

# Asia-Pacific Migration Report 2024

## Assessing Implementation of the Global Compact for Migration



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# Asia-Pacific Migration Report 2024

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## Foreword: ESCAP

Asia and the Pacific is home to over half of the world's population and more than 40 per cent of the world's migrants. Migrants play a vital role in the region's development, offer a wealth of untapped potential, and are central to inclusive and sustainable development. This is clearly acknowledged in the 2030 Agenda for Sustainable Development, which underscores the importance of a world in which "...all human beings can fulfil their potential in dignity and equality and in a healthy environment." The Global Compact for Migration (GCM), which is rooted in the 2030 Agenda, notes that "migration is a defining feature of our globalized world, connecting societies within and across all regions, making us all countries of origin, transit and destination."

This report builds on the Asia-Pacific Migration Report 2020. It sheds light on the trends, lessons, challenges and opportunities in making migration work for all in the region and beyond. The region is replete with good practices in safe, orderly and regular migration. Yet much remains to be done to fulfil the promise of migration for migrants and their families, as well as for origin, transit and destination countries. Every migration policy should be people-centred, evidence-based and sustainable, and should take account of the diverse situations of migrants and their families, recognizing that these may change over the course of migration. The policies should tap into the potential of digital transformation, enhance skill levels, promote equity and protect the human and labour rights of migrants and their families, without creating or exacerbating vulnerable situations. Countries need to cooperate on this, through bilateral and other arrangements, as well as by addressing capacity needs, such as gaps in implementing legislation and collecting and analysing data.

Regional and international cooperation are critical to safe, orderly and regular migration. In 2024 and 2025, all regional commissions are organizing a second round of GCM regional reviews. From 4 to 6 February 2025, ESCAP and the Regional United Nations Network on Migration for Asia and the Pacific will convene their second regional review. This report, together with stakeholder consultations, are part of the Asia-Pacific regional review process, which will inform the second International Migration Review Forum (IMRF), in 2026.

Indeed, Asia and the Pacific's input, with its wealth of historic and technologically-advanced experiences, is vital to the IMRF. The region's migrants seek better and often safer lives for themselves, their families and their communities. In doing this, they contribute to inclusive and sustainable development. Their spirit of pragmatism and diligence should inform our discourse on migrants and migration.

**Armida Salsiah Alisjahbana**

Under-Secretary-General of the United Nations and Executive Secretary of  
Economic and Social Commission for Asia and the Pacific (ESCAP)



## Foreword: Regional United Nations Network on Migration for Asia and the Pacific

It is my privilege, on behalf of the Regional United Nations Network on Migration for Asia and the Pacific, to present this comprehensive report on the significant strides and ongoing efforts in the implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in the Asian and Pacific region.

Over the past four years, this region has witnessed unprecedented movements of people, driven by a myriad of factors, including rapid economic growth, environmental vulnerabilities and complex demographic shifts. As member States in the region strive to implement the 2030 Agenda for Sustainable Development, the GCM provides a crucial framework to navigate these challenges and address the specific needs of migrants and the vulnerable situations that they can encounter at different stages of migration, including in the context of gender, age and disability status, ensuring that no one is left behind.

As many countries in the region are poised to transition from low- to middle-income status, well-governed migration, based on robust migration policies and informed decisions, is increasingly important for achieving the Sustainable Development Goals and tackling the “triple planetary crisis” (climate change, pollution and biodiversity loss). By promoting safe, regular and orderly migration, we can empower migrants to realize their goals and full potential in contributing to the communities and countries where they live, fostering inclusive and sustainable development. The United Nations System has been at the forefront, working with States to provide critical support and innovative solutions to ensure safe, orderly and regular migration.

This report highlights the key achievements accomplished, the challenges faced and the lessons learned in implementing the GCM. It underscores the importance of regional cooperation and partnerships in addressing cross-border migration issues, protecting the rights of migrants and maximizing the benefits of migration for all.

The Asia-Pacific region, with its unique blend of opportunities and vulnerabilities, has a critical role to play in shaping the future of the global migration landscape and migration governance. As we look ahead, the International Organization for Migration, the coordinator and secretariat of the United Nations Network on Migration, remains steadfast in its commitment to continuing to work closely with governments, civil society and other stakeholders to address the evolving migration dynamics in the region, while promoting the well-being of all migrants.

I extend my heartfelt gratitude to the Regional United Nations Network on Migration for Asia and the Pacific, and all those who have supported and contributed to this report. Together, we can build a future where migration is a source of opportunity and prosperity for all.

*Iori Kato*

**Iori Kato**

Coordinator, Regional United Nations Network on Migration for Asia and the Pacific, and IOM Regional Director for Asia and the Pacific

# Members of the Regional United Nations Network on Migration for Asia and the Pacific

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## Executive summary



Afghan migrants participating in initiatives to build or repair roads and canals, as well as plant trees. UN Photo/WFP

### Context

Home to 58 per cent of the global population in 2024, Asia and the Pacific is the origin and destination for many international migrants, with about one third of migrants globally coming from the region. Importantly, most of the migration is intraregional in nature. People are migrating to build a more secure future for themselves, their families and communities. They are motivated by hopes to support families, find opportunities and make a better future, and often driven by, among others, poverty unsustainable development, discrimination, inequalities, conflicts, climate change, environmental degradation and disasters.

Migration brings demographic, social and economic benefits for countries of origin, transit and destination. It can reduce inequalities and build connections within and between communities and countries if it takes place in a safe, orderly and regular manner. However, migrants and their families are frequently left behind in terms of development processes; they may also be targeted for various human rights violations. This undermines the benefits of migration. When it takes place in a well-informed, planned and consensual manner, with full respect and protection of human rights, migration can bring benefits to all.

The current report builds on the Asia-Pacific Migration Report (APMR) 2020 to assess developments in Global Compact for Safe, Orderly and Regular Migration (GCM) implementation across ESCAP member States over the last four years. The first Asia-Pacific intergovernmental regional review was convened by ESCAP, in partnership with the Regional United Nations Network on Migration for Asia and the Pacific, in hybrid mode from 10 to 12 March 2021. The meeting was attended by representatives of 32

member States, which reiterated their commitment to the implementation of the GCM, and 43 stakeholder groups, including civil society organizations (CSOs), trade unions and local governments. The Chair's summary, as the outcome document of the meeting, among others, highlighted the significant scale of migration and the major contributions of migrants and their families to sustainable development, including through remittances, as well as the need to provide adequate support to migrants through social protection and other measures of social inclusion and engagement in society.

Asia-Pacific countries participated in the International Migration Review Forum (IMRF), held in May 2022, the first-ever intergovernmental global platform to discuss and share progress on the implementation of all aspects of the GCM, including as it relates to the 2030 Agenda for Sustainable Development. On the sidelines of the IMRF, all regional commissions and their regional partners and respective Chairs of the 2020/2021 round of regional reviews organized an event on the regional reviews, highlighting regional priorities. Between 2024 and 2025, all regional commissions, with their respective regional partners, are convening GCM regional reviews in their respective regions.

### Overview of migration in Asia and the Pacific

**Global megatrends are redefining migration pathways.** Asia and the Pacific is vast in its geography and diverse in economic and social development. It is at the forefront of important global trends, including with regard to innovation, while it is also experiencing five world-wide megatrends, as identified by the United Nations Economist Network. These are: (a) demographic shifts, particularly population ageing;



(b) urbanization; (c) climate change; (d) the emergence of digital technologies; and (e) inequalities. These megatrends are shaping the future of Asia and the Pacific, including by redefining migration opportunities and pathways. They have direct influence on sustainable development in the region, and they often act in combination with other factors, reinforcing their individual impacts. Thus, despite much progress towards sustainable and inclusive development, the region is off-track to meet many of the Sustainable Development Goals (SDGs) by 2030.

The COVID-19 pandemic amplified existing inequalities and created new ones, causing disruptions throughout the migration cycle. Moreover, many of the vulnerabilities migrants face have been exacerbated; this is particularly noticeable among migrants in the context of both climate change and crisis situations, such as in relation to disasters, food insecurity, poverty, economic crises and conflicts.

The most recent global migration data with a focus on migrant stocks are from 2020. Since then, migration has been through a seismic upheaval due to the COVID-19 pandemic and the response measures put in place. These also disrupted data collection. APMR 2020 dives into the detail of those numbers. Here, as a snapshot, in 2020: the three main countries of destination in the region were the Russian Federation (hosting 11.6 million migrants or 17 per cent of all foreign-born people in Asia and the Pacific), followed by Australia (7.7 million/12 per cent) and Türkiye (6.1 million/9 per cent). Furthermore, there was a larger number of people (over 108 million) from Asia and the Pacific living in countries or territories other than their country of birth than there were immigrants hosted by Asia-Pacific countries and territories, and, notably, more men than women were living outside their country of birth. Over the past few decades, migration in the Asia-Pacific region has been close to gender-balanced, with percentages varying very little for the region as a whole and there being slightly greater variation by subregions.

**The predominant form of migration is South–South migration.** That is, though there is migration from the region to countries in the global North, most Asia-Pacific migrants (70 per cent) move within the region, often within their own subregion, or to other countries in the global South. Intraregional migration within Asia and the Pacific is by far the most significant within the global South. Migration from South and South-West Asia to the Middle East is the largest South–South migration corridor globally, and one that has grown substantially in recent decades, going against the predominant Asia-Pacific trend of intraregional migration. This corridor is also notable for the predominance of male migrants. The next largest corridor in the region is within South and South-West

Asia, followed by migrations within South-East Asia. As a proportion of population, migration within the Pacific is very significant.

Labour migration, with most of it comprising people of working age and it being temporary in nature, is the predominant modality of people on the move in the region. Other important dimensions concerning people on the move include return migration, international student migration, migration for family unity or formation and migration for permanent settlement, as well as specific issues facing older persons, refugees and asylum seekers. Remittances continue to be a vital source of income for migrants and their families and for their countries, accounting for up to 40 per cent of GDP, and showing a steady increase from the early years of the COVID-19 pandemic for the region as a whole.

**Irregular migration is significant in the region.** Though not covered by official data on the numbers of migrants across the Asia and the Pacific, irregular migration is a major feature of the region's migration landscape. This results from insufficient regular pathways and high costs of migration across the region for the number of migrants who wish or need to migrate and a range of barriers to access those that exist. Migrating in irregular status may occur without difficulty, whether or not it involves the use of smugglers. However, there are numerous risks involved due to the often longer and more difficult journeys, especially over maritime routes, together with the increased securitization of international borders, use of immigration detention, aggravated smuggling and the use of dangerous interception methods such as pushbacks, that can make it more dangerous than regular migration. Unsafe migration may result in migrant disappearances and deaths. This is not only an issue at borders; the majority of migrants in irregular situations enter countries of destination through regular channels and only subsequently acquire irregular status.

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

**International migration is generally driven by multiple factors, including existing embedded inequities that, directly or indirectly, motivate people to move.** Disasters and the adverse effects of climate change and environmental degradation are becoming increasingly relevant drivers of migration in Asia and the Pacific, though they are often interwoven with economic drivers of migration, including social inequality. The Pacific subregion is particularly vulnerable to the adverse effects of climate change, especially the small island States. This has led to some positive developments in addressing climate

change and different forms of human mobility in this subregion, as is also the case, for example, in Bangladesh and the Philippines.

**More needs to be done to enhance availability and flexibility of pathways for regular migration.** The Asia-Pacific region is home to several pathways for regular migration in a manner that facilitates labour mobility and decent work. Furthermore, additional pathways have been established on human rights and humanitarian grounds. Despite this, regular pathways for admission and stay of migrants in the region are generally insufficient, and those that do exist are often difficult for migrants to access in practice and are frequently not gender-responsive. There are further challenges such as those faced by women in accessing equitable and essential health-care services. At the same time, the number of Asia-Pacific women migrating for work has been increasing, with a concentration in occupations such as domestic and care work; women also work as health professionals.

**There has been progress regarding decent work for migrants, though more needs to be done.** While several countries place restrictions on migrants, such as with regard to entry into certain occupations, there have been positive developments such as lowering of visa fees, bilateral arrangements and other agreements to facilitate mobility of migrants and develop their skills. A look at temporary labour migration schemes in the region shows that these may play a positive role in migrant destination economies. Nonetheless, deficits in the human rights of people who migrate under these schemes, including with regard to decent work as well as their rights to family life, adequate housing and health care, persist, highlighting the need for rights-based policies, robust protection mechanisms and support networks. Other pathways are those for humanitarian and human rights entry and stay, with some countries granting residence permits based on factors such as a migrant's length of residence and employment, and children's school attendance, as well as other enduring local social ties and evidence of integration, or humanitarian and human rights considerations, such as access to justice. A good practice, for instance, is Australia's new Workplace Justice Visa that will enable migrants to stay in the country for a short period, so that their workplace rights can be enforced and employers can be held accountable for exploitation and other labour rights violations.

**Fair and ethical recruitment is an important priority where there is room for further progress to be made.** The importance of fair and ethical recruitment has been underlined in global frameworks such as the 2030 Agenda and the GCM. National laws have been revised in some countries, such as eliminating worker-paid recruitment fees in Indonesia and

Mongolia, whereas in Bangladesh steps have been taken to further regulate private recruitment agencies. Moreover, bilateral labour migration memorandums of understanding (MOUs) are increasingly incorporating fair and ethical recruitment provisions, and digitizing recruitment processes, information sharing and data management, as is being done, for example, in Pakistan and Singapore. In addition, civil society actors have continued to support migrant workers and their families throughout the migration cycle. Within labour migration, much remains to be done, among others, in terms of:

- › Limited skills recognition, in particular in the women-dominated sectors of domestic and care work.
- › Discrimination and protection concerns, including with regard to forced labour and all forms of child labour.
- › Enhancing gender responsiveness of laws and policies.
- › The lack of access, for many migrant workers, to the enjoyment of the full range of their human rights, including the right to freedom of association and collective bargaining.
- › Addressing short time periods of temporary schemes, which, depending on the sector, do not necessarily serve employers or workers.
- › Continuing recruitment malpractices, including through criminal networks.
- › The need to address drivers of precarious forms of migration, including the socioeconomic situation in countries of origin.
- › The gap between legislation and enforcement.

Notably, moving forward, ratification and compliance with relevant human rights instruments and labour standards, as the foundation of decent work, is needed to ensure greater benefits of migration.

**It is important that all migrants, including in the context of mixed movements, can be assured of a safe reception on arrival in a country.** There needs to be basic information in a language they can understand and in accessible formats. This should include guaranteed due process and individual assessments, as well as information on human rights. Furthermore, there should be screenings to provide that any situations of vulnerability for migrants, including children, are promptly and accurately identified and followed up on, while victims of trafficking and persons at risk of trafficking should also be provided with protection, including referral to further assistance, as needed. There have been promising developments in work to simplify and reduce the cost of application procedures through technological developments,



such as online processes used by the Government of Turkmenistan for applications for visas, work permits, passports and other identity documents, which also provide feedback notifications to migrants about the progress of procedures and readiness of documents.

**Skills development to enhance employability is very important to migrant workers in attaining decent work abroad.** In this regard, there has been progress in regional, cross-regional and bilateral cooperation to enhance regular pathways and decent work for skilled workers. Examples include:

- › Association of Southeast Asian Nations (ASEAN) Member States using Mutual Recognition Agreements to facilitate freer movement of skilled workers in several occupations.
- › Bilateral migration agreements, as part of the Global Skills Partnerships in the Pacific, in which skills training is used to address skills shortages in both origin and destination countries.
- › Interregional trade union cooperation related to labour migration.

Despite progress, there is a need to address inequities faced by women migrant workers generally, such as their having less access than men to skill development and recognition processes due to existing biases in policies and programmes and their concentration in low wage occupations.

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

**Official legal identity documentation (such as birth or marriage certificates) is essential for ensuring the right to nationality as well as safe access to services, decent work and enjoyment of freedom of movement.** The absence of civil status documentation is both a cause and consequence of irregular migration and displacement, as is statelessness. Furthermore, it can increase vulnerable situations brought about by migrants and their children being excluded from critical support and protection services and by being exposed to exploitation and other human rights abuses. Another concern is limited institutional capacity to identify irregular documents and identities at border crossing points and hubs, leading to, among others, the profusion of fraudulent certificates and identity and travel documents. To remedy the situation, work continues in the region to facilitate the examination of travel documents and verification of identities by immigration and border

officials at border crossing points, supported by several United Nations initiatives. Other recent good practices are, for example, that both Cambodia and the Republic of Korea have indicated commitments to protect the rights of all children and enhance birth registration. Moreover, there have been efforts to improve data on stateless persons across the region, as well as work to end statelessness, particularly in Azerbaijan, Georgia, Kazakhstan and Turkmenistan, and other parts of North and Central Asia. Progress in reducing statelessness has also occurred in the Philippines and Thailand.

**Migrant disappearances and deaths are largely preventable and remain a major humanitarian and human rights challenge.** This is so in a region that sees mixed movements through well-established irregular and unmonitored land and maritime routes, including some from armed conflicts or disasters. While comprehensive data are lacking, since the start of 2020, at least 4,555 migrants have been recorded as missing or dead in Asia and the Pacific. At the same time, in this period, Bangladesh, Maldives, Republic of Korea and Thailand have ratified the Convention for the Protection of All Persons from Enforced Disappearance. In addition, representatives of Indonesia and Thailand to the ASEAN Intergovernmental Commission on Human Rights are among United Nations and regional human rights experts calling for joint action to support victims of enforced disappearance and protect their rights. Another positive development is an MOU between the coast guards of Bangladesh and India which provides for cooperation in search and rescue operations, among others, in relation to the identification and assistance of victims of trafficking at sea, with the objective of ensuring both the safety of lives and “good governance” at sea.

**Smuggling of migrants by land, sea and air is a major human rights violation that needs to be addressed.** Smugglers exploit for profit the migration governance gap that is created when there is insufficient availability and flexibility of pathways for regular migration to reach destinations safely, including as a consequence of disasters, climate change and environmental degradation, as well as statelessness. The power differential between smuggler and migrant that stems from the illegality of smuggling often creates situations of vulnerability for migrants and can give rise to serious human rights violations. This power imbalance can be compounded by factors such as gender and age, which may heighten the risks faced by migrant women and children. There is a need for more empirical data, especially since the clandestine nature of smuggling means that what data are available are only indicative of the scale of the phenomenon.

**Trafficking in persons for the purpose of forced criminality to commit online scams and financial fraud is a relatively new and growing trend.** This is particularly the case in South-East Asia and has accelerated since the onset of the COVID-19 pandemic. Most of the trafficking victims in these scam operations are recruited through fraudulent job advertisements for skilled positions on messaging apps and social media. As trafficking has moved into the digital sphere, efforts against trafficking in persons must adapt, including by engaging with technology companies to ensure due diligence and enforce applicable legislation and regulations. A further concern is countries accepting and recognizing forced criminality as a form of exploitation within the legal definition of trafficking in persons. Without this, authorities often treat trafficked persons as criminals rather than as victims of a crime and a range of human rights abuses. A human rights-based approach to trafficking in persons works to avoid re-victimization and recognizes that punishing a victim of trafficking for unlawful acts committed as a consequence of their being trafficked is unjust and hinders the possibility of their recovery. While the anti-trafficking legislation of several Asia-Pacific countries extends the non-punishment provision to include immigration offences, many gaps still need to be closed regarding protection and access to justice for victims of trafficking in the region, given often inadequate or unimplemented legislation to inadequate services and remedies for trafficked persons.

**Simplified border procedures can help promote orderly cross-border migration.** There is a great diversity of border situations in Asia and the Pacific. Across many of them, governments are working to ensure practical, flexible, secure, efficient and reliable approaches to border management. The past four years have demonstrated how border management is affected by external pressures (notably, the pandemic and conflict situations), which have human rights consequences. Strict border controls, together with tightly managed migration systems, drive demand for the services of migrant smugglers and can push them to use riskier routes and methods, exacerbating the dangers faced by migrants during transit. Promising developments include the Mekong Border Pass system, which is part of broader efforts to simplify cross-border travel and trade between Thailand and its neighbours: Cambodia, Lao People's Democratic Republic and Myanmar. This initiative allows residents of border provinces to cross the border for short visits without requiring a full visa or passport as a travel document. Simplifying border crossings encourages greater social and economic cooperation between border communities and demonstrates how simplified border procedures can promote orderly cross-border migration, support local economies and foster regional cooperation.

**A well-functioning and rights-based immigration system should have little to no need for immigration detention.** While there is still widespread use of arbitrary immigration detention across the region, and in the past four years there have been some setbacks, there has also been notable progress towards a rights-based approach to immigration detention. This includes rulings against indefinite detention of migrants and momentum in some Asia-Pacific countries in reducing and taking steps towards ending immigration detention of children. This latter point is urgently needed, given that immigration detention is harmful to children – to their physical and mental health and their development – and exposes them to a heightened risk of exploitation and abuse. Alternatives to detention (ATDs) are much needed, especially those based on an ethic of care, rather than enforcement, and offering a more humane approach that respects the human rights of migrants in their entirety. Good practices include Azerbaijan keeping children out of the immigration detention system.

**Return and reintegration programmes need to be comprehensively planned before, during and after migration to ensure that they are a shared responsibility between origin and destination countries.** Voluntary return should always be promoted in preference to coerced or forced return and any assisted returns should take place on the grounds of the migrant's free, prior and informed consent, while being based on an individualized assessment and in respect of the principle of non-refoulement. However, the absence of comprehensive legal and operational frameworks complicates the process of safe return and sustainable reintegration. Another concern relates to the use of pushbacks, a form of discrimination that denies migrants' rights and puts their lives at risk. The Committee on the Elimination of Discrimination against Women has identified measures, such as increased border control, refusal of entry, pushbacks, expulsion or detention, as factors limiting the movement of women and girls. For reintegration to be sustainable for the migrant and their family, there should be information on return and support available as part of pre-departure information and training for migrant workers, and adequate support on return. Moreover, age-, disability- and gender-specific challenges faced by migrant workers returning to their communities need to be recognized. Strengthening bilateral and multilateral agreements between countries can facilitate better coordination and cooperation for safe return and sustainable reintegration, including clear procedures for cross-border case management and ensuring the protection of migrants' rights throughout the process. Bangladesh is working on its GCM-aligned National Reintegration Policy for Migrants (2022), including by organizing consultations with relevant stakeholders. The final policy will include guidelines

for the coordinated reintegration services for migrant workers, returnees from irregular situations and the diaspora community.

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

**Processes for consular protection assistance and cooperation must be put in place to protect the rights of migrants in countries of origin, transit and destination.** By delivering effective consular aid, governments can ensure their nationals who migrate receive protections in line with their rights and appropriate assistance in times of need. Nonetheless, effective migrant protection requires efforts from a range of duty bearers in countries of origin, transit and destination. That stated, providing assistance to migrants and protecting their rights also requires adequate resourcing, capacity and political will, as well as an acknowledgement that consular support must be linked to national judicial and support systems in countries of destination. As a good practice, the Government of the Philippines, with private sector partners, has worked to leverage digital channels to engage migrant workers, triage support requests and respond to their concerns. In 2023, ASEAN Member States adopted the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations, along with its Guidelines. This stands as a significant commitment to assistance by consular authorities across the subregion by prioritizing the strengthening of their consular service capacity to fulfil regional commitments in protecting migrant workers.

**All migrants, regardless of their migration status, should have access to basic services.** Ensuring such access (among others, regarding health care, protection, education, housing and legal assistance) is essential for upholding their human rights and promoting social justice. Among the foremost obstacles encountered by migrants in accessing basic services in countries of destination are legal restrictions, discrimination and working conditions – for instance, lack of a day off or access to paid sick leave. Migrants with irregular migration status are particularly marginalized and excluded. The GCM emphasises the ways in which pathways for regular migration, such as new and expanded regular pathways to admission and stay, can be an effective tool to ensure the protection of migrants and their rights, including migrants in situations of vulnerability. The COVID-19 pandemic has resulted in useful lessons learnt on regularization as a tool to address situations

of vulnerability for migrants, among others, in the domain of access to health care. Nevertheless, more remains to be done in addressing the specific concerns migrants, in particular women and children, face. This is often exacerbated by there being limited reliable, comparable and disaggregated data.

**Migrants can be key contributors to resilient communities.** Yet for this to happen, migration needs to be viewed favourably and migrants should be allowed to prosper in the society in which they reside. A major concern in this context is addressing the rights of women migrants, while recognizing the need to empower them by eliminating gender-based discriminatory restrictions on their migrations. Countries across Asia and the Pacific have recognized the need to avoid polarization and increase public confidence related to migration. Work to promote mutual respect for the cultures, traditions and customs of communities of destination and of migrants is vital to realize full inclusion and social cohesion. For example, in Malaysia, a recent initiative has involved the production of videos featuring migrant workers and refugees from countries within and outside the region, in conversation with prominent Malaysian personalities. There are other examples of positive developments at the subnational level, with local authorities and mayors helping promote the inclusion of migrants, such as in Japan and Türkiye. Given rapid population ageing and migration as a means to maintain sizable labour forces and fill labour shortages, efforts are needed to enhance inclusion and social cohesion, as has been occurring in Japan and the Republic of Korea.

**It is important to ensure conditions for migrants and diasporas to fully contribute to sustainable development in all countries.** Moreover, international migration is a multifaceted aspect of sustainable development, with many positive economic, social and environmental impacts. Despite the potential gains, mutual benefits for migrants and development depend upon normal access to the labour market – including documented status, the right to work and recognition of professional licenses – resulting in improved outcomes for migrants and societies. Remittances represent a large and growing share of financial flows in low- and middle-income countries in Asia and the Pacific, contributing as much as 40 per cent as a share of GDP. Remittances can protect households from shocks and crises; for instance, an average of 60 per cent of household income lost from typhoons and natural disasters in the Philippines is made up for by remittances. Multistakeholder partnerships are deemed essential for optimizing the developmental impacts of remittances, diasporas and migration. Financial institutions, government agencies, and civil society and diaspora organizations can all play a pivotal role in creating inclusive ecosystems





Migrant workers living in various parts of India on crowded train returning to Nepal for a festival. © IOM / Sudipto Da

that provide migrants with the necessary tools and support to harness the potential of digital remittances for their financial well-being and socioeconomic empowerment. In the Pacific islands, where climate change poses significant challenges, governments are increasingly incorporating migration considerations into their development planning. For example, Kiribati and Tuvalu are developing policies and frameworks that recognize migration as an adaptation strategy.

**Promotion of quicker, less expensive and safer remittance processes for both migrant workers and their families is an imperative.** As in the preceding year, in 2023, the largest recipients of remittances in the Asia-Pacific region (in USD) were estimated to be India, China, the Philippines, Pakistan, Bangladesh, Viet Nam, Indonesia, Thailand, Nepal and the Republic of Korea, in order of magnitude. With the world's largest diaspora group, at close to 18 million, remittance inflows to India were anticipated to grow by 11 per cent to USD 100 billion, making the country the first ever to reach this threshold. Measured as a percentage of GDP, the top three remittance-dependent countries worldwide are in the Asia-Pacific region: Tonga, Tajikistan and Samoa (in order of magnitude). In the region, a large proportion of remittances are still sent through informal channels, due to factors including high remittance costs, lack of access to banking services, unfamiliarity with or lack of trust in formal channels, and lack of identification documents. Women are more likely than men to use informal channels, sometimes because of lack of familiarity or trust regarding formal channels, but also because they tend to transfer smaller amounts for which the cost of using formal channels is higher. Malaysia is a good practice example where remittance costs are relatively low. Among the reasons leading to this is high competition among remittance service

providers, which usually charge a flat service fee in addition to a competitive foreign exchange margin direct fee for the service and exchange rate margin. Other important developments are supported under the Colombo Process for South Asia and South-East Asia; these include the promotion of quicker, less expensive and safer remittance processes for both migrant workers and their families, along with the sustainable reintegration of returning migrants into community life by providing them with equitable access to vocational training and financial services.

**Portability of social security for migrants is important.** As migration continues to shape the social and economic landscape of countries in this diverse region, ensuring the portability of social security entitlements and earned benefits for migrants emerges as a critical aspect of promoting social inclusion and sustainable development, as well as safeguarding the rights of migrants and their families. Some groups remain particularly disadvantaged in terms of social protection coverage. Migrant workers are disproportionately represented in informal employment and are often not covered at all by social protection systems. Promising developments include the ratification of the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers, by ASEAN Member States in November 2022, and the establishment of a national committee in Pakistan, in 2023, to strengthen provisions linked to social welfare and protection and maximize benefits to overseas workers.

**Sustainable development frameworks at national and subnational levels must integrate concerns of migrants.** Asia-Pacific countries have recognized that many of the roadblocks to achieving the SDGs, such as non-income poverty and inequality, must be addressed through supporting implementation of

the 2030 Agenda at the local and community level. In the realm of migration, these localized initiatives focus on enhancing the integration of migrants into sustainable development frameworks, aligning with both the principles of the GCM and the 2030 Agenda. There have been several positive recent developments across Asia and the Pacific; these include initiatives to address challenges in collecting migration data and promoting effective planning and policymaking in relation to climate change-influenced migrations in the Philippines, and work to ensure equal access to shelter and basic services for migrants in times of frequently occurring natural disasters, such as inundation, landslides and tsunamis, in Thailand.

### Improving value-driven and evidence-based policymaking and public debate, and enhancing cooperation on migration (Global Compact for Migration Objectives: 1, 3, 7, 17, 23)

**Data and information to assess the situation of migrants, development outcomes and how they are faring in comparison to nationals need to be strengthened.** These data should cover all relevant aspects, including socioeconomic indicators of migrants and their families, regardless of their migration status. Various United Nations agencies have databases on migration statistics in Asia and the Pacific; they include sets of indicators on migrant and migration, time-series estimates of migrant stocks and data on labour migration outflows. In addition, support is provided in developing population census and household surveys to reach migrant communities and ensure they are counted, and in strengthening safe and ethical collection, analysis and distribution of administrative gender-based violence (GBV) data at national and subnational levels. Migrant organizations and CSOs have actively gathered qualitative data on migrants' situations on the ground and provided these to different international human rights mechanisms and other United Nations processes, such as the development of reports by the Secretary-General. Moreover, academic stakeholders provide qualitative and quantitative data and analysis, as well as findings and recommendations to inform decision-makers and the public on the realities of migration for the formulation of evidence-based policies to defend the human rights of migrants.

**Migrants should be provided access to accurate and timely information on regular pathways, including entry and stay requirements, and available forms of protection and assistance.** This can help reduce the risks migrants face through all stages of migration. Social media campaigns and radio are effective ways to share information, including with otherwise hard-to-reach migrant populations in diverse situations.

Programmes provide updated information in migrants' languages concerning frequent changes in policy and any political changes, and also deliver news from origin and destination countries supporting daily life and civic participation. Pre-employment and pre-departure orientation programmes for migrant workers need to be strengthened, including through involving CSOs and migrant workers and their families in programme development, and including coverage of migrant workers' rights and obligations under the law and practice of destination countries. Other areas of support are facilitation of access to government programmes and services, among others, mandatory benefits to which migrant workers are entitled. Good practices include the United Nations supported Ship to Shore Rights South East Asia programme. This has supported migrant worker resource centres to deliver informal pre-departure trainings for migrant workers. A further benefit is that the engagement of trade unions and CSOs has contributed to a more rights-based approach to pre-departure orientation in many cases.

**Policies and legislation on migrants should be aligned with international human rights norms to avoid creating or aggravating situations of vulnerability for migrants.** Research published by ASEAN notes that policy differences in member countries and the lack of a whole-of-government approach undermine coordination in managing labour migration. This can create situations of vulnerability, while protection gaps arise when the regulatory framework does not cover all labour sectors. The research also notes recruitment agencies as a risk factor for migrants, such as through imposing excessive recruitment fees. Concerns include documents being withheld by employers and employer misconduct, such as abuse, visa trading or contract substitution. Some of the most serious risks of human rights violations, including discrimination, abuse and exclusion, at all stages of migration are experienced by migrants with diverse sexual orientations and gender identities, especially transgender women. Other issues which require attention are denial of family life, in particular on the temporary labour migration programmes that predominate in the region, and addressing the protection needs of children affected by migration. Indonesia, Malaysia, Thailand and Viet Nam, for example, have taken important steps to strengthen their policy frameworks to protect the rights of children from violations by businesses. In addition, there are good practices by businesses that are taking voluntary steps, in partnership with international agencies and civil society, to undertake due diligence and child rights impact assessments, paying particular attention to the rights of children of migrant workers.

**Multiple and intersecting forms of discrimination faced by migrants should be addressed.** Discrimination is the antithesis of the SDGs, with their aim to leave no one behind. Often due to normalized public



misperceptions and stereotypes, fuelled largely by news and media reports, migrants frequently face multiple and intersecting forms of discrimination. This is especially the case for women and girls, who are at disproportionate risk of GBV. Action needs to start with comprehensive anti-discrimination legislation, explicitly covering all areas of life and defining and prohibiting direct, indirect and intersectional discrimination on all grounds, with access to effective and appropriate remedies for victims of discrimination. Hate speech, both online and offline, should be adequately monitored and expressly prohibited where it constitutes incitement to discrimination, hostility or violence. Safe reporting channels and follow up investigations are needed. Other concerns include the living and working situations for migrants, the right to freedom of religion and belief and the numerous challenges and forms of discrimination faced by migrants with disabilities. Asia-Pacific migrants with disabilities are barred in policy and practice from accessing some regular migration pathways in the region, or they may become disabled during their migration, for example with mental or physical disabilities resulting from violence and harassment at work, as well as injuries related to working at heights and exposure to harsh chemicals, among others. Recent positive developments to address discrimination include the Kyrgyzstan Labour Code, which prohibits discrimination, so that everyone has equal opportunities to exercise their labour rights and freedoms. Furthermore, migrant worker resource centres in ASEAN have actively provided legal support to migrant workers who seek to resolve complaints and receive due wages, compensation or other legal remedies in cases of abuse, exploitation or fraud – often training migrants to support related information and service provision. In addition, at the ASEAN level, new guidance is available on ways to develop national standard operating procedures for survivors of violence against women, including migrant women. Research on public attitudes towards migrants in Asia and the Pacific is critical and has repeatedly shown that interaction with migrant workers has a strong positive effect on the public's knowledge, attitudes and practices regarding migrant workers in destination countries. Other good practices include work by media, known to be important stakeholders in GCM implementation, such as sensitizing the public to the realities of migration in the region and shaping public discourse and narratives to contribute to a comprehensive understanding of all aspects of migration.

**Regional and international cooperation are critical to ensure fair, orderly and safe migration in the region.**

As with the 2030 Agenda, cooperation is at the heart of global migration governance and, accordingly, one of the ten interdependent guiding principles of the GCM. All regional commissions are organizing a

second round of GCM regional reviews in 2024 and 2025. In Asia and the Pacific, ESCAP and the Regional United Nations Network will convene the second regional review from 4 to 6 February 2025. This will:

- › Take stock of progress made in GCM implementation since the first Asia-Pacific GCM Regional Review.
- › Identify key challenges, opportunities, gaps and emerging issues, as well as promising practices and lessons learned.
- › Discuss regional priorities and potential areas for regional cooperation on international migration in line with the vision and guiding principles of the GCM.
- › Compile resource requirements related to capacity-building, policy advice, data collection, technology and partnerships for the full implementation of the GCM.
- › Facilitate the formulation of key findings and recommendations to inform the 2026 IMRF.

The drafting of this report, as well as stakeholder consultations, are part of the regional review process leading up to the intergovernmental meeting in February 2025. The Regional United Nations Network on Migration continues to work to ensure cooperation on migration work across the region and to support realization of the whole-of-society approach of the GCM, with the meaningful, transparent and inclusive engagement of relevant and diverse stakeholders. In August 2024, a Stakeholder Advisory Group of the Regional Network was formed to increase stakeholder involvement in a structured and coordinated way in the tasks of the Regional Network. The Advisory Group currently consists of stakeholder organizations, representative to the extent possible of the 12 stakeholder categories listed under paragraph 44 of the GCM. The group strives for geographic, gender and thematic balance. Country-level networks have also been developed. There are currently 16 national-level networks on migration across Asia and the Pacific. Linking migration with other United Nations global processes has also taken place, such as at the High-Level Political Forum on Sustainable Development, the Global Refugee Forum, the Paris Agreement and the Sendai Framework for Disaster Risk Reduction. Migration governance and partnerships have been enhanced within and across regions, including at the subregional level, while participation by Asia-Pacific States in nine State-led consultative processes has led to enhanced international cooperation on migration and progress in several domains. These include promoting evidence-based immigration policies; addressing smuggling of migrants, trafficking in persons and related transnational crime; and protecting persons displaced in the context of disasters and the adverse effects of climate change.

## Moving forward – Towards a comprehensive approach to safe, orderly and regular migration in the Asia-Pacific region

Migration is a vital force in today's world. Asia and the Pacific has a long history of migration, and it is instrumental in countries' economic, social and cultural development, driving progress and prosperity. Sustainable development policies and programmes need to integrate migrants as both agents and beneficiaries, as well as recognize that all migrants are rights-holders entitled to claim their rights. Correspondingly, migration policies need to support sustainable development. However, more is needed to fulfil the promise of migration – for migrants and their families, as well as for origin, transit and destination countries – and to address the drivers of precarious forms of migration in the region. Despite the challenge, there have been numerous achievements in implementing the GCM throughout the Asia-Pacific region since 2021. These include good practices concerning:

- › Fair recruitment and providing decent working and living conditions.
- › Labour rights extended to migrant domestic workers.
- › Pathways to citizenship.
- › Cooperation and coordination to extend humanitarian assistance to migrant workers.
- › Visa provisions.
- › Legislation to protect and recognize the rights of children of unknown parentage and grant them nationality.
- › Consular support.
- › Using alternatives to immigration detention.

For further progress, a “whole-of-GCM” approach is needed, where interlinkages between the objectives are acknowledged and addressed. Meaningful engagement of diverse stakeholders is also needed. Every migration policy should be people-centred, considering the diverse situations of migrants and their families and recognizing that these may change over the course of migration. They should protect the human and labour rights of migrants and their families and not create or exacerbate vulnerable situations. Policymakers and the public at large need to be sensitized to help eliminate all forms of discrimination, including gender-based discrimination, racism, xenophobia and intolerance against migrants and their families. Another critical consideration is addressing the lack of qualitative and quantitative data needed to make migrants more visible, including through collection, compilation, analysis and distribution of data disaggregated, by, among others, migration status, age, gender, ethnicity, disability status, occupation, sector of employment, country of origin, number of children per household and level of education.

The coming years are a critical time and there is much to be done. The digital transformation is very rapid in the region and is altering all stages of migration, as well as the world of work. It offers increased efficiency, access and accountability and also brings new risks. There are profound demographic shifts that migration can support, such as in countries with ageing populations and low birth rates. Climate change remains one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve inclusive and sustainable development. Tapping into the potential of migrants as development actors will ensure that migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda. With that, migration can be a path to peace, inclusion and sustainable development for all.



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## Acronyms

<b>APMR</b>	Asia-Pacific Migration Report
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATD</b>	alternatives to detention
<b>COVID-19</b>	Coronavirus disease (2019)
<b>CSO</b>	civil society organization
<b>GBV</b>	gender-based violence
<b>GCC</b>	Gulf Cooperation Council
<b>GCM</b>	Global Compact for Safe, Orderly and Regular Migration
<b>GCR</b>	Global Compact on Refugees
<b>GDP</b>	gross domestic product
<b>IMRF</b>	International Migration Review Forum
<b>MOU</b>	memorandum of understanding
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PALM</b>	Pacific Australia Labour Mobility
<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>SDG</b>	Sustainable Development Goal
<b>SOP</b>	standard operating procedure





CHAPTER 1

# Overview of Migration in Asia and the Pacific





## 1.1 Introduction

Asia and the Pacific,<sup>1</sup> home to 58 per cent of the global population in 2024, is the origin and destination for many international migrants, with about one third of migrants globally coming from the region (UN DESA, 2024). Importantly, most migration in Asia and the Pacific is regional in nature (ESCAP, 2020a). Motivated by hopes to support families, find opportunities and make a better future, and driven by unsustainable development, inequalities, conflicts, climate change, environmental degradation and disasters, people are migrating to build a more secure future for themselves, their families and communities. In doing so, they contribute to sustainable development in countries of origin, transit and destination.

