Civil Society Proposals to the
UN Migration Network and the Migration Trust Fund

Following up on inputs shared from civil society actors during the preparatory phase for the creation of the UN Migration Network at the end of 2018, a wide range of civil society organizations who have been engaged with the Global Compact on Migration process, facilitated through the Civil Society Action Committee[1], have embarked on a process of extensive consultation to identify a number of tangible recommendations and proposals for the UN Network and Trust Fund.

The following document, which is the result of extensive consultations with more than 80 organizations, **is a working document** representing collective civil society thinking and combining recommendations and inputs organized under three key areas and tailored to feed into the discussions of the April 4th Consultation:

I)   *Priorities and Working Groups of the UN Migration Network*
II)   *Linkages to the Regional and National Level Work on Migration*
III)   *Civil Society Engagement with UN Migration Network and the Migration Trust Fund*

These inputs are shared ahead of the April 4th consultation with civil society to help promote a meaningful and concrete conversation around some of the key issues and proposals outlined in this document.

In addition we are sharing in a separate but related document "**A proposed Terms of Reference to the Position of Civil Society Liaison**", in which we outline our collective thinking on the role that this individual should play within the UN Migration Network.

Priorities, and Working Groups of the UN Migration Network

Process for selection of Priority Areas

Setting the network's priorities at the global level needs to start from the national level. Emphasis should be put on supporting members states to develop National Action Plans to implement the GCM and on aligning National Development Plans and other National Action Plans, e.g. on climate change and disaster risk reduction, to the GCM agenda. The design of National Action

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[1] The Civil Society Action Committee was set up by civil society in 2016 ahead of the High Level Summit to Address Large Movements of Migrants and Refugees, with the aim to drive collective strategy, organizing and communication as an extra level of civil society advocacy towards Summit outcomes and implementation thereof. Today the Action Committee brings together 32 networks and NGOs from various sectors who are active at national, regional and global levels in the protection of migrant and refugee rights in concrete practice. (http://www.madenetwork.org/civil-society-action-committee)

Plans must include civil society, migrants themselves, trade unions through social dialogue and other stakeholders meaningfully. National focus areas that will result from such a process should feedback into and form the basis for priority setting at the global level.

At country level, the UN system could play a supporting role in facilitating this process; in places, where UN country teams are established, a national UN Migration Network should be created, with the full and active participation of migrants and civil society. The network could be an offshoot of the UNCT, bringing together only those agencies who work on migration at country level. Governments as the main duty bearers, should be invited to join, in which case they should chair the meeting. Where no country teams are established, UN agencies with leading work on migration at country level, could facilitate (or co-facilitate) the establishment of national networks.

Regional Consultative Processes (RCPs) or Regional organizations (ROs) could play a useful role in consolidating regional focus areas and aligning them with the GCM process in preparation for Regional Review Forums. A number of RCPs/ ROs have already started this process, examples include the Colombo Process, ASEAN, and the Abu Dhabi Dialogue.

Recognizing that the network will be expected to deliver tangible results including a work plan in the first year of its existence, it is important to ensure that the priorities that are set in the network's first work plan remain flexible and are revised regularly to be able to reflect a bottom-up process. In terms of the process for determining/ revising priority areas at the global level, the network could look at organizing stocktaking meetings or bringing together Regional Economic Commissions to have an exchange on identifying regional focus areas and commonalities across different regions. The first cross-regional stocktaking meeting *could take place in 2020* after the regional reviews. Outcomes of this meeting should inform both the network's priority setting process and the International Migration Review Forum. Subsequent stocktaking meetings should take place at *a 2 years interval*.

Key Issues and Recommendations

While a bottom-up process for determining priority issues is necessary and indispensable, through extensive consultation, this group has identified a number of issues that the network should consider concretizing through various arrangements, including working groups and various work plans to ensure the balanced implementation of the Compact:

1- Promoting decent work and access to labor rights and protections, aligning with the review of Goal 8 in the HLPF process this year, and the ILO five-year agenda on labor migration.
2- Promoting regular pathways for both migrants and refugees that support the exercise of human and labor rights; avenues to protection, education, long-term residency, and family unification.
3- Enhancing access to services for migrants and access to justice, regardless of status and without fear of immigration enforcement
4- Strengthening due process in return procedures and operationalizing the non- refoulment principle.
5- Fostering social inclusion and countering discrimination

6- Addressing migration resulting from sudden-onset disasters and slow-onset events, including climate change induced migration and displacement

7- Addressing the specific needs of children, ending child detention and identifying alternatives to detention for irregular adult migrants

8- Strengthening women's rights in the context of migration and ensuring a gender-responsive implementation of the Compact

Working Groups

Proposed Working Group on National Plans for Implementation :
Given the importance of national level implementation, the UN Network could look at creating a functional working group to support the development of national plans for implementation. This working group would receive requests from Member States for assistance in developing national level plans for implementation especially where there are no existing support structures at the national level and would act to identify adequate technical support and mobilize the UN system at the national level to support member states in developing national plans for implementation. This could be accomplished by reviewing existing strategies and plans and the identification of areas for change and by setting nationally relevant targets that are both achievable yet ambitious.

