	-	27	-	-	-	57 444	-	57 471	
Indonesia ¹³	10 295	-	10 295	3 362	-	-	-	582	-	13 657	
Lao People's Democratic Republic	1	-	1	1	-	-	-	-	-	2	
Malaysia ¹⁴	127 940	1 155	129 095	50 649	-	-	-	108 332	55 000	243 784	
Myanmar ¹⁵	-	-	-	-	879	312 018	1 641	600 000	-	773 652	
Philippines ¹⁶	690	-	690	333	-	178 897	115 106	383	129 734	425 143	
Singapore	2	-	2	-	-	-	-	1 303	1	1 306	
Thailand ¹⁷	50 067	47 504	97 571	847	-	-	-	475 009	119	573 425	
Timor-Leste	-	-	-	-	-	-	-	-	-	-	
Viet Nam	1	-	1	-	-	-	-	30 581	-	30 582	
South and South-West Asia	7 121 306	-	7 121 306	349 770	9 481	2 679 180	10 381	872 435	447 627	10 617 746	
Afghanistan	72 228	-	72 228	251	8 402	2 553 390	-	-	447 093	3 081 364	
Bangladesh ¹⁸	854 782	-	854 782	38	-	-	-	854 704	-	854 820	
Bhutan	-	-	-	-	-	-	-	-	-	-	
India ¹⁹	195 105	-	195 105	12 229	-	-	-	17 730	-	207 334	
Iran (Islamic Republic of)	979 435	-	979 435	33	4	-	-	-	-	979 472	
Maldives	-	-	-	-	-	-	-	-	-	-	
Nepal ²⁰	19 574	-	19 574	60	-	-	-	-	534	20 168	
Pakistan	1 419 606	-	1 419 606	8 541	7	100 680	18	-	-	1 528 852	
Sri Lanka	1 045	-	1 045	361	1 068	25 110	10 363	-	-	37 947	
Turkey ²¹	3 579 531	-	3 579 531	328 257	-	-	-	-	1	-	3 907 789
North and Central Asia	53 017	14 573	67 590	4 736	6	938 542	-	189 943	593	1 201 410	
Armenia	3 412	14 573	17 985	173	-	-	-	961	-	19 119	
Azerbaijan	1 108	-	1 108	180	-	652 326	-	3 585	-	657 199	
Georgia	1 360	-	1 360	1 126	-	286 216	-	559	593	289 854	
Kazakhstan	524	-	524	218	-	-	-	8 386	-	9 128	
Kyrgyzstan ²²	353	-	353	164	-	-	-	58	-	575	
Russian Federation	42 433	-	42 433	1 462	5	-	-	68 209	-	112 109	
Tajikistan	3 791	-	3 791	1 413	-	-	-	7 151	-	12 355	
Turkmenistan ²³	22	-	22	-	-	-	-	3 688	-	3 710	
Uzbekistan ²⁴	14	-	14	-	1	-	-	97 346	-	97 361	
Pacific	89 994	-	89 994	78 503	-	-	-	-	-	168 498	
American Samoa	-	-	-	-	-	-	-	-	-	-	
Australia ²⁵	76 764	-	76 764	77 365	-	-	-	-	-	154 129	
Cook Islands	-	-	-	-	-	-	-	-	-	-	
Fiji	13	-	13	7	-	-	-	-	-	20	
French Polynesia	-	-	-	-	-	-	-	-	-	-	
Guam	-	-	-	-	-	-	-	-	-	-	
Kiribati	-	-	-	-	-	-	-	-	-	-	
Marshall Islands	-	-	-	-	-	-	-	-	-	-	
Micronesia (Federated States of)	-	-	-	-	-	-	-	-	-	-	
Nauru	763	-	763	416	-	-	-	-	-	1 179	
New Caledonia	-	-	-	-	-	-	-	-	-	-	
New Zealand	2 747	-	2 747	579	-	-	-	-	-	3 326	
Niue	-	-	-	-	-	-	-	-	-	-	
Northern Mariana Islands	-	-	-	-	-	-	-	-	-	-	
Palau	-	-	-	-	-	-	-	-	-	-	
Papua New Guinea	9 707	-	9 707	133	-	-	-	-	-	9 840	
Samoa	-	-	-	1	-	-	-	-	-	1	
Solomon Islands	-	-	-	-	-	-	-	-	-	-	
Tonga	-	-	-	1	-	-	-	-	-	1	
Tuvalu	-	-	-	-	-	-	-	-	-	-	
Vanuatu	-	-	-	1	-	-	-	-	1	2	

SOURCE: UNHCR, 2020 Global Trends: Forced Displacement in 2019, available at <https://www.unhcr.org/globaltrends2019/> (accessed 5 October 2020).

NOTES: ("") indicates that the value is zero, not available or not applicable; On 1 July 1997, Hong Kong became a Special Administrative Region of China.

On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

1 Country or territory of asylum or residence.

2 Refugees include individuals recognized under the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, the refugee definition contained in the 1984 Cartagena Declaration on Refugees as incorporated into national laws, those recognized in accordance with the UNHCR Statute, individuals granted complementary forms of protection, and those enjoying temporary protection. In the absence of Government figures, UNHCR has estimated the refugee population in many industrialized countries based on 10 years of individual asylum-seeker recognition.

3 This category is descriptive in nature and includes groups of people who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained.

4 Asylum-seekers (with pending cases) are individuals who have sought international protection and whose claims for refugee status have not yet been determined. Those covered in this table refer to claimants whose individual applications were pending at the end of 2019, irrespective of when those claims may have been lodged.

5 Refugees who have returned to their place of origin during 2019. **SOURCE:** country of origin and asylum.

6 IDPs are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. For the purposes of UNHCR's statistics, this population includes only conflict-generated IDPs to whom the Office extends protection and/or assistance.

7 IDPs of concern to UNHCR who have returned to their place of origin during 2019.

8 Refers to persons who are not considered as nationals by any State under the operation of its law. This category refers to persons who fall under the agency's statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality. The figure reported includes stateless persons who are also refugees or asylum-seekers from Myanmar, IDPs in Myanmar, or others of concern to UNHCR. UNHCR's statistical reporting generally follows a methodology that reports on one legal status for each person of concern only. However, due to the extraordinary size of the displaced stateless population from Myanmar, UNHCR considers it important to reflect the dual status that this population group possesses, pending a review of UNHCR reporting on statelessness. See Annex Table 5 at <https://www.unhcr.org/statistics/2019GTannextableSTA.xlsx> for detailed notes.

9 Refers to individuals who do not necessarily fall directly into any of these groups above but to whom UNHCR has extended its protection and/or assistance services, based on humanitarian or other special grounds.

10 Please note that this list omits the category 'Venezuelans displaced abroad' (typically factored into UNHCR's calculation for this sum), as this field is irrelevant for the ESCAP region.

11 China: The 303,100 Vietnamese refugees are well integrated and in practice receive protection from the Government of China.

12 Japan: Figures are UNHCR estimates.

13 Indonesia: The total statelessness figure reported relates to 582 stateless persons of Rohingya ethnicity who are also counted as refugees or asylum-seekers from Myanmar, mainly from Rakhine State. UNHCR's statistical reporting generally follows a methodology that reports only one legal status for each person of concern. However, due to the size of the stateless Rohingya population displaced from Myanmar, UNHCR considers it important to reflect the dual status of this population group as both displaced and stateless. This approach is being used for Indonesia for the first time in 2019. There are also indications that a potentially sizable population of non-displaced stateless persons exists for whom no data is available.

14 Malaysia: The total stateless population in Malaysia includes 9,040 non-displaced stateless persons who may be entitled to Malaysian nationality under the law. This number of non-displaced stateless persons is based on a registration and community legal assistance programme undertaken in West Malaysia by a local NGO with technical support from UNHCR, and, among those registered, 930 persons acquired Malaysian nationality in 2019.

15 Myanmar: The estimated figure of persons of concern under the statelessness mandate relates to stateless persons of Rohingya ethnicity in Rakhine State and also includes stateless IDPs in Myanmar. The number of persons of undetermined nationality residing in other states or regions in Myanmar is not currently available. The number of stateless persons remaining in Rakhine State following violence in 2016 and 2017 and large scale departures to Bangladesh is based on detailed estimates for each village tract made by UNHCR, other UN agencies and NGOs in early 2018, which concluded that between 532,000 to 600,000 Rohingya remained in Rakhine State (including an estimated 140,886 of those Rohingya who have been internally displaced). For the purposes of this report, the higher range of this estimate has been used.

16 Philippines: The updated figure is based on improved information concerning persons of Indonesian descent who have acquired nationality.

17 Thailand: The total statelessness figure includes 474,888 non-displaced stateless persons reported by the Royal Thai Government and registered with the national civil registration system as of December 2019. This figure includes 119 stateless persons of Rohingya ethnicity from Myanmar who are also counted as others of concern to UNHCR. UNHCR's statistical reporting generally follows a methodology that reports only one status for each person of concern. However, due to the size of the stateless Rohingya population displaced from Myanmar, UNHCR considers it important to reflect the dual status of this population group as others of concern to UNHCR and stateless. This approach is being used for Thailand for the first time in 2019.

18 Bangladesh: The figure reported includes 854,704 stateless persons of Rohingya ethnicity who are also counted as refugees from Myanmar, mainly from Rakhine State. UNHCR's statistical reporting generally follows a methodology that reports only one legal status for each person of concern. However, due to the size of the stateless Rohingya population displaced from Myanmar, UNHCR considers it important to reflect the dual status of this population group as both displaced and stateless. This approach has been used for Bangladesh since 2017.

19 India: The total statelessness figure reported relates to 17,730 stateless persons of Rohingya ethnicity who are also counted as refugees or asylum-seekers from Myanmar, mainly from Rakhine State. UNHCR's statistical reporting generally follows a methodology that reports only one legal status for each person of concern. However, due to the size of the stateless Rohingya population displaced from Myanmar, UNHCR considers it important to reflect the dual status of this population group as both displaced and stateless. This approach is being used for India for the first time in 2019.

20 Nepal: Various studies estimate that a large number of individuals lack citizenship certificates in Nepal. While these individuals are not all necessarily stateless, UNHCR has been working closely with the Government of Nepal and partners to address this situation.