Migration brings demographic, social and economic benefits for societies. It can reduce inequalities and build connections within and between communities and countries. But often, migrants and their families are left behind, targeted for discrimination, xenophobia, exclusion, violence, exploitation and other human rights violations. This undermines the benefits of migration. When it takes place in a well-informed, planned and consensual manner, with full respect of human rights, migration can bring benefits to all.

Migration can support development and climate change adaptation strategies and help overcome other challenges. Nevertheless, it should not be a replacement for a State's obligation to address root causes such as by investing in sustainable development and mitigating the adverse effects of climate change.

Migration matters to everyone; it affects more people than just those who migrate and cannot be managed effectively by any one State alone. It necessitates international cooperation, as well as a whole-of-government, whole-of-society and, for the United Nations, a whole-of-system approach. It acts as a vital connection between countries and regions in an interconnected world. There are, of course, challenges, but with tools and commitments that ensure people-centred and rights-based governance, the potential of migration can be maximized for all.

This year marks the 30th anniversary of the Programme of Action of the International Conference on Population and Development, adopted in Cairo in 1994, which set the agenda for global action on population and development, including international migration. The year also marks the mid-point between the first global review of the Global Compact for Safe, Orderly and Regular Migration (GCM) at the International Migration Review Forum (IMRF) in 2022, and the second, to take place in 2026. The GCM is a vital part of realizing the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development.

### 1.1.1 Focus of the *Asia-Pacific Migration Report 2024*

This report aims to assess the state of GCM implementation in the region, its progress and its challenges since the first Asia-Pacific Regional Review of Implementation of the Global Compact for Migration in 2021, in which a Chair's summary was adopted. Chapters 2 to 5 each consider clusters of GCM objectives, as presented in General Assembly resolution 73/326 and following the same groupings as in the Asia-Pacific Migration Report (APMR) 2020. These chapters open with a summary of the discussions from the first regional review of the GCM, held in 2021, drawing from the Chair's summary. Chapter 6 provides overarching recommendations to support and accelerate GCM implementation in Asia and the Pacific. At the end of the report are annexes with information on the GCM objectives and guiding principles, references to migration in Voluntary National Reviews to the High-Level Political Forum on Sustainable Development, and GCM pledges at the level of the State or City, Municipality and Local Authority.

The current report builds on APMR 2020, published by the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Regional United Nations Network on Migration for Asia and the Pacific, and launched on International Migrants Day, 18 December 2020 (ESCAP, 2020a).

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, Türkiye, 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 Türkiye. 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.

As with APMR 2020, this current report does not assess the situation for all people on the move within and from Asia and the Pacific. The mandate for the report is to assess GCM implementation across ESCAP member States since 2020. It is, therefore, drafted within the parameters of the GCM. This means that the focus is on the governance of international migration and the situation of migrants who have crossed international borders. Issues relating to internal migration or for internal or cross-border displaced persons are not included. The GCM does not address the situation of refugees or asylum seekers, which is covered by the Global Compact on Refugees (GCR). However, this report includes a brief statistical profile on the number of refugees in the region, as it pertains to the context in which States are working to implement the GCM. It also describes the complementarity of the two Compacts, which strengthens protection and solutions in mixed movements, and the connections between the GCM and its review process and that for the GCR, namely the Global Refugee Forum (GRF).

The report is focused towards States as the primary duty-bearers to implement the GCM. However, one of the ten guiding principles of the GCM is that implementation should take a whole-of-society approach, recognizing the importance of including a wide range of stakeholders to ensure safe, orderly and regular migration and promoting broad multi-stakeholder partnerships to address migration in all its dimensions. Though it is far from comprehensive, given the diversity both of relevant stakeholders and within each type of stakeholder, each chapter highlights the work of one or more of the GCM stakeholders.

This chapter starts with an overview of developments at the intergovernmental level, including the first Asia-Pacific Regional Review. It also provides a brief introduction of five global megatrends that are shaping the future of the region: (a) demographic shifts, particularly population ageing; (b) urbanization; (c) climate change; (d) the emergence of digital technologies; and (e) inequalities. The chapter also describes the main issues and trends in migration, including:

- › Climate change and other crisis situations
- › Main migration corridors
- › Refugees and asylum seekers
- › Labour migration
- › Student migration
- › Migration for family unity or formation
- › Migration for permanent settlement
- › Migrant deaths and disappearances
- › Smuggling of migrants
- › Trafficking in persons

This report cannot do justice to the diversity of migrants, State contexts and migration movements to, across and from them, as well as situations in a region as large and complex as Asia and the Pacific. Nor can it describe all the efforts by States and other stakeholders to implement the GCM – a review that now also needs to incorporate an assessment of the recommendations of the Progress Declaration of the first IMRF and the Chair’s summary adopted at the first regional review in Asia and the Pacific.

As in APMR 2020, this report includes some examples of promising practices and developments in GCM implementation. These are non-exhaustive instances of measures, principally undertaken by States, international organizations and relevant stakeholders. The examples are indicative; they have not all been independently verified and are presented without claiming to be complete or geographically representative.

### 1.1.2 Taking stock since APMR 2020

APMR 2020 is part of a long ESCAP history of assessments of migration across the Asia-Pacific region, now adapted to be part of the work of the Regional United Nations Network and the GCM review process in Asia and the Pacific. As such, it set out to provide a baseline assessment of the regional GCM implementation as a contribution towards the first regional review (ESCAP, 2020b). Other baselines for the regional review were the GCM Voluntary National Reviews: 25 Asia-Pacific States submitted a national review in 2020/21.<sup>2</sup>

GCM implementation requires a whole-of-society approach. Genuine and inclusive stakeholder engagement, in all breadth and diversity, is vital to a meaningful review. In preparation for the first regional review, ESCAP and the Regional United Nations Network worked with relevant stakeholders to organize five consultations between October 2020 and March 2021, as well as two briefings, in August 2020 and February 2021.<sup>3</sup> Because of the COVID-19 pandemic, these could only take place online, which greatly increased the reach of the events and the diversity of stakeholders who were able to participate. The first four consultations followed the clustering of GCM objectives that States had decided for the IMRF (United Nations, 2019a). The final consultation was planned and run by stakeholders as an opportunity to self-organize and draft joint statements to be presented at the intergovernmental regional review meeting. Stakeholders also self-selected five speakers to present their statements and make interventions at the meeting. Additionally, stakeholders

<sup>2</sup> Most of these are available at <https://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly>

<sup>3</sup> Concept notes, programmes, presentations and summary reports are available under the “Stakeholders” tab at <https://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly>



took the floor during panel discussions, the opening and closing of the meeting, and they organized and participated in side events (ESCAP, 2021b).

Countries across the Asia-Pacific region continue to support implementation of the GCM, with Kyrgyzstan joining the GCM in September 2024.

### The first regional review in Asia and the Pacific

The first Asia-Pacific intergovernmental regional review was organized by ESCAP, in partnership with the Regional United Nations Network on Migration, and was chaired by the Philippines. It was convened in hybrid mode from 10 to 12 March 2021. The meeting was attended by representatives of 32 member States, which reiterated their commitment to the implementation of the GCM. Some 43 stakeholder groups, including civil society organizations (CSOs), trade unions and local governments, registered for the intergovernmental meeting. At the end of the meeting, ESCAP member States adopted a Chair's summary which, among others, highlighted the significant scale of migration and the major contributions of migrants and their families to sustainable development, including through remittances. It was also noted that there was a need to provide adequate support to migrants through social protection and other measures of social inclusion and engagement in society, while an inclusive approach to the implementation of the GCM would ensure that migrants in vulnerable situations had equal access to services and protection of their rights and dignity regardless of their status. The Chair's summary further emphasized the importance of subregional, regional and international cooperation and partnerships on international migration, recognizing that migration governance was a responsibility shared by all countries.

### The first IMRF and its Progress Declaration

The IMRF, held in May 2022, represents the first-ever intergovernmental global platform to discuss and share progress on the implementation of all aspects of the GCM, including as it relates to the 2030 Agenda. It was held at the United Nations in New York, United States of America and comprised four interactive multi-stakeholder round tables covering the GCM objectives, a policy debate and a plenary (general debate) (United Nations, 2022p).

From Asia and the Pacific, the general debate included statements by five Ministers, four Vice Ministers, and four other high-level representatives; Indonesia

delivered a joint statement on behalf of the champion countries of the GCM. In total, 26 Asia-Pacific countries, representing every subregion, delivered statements in the general debate and 14 of them also made interventions in one or more of the other sessions. Representatives from Azerbaijan, Tajikistan and Thailand co-chaired roundtables 4, 2 and 3, respectively, and representatives from Bangladesh, Cambodia and the Philippines, were on the panels. Furthermore, representatives from across Asia and the Pacific engaged in policy discussions through several of the official side events organized during the IMRF.

The IMRF Progress Declaration was adopted by consensus, reaffirming the GCM and making a further set of recommendations to accelerate its implementation.<sup>4</sup> The Declaration also took note, with appreciation, of the first round of regional reviews and again invited United Nations regional commissions, among others, to review progress made in GCM implementation to inform the second IMRF, in 2026. On the sidelines of the IMRF, all regional commissions and their regional partners and respective Chairs of the 2020/21 round of regional reviews organized an event on the regional reviews, highlighting regional priorities (see also chapter 5.5). Between 2024 and 2025, all regional commissions, with their regional partners, are convening GCM regional reviews in their respective regions.

It is now recognized that the inaugural IMRF did not adequately draw on or reflect the GCM implementation work at the regional level. The President of the General Assembly, who had organized the IMRF, recommended targeted efforts to ensure, among others, regional representation in future forums and migration-related meetings, as well as the participation of youth, mayors and migrants (United Nations, 2022i).

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

Asia and the Pacific is the world's most populous region, home to about 58 per cent of the global population. It includes China and India, countries that have the largest populations, but also Pacific States that have some of the smallest. The region is vast in its geography, diverse in economic and social development, and is at the forefront of important global trends.

4 The United Nations General Assembly endorsed the Progress Declaration (in resolution 76/266), again without a vote, on 7 June 2022.

### 1.2.1 Megatrends in sustainable development and their effects on migration

In 2020, the United Nations Economist Network identified demographic shifts, particularly population ageing; urbanization; climate change; the emergence of digital technologies; and inequalities as megatrends shaping sustainable development at the global and regional levels (United Nations, 2020e). In a region as large and diverse as Asia and the Pacific, these overall trends mask myriad variations; however, they have profound impacts on people (including throughout the migration cycle), the environment and prosperity at every level. The five megatrends are closely interlinked, either reinforcing each other's impacts or slowing or counteracting them. They also intersect with a range of crisis situations (see below) that have notably affected Asia-Pacific migrants in countries of origin, transit and destination over the past four years, such as in the context of disasters, economic crises and conflict situations.

#### Demographic shifts

The Asia-Pacific region has undergone significant demographic changes, primarily due to declines in fertility and mortality, as well as increased migration within and beyond the region. In the mid-1960s, women in the region, on average, had about 5.6 children over their life course. By 2024, that number had fallen to 1.8 – below the replacement level of 2.1. At the same time, life expectancy at birth increased by a third, from 51.5 to 74.7 years (for more on the region's demographic changes, see UN DESA, 2024).

As countries go through the demographic transition, first the number of children and youth increases. If countries invest in health, education and decent work, and reinforce their financial infrastructure and overall governance structures, enhanced innovation and economic productivity often follow. This has occurred in several countries of the region in which governments have harnessed the benefits of the demographic dividend associated with the growth in the share of the working-age population relative to the non-working-age population. The consequences for labour markets, economic growth and innovation have been profound.

However, where investments in education, health and/or decent work have not materialized, the growing number of young and working-age people have faced unemployment and underemployment. In fact, to this day, young individuals are still three times more likely to be unemployed than adults in

all Asia-Pacific subregions. This particularly affects young women, who are more than 2.5 times (36.7 to 13.6 per cent) more likely to be not in employment, education, or training than young men (ESCAP, 2023a). This ongoing challenge exacerbates rural to urban migration and emigration of young people. More developed countries in the region and elsewhere are popular destinations due to their robust economies and abundant job opportunities in technology, health care and engineering sectors. The draw of better employment prospects and higher living standards motivate many to relocate. These migrations also present challenges such as brain drain, where countries lose their highly skilled labour force, potentially hampering long-term national development. In the Pacific, there is concern that the high levels of youth migration could jeopardize traditional knowledge and skills, the basis of sustainable and resilient communities.

Regardless of where countries are in the demographic transition, the lessons are clear. Countries that invest in their people, benefit the most from the demographic transition. However, investments must be made over the life course, and they must be inclusive and sustainable.

With life expectancy increasing further and fertility falling to levels at or below replacement level, populations age, and the share and total number of older persons increases relative to youth. For many countries in the region, the window of opportunity to benefit from the youth bulge has closed, and they have become aged and super-aged societies.<sup>5</sup> Others are at the tail end of the demographic dividend, and a few others, some in the Pacific, are still in the midst of this transition.

Since APMR 2020 was published, fertility and mortality levels have fallen further in many countries of the region, and population ageing and even population decline have become prevalent features of the demographic landscape.

Migration and population change (especially population ageing) is likely to become increasingly important in the decades to come. Between 2024 and 2050, the region's population is projected to increase from 4.8 billion to 5.1 billion people, then peak in 2051 and decline to 4.4 billion people by 2100. A total of 14 countries in the region have already reached their population peak, and an additional 16 countries will follow before 2060. A further 16 countries are projected to peak before 2100, and the rest will follow after 2100. Currently, 16 countries are experiencing negative population growth, and this number is projected to increase to 19 by 2050.

5 Percentage of older persons (65+)  $\geq$  15 per cent and  $\leq$  20 per cent: aged society; percentage of older persons (65+)  $\geq$  21 per cent: super-aged society.

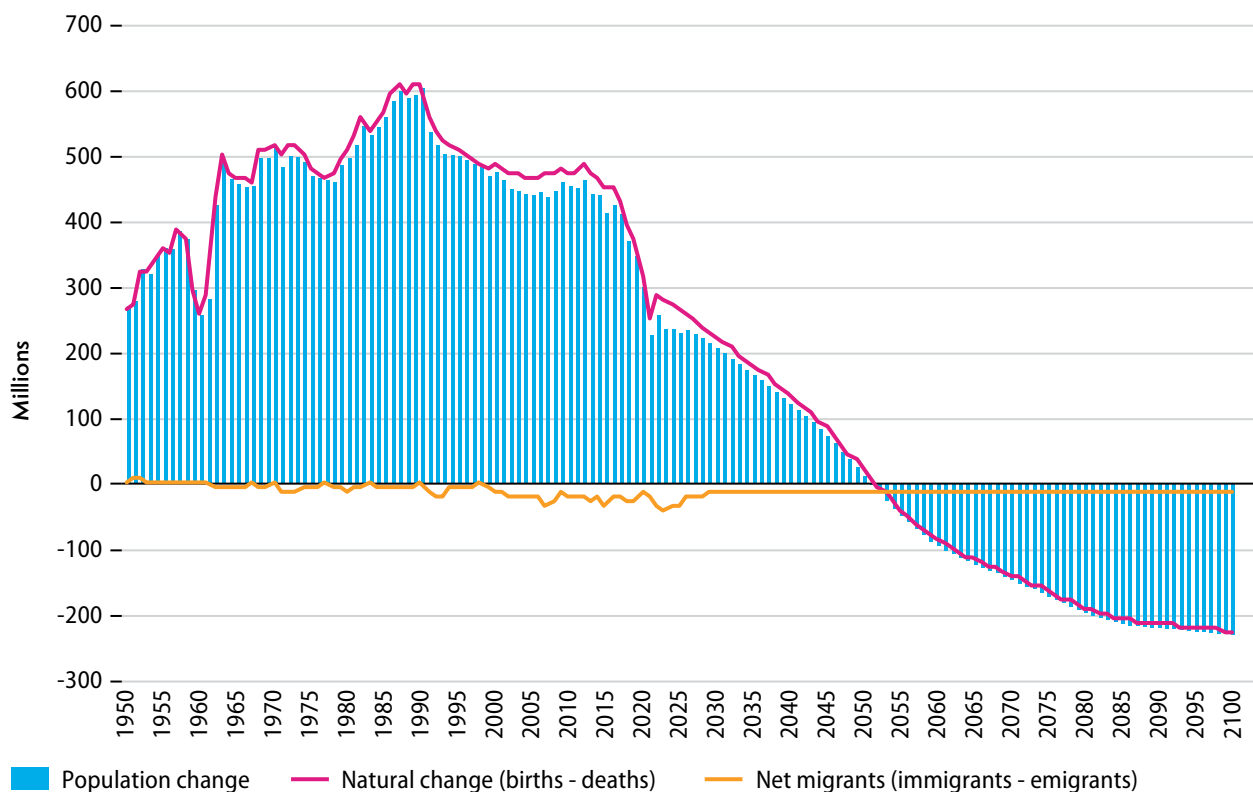
Most population change at the regional and subregional levels in Asia and the Pacific has been influenced by natural increase, or the change in the number of births and deaths. Net migration, or the difference in the number of immigrants and emigrants has hardly had any influence on overall population change, and it is projected to remain that way in the future (figure 1.1).

However, if Asia-Pacific countries decide to move to more pro-immigration policies, such as due to labour shortages, migration can have a positive effect on overall population change. For several high-income countries in the global North, for example, the contribution of international migration to population growth has exceeded the balance of births over deaths in recent years, and migration is projected to become the sole driver of population growth, as the number of deaths will progressively exceed the number of births.<sup>6</sup>

These emerging trends present new challenges and opportunities for societies. As the number and share of older persons increases and the working age population declines, demand for older persons' care

is rising in the region. Migrants play an essential role in delivering such care, including domestic work, in particular in countries where family sizes are shrinking due to young people moving to cities or other countries to find work. Nevertheless, care workers often encounter low pay, poor working conditions and abuse, particularly if working in private households, and if undocumented. Moreover, countries facing decreases in the working age population and even overall population decline are concerned about economic growth and work force productivity. Some such countries in the region have implemented new policies to attract migrant workers, while others are still considering their options. Whatever the case, migration needs to be fair and ethical, without jeopardizing the capacity of origin countries to meet their own needs. In this context, it is important to remember that demographic change affects inclusive and sustainable development now and in the future. Often, what countries observe today regarding demographic change was set in motion many years ago. Thus, forward-looking policies, including demographic foresight, are needed to address challenges and opportunities of demographic change.

**FIGURE 1.1 Total population change, natural increase and net migration for Asia and the Pacific, 1950–2100**



Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, Population Division (2024). *World Population Prospects 2024*. Online Edition.

## Urbanization

The region is home to 54 per cent of the world's urban population, with around 2.5 billion people, or more than 50 per cent of the region's population, already living in urban areas. Asia-Pacific cities continue to expand and their population is projected to increase to 3.5 billion by 2050 (ESCAP, 2023b). Rural to urban movement and reclassification of rural into urban areas are important driving forces of increased urbanization across the region. For some, this move to a major urban area may involve cross-border migration. Cities are also primary hosts for international migrants, as well as refugees and, in some contexts, internally displaced persons, making city officials important actors in global discussions on migration governance. Cities in the region are at the global forefront of economic opportunity and dynamic hubs of innovation that provide transformative urban solutions and employment opportunities for many. However, urban residents also face challenges related to environmental degradation, increasing impacts of disasters, the persistence of slums, social exclusion, and lack of access to services, including adequate housing and unemployment. Many of the region's major cities face heightened risks from climate change, for example being located in coastal areas or subject to urban heat island effects. Numerous jobs available to migrants in urban areas are informal and lack the protection of labour laws. Moreover, people displaced from disasters and conflicts often end up in cities throughout the region (ESCAP, 2023b).

## Digital transformation

In recent years, digital transformation has accelerated in Asia and the Pacific, with continued growth in most areas of information and communications technology infrastructure, access and use, guided by e-governance policies developed across the region. Yet, the region remains the most digitally divided in the world, with only 66 per cent of the population using the Internet (ITU, 2023). As a result, millions of people are shut out from transformative digital opportunities in education, health, work and financial sectors, while countries progress towards the implementation of digital access to government services for their populations. Women and girls, migrants, older persons and people in vulnerable situations have lower levels of access to broadband Internet and other knowledge-enhancing technologies.<sup>7</sup> The COVID-19 pandemic further spurred governments, businesses and people, including migrants, to become "digital by default". Digital financial services have increased at a rapid rate in the region. However, benefits associated with digital transformation have not been distributed

equally, and rapid digitalization has exacerbated existing inequalities within and across countries. The move online necessitates certain skills as well as access to a smart phone and an adequate data plan, which is out of reach for some migrant workers, and could lead to loss of work. The rush to a technology-based solution cannot equal ensuring rights-based migration policies, access to decent work and ending inequalities.

Digital transformation has the potential to enhance migration management but only if it is people-centred, human rights-based and gender-responsive (United Nations, 2021f; University of Essex and OHCHR, 2023). For example, expanding access to digital formal remittance services, as well as products linked to those services, has increased financial inclusion for underserved populations (see objective 20, chapter 4). In some countries in the region, digital delivery platforms are providing job opportunities, for example as taxi drivers and delivery workers, for migrant workers, though there is concern over working conditions (ILO, 2021f).

At the same time, international borders across the region are becoming increasingly better equipped with technology to progressively automate border control and facilitate travel, raising in parallel the need to develop data protection regimes and cybersecurity measures to minimize risks of hacking and misuse of personal data. Some policymakers are turning to algorithmic-driven or automated decision-making models and programmes to assist human decision-making processes in migration policy (Bither and Ziebarth, 2021). This raises various human rights concerns, including about racial discrimination. The increased digitization of migration management services and tools also opens up new risks for migrants from online criminals, necessitating digital literacy and good security practices, especially in a region that often lacks adequate privacy and data protection regulation. The rise of and lack of moderating influence of various online media platforms have created an echo chamber of targeted online campaigns of disinformation, hostility and hate speech against migrants and marginalized groups (see objective 17, chapter 5). This has also opened up new avenues for exploitation (see objective 10, chapter 3).

Digital transformation could make it possible for jobs to migrate rather than workers, thereby reducing emigration pressures and providing a viable alternative to migration for some. These jobs are located predominantly in major cities that can provide the necessary infrastructure. Given that, apart from Central Asia, in Asia and the Pacific there is a marked Internet use gap between rural and urban areas

7 For further information: <https://www.unescap.org/our-work/ict-disaster-risk-reduction>

(52 to 80 per cent), this could drive internal migration and urbanization (ITU, 2023). Like manufacturing and other work before it, transnational businesses can reduce their costs by outsourcing to developing countries with lower price and wage levels but adequate technological infrastructure and platform workers with the required technical and language skills. For example, among developing countries a large share of tasks is completed by workers in South Asia and South-East Asia (ILO, 2021f). The 2020 Online Labour Index, which provides an online gig economy equivalent of conventional labour market statistics, lists India, Bangladesh and Pakistan as the top three countries (in order) for this online gig work, with China, Indonesia, the Philippines and Sri Lanka (in order) also in the top 15 countries (Stephany et al., 2021).

Similarly, ongoing developments with artificial intelligence could have a wide range of implications for the future of work. These include direct effects on a range of labour sectors and on labour migration, as well as indirect effects such as the vast energy requirements and resulting emissions of these systems and their contribution to climate change, a driver of migrations and a threat across the migration cycle. In many parts of the region, the development of artificial intelligence is driven by the contributions of low-wage data workers in precarious employment engaged in very simple, repetitive microtasks that do not provide adequate opportunities for skills development or advancement and could potentially have negative occupational and mental health outcomes for workers (Rani and Dhir, 2022; Murgia 2024). Furthermore, on these platforms are frequently pushed into informality, excluded from the protections of labour and social security law (Rani and Dhir, 2022). Such decent work deficits risk exacerbating inequalities and limit the value of digital labour operations to local economies and to ensuring sustainable development.

## Inequalities

Asia and the Pacific has recorded significant economic growth, and the region has made much progress in poverty reduction in recent decades. However, inequalities have also increased. The COVID-19 pandemic has reversed hard-won gains, compounded by the cost-of-living crisis in 2022. Income and wealth inequalities are persistently high and have increased since the pandemic. Gendered inequalities persist across the region, with young women facing higher rates of youth unemployment due to difficulties accessing labour markets, a factor that could drive their migration. Disability is another issue which is frequently neglected; migrants with disabilities often face additional challenges and these may be compounded in the context of rising inequality.

Inequality of opportunity – the conditions in which people are born and live their lives – is also a major concern; this perpetuates and confounds rising inequalities. Most people in the region still have no or very limited access to social protection (see objective 22, chapter 4). Less than half the region's population is covered by at least one social protection scheme, with large intraregional variation. High levels of job informality and weak administrative capacity mean that only a small fraction of the population contributes to a social protection scheme, leaving most others unprotected and exposed to destabilizing shocks and disruptions. Spending on social protection is also low in the region compared with global averages, and progressive taxation systems that could finance the expansion of these systems are rare (ESCAP, 2022d).

Inequality in countries of origin and between origin and destination countries is a driver for migration (on migration drivers, see objective 2, chapter 2). People migrate because of unequal access to rights, decent jobs, education or social protection. In this regard it is noteworthy that the ability to move is also not equally shared. Individual characteristics and resources – such as citizenship, financial means, access to the Internet and language skills – all determine people's ability to migrate. Inequalities can also arise from migration. Those who migrate, especially those fleeing conflict, violence and persecution, may face unequal access to rights and social resources, including the right to seek protection in cases of human rights abuses.

## Climate change and environmental degradation

Asia and the Pacific is particularly susceptible to the adverse effects of climate change and environmental degradation. Characterized by expansive coastlines, low-lying areas, archipelagic countries, and many small island developing States, the region is rendered even more vulnerable by its reliance on natural resources and agriculture – for employment and related trade as well as for food security. Much of the population is concentrated along coastal areas, including in several of the region's major cities, which further compounds the region's susceptibility to environmental changes. Moreover, the capacity of countries to respond to climate change varies, with some possessing limited institutional and technical capabilities and know-how, and facing financial constraints, a lack of social protection and slow rates of poverty alleviation. Climate change functions as a multiplier of vulnerability. For example, the slow onset effects of climate change – processes like sea level rise, salinization, drought and desertification – can reduce climate-affected peoples' ability to respond to stressors and enjoy human rights, and may influence their decision, or erode their capacity, to migrate.



Areas across Asia and the Pacific are experiencing below-normal levels of precipitation but also extreme weather events, including heavy rainfall, floods and storms (see further on disasters, below). The High-Mountain Asia region is witnessing the retreat of glaciers at an accelerating rate and some areas are seeing rapid permafrost thawing. The region is heating up faster than the global average and many Asia-Pacific countries experienced their hottest year on record in 2023 (WMO, 2024). In July 2024, it was announced that, for the first time, average temperatures around the world were more than 1.5°C higher than pre-industrial temperatures for an entire year (Copernicus Climate Change Service, 2024). This is exacerbating the frequency and severity of extreme weather events, creating increased casualties and both economic and non-economic losses and damages from floods, storms and more severe heatwaves (see further on disasters, below). Losses and damages are disproportionately experienced by developing countries and by people in vulnerable situations, such as migrants, especially those facing intersectional discrimination. In order to realize sustainable climate finance, the Philippines has been selected to host the board of the loss and damage fund for vulnerable countries, whose mandate includes addressing migration as well as displacement and relocation (UNFCCC, 2024). Migration may be a result of losses and damages or a way to evade them.

Since the publication of APMR 2020, adverse climate change impacts have increased in the region. For example, in 2021, economic damage in Asia and the Pacific from drought, floods and landslides was, respectively, 63, 23 and 147 per cent higher than the 2001–2020 average, while there were over 100 natural hazard events, of which 80 per cent were flood and storm events. These resulted in almost 4,000 fatalities, about 80 per cent in the context of flooding. While floods triggered the highest number of fatalities and economic damage, drought affected the highest number of people. Sand and dust storms were also a major problem. In 2021, flooding and storms have caused the most extensive economic losses in the region (WMO, 2022).

Moreover, evidence shows that climate change exacerbates inequalities and contributes to food insecurities, a major threat to several countries in the region.

Overall, migration is often a coping or adaptation strategy in response to the adverse effects of climate change to reduce peoples' vulnerability to a warming climate and increase resilience to further

changes. As such, migration has the potential to be a transformative force for society, sustainable development and, therefore, climate action. Nonetheless, in some contexts, it can be maladaptive. Furthermore, women, children, older persons and people in vulnerable situations are disproportionately affected by climate change because they tend to be on average poorer and less educated, with lower health status, limited direct access to or ownership of natural resources, and less access to information and resources required to address climate change impacts.

Climate change has most commonly been framed in migration governance and management as a driver of migrations (see objective 2, chapter 2), though most associated migration and displacement occur within countries and tend to be highly localized.<sup>8</sup> However, the focus on climate change as a driver of migration persists and can fuel harmful narratives of migration that talk in terms of large movements of migrants, using fear-based language and positioning people as a threat to national security and the economy (Huckstep and Dempster, 2023). Moreover, with nowhere in the world safe from the adverse effects of climate change, migrants experience the effects of climate change throughout the migration cycle – not just as a driver of migration, but directly affecting them during transit, in their living and working conditions in countries of destination, and on return. Climate change, environmental degradation and disasters should be considered in all migration interventions.

Another way that the adverse effects of climate change is altering migration patterns is in how it is changing labour options in countries of origin and destination. Engaging in a just transition to a low-carbon and resource-efficient economy would shape labour needs in origin and destination countries, including through the creation of green jobs and nature-based solutions, with accessible labour migration pathways that are inclusive of climate-vulnerable populations.

The Intergovernmental Panel on Climate Change has noted that, although most climate-related displacement and migration occur within national boundaries, there can also be cross-border movements between neighbouring countries, though not at the scale often claimed in the media and political discourse (IPCC, 2022). For example, in one South-East Asia-focused study almost one in four (24 per cent) migrants and refugees surveyed stated that issues related to climate or the natural environment

8 The GCM does not address internal migrations or displacements, which are therefore outside the remit of this report though crucial aspects of climate change- and disaster-related movements.

(mostly sudden-onset events though some slow-onset processes) influenced their decision to leave (UNODC Observatory on Smuggling of Migrants, 2024). Such climate change-related migration has been documented in areas of Asia and the Pacific with porous borders and where there is a long history of migration. Furthermore, people are using pre-existing labour migration corridors as an adaptation strategy to climate change (Vigil and Dayoon, 2023). When considering cross-border migration in Asia and the Pacific, climate change is best viewed as the context in which people are migrating – in many cases it will directly or indirectly inform their decisions to migrate, but it also affects them during transit, impacts their living and working conditions at destination, and could affect the sustainability of their post-migration reintegration or even the possibility of return. Policies and strategies concerning climate-related migration need to be developed and implemented using a whole-of-society approach that includes migrants.

### 1.2.2 Migration and sustainable development

The five megatrends described above are shaping the future of Asia and the Pacific, including by redefining migration opportunities and pathways. They have direct influence on sustainable development in the region, and they often act in combination with other factors, reinforcing their individual impacts. Yet despite much progress towards sustainable and inclusive development, the region is off-track to meet any of the SDGs by 2030. Current estimates show these will not be reached before 2062, at least 32 years behind schedule (ESCAP, 2024a). The SDGs are interrelated, and on migration, the region needs accelerated progress to meet, in particular, the targets on safe migration (10.7), remittance flows (10.c) and trafficking in persons (primarily 8.7, also 5.2 for trafficking of women and 16.2 for trafficking of children), while it has insufficient indicators on forced labour (8.7) and access to legal identity (16.9). Assessment of progress on resilience to disasters (11.5), non-discriminatory laws (16.b) and on climate action overall (SDG13) shows regression against the 2015 baseline (ESCAP, 2024a).

Work to realize the SDGs has been disrupted by the COVID-19 pandemic. Economic activity in Asia and the Pacific, after reviving in 2021, was hit by the global economic slowdown in 2022 and is currently expected to remain weak, exacerbating the damage of the pandemic years (ESCAP, 2023c). Furthermore, 2021–2023 assessments found that the measures outlined in Asia-Pacific States' Nationally Determined Contributions were not sufficient to attain the temperature target set in the Paris Agreement (ESCAP and UNEP, 2021; ESCAP, 2024a).

Looking ahead, much needs to be done in Asia and the Pacific to effectively implement the 2030 Agenda and achieve the SDGs. Migrants are an integral part of societies and can play a much greater role in sustainable development. As noted in chapter 4, the GCM is rooted in the 2030 Agenda. Realizing the valuable contribution of migrants and harnessing the benefits of migration – with migration policies and practices aligned to principles of inclusive and sustainable development, as well as greater cooperation between countries – leads to a win-win situation for migrants and societies in countries of origin, transit and destination.

### 1.2.3 Migrants in crisis situations

Over the past four years, during their migration, Asia-Pacific migrants have had to face a series of systemic crises that put their rights and well-being at risk, and in some cases drive migration and undermine development progress. In the IMRF Progress Declaration, States expressed concern about the impact of crises – such as financial and economic crises, poverty, health emergencies and food insecurity – on international migration and migrants and expressed solidarity with and support for migrants caught up in situations of crisis in countries of transit and destination (United Nations, 2022o).

Such crises are often interconnected and intersect with the sustainable development megatrends described above. For example, widening inequalities and slow climate action are among the factors causing progress on sustainable development targets to be significantly behind schedule in the region – a situation that also increases the risk of crises and undermines effective responses. For example, Afghanistan is facing compound crises; these include the consequences of years of conflicts; economic collapse after the Taliban takeover in 2021 (that resulted in the cutting of most foreign development and security assistance and also saw the loss of millions of jobs); and crises in health care, education and other services. Furthermore, other concerns include millions of people in situations of food insecurity, human rights violations (including gender oppression) and the collapse of the rule of law, as well as the impacts of multiple disasters, among others, earthquakes, floods and droughts (OCHA, 2023, 2024; United Nations 2023c, 2023u).

The social and economic fallout of the COVID-19 pandemic, the most far-reaching of these 'shocks' to international migration during this time (see below), is still affecting migration needs and patterns. In the GCM, States recognize the need to take migrant populations into account in crisis preparedness, emergency response and post-crisis



action (United Nations, 2019b).<sup>9</sup> The GCM also notes the recommendations of the State-led consultative process, the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (MICIC Guidelines) (United Nations, 2019b; IOM, n.d.c). A positive development is that, in May 2023, the Association of Southeast Asian Nations (ASEAN) adopted the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations (ASEAN, 2023b). This commits States to including assistance to migrant workers and their families at all stages of crisis preparedness, response and recovery (Article 1) and sets out a range of other related commitments. The Declaration mandates guiding principles for the protection of migrant workers and their families in crisis situations.

## Disasters

The GCM calls for attention to the effects of sudden- and slow-onset disasters, as well as the adverse effects of climate change and environmental degradation, on migration.<sup>10</sup> These are often interrelated: climate change can increase disaster risk in a variety of ways – by altering the frequency and intensity of hazard events, affecting vulnerability to natural hazards and changing exposure patterns – and can decrease the resilience of households and communities.

Asia and the Pacific is the world's region at greatest risk of disasters and most affected by disaster-displacement. This may affect migrants in transit and destination countries or may affect their home communities. People may be displaced, disrupting communications and leaving migrants without information on their families and friends. An analysis of crises, marginalized populations and societal structures in the context of disasters, found that 10 of the 15 countries most at risk of disasters are in Asia and the Pacific (Bündnis Entwicklung Hilft / IFHV 2023).

In 2022 alone, over 140 disasters struck the Asia-Pacific region, leading to over 7,500 deaths and affecting 64 million people (United Nations, 2023a). As an example, the two major earthquakes (with magnitudes of 7.8 and 7.6) and the aftershocks that hit southeast Türkiye and northwest Syria, starting on 6 February 2023, covered a radius of 500 kilometres. People in migrant communities comprised 1.8 million out of the 16.0 million people in the provinces affected by these earthquakes (Turkish Red Crescent,

2023). Millions of people, including migrants, were displaced. Two weeks later, on 20 February, a 6.3 magnitude earthquake hit southern Türkiye, causing further damage.

The human and economic costs of disasters are significant; they can create or exacerbate situations of vulnerability. Communities are displaced, people's physical and mental health suffers, property is damaged and millions of people are pushed into poverty. Taking 2022 as an example, disasters in Asia and the Pacific are estimated to have affected 64,050 people and caused 7,518 deaths, with economic losses of USD 57.3 billion (ESCAP, 2023f). The lack of economic opportunities following major disasters is a driver of labour migration to larger economies – for example from Small Island Developing States to Australia and New Zealand (United Nations, ADB and UNDP, 2024).

## Food insecurity

Food insecurity can influence decisions to migrate, while migrants are often most at risk of food insecurity, which can trigger onward migration. In Asia and the Pacific, food insecurity is driven by other crises including ongoing conflicts, the COVID-19 pandemic and the adverse effects of climate change. Food systems themselves are important drivers of climatic and environmental change. Food insecurity is generally higher in rural areas compared to urban areas, and more prevalent among adult women than men. In 2022, one quarter of people in Asia faced chronic food insecurity (SDG indicator 2.1.2) (ESCAP and WFP, 2024). There are significant differences across Asia and the Pacific: In 2022, 53.1 per cent of the population in Southern Asia were unable to afford a healthy diet, compared to 36.3 per cent in South-East Asia, 20.2 per cent in Oceania, and 16.3 per cent in both East Asia and Central Asia (FAO, IFAD, UNICEF, WFP, WHO, 2024). Afghanistan and Myanmar are among Asia-Pacific countries identified as being or having areas in crisis or worse acute food insecurity in 2022.<sup>11</sup>

## Poverty

Though it may contravene the goal that migration is only by choice rather than necessity, for many families labour migration can be an important poverty reduction strategy; poverty can also be a

<sup>9</sup> GCM, para.18(g) under objective 2 and para. 23(j) under objective 7.

<sup>10</sup> On the definition of disasters, see United Nations Office for Disaster Risk Reduction, Sendai Framework Terminology on Disaster Risk Reduction: Disaster, at <https://www.undrr.org/terminology/disaster>

<sup>11</sup> See, Insights on Food System Risks – INFER, at <https://www.unescap.org/projects/infer/dashboard>

barrier to migration. Despite declines in poverty across the region, an estimated 233 million people still live below the international extreme poverty line of less than USD 1.90 a day, and another 800 million people subsist on incomes above that but below the moderate poverty level of USD 3.20 a day (Savić et al., 2021). Efforts to reduce poverty are hampered by multiple crises, including the lingering impacts of the COVID-19 pandemic and the adverse and increasing effects of climate change. This situation is compounded by weak or no social protection systems for those who need it most, often leaving families and communities reliant on remittances to ward off poverty.

### Economic crises

Worsening economic conditions reduce peoples' resources and capacity to migrate. For example, the Sri Lanka economy went into steep decline after the government defaulted on its foreign debt in May 2022. This in turn drove a significant increase in attempts to migrate from the country through irregular channels, including via maritime routes with the use of smugglers (Hedwards et al., 2023; Shrestha, 2024). The number of migrants registering with the Bureau of Foreign Employment also increased (ILO, 2023m). The COVID-19 pandemic and its impact on the economy affected migrants negatively in many different ways. For instance, some people were deceived into trafficking situations (see discussion of trafficking for online scams in the discussion on objective 10 in chapter 3).

Conflicts are expensive and create economic crises. For instance, the depreciation of the Russian rouble reduced the value of remittances sent home by Central Asian migrant workers in the Russian Federation, who also faced difficulties making money transfers because of the disconnection of the Russian banks from the SWIFT system (Squarcina et al., 2023).

Disasters can compound economic crises. For example, the climate change-fuelled floods in Pakistan between June and September 2022 displaced an estimated eight million people, destroyed some 1.7 million hectares of crops, damaged thousands of kilometres of roads and over a million houses, pushing an estimated nine million people into poverty. The Pakistani government estimated costs of rehabilitation from the floods at USD 16 billion. This has also driven international migration as well as internal displacement (Benton et al., 2024).

