

The New York Declaration for Refugees and Migrants Answers to Frequently Asked Questions

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The New York Declaration for Refugees and Migrants

1. What is it?

On 19 September 2016, the United Nations General Assembly hosted a high-level [Summit for Refugees and Migrants](#) that aimed at improving the way in which the international community responds to large movements of refugees and migrants. At the Summit, all 193 Member States of the United Nations **unanimously adopted** the [New York Declaration for Refugees and Migrants](#) (Resolution 71/1).

As the name suggests, the New York Declaration for Refugees and Migrants addresses the situations faced by refugees and by migrants. There are robust commitments that apply equally to refugees and migrants (on topics including racism, xenophobia and human trafficking), as well as separate commitments for refugees and for migrants. Furthermore, the New York Declaration lays the groundwork for further action to improve the situation of refugees *and* migrants by laying out a process for the development of two 'global compacts', one on refugees and the other for safe, orderly and regular migration, which are to be adopted in 2018. States have also pledged to consider the development of non-binding guiding principles for migrants in vulnerable situations. For further information, visit: www.unhcr.org/newyorkdeclaration.

2. Why is it important for refugees?

The New York Declaration is a milestone for global solidarity and refugee protection at this time of unprecedented displacement. The set of commitments, agreed by Member States, reflects an understanding that protecting those who are forced to flee, and supporting the countries that shelter them, are shared international responsibilities that must be borne more equitably and predictably. In the Declaration, all 193 Member States of the United Nations reaffirmed the enduring importance of the international refugee protection regime, committed fully to respect the rights of refugees and migrants, pledged to provide more predictable and sustainable support to refugees and the communities that host them, and agreed to expand opportunities to achieve durable solutions for refugees.

In order to give life to these commitments, the New York Declaration also sets out the key elements of a comprehensive refugee response and lays the groundwork for the adoption of a global compact on refugees in 2018, both of which are explained in greater detail below.

3. What is new in it?

Among the key new elements are commitments by States to:

- Strengthen and facilitate emergency responses to refugee movements and a smooth transition to sustainable approaches that invest in the resilience of both refugees and the communities that host them;
- Provide additional and predictable humanitarian funding and development support to host countries;
- Explore additional avenues for refugees to be admitted to third countries, including through increased resettlement; and
- Support the development and application of a comprehensive refugee response framework (CRRF) for large refugee movements, applicable to both protracted and new situations.

4. Does it cover all those forced to flee their countries?

The New York Declaration addresses large movements of refugees and migrants. It covers all refugees. A refugee is understood in international law to be a person who is outside his or her country of origin due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a

particular social group or political opinion. The person is in need of international protection when his or her country of origin is unable or unwilling to provide protection against the harm feared.

This definition is at the heart of the 1951 Refugee Convention and its 1967 Protocol and is also reflected in regional instruments. It has broad and enduring scope. It encompasses those who flee individual persecution, as well as those fleeing armed conflict or violence associated with one or more of the above-noted grounds. It includes those fleeing State and non-State actors and has been the basis for providing protection, amongst others, for those escaping war, conflict, human rights abuses, gang violence, domestic abuse and other forms of harm.

There may also be persons who are forced to flee or are displaced across borders in the context of sudden- or slow-onset disasters, or in the context of the effects of climate change, who are not refugees. This group is also covered by the New York Declaration.

5. Are vulnerable migrants in the same situation as refugees?

There are some situations where migrants and refugees face similar risks. These include:

- Exploitation or abuse by smugglers/traffickers or unscrupulous employers; and,
- Risk of harm due to personal circumstances. People in this category could include, for example, unaccompanied or separated children, women at risk, elderly people, persons with disabilities or medical needs, or survivors of torture or trauma.

While refugees often share the same vulnerabilities as migrants when they travel in similar conditions and along the same routes, it is important to bear in mind that refugees have an additional vulnerability that migrants do not, namely the well-founded fear of persecution that makes them a refugee. They are unable to avail themselves of the protection of the State that they have fled, which is why the international community has long recognized the additional duties owed to refugees, as enshrined in the 1951 Refugees Convention, its 1967 Protocol, regional instruments, and the corresponding rules of customary international law.

Comprehensive Refugee Response Framework

6. What is it?

The New York Declaration sets out the key elements of a comprehensive refugee response framework which are presented in the paragraph below. In the Declaration, UN Member States request UNHCR to engage with States and “consult all relevant stakeholders” to apply the comprehensive framework, and to further develop it in “each situation involving large movements of refugees”.