21 Turkey: Refugee figure is a Government estimate.

22 Kyrgyzstan: All 58 persons were in the final stages of naturalization or citizenship confirmation formalities.

23 Turkmenistan: In the absence of official data, the figure reported refers to stateless persons and persons with undetermined nationality identified by UNHCR partner organizations in Turkmenistan. The decrease in the reporting figure is due to naturalization in Turkmenistan and confirmation of nationality by a third country.

24 Uzbekistan: The statelessness figure refers to stateless persons with permanent residence reported by the Government of Uzbekistan in December 2019 under the XII Report on compliance of Uzbekistan with CERD. Information on other categories of statelessness is unavailable.

25 Australia: The methodology for estimating the number of refugees in Australia is under review and subject to adjustment in future reports. The asylum-seeker figure is based on the number of applications lodged for protection visas.

ANNEX TABLE 6 Refugees, asylum seekers, internally-displaced persons, returnees (refugees and internally-displaced persons), stateless persons and others of concern to UNHCR from Asia-Pacific countries, end-2019

ORIGIN	REFUGEES ²	PEOPLE IN REFUGEE-LIKE SITUATIONS ³	TOTAL REFUGEES AND PEOPLE IN REFUGEE-LIKE SITUATIONS	ASYLUM SEEKERS (PENDING CASES)	RETURNED REFUGEES ⁴	INTERNAL-DISPLACED PERSONS OF CONCERN TO UNHCR ⁵	RETURNED INTERNAL-DISPLACED PERSONS ⁶	PERSONS UNDER UNHCR'S STATELESSNESS MANDATE ⁷	OTHERS OF CONCERN TO UNHCR ⁸	TOTAL POPULATION OF CONCERN ¹⁰
ESCAP Region	4 932 079	56 592	4 988 671	861 415	10 366	4 108 637	127 128	-	510 412	10 606 510
East and North-East Asia	216 256	-	216 256	109 387	-	-	-	-	10	325 653
China	212 885	-	212 885	104 169	-	-	-	-	-	317 054
Democratic People's Republic of Korea	762	-	762	124	-	-	-	-	-	886
Hong Kong, China	8	-	8	228	-	-	-	-	-	236
Japan	44	-	44	118	-	-	-	-	-	162
Macao, China	1	-	1	32	-	-	-	-	-	33
Mongolia	2 372	-	2 372	4 067	-	-	-	-	10	6 449
Republic of Korea	184	-	184	649	-	-	-	-	-	833
South-East Asia	1 379 203	48 587	1 427 790	80 797	879	490 915	116 747	-	55 223	2 172 232
Brunei Darussalam	5	-	5	13	-	-	-	-	-	18
Cambodia	11 931	56	11 987	844	-	-	-	-	-	12 831
Indonesia	11 086	976	12 062	4 336	-	-	-	-	4	16 402
Lao People's Democratic Republic	6 753	-	6 753	395	-	-	-	-	-	7 148
Malaysia	1 155	-	1 155	21 265	-	-	-	-	-	22 420
Myanmar	1 030 767	47 508	1 078 275	37 474	879	312 018	1 641	-	119	1 430 287
Philippines	544	19	563	4 750	-	178 897	115 106	-	55 031	354 347
Singapore	42	-	42	85	-	-	-	-	1	128
Thailand	468	24	492	3 491	-	-	-	-	-	3 983
Timor-Leste	17	1	18	33	-	-	-	-	-	51
Viet Nam ¹¹	316 435	3	316 438	8 111	-	-	-	-	68	324 617
South and South-West Asia	3 232 077	7 429	3 239 506	562 170	9 481	2 679 180	10 381	-	455 168	6 955 886
Afghanistan	2 721 475	7 383	2 728 858	251 042	8 402	2 553 390	-	-	450 675	5 992 367
Bangladesh	22 871	24	22 895	34 535	-	-	-	-	503	57 933
Bhutan	6 989	-	6 989	414	-	-	-	-	-	7 403
India	11 989	4	11 993	61 310	-	-	-	-	299	73 602
Iran (Islamic Republic of)	129 675	-	129 675	86 084	4	-	-	-	407	216 170
Maldives	76	-	76	15	-	-	-	-	-	91
Nepal	8 194	6	8 200	9 795	-	-	-	-	345	18 340
Pakistan	137 183	12	137 195	55 979	7	100 680	18	-	2 872	296 751
Sri Lanka	110 355	-	110 355	16 053	1 068	25 110	10 363	-	9	162 958
Turkey	83 270	-	83 270	46 943	-	-	-	-	58	130 271
North and Central Asia	103 326	573	103 899	105 244	6	938 542	-	-	10	1 147 701
Armenia	10 967	-	10 967	11 107	-	-	-	-	4	22 078
Azerbaijan	11 053	573	11 626	8 239	-	652 326	-	-	1	672 192
Georgia	7 515	-	7 515	19 733	-	286 216	-	-	-	313 464
Kazakhstan	2 770	-	2 770	6 994	-	-	-	-	-	9 764
Kyrgyzstan	2 969	-	2 969	2 590	-	-	-	-	-	5 559
Russian Federation	62 346	-	62 346	48 304	5	-	-	-	3	110 658
Tajikistan	1 997	-	1 997	2 676	-	-	-	-	-	4 673
Turkmenistan	481	-	481	590	-	-	-	-	-	1 071
Uzbekistan	3 228	-	3 228	5 011	1	-	-	-	2	8 242
Pacific	1 217	3	1 220	3 817	-	-	-	-	1	5 038
American Samoa	-	-	-	-	-	-	-	-	-	-
Australia	15	3	18	58	-	-	-	-	-	76
Cook Islands	-	-	-	-	-	-	-	-	-	-
Fiji	593	-	593	2 343	-	-	-	-	-	2 936
French Polynesia	-	-	-	-	-	-	-	-	-	-
Guam	-	-	-	1	-	-	-	-	-	1
Kiribati	1	-	1	-	-	-	-	-	-	1
Marshall Islands	7	-	7	2	-	-	-	-	-	9
Micronesia (Federated States of)	-	-	-	-	-	-	-	-	-	-
Nauru	-	-	-	15	-	-	-	-	-	15
New Caledonia	-	-	-	-	-	-	-	-	-	-
New Zealand	37	-	37	25	-	-	-	-	1	63
Niue	19	-	19	6	-	-	-	-	-	25
Northern Mariana Islands	-	-	-	-	-	-	-	-	-	-
Palau	3	-	3	-	-	-	-	-	-	3
Papua New Guinea	478	-	478	554	-	-	-	-	-	1 032
Samoa	1	-	1	85	-	-	-	-	-	86
Solomon Islands	27	-	27	229	-	-	-	-	-	256
Tonga	33	-	33	418	-	-	-	-	-	451
Tuvalu	2	-	2	-	-	-	-	-	-	2
Vanuatu	1	-	1	81	-	-	-	-	-	82

SOURCE: UNHCR, 2020 Global Trends: Forced Displacement in 2019, available at <https://www.unhcr.org/globaltrends2019/> (accessed 5 October 2020).

NOTE: ("–") indicates that the value is zero, not available or not applicable.; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

1 Country or territory of origin.

2 Refugees include individuals recognized under the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, the refugee definition contained in the 1984 Cartagena Declaration on Refugees as incorporated into national laws, those recognized in accordance with the UNHCR Statute, individuals granted complementary forms of protection, and those enjoying

temporary protection. In the absence of Government figures, UNHCR has estimated the refugee population in many industrialized countries based on 10 years of individual asylum-seeker recognition.

3 This category is descriptive in nature and includes groups of people who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained.

4 Asylum-seekers (with pending cases) are individuals who have sought international protection and whose claims for refugee status have not yet been determined. Those covered in this table refer to claimants whose individual applications were pending at the end of 2019, irrespective of when those claims may have been lodged.

5 Refugees who have returned to their place of origin during 2019. Source: country of origin and asylum.

6 IDPs are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. For the purposes of UNHCR's statistics, this population includes only conflict-generated IDPs to whom the Office extends protection and/or assistance.

7 IDPs of concern to UNHCR who have returned to their place of origin during 2019.

8 Refers to persons who are not considered as nationals by any State under the operation of its law. This category refers to persons who fall under the agency's statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality. The figure reported includes stateless persons who are also refugees or asylum-seekers from Myanmar, IDPs in Myanmar, or others of concern to UNHCR. UNHCR's statistical reporting generally follows a methodology that reports on one legal status for each person of concern only. However, due to the extraordinary size of the displaced stateless population from Myanmar, UNHCR considers it important to reflect the dual status that this population group possesses, pending a review of UNHCR reporting on statelessness. See Annex Table 5 at <https://www.unhcr.org/statistics/2019GTannextableSTA.xlsx> for detailed notes.

9 Refers to individuals who do not necessarily fall directly into any of these groups above but to whom UNHCR has extended its protection and/or assistance services, based on humanitarian or other special grounds.

10 Please note that this list omits the category 'Venezuelans displaced abroad' (typically factored into UNHCR's calculation for this sum), as this field is irrelevant for the ESCAP region.

11 The 303,100 Vietnamese refugees are well integrated and in practice receive protection from the Government of China.

ANNEX TABLE 7 Total number of students abroad from countries in the Asia-Pacific region, by country of origin

COUNTRY OF ORIGIN	2014	2018
ESCAP Region	1 993 602	2 580 334
East and North-East Asia	961 789	1 179 515
China	770 784	993 367
Democratic People's Republic of Korea	1 462	1 364
Hong Kong, China	33 882	36 420
Japan	33 882	31 903
Macao, China	2 063	2 795
Mongolia	9 610	11 892
Republic of Korea	110 106	101 774
South-East Asia	246 943	324 279
Brunei Darussalam	3 481	2 680
Cambodia	5 088	6 161
Indonesia	39 551	49 900
Lao People's Democratic Republic	3 376	6 558
Malaysia	62 504	61 904
Myanmar	6 870	10 277
Philippines	13 274	18 859
Singapore	23 540	23 752
Thailand	26 819	32 912
Timor-Leste	2 975	2 749
Viet Nam	59 465	108 527
South and South-West Asia	487 650	731 763
Afghanistan	19 529	30 380
Bangladesh	53 063	50 004
Bhutan	4 088	4 575
India	215 954	375 055
Iran (Islamic Republic of)	50 823	56 376
Maldives	2 392	2 971
Nepal	35 747	81 917
Pakistan	44 612	58 821
Sri Lanka	16 253	24 118
Turkey	45 189	47 546
North and Central Asia	267 389	313 800
Armenia	7 493	5 220
Azerbaijan	32 631	43 767
Georgia	9 367	11 144
Kazakhstan	66 998	83 503
Kyrgyzstan	8 368	11 075
Russian Federation	55 951	57 632
Tajikistan	12 919	19 675
Turkmenistan	47 543	44 875
Uzbekistan	26 119	36 909
Pacific	29 831	30 977
American Samoa	..	..
Australia	12 372	13 319
Cook Islands	229	209
Fiji	1 543	1 181
French Polynesia	..	..
Guam	..	..
Kiribati	1 080	1 099
Marshall Islands	164	341
Micronesia (Federated States of)	199	214
Nauru	181	140
New Caledonia	..	..
New Zealand	5 099	5 036
Niue	37	41
Northern Mariana Islands	..	..
Palau	15	62
Papua New Guinea	1 365	1 455
Samoa	911	1 105
Solomon Islands	3 195	3 262
Tonga	1 224	1 259
Tuvalu	432	440
Vanuatu	1 785	1 814

SOURCE: UNESCO Institute for Statistics, available at <http://data.uis.unesco.org/index.aspx?queryid=172#> (accessed 7 October 2020).