### Conflicts

Conflicts are often identified as drivers of migration. Some migrants may not want or feel unable to leave settings affected by conflict. Since the coup in Myanmar on 1 February 2021 by the Tatmadaw, Myanmar's military, cross-border (as well as internal) migration has increased. The *de facto* authorities' February 2024 declaration of the enforcement of mandatory conscription resulted in young people trying to leave the country. There was such an increase in visa applications at the Thai Embassy in Yangon, Myanmar, that the Thai Ministry of Foreign Affairs announced a pause on accepting applications. Together with the imposition of travel restrictions, including suspending overseas work permit applications for men, there has also been an increase in people moving through irregular channels (ILO 2024i, 2024j; MMC, 2024c). Other conflicts originating in countries within or outside the region are likewise affecting Asia-Pacific migrants.

Conflict-affected countries are also transit or destination countries for migrants, where some migrants may not want or feel able to leave, for example if they have not met their financial goals, carry debts accrued securing the jobs, or fear being denied entry and work post-conflict.

The conflict in Gaza has resulted in thousands of Asia-Pacific migrant workers returning on repatriation flights organized by their governments, but others are reluctant to leave their jobs in Israel. However, recruitment of Asia-Pacific migrant workers to Israel has continued (IndustriALL, 2024). The war in Ukraine has changed migrant decision-making in the post-Soviet States, which have long been the main countries of origin for labour migrants heading to the Russian Federation. Some of those migrants are returning to their countries of origin, while some Central Asian migrants are migrating to other parts of the region such as Türkiye (Oshchepkov et al., 2024; McAuliffe and Oucho, 2024; Matusevich, 2024).

Another way that conflicts affect migration is in preventing return migration, either because it is not safe to return or because borders are closed, which can leave migrants stranded in destination countries in irregular status. This is the situation for some Myanmar migrant workers in Thailand and other countries, notably for those in the target age range of the 2024 enforcement of mandatory conscription (Nyunt and Wachpanich, 2023; MWG, CRSP and Burma Concern Forum, 2023).

### 1.2.4 Migration during the COVID-19 pandemic

The COVID-19 pandemic has affected all countries in the region, with particularly severe implications for the most marginalized people, including migrants and their families. APMR 2020 was drafted during the first year of the pandemic. That report has a chapter dedicated to this developing challenge. The virus, as well as the public health and other measures that authorities put in place to prevent or mitigate transmission, have continued to affect migration; they were repeatedly referenced by States at the IMRF in 2022. The effects on Asia-Pacific migrants and migration are too many and varied to be detailed here, yet have been widely documented (Benton et al., 2024, Huang, 2024, and Napier-Moore and Baruah, 2022).

Governments across most of the Asia-Pacific region used travel measures earlier, more strictly, and for longer periods than those in other world regions, with travel restrictions easing through 2021, and being lifted only in 2022 or, in some cases, 2023 (Benton et al., 2024). The quarantine era of the COVID-19 pandemic did not stop all migration, but it made it more difficult and more dangerous, compelling people to take irregular and more circuitous routes, including in their efforts to get home, often using smugglers that put them at risk of violence, extortion and other abuses (Huang, 2024).

The pandemic amplified existing inequalities and created new ones, causing disruptions throughout the migration cycle, such as the following:

- › Inability of prospective to leave.
- › Labour shortages in some sectors due to the lack of migrant workers and major job losses in others.
- › Disproportionate numbers of migrant workers infected with COVID-19.
- › A significant drop in international students moving to the region.

Furthermore, millions of migrants returned to their countries of origin when many governments stepped up to repatriate their nationals in response to the pandemic, though other States struggled with this or kept their borders closed; the scale of the repatriation effort led to additional challenges as countries of origin were unprepared and unable to reintegrate the returnees. Notably, many migrants were stranded in transit and destination countries in often inadequate housing or at work, with uneven access to personal protective equipment and to health care, keeping families apart at an especially stressful time, in some cases through bereavements, and worsening migrants' mental health and isolation.

Many migrant workers were put out of work in countries of destination or when they had returned to their own countries, with associated consequences for remittances for migrants' families. This also highlights the major gaps in social protection coverage across Asia and the Pacific (ILO, 2021b, 2021e). In many countries in the region, migrants were subjected to surveillance and immigration enforcement (United Nations, 2020c, 2021h). As vaccines arrived, the limited access and inequitable distribution across the region saw migrants in some States left behind (Napier-Moore and Baruah, 2022), which could also have left them unable to meet travel vaccination and documentation requirements and thus be shut out of regular migration channels as they were reopening. Even as access to vaccines increased, migration remained challenging due to more expensive travel, additional bureaucracy (including testing requirements and/or proof of vaccination) and quarantines on arrival (Huang, 2024).

The initial years of the COVID-19 pandemic showed that migration could be different, more people-centred and rights-based. At the Asia-Pacific Regional Review and the IMRF, States committed to build on these promising practices beyond the pandemic (ESCAP, 2021c; United Nations, 2022o). Although such measures are in line with the GCM guiding principles and often with its objectives and recommendations, many State authorities have not retained these good practices. For a time, the pandemic inspired the realization of how many essential sectors rely on migrant labour – often in frontline jobs in the health, care and service sectors.

During lockdowns, governments across the region worked to extend visas and other required documentation, often without the usual procedures and costs, or granted regularization “amnesties” to ensure that migrants remained in regular status during the pandemic – and therefore had better access to services. Moreover, in the beginning of the pandemic, many States reduced their reliance on immigration detention and forced returns – as facilities were emptied in line with public health measures and in the absence of the travel infrastructure for deportations. These developments alone could have been the basis of improved migration governance. But previous bureaucratic practices were reinstated as the pandemic response measures receded; for instance, as travel restarted, so did returns, and the use of immigration detention in several countries. The sudden loss of large numbers of migrant workers who returned to their countries of origin could have seen States exercise increased bargaining power for migrant workers; however, the dependency of many States on remittances meant that, when labour migrations restarted, conditions were the same as before (Benton et al., 2024).

### 1.3 Overview of migration in the Asia-Pacific region

This section provides a brief context for migration in and from Asia and the Pacific as background for the discussions on the main pathways in section 1.4 and challenges to safe migration in section 1.5.

#### 1.3.1 What is and is not known about the number of migrants in Asia and the Pacific

The most recent global migration data with a focus on migrant stocks are from 2020 (UN DESA, 2020). Since then, migration has been through a seismic upheaval due to the COVID-19 pandemic and the response measures put in place. These also disrupted data collection. Censuses are an important source of data on migrant stocks. However, due to the COVID-19 protocols or for pandemic-related financial reasons, many censuses had to be postponed. At the same time, the situation of migrants stranded in countries of transit or destination or return migrants without access to services also calls for timely and accurate data on migrants. What is known, through administrative sources, is that many migrants, particularly temporary labour migrants, returned to their countries of origin during the pandemic. Many of them re-migrated as borders reopened, while others remained in their home countries because they had re-established their livelihoods there.

According to that 2020 data, the total foreign-born population in Asia-Pacific countries was 66.6 million, with the region being home to 24 per cent of the world's migrants and 58 per cent of its total population. APMR 2020 dives into the detail of those numbers, but as a snapshot:

▶ **Number of migrants:** in 2020, the three main countries of destination in the region were the Russian Federation (hosting 11.6 million migrants or 17 per cent of all foreign-born people in Asia and the Pacific), followed by Australia (7.7 million/12 per cent) and Türkiye (6.1 million/9 per cent). The number of migrants in Türkiye had more than quadrupled since 2010, a result of the conflict in the Syrian Arab Republic that still continues.<sup>12</sup> Economic and demographic developments in the Republic of Korea have made it a destination for labour migrants, with the number of migrants increasing steadily between 1990 and 2020 (from an estimated 43,000 to 1.7 million migrants).

Similar developments were observed in Thailand. Changes in migrant stock over this 30-year period are shown for Asia and the Pacific and its subregions in figure 1.2.

▶ **Number of immigrants:** The 2020 data show that, overall, 33.4 million migrants were male and 33.2 million were female. In fact, over the past few decades, migration in the Asia-Pacific region has been close to gender-balanced, with percentages varying very little for the region as a whole and there being slightly greater variation by subregions (figure 1.3). This holds true in most countries of the region, with some exceptions. For example, in both Bhutan and Maldives, where most migrants were working in construction, more than 85 per cent of migrants were male. On the other hand, in Nepal and Kyrgyzstan, most migrants were female (69 and 62 per cent of all migrants, respectively), often owing to migration for marriage.

▶ **Number of emigrants:** in 2020, there were more people (over 108 million) from Asia and the Pacific living in countries/areas other than of their birth than there were immigrants hosted by Asia-Pacific countries/areas – and the number had risen steadily over recent decades.

↳ Notably, more men than women were living outside their country/area of birth – men comprised 54 per cent of emigrants in 2020, compared to 51 per cent in 1990. This imbalance increased largely due to a very significant increase in male emigrants from India where, in 2020, there were almost twice as many male emigrants as female emigrants: 11.7 million men and 6.1 million women born in India living in other countries. Emigration from Bangladesh and Pakistan showed similar patterns. From China, the Russian Federation and the Philippines, the pattern was reversed, with more female than male emigrants.

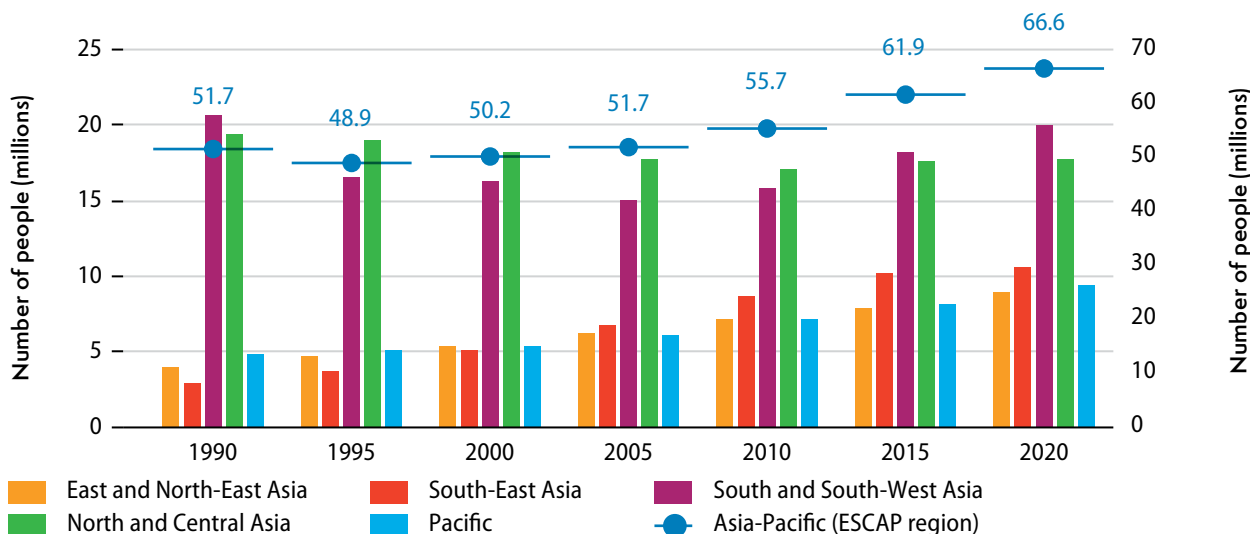
↳ During the early phases of the COVID-19 pandemic, many temporary labour migrants returned to their countries/areas of origin and in many cases did not re-migrate, while migrants with more permanent status remained in their country/area of destination during the pandemic.

↳ South and South-West Asia stands out as the subregion with the lowest percentage of female emigrants. With figures decreasing over the past few decades. The Asia-Pacific aggregate figure somewhat mirrors this change, albeit with a slower rate of decline (figure 1.4).

<sup>12</sup> Noting that the statistical definition of international migrant is “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 (UN DESA, 1998, pp.9–18).

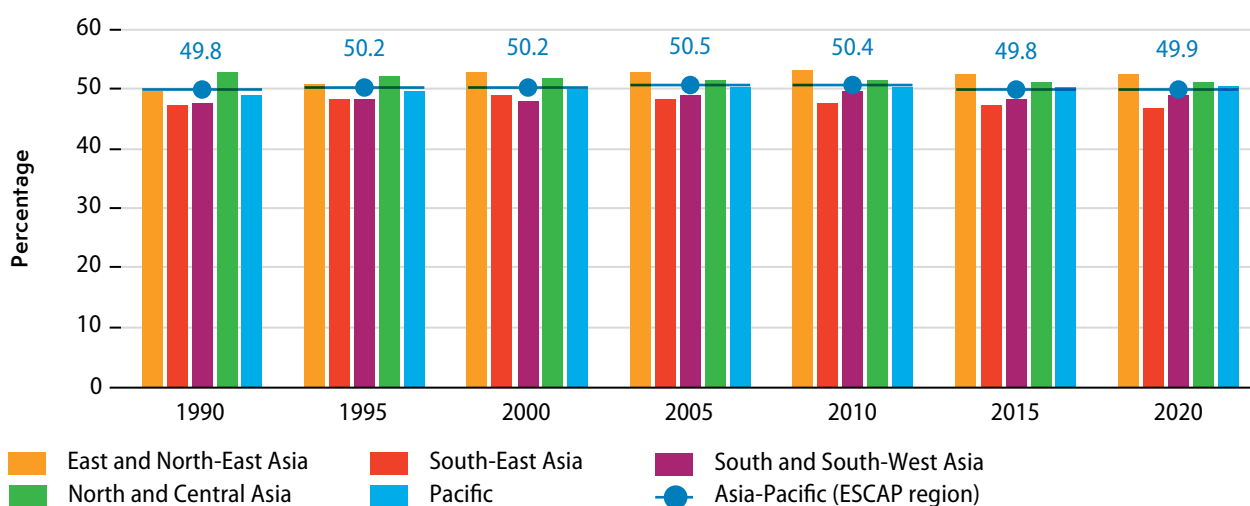


**FIGURE 1.2 International migrant stock by subregion in Asia and the Pacific, 1990–2020**



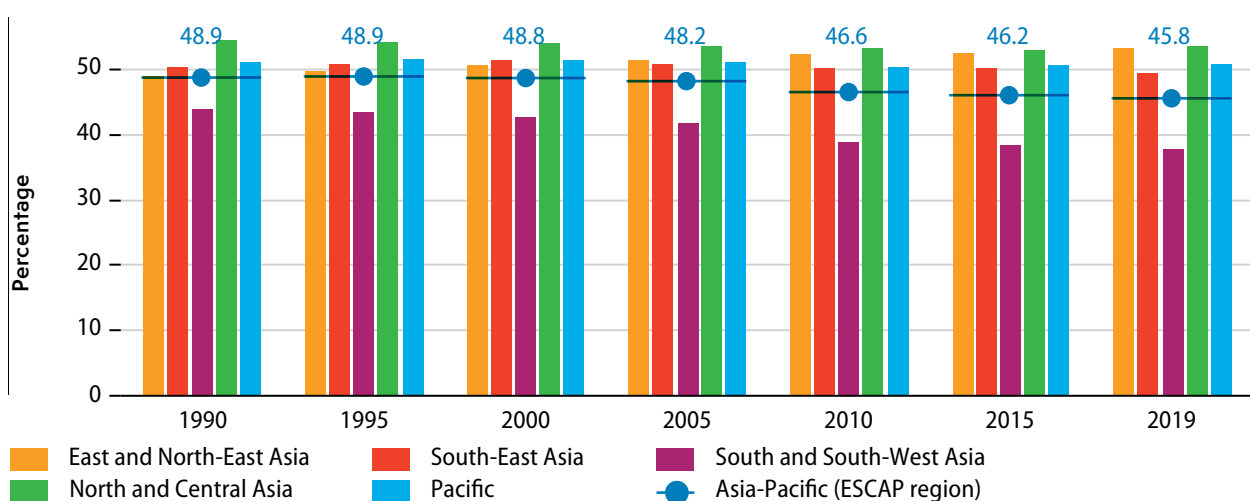
Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020.

**FIGURE 1.3 Percentage of female immigrants in Asia and the Pacific and its subregions, 1990–2020**



Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020.

**FIGURE 1.4 Percentage of female emigrants in Asia and the Pacific and its subregions, 1990–2019**



Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020.

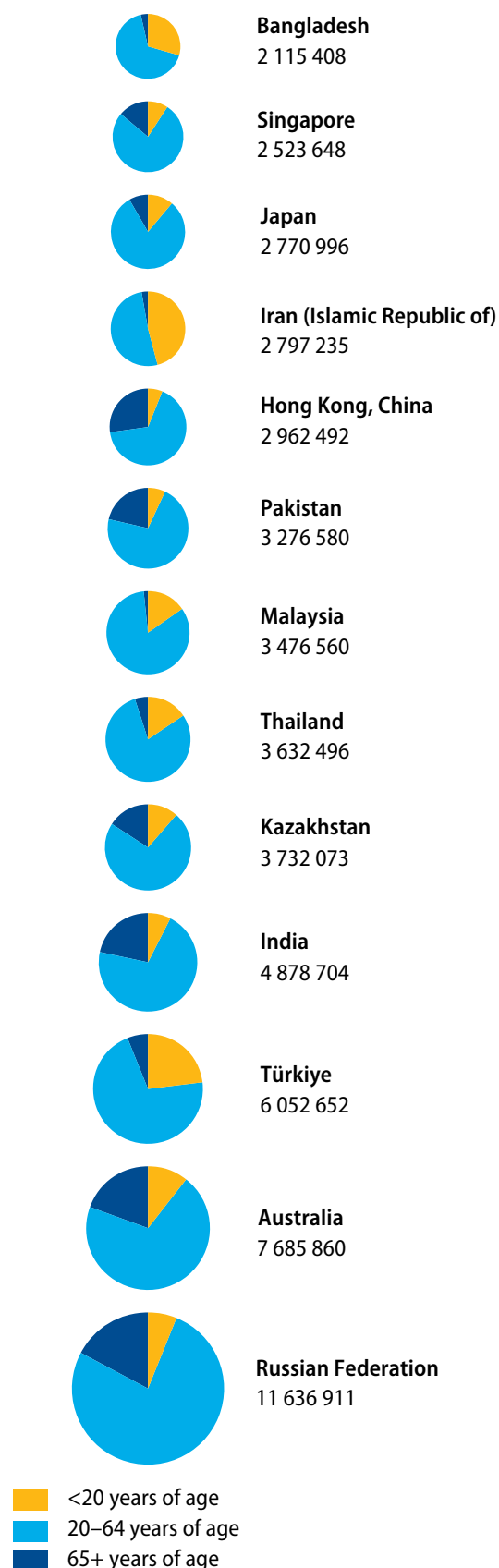
- › Migrants' ages: Most migrants (72.0 per cent) in 2020 were of working age (20–64), compared to 67.6 per cent of the general population. There was some variation based on the country/area of the destination (figure 1.5) and the predominant type of migration.
- › Child migrants: Türkiye, Islamic Republic of Iran, Australia, the Russian Federation and Bangladesh (by order of magnitude) are hosting the highest numbers of child migrants in the region (see further in section 1.3.5, below).
- › Refugees, asylum-seekers and people in refugee-like situations: Bangladesh, Islamic Republic of Iran and Türkiye were – and remain – important destinations of refugees, asylum-seekers and people in refugee-like situations in the region (see further in section 1.3.6, below).
- › Older migrants: The Russian Federation; Australia; India; Hong Kong, China and Pakistan (by order of magnitude) were hosting the largest numbers of older migrants. However, as a proportion of migrants in the country/area, Turkmenistan; Armenia; Uzbekistan; Hong Kong, China and Tajikistan had the largest proportion of older migrants – each with over 30 per cent of all migrants aged 65 years or older, reflecting that foreign-born populations can also result from modifications in territories without the crossing of a physical border (see further in section 1.3.4, below).
- › Youth migrants: Given dynamics across the region, several countries/areas in Asia and the Pacific are seeing significant youth migration (see further in section 1.2.1, above).

### 1.3.2 Main migration corridors

The predominant form of migration for the region is South–South migration. That is, though there is migration from the region to countries in the global North, most Asia-Pacific migrants (70 per cent) move within the region, often within their own subregion, or to other countries in the global South. Intraregional migration within Asia and the Pacific is by far the most significant within the global South (Crawley and Teye, 2024).

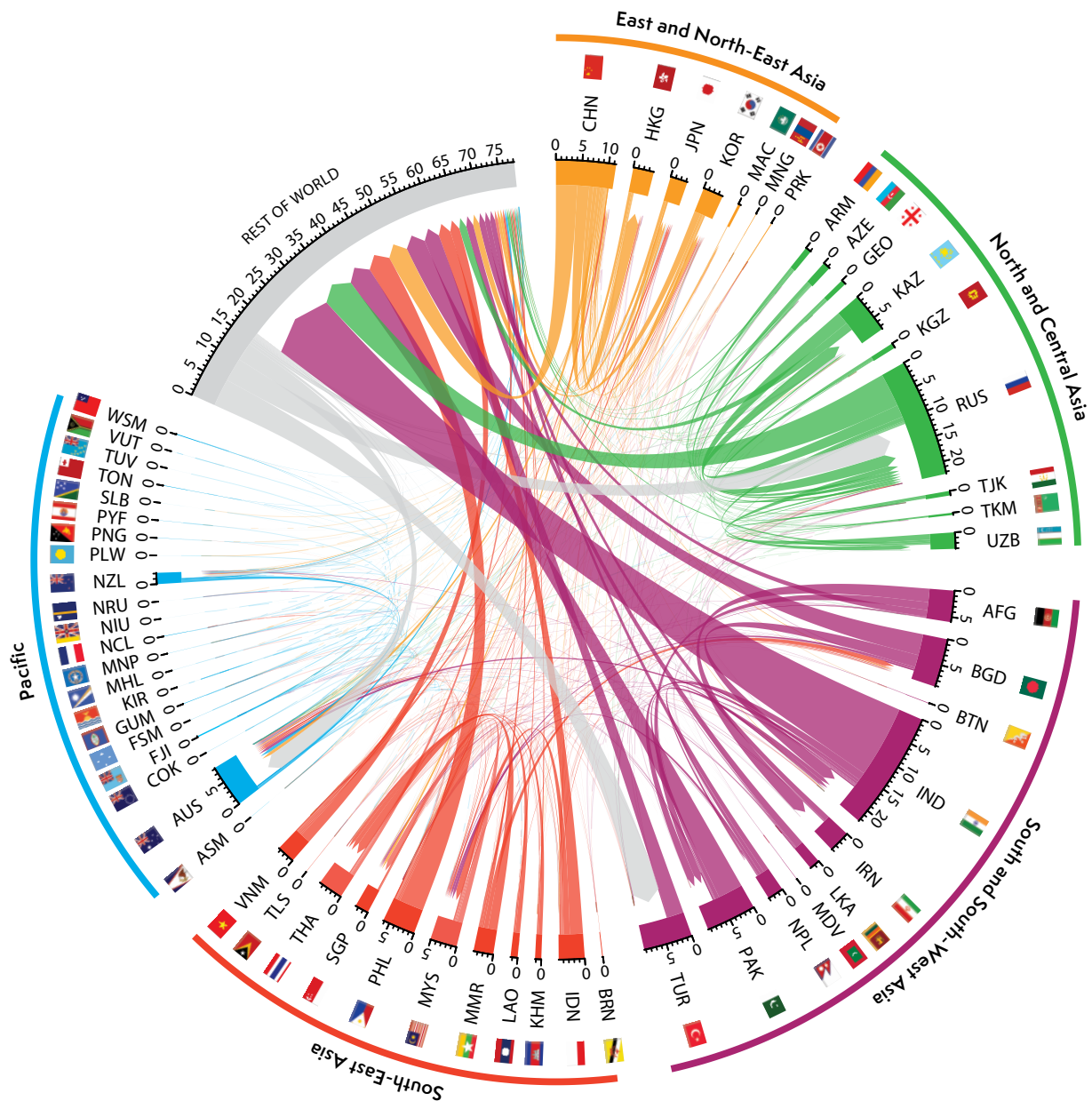
Some 9 of the top 20 migration corridors in the global South (using 2020 data) are within or from Asia and the Pacific (Schewel and Debray, 2024). Migration from South Asia to the Middle East is the largest South–South migration corridor globally, and one that has grown substantially in recent decades, going against the predominant Asia-Pacific trend of intraregional migration. This corridor is also notable for the predominance of male migrants. The next largest corridor in the region is within South Asia, followed by migrations within South-East Asia. Figure 1.6 shows all the major migrations within and between the region and subregions, as well as with regard to the rest of the world.

FIGURE 1.5 International migrant stock at mid-year by broad age groups, both sexes combined by country of destination, 2020 (millions)



Source: ESCAP calculations based on United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020, <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

FIGURE 1.6 International migrant stock by countries/areas of origin and destination, Asia-Pacific countries/areas and subregions, and other regions of the world, mid-2022



Source: United Nations, Department of Economic and Social Affairs, Population Division (2020). International Migrant Stock 2020; Abel GJ (2024). migest: Methods for the Indirect Estimation of Bilateral Migration. R package version 2.0.5, <http://guyabel.github.io/migest/> and Gu Z, Gu L, Eils R, Schlesner M, Brors B (2014). "circlize implements and enhances circular visualization in R." *Bioinformatics*, 30, 2811—2812.

Although most migration in South-East Asia is intra-subregional, with Thailand the major destination country, there has also been significant movement into this subregion from East and North-East Asia. As elsewhere, most Chinese migrants stay within East Asia though they also migrate to global North countries and to African States. The number of Chinese living abroad had more than doubled in the decade leading up to 2020. Migration from East Asian countries to South America is also well-established (IOM and FEM, 2022).

Migration from Central Asian countries has historically been focused on the Russian Federation and Ukraine, but pathways may have changed by the conflict (see

further on migrants in crises situations, in section 1.2.3, above). There is also considerable migration within Central Asia. There is also a small number of Central Asian migrant workers in the Republic of Korea (Schewel and Debray, 2024).

Although the number of migrants from the Pacific States is not sufficient to register on rankings of the main migration corridors, many see a significant proportion of their citizens migrate. Most Pacific island migrants move within the Pacific, to other Pacific islands States, and to Australia and New Zealand, with North America the main destination outside the region (Davy and Tupou, 2022).

Migration corridors and sectors of employment in and from Asia and the Pacific are often highly gendered. Though domestic and care work accounts for large outflows of women migrants from countries including Indonesia, the Philippines and Sri Lanka, women have more options in the South-East Asian labour market, where they find work in manufacturing, agriculture and hospitality. Women migrant workers may also, to a lesser extent, find jobs in construction, a sector that is dominated by male migrant workers, as is sea-based work and the temporary labour migrations from the Pacific islands to Australia and New Zealand.

### 1.3.3 Return migration

Returns came under the spotlight following the emergence of the COVID-19 pandemic, when millions of migrants returned suddenly to their countries of origin, for example through repatriation programmes organized by governments or other parties. Many others were unable to return due to border closures or other barriers (ESCAP, 2021c; Huang, 2024). Some States temporarily suspended forced returns and expanded assistance to returning migrants.

Beyond such “distress-related” returns, return is a central and common feature of migration in the region – especially given the temporariness of most migration. However, it receives less attention than other types of migration. Cooperation between countries is at the heart of rights-based returns; it should not be the sole responsibility of the migrant’s country of origin. In the GCM, States committed to cooperate in facilitating the safe and dignified return as well as the sustainable reintegration of migrants (objective 21), and in the IMRF Progress Declaration they re-committed to strengthening this cooperation (para. 62). As part of this commitment, States agreed to promote gender-responsive and child-sensitive return and reintegration programmes, guaranteeing that all assisted voluntary returns effectively take place on the basis of the migrant’s free, prior and informed consent, and ensuring returning migrants have equal access to justice, social protection, decent work and other human rights.

Delivering safe, dignified and voluntary return and sustainable reintegration in practice is more challenging, including due to a paucity of reliable data. In Asia and the Pacific several countries have been promoting the reintegration of returning migrants in their countries of origin, recognizing the importance of this to social cohesion (ESCAP, 2021c). Reintegration support should be considered and promoted prior to migration, not only after migrants have returned. The diverse needs of returning migrants requires

gender- and, in some cases, disability-responsive comprehensive services focusing on economic, social and psychosocial needs.

### 1.3.4 Older migrants

The Asia-Pacific region is at the forefront of population ageing – and this includes people who migrate. The number of older persons (aged 60 or older) in the region is projected to reach close to 1.3 billion people by 2050, meaning that one in four people will be aged 60 or older. Over half of these (54 per cent) are women (ESCAP, 2022b). Even in countries with low proportion of older persons, the absolute numbers can be quite significant, with Pacific islands and other smaller States having a high proportion of the population aged 60 or over. Furthermore, for countries of origin in the region, migration contributes to the rapid ageing process as a proportion of younger people move abroad. At the same time, in several low-fertility countries immigration can slow population ageing and decline.

With most attention and data focused on working-age migrants, the data on older migrants are sparse, as is research about their experiences.<sup>13</sup> Older migrants are particularly affected by any erosion of support systems. They have suffered disproportionately under the COVID-19 pandemic due to discrimination on the basis of age and migrant status, as well as other grounds, and are at increased risk of violence, exploitation and abuse, including during displacements due to climate change or disasters.

Just under half of the Asia-Pacific population (45 per cent) still has no access to any form of social protection (ESCAP, 2024b). Only a minority of the older population in the region receives some form of pension, leaving most facing significant income insecurity due to a lack of social protection and accumulated assets (UNFPA, n.d.). Migrant workers in Asia and the Pacific are often excluded from pension coverage either as a matter of policy or in practice. They are often not mandated to participate in pension schemes, but even when they are (or they do), portability of entitlements when they return to their countries of origin is uncertain (chapter 4).

With their own ageing populations, many global North countries do not welcome older migrants, especially those who are not financially independent, leaving migrant workers no option to stay in the country they may have worked and lived in for decades (Braedley et al., 2021). At the same time, there is often little provision for older migrants in the limited reintegration support available to migrant workers in their countries of origin (chapter 3).

13 The United Nations typically defines an “older person” as being aged 60 or 65 years or older (UN DESA, 2020).



The lack of a social safety net also means that older migrants may want or need to continue working – in their country of destination or back in their country of origin – but they can face intersectional barriers such as on the basis of age and ethnicity (ESCAP, 2023a).<sup>14</sup> They may also have occupational (or other) health problems or disabilities. A lack of a regular employment history, for example, having spent their working life being self-employed or in precarious work, may further limit their options both for further work and for access to occupational or state pensions. Older migrants lacking language proficiency face particular difficulties finding work, which may deepen their social isolation (Flynn and Wong, 2022). The temporariness of many labour and other migration options may also prevent migrant workers forming connections in or to their country of destination, while their limited or intermittent presence during return visits to their home communities may weaken connections there. Thus, all older migrants – and especially women who are widowed or divorced – can be in situations of vulnerability.

While migrants' own ageing and care is precarious, they are still relied on to provide a range of care to their own families – such as migrating parents or grandparents who provide childcare support. Older persons from countries in the global North are increasingly moving to Asia-Pacific countries, such as Thailand, seeking a lower cost of living and better and more affordable care. This offers some reversal of “brain drain” and transnational care chains (Pratt and Johnston, 2022). Several countries offer retirement visas; for example, retirees (aged 50 or older) who require medical or clinical care and can show that they have adequate financial means can apply for a specific Non-Immigrant Visa in the Philippines called the Special Resident Retiree's Visa (OHCHR, 2022c).

### 1.3.5 Children in the context of international migration

An estimated 16 per cent of international migrants in Asia and 9 per cent in Oceania are children (according to IOM's regional classification, which does not provide discrete data for Central Asia: IOM GMDAC, 2023). Children are affected by migration when they migrate (with or without family members), when they are born to a parent or parents migrating in transit or destination countries, or when they remain at home when one or both parents migrate. However, data on these children – and on children on the move more generally – are limited (IDAC, 2023; see further, objective 1, chapter 5). In particular, the number of

children indirectly affected by migration, for example when one or both parents are migrant workers in another country, is unknown.

Migration can bring many benefits, both for children who migrate and those who stay at home, but such children also face a range of protection and other human rights risks. Those born during a parent's migration may be denied a nationality where there are legal or practical restrictions on birth registration and ensuring legal identity. This can have lifelong consequences and cause statelessness (objective 4, chapter 3). Children affected by migration are at greater risk of harm from human rights abuses including discrimination based on:

- › Their or their parents' migration or other status (objective 17, chapter 5).
- › Family separation; violence, abuse and exploitation such as child labour (objective 6, chapter 2).
- › Child marriage, and barriers to accessing essential services, including health care and education, even for those in regular status (objective 15, chapter 4).
- › Lack of mutual recognition of qualifications, for those who can access education (objective 18, chapter 2).

Children are also at heightened risk from the adverse impacts of climate change, disasters and other crises (see section 1.1).

With limited regular pathways offering options for family migration, many migrants have no option but to have their children stay at home with extended family or other caregivers. Research on this has largely focused on the increase in women's migration, as that is seen as disrupting traditional notions of family. It is a complex situation where the wide range of factors in operation lead to mixed or inconclusive findings about the consequences of migration on children who stay behind. Though children are resilient and able to adjust to their circumstances, there is also concern about the social impacts on children of parental migration (Parreñas et al., 2022; Jayasuriya, 2021). Implementation of the GCM should be child-sensitive (one of its ten guiding principles). This means ensuring that migration-related policies and initiatives relate to the needs of children and that child-centric policies and programmes, such as education policies and child protection systems, are inclusive of migrant children, regardless of status. There is some effort in the region to address the challenges faced by children affected by migration – for example, in October 2021, ASEAN States adopted the Regional Plan of Action on

<sup>14</sup> Labour force participation of older persons in Asia-Pacific varies greatly by country, with all countries recording higher participation by men than by women (see ESCAP, 2023a).

Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration. However, more needs to be done in countries of origin, transit and destination to meet the specific needs of children affected by migration and their transnational families, as well as consider – and listen to children about – how children’s rights and best interests are affected by migration and related policies that affect them.

### 1.3.6 Refugees and asylum seekers

The GCM does not address the situation of refugees and asylum seekers (see box 1.1). However, it is important to provide a brief overview, a statistical profile and an overarching and contextual understanding of all categories of people on the move within the Asia-Pacific region, as well as the context in which a State is working to implement the GCM.<sup>15</sup>

Refugees and asylum seekers are entitled to specific protection under international refugee law, and it is important that this is upheld.<sup>16</sup> As of end-2023, the region hosted 12.1 million refugees, including people in refugee-like situations, and some 496,400 asylum-seekers. Globally, the Islamic Republic of Iran (3.8 million) and Türkiye (3.3 million) hosted the highest number of refugees and people in refugee-like situations. The largest refugee population globally is comprised of Afghans, constituting one in six of all refugees under the UNHCR mandate. The vast majority of refugees and people in refugee-like situations in the Islamic Republic of Iran and Pakistan, two major hosting countries, are Afghans.

The majority of refugees in Türkiye are Syrians, and the country hosts a large number of refugees from Afghanistan, Iraq and other countries. In 2023, the number of Afghan refugees and people in refugee-like situations reported globally increased by 741,400 (or 13 per cent from the previous year) to reach 6.4 million, hosted in 108 countries. A total of 90 per cent of all Afghan refugees were hosted in the Islamic Republic of Iran (3.8 million) and Pakistan (2.0 million). Opportunities for sustainable return remain limited, as almost half the population of more than 40 million people in Afghanistan face acute food insecurity, and millions remain displaced from their homes within the country (UNHCR, 2024). Since the 2021 coup in Myanmar, the worsening conflict and the call for conscription has also seen increasing numbers of people in need of international protection moving across the border into Thailand.

Mixed movements may be described as the cross-border movement of people who have a variety of protection profiles – such as trafficked persons and other migrants in vulnerable situations, unaccompanied or separated children, as well as refugees and asylum seekers – reasons for moving and needs, but who move along the same routes, use the same forms of transport or means of travel and often travel irregularly.<sup>17</sup> Such movements occur across the region – for example, where Bangladeshis are smuggled to Malaysia along the same routes as Rohingya people (UNODC Observatory on Smuggling of Migrants, 2024). Asia-Pacific migrants also travel through them in other global regions, such as the crossings of the Mediterranean.

## 1.4 Main pathways for migration in Asia and the Pacific

Facilitation of regular migration is central to helping States meet their commitments under the GCM. Pathways for regular migration, including new and expanded regular pathways to admission and stay, can be an effective tool to protect migrants’ human rights. The GCM in its objective 5 (discussed further in chapter 2) undertakes to:

*“...adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration.”*

While the number of international migrants is roughly equal between men and women at the global level and in Asia and the Pacific, the number of women in most migration movements is increasing and often through different pathways that are responding to their needs and concerns (see section 1.2).

### 1.4.1 Labour migration

Labour – whether as the explicit driver of migration or the means by which migrations are financed – remains the dominant feature of the Asia-Pacific migration landscape (see chapter 2). Migrants may move to multiple destination countries over the course of their lives. Most labour migration is temporary in nature,

15 Noting that the statistical definition of international migrant is “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 (UN DESA, 1998, pp. 9–18).

16 In particular, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. For the purpose of this report, information on refugees, although not within the scope of the GCM implementation, is included for statistical purposes to provide an overarching and contextual understanding of all categories of people on the move within the Asia-Pacific region.

17 There is no official or agreed definition, this is from OHCHR and Global Migration Group (2018).

### BOX 1.1 The Global Compact for Migration in complementarity with the Global Compact on Refugees

“The two Global Compacts, together, present complementary international cooperation frameworks that fulfil their respective mandates as laid out in the New York Declaration for Refugees and Migrants, which recognizes that migrants and refugees may face many common challenges and similar vulnerabilities.” (United Nations, 2019b, para. 3)

Both Compacts arise from concern about large and mixed movements of refugees and migrants (United Nations, 2016a) that saw States come together at a United Nations Summit for Refugees and Migrants in September 2016. The resulting New York Declaration for Refugees and Migrants includes commitments that apply to both refugees and migrants and makes clear that, although “their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms” they “also face many common challenges and have similar vulnerabilities, including in the context of large movements” (United Nations, 2016b, para. 6). This complementarity continues through the letter of both Compacts and in States’ implementation.

Noting that “migrants and refugees are distinct groups governed by separate legal frameworks”,<sup>1</sup> both Compacts have complementary roles to play in addressing situations of mixed movements.<sup>2</sup> In the GCM they are specifically mentioned in relation to migrants in vulnerable situations and as an issue in migration procedures for appropriate screening, assessment and referral. Furthermore, both the GCM and the GCR address several similar issues that affect both migrants and refugees, irrespective of the status of the persons in question. Common areas of concern include detention, access to services, decent work, and the adverse impacts of climate change and disasters. The two Compacts also share several guiding principles, including the whole-of-society approach,<sup>3</sup> whole-of-government approach,<sup>4</sup> human rights<sup>5</sup> and gender-responsiveness.<sup>6</sup> The two Compacts can be mutually reinforcing, for example, with better global governance of migration easing the pressure on the asylum system.

Many State representatives, including several from the Asia-Pacific region, made reference to the situation of and their work for refugees in their countries during their interventions at the first Asia-Pacific Regional Review as well as the IMRF, going beyond the GCM framework to address the realities of movements in and through their countries. At the Global Refugee Forum 2023, UNHCR and IOM held a high-level discussion on the complementarity between the two Compacts. There was also an initiative for States and stakeholders to develop joint or ‘mirror’ pledges on the thematic areas common to both the GCR and the GCM that affect refugees and migrants alike (see further in chapter 5).<sup>7</sup>

1 GCM, para. 4.

2 GCM, paras. 23, 28(e) and GCR, para.12.

3 This is the GCM language (para.15, which sets out the ten interrelated guiding principles); the GCR refers to a “multi-stakeholder and partnership approach” (para. 3.2).