This working group would also be tasked with facilitating GCM implementation coherently with related processes including SDGs (HLPF, VNR), DRR, Paris Agreement. This could be done by reviewing at national level to what extent the different processes are harmonized in implementation and by identifying challenges, and examples of best practices/ policies.

Bearing in mind that priorities at the national level will be different from one country to another, this group will need to pool together the expertise of different agencies and experts in different regions and should be agile and highly adaptable. It is also possible to conceive of an ad hoc composition of the national plan working groups, where a small WG secretariat would pool the expertise of different experts/ agencies from the different levels (including the field level) and of different stakeholders.

The Working Group on the Central America/ North America Corridor:

The UN Network should refer to and build on already existing work in this area. For example, the UN Economic Commission for Latin America and the Caribbean (ECLAC)'s framework for investments in migration and development in the Central America-Mexico-US migration corridor and the UNDP country program documents, identifying key areas of work related to migration drivers (Honduras, Guatemala, El Salvador) could serve as a good starting point.

In determining content areas to address, the Working Group should consider the following issues that are particularly important in this corridor:

● Humanitarian protections: in origin, transit, & destination and with particular focus on mixed flows, providing humanitarian assistance and the respect for the principle of non-refoulment, and promoting integration policies at the national level for the returning migrants, including entire families.

- Decriminalization of migration: finding practical approaches that acknowledge the movement of migrants and refugees, focus on their protection needs, and result in improved safe and orderly migration, with options towards regularization, and seeking sustainable, durable solutions.
- Special Protection of Children: addressing the specific needs of children in this migration corridor by including all agencies and programs in a cross-cutting approach and using relevant international and regional standards on the protection of children.
- Information: The UN Network could work with States on the implementation of relevant elements of the GCM, including bringing consistency and certainty to asylum and immigration proceedings, ensuring due process guarantees in the Central American - Mexico corridor.
- Returns and Re-integration: focus on operationalizing due process guarantees in immigration proceedings and adequate asylum procedures that respond to the protection needs and guarantee the principle of non-refoulment, and respond to protection needs of anyone in the process of being returned.
- Search in life, and identification of the remains of missing and deceased migrants: draw on and promote good practices by the committees of relatives of disappeared and deceased migrants, civil society and other stakeholders. Those practices should be included in national planning and policies.
- Decent Work: Support the creation of tools, policies and systems that would allow decent work opportunities in origin communities and facilitate labor mobility across all skill levels in the region. Focus on strengthen cooperation among countries to develop accessible information systems on recruiters, employers, labor inspectors to allow migrants to migrate in an informed way.

In addition to thematic work, the Working group should play a leading role in facilitating opportunities for constructive and open dialogue between governments and different stakeholders, and assisting in improving the coordination among agencies, government actors, as well as improving transparency and accountability.

Linkages to Regional and National Level Work on Migration

Where a regional or corridor approach to an issue is appropriate, the network could pilot new and tailored migration programs with identified regions through regional organizations or regional processes with the full participation of regional and national level civil society, including trade unions, in design and implementation. Those programs could particularly focus on new emergent issues or issues that need urgent collective action such as climate change-induced migration and displacement and/or programs targeting hard-to-reach communities, such as disabled, indigenous, rural/peasant, and/or illiterate groups so that they are included as part of the informed recipient community for migrants and refugees. The network should also consider resourcing and supporting regional civil society networks with direct links on the ground who would play a role in coordinating key activities in the regions, convening focus groups/regional civil society meetings and relevant communications in their respective regions.

Furthermore, there is a strong need to move forward on regional review mechanisms, and to support MS and ROs to clarify institutional anchors, funding and responsibility. The relationship

between distinct regional review processes and the UN Network could be examined to establish a regular reporting structure that feeds strategy for prioritizing issues and engaging stakeholders to the Network.

Civil Society Engagement with the UN Migration Network and the Migration Trust Fund

Working Groups
Although the Network's ToRs state that the participation of civil society in the various working groups is decided upon agreement of each groups co-chairs, the UN Migration Network and the Executive Committee should make efforts to mainstream civil society participation (at least two-three representatives plus an alternate) in all working groups and at the different levels of operation of the UN Migration Network. These civil society members should be self-selected (by civil society) according to the proposed processes laid out below, and change on a rotating basis.