NOTES: (..) indicates data included elsewhere under another category or category not applicable; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 8 Total number of students hosted in countries of the Asia-Pacific region, by country of destination

COUNTRY OF DESTINATION	2014	2018
ESCAP Region	1 098 821	1 563 754
East and North-East Asia	334 238	499 221
China	108 217	178 271
Democratic People's Republic of Korea	..	..
Hong Kong, China	30 013	37 298
Japan	132 685	182 748
Macao, China	10 872	16 155
Mongolia	1130	1 636
Republic of Korea	52 451	84 749
South-East Asia	103 091	60 862
Brunei Darussalam	360	475
Cambodia	..	..
Indonesia	..	7 677
Lao People's Democratic Republic	543	495
Malaysia	99 648	..
Myanmar	..	459
Philippines	..	..
Singapore	..	51 756
Thailand	..	..
Timor-Leste	..	..
Viet Nam	2 540	..
South and South-West Asia	99 355	193 117
Afghanistan	..	..
Bangladesh	..	..
Bhutan	..	..
India	38 992	46 077
Iran (Islamic Republic of)	11 288	20 580
Maldives	..	..
Nepal	..	..
Pakistan	..	..
Sri Lanka	892	1 322
Turkey	48 183	125 138
North and Central Asia	247 197	313 248
Armenia	4 466	4 598
Azerbaijan	4 406	4 696
Georgia	..	9 972
Kazakhstan	10 978	14 332
Kyrgyzstan	12 071	16 534
Russian Federation	213 347	262 416
Tajikistan	1158	..
Turkmenistan	87	..
Uzbekistan	684	700
Pacific	314 940	497 306
American Samoa	..	..
Australia	266 048	444 514
Cook Islands	..	..
Fiji	..	..
French Polynesia	..	..
Guam	..	..
Kiribati	..	..
Marshall Islands	..	..
Micronesia (Federated States of)	..	..
Nauru	..	..
New Caledonia	..	..
New Zealand	48 892	52 702
Niue	..	..
Northern Mariana Islands	..	..
Palau	..	..
Papua New Guinea	..	..
Samoa	..	90
Solomon Islands	..	..
Tonga	..	..
Tuvalu	..	..
Vanuatu	..	..

SOURCE: UNESCO Institute for Statistics, available at <http://data.uis.unesco.org/index.aspx?queryid=172#> (accessed 7 October 2020).

NOTES: (..) indicates data included elsewhere under another category or category not applicable; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 9 Remittances received by countries of the Asia-Pacific region, 2000-2020, millions of \$

	2000	2001	2002	2003	2004	2005	2006	2007	2008
ESCAP Region	43 376	46 082	55 304	65 918	71 255	100 593	119 287	150 874	188 894
East and North-East Asia	6 192	7 154	8 851	11 553	13 844	30 258	34 096	45 483	57 085
China	758	1 209	2 354	4 620	6 640	23 626	27 565	38 395	47 743
Democratic People's Republic of Korea	..	..	..	..	..	..	..	..	..
Hong Kong, China	136	153	121	120	240	297	294	317	355
Japan	773	1 250	1 127	811	774	905	1 177	1 384	1 732
Macao, China	..	..	47	48	53	53	55	54	52
Mongolia	1	27	69	79	203	177	155	178	225
Republic of Korea	4 524	4 516	5 135	5 875	5 935	5 200	4 850	5 155	6 978
South-East Asia	11 699	12 755	14 808	16 219	18 333	24 900	28 024	32 266	35 955
Brunei Darussalam	..	..	..	..	..	..	..	..	..
Cambodia	103	113	123	128	147	164	184	186	188
Indonesia	1 190	1 046	1 259	1 489	1 866	5 420	5 722	6 174	6 794
Lao People's Democratic Republic	1	1	1	1	1	1	4	6	18
Malaysia	342	367	435	571	802	1 117	1 365	1 556	1 329
Myanmar	102	116	105	84	117	129	115	81	55
Philippines	6 924	8 760	9 735	10 239	11 468	13 733	15 496	16 437	18 851
Singapore	..	..	..	..	..	..	..	..	..
Thailand	1 697	1 252	1 380	1 607	1 622	1 187	1 333	1 635	1 898
Timor-Leste	..	..	..	..	..	..	4	10	18
Viet Nam	1 340	1 100	1 770	2 100	2 310	3 150	3 800	6 180	6 805
South and South-West Asia	22 290	22 625	26 911	32 258	30 514	36 309	45 372	57 240	75 262
Afghanistan	..	..	..	..	..	..	..	..	90
Bangladesh	1 968	2 105	2 858	3 192	3 584	4 315	5 428	6 562	8 941
Bhutan	..	..	..	..	..	..	2	3	4
India	12 883	14 273	15 736	20 999	18 750	22 125	28 334	37 217	49 977
Iran (Islamic Republic of)	536	682	851	1 178	1 032	1 032	1 032	1 115	1 115
Maldives	2	2	2	2	3	2	3	8	6
Nepal	111	147	678	771	823	1 212	1 453	1 734	2 727
Pakistan	1 075	1 461	3 554	3 964	3 945	4 280	5 121	5 998	7 039
Sri Lanka	1 154	1 170	1 296	1 423	1 574	1 976	2 167	2 507	2 925
Turkey	4 560	2 786	1 936	729	804	1 368	1 833	2 096	2 439
North and Central Asia	1 015	1 608	1 810	2 113	4 045	6 361	8 852	12 545	16 907
Armenia	182	209	264	336	788	915	1 169	1 644	1 904
Azerbaijan	57	104	163	156	204	623	790	1 268	1 518
Georgia	206	219	226	248	359	446	627	883	1 065
Kazakhstan	68	85	111	42	57	62	84	143	126
Kyrgyzstan	2	5	30	70	179	313	473	704	1 223
Russian Federation	500	986	936	1 114	2 207	3 437	3 820	4 666	5 737
Tajikistan	..	..	79	146	252	564	976	1 514	2 278
Turkmenistan	..	..	..	..	..	..	14	30	50
Uzbekistan	..	..	..	..	..	..	898	1 693	3 007
Pacific	2 180	1 940	2 923	3 775	4 518	2 765	2 942	3 339	3 684
American Samoa	..	..	..	..	..	..	..	..	..
Australia	1 904	1 782	1 769	2 325	2 838	940	1 015	1 342	1 526
Cook Islands	..	..	..	..	..	..	..	..	..
Fiji	43	78	99	124	173	203	205	183	147
French Polynesia	..	..	408	509	598	557	622	689	763
Guam	..	..	..	..	..	..	..	..	..
Kiribati	..	..	..	..	..	..	13	14	14
Marshall Islands	..	..	..	..	..	24	26	25	23
Micronesia (Federated States of)	..	..	..	..	..	..	..	..	..
Nauru	..	..	..	..	..	..	..	..	..
New Caledonia	..	..	333	448	493	512	537	491	544
New Zealand	215	..	233	290	322	352	335	384	421
Niue	..	..	..	..	..	..	..	..	..
Northern Mariana Islands	..	..	..	..	..	..	..	..	..
Palau	..	..	..	..	..	2	2	2	2
Papua New Guinea	..	..	6	7	10	7	4	8	7
Samoa	..	..	..	..	1	82	87	97	109
Solomon Islands	4	5	3	4	9	7	11	13	9
Tonga	..	53	62	59	65	69	78	82	103
Tuvalu	..	4	7	5	5	5	4	6	6
Vanuatu	14	18	4	4	5	5	5	6	9

SOURCE: World Bank staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks (October 2020 update).