The framework presents a comprehensive response designed to ensure a) rapid and well-supported reception and admission measures; b) support for immediate and ongoing needs (e.g., protection, health, education); c) assistance to national/local institutions and communities receiving refugees; and, d) expanded opportunities for durable solutions. These elements are designed to meet four objectives: to ease pressures on countries that host large numbers of refugees, to enhance refugee self-reliance, to expand third-country solutions, and to support conditions in countries of origin for return in safety and dignity.

The elements of the CRRF elaborated in the New York Declaration draw on best practices from over 65 years of experience in international refugee protection, humanitarian assistance and the search for solutions. The elements, while comprehensive, are not necessarily exhaustive.

7. How is the CRRF different from current approaches to refugee responses?

Rather than responding to refugee displacement through a purely, and often underfunded, humanitarian lens, the elements of the CRRF are designed to provide a more systematic and sustainable response that benefits both refugees and the communities that host them. It engages a much broader group of stakeholders: government at national and local levels, international and regional financial institutions, UN Agencies and NGO partners, and business and civil society actors. It seeks to ensure more sustainable responses by linking humanitarian and development efforts early on in a crisis, and by strengthening and making more inclusive service delivery, including through investment in national and local systems wherever possible. It also calls for more robust and expanded planning and opportunities for durable solutions. The New York Declaration envisages that in future, this framework will be applied in a systematic and predictable way.

8. How will the CRRF be applied?

UNHCR has begun working with Member States and its international, national, local and partners to implement the comprehensive refugee response framework in a range of specific refugee situations. These will be selected on the basis of a number of relevant factors, including agreement and active engagement of the hosting State; potential for progress; availability of diverse and representative partners; regional diversity; and representation of different operational contexts (emergency, established and protracted situations).

To date, over six governments—those of Djibouti, Honduras, the Somalia situation including neighbouring countries, Uganda, Ethiopia, and the United Republic of Tanzania—have begun applying the CRRF, and UNHCR is exploring opportunities with Member States from other regions to ensure geographical diversity. Further consultations will be conducted to apply the comprehensive refugee response framework to new emergency situations and contexts beyond the specific pilots. UNHCR is also working with partners to draw lessons from the application of existing models that deliver holistic responses to refugee crises, such as the Regional Refugee & Resilience Plan (3RP) in response to the Syria crisis. For more information on the CRRF, please visit: www.unhcr.org/crrf.

Global Compact on Refugees

9. What is it?

Based on the practical application of the CRRF, and an assessment of how it might be refined and further developed, the New York Declaration calls on the High Commissioner to propose a global compact on refugees in his annual report to the General Assembly in 2018. The essential idea of the compact is to provide a more equitable and predictable responsibility-sharing arrangement among countries of origin, transit and destination to address large movements of refugees. The compact will be based on the lessons drawn from the implementation of the CRRF in various refugee situations.

10. What are possible elements?

The global compact on refugees will comprise two parts: the CRRF, as agreed to by Member States in the New York Declaration, and a complementary programme of action that will set out the concrete actions that can be taken—by States and other relevant stakeholders—to operationalize the CRRF. For further information on these elements, and the process that will be used to develop and consult on the global compact on refugees, see <http://www.unhcr.org/refugeecom pact>.

11. How does it interact with the 1951 Refugee Convention?

The normative legal regime for refugees is grounded in international law, notably the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as regional refugee instruments. The

global compact on refugees will not create new legal norms or envision a fundamentally different international architecture for refugee protection. Rather, it provides the framework for applying these norms in large-scale influx, as well as protracted refugee situations, grounded in the principles of international cooperation and responsibility-sharing.

Global compact for safe, orderly and regular migration

12. What is it?

In addition to the global compact on refugees, the New York Declaration also provides for the adoption in 2018 of a global compact for safe, orderly and regular migration. It is envisaged that the global compact on safe, orderly and regular migration will—in the words of the New York Declaration—“set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions” and would thus “make an important contribution to global governance and enhance coordination on international migration”.

13. How is it different from the global compact on refugees?

The global compact on refugees will draw on lessons learned from the application of the CRRF and be proposed by UNHCR following consultations with Member States and other relevant stakeholders. In contrast, the global compact for safe, orderly and regular migration will articulate, for the first time, a comprehensive framework for migration and be developed through a Member State driven process.