The civil society representatives in the UN Migration Network are responsible to ensure as far as possible that the interest of civil society as important stakeholders, are well represented and reflected in the discussions and actions of the UN Migration Network and that the implementation of the GCM is well balanced and is human rights centered, gender responsive, child sensitive and migrant centered. Recognizing that civil society representatives cannot speak for all of civil society, the civil society representatives in different working groups are responsible to consult, identify and collect a broad range of civil society's inputs and highlight some of civil society's priorities in the different working groups of the UN Network. They are also responsible to ensure timely communication of important discussion in the network to the broader civil society constituency.

For each UN Network working group that is established, an **existing** corresponding or similar civil society working group would be tasked with assigning representatives to the UN Network working group. (Ex: a working group on ending child detention would be tasked to the Child Rights Initiative etc.)

In the event there is **no existing** corresponding or similar civil society working group, a new civil society **shadow working group** would be established and all interested and willing civil society groups/networks invited to participate in it. This could be facilitated within the Civil Society Action Committee / Future Model, or any other appropriate civil society grouping, with the underlying criteria that any civil society group or organization active on the issue, (ie, not only the members of the Action Committee / Future Model), would be able to join the working group.

This CS corresponding *or* shadow working group would then select its own representatives to the UN Network working group. The CS representatives would have the responsibility of collecting and consolidating inputs from the CS corresponding / shadow working group, and also regularly reporting back to it on the proceedings, actions, and outcomes of the UN Network working group. The CS corresponding / shadow working group would have the responsibility to support

its representatives with adequate and timely inputs, as well as a platform for the representatives to report back regularly, including occasional reporting to the broader civil society movement.

In addition, to membership in various working groups, the Network should include two or three civil society representatives as observers in meetings of the Network, including its Executive Committee. As observers, they would have the responsibility to represent and contribute, and the rights to speak and meeting documents, consistent with broad practice across the UN system.

The Migration Trust Fund

Civil society representatives to the Trust Fund represent broader civil society and not themselves or their respective organizations, and as such are accountable to a larger civil society constituency. They represent civil society's interest within the trust fund and therefore must play a vital role in ensuring communication and the flow of information between the trust fund and broader civil society and vice versa. Below we present three options of how the civil society representatives to the Trust Fund could be selected:

Option A

The previous year's GFMD CSD Chair would serve as the CS representative on the Trust Fund Board until the next GFMD. Therein, the following GFMD CSD Chair will assume that function until the next GFMD. The first underlying criteria for this option is that the GFMD CSD Chair must be nominated and selected by the existing GFMD CSD International Steering Committee (ISC) or (whatever the ISC may evolve into), as has been the practice since 2011. The second underlying criteria is that the GFMD CSD will continue to have a CS-selected Chair or Facilitator annually, which has also been the practice since 2011.

Option B

The broadest civil society network/committee that currently exists, accounting for (as far as possible) the range of civil society diversity by region, thematic focus, type (human rights NGOs, humanitarian NGOs, migrant and diaspora associations, trade unions, youth, women, etc.) will select a Trust Fund representative every 6 months. (A fusion of the existing GFMD CSD ISC and the Action Committee / Future Model membership might fulfill this.)

For both Option A and B, the selected representative's responsibilities include:
- Collecting, compiling, and consolidating inputs from the entire committee that nominated them, to bring to the Trust Fund Board;
- Reporting back to the entire committee after each Trust Fund Board meeting, including sharing any minutes from the meeting as appropriate;
- Ensuring that Trust Fund Board decisions, particularly pertaining to funding decisions, reflect civil society movement's large interests, not just a specific organization or agency or country;
- For any funding decision of the Trust Fund Board which might implicate the CS representative or their immediate organization as a potential beneficiary, or present a potential conflict of interest, the CS representative will immediately recuse themselves from any deliberation and decision related to that issue;

- Beyond the above, the CS representative will abide by all other ToRs of the Trust Fund Board, as long as there is no conflict of interest with their CS responsibilities.

Option C

Application Process:

The application to the role of civil society representatives in the Trust Fund is done through an open, transparent, non-tokenistic process that ensures equal opportunity for all civil society organizations working at all levels on migration to participate and be effectively represented.

The application process should follow the following guidelines:
- Applications to the role of civil society representatives in the UN Trust Fund must be open to all civil society organizations regardless of accreditation status, registration, size, location, or annual budget. It should also be widely disseminated.
- Applicants serve in their individual capacity but must be nominated by their own organizations. Interested applicants must present a letter of candidature from their organizations stating the name and position of the candidate.
- Candidates to the role of civil society representative must attach a CV and a written statements explaining the motivation for applying for the role of civil society representative, how they fit with the selection criteria and the role they will play in the UN Trust Fund

Selection Committee:
- A civil society committee will be formed for the purpose of interviewing and selecting the civil society representatives to the UN Trust Fund. The committee could be formed by the broadest civil society network/committee that currently exists, accounting for (as far as possible) the range of civil society diversity by region, thematic focus, and type. With the underlying assumption that anyone and not just members of this particular network/ committee could be selected to sit on the selection committee.
- The selection committee will serve for a period of two years
- The Committee will select civil society representatives on the basis of the criteria listed below

Selection Criteria:

The selection of the civil society representatives must be done on the basis of expertise and while recognizing the need for diversity in the overall representation including across sectors, issues, regions, gender, and age.