NOTES: (..) indicates data not available; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020E
182 794	208 543	241 603	256 777	269 781	282 444	280 688	271 883	290 364	316 270	329 057	303 829
49 791	60 650	70 960	67 853	68 997	73 304	74 414	72 041	75 581	79 796	81 180	72 068
41 600	52 460	61 576	57 987	59 491	62 332	63 938	61 000	63 876	67 414	68 398	59 507
..
348	340	352	367	360	372	387	399	437	425	451	335
1 595	1 684	2 132	2 540	2 364	3 734	3 325	3 830	4 443	4 369	4 374	4 189
48	47	48	47	49	37	40	28	25	23	22	7
200	266	250	324	257	255	261	260	273	441	561	536
6 000	5 854	6 602	6 589	6 475	6 574	6 464	6 524	6 526	7 125	7 374	7 495
38 059	43 120	46 030	50 225	56 191	60 544	63 438	65 738	69 371	74 785	76 879	70 397
..
142	557	611	855	1 003	1 103	1 185	1 200	1 295	1 433	1 525	1 446
6 793	6 916	6 924	7 212	7 614	8 551	9 659	8 907	8 990	11 215	11 666	9 835
38	42	110	203	170	188	189	189	243	239	285	271
1 131	1 103	1 211	1 294	1 423	1 580	1 644	1 604	1 649	1 686	1 659	1 410
54	115	127	275	1 644	1 864	2 005	2 346	2 578	2 840	2 400	2 229
19 960	21 557	23 054	24 610	26 717	28 691	29 799	31 142	32 810	33 809	35 167	33 339
..
3 808	4 433	5 256	5 657	6 585	6 524	5 895	6 270	6 720	7 466	7 077	6 086
113	137	137	120	34	44	62	80	87	96	100	96
6 020	8 260	8 600	10 000	11 000	12 000	13 000	14 000	15 000	16 000	17 000	15 686
77 818	84 997	99 609	111 191	114 065	118 885	120 338	113 193	119 691	134 204	141 968	136 735
141	378	179	219	347	253	349	628	823	804	829	785
10 521	10 850	12 071	14 120	13 867	14 988	15 296	13 574	13 502	15 566	18 363	19 758
5	8	10	18	12	14	20	34	43	58	57	54
49 204	53 480	62 499	68 821	69 970	70 389	68 910	62 744	68 967	78 790	83 332	75 916
1 072	1 181	1 330	1 330	1 330	1 330	1 330	1 330	1 330	1 330	1 330	1 264
5	3	3	3	3	3	4	4	4	4	4	4
2 983	3 464	4 217	4 793	5 584	5 889	6 730	6 612	6 928	8 294	8 250	7 392
8 717	9 690	12 263	14 007	14 629	17 244	19 306	19 819	19 856	21 193	22 245	24 136
3 337	4 123	5 153	6 000	6 422	7 036	7 000	7 262	7 190	7 043	6 749	6 681
1 834	1 819	1 883	1 881	1 901	1 739	1 395	1 186	1 048	1 122	810	745
13 761	15 919	20 264	22 730	25 668	25 399	18 442	16 952	21 362	23 216	24 883	20 717
1 440	1 669	1 799	1 915	2 192	2 079	1 491	1 382	1 539	1 488	1 528	1 143
1 255	1 410	1 893	1 990	1 733	1 846	1 270	643	1 133	1 226	1 275	1 146
1 112	1 184	1 547	1 770	1 945	1 986	1 459	1 521	1 794	2 034	2 258	1 926
198	226	180	283	341	401	294	384	560	618	506	458
982	1 266	1 709	2 031	2 278	2 243	1 688	1 995	2 486	2 689	2 411	1 875
5 105	5 250	6 103	5 788	6 751	7 777	6 903	6 689	8 235	9 287	10 432	8 782
1 566	2 021	2 722	3 222	3 698	3 384	2 259	1 867	2 237	2 183	2 322	2 066
34	35	35	37	40	30	16	9	4	2	1	1
2 071	2 858	4 276	5 693	6 689	5 653	3 062	2 462	3 374	3 689	4 150	3 320
3 365	3 857	4 742	4 778	4 861	4 311	4 056	3 958	4 358	4 269	4 147	3 913
..
1 335	1 864	2 449	2 405	2 389	2 292	2 175	2 057	2 002	1 861	1 754	1 556
..
171	176	161	191	204	221	251	269	274	285	287	273
728	651	722	633	672	660	564	582	582	582	582	581
..
14	16	17	18	17	16	14	16	18	20	20	19
24	22	22	23	25	26	27	28	30	31	31	30
17	18	19	21	22	23	23	23	23	23	23	23
..
509	492	594	715	724	721	613	621	621	621	621	620
331	371	455	462	459	..	..	..	465	453	434	432
..
2	2	2	2	2	2	2	2	2	2	2	2
5	4	12	14	14	10	4	3	4	4	3	2
119	139	160	156	161	139	130	130	136	147	147	141
13	14	17	21	21	16	19	20	16	20	25	24
82	74	84	91	123	119	129	126	159	183	183	176
5	4	5	4	4	..	..	..	..	..	..	..
11	12	22	22	24	64	104	81	26	35	35	34

ANNEX TABLE 10 Remittances sent from countries of the Asia-Pacific region, 2000-2019, millions of \$

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
ESCAP Region	9 860	12 223	19 024	20 710	27 324	31 666	42 460	55 910	69 879	61 866	69 101	79 153	87 198	94 420	96 712	95 934	100 722	107 500	109 535	
East and North-East Asia	7 155	8 082	10 153	10 363	10 657	10 487	14 020	15 422	16 752	14 741	16 654	17 774	17 698	16 370	21 026	36 087	39 165	37 540	39 532	36 222
China	754	936	1 173	1 597	1 998	1 817	2 330	2 493	2 736	2 052	1 455	1 618	1 788	1 714	4 155	20 422	20 286	16 253	16 548	15 135
Democratic People's Republic of Korea	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Hong Kong, China	225	309	299	317	321	348	377	388	393	413	483	554	607	656	711	759	817	875	934	1 007
Japan	2 531	2 345	2 679	1 504	1 212	1 150	3 332	3 639	4 548	3 932	4 366	4 536	4 043	2 872	4 215	4 000	5 067	5 283	6 151	6 813
Macao, China	..	..	123	120	146	233	441	792	1 018	768	637	774	973	1 283	1 630	1 959	2 040	2 057	2 152	2 303
Mongolia	5	6	16	19	49	40	77	90	172	83	169	312	531	441	337	228	171	183	217	233
Republic of Korea	3 640	4 487	5 862	6 806	6 931	6 899	7 463	8 019	7 885	7 492	9 544	9 980	9 756	9 403	9 978	8 720	10 784	12 888	13 531	10 731
South-East Asia	672	700	4 008	3 641	6 413	7 577	7 582	8 667	9 490	13 301	14 890	16 014	16 080	17 225	19 168	20 132	20 538	20 004	22 116	26 338
Brunei Darussalam	..	..	89	97	354	376	405	430	420	445	..	..	..	..	..	..	..	..	..
Cambodia	60	52	70	56	56	128	120	118	171	159	163	192	265	297	360	314	357	324	310	279
Indonesia	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Lao People's Democratic Republic	..	..	..	..	..	1	1	1	5	6	9	22	19	76	70	69	54	43	39	103
Malaysia	599	634	3 826	3 464	5 064	5 679	5 597	6 388	6 786	6 529	8 628	9 422	8 958	8 982	10 192	10 483	10 105	9 394	10 916	11 377
Myanmar	14	14	23	23	24	19	31	..	..	..	..	..	..	..	..	..	..	..	..
Philippines	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Singapore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Thailand	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Timor-Leste	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Viet Nam	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
South and South-West Asia	570	1 020	1 483	1 583	2 025	1 850	2 204	2 746	4 827	4 358	5 644	5 792	8 801	8 807	8 859	7 333	8 348	9 838	10 338	11 430
Afghanistan	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bangladesh	4	4	6	7	8	6	3	3	14	8	9	12	12	20	33	32	41	47	57	84
Bhutan	..	..	..	..	..	..	..	..	75	61	48	71	92	74	58	55	53	53	58	69
India	486	751	1 187	1 265	1 653	1 348	1 562	2 059	3 812	2 890	3 829	4 078	4 963	6 432	6 222	4 883	5 623	6 959	6 782	7 532
Iran (Islamic Republic of)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Maldives	46	50	51	55	62	70	84	189	219	190	189	240	260	266	301	348	376	475	532	594
Nepal	17	24	34	26	64	66	79	4	5	12	32	39	50	28	9	9	20	33	49	60
Pakistan	2	3	2	5	10	3	3	2	0	8	9	28	34	16	16	30	64	120	130	124
Sri Lanka	14	188	204	224	230	249	274	305	373	420	526	581	680	854	887	896	895	944	962	1 091
Turkey	..	..	..	..	..	..	..	108	124	124	126	157	190	268	404	689	815	850	1 108	1 533

	North and Central Asia	369	1 311	1 918	3 177	5 938	9 316	15 716	25 016	34 294	25 148	26 047	31 506	38 104	43 579	39 513	25 301	20 464	25 260	27 117	27 070
Armenia	4	18	23	26	184	207	182	239	224	180	227	300	315	355	391	364	358	367	341	363	
Azerbaijan	101	142	188	131	172	239	274	405	567	638	954	1280	2073	1903	2031	1293	740	603	580	622	
Georgia	21	20	19	22	24	27	32	32	51	34	55	77	87	88	86	96	100	122	151	170	
Kazakhstan	..	203	365	651	1219	1893	2958	4 212	3 462	2 934	3 006	3 409	3 432	3 386	3 457	3 181	2 396	2 691	2 680	2 660	
Kyrgyzstan	11	13	14	18	30	53	68	90	101	107	168	228	286	390	454	363	378	476	560	574	
Russian Federation	232	915	1 296	2 264	4 190	6 827	12 104	19 881	29 719	21 148	21 454	26 010	31 648	37 217	32 640	19 689	16 244	20 610	22 308	22 217	
Tajikistan	..	..	13	64	119	68	101	158	171	106	184	201	263	240	304	165	87	216	252	190
Turkmenistan	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Uzbekistan	150	150	159	174	274
Pacific	1 093	1 109	1 463	1 947	2 292	2 437	2 938	4 059	4 517	4 319	5 865	8 067	8 516	8 440	8 145	7 220	7 419	8 030	8 397	8 476	
American Samoa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Australia	869	855	991	1 381	1 609	1 531	2 051	2 981	3 366	3 224	4 655	6 598	7 084	6 966	6 767	6 038	6 179	6 793	7 268	7 440	
Cook Islands	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Fiji	2	4	4	4	16	8	10	9	13	7	10	11	8	8	8	11	10	13	15	16	
French Polynesia	..	..	61	51	46	47	51	56	70	64	71	56	58	46	47	17	10	23	..	..
Guam	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kiribati	..	..	..	..	..	..	..	..	1	1	1	1	1	1	1	1	1	1	1	..
Marshall Islands	..	..	..	..	..	4	4	4	4	4	4	4	8	9	9	23	24	24	18	24
Micronesia (Federated States of)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nauru	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
New Caledonia	..	..	19	21	21	28	50	56	68	92	83	87	68	61	48	29	60	..	..	..
New Zealand	187	216	311	382	457	647	552	623	624	524	534	636	669	717	777	729	791	853	886	912	
Niue	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Northern Mariana Islands	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Palau	..	..	..	..	..	..	12	11	11	10	9	9	10	10	10	10	17	18	21	..
Papua New Guinea	11	11	57	91	117	128	159	284	321	316	395	551	511	515	406	281	198	268	92	..	
Samoa	..	..	..	..	..	11	16	21	10	9	8	9	12	9	18	12	16	18	19	17
Solomon Islands	6	2	1	2	2	2	11	12	14	39	62	67	47	45	46	56	69	55	63	83	
Tonga	..	6	15	13	10	11	14	9	13	9	8	6	5	7	6	14	26	27	21	29	
Tuvalu	..	..	..	..	..	..	1	1	1	1	2	2	3	2	2	..	..	..	..	..
Vanuatu	17	16	2	3	3	3	3	3	3	3	3	4	2	2	4	3	5	5	10	..	