14. What is UNHCR’s position in regard to the global compact on safe, orderly and regular migration?

UNHCR strongly supports the elaboration of a global compact on safe, orderly and regular migration, and hopes that it can achieve:

- Enhanced international migration governance;
- New and expanded channels for safe and regular migration;
- Promoting respect for the human rights of migrants;
- Protection of migrants in transit; and,
- Protection of migrants in countries in crisis.

15. What is UNHCR’s role in relation to the global compact on safe, orderly and regular migration?

In the New York Declaration, Member States ask UNHCR to contribute its expertise to the development of the global compact for safe, orderly and regular migration, as well as to the elaboration of non-binding principles for migrants in vulnerable situations. For many years, UNHCR has worked with migration partners and provided guidance to States on how best to respond to mixed flows of refugees and migrants, and to initiatives for the protection of migrants in countries in crisis and those displaced by climate change and disasters.

Areas where UNHCR expects to contribute to the global compact for safe, orderly and regular migration include:

- Ensuring coherence and complementarity between the two compacts, especially on cross-cutting issues such as trafficking/smuggling, rescue at sea and promoting tolerance;
- Addressing the needs of migrants in vulnerable situations; and
- Expanding possibilities for increased safe migration opportunities, which could also benefit refugees (e.g., family reunification, labour mobility).

Links between the two global compacts

16. What is a global compact?

The term “compact” refers to an agreement that is not legally binding but that captures, by consensus, both political and concrete actions of Member States and others relevant stakeholders to improve the way the international community responds to displacement.

17. Why are there two compacts?

The New York Declaration specifically provides for two compacts. This is in recognition of the fact that, for refugees, there is a specific legal regime already in place, and a framework that is elaborated in the New York Declaration for addressing large refugee movements. The New York Declaration also sets out the objectives for this framework, which are to: ease pressures on host countries; enhance refugee self-reliance; expand access to third country solutions; and, support conditions in country of origin for return in safety and dignity.

In contrast, there is no specialized comprehensive legal regime concerning migrants, and no agreed framework for addressing large movements of migrants. So, the starting point for achieving greater predictability and responsibility sharing for refugees is different than for enhancing the global governance of migration.

In regard to migrants, the New York Declaration provides for the development of a global compact for safe, orderly and regular migration that will set out a range of principles, commitments and understandings regarding all aspects of international migration. The New York Declaration sets out a non-exhaustive list of twenty four issues – including the international governance of migration, remittances and their contribution to development, and combating trafficking in persons - that could be included in a global compact, reflecting the broad scope of issues that could possibly be addressed.

18. How will overlapping areas be addressed?

As recognized in the New York Declaration, there are a number of areas where State obligations and commitments for refugees and migrants are the same. For example, these include: providing for adequate reception and determination of specific needs; efforts to reduce stigmatization; combating sexual exploitation and abuse; strengthening search and rescue; support to victims of trafficking; providing for alternatives to detention and non-detention of children; and ensuring births are registered. Certainly, for these and other issues common to the protection of refugees and migrants, and for which Member State obligations are the same, it will be important to ensure consistency between the two compacts.

19. How will consistency and complementarity between the two compacts be achieved?

There are a number of ways this can be done, taking into account the overall orientation and approach of each of the compacts. One is to ensure that already established legal foundations common to both refugees and migrants are clearly referenced in each document. This could, include, for example, referencing relevant provisions in human rights instruments which States have already agreed. Additionally, for operational areas where migrants and refugees should be afforded similar treatment, the wording in each compact should be similar. Thematic discussions on a number of these areas leading up to both compacts will help to ensure such alignment.

20. What are the next steps for the global compact on refugees?

As provided for in the New York Declaration, UNHCR is engaging with States and consulting with all relevant stakeholders on the detailed, practical application of the CRRF, with a view to assessing the impact of its implementation. Based on the outcomes of that process, UNHCR will propose a global compact on refugees in the annual report of the Office to the General Assembly in 2018, which Member States will then consider for adoption. More detail concerning the process for the development of the global compact on refugees—and the progress made to date—is set out at <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

21. What are the next steps for the global compact on safe, orderly and regular migration?

The New York Declaration provides that this compact will be elaborated through a process of inter-governmental negotiations, to begin in early 2017. These will culminate in an intergovernmental conference on international migration in 2018, at which time the global compact on safe, orderly and regular migration will be presented for adoption. The modalities of this process were adopted on April 6th 2017 (led by the co-facilitators, Switzerland and Mexico).