4 GCM, para.15 and GCR, paras. 20-21.

5 GCM, para.15 and GCR, para. 5.

6 GCM, para.15 and GCR, para.17.

7 For further information on Global Refugee Forum implementation see <https://www.unhcr.org/about-unhcr/overview/global-compact-refugees>

though it covers everything from a period of seasonal work to decades away on repeating, extended or new contracts, with only brief return visits to countries of origin (OHCHR, 2022a). This encompasses regular labour migrations governed by Memoranda of Understanding (MOUs) or bilateral agreements and also irregular movements, especially between contiguous States with porous borders that some migrants cross back-and-forth as they need. The short-term duration of some of these regular migrations may also mean that they are not captured in censuses, the source of much of the migrant stock data.

The proportion of women among migrant workers varies substantially by country income levels. Previous research had shown that, at the global level, most women migrant workers were in high-income

countries and substantially fewer are in lower middle-income and low-income countries. This is likely due to the gender segregation in labour sectors and the demand for migrant women in the care economy, which is a major driver of women’s migration in the Asia-Pacific region (see box 1.2). This can be seen particularly strongly in the gendered movement of migrant workers from South Asia, which has developed since the 1990s to be predominantly comprised of migrations to male-dominated labour sectors in the Middle East, though there has also been increased demand for domestic workers, nurses and service staff in that region. In addition, it is important to note the persisting gender-based discrimination in laws and practices in many countries in Asia and the Pacific that hinder women’s participation in regular labour migration pathways – such as bans on emigration

to certain jobs, age limits to migrate or requiring permission from a male relative or community leader to migrate (ASEAN, 2022c; UN Women, 2024d).

Labour migration in the region is heavily regulated by bilateral labour agreements and MOUs, which determine migrants' options concerning where they go, what sector they work in, whether they are able to change employers and when they return. This regulation is costly and time consuming – supporting a recruitment industry and often demanding fees of migrant workers that can drive them into debt. It is a key difference between Asia and the Pacific and other regions in this world (Piper, 2023).

Remittances continue to be a vital source of income for migrants and their families and for their countries, accounting for up to 40 per cent of gross domestic product (GDP) (table 1.1; see further in chapter 4).

A look at remittance inflows to the Asian and Pacific region and subregions, shows a steady increase from the early years of the COVID-19 pandemic for the region as a whole (figure 1.7). At the subregional level, while there have been steady rises in South and South-West Asia and South-East Asia and the Pacific, in East and North-East Asia the opposite has been the case, with a steady drop in remittance inflows. In North and Central Asia, following an increase up to 2022, remittance inflows fell in 2023.

Turning to remittance outflows (figure 1.8) a very different situation is seen. East and North-East Asia has had by far the largest outflows, with a general trend of remittance volumes falling despite an increase in 2021. North and Central Asia has seen a general decline, while the other subregions have seen increases, especially in the Pacific, with a more than doubling of outflows.

Asia-Pacific countries have made slow progress in realizing the shared SDG and GCM goal of lowering remittance costs (ESCAP, 2024a).<sup>18</sup> In the IMRF Progress Declaration, States committed to redoubling efforts to meet the SDG target of reducing the average transaction cost of migrant remittances to less than 3 per cent by 2030. They identified the use of digital financial services as a means of achieving faster, safer and cheaper remittances, and of promoting digital and financial inclusion and accelerating access to transaction accounts for migrants (United Nations, 2019b, para. 67). The use of apps and online platforms across the different stages of migration, mainly via mobile phones and including digital financial services, such as money transfer tools, has been increasing and has expanded considerably during the pandemic. However, these tools also expose migrants to new

### BOX 1.2 Women migrants for long-term care work

The migration of women within Asia and the Pacific for long-term care jobs in more developed countries in and beyond the region reflects a significant trend driven by demographic shifts, economic disparities and gender dynamics. Countries with rapidly ageing populations and declining birth rates increasingly rely on migrant labour to support their long-term care sectors. The caregiver and domestic worker jobs women migrants fill in higher-income countries are typically characterized by high demand, low status, low wages and sometimes challenging living and working conditions and limited protection. Despite this, the remittances they send often play a critical role in their home economies. This migration has broader implications, including debates over the ethics of care labour migration, the impact on family structures in countries of origin and destination, and the policies and support needed to protect the rights of these migrant workers.

TABLE 1.1 Top 20 Asia-Pacific countries for remittance inflows as percentage of GDP in 2023

	COUNTRY	REMITTANCE INFLOWS AS PERCENTAGE OF GDP, 2023
1	Tonga	40.6
2	Tajikistan	39.1
3	Samoa	28.4
4	Nepal	26.5
5	Kyrgyzstan	22.3
6	Uzbekistan	15.3
7	Georgia	13.8
8	Vanuatu	12.4
9	Marshall Islands	12.1
10	Timor-Leste	10.4
11	Fiji	9.1
12	Philippines	9.0
13	Sri Lanka	8.0
14	Pakistan	7.9
15	Cambodia	6.6
16	Armenia	6.0
17	Kiribati	5.4
18	Solomon Islands	5.2
19	Micronesia, Federated States of	5.1
20	Bangladesh	5.0

Source: Ratha et al., 2024.

18 SDG indicator 10.c and GCM objective 20, in particular para. 36(a).



risks and raise concerns about violations of migrants' right to privacy and protection of their personal data, especially systems that gather and hold migrants' most sensitive personal data (biometrics) (Sohst, 2024; OHCHR, 2022a).

#### 1.4.2 International student migration

An increasing number of secondary graduates from the Asia-Pacific region choose to study abroad for tertiary education. International student migration can represent a pathway in the transition to employment in destination countries; other students return to their country of origin with knowledge gained during studies abroad, which can contribute to knowledge transfer. International students make substantial contributions to the economies of their countries of study.

Timely data on student mobility are often not available. The latest data from the UNESCO Institute of Statistics, which are not sex-disaggregated, are for 2021 – a year which still reflects disruption in movements related to the COVID-19 pandemic. In 2021, over 2.7 million students from countries in the Asia-Pacific region were studying in another country. Over 50 per cent of these students were from China (1.2 million, or 35 per cent of all Asia-Pacific migrant tertiary students) and India (over 508,000, or 17 per cent) (figure 1.9). These countries are followed by Viet Nam, Uzbekistan and Kazakhstan as the largest countries of origin of students studying abroad. Nepal is among the countries with the largest outbound student ratios.

The main destination of Asia-Pacific students are the English-speaking Organisation for Economic Co-operation and Development (OECD) countries. The United States is the top destination for students from both China and India, followed by Australia, Canada and the United Kingdom of Great Britain and Northern Ireland. Immigration restrictions, including on students, in some countries are likely to have negative impacts on them as study destinations.<sup>19</sup> In 2021, the Republic of Korea ranked fifth for students from China, while Germany ranked fifth for students from India. For students from Viet Nam, the top two destinations were Japan and the Republic of Korea, followed by the United States, Australia and Canada (in order of magnitude). The top destination for students from Central Asian countries remained the Russian Federation.

#### 1.4.3 Migration for family unity or formation

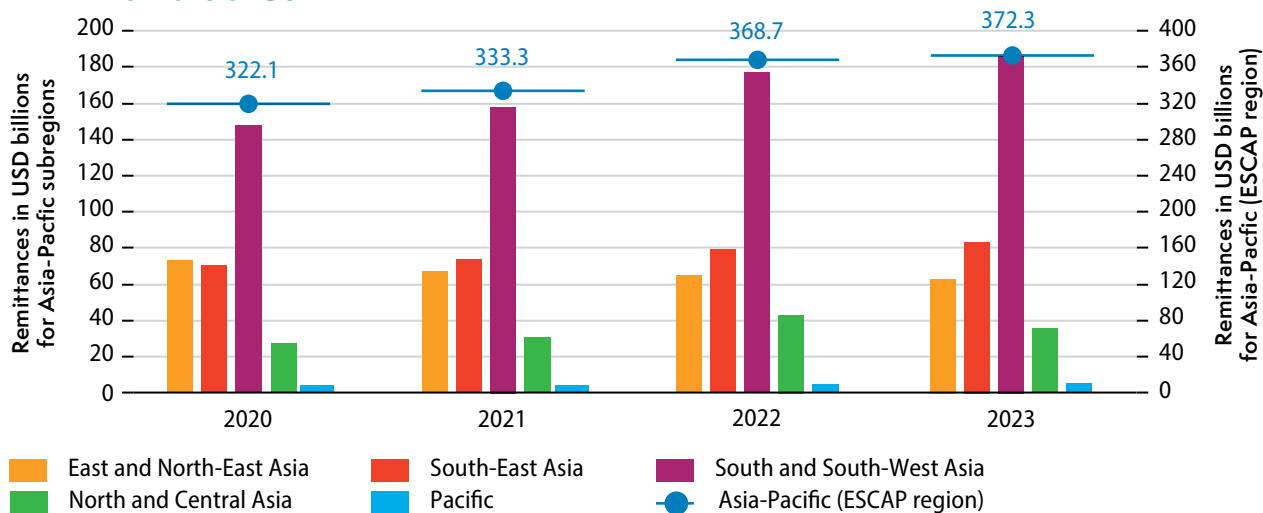
The provision of regular migration pathways should uphold the right to family life, fostering social cohesion and integration and strengthening the fabric of communities in origin and destination countries. This should not be dependent on a migrant's pay (or skill) level, though that is often the reality in the Asia-Pacific region (United Nations, 2019b, para. 21). Nor should it require that the family migrates as a unit, but allow for later reunification, as States affirmed at the IMRF (United Nations, 2022o, para. 59). However, labour migration in and from Asia and the Pacific routinely disrupts migrant workers' personal and family lives by mandating family separation and even denying migrants' rights to found a family (OHCHR, 2022a). There is sometimes an exception for migrants in higher paying sectors.

In several countries, migrant spouses (and in some cases, in-laws) of citizens or permanent residents of the country of destination can apply for a visa or permit, though the requirements for and cost of these may limit their accessibility. Where reunification with family members is allowed, this is often limited to immediate family members (spouse and children), ignoring that various forms of family exist and that extended families may be involved – as temporary migrants where this is facilitated – in childcare or other family support roles (see for example, Chiu and Ho, 2023). However, there are some good practices to be found in visa provisions of certain Asia-Pacific countries/areas such as the Dependent Visa in Hong Kong, China, which, in some cases, permits a migrant's immediate family members to relocate to Hong Kong, China, including through same-sex civil partnership, union or marriage, and in Japan, the Minister of Justice may grant Special Permission to Stay to a migrant on certain grounds, which include family circumstances (OHCHR, 2022c).

Women in the region also engage in marriage migration. In East and North-East Asia and South-East Asia, in particular in Hong Kong, China; Japan; the Republic of Korea and Singapore, marriages between people from different countries/areas have been on the rise since the 1990s. The border closures and other restrictions of the COVID-19 pandemic led to a temporary decline in the rate of such marriages, but figures rebounded immediately after border restrictions were relaxed. Over time, women marriage migrants consistently account for about 70 to 80 per cent of all marriage migrants in these countries. Globalization, demographic change, women's advancement in education and employment,

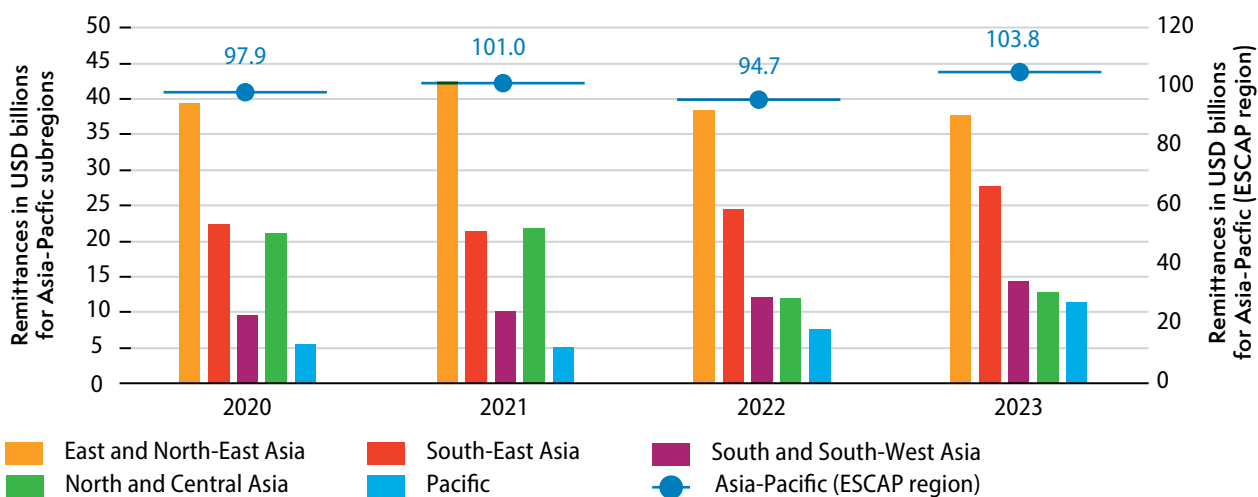
<sup>19</sup> For example, the United Kingdom Government's migration control targets mean that international students enrolling in British universities will face stringent visa norms limiting the inclusion of family members from 2024. Review of post-study visas in the United Kingdom is also being conducted to limit the time graduates can remain to find employment (UK Home Office, 2024). Australia has also announced tougher visa rules for foreign students (Australia, Commonwealth of, 2023).

FIGURE 1.7 Remittance inflows to the Asia-Pacific region and subregions, 2020–2023, billions of USD



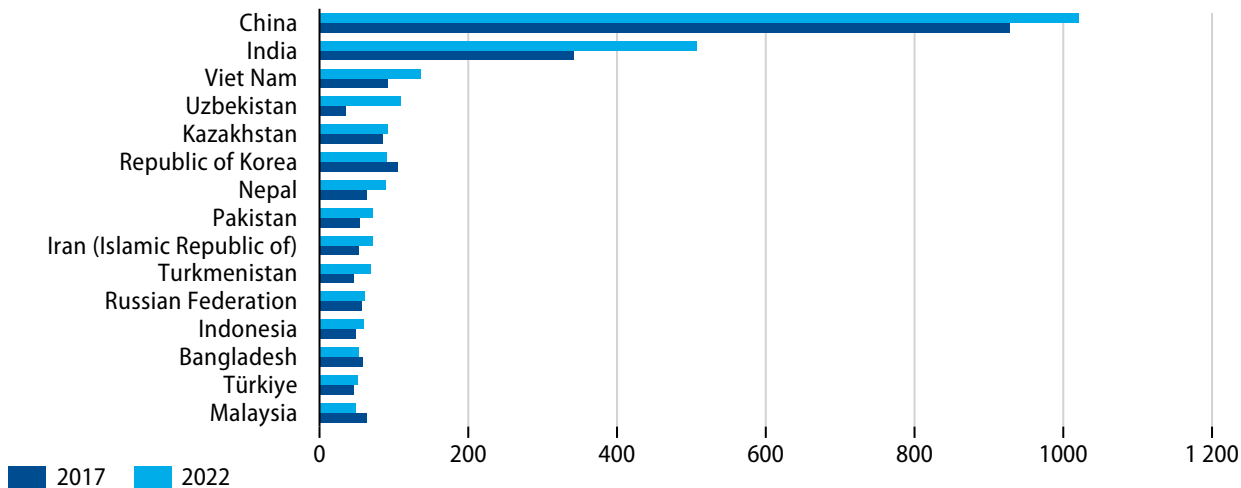
Source: ESCAP calculations based on Ratha et al., 2024.

FIGURE 1.8 Remittance outflows from the Asia-Pacific region and subregions, 2020–2023, billions of USD



Source: ESCAP calculations based on Ratha et al., 2024.

FIGURE 1.9 Number of outbound internationally mobile tertiary students by country of origin, 2017 and 2021 (thousands)



Source: UNESCO Institute for Statistics database. Online. Available from UIS Statistics, <https://data.uis.unesco.org/>

as well as social and cultural factors influence this trend. In some cases, gender inequality, coupled with income and wealth inequality, unequal access to public resources and opportunities, language barriers, social exclusion from economic and political participation, and legal barriers have created obstacles to integration of some of these women and their children (see for example, Lu and Yeung, 2024).

#### 1.4.4 Migration for permanent settlement

There are few pathways to permanent residence and many of the regular pathways open to migrants in the Asia-Pacific region deny the option of applying for such residency. Where countries in the region do seek to attract migrants for permanent residence and citizenship it is usually limited to those with higher education, specific skills, or who are prepared to invest in the country. Moreover, there is typically an annual cap on the number of visas issued to people who want to migrate permanently to the country. There is also retirement migration (see above on older migrants). Some States have humanitarian provisions for permanent stay, such as in Australia, where migrants on a Partner Visa who are victims of violence committed by their partner may continue to apply to remain permanently even though the relationship has ended (OHCHR, 2022c). The Russian Federation has eased the pathway to citizenship for migrants from the post-Soviet States, for whom the country is a major labour migration destination, and especially for Russian speakers (Schenk, 2023).<sup>20</sup>

#### 1.4.5 Other pathways

Although these account for the main regular pathways in and from the region, there are other existing and emerging pathways for Asia-Pacific migration. Many countries in the region offer some options that could be used for human rights and humanitarian grounds of admission and/or stay. Such pathways are important to enable migrants in vulnerable situations to access safe and regular migration pathways – for example, health status and lack of access to health care in countries of origin (including the effects of pollution and other environmental threats to health); protection from and remedies for abuses such as gender-based violence (GBV) or labour exploitation in destination countries, and in disaster and climate change contexts (OHCHR, 2022c; see further, objective 5, chapter 2).

Part of the digital transformation driven by the COVID-19 pandemic has been the shift to remote working. Though it lags behind the Americas and Europe in terms of the number of destinations offering specific visas for location-independent workers, Asia and the Pacific is the most popular region for such work, and several countries in the region, such as Georgia, Indonesia, Malaysia, Sri Lanka and Thailand, offering digital nomad visas, with various requirements (WTO, 2023).

#### 1.4.6 Irregular migration in Asia and the Pacific

The official data on the numbers of migrants in countries and across the Asia-Pacific region (section 1.2) are mainly of migrants in regular status, moving through official channels. By its nature, there are limited data and estimates on the scale of irregular migration in the region, but this is sizeable.

The GCM goal is to facilitate safe, orderly and regular migration, and States identified a shared responsibility to reduce the incidence and negative impact of irregular migration.<sup>21</sup> They also recognized that certain drivers might compel irregular migration<sup>22</sup> and that migrants' status can change during the migration, such as when they travel through regular pathways only to fall into an irregular status in the country of destination.<sup>23</sup> In order to prevent irregular migratory status creating situations of vulnerability for migrants and those affected by disasters, climate change and environmental degradation, States are encouraged to regularize their status.<sup>24</sup>

There are insufficient regular pathways across the region for the number of migrants who wish or need to migrate. Moreover, migration policies determining these pathways are not consistent with labour policies – the availability of regular pathways is plainly inadequate considering labour market realities in the region, in particular the demand for cheap labour, as migrants who are in irregular status often move for, and secure, work. Added to this, migrants' access to regular pathways is limited by financial barriers and complex and time-consuming procedures.<sup>25</sup> The cost issue may not be limited to securing the documentation and authorizations for regular status, but can continue through the migration. For example, Myanmar migrant workers in regular status having migrated under a bilateral Memorandum of Understanding

20 Also, Russian law was changed in September 2022 to simplify access to citizenship for foreign nationals who serve in the military (Schenk, 2023).

21 GCM, para.11, but concern about and commitments in regard to irregular migration are found throughout the GCM.

22 GCM, Objective 2, para.18.

23 Para. 23(h) under objective 7.

24 GCM, para. 23(h), (i) under objective 7; Progress Declaration, para. 59; also, the work of the United Nations Committee on Migrant Workers and other human rights bodies.

25 See, for example, Progress Declaration, para. 24.

(MOU) between Myanmar and another State are now required by Myanmar to use official channels for at least 25 per cent of their remittances or face a three-year travel ban at the end of their current migration. The official channel has unfavourable fixed exchange rates that significantly reduce the remittance values (ILO, 2023o; MMC, 2024b).

During the first year of the pandemic, many Asia-Pacific countries extended visa and residence permits without the usual bureaucracy to avoid migrants falling into an irregular status – a progressive action to reduce situations of vulnerability for migrants (see further in section 1.2.4, above).<sup>26</sup> However, there are also reports that irregular migrations increased in response to damage to livelihoods due to lockdowns and enhanced border controls associated with COVID-19 (Hedwards et al., 2023). The use of irregular pathways is also driven by violence, wars, conflict, persecution, disasters, climate change and environmental degradation.

There are many circumstances beyond the control of migrants that can give rise to the loss of regular status – for example, situations where migrants enter a country through regular pathways but later are in irregular status due to the action (or inaction) of their employers. Moreover, regular migration in South-East Asia does not necessarily guarantee better legal protection or higher net earnings for migrants (UNODC Observatory on Smuggling of Migrants, 2024). Similarly, the data indicate that not all migrants, for example, to the Russian Federation who, on arrival, declare an intention to work, go on to obtain necessary documentation. This suggests that, despite there being regular pathways, there is a large population of migrants staying in irregular status or working informally (Schenk, 2023).

Migrating in irregular status may or may not involve the use of smugglers and it may proceed without difficulty. However, there are numerous risks involved due to often longer and more difficult journeys, especially over maritime routes, together with the increased securitization of international borders and the use of dangerous interception methods, such as pushbacks, that can make it more dangerous than regular migration (Hedwards, et al., 2023).

Staying and working in irregular status can mean that – especially in the absence of binding firewalls<sup>27</sup> – migrants are excluded from accessing health care, housing, education and other services. They may experience social exclusion and have less recourse

to justice if they are exploited at work. They are also at heightened risk of being detained, fined and deported. Negative discourse on and portrayals of irregular migration can have negative consequences for migrants in irregular status, but also for those in regular status, as well as fuel nationalism (see objective 17, chapter 5). The irregular status of many migrant children increases their risk of exploitation and abuse. They often lack legal protections, making them more susceptible to being trapped in exploitative labour situations. These children experience barriers in accessing health care, education, social services and even information – which may be harmful to the child’s health or physical, mental, spiritual, moral or social development. Social attitudes, xenophobia and fear of immigration-related detention can further prevent children in the context of migration from accessing needed support and services (UNICEF, 2023b).

Enhancing the availability and flexibility of regular migration pathways – GCM objective 5 – is consistent with States’ commitments to sustainable development and human rights. It is also part of efforts to reduce and prevent transnational crime.<sup>28</sup> State responses are often focused on criminalization of migrants who are in irregular status, especially where they have used the services of smugglers, which goes against agreed commitments under the GCM and international law (United Nations, 2000a, 2018, 2019b).<sup>29</sup> Measures aimed at addressing irregular migration should never adversely affect the enjoyment of the human rights and the dignity of migrants. Similarly, advocacy for regular migration should not be at the expense of the rights of migrants who are in irregular status. It is necessary to understand why migrants chose irregular pathways and status, as well as address those drivers and the known barriers to regular migration, including by accelerating the implementation of the 2030 Agenda, regularizing migrants who are in irregular status and enhancing access to regular pathways.

## 1.5 Challenges to rights-based migration

The human cost of migration is often too high. The insufficient provision of or lack of access to regular pathways, combined with factors such as underdevelopment, poverty and lack of decent work in migrants’ countries of origin, is causing harm to too many migrants. This puts migrants at greater risk of going missing, for example because they choose or are compelled to take more difficult and indirect

26 Progress Declaration, para. 47.

27 GCM, para. 31(b).

28 GCM, para. 26(c), under objective 10.

29 GCM, objective 9 (para. 25); United Nations, 2000, Article 5; United Nations, 2018, paras. 9 and 10.



journeys. Migrants continue to be at risk of not enjoying their rights beyond their countries of origin, for example through substandard living conditions or unsafe work, denial of rights to freedom of association, or because they are in irregular status in the country of transit or destination. Such situations of vulnerability can see them criminalized, arrested and detained, or with fewer options to obtain assistance and justice if, for example, they are denied access to services or targeted for exploitation, including human trafficking.

Although migrants in irregular status are disproportionately exposed to human rights violations, those in regular status also face challenges to safe migration. This may be because their status can change during their migration (see further in section 1.4.6, above), but also because situations of vulnerability are not migrant-status dependent. There is a well-known risk of trafficking in certain labour sectors – not dependent on migrant status or whether the person is a migrant – such as domestic work, agriculture and hospitality. There are also abuses of migrant workers on temporary migrant worker programmes, some of which constitute human trafficking, even where the schemes are regulated by bilateral agreements and MOUs.

There are other risks too, regardless of migratory status, notably from unfair and exploitative recruitment practices (see chapter 2). Migrants can face discrimination throughout the migration cycle, including in the form of xenophobic hate speech or violence, exclusion from services and stigma on return (see, in particular, chapters 4 and 5).

Migration is a political issue in that political developments in countries of origin, transit and destination can affect migrants' situations – such as how political uncertainty or increased securitization may drive migration or onward migration – and because countries' migration strategies are informed by their domestic politics. This is visible, for example, when governments institute limited bans primarily on women's migration – often on the basis of gender and/or age – that simultaneously display a paternalistic attitude to women and their autonomy and increase the risks for those who still migrate or who are already working in destination countries.

While migration policy and practice should be responsive to changing circumstances, the complexity of migration – and its interconnectedness with the labour market and other policy areas – can result in *ad hoc* solutions that are of political benefit to the authorities. This short-termism is not in the interest of migrants, nor is it in the interest of origin and destination countries in the longer term. Moreover,

the politicization of migration can produce anti-immigration discourses, which often result in violence against migrants (or those perceived to be migrants), as migrants are easy scapegoats for political failures, given that they usually cannot vote in countries of destination. Similarly, approaches that position migration as a challenge or problem to be solved produce situations of vulnerability for many people on the move and those who provide support to them and advocate for their rights.

It is clear from the sustainable development megatrends (see further in section 1.1, above) that numerous factors that affect migration and the world of work are changing and will continue to do so. In some cases, the effects can be long-lasting or even intergenerational. For example, where migrants cannot secure birth registration for their children born in countries of transit or destination, it creates a political border that, if not remedied, denies them legal status and nationality – and from there, access to regular pathways, services and other human rights. It is vital that migration policymakers take this into account to develop and ensure a rights-based approach to migration that persists in the longer-term to create better conditions for this and future generations of migrants and their families.

### 1.5.1 Unsafe migration: migrant disappearances and deaths

Too many migrants go missing or die during the course of their migration. During the transit phase, this is largely as a result of restrictive immigration policies and dehumanizing border governance tactics. Moreover, in countries of destination, migrants may go missing due to being held in immigration detention without being able to contact their families (United Nations, 2023d). Many missing migrants, including missing children, may be victims of trafficking. Migrants who have been trafficked (see below) are at risk of going missing if they cannot contact their families or fear that doing so will put them at risk, for example, of extortion by the traffickers; they also may be killed or die as a result of the abuse (United Nations, 2022s, 2023d). The deaths of migrant workers during their employment in destination countries, including those specifically resulting from occupational injuries, is a serious concern (see, for example, ILO, 2021c). For more on missing migrants, see chapter 3 (GCM objective 8, also objectives 10 and 13).

The IOM Missing Migrants Project tracks data on migrant deaths during their journey from their country of origin or residence (IOM, n.d.d). Due to various challenges, such data represent only a fraction of the

number of people who disappear or die in migration, since many actual casualties remain underreported.<sup>30</sup> The most recent such data show that the number of reported missing and dead migrants in Asia and the Pacific have increased over the last four years, and especially in 2022 and 2023 (McAuliffe and Oucho, 2024).

### 1.5.2 Smuggling of migrants

Smugglers fill a gap in the market to meet the demand for mobility outside of regular channels, with services that may include transportation, documentation, irregular border crossings and bribery (UNODC Observatory on Smuggling of Migrants, 2024; MMC, 2024a). While smuggling is a crime in international law, it does not in itself constitute a human rights violation (United Nations, 2000a, 2016c). However, harm results from the smuggler exploiting their power difference with the migrant and from States criminalizing migrants who have been smuggled, contrary to the approach agreed in international law (see further on objective 9, in chapter 3).

Despite agreed and distinct definitions in international law, the smuggling of migrants is often conflated with trafficking in persons in political, media and public discourses, and in some criminal justice approaches. That is not to say that they do not sometimes overlap. Certain cases of smuggling of migrants may result in people then being trafficked into situations of forced labour or other forms of exploitation. In the region, some smuggling journeys also take place in the context of trafficking, for example, when criminals smuggle trafficked persons between countries where they operate (see, for example, chapter 3 on trafficking for forced criminality). There is limited research on the smuggling of migrants, but one subregion where it has been studied more than others is South-East Asia (see table 1.2).

Available evidence indicates that the use of smugglers by women and men varies, including according to the origin and destination countries (table 1.3). Restrictions on women's access to regular pathways for labour migration may increase the demand for smuggling services, which also increases the cost to women migrants (MMC, 2024a).

TABLE 1.2 **Some of the main routes for smuggling of migrants in the Asia-Pacific region**

ROUTE	NOTES
<b>Southwest Asia to Europe</b>	Migrants from Afghanistan, the Islamic Republic of Iran and Pakistan travel to Türkiye, with many moving on by land or sea to Bulgaria and Greece, and on to other European countries. While most are young men (including many unaccompanied children from Afghanistan), data show increasing numbers of Afghan families on the move. Refugees fleeing conflict and persecution also move along the same routes.
<b>South Asia to Europe and GCC countries</b>	This may involve travel by land or by air using fraudulent documents. Data show that many of these migrants are young men.
<b>Within South-East Asia</b>	Thailand is the main destination country for migrants from Cambodia, Lao People's Democratic Republic and Myanmar. Malaysia is a destination country for migrants from Bangladesh, Indonesia and the Philippines. Myanmar is an important country of origin within South-East Asia of migrants who use smugglers. People from Myanmar are generally smuggled along different routes and to different destinations, depending on their state of origin in Myanmar.
<b>Routes from South, South-East and Southwest Asia towards North America or Europe</b>	Due to their distance and high cost, these movements are smaller in magnitude than those by land or sea towards Europe, and nearly always involve travel by air, often with fraudulent identification documents.
<b>From countries in Southwest Asia and South Asia to Australia, transiting through South-East Asia</b>	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 and some still aim to reach Australia.

Source: UNODC Observatory on Smuggling of Migrants, 2024.

**TABLE 1.3 Gendered use of smugglers on routes to some South-East Asian countries, latest available data**

	PERCENTAGE	
	WOMEN	MEN
<b>RESEARCH IN INDONESIA WITH PEOPLE FROM –</b>		
Afghanistan	23	77
Myanmar (Rohingya)	33	67
<b>RESEARCH IN MALAYSIA WITH PEOPLE FROM –</b>		
Afghanistan	27	73
Bangladesh	3	97
Indonesia	27	73
Myanmar (Chin)	36	64
Myanmar (Rohingya)	56	44
<b>RESEARCH IN THAILAND WITH PEOPLE FROM –</b>		
Cambodia	48	52
Lao People's Democratic Republic	27	73
Myanmar (Rohingya)	49	51
Myanmar (other)	32	68

Source: MMC, 2024a.

### 1.5.3 Trafficking in persons in the context of migration

South-East Asia remains the origin of the largest number of people trafficked in the context of migration in the region. For example, in data on detected trafficking in the context of migration, 26 per cent of identified victims trafficked in the hospitality sector and 66 per cent of identified victims of trafficking in domestic work are from South-East Asia. However, there are no systematic and complete data on the proportion of migrants who are trafficked, though it is thought that only a small proportion of international migrants are trafficked. This would indicate that millions of migrants are victims of trafficking (Bauloz et al., 2021).

Albeit limited, available data show that the COVID-19 pandemic and its associated mobility restrictions and other disruptions have resulted in significant reductions in the detection of trafficked persons at the start of this decade (UNODC, 2023d). Identification of victims of trafficking is a legal obligation and is central to a people-centred and rights-based response that ensures the protection of and assistance to trafficked persons, and to ensuring a criminal justice response

that results in the prosecution of traffickers. Inevitably, this drop in detection rates has also meant that there are fewer numbers of people investigated, prosecuted and convicted of trafficking. In South-East Asia, in particular, the pandemic gave rise to a new and rapidly expanding form of trafficking – into online scam operations, or trafficking for forced criminality (see objective 10, chapter 3).<sup>31</sup> It demonstrates a range of elements that run through many aspects of migration in the region, including:

- › Issues concerning younger, skilled migrant workers.
- › The prominent role of social media and other digital platforms – in this case, in the fraudulent recruitment of migrants into the scam operations as well as for conducting the scams.
- › Weak governance and rule of law.
- › Areas where authority is contested.

The prevalence of low-paid work for Asia-Pacific migrant workers – with its poorly regulated working conditions, often substandard living conditions, and lack of complaint procedures or accountability processes – enables trafficking in persons and other forms of exploitation. In contexts of armed conflict or other situations of violence, State forces and armed groups may directly or indirectly support migrant trafficking or smuggling networks as a means of financing their operations (United Nations, 2023r).

## 1.6 Conclusion

Since APMR 2020, States have come together at the regional and global levels to reaffirm their commitments to the GCM. The COVID-19 pandemic has significantly affected migration in the region and hindered those implementation efforts. It has also disrupted data collection, impeding an up-to-date profile of migration in Asia and the Pacific. Most migration is intraregional and there are insufficient regular migration pathways for Asia-Pacific migrants. Labour remains central to the story of migration in the region. Disasters, the adverse effects of climate change and environmental degradation exacerbate vulnerable situations for migrants and pose risks of increased unsafe migration if not adequately addressed. Other challenges derive from the lack of regular pathways and inadequate progress or even regression in realizing the SDGs. Since the GCM is rooted in the 2030 Agenda, and since Asia and the Pacific is off-track in achieving the SDGs by 2030, accelerating progress in implementing both the 2030 Agenda and the GCM is urgently needed.

31 As defined by UNODC, trafficking for forced criminality (or for exploitation in criminal activities) can be understood as trafficking in persons for the purpose of exploitation of victims through forcing or otherwise compelling them to commit criminal acts for economic or other gains of traffickers or exploiters.







## CHAPTER 2

# Ensuring that migration is voluntary, safe, orderly and regular

Migrant construction worker from Shan State, Myanmar, working in Chiang Mai, Thailand, enjoying a break with children.  
© ILO/Chaline Thirasupa



*This chapter focuses on developments in migration trends, policies and practices in Asia and the Pacific since 2020 relating to the following GCM objectives:*

- 2** Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- 12** Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- 5** Enhance availability and flexibility of pathways for regular migration
- 18** Invest in skills development and facilitate mutual recognition of skills, qualifications and competences.
- 6** Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

*This chapter focuses on developments in migration trends, policies and practices in Asia and the Pacific since 2020 relating to the following GCM objectives: 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; and, 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competences.*

In the summary of the discussion of this cluster of GCM objectives at the 2021 Asia-Pacific Regional Review, note was made of the importance of partnerships and international cooperation, including bilateral and multilateral partnerships to protect workers in moving forward, while leaving no one behind. Moreover, several Government representatives noted actions to support the implementation of the GCM, including through ratification of United Nations and ILO Conventions related to international migration; the alignment of national policies and plans with the objectives of the GCM; bilateral agreements; awareness raising and sharing of information; and direct support to migrant workers, such as legal protection, language classes, and skills development and recognition. In addition, Government representatives noted that work had been done to create procedures that made migration more straightforward and transparent, and to promote the reintegration of returning migrants to countries of origin. It was also noted that migrant leaders played an important role as organizers for migrant domestic workers, and provided support and influenced policy debates around migrant domestic worker issues, though many challenges remained with regard to the legal status of migrant domestic workers.

## 2.1 Minimizing the adverse drivers of migration – focus on climate change, environmental degradation and disasters

### GCM OBJECTIVE **2**

International migration is generally driven by multiple factors including existing embedded inequities that, directly or indirectly, motivate people to move. These can be positive, resulting from people exercising their agency driven by hope and curiosity; however, the GCM, as part of its focus on making migration safe, orderly and regular, essentially deals with the adverse drivers and structural factors that compel people to leave their country of origin. In this section, the focus is on disasters, and the adverse effects of climate change and environmental degradation. These elements receive particular attention in GCM objective 2, which itself is deeply connected with sustainable development, while realizing the SDGs related to climate change and fulfilling the ambitions of the Paris Agreement are critical ways to address climate change as a driver of migration.

The cross-cutting issues of climate change, environmental degradation, disasters, migration and human rights, as well as the treatment of people moving in this complex context, are closely linked to the other GCM objectives discussed in this chapter, as well as objective 7 (reduce vulnerabilities in migration), which is discussed in chapter 5. Regular pathways and ethical recruitment are critical for people affected by climate change, environmental degradation and disasters to ensure migration in conditions of dignity, security and justice, as are measures to support and protect those displaced in such contexts.

These are not future issues. They are already affecting migrants including in their decisions to migrate (see chapter 1 on the scale of some of the challenges facing Asia and the Pacific). Climate change, environmental degradation and disasters are rarely the sole drivers of international migration – most displacement is within the affected country and the most at risk are often the least able to move (described as involuntary immobility) – but, combined with other drivers, these can compel people to move from their country of origin. Examples of how adverse climatic and environmental changes drive migrations across Asia and the Pacific include the following:

- ▶ A review of labour migration to Malaysia and Thailand found that climate change and other environmental pressures, interwoven with economic drivers of migration, are significant drivers of temporary migration, particularly among those who rely on natural resources-based livelihoods, such as agriculture and fishing (Vigil and Dayoon, 2023).
- ▶ A review of links between climate change and migration in South Asia found that the intersection of climate vulnerabilities and social inequality was a significant factor in determining who migrates. The review identified three types of responses – a reliance on temporary migration as a livelihood-diversification strategy during extreme weather and environmental changes, movement as a response to unfavourable socioeconomic changes (such as food/water insecurity) and relocation due to extreme climatic events such as floods and cyclones (Ahmed et al., 2024). Most of this movement is internal, though these factors also influence decision-making on international migrations.
- ▶ Environmental degradation and climate change are already evident as drivers of cross-border migration in Central Asia, as well as of internal movements, displacements and planned relocations. The region is one of the most arid in the world and has many livelihoods highly dependent on the land (Andreeva et al, 2022; IMF, 2023).
- ▶ The Pacific subregion is particularly vulnerable to the adverse effects of climate change, especially the small island States, with far-reaching impact on human mobility, including migration, displacement and planned relocation, the latter two usually within national borders (ILO and IOM, 2022). As livelihoods become increasingly untenable due to loss of arable land, freshwater scarcity and declining fish stocks, migration emerges as a coping strategy for many Pacific islanders.

### 2.1.1 Policies, programmes and practices

Several international agreements and frameworks have sought to address migration and other types of human mobility in the context of disasters, climate change and environmental degradation (ILO, 2023c; Weerasinghe, 2021). Recent developments relevant to migration include the IMRF Progress Declaration of 2022, the outcomes of the 28th Conference of the Parties of the United Nations Framework Convention on Climate Change in 2023 and the 2023 International Labour Conference *Resolution Concerning a Just Transition Towards Environmentally Sustainable Economies and Societies for All*. The decision on just transitions at the 28th Conference of the Parties marks a crucial development and acknowledges the human rights obligations, including to migrants, necessary for such climate action (UNFCCC, 2023c), while the groundbreaking decision on operationalization of the fund for responding to loss and damage specifies that the fund will provide finances for addressing a variety of challenges such as displacement, relocation and migration (UNFCCC, 2023b). The 2023 International Labour Conference resolution on just transitions calls for: “Urgent action to advance just transition is an imperative to achieving social justice, decent work and poverty eradication, and to tackling environmental and climate change”. It also advocates formulation of “coherent just transition frameworks for labour mobility schemes that advance decent work, skills mobility and development, and poverty reduction” (ILO, 2023i, p. 2–7). This meets the growing calls at the regional level to ensure just transitions (see ILO, 2022g).

The GCM identifies the Sendai Framework for Disaster Risk Reduction 2015–2030 as a tool to realize the goal of minimizing adverse drivers of migration.<sup>32</sup> The Asia-Pacific Action Plan 2021–2024 for implementation of the Sendai Framework<sup>33</sup> takes a subregional approach to best address the specific disaster risk reduction needs and challenges faced by the Asia-Pacific subregions. It specifically mentions gender concerns and places special emphasis on recognition and participation of migrants, among others, as an enabler of inclusive resilience building. The Chair’s summary of the 2022 Asia-Pacific Ministerial Conference on Disaster Risk Reduction similarly noted the life-saving value of planned evacuation and spontaneous movement from at-risk and disaster areas, and called on Governments to review legal and policy strategic frameworks and plans to better integrate measures that avert, minimize and address disaster displacement, and support durable solutions (UNDRR, 2022).