SOURCE: World Bank staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks (October 2020 update).
 NOTES: “..” indicates data not available; On 1 July 1997, Hong Kong became a Special Administrative Region of China; For statistical purposes, the data for China do not include Hong Kong and Macao.

ANNEX TABLE 11 Key United Nations and International Labour Organization Conventions related to international migration

ESCAP Region	CONVENTION RELATING TO THE STATUS OF REFUGEES ¹			INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES			PROTOCOL RELATING TO THE STATUS OF REFUGEES ²			CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME ³			PROTOCOL AGAINST SMUGGLING OF MIGRANTS BY LAND, SEA, AND AIR, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME ⁴			CONVENTION ON THE STATUS OF STATELESS PERSONS ⁵		
	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	
East and North-East Asia																		
China	24 Sep 1982 a				24 Sep 1982 a	12 Dec 2000	23 Sep 2003								08 Feb 2010 a			
Democratic People's Republic of Korea								17 Jun 2016 a										
Japan	03 Oct 1981 a				01 Jan 1982 a	12 Dec 2000	11 Jul 2017 a	09 Dec 2002	11 Jul 2017 a	09 Dec 2002	11 Jul 2017 a							
Mongolia								27 Jun 2008 a			27 Jun 2008 a				27 Jun 2008 a			
Republic of Korea	03 Dec 1992 a		03 Dec 1992 a	13 Dec 2000	05 Nov 2015	13 Dec 2000	05 Nov 2015	13 Dec 2000	05 Nov 2015	13 Dec 2000	05 Nov 2015	22 Aug 1962 a						
South-East Asia																		
Brunei Darussalam								25 Mar 2008 a							30 Mar 2020 a			
Cambodia	15 Oct 1992 a	27 Sep 2004	22 Sep 2004	31 May 2012	15 Oct 1992 a	11 Nov 2001	12 Dec 2005	11 Nov 2001	12 Dec 2005	11 Nov 2001	12 Dec 2005	02 Jul 2007						
Indonesia						12 Dec 2000	20 Apr 2009	12 Dec 2000	28 Sep 2009	12 Dec 2000	28 Sep 2009	28 Sep 2009						
Lao People's Democratic Republic							26 Sep 2003 a					26 Sep 2003 a						
Malaysia							26 Sep 2002	24 Sep 2004						26 Feb 2009 a				
Myanmar								30 Mar 2004 a						30 Mar 2004 a				
Philippines	22 Jul 1981 a	15 Nov 1993	05 July 1995	22 Jul 1981 a	14 Dec 2000	28 May 2002	14 Dec 2000	28 May 2002	14 Dec 2000	28 May 2002	14 Dec 2000	28 May 2002	22 Jun 1955	22 Sep 2011				
Singapore						13 Dec 2000	28 Aug 2007							28 Sep 2015 a				
Thailand						13 Dec 2000	17 Oct 2013	18 Dec 2001	18 Dec 2001	18 Dec 2001	18 Dec 2001	17 Oct 2013						
Timor-Leste	07 May 2003 a		30 Jan 2004 a	07 May 2003 a	07 May 2003 a	13 Dec 2000	09 Nov 2009 a		09 Nov 2009 a		09 Nov 2009 a	09 Nov 2009 a						
Vietnam							08 Jun 2012					08 Jun 2012 a						
South and South-West Asia																		
Afghanistan	30 Aug 2005 a	07 Oct 1998	24 Aug 2011		30 Aug 2005 a	14 Dec 2000	24 Sep 2003			02 Feb 2017 a				15 Aug 2014 a				
Bangladesh								13 Jul 2011 a						12 Sep 2019 a				
Bhutan														30 Mar 2020 a				
India								12 Dec 2002	05 May 2011	12 Dec 2002	05 May 2011	12 Dec 2002	05 May 2011					
Iran (Islamic Republic of)	28 Jul 1976 a	22 Sep 2004			28 Jul 1976 a			12 Dec 2002						04 Feb 2013 a				
Maldives										12 Dec 2002	23 Dec 2011				14 Sep 2016 a			
Nepal											14 Dec 2000	13 Jan 2010			16 Jun 2020 a			
Pakistan											13 Dec 2000	22 Sep 2006	13 Dec 2000	13 Dec 2000	15 Jun 2015			
Sri Lanka	24 Aug 1951	30 Mar 1962	13 Jan 1999	27 Sep 2004	31 Jul 1968 a	13 Dec 2000	25 Mar 2003	13 Dec 2000	25 Mar 2003	13 Dec 2000	25 Mar 2003	26 Mar 2015 a						

CONVENTION RELATING TO THE STATUS OF REFUGEES ¹		INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES ²		PROTOCOL RELATING TO THE STATUS OF REFUGEES ³		CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME ⁴		PROTOCOL AGAINST SMUGGLING OF MIGRANTS BY LAND, SEA, AND AIR, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME ⁵		CONVENTION ON THE REDUCTION OF STATELESSNESS ⁶		CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS ⁵	
SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS
North and Central Asia													
Armenia	06 Jul 1993 a	26 Sep 2013	06 Jul 1993 a	15 Nov 2001	01 Jul 2003	15 Nov 2001	01 Jul 2003	15 Nov 2001	01 Jul 2003	18 May 1994 a	18 May 1994 a		
Azerbaijan	12 Feb 1993 a	11 Jan 1999 a	12 Feb 1993 a	09 Aug 1999 a	13 Dec 2000	30 Oct 2003	12 Dec 2000	30 Oct 2003	12 Dec 2000	16 Aug 1996 a	16 Aug 1996 a		
Georgia	09 Aug 1999 a							05 Sep 2006	13 Dec 2000	05 Sep 2006	23 Dec 2011 a	01 Jul 2014 a	
Kazakhstan	15 Jan 1999 a			15 Jan 1999 a	13 Dec 2000	31 Jul 2008				31 Jul 2008 a			
Kyrgyzstan	08 Oct 1996 a			29 Sep 2003 a	08 Oct 1996 a	13 Dec 2000	02 Oct 2003	13 Dec 2000	02 Oct 2003	02 Oct 2003			
Russian Federation	02 Feb 1993 a				02 Feb 1993 a	12 Dec 2000	26 May 2004	12 Dec 2000	26 May 2004	26 May 2004			
Tajikistan	07 Dec 1993 a			08 Jan 2002	07 Dec 1993 a	12 Dec 2000	08 Jul 2002 a		08 Jul 2002 a	07 Dec 2011 a	29 Aug 2012 a		
Turkmenistan	02 Mar 1998 a				02 Mar 1998 a	28 Mar 2005 a		28 Mar 2005 a		28 Mar 2005 a			
Uzbekistan					13 Dec 2000	09 Dec 2003	28 Jun 2001		28 Jun 2001	12 Aug 2008			
Pacific													
American Samoa													
Australia	22 Jan 1954 a			13 Dec 1973 a	13 Dec 2000	27 May 2004	21 Dec 2001	27 May 2004	11 Dec 2002	14 Sep 2005	13 Dec 1973 a	13 Dec 1973 a	
Cook Islands						4 Mar 2004 a							
Fiji	12 Jun 1972 d			19 Aug 2019 a	12 Jun 1972 d			19 Sep 2017 a		09 Sep 2017 a		12 Jun 1972 d	
French Polynesia													
Guam													
Kiribati													
Marshall Islands													
Micronesia (Federated States of)													
Nauru	28 Jun 2011 a			28 Jun 2011 a	12 Nov 2001								
New Caledonia													
New Zealand	30 Jun 1960 a				06 Aug 1973 a	14 Dec 2000	19 Jul 2002	14 Dec 2000	19 Jul 2002	14 Dec 2000	19 Jul 2002	20 Sep 2006 a	
Niue													
Northern Mariana Islands													
Palau		20 Sep 2011											
Papua New Guinea	17 Jul 1986 a					13 May 2019 a				27 May 2019 a		27 May 2019 a	
Samoa	21 Sep 1988 a					17 Jul 1986 a							
Solomon Islands	28 Feb 1995 a					29 Nov 1994 a				17 Dec 2014 a			
Tonga						12 Apr 1995 a				03 Oct 2014 a			
Tuvalu	07 Mar 1986 d					07 Mar 1986 d				04 Jan 2006 a			
Vanuatu													

SOURCE: United Nations Treaty Collections. Status of Treaties, available at https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en (accessed 15 October 2020).

NOTE: a: Accession; A: Acceptance; d: Succession.

1,2 Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention with the reservation made by China would also apply to the Macao Special Administrative Region.

3 The Ministry of Foreign Affairs of China is designated as the communication authority for cooperation on extradition for the purpose of Article 16 of the Convention. The Hong Kong Special Administrative Region are designated as the competent authorities for cooperation on surrender of fugitive offenders for the purpose of Article 16 of the Convention.

4 The Government of China decides that the Protocol shall not apply to the Hong Kong Special Administrative Region but shall apply to the Macao Special Administrative Region.

5 Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention would also apply to the Hong Kong Special Administrative Region.