Criteria for the Funding Allocation within the Trust Fund

Independent of how civil society representatives are selected to the Governance Body of the Trust fund (through Option A, B or C), all the Trust Fund Board needs to follow clear and consistent criteria for the selection of project for funding. These criteria must be clearly laid out in the Trust Fund's ToR and should include the following:

- The project and its ensuing implementation ensures the *effective respect, protection and fulfilment of the human rights of all migrants* and their families and is in line with the UN normative framework
- The project reflects commonly identified civil society's priority areas

- The project ensures that *migrants are properly consulted and are involved* in the design and execution of the project
- The project ensure a well-balanced and 360 degrees implementation of the global compact at all levels (including national, regional and global levels)
- The project *enhances and facilitates migrants' access to rights*, regardless of status, and *does no harm*, directly or indirectly, intended or unintended, to migrants or their families.
- No civil society organizations is vetoed or excluded from allocations for the role they play in supporting, protecting, or advocating on migrants' behalf at national levels

Communication between the UN Network and Civil Society

The UN Network's ToRs outline a Mission and Objectives that could be described as catalytic. To support Member States in this way, the Network will need regular, effective, two-way channels of communication with civil society organizations as well as other stakeholders.

Communication from the Secretariat:
We anticipate that the Secretariat will communicate to all stakeholders, publicly, such information as the overall plan of work, new initiatives including but not limited to Working Groups, and updates on existing WGs and other workstreams. In addition, we anticipate that the Secretariat will communicate additional information to, and solicit information from, civil society organizations engaged in GCM implementation.

Civil society will need regular communication from the Network in order to engage with the Network, but also in order to do our own work effectively at national and regional levels. In terms of engaging with the Network, it will be important to establish mutually understood arrangements regarding:

· *Appropriate channels and media*—for example, in-person meetings, conference calls, email list-serves, online platform, public website, and
· *Types of participation*—for example, whether CS will participate via a small number of representatives, or as many as are able to attend an in-person briefing; whether there will be call-in options for briefings

While facilitating communication between CSOs and Network entities—Secretariat, Working Groups, Trust Fund/CBM--will undoubtedly be a central aspect of the work of the Network's Civil Society Liaison, the liaison **cannot serve as the only point of contact for civil society**, nor should the liaison be expected to manage these information flows via email or designated CS representatives[2]. Instead, an online platform should be made available, through which the Liaison but also others as appropriate including Secretariat Staff, Working Group chairs or other staff could communicate information to and seek input from CS.

Alternatively, as we describe elsewhere in this document, with respect to Working Groups once they have been established and CS representatives named to them, we envision some of this input may be coordinated by the CS representatives.

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[2] Civil Society proposals for the ToR of the Civil Society Liaison could be found in a separate document

Online Platform:
We strongly encourage development of an online platform providing accessible, up-to-date information and soliciting timely comment and input on such matters as draft Working Group ToRs, work plans, and fulfilling requests for information or examples relevant to Working Groups' work. Such a platform should be accessible to representatives of organizations that register to use it, regardless of whether they are ECOSOC accredited and should be available in different languages.

Briefing Meetings:
We also encourage the Secretariat-- and WGs whenever appropriate-- to hold regular briefing meetings, including by video-conference call, and to consider regularly tailoring these for specific regional CS constituencies rather than primarily for Geneva. In many cases, providing regionally-tailored briefings could not only allow for scheduling at a regionally-convenient time of day, but also for enabling both CS and regional Network/UN agency staff to participate.

Annual Meeting of the UN Network
Particularly in years in which there is neither a Regional Review Forum nor an IMFR, the Annual Meeting of the UN Network will be one of the few opportunities for interaction among States, UN entities and stakeholders. The UN Network should consider holding its annual meetings in different regions each year to allow for the involvement and participation of a wide range of actors. Robust civil society participation from all regions, including grassroots participation from the Global South, will need to be *facilitated* and *well-resourced* (including resources for participation of CS from the South) and should constitute a priority even given limited resources. In addition to serving as an opportunity to highlight the Network's activities and progress at international, regional, national and local levels; and to reflect on complex challenges and present effective solutions, the annual meeting should presents a concrete and tangible opportunity for civil society **to input into overall work plan and shape key priorities** that will be addressed by the UN Migration Network.