<sup>32</sup> GCM, para.18(a) under objective 2.

<sup>33</sup> The first Action Plan 2018–2020 of the Asia Regional Plan for Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 was adopted at the Asian Ministerial Conference on Disaster Risk Reduction in July 2018. Its update was delayed because of the COVID-19 pandemic.

The 28th Conference of the Parties adopted the Declaration on Climate and Health promoting a comprehensive response to address the impacts of climate change on health, including climate-induced displacement and migration (UNFCCC, 2023a). The International Federation of Red Cross and Red Crescent Societies is paying attention to the linkages between disasters (occurring with a climate change link) and their impact on migrant health in the Asia-Pacific region (IFRC, 2018).

However, as noted in chapter 1, Asia-Pacific countries have made limited progress and, in some cases, regressed on the key targets of the climate-related SDGs (ESCAP, 2024a). At the subregional level, there is a strong untapped potential for ASEAN and the South Asian Association for Regional Cooperation (SAARC) to effectively addressing the connections between climate change and migration, as many ASEAN and SAARC countries are yet to develop comprehensive support to address the adverse impacts of climate change on human mobility or seeking to facilitate migration as an adaptation strategy beyond existing labour migration laws, policies and frameworks (ASEAN, 2024c, forthcoming; ILO, 2023c; Weerasinghe, 2021).

The Governments of Bangladesh, the Philippines and the Pacific island States have recorded progress in this area. Specifically, Pacific Islands Forum countries endorsed a Regional Framework on Climate Mobility at the 52nd Pacific Islands Forum Leaders' Meeting, held in November 2023 (PIFS, 2023b). The Regional Framework acknowledges the link between climate change and different forms of human mobility, emphasizing a rights-based and people-centred approach to be "future-ready", while their priority is to stay in place. Although not legally binding, the Regional Framework enshrines the commitment of countries to strengthen cooperation on migration pathways to enable vulnerable Pacific people to move safely in the context of climate change, if required, with governments pledging to work together with communities and other stakeholders. There are also a number of existing relevant national policies in the Pacific, including but not limited to the Vanuatu National Policy on Climate Change and Disaster-Induced Displacement (Vanuatu NDMO, 2018), the Fiji National Relocation Guidelines (Fiji, Ministry of Economy, 2018), the Solomon Island Planned Relocation Guidelines (Solomon Islands Government, 2022), the Papua New Guinea Climate Change (Management)(Amendment) Act 25 of 2021 (Papua New Guinea, National Parliament, 2021), the Tuvalu National Climate Change Policy 2021-2030 (Tuvalu, Government of, 2016), and the Kiribati 2019 revised Joint Implementation Plan on Climate Change (Kiribati, Government of, 2019).

A unique development is the bilateral Australia-Tuvalu Falepili Union Treaty, signed on 9 November 2023 – arguably the first climate resettlement treaty globally. It has been accompanied by a joint Explanatory Memorandum to the Treaty (in May 2024) which addresses some concerns expressed by the new Government of Tuvalu.<sup>34</sup> The two countries have agreed to establish a small, capped annual human mobility pathway for Tuvalu citizens to permanently live, work or study in Australia and connect with family. The agreement deals with climate cooperation, recognizing the existential threat posed by climate change in Tuvalu. It stresses that a shared commitment to ensuring human mobility with dignity is underpinning this arrangement (Australian Government, Department for Foreign Affairs and Trade, 2024).

The Pacific Australia Labour Mobility (PALM) scheme and the Recognised Seasonal Employer programme of New Zealand (see below), while primarily intended to address labour shortages in the two countries, also represent a climate adaptation strategy in the Pacific because they:

- › Generate financial and social remittances to cope with impacts of climate change.
- › Lower population pressure on climate-stressed environments and natural resources.
- › Reduce the number of people supported in countries of origin, thereby exerting less pressure on household food stocks.

For example, financial remittances are used for building climate-resilient houses, installing water pumps and water tanks, given droughts and intrusion of saltwater, and improving seawalls. Social remittances enable transfer of agricultural skills learned in Australia, such as pruning techniques, applied to breadfruit trees in Kiribati which were previously not producing fruits because of drought and intrusion of saltwater (Rodriguez, 2023).

## 2.2 Facilitating pathways for regular migration

### GCM OBJECTIVE 5

The IMRF Progress Declaration notes that "the availability and flexibility of pathways for regular migration remains limited in many cases" (United Nations, 2022o, p. 4). Pathways for regular migration provide means of authorized movement and further, better enable migrants to realize their rights during all stages of migration. Although the Asia-Pacific region is home to a number of labour

34 Signed by both Parties – <https://www.dfat.gov.au/sites/default/files/explanatory-memorandum-falepili-union-between-tuvalu-australia.pdf>

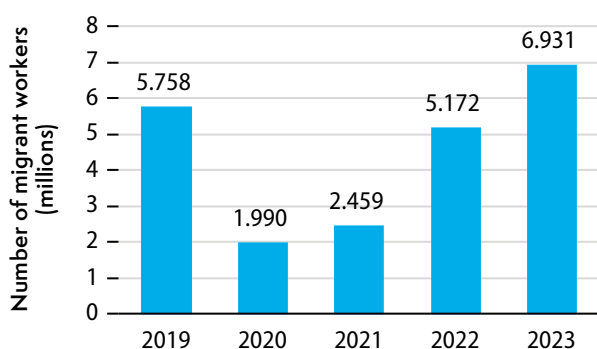


migration schemes and programmes, regular pathways for admission and stay of migrants in the region are generally insufficient, and those that do exist are often difficult for migrants to access in practice and are frequently not gender-responsive. In this absence, pathways into irregularity have proliferated, often in parallel with regular labour migration schemes and programmes. (OHCHR, 2022a).

### 2.2.1 Labour migration pathways

In 2020, the emergence of the COVID-19 pandemic led to a collapse of migration around the world. Figure 2.1 shows officially reported migration outflow data for major countries of origin in Asia (see table 2.1 for the list), highlighting the adverse impact of COVID-19, with 2020 and 2021 showing the lowest migration outflows. By 2023, however, most origin countries had recovered flows to previous levels, with Sri Lanka being the only exception. A total outflow of 6.9 million outflows in 2023 was the highest for the selected Asian countries since 2016 (ADBI, ILO and OECD, 2024).

FIGURE 2.1 Total outflows of migrant workers from selected Asian countries, 2019–2023 (millions)



Source: ADBI, ILO and OECD, 2024. Note: countries as those in table 2.1, below.

According to recent data, the share of women among migrant workers from Asian countries remained relatively stable for main origin countries in Asia from 2016 to 2019 at around 33 per cent. In general, the COVID-19 pandemic has had a disproportionate effect on migration of women, with 2021 as a low point in the share of women among workers from Nepal, Thailand and Sri Lanka. In 2023, the share of women in the total Asian outflows stood at 29.4 per cent (ADBI, ILO and OECD, 2024).

The Philippines has emerged as the country with the highest share of women in annual outflows (about 65 per cent) overtaking Indonesia after 2021 (table 2.1). In 2021, a record 87.9 per cent of the outflows of workers from Indonesia were women, but in 2022 and

2023, this share fell back to just over 60.0 per cent – the 2016 level. Lao People's Democratic Republic has similar shares for men and women migrant workers. The declining share of female workers from Sri Lanka was slightly reversed in 2022 and in the first half of 2023. Data for Thailand and Viet Nam for 2023 show shares of 23.1 and 34.9 per cent, respectively, indicating a recent increase. Bangladesh is the only country where women's shares in worker outflows has declined notably from 16.6 per cent in 2019 to 5.8 per cent in 2023, mostly due to recent male dominated flows to Saudi Arabia.

In general, the pandemic has had a disproportionate effect on migration of women, with 2021 a low point in terms of the share of women among total workers from Nepal, Thailand and Sri Lanka. In 2023, the share of women among total migrant workers in selected Asian countries stood at 29.4 per cent, down from the pre-pandemic level of around 33.0 per cent (ADBI, ILO and OECD, 2024).

TABLE 2.1 Share (percentage) of women migrant workers, selected Asian origin countries, 2019–2023

COUNTRY	2019	2020	2021	2022	2023
Bangladesh	16.6	10.1	13.0	9.3	5.8
Cambodia	41.4	41.4		38.5	40.8
India	0.5	0.6	0.4	1.6	1.4
Indonesia	69.3	79.7	87.9	60.8	61.0
Lao People's Democratic Republic	50.0	52.9			
Myanmar	30.1				
Nepal	6.3	7.7	6.9	7.8	9.4
Pakistan	0.7	0.8	0.9	1.0	1.9
Philippines	56.0	59.6	60.2	63.4	64.1
Sri Lanka	43.1	39.7	33.8	39.9	43.5
Thailand	22.7	22.5	16.1	22.3	23.1
Viet Nam	33.5	36.6	33.7	34.2	34.9

Source: ADBI, ILO, OECD, 2024.

Recorded numbers of migrant workers indicate that the aggregate number of Asia-Pacific women migrating for work is increasing. Demand is largely concentrated in occupations such as domestic and care work, although women also work as health professionals (see further below). The demand from

Japan is likely to increase under its specified skilled worker visas for care work. The demand from the Gulf Cooperation Council (GCC) countries is mainly for domestic and care work which is expected to continue. In the Pacific, the seasonal work pathways in Australia and New Zealand have been expanding, but the proportion of women in these schemes has remained low: In the period 2012–2022, the share of women migrant workers across the schemes in the two countries stayed at around 13 per cent. In Kiribati, Tonga, and Vanuatu, women seasonal workers represent 31, 14 and 13 per cent of total workers, respectively (World Bank, 2023a). While Bangladesh, Nepal and Pakistan have pledged to increase the share of women migrant workers as a policy priority, it is only Nepal that has met this goal with some success. There has been a five-fold increase in the number of Nepalese women migrating to foreign countries in the past two decades, from 82,700 in 2001 to 406,200 in 2021, with women making up 19 per cent of Nepal's international migrants in 2021 (Kharel et al., 2022). However, these numbers are believed to be underestimates, as they do not include the cross-border migration to India and the use of irregular channels because of restrictive policies imposed on women's migration. While contributing substantially to their origin and destination countries, women migrant workers in Asia and the Pacific encounter many gender-based challenges, particularly in accessing equitable and essential health-care services. Among these, the sexual and reproductive health and rights of women migrants is an issue demanding urgent and comprehensive gender-responsive and coordinated actions (see on objective 15, chapter 4).

### South-East Asia: Gender variations and costs of migrations

In the ASEAN region, regular pathways for temporary labour migration are regulated by MOUs, Bilateral Labour Agreements and country-specific admission policies for labour migration. Since 2020, at least 26 new MOUs and Bilateral Labour Agreements have been signed within the Asia-Pacific region. While some have been superimposed to rationalize existing flows and should pave the way for regular migration movements, in practice, some of these bilateral instruments are not effectively enforced due to a lack of political will of both origin and destination countries.

As noted in APMR 2020, regular channels are often costly and cumbersome and have not kept pace with employer demand for workers or the size of the labour pool seeking employment (ESCAP, 2020a) and this still remains the case (table 2.2). The process of regular migration can be long – for example, a review of processes in Lao People's Democratic Republic found that recruitment agencies needed 1.5 to 3.0 months to prepare the required legal documents involved in MOU provisions (ILO, 2023e; ASEAN, 2023d). For Myanmar workers in Thailand the cost structure for migration showed documented men and women migrant workers paying USD 448 and USD 403 per person, respectively – though this may be proportionally more expensive for the latter, given the gender pay gap – and undocumented men and women paying USD 283 and USD 319, respectively (UNDP, 2023c). Both men and women workers interviewed mentioned that simplified visa and work permits would make it easier to obtain employment in Thailand.

TABLE 2.2 Challenges facing regular labour migration pathways

FOR EMPLOYERS, HIRING OF MIGRANT WORKERS	FOR MIGRANT WORKERS
<ul style="list-style-type: none"> <li>› Long, complicated processes.</li> <li>› High cost (recruitment costs, levies and security bonds).</li> <li>› May be unable to get the quota they need.</li> <li>› Workers may not be appropriately skilled, be inexperienced and not used to life in the country of destination.</li> <li>› Limited timeframe and risk of high turnover.</li> </ul>	<ul style="list-style-type: none"> <li>› Jobs available are few and may be limited by, among others, gender, sector and age.</li> <li>› Long wait before departure and complicated procedures.</li> <li>› High cost, possibly indebtedness and salary deductions.</li> <li>› Tied to employer and limited freedom.</li> <li>› Short duration of stay.</li> <li>› Limited options to acquire skills or to get them recognized.</li> <li>› No option to bring families.</li> </ul>

A large proportion of labour migration in some ASEAN countries takes place through irregular pathways: one survey of migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar working in Thailand found that fewer than one in four had entered through regular channels (ILO, 2020b). The real cost of irregular migration is much higher because of often lower wages, lack of social protection and poor working conditions under irregular status. Without the protection of labour laws applicable to workers with documented status in destination countries, migrant workers in irregular status can be subjected to abuse and exploitation, resulting in forced labour practices (ILO, 2021d). Moreover, the threat of deportation on detection by the authorities prevents them from making use of even available support services.

As a recognition of this problem, in 2023 the Thai Ministry of Labour issued a ministerial order setting new fees for inspections and work permits for foreign workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam (Khaosod English, 2023). Visa fees for migrant workers from these countries entering under the MOU process have been lowered with the intention of helping to fill labour market shortages in Thailand by encouraging migrant workers to use regular channels to seek employment (ILO Ship to Shore, 2023).

Some ASEAN countries may impose gendered sector-specific and/or age restrictions on migrants seeking to work abroad. Until recently, Lao People's Democratic Republic and Myanmar also had restrictions on labour migration for domestic work. Some countries may impose placement restrictions to certain countries/regions; for example, only in 2023 did Indonesia remove placement restrictions for Indonesian women workers to work as domestic workers in the Middle East. Some countries of destination place restrictions to entry into certain occupations. For instance, both Malaysia and Singapore specify that only women can be employed as migrant domestic workers.

### South and South-West Asia: the example of India's migration and mobility partnerships, and emerging pathways

To facilitate safe, orderly and regular migration and to address challenges related to irregular migration within the EU-India migration corridor, the Government of India and the European Union and its Member States and signed the Common Agenda on Migration and Mobility in 2016. India is the only South and South-West Asian country to sign bilateral labour

migration and mobility agreements with member States of the European Union (France, Germany and Italy). The 2023 India-Italy Mobility and Migration Partnership Agreement is expected to facilitate mobility of skilled workers, students, academics, researchers, businesspeople and artists, according to identified needs of respective labour markets, thereby providing employment opportunities for Indian workers and professionals. Similarly, Indian students wishing to gather initial professional experience after completing academic/vocational training in Italy may be granted temporary residence in Italy for up to 12 months (India, Prime Minister, 2023). While the aforementioned developments appear positive, it is too early to assess their impact. In this regard, it is important that the living and working conditions of workers under different schemes covered by the agreement in question are monitored.

### East and North-East Asia: developments in temporary labour migration programmes

Both Japan and the Republic of Korea have developed temporary labour migration programmes through bilateral arrangements with other countries. As noted in APMR 2020, Japan provided limited opportunities for admission of workers in elementary and middle-skilled occupations until recently, and this opening up is a major positive development (ESCAP, 2020a). The Employment Permit System of the Republic of Korea has a longer history, covering 16 countries of origin in Asia; the programme is now expanding.

#### › Changes to the Technical Internship Training Program of Japan

This Program has been implemented by Japan for skills development of persons from 15 Asia-Pacific countries since 1993.<sup>35</sup> There were around 325,000 foreign technical interns in Japan at the end of 2022, mostly from Viet Nam (54 per cent), Indonesia (14 per cent) and the Philippines (9 per cent). Many of them worked in the construction, food processing and machinery industries. Although it was originally intended to promote international cooperation in skills development, the Program transformed into one aimed at meeting severe labour shortages at low cost (JILAF, 2024). There have been demands for reform of the Program for some time, not least because of certain abuses that were reported and that intern trainees were often assuming roles of regular workers while not being treated as such. The Japanese Government has proposed, as of February 2024, a new system aimed at skills development for migrant workers that abolishes the Technical Internship Training Programme and introduces the

35 Participating countries are Bangladesh, Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Uzbekistan and Viet Nam.

new Skills Developing Worker Program. This will offer a three-year employment period, allowing job changes after one or two years (JILAF, 2024).

#### › The Employment Permit System of the Republic of Korea

This is a State-managed recruitment system for low-wage workers based on mandatory MOUs with origin countries (now 16). Since the beginning of the COVID-19 pandemic, the Government has nearly doubled the annual quota, issuing 110,000 E-9 visas in 2023. It has also expanded the permitted industries and increased the number of employees each business can hire under the System. The Government has also set a new quota for shipbuilding, on a temporary basis, as the sector suffers from severe labour shortages: annual employment of 5,000 workers has been allowed by 31 December 2025 (Republic of Korea, Ministry of Employment and Labour, 2023).

#### › Seasonal worker programmes

While seasonal migration has been a long-standing feature in Asia-Pacific countries, such as Thailand, a more recent development is the Korean Seasonal Worker Programme in full operation since 2017. This Programme is meant to relieve labour shortages in farming and fishing communities. It is administered by local governments under the supervision of the Ministry of Justice. It is recruiting workers from Cambodia, Lao People's Democratic Republic, Mongolia, Nepal, the Philippines, Thailand, Uzbekistan and Viet Nam for agricultural work, now extending to 5 to 8 months. The recruitment of workers is facilitated through MOUs between local governments of the countries of origin and destination. Despite setbacks during the early years of the pandemic, quotas for seasonal workers increased to almost 20,000 by 2022, from 1,547 in 2017, and more than 27,000 workers arrived in the first half of 2023 (Collet, 2024; JCMK and MFA, 2023).

There have been some concerns expressed about the Programme as workers are not hired under a national level MOU, such as under the Employment Permit System. Some problems that have been observed are high recruitment fees, workers employed without contracts, exploitative working conditions and non-

payment of wages (Collet, 2024; JCMK and MFA, 2023). The Department of Migrant Workers, Philippines, has raised concerns because about 3,400 Filipino workers in the Republic of Korea as part of the Programme have not gone through the formal government registration system, and also have paid varying recruitment fees. The Department is pushing for a formal Government-to-Government agreement like under the Employment Permit System to guarantee protection of Filipino seasonal workers (Philippines, Government of, 2024).

### The Pacific: seasonal employment and temporary migration

Seasonal labour migration opportunities for Pacific island migrant workers in Australia and New Zealand have become important labour mobility avenues (see table 2.3). Over time, 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.

In 2022, the Australian Government introduced the PALM scheme, merging the short-term Seasonal Worker Programme and the longer-term Pacific Labour Scheme. The PALM scheme still offers these options: seasonal work for up to nine months at a time or longer-term roles for between one and four years. The programme, regulated by an MOU, is open to citizens of nine Pacific island countries (Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu) and Timor-Leste.

Recognizing that temporary labour migration programmes can undermine the right to family life (see chapter 1), the Australian Government has committed to allowing PALM scheme workers on long-term placements of between one and four years to bring their families to Australia, with the agreement of their employer (PALM, 2023). Family accompaniment will commence with an initial cohort of 200 families on a pilot basis. The first round was open to workers from Kiribati and Timor-Leste in early 2024, but has been delayed.

TABLE 2.3 Number of workers migrating annually in Pacific labour mobility schemes

YEAR	RECOGNIZED SEASONAL EMPLOYER (NEW ZEALAND)	SEASONAL WORKER PROGRAMME (AUSTRALIA)	PACIFIC LABOUR SCHEME (AUSTRALIA)
2019–2020	11,152	9,834	951
2020–2021	2,018	6,266	2,431
2021–2022	9,423	11,599	6,603
2022–2023	17,424	18,383	11,886

Source: Bedford, 2023.



At the Pacific Labour Mobility Annual Meeting 2023, both Australia and New Zealand provided updates of their labour mobility programmes. Australia's update at the meeting reiterated the objectives of PALM, including supporting the well-being of workers and upholding their workplace rights and protections. New Zealand emphasized a 'next generation' approach to the review of New Zealand's labour mobility programmes with a focus on development, skills and training opportunities, circular opportunities, worker well-being, maximizing benefits, and mitigation of negative impacts on communities and collective regional responsibility. Other initiatives are:

- ▶ The introduction of a 10-day sick leave entitlement.
- ▶ An increase in the Recognized Seasonal Employer minimum wage threshold to 10 per cent above the New Zealand minimum wage.
- ▶ The adding of new sectors of employment – meat processing, seafood processing, construction and care work.
- ▶ Ongoing development of the Recognized Seasonal Employer Cultural Competency Framework (PACER Plus Implementation Unit, 2023).

While temporary labour migration schemes play a positive role in the economies of some Pacific island countries, decent work deficits persist, highlighting the need for robust protection mechanisms and support networks. Moreover, seasonal migration can lead to temporary family separations, underscoring the importance of sustainable development initiatives, capacity-building efforts, diaspora engagement and psychosocial counselling support, as well as reintegration programmes within Pacific island countries. The emigration of skilled human resources has also been perceived by employers and businesses organizations in Pacific island countries as leading to skills shortages and is an associated challenge.

The World Bank is promoting labour mobility in the Pacific through several projects. One example is the project on Enhancing Labor Mobility from Papua New Guinea with the development objective of strengthening government systems in Papua New Guinea that support workers and their households to benefit from overseas employment opportunities, with a focus on women and disadvantaged groups (World Bank, 2024).

### North and Central Asia: sector specific work, returns and diversification of pathways

Countries in the subregion and beyond (the Caucasus) have a visa-free regime with the Russian Federation, and nationals are able to enter without a visa/work-permit and find work in certain sectors for which work

authorization has to be obtained. Migration for work within the Eurasian Economic Union, where Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation are members, is facilitated through the Union with social protection agreements for migrant workers in place. The Russian Federation has remained a primary destination for migrant workers from Central Asia, which has continued in 2023, despite the conflict in Ukraine (ICMPD, 2024; Ozat, 2023). Migrant workers are mostly concentrated in trade, construction, hospitality and transport (Ryazantsev et al., 2021).

There have also been some returns of Central Asian migrant workers from the Russian Federation following the conflict in Ukraine. In the first quarter of 2022, 60,000 Tajiks and 133,000 Uzbeks were reported to have returned to their home countries. Kazakhstan is a member of the Eurasian Economic Community allowing visa-free travel and access to the labour market in designated occupations to Member States. This, spurred by a construction boom in the country and other cost factors, has meant that large numbers of Central Asian workers are choosing Kazakhstan as a destination (Winrock International, 2022).

There are indications of diversification of pathways for Central Asian migrants. Central Asian Governments, especially Tajikistan and Uzbekistan, are exploring new destinations. Tajikistan and Uzbekistan have been engaging in bilateral cooperation on labour migration with multiple countries, including from the European Union, the Baltic States and the Middle East, as well as the United Kingdom and Türkiye. (Ozat, 2023; ESCAP, 2023d). In 2022, the Kyrgyz Government signed an agreement under the Employment Permit System with the Government of the Republic of Korea for 5,000 job openings. Tajikistan also has an agreement under this system.

### Middle East, including Gulf Cooperation Council States: destination for Asia-Pacific temporary labour migrants

For South and South-West Asian and South-East Asian countries, the major demand for migrant workers is from the Middle East, particularly the GCC countries (ILO, 2024b). The dependency on migrant workers within GCC labour markets is expected to continue with rapid economic recovery as the COVID-19 pandemic ends, creating new jobs and increasing the demand for migrant workers across the skill spectrum. These are: freight, logistics and transportation; care work (domestic work, health-care professionals and caregivers); construction; and service-based sectors (for instance, hospitality). There is, however, a lack of responsive skill delivery mechanisms, programmes or partnerships for migrant workers or employers despite growing skills investment in Asia-Pacific origin countries.

GCC localization/nationalization initiatives that aim to increase the number of nationals in private sector occupations, particularly in Oman, Saudi Arabia and United Arab Emirates, have largely remained in medium-skilled (for instance, hospitality and administrative) and skilled (such as finance and health-care) occupations. Skilled and medium-skilled migrant workers have options to migrate to higher income destination countries which offer more benefits such as pathways to permanent residency, more possibilities for family sponsorship, higher wages, and better living and working conditions. There is aggressive recruitment of migrant professionals and nurses, among others, from the GCC countries by recruiters for placement in such countries (ILO, 2024b). This onward migration of skilled workers, such as nurses from GCC countries, may mean that GCC countries have to attract more locals and also offer better incentives to retain skilled migrant workers.

While the GCC countries have continued to provide employment opportunities to Asia-Pacific workers in elementary occupations, their treatment and working conditions still pose problems. As temporary workers, they are faced with a range of violations of their rights, including limited mobility being tied to the sponsorship or *kafala* system, poor working and living conditions, limited social protection and denial of the right to family life (OHCHR, 2022c).

### 2.2.2 Pathways for humanitarian and human rights entry and stay

In addition to labour migration pathways, a variety of other pathways are in place in countries of the Asia-Pacific region, such as those facilitating access to education and training. In addition, some pathways have been established on human rights and humanitarian grounds that address protection gaps by responding to numerous imperatives such as those related to the adverse effects of climate change and environmental degradation, health status and access to health-care services, the right to family life, GBV and trafficking in persons, among others (OHCHR, 2022c). In the GCM, States explicitly recognize that pathways for regular migration, including new and expanded regular pathways for admission and stay, can be an effective tool to protect migrants' human rights. Although the availability of such pathways is nascent in much of the region, many countries have offered some options that potentially permit migrants in vulnerable situations to enter and stay at least with temporary regular status. Family reunion mechanisms are an important form of protective pathway but are frequently denied to migrants, especially those on temporary labour migration programmes. Even where they exist, they are often restricted to immediate

family members as well as on the basis of the migration status and income level or resources of the primary migrant (OHCHR, 2022c; IOM, 2024f).

Some countries also grant residence permits based on factors such as a migrant's length of residence and employment, and children's school attendance, as well as other enduring local social ties and evidence of integration. For example, migrants in Japan may be granted Special Permission to Stay if there are applicable grounds including family circumstances, the social history of the migrant in the country, or humanitarian considerations. The official guidelines specify, among others, that applications may receive favourable consideration: where the migrant has children who are enrolled in school in Japan (OHCHR, 2022c).

The CLIMB Database: Human Mobility in the Context of Disasters, Climate Change and Environmental Degradation Database is a resource hosted by the United Nations Network on Migration (United Nations Network on Migration, 2023a). The database, in which the majority of ESCAP countries are represented, covers national- and regional-level policies and legal frameworks addressing policy areas and with provisions relevant to the human mobility in the context of disasters, environmental degradation and the adverse effects of climate change. This includes provisions relating to the availability and flexibility of pathways for regular migration, including in such contexts. This is critical as part of a rights-based response to climate change since other GCM provisions, such as efforts to prevent and reduce irregular migration, can run counter to enabling pathways that respond to the needs of migrants in situations of vulnerability.

Improving the accessibility and flexibility of regular migration pathways is also consistent with States' long-standing commitment to the promotion and protection of human rights, sustainable development and safe and regular migration, as seen, for instance, in box 2.1.

Some other promising examples from the Asia-Pacific region include:

- ▶ *India*: In August 2021, the Government offered a new e-Emergency X-Misc Visa that was designed to facilitate and fast track urgent entry visa applications by foreign nationals, especially Afghan nationals for urgent travel to India following the takeover of the *de facto* Taliban authorities (OHCHR, 2022c).
- ▶ *Republic of Korea*: In 2021, the Ministry of Justice announced measures to grant residence status to undocumented migrant children enrolled in the public education system. Following public

### BOX 2.1 New protection pathway for migrant workers in Australia to leave exploitative employers

In July 2024, three sets of reforms took effect in Australia offering protection to migrant workers on temporary visas who are facing abuse or exploitation (see also box 5.5). The reforms redress the power imbalance between abusive employers and migrants who cannot risk lodging a complaint or leaving their job for fear of losing their jobs and being in irregular status and likely being deported. The reforms introduce portability rights for many employer-sponsored migrant workers, allowing them to:

- › Leave their sponsor and remain in the country for up to 180 days (up from 60 days) while finding an alternative sponsor.
- › Work for any employer in any industry during that transition period – or choose to not work.
- › Transition again, for a total of up to 365 days during the course of their visa.

Furthermore, unlike most other similar protections, migrants will not be required to report exploitation or demonstrate that they have been victims of civil or criminal exploitation in order to obtain permission to leave their employer and remain in the country while finding a new sponsor. However, these provisions do not extend to Pacific islanders in the Pacific Australia Labour Mobility scheme (Migrant Justice Institute, 2024b).

Australia's new Workplace Justice Visa, first proposed by the Migrant Justice Institute and the Human Rights Law Centre (Berg et al., 2022), will enable migrants to stay in the country for a short period. This development will mean that their workplace rights can be enforced and employers can be held accountable for exploitation and other labour rights violations (Human Rights Law Centre, 2024).

consultation in 2021–22, it was announced that children who were born or had arrived in the Republic of Korea before the age of six and had resided there for six years or more, and who were currently attending compulsory education would receive temporary stay permits, along with their parents. This also applies to the children of migrant families who had arrived in the Republic of Korea after the age of six and had resided there for seven years or more. In 2021, “measures for humanitarian special stay” were also extended to nationals from Afghanistan and Myanmar due to the situation in their home countries (OHCHR, 2022c).

- › *New Zealand*: In July 2021, the Government announced the Migrant Exploitation Protection Visa to protect migrant workers who have formally reported exploitation by their employers whose practices or behaviours threatened the migrants' economic, social, physical or emotional well-being. Migrants on this visa are permitted to stay for up to six months and are allowed to work anywhere in the country (OHCHR, 2022c).
- › *Georgia*: The Law of Georgia on Refugee and Humanitarian Status (2011) allows for humanitarian status for one year with the possibility of extension if the grounds for granting the status still exist. This status may be granted to a non-citizen or stateless person who was forced to leave their country of

origin due to a range of human rights concerns or is in need of other justified humanitarian assistance. The Law specifically provides for humanitarian status for anyone who has entered the country from a neighbouring country of origin because of a disaster (United Nations Network on Migration, 2023a).

- › *Timor-Leste*: The Immigration and Asylum Law 2017 includes a provision where a temporary residence permit may be granted to foreigners in exceptional cases of humanitarian interest – in particular where there is evidence that they may be subjected to torture, degrading treatment or punishment, or that return will put their physical integrity in danger – where they do not otherwise meet the requirements under the Law (United Nations Network on Migration, 2023a).
- › *The Pacific Regional Framework on Climate Mobility (2023)*: This is the first such agreement to comprehensively address the issues of migration, displacement and planned relocation. Although it is not legally binding, the Regional Framework sets out the commitment of Pacific island States to strengthen collaboration on migration pathways that enable Pacific people to move safely in the context of climate change and matters exacerbated by climate change. This includes coordinating support for cross-border migrants, including for migrants' ongoing cultural and familial ties (PIFS, 2023b).

## 2.3 Ensuring fair and ethical recruitment and decent work

### GCM OBJECTIVE 6

The importance of fair and ethical recruitment has been underlined in global frameworks such as the SDGs and the GCM. National laws have been revised in some countries eliminating worker-paid recruitment fees. Bilateral labour migration MOUs are increasingly incorporating fair and ethical recruitment provisions (IOM, 2024a). Recruitment costs are being monitored as part of national surveys. Complaints mechanisms have been established and support services have been provided by CSOs and trade unions. Businesses have established codes of practices on responsible recruitment.

However, much remains to be done, as seen in continuing recruitment malpractices. Worker-paid recruitment fees and related costs are often high and range from 7 to 18 months of wages in some Asia-Pacific corridors. Workers are tied to employers in the form of their work permits, and restrictions on job changes are often excessive and constitute illegal profits (ILO, 2024h). Even workers migrating regularly under MOUs can be deceived by recruitment agencies and employers (see below). There is often reported collusion between origin and destination country recruitment agencies. There is also a gap between legislation and enforcement.

#### 2.3.1 Recent progress in Asia and the Pacific on recruitment

SDG indicator 10.7.1 defines recruitment costs as "... cost borne by employee as a proportion of monthly income earned in country of destination". It is one of the first efforts to produce nationally representative, and internationally comparable data on worker-paid recruitment fees and related costs. ILO and the World Bank, as joint custodian agencies of SDG indicator 10.7.1, have developed a methodology for estimating the indicator with a view to working with national statistical offices to develop a recruitment cost indicator that can be monitored as part of the 2030 Agenda, drawing on the experience and lessons learned from previous migration cost surveys jointly conducted by the World Bank and ILO. To date, four countries from Asia and the Pacific (Bangladesh, Cambodia, Philippines and Viet Nam) officially report data for SDG indicator 10.7.1, although several countries have been piloting its measurement through surveys, including at the national level (ILO, 2023f).

As a positive step, Indonesia and Mongolia have prohibited worker-paid recruitment fees. Moreover, Bangladesh has taken steps to further regulate private recruitment agencies, the latest legislation enacted in 2023. Other promising legal changes relating to migrant worker recruitment in the Asia-Pacific region are seen in table 2.4.

Countries have also adopted stricter enforcement measures to regulate the recruitment industry. An innovative practice in Bangladesh is the use of mobile courts to monitor the enforcement of regulations and which can impose sanctions in case of violations to national fair and ethical recruitment codes of conduct. In December 2021, a Rapid Response Team was established in Nepal under the Department of Foreign Employment to address cases of fraud and any irregularities in the foreign employment sector, including those linked to the unethical recruitment of workers. However, the Migrant Recruitment Advisor Platform data analysis for Nepal also revealed that almost all (98.5 per cent) migrant workers had paid recruitment fees and other related costs (Baniya and Bhattara, 2022).

#### 2.3.2 Digitizing recruitment processes and data management

Digitizing recruitment processes and building databases on recruiters and recruitment transactions can enhance transparency and accountability on the part of the recruitment industry. States at the 16th ASEAN Forum on Migrant Labour recommended to: "Digitalise recruitment, deployment and admission processes with clear timelines for each step and with consideration of national laws and regulations of ASEAN Member States, data privacy and protection of migrant workers' rights" (AFML, 2023). Several South Asian countries have made progress in this area: Bangladesh, India, Nepal, Pakistan and Sri Lanka (Alam, 2023; Khan, 2023; IOM, 2024a; ADBI, ILO and OECD, 2023). Bangladesh's Bureau of Manpower, Employment and Training, with support of ILO, developed and rolled out its Recruiting Agents' Information Management System in 2021. It is a tool for migrant workers to obtain information about agents, private recruitment agencies and their ratings. Bangladesh has also implemented an online complaint mechanism as part of the digital platform.

Pakistan's digitization of migration governance covers different processes (such as permission for recruitment, registration of emigrants, and issuance and renewal of recruitment agencies' licenses complaints). It also implements a Foreign Jobs Portal for all foreign jobs across the country at a single platform (Khan, 2023). In India, the eMigrate website provides a platform for multiple processes, from receiving (and approving)



TABLE 2.4 **New laws (since 2020) regulating recruitment process and fees**

COUNTRY	LAW/PROVISION	RECRUITMENT PROVISIONS
<b>Bangladesh</b>	The Overseas Employment and Migrants (amendment) Bill, 2023	Provision to include subagents/ intermediaries operating within the overseas employment recruitment sector in the legal framework
<b>Mongolia</b>	Labour Migration Law, December 2021.	Provides the legal basis for the recruitment and employment of Mongolian citizens abroad.  Prohibits worker-paid recruitment fees.  Prohibits forced labour, discrimination, child labour and overly long working hours.
<b>Indonesia</b>	Regulation of the Board for the Protection of Indonesian Migrant Workers (BP2MI) No. 1/2021, (amended BP2MI Regulation No. 9/2020 concerning Exemption from Indonesian Migrant Workers Placement Fees)	Fees are to be charged to the employer, except placement fees related to work training and work competency certificates, which are to be charged to the local government.
<b>Lao People's Democratic Republic</b>	Ministerial Agreement No. 1050 on the Management of Employment Service Enterprises (adopted on 25 March 2022).	Several articles state that recruitment-related costs and fees should not be borne by workers.  Article 23 requires employment service enterprises to cover "pre-departure training, food, accommodation, relevant documentation and travel costs for workers in preparing them to work in the domestic and international labour markets".  Article 38 prohibits these enterprises from charging "workers employment service fees".

Source: ILO, 2023f.

job orders from foreign employers, to registering employers and licensed recruiters, to providing what is necessary for Indian workers who require emigration clearance,<sup>36</sup> to handling grievances. Some processes are synchronized with other government systems (ADB, ILO and OECD 2023).

At the same time, increased reliance on digital platforms for recruitment has led to some serious rights abuses against migrant workers. Officials from the Indonesian National Search and Rescue Agency described an operation in 2021 where they rescued 35 Indonesians at sea who claimed to have jobs in Malaysia but had no documents, did not know the name of their companies or employers, but reported that they had sent money online applying for jobs on WhatsApp (UNODC Observatory on Smuggling of

Migrants, 2024). Given concerns over their proliferation, the Singapore Ministry of Manpower has developed a campaign against online scams specifically for migrant domestic workers (Singapore, Ministry of Manpower, n.d.a) (see further in section 3.4.1, below).

### 2.3.3 **Concerns regarding recruitment practices**

When recruitment practices in the Asia-Pacific region are guided by rights-based principles of fairness and safety, benefits can accrue to employers, migrants and society at large. Nevertheless, there are instances in which migrants' rights are significantly compromised, particularly in regard to the migration of low-wage migrant workers on temporary pathways. Since the

36 Not all Indian migrant workers require emigration clearance. Those that do include workers who have not obtained a secondary school diploma. Their passports are marked as 'emigration clearance required' passports.

beginning of 2023, hundreds of migrant workers from Bangladesh and Nepal have migrated to Malaysia under MOUs. At the same time, there have been instances of migrants not being placed in jobs and remaining unemployed and without support for months, after paying high fees to recruiters in their country of origin. Human rights experts have expressed concern at the systemic nature of fraudulent recruitment practices by criminal networks operating between Bangladesh and Malaysia and with the involvement or acquiescence of certain government officials (OHCHR, 2024b).

As noted in chapter 1, there is also concern about migrant workers working in conflict zones. With the decision not to employ Palestinian workers, Israel has approached origin countries such as India and Sri Lanka to fill in the gap created. In May 2023, Israel and India officially signed an agreement that allows 42,000 Indians to work in Israel in construction and nursing.