6 The Convention applied to Hong Kong when it was a dependent territory of the United Kingdom.

ANNEX TABLE 11 *continued*

ILO Conventions

ESCAP Region	COUNTRY	CONVENTION AND PROTECTION OF THE MIGRATION FOR EMPLOYMENT (NO. 87)	ASSOCIATION OF THE PROTECTION AND FREEDOM OF THE MIGRATION (NO. 84)	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (NO. 98)	ABOLITION OF FORCED LABOUR CONVENTION, 1957 (NO. 105)	THE PROTOCOL OF 2014 TO THE FORCED LABOUR CONVENTION, 1957 (NO. 29)	FORCED LABOUR CONVENTION, 1930 (NO. 100)	DISCRIMINATION AND OCCUPATION CONVENTION, 1958 (NO. III)	MINIMUM AGE CONVENTION, 1973 (NO. 138)	WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (NO. 182)	EQUALITY OF TREATMENT IN SOCIETY CONVENTION, 1962 (NO. 118)	DOMESTIC WORKERS CONVENTION, 2011 (NO. 189)	PRIVATE EMPLOYMENT AGENT CONVENTION, 1997 (NO. 181)
East and North-East Asia													
China													
Democratic People's Republic of Korea													
Hong Kong, China	01 Jul 1997	01 Jul 1997	01 Jul 1997	01 Jul 1997	20 Oct 1953	24 Aug 1967	28 Apr 1999	05 Jun 2000	18 Jun 2001	08 Oct 1998	01 Jul 1997	28 Jul 1999	27 Apr 1934
Japan	14 Jun 1965	20 Dec 1999	20 Dec 1999	20 Dec 1999	15 Mar 2005	03 Jun 1969	03 Jun 1969	03 Jun 1969	03 Jun 1969	08 Aug 2002	20 Dec 1999	20 Dec 1999	28 Jul 1999
Macao, China													
Mongolia													
Republic of Korea	03 Jun 1969												
South-East Asia													
Brunei Darussalam													
Cambodia	23 Aug 1999	24 Feb 1969	23 Aug 1999	23 Aug 1999	07 Jun 1999	11 Aug 1958	23 Aug 1999	07 Jun 1999	07 Jun 1999	23 Aug 1999	07 Jun 1999	14 Mar 2006	12 Jun 1950
Indonesia	09 Jun 1998	12 Jun 1950	15 Jul 1957		13 Jun 2008	13 Jun 2008	13 Jun 2008	13 Jun 2005	13 Jun 2005	28 Mar 2000	28 Mar 2000	28 Mar 2000	12 Jun 1950
Lao People's Democratic Republic		23 Jan 1964											
Malaysia		11 Nov 1957											
Malaysia - Peninsular													
Malaysia - Sabah		03 Mar 1964											
Malaysia - Sarawak													
Myanmar	04 Mar 1955	04 Mar 1955	17 Nov 1960	29 Dec 1953	25 Oct 1965	30 May 2002	17 Nov 1960	04 Jun 1998	04 Jun 1998	28 Nov 2000	07 Nov 2005	14 Jun 2001	03 Mar 1964
Philippines	29 Dec 1953	21 Apr 2009	14 Sep 2006	15 Jul 2005	26 Feb 1969	04 Feb 1999	08 Feb 1999	13 Jun 2007	11 May 2004	16 Feb 2001	16 Jun 2009	16 Jun 2009	30 Sep 1927
Singapore													
Thailand													
Timor-Leste	16 Jun 2009												
Viet Nam													
South and South-West Asia													
Afghanistan													
Bangladesh	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972	22 Jun 1972
Bhutan													
India													
Iran (Islamic Republic of)													
Maldives	04 Jan 2013	04 Jan 2013	04 Jan 2013	04 Jan 2013	03 Jan 2002	30 Aug 2007	11 Nov 1996	10 Jun 1976	19 Sep 1974	04 Jan 2013	04 Jan 2013	04 Jan 2013	04 Jan 2013
Nepal	14 Feb 1951	23 Dec 1957	15 Feb 1960	26 May 1952	11 Oct 2001	24 Jan 1961	06 Jul 2006	06 Jul 2006	06 Jul 2006	11 Oct 2001	27 Mar 1969	30 Sep 1927	30 Sep 1927
Pakistan	15 Sep 1995	05 Apr 1950	10 Apr 2019	07 Jan 2003	13 Dec 1972	01 Apr 1993	27 Nov 1998	11 Feb 2000	01 Mar 2001	01 Mar 2001	25 Jun 1974	25 Jun 1974	25 Jun 1974
Sri Lanka													
Turkey	12 Jul 1993	30 Oct 1998											

COUNTRY	North and Central Asia		Pacific			
	CONVENTION FOR MIGRATION FOR THE PROTECTION OF THE RIGHTS TO ORGANISE (No. 87)	ASSOCIATION AND PROJECTS OF THE RIGHTS TO ORGANISE CONVENTION, 1948 (No. 87)	FORCED LABOUR CONVENTION, 1930 (No. 29)	PROTOCOL OF 2014 TO THE FORCED LABOUR CONVENTION, 1930 (No. 29)	RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98)	DISCRIMINATION IN EMPLOYMENT AND OCCUPATION CONVENTION, 1958, AND III EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (No. 118)
Armenia	02 Jan 2006	27 Jan 2006	17 Dec 2004	12 Nov 2003	29 Jul 1994	29 Jul 1994
Azerbaijan	19 May 1992		19 May 1992	09 Aug 2000	19 May 1992	19 May 1992
Georgia	03 Aug 1999		22 Jun 1993	23 Sep 1996	22 Jun 1993	23 Sep 1996
Kazakhstan	13 Dec 2000		18 May 2001	18 May 2001	18 May 2001	18 May 2001
Kyrgyzstan	31 Mar 1992	10 Sep 2008	31 Mar 1992	06 Oct 2020	18 Feb 1999	31 Mar 1992
Russian Federation	10 Aug 1956		23 Jun 1956	17 Jan 2019	02 Jul 1998	10 Aug 1956
Tajikistan	26 Nov 1993	10 Apr 2007	26 Nov 1993	24 Jan 2020	23 Sep 1999	26 Nov 1993
Turkmenistan	15 May 1997		15 May 1997	15 May 1997	15 May 1997	15 May 1997
Uzbekistan	12 Dec 2016		13 Jul 1992	16 Sep 2019	15 Dec 1997	13 Jul 1992
American Samoa						
Australia	28 Feb 1973		02 Jan 1932	07 Jun 1960	28 Feb 1973	10 Dec 1974
Cook Islands			12 Jun 2015	12 Jun 2015		
Fiji	17 Apr 2002		19 Apr 1974	19 Apr 1974	19 Apr 1974	
French Polynesia						
Guam						
Kiribati	03 Feb 2000		03 Feb 2000	03 Feb 2000	03 Feb 2000	
Marshall Islands						
Micronesia (Federated States of)						
Nauru						
New Caledonia						
New Zealand	10 Nov 1950		29 Mar 1938	13 Dec 2019	14 Jun 1968	09 Jun 2003
Niue						
Northern Mariana Islands						
Palau						
Papua New Guinea	02 Jun 2000		01 May 1976	01 May 1976	02 Jun 2000	02 Jun 2000
Samoa	30 Jun 2008		30 Jun 2008	30 Jun 2008	30 Jun 2008	29 Oct 2008
Solomon Islands	13 Apr 2012		06 Aug 1985	13 Apr 2012	13 Apr 2012	22 Apr 2013
Tonga						
Tuvalu						
Vanuatu	28 Aug 2006		28 Aug 2006	28 Aug 2006	28 Jul 2006	24 Jun 2019

SOURCE: International Labour Organization, Information System on International Labour Standards (NORMLEX) (accessed 26 October 2020).

NOTES: Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) will enter into force on 6 Oct 2021 for Kyrgyzstan; Minimum Age Convention, 1973 (No. 138) will enter into force on 8 June 2021 for Myanmar; On 1 July 1997, Hong Kong became a Special Administrative Region of China; On 20 December 1999, Macao became a Special Administrative Region of China.

ANNEX TABLE 12 United Nations Universal Human Rights Instruments

COUNTRY	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS		INTERNATIONAL COVENANT ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)		CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)		CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT		CONVENTION ON THE RIGHTS OF THE CHILD (CRC)		CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES		SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE	SIGNED	STATUS		
	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	
ESCAP Region																											
China	27 Oct 1997	27 Mar 2001	05 Oct 1998		29 Dec 1981 a	17 Jul 1980	04 Nov 1980	12 Dec 1986	04 Oct 1988	29 Aug 1990	02 Mar 1992	30 Mar 2007	01 Aug 2008														
Democratic People's Republic of Korea	14 Sep 1981 a		14 Sep 1981 a						27 Feb 2001 a			23 Aug 1990	21 Sep 1990	03 Jul 2013	06 Dec 2016												
Japan	30 May 1978	21 Jun 1979	30 May 1978	21 Jun 1979	15 Dec 1995 a	17 Jul 1980	25 Jun 1985			29 Jun 1999 a	21 Sep 1990	22 Apr 1994	28 Sep 2007	20 Jan 2014	06 Feb 2007	23 Jul 2009											
Mongolia	05 Jun 1968	18 Nov 1974	05 Jun 1968	18 Nov 1974	03 May 1966	06 Aug 1969	17 Jul 1980	20 Jul 1981		24 Jan 2002 a	26 Jan 1990	05 Jul 1990		13 May 2009 a	06 Feb 2007	12 Feb 2015											
Republic of Korea	10 Apr 1990 a		10 Apr 1990 a		08 Aug 1978	05 Dec 1978	25 May 1983	27 Dec 1984		09 Jan 1995 a	25 Sep 1990	20 Nov 1991	30 Mar 2007	11 Dec 2008													
South-East Asia																											
Brunei Darussalam										24 May 2006 a	22 Sep 2015																
Cambodia	17 Oct 1980	26 May 1992 a	17 Oct 1980	26 May 1992 a	12 Apr 1966	28 Nov 1983	17 Oct 1980	15 Oct 1992 a		15 Oct 1992 a		15 Oct 1992 a	01 Oct 2007	20 Dec 2012		27 Jun 2013 a											
Indonesia		23 Feb 2006 a		23 Feb 2006 a	23 Feb 2006 a	25 Jun 1999 a	29 Jul 1980	13 Sep 1984		23 Oct 1985	28 Oct 1998	26 Jan 1990	05 Sep 1990	30 Mar 2007	30 Nov 2011	27 Sep 2010											
Lao People's Democratic Republic	07 Dec 2000	13 Feb 2007	07 Dec 2000	25 Sep 2009	22 Feb 1974 a	17 Jul 1980	14 Aug 1981		21 Sep 2010	26 Sep 2012				08 May 1991 a	15 Jan 2008	25 Sep 2009	29 Sep 2008										
Malaysia										05 Jul 1995 a																	
Myanmar	16 Jul 2015	06 Oct 2017	19 Dec 1966	07 Jun 1974	19 Dec 1966	23 Oct 1986	07 Mar 1966	15 Sep 1967	15 Jul 1980	5 Aug 1981		18 Jun 1986 a	26 Jan 1990	21 Aug 1990	25 Sep 2007	15 Apr 2008											
Philippines										19 Oct 2015	27 Nov 2017	05 Oct 1995 a															
Singapore										29 Oct 1996 a	28 Jan 2003 a	09 Aug 1985 a															
Thailand		05 Sep 1999 a								18 Sep 2003 a	16 Apr 2003 a	16 Apr 2003 a															
Timor-Leste		16 Apr 2003 a								24 Sep 1982 a	09 Jun 1982 a	17 Feb 1982	07 Nov 2013	05 Feb 2015													
Viet Nam		24 Sep 1982 a																									
South and South-West Asia																											
Afghanistan	24 Jan 1983 a		24 Jan 1983 a				06 Jul 1983 a	14 Aug 1980	05 Mar 2003	4 Feb 1985	01 Apr 1987	27 Sep 1990	28 Mar 1994		18 Sep 2012 a												
Bangladesh	05 Oct 1998 a				06 Sep 2000 a		11 Jun 1979 a			06 Nov 1984 a		05 Oct 1998 a	26 Jan 1990	03 Aug 1990	09 May 2007	30 Nov 2007											
Bhutan										26 Mar 1973																	
India	10 Apr 1979 a		10 Apr 1979 a		10 Apr 1979 a	02 Mar 1967	03 Dec 1968	30 Jul 1980	09 Jul 1993	14 Oct 1997				11 Dec 1992 a	30 Mar 2007	01 Oct 2007	06 Feb 2007										
Iran (Islamic Republic of)	04 Apr 1968	24 Jun 1975	04 Jun 1975	08 Mar 1967	29 Aug 1968							05 Sep 1991	13 Jul 1994														
Maldives	19 Sep 2006 a				24 Apr 1984 a		01 Jul 1993 a			22 Apr 1991		20 Apr 2004 a	21 Aug 1990	11 Feb 1991	02 Oct 2007	05 Apr 2010	06 Feb 2007										
Nepal	14 May 1991 a				14 May 1991 a	14 May 1991 a	30 Jan 1971 a	5 Feb 1991				14 May 1991 a	26 Jan 1990	14 Sep 1990	03 Jan 2008	07 May 2010											
Pakistan	03 Nov 2004	17 Apr 2008	23 Jun 2010	19 Sep 1966	21 Sep 1966	12 Mar 1996 a	17 Apr 2008	23 Jun 2010	20 Sep 1990	12 Nov 1990																	
Sri Lanka	11 Jun 1980 a		11 Jun 1980 a		18 Feb 1982 a	17 Jul 1980	05 Oct 1981			03 Jan 1994 a	26 Jan 1990	12 Jul 1991	30 Mar 2007	08 Feb 2016	10 Dec 2015	25 May 2016											
Turkey	15 Aug 2000	23 Sep 2003	15 Aug 2000	23 Sep 2003	13 Oct 1972	16 Sep 2002	25 Jan 1988	02 Aug 1988	14 Sep 1995	04 Apr 1995	14 Sep 1995	04 Apr 1995	14 Sep 1995	04 Apr 1995	14 Sep 2009												