#### 2.3.4 **Reparation of recruitment costs by private sector enterprises in Malaysia and Saudi Arabia**

There has been progress in some instances of securing remedy for exploitative recruitment costs paid by Asia-Pacific migrant workers, such as:

- ▶ *Reimbursement to workers in Malaysia:* A large Malaysian plantation company has reimbursed MYR 72.2 million (over USD 15 million) in recruitment fees to its 19,673 migrant workers, in its efforts to modify the Withhold Release Order issued by the United States Customs and Border Protection on 30 September 2020 (Malay Mail, 2024).
- ▶ *Remediation initiatives benefiting workers in Malaysia:* During the early years of the COVID-19 pandemic, a spike in forced labour abuses in Malaysia was noted as production was expanded to meet the boost in demand for rubber gloves as well as other personal protective equipment. In July 2020, the United States took trade action against specific Malaysian rubber glove manufacturers. Two glove manufacturers responded by announcing significant reimbursements to migrant workers that had paid for excessive third-party recruitment fees. One of the manufacturers committed to total reimbursements amounting to MYR 136 million (over USD 33 million), to be paid out in monthly instalments until July 2021. Moreover, the manufacturer reiterated its commitment to a “Zero Cost Recruitment Policy”, with no wages being withheld, no excessive overtime being demanded, and stronger health and safety measures being provided (Tan, 2021).
- ▶ *Reimbursement to workers in Saudi Arabia:* A very large multinational company has paid USD 1.9m to more than 700 migrant workers in Saudi Arabia following exposure of labour abuses against them, including the charging of high recruitment fees. Media partners exposed abuses against migrant workers from India, Nepal and Sri Lanka recruited to work at the online retail giant’s warehouses in Saudi Arabia, leading to the positive developments. The average reimbursement to the workers appears to exceed USD 2,500. The multinational company said it has also improved its communications mechanism that allows contract workers to share complaints with the company’s management (Acharya and Hudson, 2024). However, it should be noted that such payback or compensation programmes are not a substitute for thorough government-led reform, and legislative oversight and enforcement.
- ▶ *Recovery of unpaid wages from Saudi Arabia:* More than 10,000 overseas Filipino workers were left jobless with wages unpaid after two Riyadh-based construction firms declared bankruptcy in 2015 and 2016. It is estimated that at least 21,000 workers from Bangladesh, Nepal, Pakistan and the Philippines are owed wages by these two companies. The Philippines Government has been pursuing claims at the highest level with the Saudi Government. The Department of Migrant Workers is optimistic that wages can be recovered. It has been announced that PHP 868.74 million (USD 15 million) in indemnity checks have been released for the unpaid migrant workers (Philippine News Agency, 2024). At least 9,000 people are yet to be paid. Human Rights Watch has advocated for the Saudi authorities to ensure all former workers of these companies receive the full amount they are owed and put in place a robust wage protection measures to address the wage theft that migrant workers across the country experience (Human Rights Watch, 2024b).

Recruitment reform, while critical, by itself is not sufficient and needs to be accompanied by decent working conditions for migrant workers, which are often lacking for Asia-Pacific migrants. Ratification and compliance with relevant human rights instruments and labour standards is the foundation of decent work, and 14 Asia-Pacific countries have ratified one or more of the ILO Core Conventions and Protocols since 2020 (see table 2.5). Brunei Darussalam and China have ratified the Forced Labour Convention, 1930 (No. 29). Seven countries have ratified the P029, 2014 Protocol to the Forced Labour Convention. Lao People’s Democratic Republic and Kyrgyzstan have ratified the two occupational safety and health Conventions (C.155 and C.187).

**TABLE 2.5 Ratification of ILO Core Conventions by countries in Asia-Pacific since 2020**

COUNTRY	ILO CORE CONVENTIONS
Australia	C.138, P029
Bangladesh	C. 138, P029
Brunei Darussalam	C.029
China	C.029, C.105
Indonesia	C.155
Japan	C.105
Kyrgyzstan	C.155, C.187, P029
Lao People's Democratic Republic	C.155, C.187
Malaysia	P029, C.155
Myanmar	C.138
Republic of Korea	C.87, C.98, P029
Tajikistan	P029
Uzbekistan	C.187
Viet Nam	C.100

Note: C.029 - Forced Labour Convention, 1930 (No. 29); P029 - Protocol of 2014 to the Forced Labour Convention, 1930; C.87 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); C.98 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98); C.100 - Equal Remuneration Convention, 1951 (No. 100); C. 105 - Abolition of Forced Labour Convention, 1957 (No. 105); C.138 - Minimum Age Convention, 1973 (No. 138); C. 155 - Occupational Safety and Health Convention, 1981 (No. 155); C.187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

### 2.3.5 Civil society efforts to promote decent work for migrant workers

Civil society actors remain important stakeholders both in supporting the implementation of the GCM and supporting migrant workers and their families throughout the migration cycle. Their efforts became vital during the closures of the COVID-19 pandemic and reopening stages when services for migrants were inaccessible or unavailable. In relation to the GCM, many CSOs, especially from the Philippines, have made pledges regarding decent work; they also play a key role in the regional and international review processes. The ASEAN Forum on Migrant Labour has formally acknowledged the participation of national and regional CSOs in its terms of reference. The nomination of CSO representatives in this forum is facilitated by the Task Force on ASEAN Migrant Workers. This Task Force is a co-organizer of the ASEAN Forum on Migrant Labour and convenes in-country civil society preparatory meetings; it also provides inputs to meeting documents, and it coordinates civil society participation and recommendations to

the ASEAN Forum. Some of the regional CSOs/CSO networks that have recently contributed to the ASEAN Forum on Migrant Labour are Migrant Forum in Asia, Mekong Migration Network, the Global Alliance Against Traffic in Women and the Taskforce on ASEAN Migrant Workers. Migrant Forum in Asia, which has a wide network across the region, has carried out several campaigns and programmes to support regular pathways, fair and ethical recruitment, and promote decent work for migrant workers in the region. In collaboration with civil society and trade unions in South and South-East Asia, its JusticeforWageTheft campaign documents instances of, and campaigns against, migrant wage theft across Asia. The Lawyers Beyond Borders Network links lawyers in both origin and destination countries for *pro bono* impact litigation and policy advocacy, and facilitates legal assistance for migrant workers, primarily in the Middle East and GCC country contexts (MFA, 2024).

### 2.3.6 Emerging good practices in protecting migrant workers and their families

ASEAN has issued several instruments that promote protection status and decent work for migrant workers. These include:

- ▶ *ASEAN Guideline on Gender Mainstreaming into Labour and Employment Policies Towards Decent Work for All, November 2021*

International labour migration is one of the four interrelated focus areas of the Guideline (employment promotion, decent working conditions, social protection and migration). Among others, it elaborates on relevant international standards and frameworks on gender equality and decent work, shares promising practices from within and outside the region, and provides checklists on international labour migration to ensure adherence to international instruments.

- ▶ *ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations and Its Guidelines, May 2023*

This acknowledges that: “the rights of migrant workers are an inalienable, integral and indivisible part of human rights and fundamental freedoms as enshrined in the ASEAN Human Rights Declaration”. It also committed ASEAN Member States to “cooperate and coordinate to extend humanitarian assistance to migrant workers, irrespective of their legal status, and their family members who are already residing with them in the States where the crisis occurred.”

› *ASEAN Declaration on the Placement and Protection of Migrant Fishers, May 2023*

Initiated by the Government of Indonesia during its chairing of ASEAN in 2023, the Declaration sets out commitments to improve the welfare and protection of migrant fishers. This covers steps to ensure fair recruitment, provide decent working and living conditions, promote occupational safety and health, and expand coverage of labour rights and social protection, and improve access to justice. It also calls for actions to address violence, abuse and exploitation against migrant fishers, including through strengthening of labour inspection and referral systems.

There are also promising developments at the national level, including:

- › *Philippines: Migrants Rights Observatory:* The Commission on Human Rights of the Philippines has established the Migrants Rights Observatory<sup>37</sup> to develop tools and resources to monitor compliance of the Philippine Government with international and national human rights mechanisms, which particularly protect migrants' rights, including the rights of overseas Filipino workers, the Filipino diaspora, members of their families and migrants in the Philippines. This Observatory stores Supreme Court cases concerning labour migration from 1996 to the present. The review of these cases helps the Commission to identify challenges and gaps in implementing laws and policies for protection and welfare of migrant workers and their families.
- › *Nepal: Inclusion of migrant workers in the social security scheme:* In December 2022, the Ministry of Labour, Employment and Social Security passed a working guideline for extending the social safety net for migrant workers through a contributory scheme where migrant workers or self-employed persons overseas will have to contribute at least NPR 2,002 monthly, equivalent to 21.3 per cent of the minimum basic monthly salary fixed by the Nepal Government for domestic industrial workers. The maximum amount they can pay into the scheme is three times the minimum basic salary (The Kathmandu Post, 2023).
- › *Thailand: The Seafood Good Labour Practice programme:* This programme was developed by ILO, the Thai Tuna Industry Association and the Thai Frozen Foods Association, and launched under the European Union-funded Ship to Shore Rights Thailand (2016–20). It is a voluntary programme implemented to support the private sector to improve labour standards in the Thai seafood industry. An assessment of programme progress

conducted in 2022 found that the programme had improved compliance with national law. However, it found several weaknesses, including limited authority of industry associations, poor gender sensitivity, non-respect of freedom of association, and focus on export supply chains with limited attention to the local supply industry. It made a number of recommendations to render the programme effective (ILO, 2022h). The two industry associations have since then taken steps to adopt the recommendations (ILO, 2022i).

### 2.3.7 Migrant care workers

There is no agreed definition of care work in international law. It is a broad sector that can be understood as activities that ensure the sustainability and quality of life including those involved in meeting the physical, psychological and emotional needs of adults and children, old and young, and frail and able-bodied, and it can be direct, indirect, paid or unpaid (ILO, 2018; 2024e).

Care work is a major driver of migrations in and from Asia and the Pacific, in particular of women migrant workers (see chapter 1). For example, the top ten countries of origin for migrant doctors to OECD States include several Asia-Pacific countries: China, India, Pakistan and the Philippines (Socha-Dietrich and Dumont, 2021). During the early years of the COVID-19 pandemic, especially the quarantine era, workloads of migrant care workers increased significantly, while others were laid off as care businesses and households could no longer afford to employ all workers (ILO, 2023r; Trapmann et al., 2022). Migrant care workers also experienced increased stigma, with many believing they were carriers of disease (ILO, 2023r).

The ILO 5R Framework for Decent Care has gained relevance during the pandemic, as a guide for efforts to improve decent work (paid and unpaid) in the care economy:

- › *Recognize, reduce, and redistribute* unpaid care work.
- › *Reward* care workers with more and decent work.
- › *Guarantee representation*, social dialogue, and collective bargaining for care workers (ILO, 2018).

The pandemic has catalysed efforts to improve care systems, such as the Global Alliance on Care, and the International Labour Conference General Discussion on Care Work and the Care Economy (June 2024). Among the 5Rs, the below subsections focus particularly on *rewarding* care workers with more

37 For further information: <https://chr-observatories.uwazi.io/page/hxgjtgdg5c3j>



and decent work, as applied to labour migration among health-care professionals as well as personal care workers.

Among care workers globally, ILO estimates that 25 per cent are domestic workers (ILO, 2024e), and in a survey in ASEAN countries of destination, it was estimated that almost all (99 per cent) are doing indirect care work, and 62 per cent carry out direct care work in homes, much of it classified as personal care work (ILO, 2023l). Given the rapid ageing of populations in Asia and the Pacific, more elder care workers will be needed (see further in section 1.3.4, above). ILO estimates that the number of workers required for long-term elder care in Asia and the Pacific will double between 2023 and 2050, from 46.3 million to 90.3 million. East Asia is the subregion projected to require the largest share of those care workers (6.3 per cent of total employment), versus South-East Asia (3.1 per cent) with a larger reliance on unpaid care provided by family members (ILO, 2024a).

Noting that the region has a large and rising reliance on domestic workers in homes to provide care, new findings by ILO on skill levels of domestic workers have initiated a reconsideration of the sector which is often dismissed as “unskilled” work that people, predominately women, are born knowing how to do. There is virtually no skills recognition, though workers are demonstrating specific skills; moreover, they are not valued, hired or paid at a corresponding level, propagating the notion that domestic work is mainly unskilled or low skilled (ILO, 2023l).

As a promising development, since April 2024, new regulations extend protection of a range of labour rights to migrant domestic workers in Thailand, bringing their working conditions more in line with those of other workers and standing as an example to other countries in the region. They are now included in minimum wage legislation, having previously been excluded from this protection, and should have an eight-hour workday, with a one-hour break, and paid overtime if they work longer. Preventive measures have also been introduced regarding salary deductions. Furthermore, domestic workers now have the right to maternity leave (albeit not fully paid) and it is prohibited for an employer to terminate their contract due to pregnancy (ILO, 2024f).

In June 2024, the 112th International Labour Congress approved a resolution on Decent Work and the Care Economy. The conclusions provide a common understanding of the care economy, its guiding principles and actors, including that domestic workers are care workers. They affirm that labour in the care economy is not a commodity and that all care workers should enjoy decent work. They also state that a well-functioning and robust care economy plays a critical

role in building crisis resilience as well as leading to social and economic development. The conclusions provide policy guidance recommendations, including that:

- › Care should be mainstreamed into migration policies.
- › Discrimination against migrant care workers should be prevented.
- › Domestic workers and migrant care workers should be ensured effective access to labour protection and social security.
- › The voice and representation of migrant care workers should be promoted.

The resolution also calls for the provision of technical assistance to promote the effective protection of migrant care workers and strengthen research on decent work, the care economy and migrant workers in economies at different levels of development (ILO, 2024g). The rights of migrant domestic workers deserve more attention; in this regard CSOs have been playing a significant role, for example, as seen in box 2.2.

#### BOX 2.2 **Decent work promotion by the International Domestic Workers Federation**

The International Domestic Workers Federation is a membership-based global organization of domestic and household workers, with 20 affiliates across 12 countries in the region. It has continued its work in protecting domestic workers in Asia and the Pacific through thematic research, capacity building and advocacy, as well as organizing of, and providing direct assistance to, migrant domestic workers. In Malaysia, it has collaborated with the Ke-Arah 189 Coalition (a coalition of CSOs and migrant associations) to propose amendments to Malaysia’s Employment Act of 1955. These recommendations were endorsed by 24 organizations and submitted to the Ministry of Human Resources. The inputs focused on prevention of violence and abuse faced by migrant domestic workers, as well as improving the conditions of work, and the inclusion of migrant domestic workers in social protection policies. Its campaigning and preparatory work at and before the 2024 International Labour Congress general discussion on the care economy was significant.

Source: ILO, 2024c.

In August 2024, the ASEAN Declaration on Strengthening the Care Economy and Fostering Resilience Towards the Post-2025 ASEAN Community was endorsed at the 3rd ASEAN Women Leaders' Summit (ASEAN, 2024a). This includes recommendations to promote safe and regular migration pathways and ensure availability of support services for migrant care workers, especially women.

### Protection concerns

Among migrant personal care workers, those in domestic work in homes often have the least formal protection. Employment arrangements (direct hire by households versus through/by service providers) can place them in varying labour law categories, with some outside the protection of labour and social security laws. For instance, as an employee of a care work agency and deployed to a house in Thailand, migrant workers can access full social security benefits, while those employed directly by households cannot (ILO, 2023l). A 2023 study found that 83 per cent of the 108 migrant domestic workers interviewed in Malaysia did not get a weekly day off (AMMPO, et al., 2024). During the early years of the COVID-19 pandemic, some destination countries offered flexibility to migrant workers, including domestic workers to transfer jobs or stay longer in the country, but these arrangements have largely ended with the move out of the pandemic.

In addition, migrant personal care workers in homes or in institutions often have fewer rights entitlements than nationals; moreover, personal care provided in isolation in homes can be far from decent work. For instance, in Singapore, migrant workers on temporary schemes do not benefit from a wage pegged at the Progressive Wage Model for nationals and permanent residents (Singapore, Ministry of Manpower, n.d.b); similarly, in Hong Kong, China, migrant domestic workers providing personal care services do not receive the Statutory Minimum Wage; however, they are entitled to a minimum allowable wage and food allowance which has been set by the Department of Labour (Hong Kong, China, Labour Department 2023).<sup>38</sup> Furthermore, migrant domestic workers in Hong Kong, China, can form trade unions and join existing trade unions. Skills' development and educational programmes are also available to them.

Short-term or temporary visas are prevalent in this sector, despite the longer-term and "essential" need for care workers. In Australia, for instance, nurses are recruited through skilled migration pathways, but

there is no pathway for long-term care workers (PSI, 2024). While migrant elder care workers on the PALM scheme (see above) are, for instance, entitled to the same employment conditions as nationals, several studies have indicated higher likelihood of poorer conditions among the former (PSI, 2024). Seeing the value as well as the scarcity of care workers in the global labour market, Canada and Japan have both introduced paths for permanent residency for care workers. Canada's pilots for Home Support Worker and National Child Care Provider work permits, both have paths to permanent residency after 24 months (PSI, 2024).

Employer-tied visas make migrant care workers dependent on the employer for retaining the job. In the Gulf countries, female health workers from Asia and the Pacific face several challenges: recruitment practices leading to mismatch, limited or absence of recognition of professional qualifications and career advancement, managing family-work balance and a lack of options for family reunion (IOM, 2024h).

#### 2.3.8 Forced and child labour

In the 2030 Agenda, States committed to eradicate forced labour and end child labour (SDG target 8.7). In GCM objective 6, they set out a number of actions to address these human rights abuses in the context of migration.

As a region, according to regional classifications by ILO and IOM, Asia and the Pacific is host to the largest number (15.1 million) of people in forced labour, more than half of the documented global total and more than three times that of the region with the next highest number, Europe and Central Asia. Nearly two-thirds of all forced marriages, an estimated 14.2 million people, predominantly women, or 3.3 per thousand population, are in Asia and the Pacific. The intersection of these data with migration is not measured. Globally, migrant workers are more likely to be in forced labour than non-migrant workers, while, in the private economy, the former are three times more at risk than the latter of being in forced labour (ILO, Walk Free and IOM, 2022).

Vulnerabilities created through deficits in migration governance and protection gaps within national policy and legal frameworks – such as those that leave migrant workers outside of the protection of labour law or in situations where they do not enjoy equal treatment with other workers – prevent migrant workers from exercising their rights, or subject

<sup>38</sup> In Hong Kong, China, as of 30 September 2023, the foreign domestic worker minimum allowable wage has been HKD 4,870 per month, compared to citizens' Statutory Minimum Wage of HKD 40 per hour (amounting to HKD 6,720 HKD per month full-time work).

them to unfair or unethical recruitment practices. This heightens the risks of forced labour and impedes migrants' access to the necessary age- and gender-responsive assistance and to justice and effective remedies. These include sector-specific risks and challenges – such as the transnational dimension of the commercial fishing sector (ILO, 2024d). A 2022 assessment of forced labour among migrant domestic workers in three ASEAN destinations reported a range from estimated 4 per cent in situations of forced labour in Thailand and 7 per cent in Singapore, to 29 per cent in Malaysia (ILO, 2023l).

Four Asia-Pacific countries (Fiji, Nepal, Samoa and Viet Nam) have committed to accelerate efforts to achieve SDG target 8.7 and to document and share lessons learned for the benefit of other countries as part of the Pathfinder Country Initiative (Alliance 8.7, n.d.). However, the region's statistical systems are largely unable to measure efforts towards this target (ESCAP, 2024a).

Total illegal profits from forced labour are highest in Europe and Central Asia (USD 84.2 billion) followed by Asia and the Pacific (USD 62.4 billion). This is separate from the substantial illegal profits from recruitment practices for international migrants in forced labour. In addition to the documented human rights abuses inherent in forced labour, it erodes the value of migration to migrants – taking from their remittances – and therefore to countries of origin, and also to countries of destination, as these illegal profits represent lost tax revenue – which could be used to support sustainable development (ILO, 2024h).

Special efforts are needed to address the situation of migrant children who have been subjected to, or are at risk of, forced labour, including those who are unaccompanied and/or have irregular migration status. This is confounded by the data on child labour not being disaggregated by migratory status. In 2020, out of 160.0 million children (aged 5–17) engaged in child labour globally, 48.7 million were from Asia and the Pacific, from which 22.2 million were in hazardous labour (according to regional classifications by UNICEF and ILO). The four years to 2020 saw a 20 per cent decrease in documented child labour prevalence in Asia and the Pacific (ILO and UNICEF, 2021); more recent data are not available. It is estimated that 15 per cent of all Central Asian children are in child labour (ILO, 2021a).

The sectors in which child labour occurs vary by gender, sector and country. Boys are more likely to be in construction, agriculture or fishing industries. Girls are more likely to be in domestic or factory, manufacturing or fish processing domains. There is a high incidence of child labour among internal and international child migrant populations, particularly in

Myanmar, Thailand and Viet Nam. Child labour often occurs in industries outside formal labour registration systems, making it challenging to ascertain the true scale of the phenomenon (UNICEF, 2023b).

Migrant children are often employed in sectors with low regulation and high informality. Child labour is especially prevalent in the informal sector and industries with large numbers of contractors and less regulation, such as electronics, textiles, agriculture and cotton fields. These industries/sectors have weaker enforcement of laws and regulations, making it difficult to monitor and identify child labour (UNICEF, 2023b). Access to legal identity registration procedures is important to protecting children from child labour and early marriage (see objective 4, chapter 3). Irregular status of children and their families and the informal nature of their work increase their vulnerability to exploitation and hazardous labour conditions.

## 2.4 Strengthening certainty and predictability in migration procedures for appropriate screening, assessment and referral

### GCM OBJECTIVE 12

Governments across the region are working to simplify and reduce the cost of application procedures through technological developments. As just one example, the Government of Turkmenistan is using online applications for visas, work permits, passports and other identity documents, which also provide feedback notifications to migrants about the progress of procedures and readiness of documents (Turkmenistan, Delegation of, 2024). However, there remain gaps in migrants' information about requirements to enter and live in a destination country. For example, a survey of over 1,000, mostly male, respondents in Türkiye in the first quarter of 2023 found that nearly half (48 per cent) reported a lack of information on entry requirements and about a third (36 per cent) of information on life in the destination country (MMC, 2023a).

On arrival, it is important that all migrants can be assured of a safe reception that is people-centred, rights-based, dignified, culturally-appropriate and trauma-informed, as well as disability-, gender- and age-responsive. This is especially important in the context of mixed movements. All migrants should be provided with basic information on arrival in a language they can understand and in accessible formats; this should include information

on their human rights. Arrival processes should guarantee due process and individual assessments, taking into account different personal circumstances. In particular, screenings should provide that any situations of vulnerability for migrants are promptly and accurately identified and followed with access to individualized assistance and referral to further assistance, as needed, from competent, specialized authorities, while victims of trafficking and persons at risk of trafficking should be provided with protection. For example, it has been reported that protection-sensitive anti-trafficking screenings were conducted in designated reception centres for migrants travelling by sea who were disembarked in Indonesia (United Nations, 2024h). Officials conducting screening assessments must be thoroughly trained, including in human rights and child protection, and in recognizing situations of vulnerability, such as signs of trauma from exploitation or abuse, and disabilities beyond those that are physical or visible.

In the beginning of the COVID-19 pandemic, the capacities of States' reception and assistance were challenged as returns reached an unprecedented scale. For example, the Myanmar Government set up 7,000 quarantine facilities around the country to meet the large number of returns in 2020, particularly from Thailand. Returning migrants across the region mostly reported being satisfied with the available facilities but identified a range of difficulties including food shortages, shared drinking glasses, high temperatures within the facilities and crowded sleeping areas. Some reported feeling uncomfortable staying in mixed gender rooms (Wickramasekara, 2022).

#### 2.4.1 Screening, assessment and referral of children

When it comes to children, many countries in Asia and Pacific do not have comprehensive child sensitive procedures for identifying and assessing children affected by migration. This often can lead to children being arrested, detained and deported without appropriate assessment of their protection needs. There are gaps in the legal frameworks related to child protection for migrant children. But where frameworks exist, there are challenges with implementation. Thailand has the most comprehensive legal framework for the referral of child migrants needing care and protection, as well as an anti-trafficking task forces and procedures for identifying children with trafficking indicators. In Myanmar, multiple pathways exist to identify children as trafficking victims, but there is a lack of organized procedures for identifying non-trafficked unaccompanied and separated children, with community-based CSOs taking this on instead (UNICEF, 2023b).

There are significant barriers to screening and assessment, and referral to existing child protection services, such as absence of identity documentation, language and cultural barriers, as well as inadequate age assessment procedures. Proper age assessment processes are frequently missing or not appropriately implemented. In Malaysia, the absence of such procedures has led to older children being misclassified as adults and detained in adult facilities in violation of international standards. Children are often managed by immigration authorities which lack the training to identify and address child protection issues. And when identified, migrant children are not always referred to child protection systems despite existing laws and frameworks, as in Thailand. Many migrant children and their families fear interaction with authorities due to the risk of detention and deportation. This fear can prevent them from seeking help and being properly screened and assessed for their needs (UNICEF, 2023b).

Many migrant children and their families are unaware of available child protection services, especially in remote areas. For instance, in Myanmar, there is a notable lack of awareness among families, particularly in remote areas, regarding the services provided by government agencies. This lack of awareness significantly hampers the identification and protection of children in need. As a result, some families resort to selling their children to brokers, unaware that state facilities exist to accommodate and protect these children. This issue is compounded by a general lack of trust in formal service providers and a higher degree of reliance on informal networks, such as CSOs, faith-based organizations and community networks, which are often the sole sources of support for children and families lacking proper documentation (UNICEF, 2023b).

## 2.5 Promoting effective recognition, use and development of migrant skills

GCM OBJECTIVE  18

At the 2021 GCM Asia-Pacific Regional Review, Governments and stakeholders highlighted the importance of skills development and recognition to enable vertical and lateral mobility of migrant workers (ESCAP, 2022a). In the IMRF Progress Declaration, States noted that progress has been achieved in facilitating recognition of academic and vocational qualifications and skills of migrant workers and returning migrants (para. 26). The Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo Convention) is the region's legal instrument to promote access to fair assessment and qualifications



recognition by designated authorities in member States, including facilitating policy dialogue and ensuring fairness in this regard (UNESCO, 2018). Skills development to enhance employability is an area of vital importance to migrant workers in achieving decent work abroad.

### 2.5.1 Recent progress in Asia and the Pacific on skills recognition

The potential of migrants to improve their lot and contribute to sustainable development is limited by the lack of mutual recognition of skills and qualifications; this leaves migrants vulnerable to exploitation (United Nations, 2022o). In general, women migrant workers have less access to skill development and recognition processes due to existing biases in programmes and their concentration in low wage occupations.

An assessment of skill development for women migrant workers from Sri Lanka found that skill matching was difficult because of the lack of relevant and up-to-date information on labour demand trends in GCC countries and the absence of a mechanism to train women migrant workers to meet future labour demand opportunities. Women's participation in technical and vocational education and training programmes was found to be low, and when they did participate, they rarely completed the programmes, mainly due to the unequal burden of family responsibilities. There are only limited skills training programmes targeting women migrant workers. Awareness of the recognition of prior learning mechanisms among aspiring and returned women migrant workers is very low (UN Women, 2023d). Moreover, women migrant workers in certain countries often do not see the value of skills training (UN Women, 2024a, 2024d). While Pakistan has initiatives to enable training providers to help workers acquire quality skills and find overseas employment, most courses are designed for men. In Saudi Arabia, the recently accredited communications courses that offer qualified women the potential to work include information and communications technology, graphic design and AutoCAD. This may create more space for women to benefit from opportunities in these fields (UN Women, 2024a).

#### Skills recognition in ASEAN

ASEAN Member States aim to facilitate freer movement of skilled workers principally through Mutual Recognition Agreements, which are currently in place in eight occupations: engineering, nursing,

architecture, dentistry, medicine, tourism, surveying and accountancy (ESCAP, 2020a). There has been little progress in operationalization of these agreements, demonstrating the challenge in harmonizing different national laws, and regulations and policies across the ASEAN Member States. Professionals also face hurdles in terms of language proficiency requirements, recognition of degrees from accredited institutions, minimum years of study expected for different professions, and the requirement to pass national licensing examinations. With the exception of tourism, the system also leaves out middle skills and low and semi-skills that apply to most migrant workers within ASEAN (API, 2023).

IOM and ILO are supporting the development of the ASEAN Declaration on Skills Mobility, Recognition, and Development for Migrant Workers and its Checklist, under Lao People's Democratic Republic being Chair of ASEAN in 2024. The ASEAN Declaration will complement and anchor the existing ASEAN initiatives on promoting skills harmonization and recognition, facilitating the regular labour migration pathways for migrants in the region. The ASEAN Declaration is expected to be adopted at the 44th and 45th ASEAN Summits in October 2024. MOUs or admission policies covering all skills levels are necessary to meet the skills demands of employers and businesses in economies facing shortages. Such entry processes should have fair, transparent and cost-effective processes for skills recognition or certification (Baruah et al., 2024; UNESCO, 2023). While ASEAN Mutual Recognition Agreements are intended for skilled occupations, ILO has been promoting the recognition of middle to low-skilled categories of workers through the mutual recognition of skills in selected occupations within the ASEAN Qualifications Reference Framework. Thailand has been collaborating with Cambodia, Lao People's Democratic Republic and Myanmar to pilot mutual recognition of skills of migrant workers in bricklaying and plastering, industrial sewing and building electrical wiring. In February 2023, Cambodia and Thailand reached agreement on mutual recognition of skills in bricklaying and plastering, although the mobility arrangements still remain to be developed (ILO, 2023k).

While labour force survey data from Malaysia and Thailand for 2019 show that a majority of migrant workers employed in these countries were in medium-skilled occupations, admission policies of both countries do not provide a facilitated regular migration pathway for medium-skilled workers. Therefore, where appropriate, middle-skilled labour migration should be reflected in admission policies coupled with skills recognition or certification mechanisms (Baruah et al., 2024).

### Indonesia Mutual Recognition Agreement with the Spanish Government for the Certification of Fishing Vessel Personnel

This Mutual Recognition Agreement is an important initiative for seafarers affirming that the Indonesian and Spanish governments will recognize the skills certification documents issued by both countries for individuals seeking employment on fishing vessels to facilitate labour migration (Mongabay, 2024). Notably, it includes the International Maritime Organization Standards of Training, Certification, and Watchkeeping for Fishing Vessel Personnel (1995) as the basis for most of these recognitions. Additionally, the bilateral agreement stipulates provisions for conducting periodic inspections of training centres in both countries to ensure compliance with international standards. It is hoped that the signing of the Agreement will lead to expanded recognition of skills and better protection of Indonesian migrant workers employed on board Spanish fishing vessels.

### Adoption of the South Asian Qualification Reference Framework

The development of a framework for South Asian skills qualifications was proposed in the 2016 SAARC Plan of Action for Cooperation on Matters Related to Migration as a common reference framework to facilitate harmonization of skills qualifications at the regional level and also enhance the recognition of skills of migrant workers from South Asia in destination countries (Sri Lanka MOHE, n.d.). The South Asian Qualification Framework developed by SAARC member countries, with the support of ILO, was endorsed in November 2023 at the technical level by the ministries responsible for education and training in Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Each member country also identified additional ministries for its endorsement according to their own context. Bhutan, Maldives and Sri Lanka have already agreed to implement the framework at the national level.

### Lack of skills recognition progress in the Asia-GCC corridor

GCC destination countries and Asia-Pacific countries of origin have not systematically developed interregional or bilateral labour matching and mutual skills recognition. While the Abu Dhabi Dialogue has promoted dialogue and pilot projects between specific destination and origin countries in an effort to harmonize skills recognition and certification, there

has been limited success. The GCC private sector companies tend to independently conduct their own recruitment, training, and skilling operations. Given the lack of regional skills recognition and certification in the GCC, the private sector has become the sole determinant of skills certification and recognition. There is concern that this undermines existing bilateral efforts at the intergovernmental level. The end result is that employers' refusals to accept certification from countries of origin, and reluctance to pay additional wages for certification, and/or training costs, lead to negative consequences for the welfare of migrant workers. Skill recognition efforts should result in corresponding wage and salary premiums to reward the acquisition of additional skills. Otherwise, there is little incentive for migrant workers to invest in skill development. There is, however, limited evidence on skill-linked wage and salary improvements in the Asia-GCC corridor. For example, despite the official certification of skills via the Saudi Takamol system by Saudi Arabia (see below), it does not guarantee higher wages for Indian and other South Asian migrant workers (ILO, 2024a).

### Skill verification of migrants for work in Saudi Arabia

Saudi Arabia has introduced a Skill Verification Programme for migrant workers from different origin countries to improve the skills of the migrant workforce and reduce dependence on low skilled workers. A government subsidiary, Takamol for Business Services, of the Ministry of Human Resources and Social Development, is responsible for coordination and conduct of tests and follow up. Upon successful completion of evaluations, professional workers are issued Skill Verification Programme certificates. These are treated as additional requirements during recruitment processes and are an integral part of the "Professional Accreditation" system, aimed at regulating the job market and elevating the workforce's quality in line with Saudi Arabia's labour market strategy. The programme is administered in origin countries, with theoretical and practical assessments (Saudi Arabia, Kingdom of, Ministry of Human Resources and Social Development, 2022). The programme has been launched in Bangladesh, India, Pakistan and Sri Lanka. The Skill Verification Agreement was signed by the Sri Lanka Tertiary Vocational Education Commission and Takamol for Business Services. It currently covers 5 out of the 23 targeted professional specializations, namely plumbing, electricity, automotive electricity, automotive mechanics, and refrigeration and air conditioning (Sri Lanka, Ministry of Foreign Affairs, 2023).

## Japan and skills testing

For “Specified Skilled Worker” visas, applicants have to pass the “Japan Foundation Test for Basic Japanese” or acquire the N4 certificate for the “Japanese Language Proficiency Test”. Both tests are conducted within and outside Japan and may not be applicable to those already working in Japan as part of the Technical Intern Training Program. In addition, Japan conducts tests for specific skills identified in Specified Skilled Worker programmes within Japan and in origin countries which have signed bilateral memorandums of cooperation under the programmes. These skill tests relate to agriculture, construction, nursing care, food service, machining and metal processing, electric and electronic equipment assembly, and fishing industry, among others (Japan, Ministry of Foreign Affairs, n.d.).

## Global Skills Partnerships in the Pacific

These link skills development and skill mobility in a way that is financially sustainable and mutually beneficial for both origin and destination countries. They are bilateral migration agreements whereby:

- › Skills training addresses skills shortages in both origin and destination countries/.
- › Financing mostly comes from the destination country.
- › Migration occurs through a legal pathway (Acosta et al, forthcoming).

The Australia Pacific Training Coalition is an example of a Global Skills Partnerships in the Pacific. Funded by Australia’s Department of Foreign Affairs and Trade, it provides Australian standard qualification in various vocational areas across ten countries (Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu) for employment in Pacific island countries and Australia. In recent years, the Australian Government has emphasized the potential to engage more PALM workers in care for older persons, who would be required to hold a Certificate III in Individual Support (Aged Care). To this effect, in 2022, the Coalition Aged Care Plus Pilot was introduced to explore means of increasing the number of PALM aged carers with the certificate. The Coalition currently delivers the training courses in the Pacific to meet the demand for aged care workers within the PALM scheme (PALM, n.d.).

Some of the Coalition’s success factors include developing the technical and vocational education and training capacity in the Pacific by partnering with providers on alignment with labour market needs, development of teacher capability and improvement of qualifications standards, as well as reductions in cost per graduate due to scale, employer contributions,

and nationalization of training delivery and support staff. However, key areas for improvement include better alignment with Australian visa programmes and higher shares of international labour mobility to Australia, given the vast majority of graduates have been employed in Pacific island countries (Acosta et al, forthcoming).

### 2.5.2 Regional, cross-regional and bilateral cooperation to enhance regular pathways and decent work

At the 2021 GCM Asia-Pacific review meeting, many representatives highlighted the relevance of subregional, regional, and international cooperation and partnerships on international migration, recognizing that it was complex, multi-dimensional and transnational in nature and that migration governance was a responsibility shared by all countries (ESCAP, 2022a). Examples of these initiatives are listed below:

- › *Interregional dialogue:* The Asia-Gulf Cooperation Council Senior Officials’ Dialogue on the Implementation of the GCM took place in the Philippines in May 2023. It was hosted by the Department of Migrant Workers and the Department of Foreign Affairs of the Philippines, with the support from the United Nations Network on Migration, IOM and ILO. Participants included senior government officials responsible for labour migration from major countries of origin for the Asia-Pacific corridor to the GCC States (Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and Sri Lanka) as well as GCC countries, including Bahrain, Oman, Qatar, Kingdom of Saudi Arabia and the United Arab Emirates. The consultations covered the following GCM themes: high recruitment fees and related costs and their effect on labour mobility; current labour reforms in the GCC countries and how these reforms enhance labour mobility; decent work and fair and ethical recruitment; protection of the rights and welfare of migrant workers and their families and related good practices; and the nexus between climate change and labour mobility. The meeting noted that, while some progress had been made, challenges remained and much more work needed to be carried out (United Nations Network on Migration, 2023c).
- › *Intraregional dialogue:* The ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was set up in 2008 as a tripartite body. It is now responsible for implementation of the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. Its action plans promote cooperation and collaborative initiatives among member countries for better migration

governance and protection of migrant workers. The ASEAN Forum on Migrant Labour is another tripartite mechanism which, annually, has been effective in addressing migration issues of concern. It held its 16th annual meeting in November 2023. Each Forum meeting has made key recommendations, while ILO has reviewed the implementation of these recommendations periodically. The latest review covered the recommendations made from the 3rd to 14th Forum meetings (ILO, 2023p).

- › *Regional cooperation in the Pacific:* The Pacific Island Forum provides the architecture for Pacific-wide cooperation. Most recently, it endorsed the Pacific Regional Framework on Climate Mobility, paving the way for member countries to address climate related issues through an inclusive and collaborative regional approach. Cooperation on labour mobility is facilitated by the Arrangement on Labour Mobility, which is an annex to the Pacific Agreement on Closer Economic Relations Plus – a new regional free trade agreement. The key objectives of the Arrangement are cooperation between members to share information, improve access to labour markets and promote economic outcomes related to labour mobility programmes in the subregion. The Arrangement also established the Pacific Labour Mobility Annual Meeting, which serves as a forum to discuss regional labour mobility issues (see chapter 5).
- › *Bilateral cooperation:* Since 2020, Japan, GCC countries, Malaysia, the Republic of Korea and the United Kingdom have signed bilateral instruments on labour cooperation with Asia-Pacific countries. Some of these are revised agreements intended to meet the needs of the post-COVID-19 recovery period. There is, however, scant information on the implementation of these instruments.

There is also work to promote gender responsive bilateral labour migration agreements in the region. In May 2023, a South Asian Symposium on Women Migrant Workers, in Kathmandu, Nepal, brought together representatives from governments, workers' and employers' organizations, and CSOs, including women's rights organizations, with a focus on these agreements. The meeting discussed experiences of labour migration by women and exchanged promising practices to address gender equality concerns more systematically. One positive outcome of the meeting was that the Government of Pakistan established a committee to integrate stronger gender provisions in development of bilateral labour migration instruments.

Trade unions are important stakeholders in facilitating cooperation to enhance regular pathways and decent work, as noted in box 2.3.

### BOX 2.3 Trade union cooperation

There have been several promising developments in trade union cooperation related to labour migration:

*An interregional meeting* of six regional and subregional trade union organizations from Africa, Americas, Asia and Arab States<sup>1</sup> met in Bangkok during 3–5 May 2023 to review the Trade Union to Trade Union Memorandum of Understanding on Labour Migration they had developed and signed in 2018 to collaborate on protecting migrant workers (ITUC-Asia Pacific, 2018). They recognized the limited outcomes from the previous MOU, and in June 2023 updated and revised it, adopting 10 new areas of action for more effective promotion and protection of migrant workers and their families (SARTUC, 2023).

*South Asia-Bahrain corridor:* A notable initiative is the meeting organized by ITUC between trade unions from South Asia and Bahrain during 19–20 October 2023 (ITUC-Asia Pacific, 2023). The objective was to advance a fair recruitment agenda for migrant workers in the Gulf Countries and to end forced labour, as well as ensure decent work for all workers, including migrant workers. ITUC-Asia Pacific and ITUC co-organized the event together with the General Federation of Bahrain Trade Union and the Arab Trade Union Confederation. The event was a follow-up to an interregional meeting on migration held in Nepal in December 2022 among unions from origin and destination countries. Another outcome was the signing the MOU for joint efforts to organize migrant workers and to protect their rights by unions from Bangladesh, Pakistan, Nepal, Sri Lanka and Bahrain. The signatories to the MOU were: the General Federation of Bahrain Trade Union, Hind Mazdoor Sabha (India), the Pakistan Workers Federation, Sri Lanka Nidahas Sevaka Sangamaya, the ITUC-Bangladesh Council, and the ITUC-Nepal Affiliates Council.

*South Asian Trade Union Council:* This has been active in South Asia, arranging training in fair and ethical recruitment in Bangladesh and Nepal, undertaking country level activities and convening meetings of South Asian trade unions to advance the protection of workers agenda. In collaboration with ITUC-Asia Pacific, and the Solidarity Centre, it organized a side event at the Condition of Workers and Labour Rights in South Asia including Migrant Workers at the World Social Forum 2024, in Kathmandu, in February 2024 (SARTUC, 2024).

<sup>1</sup> These are: ASEAN Trade Union Council, South Asian Regional Trade Union Council, African Regional Organization of the International Trade Union Confederation, International Trade Union Confederation Asia Pacific; the Arab Trade Union Confederation and the Trade Union Confederation of the Americas.



## 2.6 Conclusion

This chapter notes the progress that has been made in the region with respect to legislation, campaigns and information dissemination, support services to migrant workers, digitalization and recruitment. Several countries in Asia and the Pacific (14) have made ratifications of one or more of the ILO Fundamental Conventions (or Protocols) since 2020. Furthermore, ASEAN has also adopted several frameworks and guidelines on the protection and promotion of the rights of migrant workers. Although the connections between climate change and migration have not yet been well addressed, more attention is being given to the climate change-migration nexus: the ASEAN Secretariat is in the final stages of completing a report on “Climate-human mobility nexus in ASEAN”. In the Pacific, a milestone was achieved with the adoption of a Regional Framework on Climate Mobility by Pacific island countries in 2023.

Progress in the period (since 2020) also includes the adoption of a South Asian Qualification Framework. Japan and Saudi Arabia have introduced skills’ verification programmes, while mobility partnerships have been developed, such as by the EU and India. Notable progress has been seen in terms of enhanced labour migration pathways with respect to Japan (from Asia) and Australia (from Pacific island countries). Pacific island countries benefit from cooperation with destination countries but are facing skills shortages.

Much remains to be done, as seen in continuing recruitment malpractices and high recruitment costs. Recruitment reform, while critical by itself, is not sufficient and needs to be accompanied by decent working conditions. Temporary labour migration pathways with respect to the GCC, ASEAN countries and the Russian Federation/Kazakhstan continue to represent a majority of the regional and bilateral flows. In some of these corridors, such as to Malaysia and Thailand, there are still large irregular movements, pointing to the continuing need to make the regular channels function better. Opportunities for family unification remain limited or prohibited in some corridors, again, calling for positive changes.

Considering gender dynamics and persisting inequalities in the region, it is critical to ensure gender perspectives are mainstreamed into migration strategy and frameworks at national and regional levels to ensure all migrant workers have equal access to labour migration opportunities and benefits.

## 2.7 Recommendations

### GCM objective 2

- › Ensure all relevant stakeholders urgently address the adverse drivers of migration, including through intensified efforts for effective implementation of the SDGs, to build peaceful, sustainable, just and inclusive societies.
- › Improve the evidence and knowledge base for policy planning with regard to the nexus between climate change, human mobility and migration, inequalities, and health in different subregions of Asia and the Pacific, and share and exchange data and effective good practices.
- › Mainstream migration and mobility into climate mitigation and adaptation plans for action at regional, bilateral and national levels that include age-, disability- and gender-responsive policies and legal protection systems for people affected by climate change. Support and promote research and the distribution of information on climate change-induced migration to generate detailed data and strengthen discussion on migration patterns influenced by adverse effects of climate change.
- › Increase access to safe and regular migration channels and prepare rights-based approaches to planned relocation, with the full participation of affected communities. Destination countries should ensure that domestic migration laws and policies reflect sustainable development objectives and are consistent with international human rights, labour standards and decent work to respond to climate-induced mobility.

### GCM objective 5

- › Build awareness in countries of destination on the development contribution of migrant workers and the need to document and distribute their concrete contributions to growth and sustainable development of those countries.
- › Identify and address existing barriers to safe, orderly and regular labour mobility through appropriate admission systems, and by removing barriers, including cumbersome immigration regulations, high migration and recruitment costs, gender discrimination and challenges, and non-recognition of skills and qualifications.
- › Utilize regional economic communities and migration corridors to expand legal and flexible pathways for safe, orderly and regular migration and mobility for women and men workers at all skill levels.

- › Expand migration pathways and ensure that they are accessible and responsive to the factors that drive mobility in the region – including the impacts of environmental degradation and the adverse effects of climate change; protection from and remedies for gender-based violence, labour exploitation and other human rights violations; and family separation and lack of protection of the right to family life – to provide effective mechanisms of admission and stay, with a particular focus on migrants who are in vulnerable situations.
- › Review and enhance family reunification provisions in the best interest of family members and the communities in which they live.

### GCM objective 6

- › Address issues in fair and ethical recruitment through effective enforcement of labour and migration laws, bilateral labour agreements and MOUs, and involvement of social partners and CSOs, 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.
- › Promote employment mobility of migrant workers in countries of destination through dismantling restrictive sponsorship requirements, prohibition of retention of travel and identity documents, and permitting job changes for admitted migrant workers in shortage occupations or within a sector, 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, where excluded; removal of gender-based discrimination in admission and post admission policies; and appointment of women labour attaches.
- › Systematize recruitment, admission and complaints procedures through digitization of related processes, building on good practices in the region.
- › Ensure protection of migrating health workers through ethical and fair recruitment in line with WHO's guidelines on bilateral agreements on health worker migration and mobility, and promote decent working conditions in destination countries through effective enforcement of applicable labour laws, supervision and labour inspection.
- › Ensure equal treatment of essential care workers and provide paths for permanent residency.

- › Strengthen interregional, regional and bilateral cooperation among governments, and among trade unions and CSOs, to ensure better governance of migration and protection of migrant workers that are inclusive and gender-responsive.
- › Ensure stakeholder consultation in the development and review of bilateral and other labour migration agreements.
- › Take all necessary measures to reduce the risk of forced and child labour for migrants and their children. This could include improved legislation and business regulation and adequately resourced and trained labour inspectorates to ensure that these are enforced. Ensure that victims of forced labour receive protection and assistance (including better access to justice and effective remedy), with that entitlement to assistance guaranteed in law.

### GCM objective 12

- › Ensure individualized screening and assessment for all migrants that is rights-based, trauma-informed, age-, disability- and gender-responsive and culturally-appropriate to identify those in vulnerable situations. This should be accompanied by timely and expert assistance and referral procedures through effective coordination among multiple concerned organizations.
- › Protect and assist migrants arriving at international borders without discrimination and ensure that human rights obligations take precedence over law enforcement and migration management objectives.
- › Strengthen mechanisms for communicating and publicizing information on migration procedures relating to entry, admission, stay, work, study or other activities, as well as available forms of protection and related rights and obligations under national laws and procedures. Ensure that these mechanisms are accessible to all concerned.
- › Expand good practices in human rights and trauma-informed trainings for first responders and government officials and CSO personnel on identification of migrants in vulnerable situations and victims of trafficking, as well as provision of access and referral pathways to specialized trauma-informed assistance and protection services, health services, including sexual and reproductive health services and psychosocial assistance, regardless of migration status.
- › Strengthen child protection systems, in collaboration with all stakeholders, and ensure they are accessible to children affected by migration. Incorporate into law provisions for screening by immigration officials to identify children as separated or unaccompanied and their referral to the child protection system.

› Enhance reception and assistance capacities, building on the lessons learned during the COVID-19 pandemic.

### GCM objective 18

› 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 and online recognition platforms.

› Document the incidence of middle skilled migration flows in the region, and, based on labour market requirements, consider adoption of bilateral agreements and MOUs and related admission policies covering all skill levels accompanied by modalities for skills recognition or testing (for middle - or high-skills).

› 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.

› Provide incentives for migrant workers to attain or improve skills by appropriate recognition systems and corresponding salary and wage adjustments for acquired skills. Skill verification and certification programmes of destination countries should likewise be linked to revised wage structures as per certified skills.







CHAPTER 3

# Protecting migrants through rights-based border governance

A Bangladeshi migrant is reunited with his family on return from work abroad. © IOM



*This chapter focuses on developments in migration trends, policies and practices in Asia and the Pacific since 2020 relating to the following GCM objectives:*

- 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.

In the summary of the discussion of this cluster of GCM objectives at the 2021 Asia-Pacific Regional Review, the GCM was acknowledged as the global framework to facilitate and ensure safe, orderly and regular migration, and examples were noted with regard to strengthening coordination amongst relevant stakeholders, the facilitation of outreach programmes, and the development of action plans to implement the GCM. It was further noted that national-level action had to be mirrored at local levels. Moreover, the high human and economic costs of immigration detention were noted and the need to implement alternatives to detention and to end the immigration detention of children and families was highlighted, including through examples from the region. Several Government representatives shared experiences in protecting the rights of migrants and stateless persons, including registering all children born in the State and supplying relevant documentation; in providing ongoing consular support services to assist in the voluntary repatriation of citizens; in actively promoting alternatives to detention of migrants; and working through regional networks on migration to enhance cooperation, including with regard to information sharing and law enforcement coordination.

The laws and policies that define border governance and the operational practices of border management directly affect migration patterns as well as the dignity

and human rights of migrants. They can inform migrant choices and experiences before, during and at the end of their migration, and in this way, direct migration movements between countries. States have legitimate interests in exercising border controls and the prerogative to do so, qualified by their obligations under international law. When enforcement of border policies and practices is not human-rights based, this can create or worsen situations of vulnerability for migrants, resulting in human rights violations and, in some cases, undermining criminal justice. These – manifested in the widespread criminalization of irregular migration, the lack of specialized institutional responses to cases of missing migrants, the use of pushbacks, inadequate investment in sustainable reintegration for returnee migrants, and reliance on arbitrary immigration detention across Asia and the Pacific – are more than just a risk to migrants' rights and well-being, they are indicators of inadequate migration governance regimes.

APMR 2020 was published at the height of pandemic-related border restrictions and closures, when many immigrants were being released from detention centres for public health reasons, and States were working to or facing calls to repatriate their nationals. Since the re-opening of borders, the region has seen new challenges emerging, notably an upsurge in trafficking for forced criminality.

### 3.1 Ensuring that all migrants have proof of legal identity and adequate documentation

#### GCM OBJECTIVE 4

In practice, the provision of official legal identity documentation (such as birth or marriage certificates or other documents) to a recognized standard is central to inclusion in society and to be able to safely access services, decent work and enjoy freedom of movement. It is vital for preventing statelessness, facilitating regular migration and enhancing the ability of migrants to contribute to sustainable development. Without adequate documentation, individuals face significant protection risks. The absence of civil status documentation makes it more difficult for migrants to prevent and resolve situations of family separation and to prove the legal status of persons under 18 as children. These children are entitled to the rights outlined in international human rights law, as well as to child-specific rights in national law, and often face risks related to establishing nationality status.

Migrants in the above-mentioned situations frequently face discrimination in access to rights and services, and the risk of exploitation and abuse. The central importance of access to documentation to realizing rights is well understood by unscrupulous employers or brokers who withhold migrant workers' passports as a means of control. Lack of documentation can be a risk factor for child marriage and child labour. Migrants may also lose or lose access to their papers during transit or due to disasters or other crises, reducing options for safe and regular migration, and cutting them off from education, health care and other essential services, as well as preventing children and families in irregular status from accessing child protection systems and services.

Lack of documentation is both a cause and consequence of irregular migration and displacement, as is statelessness. Individuals risk being made stateless in situations where they cannot prove their nationality due to loss of documentation, or they are unable to obtain replacement documentation due to challenges accessing consular services (UNHCR, 2014).

Stateless people are often excluded from critical support services, including disaster relief and emergency health care, especially when such services are restricted to citizens or to individuals who are lawfully present in the country (UNHCR, 2021a). Every person, including migrants – and the children of migrants – has the right to a nationality and every child has the right to have their birth registered immediately (ESCAP, 2020a).

At the IMRF, States committed to accelerating efforts to ensure that all migrants have proof of legal identity and adequate documentation, and that their nationals have non-discriminatory access to proof of nationality and other relevant documents. This encompasses strengthening identification procedures and documentation systems, such as through digitalization efforts, in line with appropriate data protection principles, as well as consular capacities and cooperation, including through technical assistance and bilateral or regional agreements (United Nations, 2022o, para. 64). Although States are making progress on this, these rights are not yet fully realized throughout the Asia-Pacific region.

#### 3.1.1 Challenges to realizing universal birth registration

Civil registration and vital statistics systems provide legal identity and associated documentation, including the very first official recognition of an individual before the law – a birth certificate. Despite this, 64 million children under the age of five in Asia and the Pacific have not had their birth registered and – six years from 2030, SDG target 16.9 to provide legal identity, including birth registration, for all – the quantity of unregistered adolescents and adults remains unknown (ESCAP, 2021a).

In a number of Asia-Pacific countries, access to birth registration for children of migrants is restricted. Some countries still lack country-wide birth recognition and a procedure to determine statelessness (United Nations, 2022g, 2022h). Birth registration (with establishment of a legal identity) is a critical issue for children affected by migration, but data on this are not always available in Asia-Pacific countries. Difficulties in registering a birth can be a result of immigration laws determining categories of migrants that are not permitted to marry or bear children while in the country, or may occur where migrant parents have limited access to civil registration procedures. Many countries require the legal residence/status of parents in order to register the birth, denying access to those in irregular status and meaning that their children may not be able to acquire other documents or regularize their status (Petcharamesree, 2023). It should be noted that even migrant workers who are in regular status can encounter difficulties in regularizing the status of their children (Allerton, 2022; UNICEF, 2023b; United Nations, 2023e).

The resulting lack of legal status creates a situation of vulnerability and significantly hampers children's ability to access protection and services; it also puts children at greater risk of abuse and exploitation. Notably, the failure to issue a birth certificate to a child



heightens risks during adolescence that the child may not be able to legally establish their status as a minor before the law, which can jeopardize their enjoyment of age-specific rights, such as the right to education or health care, or the protection from child marriage, child labour and child recruitment. Moreover, this denial of nationality can leave children and future generations at risk of “intergenerational statelessness”.

Some States have shared their plans to improve birth registration practices in pledges made at the IMRF and GRF. Cambodia has pledged to demonstrate concrete results by the next IMRF, in 2026, to build a strong collaboration with destination countries to provide clear support to migrants, including migrant children born abroad, to receive and keep their civil status documents, especially birth registration, and to avoid statelessness and rights violations. Cambodia recognizes that consular authorities will play a critical role to remedy these obstacles, as they can act as civil registrars (GCM Pledge ID 2245; see further discussion of consular protection, assistance and cooperation under GCM objective 14, chapter 4). The Republic of Korea has committed to introducing a system to register and verify the birth of children of foreign or stateless parents by the end of 2026 and to protect the rights of all children born in the country, regardless of their nationality (GCM Pledge ID 2172).

### 3.1.2 Work to end statelessness in Asia and the Pacific

Well-functioning civil registration and vital statistics systems, inclusive of forcibly displaced and stateless persons, ensure representative data that are essential for effective policies, targeted interventions and equitable service delivery. However, migrants can be a hard-to-reach population, as it may not be possible for them to engage in registration processes or they may fear that registration could lead to discrimination or possible legal reprisals, such as if they or members of their family were in irregular status (Patoine-Hamel and Tey, 2024). It is particularly important, therefore, to ensure that the act of attempting to register the birth of a child does not result in negative consequences for the child’s parents. This includes having in place policies and systems to ensure that people are not afraid to come forward and register the birth of a child out of fear of possible arrest or deportation, or reprisals for lacking adequate documentation. Furthermore, some States in the region currently do not allow for non-national children born in their territories to obtain a birth certificate, whilst others may allow this, but only if the child’s non-national parents have lawful residency status.

At the First Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific, in 2014, ESCAP member States adopted the Ministerial Declaration “To Get Every One into the Picture in Asia and the Pacific” (ESCAP, 2014). At the Second Ministerial Conference, in 2021, ESCAP Member States adopted the Ministerial Declaration on “Building a More Resilient Future with Inclusive Civil Registration and Vital Statistics” (ESCAP, 2022c). Both Declarations call on States to strengthen national governance and coordination structures for civil registration and vital statistics systems in accordance with the principle of respecting and ensuring human rights and taking necessary measures to remove all barriers to civil registration of vital events among all hard-to-reach populations and people in vulnerable situations, such as migrants, domestic workers and stateless persons.

As of end-2023, the Asia-Pacific region hosts some 2.6 million stateless persons, accounting for 60 per cent of the world’s recorded stateless population. However, the number of stateless people remains an underestimate, since many countries do not report data on statelessness or only report the number of *in-situ* (non-displaced) stateless populations or only report the number of displaced stateless populations. The largest displaced stateless populations are Rohingya refugees in countries neighbouring Myanmar, predominantly Bangladesh (971,900). An additional 155,500 stateless Rohingya are internally displaced in Myanmar. The second largest non-displaced stateless population globally are registered in Thailand (586,500), only behind Côte d’Ivoire (931,000). Tajikistan, Thailand and Uzbekistan have continued their efforts to reduce statelessness, each recognizing thousands of stateless individuals or those of undetermined nationality as nationals (UNHCR, 2024). The region is also home to traditionally mobile or migratory peoples, such as the Sama-Bajau peoples of the Sulu Sea, who are in a protracted situation of intergenerational statelessness (The Economist, 2022b). The absence of official and reliable data on the number of stateless persons makes the extent of their situation of vulnerability almost impossible to assess.

There have been efforts to improve data on stateless persons across the region, particularly in North and Central Asia, where, in 2022, new registrations by governments and UNHCR partners indicated a decrease of some 11,000 stateless people. The Government of Uzbekistan continues to implement provisions that provide eligibility to citizenship for stateless people, with some 9,400 acquiring nationality or citizenship in 2022 (UNHCR, 2023b). Kazakhstan included a component on nationality and statelessness in its 2021 population census (UNHCR, 2021b). Following issuance of a Presidential Decree in December 2020, Turkmenistan granted citizenship



to 2,580 people, 60 per cent of whom were women (UNHCR, 2020). A 2022 campaign reduced the number of people affected by risk of statelessness in Georgia, though a significant part of the Romani population remains at risk of statelessness due to a lack of documentation. Starting in January 2024, the Government of Georgia halved the time period, to five years, for naturalization for stateless people and also exempted them from the application fee. This was a fulfilment of a pledge the Government made at the 2020 GRF (European Network on Statelessness, 2024; Rights Georgia and the European Network on Statelessness, 2023).

The Government of Azerbaijan has made a GCM pledge to undertake measures aimed at regularizing the residence of migrants who were in irregular status across the country. Given the benefits of this work, in January 2022 the State Migration Service announced a large-scale information campaign addressing migrants in irregular status and stateless persons who had been in the country for a long time, as well as ensuring their access to legal identity and proper documentation (GCM Pledge ID 2106). The government of Azerbaijan has also made corresponding pledges at the GRF (Pledge ID GRF-09031, Pledge ID GRF-00297), which can address the current lack of a statelessness determination procedure that leaves stateless persons without adequate protection (United Nations, 2021c). The Government of Armenia is developing a draft law on stateless persons to address the lack of legislation on a national statelessness determination procedure. While in line with pledges at the GRF to address statelessness, it made amendments to its Citizenship Law in 2021 and is working further with UNHCR in this area (UNHCR, 2023a; United Nations, 2021e).

In February 2022, the Supreme Court of the Philippines launched its Rule on Facilitated Naturalization of Refugees and Stateless Persons, the only judiciary-led initiative of its kind at the global level, which governs the procedure for the filing of petitions for naturalization by refugees and stateless persons recognized by the Philippine Government (Philippines, Supreme Court of, 2022). As an important measure to prevent statelessness, in May 2022 the Philippines adopted the Foundling Recognition and Protection Act to protect and recognize the rights of children of unknown parentage on its territory and grant them Filipino nationality. The inclusive and effective framework of this provision has benefitted large numbers of individuals. It is in line with the Convention on the Reduction of Statelessness from 1961, to which

the Philippines acceded in the same year (UNHCR, 2022). In 2024, the Government of the Philippines further committed to enhance the policy, legal and operational framework for refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness (GRF Pledge ID GRF-09409).

In Thailand, some 6,200 stateless people acquired permanent residency in 2022, while in December 2023, the Government made a pledge to resolve statelessness, prioritizing children born in the country. This entails developing a national action plan on the reduction of statelessness and the management of forcibly displaced persons in the country within the subsequent two years, that:

- › Prioritizes stateless children.
- › Enhances effectiveness of the system to facilitate access by stateless persons to civil registration services, with a view to expediting the process for children born in Thailand and older persons.
- › Ensures review of existing laws and regulations related to nationality, civil registration and immigration, in order to facilitate access to legal residence, nationality and civic rights, particularly for children born in Thailand.
- › Includes cooperating with UNHCR and joining the Global Alliance to End Statelessness (GRF Pledge ID GRF-09066).

The Alliance is a new initiative being launched in October 2024 that centres on and respects the experiences of those who are stateless and formerly stateless, with an aim to end statelessness by 2030. The Australian and Philippines Governments have also pledged to become members of the Alliance (GRF Pledge ID GRF-07752 and GRF-09788, respectively). At the time of finalizing this report, through very recent cabinet approved, Thailand was set to mark one of the region's most significant citizenship initiatives with a landmark move towards ending statelessness. This would involve an accelerated pathway to permanent residency and nationality for close to half a million stateless people in the country (United Nations, UN News, 2024).

The United Nations Network on Migration is advancing efforts to analyse issues relating to access to legal identity, birth certificates, civil registration documents and travel documents, as part of due process, to all returning migrants.<sup>39</sup>

39 For further information: Activity (iii), available at: <https://migrationnetwork.un.org/promoting-safe-dignified-and-rights-based-return-readmission-and-sustainable-reintegration>

### 3.1.3 Gaps in nationality laws

In the region, concerns have arisen due to recent developments, including gaps in nationality laws and other policies and practices that discriminate on the basis of gender, ethnicity and religion. These risk undermining efforts to increase civil registration and documentation, and end statelessness.

In 2024, India began implementation of its Citizenship Amendment Act, which seeks to address a gap in the 1955 Citizenship Act that prohibited all undocumented migrants from acquiring Indian citizenship. Adopted in 2019, the Citizenship Amendment Act aims to ensure the protection of some persons from persecution on religious grounds, simplify procedures and requirements and facilitate the granting of citizenship to such persons, including migrants in an irregular situation, as well as refugees, from certain neighbouring countries. In this, it fast-tracks the citizenship pathways for some migrants and provides them legislative protection from deportation and imprisonment. However, there are demands for the Act to be extended to cover all migrant groups regardless of religion or country of origin, while noting that these latter groups would still have access to the existing lengthy citizenship procedures (United Nations, 2024c).

In August 2022, Malaysia's Court of Appeal issued a decision that denied Malaysian women equal citizenship rights as men to automatically confer citizenship to their children (OHCHR, 2022b). In February 2023, the Cabinet announced plans to remedy this by amending the Federal Constitution to recognize the right of Malaysian women married to foreign nationals to confer citizenship to their children born abroad, thereby removing a key element of gender discrimination from the nationality law and also avoiding a potential situation of child statelessness. However, these amendments contain other provisions that remove critical protections against childhood statelessness (United Nations Country Team in Malaysia, 2023; Institute on Statelessness and Inclusion, 2024; SUHAKAM, 2023). SUHAKAM, the Human Rights Commission of Malaysia, expressed a view that citizenship provisions should be enshrined as constitutional rights (SUHAKAM, 2024).

### 3.1.4 Work to counter identity fraud and document forgery

Many national law enforcement agencies in the region continue to have suboptimal technical and institutional capacity to identify irregular documents and identities at border crossing points and hubs that produce fraudulent certificates and identity and travel documents. As a consequence, IOM has worked with Asia-Pacific governments to develop the capacities of law enforcement agencies and border officials to counter irregular migration and transnational organized crime, by equipping them with the necessary skills and tools to detect and combat document and identity fraud, ensuring effective and rights-based border control and protecting genuine legal identities. Work continues in the region to facilitate the examination of travel documents and verification of identities by immigration and border officials at border crossing points, supported by several initiatives. The IOM secondary inspection tool, Verifier Travel Document and Bearer is operational in 18 Asia-Pacific countries across 55 points of entry, and it is interoperable with INTERPOL's Stolen and Lost Travel Document database, enhancing risk analysis and fraud detection (IOM, 2023e).

## 3.2 Ensuring safe migration routes and coordinating efforts regarding missing migrants

### GCM OBJECTIVE 8

Migrant disappearances and deaths are largely preventable. Though data are incomplete and many cases go unrecorded, undercounted or unnoticed, disappearances and deaths are a direct and indirect consequence of legal and policy choices, closely related to limited access to safe and regular pathways. The issue of missing migrants is a major humanitarian and human rights challenge in a region that sees mixed movements through well-established irregular and unmonitored land and maritime routes, including some from armed conflicts or disasters.

States have an obligation to search for missing migrants and conduct effective and impartial investigations, keeping relatives and their representatives informed throughout, wherever they are. This is also integral to sustainable development – reducing the number of people who disappear or die in the process of migration is a defined indicator in assessing progress towards SDG target 10.7.<sup>40</sup> However, in the Asia-Pacific region, data collection is inadequate, while there are

40 SDG indicator 10.7.3 to measure the “number of people who died or disappeared in the process of migration towards an international destination”.

no specialized institutional responses to cases of missing migrants and migrant deaths. The existing official frameworks and mechanisms to search for missing persons in national contexts are not adapted to address the migration dynamics of the region, such as the number of irregular migratory journeys (Regional United Nations Network on Migration, 2022). Access to essential services along land and sea-based routes, in both emergencies and non-emergency contexts, can save migrants' lives. States also have a duty to establish, operate and maintain adequate and effective rescue services at all international borders, including at sea (OHCHR, 2014), and should not rely on private individuals and chance (UNODC Observatory on Smuggling of Migrants, 2024).

### 3.2.1 Enforced disappearance in the context of migration

In its 2023 general comment on enforced disappearance in the context of migration, the United Nations Committee on Enforced Disappearances noted that, far from working to prevent and investigate cases of missing migrants, various State practices at the border directly contribute to the disappearance of migrants, such as dangerous interception practices (see further on objective 21, below) (United Nations, 2023d). To date, there is little engagement from the region with this human rights expert body, with only 18 of the 53 member States in Asia and the Pacific having signed or ratified the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>41</sup> For example, the Committee examined the report of one of the region's State parties, Cambodia, and identified a disconnect between measures for the protection of migrant workers and any action taken to prevent the disappearance of migrants, including in the context of trafficking in persons, as well as to search, investigate and provide support services to them and their relatives in the event of disappearance (United Nations, 2024b). Transnational and regional coordination across Asia and the Pacific, including formal cooperation agreements/arrangements with other countries to trace and identify missing migrants within their territories, is lacking. However, since 2020, four Asia-Pacific countries (Bangladesh, Maldives, Republic of Korea and Thailand) have ratified the Convention, and representatives of Indonesia and Thailand to the ASEAN Intergovernmental Commission on Human Rights are among United Nations and regional human rights experts calling for joint action to support victims of enforced disappearance and protect their rights (OHCHR, 2024c).

### 3.2.2 The unknown extent of migrant disappearances in the region: inadequate data and coordination on missing migrants

Thousands of migrants go missing every year whether in transit or in countries of destination. According to IOM, at least 4,555 migrants were recorded as missing or dead in Asia and the Pacific since the start of 2020 (IOM, n.d.e). This will, nevertheless, be a gross undercount, as there is no systematic data collection on migrant deaths and disappearances during migration by States in a region that sees a significant amount of irregular migration as well as migration in conflict settings. Furthermore, due to inadequate accessibility to cover the extensive geographical area in Asia and the Pacific, the clandestine nature of irregular migration to avoid detection, and challenges regarding conflicts and political sensitivities, the present number of deaths and disappearances in the region is considerably underrepresented.

The available data indicate that the majority of migrant deaths in Asia and the Pacific occur on the route between Afghanistan to the Islamic Republic of Iran, with over 2,500 fatalities since 2020.<sup>42</sup> This may, in part, also be due to the available monitoring mechanisms and a bias to specific geographical areas; for instance, migration at sea is more challenging to document than that over land (IOM, n.d.d). The mobility restrictions in place during the initial period of the COVID-19 pandemic will have masked some disappearances (Regional United Nations Network on Migration, 2022). Furthermore, many disappearances in the context of migration are not reported for a range of practical and legal reasons, such as friends and family members living in another country, there being another language, or they themselves being in irregular status and therefore afraid to engage with the authorities in the absence of firewalls with immigration enforcement (United Nations, 2023d). This fear of the authorities is often used by unethical employers and traffickers to prevent migrants leaving abusive situations. As well as disappearances within the region, many migrants from Asia-Pacific countries have gone missing in other global regions (see for example, Yates and Pappier, 2023).

41 Ratification/signatory information from <https://indicators.ohchr.org>

42 IOM, Missing Migrants: Asia, at <https://missingmigrants.iom.int/region/asia>

Migrants in the region are at risk of going missing whenever they do not have the possibility of contacting their families. This includes those held in immigration detention, where they may be denied contact with their family members, who in turn may not be informed of their location or circumstances (United Nations, 2024e; Human Rights Watch, 2024c; see box 3.1). However, most of the attention on missing migrants focuses on disappearances and deaths in transit. The Special Rapporteur on the human rights of migrants identified the lack of regional responsibility-sharing mechanisms in the Asia and the Pacific to address maritime movements in the Bay of Bengal and the Andaman Sea as a cause of delays in search and rescue and the interception and pushback of boats. The risk of COVID-19 transmission was reportedly a factor in several countries' authorities denying docking and turning away Rohingya refugees and asylum seekers arriving by sea during the early stages of the pandemic (see for example, United Nations, 2021i).

### 3.2.3 Promising developments to protect the lives of migrants in transit

Promising practices in the region include an MOU between the coast guards of Bangladesh and India which provides for cooperation in search and rescue operations, among others, in relation to the identification and assistance of victims of trafficking at sea, with the objective of ensuring both the safety of lives and "good governance" at sea (United Nations, 2023s). Indonesian authorities in Aceh have provided an example of solidarity and humanity needs to other States in the region by allowing more than 1,000 individuals to disembark in late 2023, in line with their international commitments to ensure safe disembarkation. However, there have also been serious concerns about mob attacks against Rohingya who arrive to Aceh by sea, that are the result of a coordinated online campaign of misinformation, disinformation and hate speech against them and Indonesia's efforts to save lives in distress at sea (see further in section 5.4.4, below) (UNHCR, 2023d).

#### BOX 3.1 The work of the International Red Cross and Red Crescent Movement in supporting migrants

The International Red Cross and Red Crescent Movement<sup>1</sup> acts before, during and after disasters, crises and health emergencies to meet the needs and improve the lives of people in vulnerable situations. The Movement has a long history of responding to the humanitarian needs of migrants. Through locally-led action, the Movement provides services directly to migrants in vulnerable situations across countries of origin, transit, destination and upon return.

The GCM identifies the Movement as a key implementing partner, and in the lead up to the first IMRF, the Movement called for:

- › Enhancing of individual and collective efforts on search and rescue.
- › Ensuring access to essential services for migrants irrespective of status.
- › Scaling up support to people affected by climate- and disaster-related displacement.
- › Including of migrants in all aspects of society and decision making.

National Red Cross and Red Crescent Societies, with the support of the International Committee of the Red Cross, work to protect family links – a critical tool in minimizing the risk of migrants going missing, especially for migrants in detention. Many Asia-Pacific National Societies are providing a lifeline to migrants to let their loved ones know that they are alive through a phone call.

With a presence along migration routes and at key points of vulnerability, including border crossings or points of arrival or departure, the International Federation of Red Cross and Red Crescent Societies network offers humanitarian assistance and protection to migrants through Humanitarian Service Points. These offer a neutral, safe and welcoming physical space which can be accessed without fear of interference by authorities. In the Asia-Pacific region, the Afghan Red Crescent Society established Humanitarian Service Points at the border with Pakistan to provide humanitarian assistance including health services to returnees, and the Philippine Red Cross provides essential services – including food, information, SIM cards and medical referrals – to people upon arrival in the Philippines, having been deported from Malaysia.

Source: International Federation of Red Cross and Red Crescent Societies, <https://www.ifrc.org/>

1 Globally, the Movement comprises the International Committee of the Red Cross, 191 National Red Cross and Red Crescent Societies, and the International Federation of Red Cross and Red Crescent Societies in a global humanitarian network of over 16 million volunteers.



### 3.3 Strengthening the transnational response to smuggling of migrants without criminalizing migrants

#### GCM OBJECTIVE 9

At the IMRF, States committed to intensifying joint efforts to prevent and counter the smuggling of migrants, in full respect for human rights. They also reaffirmed their commitment to the non-criminalization provision of the Smuggling of Migrants Protocol, also in the GCM, to ensure that migrants do not become liable to criminal prosecution for the fact of having been the object of smuggling (United Nations, 2000a, Article 5; United Nations, 2019b, para. 25; United Nations, 2022e, para. 61). Smuggling of migrants and trafficking in persons (see below on objective 10) are legally distinct, but they often overlap and may be difficult to distinguish in practice.

Smuggling is a crime in international law, yet it can be the only option available, particularly in the absence of safe and regular migration pathways (United Nations, 2000a; UNODC Observatory on Smuggling of Migrants, 2024). Smugglers move people, at their request, between States through irregular channels for the financial or other material profit of the smuggler (United Nations, 2000a, Article 3a). Many migrant smugglers in the Asia-Pacific region are migrants who previously used smugglers themselves. Smugglers exploit for profit the migration governance gap that is created when there is insufficient availability and flexibility of pathways for regular migration or to reach safety. The power differential between smuggler and migrant that stems from the illegality of smuggling often creates situations of vulnerability for migrants and can give rise to serious human rights violations. This is aggravated smuggling, and it can endanger the lives, rights and safety of migrants (United Nations, 2000a, Article 6.3). The power imbalance can be compounded by factors such as gender and age, which may heighten the risk faced by migrant women and children.

The lack of empirical data and the clandestine nature of smuggling means that what data are available are only indicative of the scale of the phenomenon (see chapter 1) and the issues and abuses migrants are experiencing on these routes. Furthermore, research is focused on some Asia-Pacific subregions more than others. Smuggling by land and by sea can expose migrants to dangers and risks, including life threatening circumstances; vehicles/vessels used may be unsafe and overcrowded; and migrants may be left for days without food or drinking water, may have little access to adequate shelter, and may be exposed to natural hazards.

#### 3.3.1 Smuggling of migrants in and from South and South-East Asia

Smuggling operations are typically local, but operations may cooperate at different parts of longer routes without being part of a structured transnational network. Within the Asia-Pacific region, migrants may use smugglers to cross between neighbouring or nearby countries, but some also rely on smugglers over long transregional routes. For example, there are documented smuggling routes between countries in South Asia (Maldives, Nepal and Sri Lanka), via the Arab Peninsula (Qatar and United Arab Emirates), through West Africa (Ghana and Nigeria), South America (Brazil and Colombia) and from Central American and Caribbean countries (Costa Rica, Dominican Republic, Honduras, and Turks and Caicos) towards Canada. Migrants on these transregional routes seem primarily to be young men – for example, 70 to 95 per cent of migrants smuggled from Sri Lanka are male, typically between the ages of 18 and 40 (UNODC, 2023e).

The South-East Asia subregion has long been a focus for research on the smuggling of migrants. This demonstrates how it is a function of lower development; national labour policies, and migration and refugee laws and policies; and cross-border displacements resulting from disasters, climate change and environmental degradation, as well as statelessness. The gender-differentiated use of smugglers varies with route (between origin and destination countries), and on some routes there can be a gender difference in the fees the smugglers charge (see further in section 1.4, above; MMC, 2024b).

The different levels of development across the region drive migrations between countries, particularly to satisfy the demand for low-wage labour. These migrations are challenged by the limited, bureaucratic and expensive regular pathways for labour migration. Employers might be involved in organizing smuggling of prospective employees, putting them at heightened risk of human trafficking, forced labour and other abuses. Corruption acts as a driver and enabler of the smuggling of migrants, because migrants, especially women, understand that they need smugglers to manage the requests for bribery and other abuses by public officials during the journey. This also contributes to impunity for smugglers and can further entrench the harms experienced by migrants (UNODC Observatory on Smuggling of Migrants, 2024; Lelliott and Miller, 2023).

Indonesia, Malaysia and Thailand are key transit hubs for smuggling in the region and globally. Smuggling of migrants from outside South-East Asia – from Afghanistan, Bangladesh and Somalia – usually begins by air on commercial carriers and generally involves forged or fraudulent travel and/or identity documents,

resulting in higher costs for the migrants. Recent research on the smuggling of migrants in South-East Asia documented that 83 per cent of the migrants and refugees surveyed in Indonesia, Malaysia and Thailand said they had been smuggled; for Rohingya refugees that figure was 89 per cent. Most (87 per cent) had sought out smugglers in person and by phone, rather than on social media. One in four people surveyed reported that they had to give a gift, money or a favour in exchange for a service (UNODC Observatory on Smuggling of Migrants, 2024).

### 3.4 Countering trafficking in persons in the context of migration – non-criminalization and non-punishment of victims of trafficking

#### GCM OBJECTIVE 10

When smuggling is linked to the brokering of jobs, migrants face a high risk of trafficking or other abuses of their rights. In the rubric of trafficking in persons that has proliferated in South-East Asia over the past four years, smugglers are sometimes involved in guiding the victims of trafficking to or across a border to a trafficking compound (see below).

The COVID-19 pandemic and its impacts on the economy and migration, as well as access to education, exacerbated the region's socioeconomic inequalities and lack of access to decent work that heightened risks and vulnerability to exploitation, especially in the context of gender inequalities and wider discrimination, as well as poverty, conflict situations, climate change and disaster risks. These have wide-ranging consequences for sustainable development, including failures of prevention, protection and accountability for victims and survivors of trafficking in persons (United Nations, 2020b, 2023b). Expanding safe and regular migration opportunities, including for women migrants, is a vital step, as is regulating recruitment agencies and intermediaries, and holding them accountable for the exploitation of migrant workers through high recruitment fees and deceptive job offers (United Nations, 2022a). As trafficking has moved into the digital sphere, efforts against trafficking in persons must adapt, including by engaging with technology companies to ensure due diligence and enforce applicable legislation and regulations (Musto and Thakor, 2020; United Nations Network on Migration, 2022b).

#### 3.4.1 Trafficking for forced criminality in South-East Asia: the rise of online scams and the need for a human rights response

Unless otherwise stated, the sources for the below analysis are from: OHCHR, 2023d; UNODC, 2023b; IOM Regional Office for Asia and the Pacific 2023, 2024.

Trafficking in persons for the purpose of forced criminality to commit online scams and financial fraud is a relatively new and growing trend in South-East Asia that accelerated with the onset of the COVID-19 pandemic. It has been particularly documented in Special Economic Zones and other areas of Cambodia, Lao People's Democratic Republic and Myanmar – traditionally understood as countries of origin of trafficked persons – as well as other destination countries (including Malaysia and the Philippines), driven by organized crime groups in the region. It is a form of trafficking in persons with global reach that is affecting many people and that creates at least two sets of victims: the people targeted for fraud and other crimes committed by these scam operations, and people – often trafficked persons and migrants in vulnerable situations – who have been deceived into working in these scam operations. The people trapped in these compounds endure inhumane treatment and are victims of serious human rights violations. In some cases, there is a third set of victims, the family of the trafficked person, who may be extorted by traffickers to pay a ransom for their relative's release. However, the criminals running the scam operations do not necessarily release the trafficked person after payment of this ransom. Some individuals may not have been deceived or coerced into working in these criminal operations. They may still be victims of human rights abuses and of other crimes, whether or not they understand the criminal nature of the work they are undertaking.

As of the end of 2023, trafficked persons of over 40 nationalities, from across Asia, and also Africa, the Middle East and South America have been identified at the scam compounds in South-East Asia. The majority are men, mostly young adults, who are well-educated, computer-literate and multilingual, with some coming from professional jobs or with graduate or even post-graduate degrees – though more recent research indicates that people with lower educational levels and linguistic skills are now being targeted. Many new graduates have struggled to find work during the pandemic, contributing to the phenomenon. There are also reports indicating the presence of some adolescents who have completed high school and are trafficked into the scam compounds.