COUNTRY	INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS		INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS		CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)		CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)		CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT		CONVENTION ON THE RIGHTS OF THE CHILD (CRC)		CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES	
	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS	SIGNED	STATUS
North and Central Asia														
Armenia	13 Sep 1993 a		23 Jun 1993 a		23 Jun 1993 a		13 Sep 1993 a		13 Sep 1993 a		23 Jun 1993 a		30 Mar 2007	22 Sep 2010
Azerbaijan	13 Aug 1992 a		13 Aug 1992 a		16 Aug 1996 a		10 Jul 1995 a		16 Aug 1996 a		13 Aug 1992 a		09 Jan 2008	28 Jan 2009
Georgia	03 May 1994 a		03 May 1994 a		02 Jun 1999 a		26 Oct 1994 a		26 Oct 1994 a		02 Jun 1994 a		10 Jul 2009	13 Mar 2014
Kazakhstan	02 Dec 2003		24 Jan 2006		24 Jan 2006		26 Aug 1998 a		26 Aug 1998 a		16 Feb 1994		12 Aug 1994	21 Dec 2008
Kyrgyzstan	07 Oct 1994 a		07 Oct 1994 a		05 Sep 1997 a		10 Feb 1997 a		05 Sep 1997 a		07 Oct 1994 a		21 Sep 2011	16 May 2019
Russian Federation	18 Mar 1968		18 Mar 1968		07 Mar 1966		04 Feb 1969		17 Jul 1980		23 Jan 1981		10 Dec 1985	03 Mar 1987
Tajikistan	04 Jan 1999 a		04 Jan 1999 a		11 Jan 1995 a		26 Oct 1993 a		11 Jan 1995 a		25 Jun 1999 a		26 Oct 1993 a	22 Mar 2018
Turkmenistan	01 May 1997 a		01 May 1997 a		29 Sep 1994 a		01 May 1997 a		28 Sep 1995 a		19 Jul 1995 a		28 Sep 1995 a	04 Sep 2008 a
Uzbekistan	28 Sep 1995 a		28 Sep 1995 a		28 Sep 1995 a		28 Sep 1995 a		28 Sep 1995 a		29 Jun 1994 a		27 Feb 2009	
Pacific														
American Samoa														
Australia	18 Dec 1972		10 Dec 1975		18 Dec 1972		13 Aug 1980		13 Oct 1966		30 Sep 1975		17 Jul 1983	
Cook Islands														
Fiji			16 Aug 2018 a				11 Jan 1973 d				11 Aug 2006 a		11 Aug 1995 a	
French Polynesia														
Guam														
Kiribati														
Marshall Islands			12 Mar 2018 a		12 Mar 2018 a		11 Apr 2019 a		02 Mar 2006 a		12 Mar 2018 a		14 Apr 1993	
Micronesia (Federated States of)									01 Sep 2004 a				05 May 1993 a	23 Sep 2011
Nauru							12 Nov 2001				23 Jun 2011 a		12 Nov 2001	26 Sep 2012
New Caledonia														
New Zealand	12 Nov 1968		28 Dec 1978		12 Nov 1968		28 Dec 1978		25 Oct 1966		22 Nov 1972		17 Jul 1980	
Niue														
Northern Mariana Islands														
Palau	20 Sep 2011		20 Sep 2011		20 Sep 2011		20 Sep 2011		20 Sep 2011		20 Sep 2011		04 Aug 1995 a	20 Sep 2011
Papua New Guinea	21 Jul 2008 a		21 Jul 2008 a		27 Jan 1982 a		12 Jan 1995 a		25 Sep 1992 a		30 Sep 1990		02 Mar 1993	26 Sep 2013
Samoa			15 Feb 2008 a								28 Mar 2019 a		29 Nov 1994	02 Dec 2016
Solomon Islands	17 Mar 1982 d								06 May 2002 a				10 Apr 1995 a	23 Sep 2008
Tonga									16 Feb 1972 a				06 Nov 1995 a	15 Nov 2007
Tuvalu									06 Oct 1999 a				22 Sep 1995 a	18 Dec 2013 a
Vanuatu									08 Sep 1995 a		12 Jul 2011 a		30 Sep 1990	07 Jul 1993
														23 Oct 2008
														06 Feb 2007

SOURCE: United Nations, Office of Legal Affairs, Multilateral Treaties Deposited with the Secretary-General, available at https://treaties.un.org/pages/ParticipationStatus.aspx?clang=_en (accessed 6 October 2020).

NOTES: a: Accession; d: Succession; d: Succession; All conventions signed by China also apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region.

ANNEX TABLE 13 Global Compact for Safe, Orderly and Regular Migration voting record, as of 19 December 2018

COUNTRY	VOTING RESULT
China	Yes
Japan	Yes
Mongolia	Yes
Republic of Korea	Yes
Cambodia	Yes
Indonesia	Yes
Lao People's Democratic Republic	Yes
Malaysia	Yes
Myanmar	Yes
Philippines	Yes
Singapore	Abstain
Thailand	Yes
Viet Nam	Yes
Bangladesh	Yes
Bhutan	Yes
India	Yes
Iran (Islamic Republic of)	Yes
Maldives	Yes
Nepal	Yes
Pakistan	Yes
Sri Lanka	Yes
Turkey	Yes
Armenia	Yes
Azerbaijan	Yes
Georgia	Yes
Kazakhstan	Yes
Russian Federation	Yes
Tajikistan	Yes
Uzbekistan	Yes
Australia	Abstain
Fiji	Yes
Marshall Islands	Yes
Nauru	Yes
New Zealand	Yes
Palau	Yes
Papua New Guinea	Yes
Samoa	Yes
Solomon Islands	Yes
Tuvalu	Yes

SOURCE: General Assembly, seventy-third session, 60th Plenary meeting, available at <https://undocs.org/en/JOURNAL%20NO.2018/245> (accessed 12 November 2020).

ANNEX TABLE 14 Countries with reference to migrants/migration in voluntary national reports (VNRs), as of 26 October 2020

COUNTRY	2016	2017	2018	2019	2020	2021	NUMBER OF TOTAL VNR PRESENTATIONS AS OF OCTOBER 2020
East and North-East Asia							
China	✓	✓	1
Democratic People's Republic of Korea	✓	0
Hong Kong, China	—	0
Japan	..	✓	✓	1
Macao, China	—	0
Mongolia	✓	..	—	1
Republic of Korea	✓	—	1
South-East Asia							
Brunei Darussalam	✓	—	1
Cambodia	✓	..	—	1
Indonesia	..	✗	..	✓	..	✓	2
Lao People's Democratic Republic	✓	✓	1
Malaysia	..	✓	✓	1
Myanmar	✓	0
Philippines	✓	✓	..	—	2
Singapore	✗	—	1
Thailand	..	✓	✓	1
Timor-Leste	✓	..	—	1
Viet Nam	✓	—	1
South and South-West Asia							
Afghanistan	..	✓	—	1
Bangladesh	..	✓	✓	—	2
Bhutan	✗	✓	1
India	..	✗	✓	—	2
Iran (Islamic Republic of)	—	0
Maldives	..	✓	—	1
Nepal	..	✗	✓	—	2
Pakistan	✗	..	✓	1
Sri Lanka	✓	—	1
Turkey	✓	✓	..	—	2
North and Central Asia							
Armenia	✓	..	✓	—	2
Azerbaijan	..	✓	..	✓	..	✓	2
Georgia	✓	✓	—	2
Kazakhstan	✓	..	—	1
Kyrgyzstan	✓	—	1
Russian Federation	✓	—	1
Tajikistan	..	✗	—	1
Turkmenistan	✓	..	—	1
Uzbekistan	✗	—	1
Pacific							
American Samoa	—	0
Australia	✓	—	1
Cook Islands	—	0
Fiji	✓	..	—	1
French Polynesia	—	0
Guam	—	0
Kiribati	✓	—	1
Marshall Islands	✓	0
Micronesia (Federated States of)	✓	—	1
Nauru	✓	..	—	1
New Caledonia	—	0
New Zealand	✓	..	—	1
Niue	—	0
Northern Mariana Islands	—	0
Palau	✓	..	—	1
Papua New Guinea	✓	—	1
Samoa	N/A	..	..	..	✓	—	2
Solomon Islands	✓	—	1
Tonga	✗	..	—	1
Tuvalu	—	0
Vanuatu	✗	..	—	1

SOURCES: Voluntary National Reviews Database, available at <https://sustainabledevelopment.un.org/vnrs/> (accessed 9 October 2020); UNDESA, 2016 Voluntary National Reviews Synthesis Report, available at https://sustainabledevelopment.un.org/content/documents/127761701030E_2016_VNR_Synthesis_Report_ver3.pdf (accessed 12 October 2020); UNDESA, 2018 Voluntary National Reviews Synthesis Report, available at https://sustainabledevelopment.un.org/content/documents/210732018_VNRS_Synthesis_compilation_1118_F5_BB_Format_FINAL_cover.pdf (accessed 13 October 2020); UNDESA, 2019 Voluntary National Reviews Synthesis Report, available at https://sustainabledevelopment.un.org/content/documents/252302019_VNR_Synthesis_Report_DESA.pdf (accessed 13 October 2020).

NOTES:

✓	Country presented a VNR and made reference to migrants/migration.
✗	Country presented a VNR but did not make any reference to migrants/migration.
N/A	Presented a VNR but report not available.
..	Country did not present a VNR for the respective year.
✓	Country to be presenting a VNR report in 2021.
(—)	Country not presenting a VNR report in 2021.

ANNEX TABLE 15 Key migration-relevant SDG indicators, including tier classification, as of 17 July 2020¹

GOAL	INDICATOR	TIER CLASSIFICATION
GOAL 3: ENSURE HEALTHY LIVES AND PROMOTE WELL-BEING FOR ALL AT ALL AGES		
3.c Substantially increase health financing and the recruitment, development, training, and retention of the health workforce in developing countries, especially in least developed countries and small island developing States	3.c.1 Health worker density and distribution	Tier I
GOAL 4. ENSURE INCLUSIVE AND EQUITABLE QUALITY EDUCATION AND PROMOTE LIFELONG LEARNING OPPORTUNITIES FOR ALL		
4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries	4.b.1 Volume of official development assistance flows for scholarships by sector and type of study	Tier I
GOAL 5: ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS		
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation	5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age	Tier II
	5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence	Tier II
GOAL 8: PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT, AND DECENT WORK FOR ALL		
8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value	8.5.1 Average hourly earnings of female and male employees, by occupation, age and persons with disabilities	Tier II
8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms	8.5.2 Unemployment rate, by sex, age and persons with disabilities	Tier I
8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment	8.7.1 Proportion and number of children aged 5–17 years engaged in child labour, by sex and age	Tier II
	8.8.1 Fatal and non-fatal occupational injuries per 100,000 workers, by sex and migrant status	Tier II
	8.8.2 Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status	Tier II
GOAL 10: REDUCE INEQUALITY WITHIN AND AMONG COUNTRIES		
10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies	10.7.1 Recruitment cost borne by employee as a proportion of monthly income earned in country of destination	Tier II
10.c. By 2030, reduce to less than 3 percent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 percent	10.7.2 Number of countries with migration policies that facilitate orderly, safe, regular and responsible migration and mobility of people	Tier II
	10.7.3 Number of people who died or disappeared in the process of migration towards an international destination ²	Tier II
	10.7.4 Proportion of the population who are refugees, by country of origin ³	Tier II
	10.c.1 Remittance costs as a proportion of the amount remitted	Tier I
GOAL 16. PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS		
16.2. End abuse, exploitation, trafficking and all forms of violence against and torture of children	16.2.2. Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation	Tier II
16.9. By 2030, provide legal identity for all, including birth registration	16.9.1 Proportion of children under 5 years of age whose births have been registered with a civil authority, by age	Tier I
GOAL 17. STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT		
17.3 Mobilize additional financial resources for developing countries from multiple sources	17.3.2 Volume of remittances (in United States dollars) as a proportion of total GDP	Tier I
17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts APMR	17.18.1 Statistical capacity indicator for Sustainable Development Goal monitoring	Tier II
SOURCE: United Nations Statistics Division 2020, see https://unstats.un.org/sdgs/indicators/indicators-list/ and https://unstats.un.org/sdgs/files/Tier%20Classification%20of%20SDG%20Indicators_17%20July%202020_web.v3.pdf (accessed 17 July 2020).		
NOTES:		
1 In addition, targets which refer, for example, to a universal goal, such as eliminating extreme poverty (SDG 1.1), ending hunger (SDG 2.1), achieving universal health coverage (SDG 3.8), and ensuring that all children have access to free, equitable and quality primary and secondary education (target 4.1) and ensuring legal identity and birth registration for all cannot be achieved without the inclusion of migrants. The need for disaggregation of data by migratory status, as called for in target 17.18, is likely to indicate that in many cases migrants are a priority group for achieving these goals. For a more comprehensive list of proposed migration-related SDG indicators, see also: https://unstats.un.org/unsd/demographic-social/meetings/2017/new-york--egm-migration-data/EGM%20Recommendations_FINAL.pdf (accessed 9 November 2020).		
2 Refinement of the indicator name approved by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) on 13 March and 2 April 2020. Final approval pending the 52nd session of the Statistical Commission in March 2021.		
3 UNSC 51 addition included in the 2020 comprehensive review.		

ANNEX TABLE 16 Selected SDG indicators in SDG regions

SDG INDICATOR	DESCRIPTION	8.1.1	8.3.1	8.6.1	8.5.2	10.C.1	13.1.2			
REGIONS	NO OF COUNTRIES/ TERRITORIES IN THE REGION	REAL GDP PER CAPITA GROWTH RATE % (2018)	SHARE OF INFORMAL EMPLOYMENT IN TOTAL EMPLOYMENT % (2016)	PROPORTION OF YOUTH (AGED 15-24 YEARS) NOT IN EDUCATION, EMPLOYMENT OR TRAINING (2019)	UNEMPLOYMENT RATE (2019)	REMITTANCE COSTS AS SHARE OF THE AMOUNT REMITTED (2018)	% OF COUNTRIES WITH NATIONAL DISASTER RISK REDUCTION STRATEGY (2015-2019) ¹			
		BOTH SEXES	FEMALE	MALE	TOTAL	ADULT	YOUTH			
World	248	2.0	61.2	31.1	13.9	5.4	4	13.6	6.9	34.3
Central and Southern Asia	14	3.8	86.4	47.9	13.9	5.4	3.0	18.4	5.4	57.1
Central Asia	5	3.0	54.6	23.1	14.5	5.8	4.9	11.0		
Southern Asia	9	3.9	87.8	48.7	13.8	5.4	2.9	18.7		
Eastern and South-Eastern Asia	18	4.2	58.1	22.7	12.5	3.8	3.0	10.1	6.9	38.9
Eastern Asia	7	4.3	51.0	22.1	12.2	4.1	3.5	9.8		
South-Eastern Asia	11	3.9	78.0	23.7	13.2	3.0	1.6	10.5		
Oceania	28	0.7		16.0	14.5	4.7	3.5	10.6		
Australia and New Zealand	6	0.8		8.9	9.0	5.1	3.8	11.9		33.3
Oceania (exc. Australia and New Zealand)	22	-0.6		28.0	23.6	3.3	2.4	6.6	9.6	8.7

SOURCE: United Nations (2020). Progress towards the Sustainable Development Goals: Report of the Secretary-General - Supplementary Information, E/2020/57, High-Level Political Forum on Sustainable Development, UN Economic and Social Council, New York - unstats.un.org/sdgs/ (accessed 19 October 2020).

NOTE: This table refers to SDG regions.

1 The Disaster Risk Reduction Strategy is based on the Sendai Framework.

ANNEX TABLE 17 SDG indicator 1.3.1: Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable

REGIONS	2016 (PERCENTAGE)						
	A. SHARE OF POPULATION COVERED BY SOCIAL PROTECTION FLOORS/SYSTEMS BY GROUPS						B. COVERED BY AT LEAST ONE BENEFIT
	CHILDREN ¹	MOTHERS WITH NEWBORNS ²	OLDER PERSONS ³	UNEMPLOYED ⁴	DISABLED ⁵	VULNERABLE ⁶	
World	34.9	41.1	67.9	21.8	27.8	24.7	45.2
Central and Southern Asia	38.8 ⁷	42	25.8	16.7 ⁷	11.0	4.3	15.8
Central Asia	43.9	42.4	90.7	14.4	94.8	40.3	59.3 ⁷
Southern Asia	38.6 ⁷	42.0	23.6	16.9 ⁷	7.9	3.0	14.2
Eastern and South-Eastern Asia	14.4	25.5	69.3	25.1	9.2 ⁷	27.1	58.8
Eastern Asia	10.8	22.5	77.3	19.5	8.7	32.5	64.1
South-Eastern Asia	20.1 ⁷	32.5 ⁷	31.5	43.8 ⁷	10.4	13.6 ⁷	45.7
Oceania	65.5	84.0 ⁷	74.1	47.0 ⁷	92.4	38.5	71.7 ⁷
Australia and New Zealand	99.2	99.8 ⁷	79.5	49.7	96.9	46.2	79.6
Oceania (exc. Australia and New Zealand)	14.5 ⁷	41.4 ⁷	9.9	36.2 ⁷	79.4 ⁷	16.6 ⁷	49.1

SOURCE: ILO estimates based on country data compiled through the ILO Social Security Inquiry (SSI), International Labour Organization (ILO). Cited in: United Nations (2020). Progress towards the Sustainable Development Goals: Report of the Secretary-General - Supplementary Information, E/2020/57, High-Level Political Forum on Sustainable Development, UN Economic and Social Council, New York. unstats.un.org/sdgs/ (accessed 19 October 2020).

1 Proportion of children/households receiving child/family cash benefit.

2 Proportion of mothers with newborns receiving maternity cash benefit.

3 Proportion of the population above statutory pensionable age receiving a pension.

4 Proportion of unemployed persons receiving unemployment cash benefits.

5 Proportion of the population with severe disabilities collecting disability cash benefits.

6 Proportion of the vulnerable population receiving social assistance cash benefit.

7 The figure is based on reported data coverage of less than 40 per cent of the population in the region, and thus should be interpreted with caution.

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