Most of the trafficking victims in these scam operations are recruited through fraudulent job advertisements for skilled positions on messaging apps and social media. Trafficking survivors have reported that they were put through one or more rounds of online job interviews, which made the “job” and the company behind it appear legitimate. Some recruitment agencies – including some that migrants reported having used for legitimate employment in the past – are also complicit in the trafficking. The trafficked persons may travel on a tourist visa directly to the country – having been told that their visa will be arranged later – or to a neighbouring country and then smuggled across the border.

Once they have arrived at the scam compounds with strict enforcement and security, migrants are subject to various methods of control. These include restriction of movement, isolation, confiscation of personal documents and mobile phones, physical abuse, arbitrary fines and artificial debts, and various types of threats, such as of organ removal or being sold on to another scam compound or into sexual exploitation. The trafficked persons are then trained using sophisticated manuals and scripts to defraud people all over the world via cryptocurrency trading, social media channels and other digital platforms.

The scale and organization of these operations represents transnational organized crime of a significant size. Some criminal groups are able to move trafficked persons between compounds within the same State and internationally, distinct from trafficking routes that commonly align with migration pathways. This would not be possible without corruption of public officials. Officials of national immigration and police agencies have been identified as facilitating the irregular entry of trafficking victims into the destination country. Some have secured the release from immigration detention of trafficked persons who were rescued or otherwise managed to get out of the scam compounds, only to return them to the organized crime groups for revictimization. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons (OHCHR, 2002). Moreover, when officials and the State do not take steps to identify those at risk and in situations of trafficking, they leave people with limited opportunities for identification, protection and justice.

There have been numerous barriers to adequate State responses to this trafficking for forced criminality including: the lack of necessary capacity in, or experience with, the types of techniques required for the investigation and prosecution of allegations of human rights abuses in the context of organized crime, using digital platforms and in cross-border

operations; and law enforcement reticence to enter and exercise authority in the Special Economic Zones, and, in Myanmar, the challenging conflict situation. These barriers delay or help deny identification of potential victims of trafficking in the compounds. In many cases, people who are rescued or escape from the compounds are returned to their countries without going through screening to identify potential protection concerns. There are also no alternatives to returns for those who may face human rights abuses including ill-treatment and re-trafficking in their countries of origin.

A further identification problem is in accepting and recognizing forced criminality as a form of exploitation within the legal definition of trafficking in persons. Without this, authorities often treat trafficked persons as criminals rather than as victims of a crime and a range of human rights abuses. Formally identified trafficked persons are entitled to protection and support – such as shelter, health care, psychosocial counselling, legal aid, livelihood skills training and access to justice – in countries of destination, transit and origin. There are already shortfalls in such provision across the region due to inadequate infrastructure and gender barriers, with most services catering only to women and children, whereas most victims of the scam compounds are men. Many of the people trafficked into the scam compounds have been treated as criminals on account of being forced to conduct scams or for violating immigration regulations. Some have been given prison sentences, even though any offences that they committed were likely the result of being trafficked for forced criminality.

A human rights-based approach to trafficking in persons works to avoid re-victimization and recognizes that punishing a victim of trafficking for unlawful acts committed as a consequence of their being trafficked is unjust and hinders the possibility of their recovery (see box 3.2). The non-punishment principle is included in the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and in the counter-trafficking legislation of seven ASEAN countries, although this mostly applies to only a select list of offences. Notably, the anti-trafficking legislation of several Asia-Pacific countries extends the non-punishment provision to include immigration offences (United Nations, 2021g; McAdam, 2022). This should be part of a wider human rights-based rubric that recognizes trafficking as a human rights violation and promotes a systemic and structural response placing victims of trafficking at its centre. Not everyone in the scam compounds has been trafficked and a human rights-based response is cognizant that even these individuals – whether or not they understand the criminal nature of the work they are undertaking – may still be victims of human rights abuses and other crimes.

### BOX 3.2 The non-punishment principle

The non-punishment principle is aimed at ensuring that a victim of trafficking is not detained, charged or prosecuted for their involvement in unlawful activities committed as a consequence of their situation as trafficked persons, including for any violations of immigration laws such as irregular entry into or residence in countries of transit and destination (OHCHR, 2002, principle 7; United Nations, 2021g, 2021j).

Embassies and consular officials have made efforts to strengthen their capacity to assist their nationals who have been trafficked for forced criminality (see box 4.1). Since 2022, there have also been efforts to investigate and prosecute organized crime group members and facilitators for trafficking in persons for forced criminality offences, which have resulted in some convictions. Governments in the region have also established law enforcement taskforces focusing on investigating suspected trafficking in persons for forced criminality cases. Moreover, there have been efforts by governments to investigate and block online gambling sites; yet many protection gaps and challenges remain, especially in conducting joint investigations.

There have been some positive efforts in coordination between governments, government agencies and civil society in South-East Asia to share information on trafficking for forced criminality cases, as well as efforts to coordinate victim rescues and repatriations. These have included the involvement of several United Nations agencies, INTERPOL and other organizations, as well as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. At the 42nd ASEAN Summit, in May 2023, Member States adopted a declaration on combating trafficking in persons caused by the abuse of technology, which reaffirms the principle that potential victims of trafficking should not be detained and criminalized (ASEAN, 2023c). In June 2023, the Department of Foreign Affairs of the Philippines, as the ASEAN Lead Shepherd on Trafficking in Persons, and the UNODC Regional Office for Southeast Asia and the Pacific, co-hosted a High-Level Dialogue among ASEAN Member States and China in Bangkok, which resulted in the development of a strategic roadmap to better respond to transnational organized crime and trafficking in persons associated with casinos and scam operations in South-East Asia (UNODC, 2023a).

### 3.4.2 Protection gaps in counter-trafficking efforts

There are still too many gaps in protection and access to justice for victims of trafficking in the Asia-Pacific region, from inadequate or unimplemented legislation to inadequate services and remedies for trafficked persons.

Not all Asia-Pacific countries have legislation on trafficking in persons that is in line with the agreed definition and other provisions in international criminal law (United Nations, 2000b). This can result in protection gaps for trafficked persons and impunity for traffickers. For example, in South-East Asia, only Malaysia has legislation recognizing forced criminality as a purpose of exploitation under the legal definition of trafficking. Since APMR 2020, the Republic of Korea has adopted the Act on the Prevention of Human Trafficking and Protection of Victims, in 2021, and, subsequently, in 2023, the Comprehensive Plan for the Prevention of Human Trafficking (2023–2027), but the United Nations Human Rights Committee has raised concern that the definitions of trafficking and related provisions on punishment used do not fully comply with international law (United Nations, 2023l). Similarly, the Committee has expressed concern at the persisting gap in terms of prohibiting all forms of trafficking in persons in the various provisions of laws relating to trafficking in persons in Hong Kong, China; that the legal framework of Macao, China, prohibiting trafficking in persons and its application is not fully in compliance with human rights law and other international standards; and that contradictions exist in the Criminal Code of Kyrgyzstan relating to human trafficking and child trafficking (United Nations, 2022j, 2022l, 2022n). The Committees on Migrant Workers and on the Elimination of Discrimination against Women have called on the Philippines to remove the legal provision in its 2022 anti-trafficking legislation that imposes a minimum age of 24 years on women seeking domestic work abroad, rather than 18 years for workers, in line with international standards (United Nations, 2023f, 2023j).

The laws, policies and discourses that take a negative view of irregular migration and often migration more broadly (see on objective 17, chapter 5) undermine the rights of trafficked persons. In its review of Australia, the United Nations Committee Against Torture noted that a barrier to reporting and to the early identification and referral of victims of trafficking to the appropriate social and legal services was the attitudes of officials involved – the judiciary, law enforcement officials, and immigration and border control officers – who perceived trafficked persons as offenders and migrants with irregular migration status, rather than as victims of human rights abuses (United Nations, 2022b).



Work in some ASEAN countries on trafficking in the fishing sector has documented protection gaps throughout the counter-trafficking response. These include inadequate State provision of assistance for people who have been trafficked, leaving this to CSOs, though they often lack the financial resources and training to provide the necessary tailored assistance, such as through a comprehensive victim's needs assessment. When victims of trafficking are not formally identified as such this can be a barrier to accessing support, including physical and mental health care and financial assistance. Legal assistance is usually left to CSOs and *pro bono* lawyers, rather than through government-provided legal aid. In one documented case, the trafficked fishers were not able to go home until the conclusion of court proceedings, which took years. There are also shortfalls in victim protection measures during the criminal justice proceedings, such as being able to testify via video link. It remains challenging to secure compensation awarded to victims of trafficking after a successful prosecution where there is no effective mechanism to enforce the judgement on remedy or no government fund by which to guarantee payment (ASEAN-ACT and La Trobe University, 2023).

### 3.5 Managing borders in an integrated, secure and coordinated manner

#### GCM OBJECTIVE 11

There is a great diversity of border situations across the region, including many countries with long and/or sparsely populated border regions. That stated, there is limited freedom of movement within some of the Asia-Pacific subregion and the most developed situation being in the Eurasian Economic Union. Across all these settings, governments are working to ensure practical, flexible, secure, efficient and reliable approaches to border management. The past four years have demonstrated how border management is affected by external pressures (notably, the pandemic and conflict situations), which have human rights consequences. States have a duty to protect and assist migrants at international borders without discrimination. Under all circumstances, human rights obligations take precedence over law enforcement and migration management objectives.

International borders can be dangerous places for migrants, with States' border management practices often creating or worsening situations of vulnerability for migrants and border communities. Strict border controls, together with tightly managed migration

systems, drive demand for the services of migrant smugglers and can push them to use riskier routes and methods, exacerbating the dangers faced by migrants during transit (Lelliott and Miller, 2023). States regularly cite the need for strong border management as central to their sovereignty, but governing borders to facilitate safe and regular migration is also a demonstration of sovereignty. Such pathways are necessary for all types of migration (see on objective 5, chapter 2), but those based on human rights and humanitarian grounds of admission and/or stay are vital for migrants in vulnerable situations who fall outside the definition of 'refugee' under international law. In general, Asia-Pacific countries strictly manage their borders, designating a limited number of options for regular migration, but there are examples of promising practices from across the region that offer pathways to regular status for migrants in vulnerable situations (OHCHR, 2022c; see objective 5, chapter 2).

Sudden border closings, especially of borders that are normally open, can divide communities of indigenous people who live across international borders, leave migrant workers stranded or close pathways to asylum, as occurred, for example, with the closing of the border between India and Myanmar in February 2024 due to the conflict in Myanmar. Similarly, the Special Rapporteur on trafficking in persons raised concerns about Tajikistan's 2021–2023 closure of its border with Afghanistan (United Nations, 2022r).

#### 3.5.1 Enhancing international, regional and cross-regional border management

In 2021, the Office of the United Nations High Commissioner for Human Rights and the Office of Counter-Terrorism jointly published a comprehensive trainers guide on human rights at international borders that had been developed through a series of pilot trainings, including in South-East Asia. This capacity-building tool seeks to support States and particularly border officials in adopting a human rights-based and gender-responsive approach to border governance (OHCHR and UN Counter-Terrorism Centre, 2021).<sup>43</sup> The Special Rapporteur on the human rights of migrants has also addressed the issue of human rights violations at international borders (United Nations, 2022q).

Within the framework of the ASEAN Border Management Cooperation Roadmap, UNODC actively supports regional border management through its Border Liaison Office network. There are 120 Border Liaison Offices in Cambodia, China, Indonesia, Lao People's Democratic Republic, Thailand and Viet Nam, strategically positioned at both land and river crossings. Endorsed by Governments to strengthen

43 Materials are available at: <https://www.ohchr.org/en/publications/training-and-education-publications/human-rights-international-borders-trainers-guide>

border management, these Offices pursue various objectives, including sustaining and broadening national coordination on border management, fostering collaboration within and between border authorities, and facilitating swift intelligence sharing on transnational organized crime. Representatives from diverse agencies collaborate within these Offices, pooling their expertise to gather intelligence and coordinate investigative actions effectively.

As the central border control immigration clearance, data collection and analysis tool for immigration, the border management information systems of Fiji, Timor-Leste, Tonga and Vanuatu, have been enhanced, to contribute to the automation of border control, strengthen border security, facilitate law enforcement and protection responses for migrants in vulnerable situations, and collect data for policy development, including in the health domain. The upgrade of the border management information system for Samoa is in progress (IOM, 2023d). The IOM Migration Information and Data Analysis System also includes a health module which has been deployed in Timor-Leste and Vanuatu (IOM, 2023a).

Border control is only one of the management steps along the mobility continuum. Pre-travel, admission, stay and return are also macro-steps that countries should enhance, under the aegis of proper and coherent migration policies and legal frameworks. IOM has supported the amendment of Palau's visa legislation, successfully operated Korea Visa Application Centres in Mongolia, and has also performed document verification of visa applications on behalf of various embassies in China, Mongolia and Sri Lanka (IOM, 2024e).

In March 2023, Thailand co-chaired the first Border Management Cooperation Dialogue for the ASEAN region with UNODC and over 70 participants from relevant agencies in Member States, including border management and immigration. The increasing number of victims of trafficking in persons relating to online scams (see objective 10, above) was a common concern, requiring closer border management cooperation and a region-wide integrated approach to address the issue. The meeting also aimed, among others, to support border communities (Thailand, Ministry of Foreign Affairs, 2023).

### 3.5.2 Border management and border communities

Life in border areas can be difficult, particularly where these are underdeveloped and there are limited opportunities for decent work and limited access to public services. This is especially the case in areas affected by conflict and fragility. Conditions in these

areas can produce situations of vulnerability that may drive migration and create human rights risks for those who stay, such as from securitization and militarization of borders, corruption, and proximity to areas with more criminal presence and to trafficking routes – for drug trafficking, movement of contraband and counterfeit goods, and wildlife and timber trafficking, as well as trafficking in persons (The Asia Foundation, Malcolm H. Kerr Carnegie Middle East Center, and the Rift Valley Institute, 2022; UNODC, 2023c).

Economic drivers motivate illicit activities, alongside policy and regulatory gaps, such as limited awareness and weak regulation. Developing community policing initiatives and improving coordination between officials and communities in border regions, together with awareness-raising campaigns, capacity-building for communities and the law enforcement sector, and behavioural change strategies, are crucial for combatting the cross-border trafficking of illicit goods and trafficking in persons. There is also a need for governmental and international collaboration to effectively address these issues, with efforts currently underway in Cambodia, Indonesia, Lao People's Democratic Republic and Thailand through UNODC initiatives (UNODC, 2023c). Following the IMRF, the Government of Cambodia identified GCM objective 11 as one of three priority objectives on which it intends to demonstrate concrete results and improvements by the next IMRF in 2026 (GCM Pledge ID 2245).

The Mekong Border Pass system is part of broader efforts to simplify cross-border travel and trade between Thailand and its neighbours: Cambodia, Lao People's Democratic Republic and Myanmar. This initiative allows residents of border provinces to cross the border for short visits without requiring a full visa or passport as a travel document (Mekong Migration Network, 2020). The use of border passes and associated technologies like the Migration Information and Data Analysis System, which processes and records information about border pass travellers, including biographical data and facial images, has helped to speed up border crossing processes (IOM, 2018). By simplifying border crossings, the system encourages greater social and economic cooperation between border communities and demonstrates how simplified border procedures can promote orderly cross-border migration, support local economies and foster regional cooperation. The system simplifies travel, yet still maintains necessary security measures through data collection and analysis, while it also helps to reduce instances of irregular border crossings by facilitating regular movements (IOM, 2024d).

### 3.6 Using immigration detention only as a measure of last resort and working towards alternatives

#### GCM OBJECTIVE 13

Everyone, including all migrants, has the right to personal liberty (see box 3.3). A well-functioning and rights-based immigration system should have little to no need for immigration detention. Nevertheless, there is widespread use of arbitrary immigration detention across Asia and the Pacific, with States often using it as an automatic response to irregular entry or stay, often for prolonged or indefinite periods and without the necessary safeguards in place to ensure that it is reasonable, necessary and proportionate in each individual case. Conditions of detention are frequently poor, in some cases constituting torture or cruel, inhuman or degrading treatment, and increasing the risk of violations of other rights. There is a lack of transparency on the use and conditions of immigration detention, with migrants having little recourse to challenge detention decisions before a court or independent administrative body and advocates having limited access to immigration detention facilities. There is also inadequate data collection and public reporting on immigration detention in the region.

Since APMR 2020 was published, there has been notable progress towards a rights-based approach to immigration detention, including of children, marred by setbacks elsewhere. The call for and viability of a different approach was clear at the time of that first review, when an unprecedented number of people were released from immigration detention in many countries across the region as part of the public health response to the COVID-19 pandemic. But rather than build on this, States have largely resumed their previous reliance on immigration detention, although some States are implementing non-custodial alternatives to detention (ATD) and, elsewhere, the courts have affirmed that certain practices are incompatible with States' human rights obligations (see box 3.4).

A week after the High Court handed down its above-mentioned ruling ending indefinite immigration detention in the country (box 3.3), the Australian government introduced a new amendment in response that imposes a number of new visa conditions on the migrants who would be released into the community from immigration detention. The bill has been criticized as it appears to compromise concerned migrants' human rights and risks undermining any possibility of individuals being able to integrate into the community. Furthermore, it was pointed out by experts that it lacks independent oversight, and gives broad powers to the Government to introduce travel bans on entire countries (see on

#### BOX 3.3 **Fundamental principles of the right to liberty of migrant workers and members of their families**

In 2021, the United Nations Committee on Migrant Workers issued authoritative guidance on migrants' rights to liberty and freedom from arbitrary detention (United Nations, 2022e). In it, the Committee reaffirmed that the prohibition of arbitrary detention is absolute and set out five fundamental principles:

- › Non-discrimination
- › Non-criminalization of migration
- › Exceptionality of immigration detention
- › Non-detention of migrant children
- › Non-detention of persons in vulnerable situations

These principles should inform State implementation of their legal obligations to protect the right to liberty of migrant workers and members of their families, including the obligation to consider alternatives to detention in each individual case before imposing detention, ensuring that any detention imposed is for the shortest possible duration, and guaranteeing that all migrants and members of their families are able to exercise their right of access to justice, with procedural safeguards fully respected in all administrative and judicial proceedings relating to their immigration or international protection status. Given that migrants are at an increased risk of human rights violations while in detention, a heightened duty of care is imposed on the authorities to protect their rights and prevent, investigate, prosecute and punish all rights violations.

objective 21, below). Human rights and refugee advocates are calling for the Senate to reject it in its entirety (Refugee Council of Australia 2023; Kaldor Centre for International Refugee Law, 2024a, 2024b).

At the same time, the Government of Australia has reaffirmed its continued commitment to ensuring that detention is only used for the shortest practical time and where necessary, and is reasonable and proportionate. Moreover, it has pledged to progress initiatives under the Alternatives to Held Detention Program, in support of expanding ATDs that are community-based and non-custodial and to share practice and policy lessons within the Asia-Pacific region (GRF Pledge ID GRF-07751).

Turning to another development, the United Nations Human Rights Committee has raised concerns about round-up operations of undocumented Afghans, including children, in certain countries in the region, resulting in their detention and which can lead to deportations, without a screening process. One of the Committee's recommendations is that the State uses ATDs (United Nations, 2023m).

### 3.6.1 Conditions of immigration detention

The conditions of immigration detention facilities in the region continue to raise concerns. For example, the Human Rights Committee expressed concern over conditions in immigration detention facilities in Japan and the Republic of Korea, citing health conditions in the former, the detention of children in the latter, and the need for regular independent monitoring in both (United Nations, 2022m, 2023l). The Government of the Republic of Korea has pledged to improve the treatment of people held in immigration detention centres prior to being deported to their country of origin, to include resolving grievances, and to provide medical support and psychological counselling (GCM Pledge ID 2173, setting a deadline of the end of 2026 to legislate on this). The Government of Japan has recognized the need for institutional reforms in immigration detention facilities, as well as the establishment of independent national human rights institutions for fair access to justice and more immediate human rights redress (Japan, Government of, 2021).

#### BOX 3.4 Legal progress on limiting immigration detention

In March 2023, the Constitutional Court of the Republic of Korea ruled that indefinite detention of migrants, refugees and asylum seekers who were under a deportation order, without due process guarantees, was unconstitutional, on the basis that this violates the principle of proportionality and due process (Republic of Korea: Constitutional Court, 2023). The Court recognized that not placing an upper limit on the detention period stops it being a temporary and provisional coercive measure. The Constitutional Court set a deadline for revision of the relevant provision (Article 63, Paragraph 1) of the Immigration Control Act of 31 May 2025.

In November 2023, the Australian High Court overturned nearly two decades of practice and ruled that the country's system of indefinite immigration detention was unlawful in circumstances where there was 'no real prospect of the removal of the plaintiff from Australia becoming practicable in the reasonably foreseeable future.' (Australia, High Court of, 2024). The case was brought by a stateless Rohingya Muslim man who was born in Myanmar, arrived in Australia by boat in 2012 and was convicted of a crime in 2016, for which he served a prison sentence. The court ruled that he could not be further punished through indefinite administrative detention. The ruling is in line with the human rights principle that migration should not be criminalized, by affirming that detention, including administrative detention, is a form of punishment and can usually only be inflicted on a person by a court after they are found guilty of a crime. More than 140 migrants were released from immigration detention within weeks of the ruling (Australian Human Rights Commission, 2023; Billings and Vogl, 2023).

The human rights guidance sets out detailed procedural safeguards to minimize the use of immigration detention, prohibits the detention of children and holds that: "the irregular entry and stay in a country by migrants should not be treated as a criminal offence, and the criminalization of irregular migration will therefore always exceed the legitimate interests of States in protecting their territories and regulating irregular migration flows" (United Nations, 2018, para.10).



Immigration detention is never in the best interests of the child and is harmful to their physical and mental health and their development; it also exposes them to a heightened risk of exploitation and other human rights abuses. These harmful effects occur regardless of the conditions or period of detention. Lack of safeguards for children in detention, along with unsuitable conditions in some countries in Asia and the Pacific, exacerbates these harms. For example, UNICEF has expressed concern that children are held together with adults in immigration centres and that gender segregation (women and children under 12 years of age are housed separately from adult males and male children over 12) can result in family separation. The Malaysian Home Ministry has reported that there were over 1,000 children in immigration detention centres as of 29 January 2023 – but not all countries in the region make data on immigration detention of children publicly available and the actual number of children in detention is likely to be much higher (UNICEF, 2023b).

Conditions in immigration detention facilities are often inadequate, such that migrants are at significant risk of physical abuse and psychological harm due to overcrowding, unhygienic conditions with limited food and hygiene supplies and frequent water shortages, and harassment and violence by guards (UNICEF, 2023b; Human Rights Watch, 2024c). Where conditions of detention do not permit migrants to contact their family and friends this can heighten the risk of abuse for the migrant and the punitive nature of detention (see discussion under objective 8).

### 3.6.2 Alternatives to detention

Legislation should establish a presumption against detention, and ATDs should always be considered and prioritized, such that immigration detention is used only as a last resort where less restrictive alternatives have been considered and found inadequate to meet legitimate purposes. Community-based, non-custodial ATDs, based on an ethic of care rather than enforcement, offer a more humane approach that respects the human rights of migrants. There is particular interest in using ATDs for children and there is some momentum in some Asia-Pacific countries in terms of reducing and taking steps towards ending child immigration detention (see box 3.5). Other practices, such as identifying and referring unaccompanied migrant children to the national child protection systems, as in Azerbaijan, keeps children out of the immigration detention system (United Nations, 2020d).

In 2022, the Alternatives to Detention Thematic Workstream of the Regional United Nations Network on Migration for Asia and the Pacific, and the Alternatives to Detention Working Group of the United Nations Network on Migration published an analysis of the laws, policies and practices on the use of immigration detention in 19 countries in the Asia-Pacific region (United Nations Network on Migration and the International Detention Coalition, 2022a, 2022b). The reports document examples of the use of non-custodial ATDs in several Asia-Pacific countries that enable migrants to live in the community and, in some instances, access fundamental rights and services with tailored case management support. Other States have indicated interest in exploring their use – for example, Malaysian authorities have indicated ATDs for children as an area where it welcomes more technical cooperation and exchange (United Nations, 2023o).

#### BOX 3.5 Progressing alternatives to immigration detention in Asia and the Pacific

*The Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration (2021—2030) outlines important commitments towards establishing ATDs, including enhancing the availability and implementation of clean and safe non-custodial, community-based alternatives to child immigration detention, that promote the best interests of the child, including through ensuring that children are kept together with their families, where possible. States should also ensure the adequate provision of appropriate alternative family-based care (such as foster care and guardianship) for unaccompanied and separated children (ASEAN, 2021).*

Türkiye's Regulation on Alternative Measures to Administrative Detention entered into force in September 2022. It applies to those who have been issued a deportation order and provides details on how these should be applied and their procedural safeguards (ECRE, n.d.; United Nations, 2023k). The Government of Japan has reported that it is considering the possibility of amending the Immigration Control and Refugee Recognition Act to stipulate ATDs (United Nations, 2022m).

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Thailand has made significant progress in removing children from detention and implementing ATDs since 2019, when its MOU on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres came into effect. However, some children are still at risk of being placed in detention as the MOU is only triggered once a child has been arrested and detained – rather than meeting the obligation to consider ATDs in each individual case prior to imposing detention. Nonetheless, it has seen hundreds of children and their families released from immigration detention (though they may be re-detained when they turn 18). That stated, children in government shelters are not permitted to leave the shelters, meaning that they are still *de facto* detained despite not being held in a formal detention setting. There remain some other challenges to be addressed, such as the exclusion of migrant children from Cambodia, Lao People's Democratic Republic and Myanmar from the MOU, as they are prioritized for deportation. Also, mothers are required to pay high amounts of bail in order to be released with their children, and fathers are not typically considered for release under the MOU, resulting in family separation, financial strain and pressure on mothers who become single heads of the household (United Nations Network on Migration and the International Detention Coalition, 2022a). The Government of Thailand has committed to review and improve its use of ATDs (GCM Pledge ID 2345; GRF Pledge ID GRF-09067).

### 3.7 Ensuring safe, voluntary, dignified return, readmission and reintegration of migrants

GCM OBJECTIVE  21

The temporary labour migration programmes that are the dominant labour migration option in the region are centred on migrants returning to their countries of origin at the end of their contracts (OHCHR, 2022a). Voluntary return should always be promoted in preference to coerced or forced return and any assisted returns should take place on the basis of the migrant's free, prior and informed consent, while being based on an individualized assessment and in respect for the principle of non-refoulement. Some Asia-Pacific countries do not have legislation that comprehensively prohibits refoulement. The absence of comprehensive legal and operational frameworks complicates the process of safe return and sustainable reintegration. This includes the lack of standardized procedures for conducting individual assessments, including for children in line with the principle of the best interests of the child, and ensuring their protection upon return. Return and reintegration programmes need to be addressed comprehensively before, during and after migration to ensure that they are a shared responsibility between origin and destination countries. The diverse needs of and specific situations of vulnerability faced by returning migrants require human rights based, gender- and disability-responsive and child-sensitive comprehensive policies, programmes and services, focusing on economic, social, legal, health and psychosocial issues. Strengthening bilateral and multilateral agreements between countries can facilitate better coordination and cooperation for safe return and reintegration. These agreements can outline clear procedures for cross-border case management and ensure the protection of migrants' rights throughout the process.

The United Nations Network on Migration Workstream on promoting safe, dignified and rights-based return and readmission, and sustainable reintegration has developed the Network's common position on migrant return and reintegration, as part of its work on resources to assist States and other stakeholders in their implementation of GCM objective 21 (United Nations Network on Migration, 2021a). The Workstream is now developing a roadmap and guidance note on legal identity in the context of return to support the implementation of objectives 4 (above) and objective 21 of the GCM.<sup>44</sup>

<sup>44</sup> All workstream resources are available at <https://migrationnetwork.un.org/promoting-safe-dignified-and-rights-based-return-readmission-and-sustainable-reintegration>

Asia-Pacific countries are working to improve their return and reintegration policies and practices. For example, in November 2020, ASEAN States adopted *ASEAN Guidelines on effective return and reintegration of migrant workers*, a set of guiding principles on policies, institutional mechanisms, and programmes and services required for ensuring effective and sustainable return and reintegration of migrant workers. It has been translated into Indonesian, Lao, Thai and Vietnamese languages, and is being applied in national policies. Implementation is now linked to the ASEAN Comprehensive Recovery Framework Implementation Plan.

Bangladesh is finalizing its GCM-aligned National Reintegration Policy for Migrants (2022), including by organizing consultations with relevant stakeholders. The final policy will include guidelines for coordinated reintegration services for migrant workers, returnees from irregular situations and the diaspora community (Bangladesh, Government of 2022; GCM Pledge ID 2185). ILO is partnering with the Bangladesh Government to support the inclusive and sustainable reintegration of returning migrant workers (ILO, 2023b). This should address the gap for many returnees who lack knowledge of those initiatives and do not have access to support services, including those provided by the Wage Earners' Welfare Board (United Nations, 2023q). There are also concerns that many Bangladeshi victims of trafficking are left to rely upon family members to facilitate and cover the high costs of return (United Nations, 2023s). Japan has revised its deportation procedure to ensure that any deportations are scheduled at least two months after migrants are informed of the return decision, while it is considering amending the Immigration Control and Refugee Recognition Act to introduce a system for recognizing eligibility for complementary protection (United Nations, 2022m).

### 3.7.1 Continued use of pushbacks

Pushbacks at international borders demonstrate an entrenched prejudice against migrants, resulting in discriminatory treatment and a denial of migrants' human rights (United Nations, 2021i). Human rights experts have repeatedly raised concerns about the use of pushbacks by some States and their agents in the context of restrictive and dehumanizing border governance, which may include collusion between State agents and organized criminal groups engaged in trafficking in persons (United Nations, 2023d). The Committee on the Elimination of Discrimination against Women has identified measures, such as increased border control, refusal of entry, pushbacks, expulsion or detention, as factors limiting the

movement of women and girls fleeing from crises and conflict zones and, therefore, increasing their situation of vulnerability (United Nations, 2020a).

Pushbacks are a violation of the prohibition of collective expulsion and heighten the risk of further human rights violations; they are also incompatible with States' obligations under international human rights law, in particular the prohibition of refoulement (United Nations, 2021i). The Special Rapporteur on the human rights of migrants and other United Nations human rights mechanisms have highlighted the use of force in these operations, including pushback and deportations of Afghan refugees from the Islamic Republic of Iran and Pakistan without individual assessments of protection needs (United Nations, 2021i; United Nations, 2023m; OHCHR, 2023a). United Nations human rights mechanisms have expressed concern about the alleged excessive use of force by Turkish border police against migrants and individuals seeking asylum at border crossings (United Nations, 2023k, 2024a). Pushbacks of people fleeing violence and insecurity in Myanmar by authorities in Bangladesh, India and Thailand have also been documented (United Nations, 2023t).

### 3.7.2 Challenges to ensuring safe return and sustainable reintegration for Asia-Pacific migrants

For safe and sustainable reintegration to succeed, there should be information on return and support available as part of pre-departure information and training for migrant workers. For example, recent research, including interviews, shows that the most frequent concern shared by returnee Lao migrant workers related to finding employment, whether domestically or abroad. Interviewees either did not know of reintegration resources or had not tried to use them. The lack of availability of accurate data is a major challenge in delivering support services to returning migrants (see on data challenges in chapter 5) (Xayamoungkhoun and Harkins, 2023). Other recent research shows that the Philippine Government's reintegration measures for returning Filipino migrant workers introduced during the quarantine and closure-era of the COVID-19 pandemic need to be recalibrated to be effective (Opiniano and Ang, 2023).

Some of the South-East Asian individuals who have escaped or have been rescued from trafficking for forced criminality in scam compounds (see on objective 10) have faced criminal prosecution and other penalization on return to their countries of origin. This is in violation of the non-punishment principle that provides that individuals should not

be prosecuted, detained or punished for the activities they were involved in as a direct consequence of their situation as trafficked persons or for irregular entry or residence (OHCHR, 2023d).

Rather than strengthening measures for the effective reintegration of migrant workers who return with a disability, including through access to decent and stable employment, or providing support for their health care and, if appropriate, rehabilitation, often migrant workers who are disabled or developed serious health issues during their migration face a lack of any targeted support on return. For example, one in ten Tajik citizens live abroad as migrant workers and among them, “loss of health” is a common term used to describe the phenomenon of having developed serious health problems or disabilities while living and working abroad in risk-prone sectors such as construction, maintenance, heavy industries, agriculture, hospitality and cleaning in the Russian Federation and Kazakhstan. Disabled returnees face psychosocial factors related to self-image, stigma and shame and their disabilities remain officially unrecognized – especially in rural areas and among returning women migrant workers. This leaves most returnees with a functional limitation or disability unemployed and living in poverty, relying on family support networks – with potential impacts on gender equity – or limited family support, as is the case for many Tajik women migrant workers, who are unmarried or widowed. Disabled returnees have limited access to social protection and there is insufficient institutional support; there are also barriers to health care and social services. Tajik migrant women are disproportionately affected as they have particularly low chances to obtain official disability status and a disability pension, while also facing especially high barriers to employment at home (IOM Tajikistan, 2020).

### 3.7.3 Gender-responsive reintegration

Ensuring that reintegration services are gender-responsive is critical if they are to meet the needs of all Asia-Pacific migrant workers. Gender disparities in accessing reintegration services are seen throughout the region. This may be explained due to existing gender inequalities in the social, economic and labour market structures in many countries. Pregnancy, for example, may lead to women migrant workers returning early where there are no legal protection or support services available for them in the country of destination. Moreover, it is known that women often face stigma-based challenges on return as well as a lack of gender-responsive support services, such as psychosocial care and social protection schemes, including GBV assistance (Gioli et al., 2017).

For example, returning women migrant workers have found the process to apply for loans challenging. Women returnees cited that the support available to them has been based on gender stereotypes and geared towards home-based or domesticated sectors. An overall challenge for women’s reintegration is that their migration is often looked down upon, while men’s migration is praised. Challenges with different gender dimensions can be confounded by age discrimination: a study conducted by the Self Employed Women’s Association found that women migrant workers who have returned after nearly 20 years of service in GCC countries to the State of Kerala, India, are mainly over 60 years of age and are no longer eligible for most of the provisions made by current policies there. Many migrant women workers returning to Nepal are not aware of reintegration policies and available programmes for them, but for some, the stigma experienced can see them unwilling to identify as migrant workers, acting as a barrier to accessing reintegration services. In Sri Lanka, returning women migrant workers have greater access than men to reintegration support, such as access to shelters and welfare centres, because women are seen as more vulnerable. All migration policies, including for reintegration, should be grounded in the recognition that women are not inherently vulnerable, but they (and other migrants) can be put in situations of vulnerability due to discrimination, violence and other abuses, as well as laws and policies that do not uphold their human rights. In practice, many women returnees cannot make use of the reintegration services available due to family obligations at home and the gender-specific digital divide which prevents them from accessing such services online. They may also be reluctant to disclose their actual migration experience when service providers are men (Weeraratne, et al., 2022; GAATW, 2022).

Reintegration can pose age-, disability- and gender-specific challenges for migrant workers returning to their communities (or integrating into new ones) that reintegration support programmes need to recognize. For returning migrant women, older migrants and migrants with disabilities, these interventions need to be targeted and, particularly for women, need to include measures to prevent and address GBV and discrimination, and ensure adequate gender-responsive support services, such as access to health care, including sexual and reproductive health-care services, childcare support and other social services, as well as access to justice and economic support. Involving women returning migrant workers in decision-making processes related to design, implementation and monitoring of reintegration programmes can ensure that these respond better to their needs. This should extend to the coordination of and capacity-building for stakeholders who are providing services and support (IOM and UN Women, 2023).



### 3.8 Conclusion

Efforts continue across Asia and the Pacific to reduce the protection gap caused by inadequate documentation or lack of access to legal identity, including initiatives to combat identity fraud and document forgery, and promising developments in efforts to end statelessness. There remains a need to strengthen cooperation to meet the humanitarian and human rights challenge of missing migrants, as there are no specialized institutional responses to cases of missing migrants and migrant deaths, along with inadequate data collection, across the region. Part of the challenge here is a criminalization response that also sees the continued use of pushbacks. Smuggling of migrants remains a challenge to document but available research shows that the majority of migrants in some Asia-Pacific locations continue to use smugglers. Routes proliferate across the region, with some reaching to other regions, driven by a range of factors including gaps in development and migration governance. The onset of the COVID-19 pandemic created conditions that accelerated trafficking in persons in the region, especially in South-East Asia, with migrants fraudulently recruited into situations of forced criminality in international scamming operations. The scale and nature of this situation has posed multiple challenges for an effective human rights and criminal justice response that needs a sustained regional approach. Instead, in some cases, it has seen migrants victimized twice – in the trafficking compounds and then by the criminal justice system that treats them as criminals, rather than protecting their rights as trafficked persons. Several Asia-Pacific countries have not capitalized on the good practices in reducing immigration detention that some implemented as part of their pandemic response measures, but 2023 did see legal progress on limiting immigration detention. There is continuing progress in the use of alternatives to immigration detention in the region. There has also been some investment in reintegration assistance and programming for returnee migrants, but this still places most of the responsibility on countries of origin and tends to be limited to assistance at the individual level rather than structural level interventions.

### 3.9 Recommendations

#### GCM objective 4

- › Facilitate access for all migrants, regardless of their status, to civil registration systems to ensure that all children born in the territory of the State have their births registered, regardless of nationality and residence status, and that they are able to acquire a nationality.
- › Ensure that no one is arbitrarily deprived of their nationality or identity or travel documents.
- › End statelessness and, until this is realized, ensure that the human rights of stateless migrants are respected, protected and fulfilled, including their access to health services, public education, the formal labour market, social security systems and public welfare.

#### GCM objective 8

- › Protect the lives and safety of migrants and ensure that all migrants facing such risks are rescued, that those at sea are disembarked at the nearest place of safety, and that all are offered immediate assistance, in accordance with the international law of the sea, international human rights law and other relevant standards.
- › Improve collection of disaggregated data on locations and causes of migrant disappearance or death, and ensure there are working systems in place to safely, promptly and appropriately notify their families.
- › Coordinate efforts regarding missing migrants and facilitate their recovery, including identification and transfer of their remains.

#### GCM objective 9

- › Ensure that all border governance measures protect the rights of all persons and that measures aimed at addressing irregular migration and combating transnational organized crime at international borders (including but not limited to smuggling of migrants and trafficking in persons) shall not adversely affect the human rights and dignity of migrants.
- › Address migrants' need for the services of smugglers by increasing availability of safe, affordable and accessible regular pathways – including for family reunification and labour migration, education-related opportunities, and on human rights and humanitarian grounds — and by means of regularization processes.

### GCM objective 10

- › 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.
- › Revise, as necessary, any counter-trafficking laws, policies or other measures to be in line with international law and realign resourcing to account for the changed reality of the country as one of destination of trafficked persons and other migrants in situations of vulnerability.
- › Ensure that screening procedures are adequate to permit rapid and accurate identification of trafficked persons for all forms of human trafficking, in countries of destination as well as of origin, to facilitate the provision of justice and assistance.
- › End the 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 prosecutorial authorities.
- › Guarantee that trafficked persons shall never be deprived of their liberty, including by means of immigration detention or detention upon return. Apply the principle of non-punishment – for criminal, immigration, administrative or civil offences, in addition to “status-related” offences – immediately when there are reasonable grounds to believe that a person has been trafficked or as soon as the trafficked person or their legal representative raises a trafficking defence. Provide effective and full protection to the trafficked person, including by removing them immediately from detention or any situation of deprivation of liberty, and providing them with assistance and protection, including temporary residence permits where needed.
- › Guarantee effective access to criminal, civil or administrative remedies, including compensation and the means for as full a rehabilitation as possible, including through expanded access to rights-based pathways for continued stay in countries of destination, for victims of trafficking and related human rights violations. Work with relevant private sector actors to provide adequate remediation mechanisms. Ensure that there is an effective mechanism to enforce the judgement on remedy and/or government fund by which to guarantee payment of financial compensation.

### GCM objective 11

- › Centre the protection of human rights and provision of assistance to all migrants without discrimination in the management of international borders. Human rights obligations, including in respect of civil, political, economic, social and cultural rights, must take precedence over law enforcement and migration management objectives.
- › Ensure that all border governance measures taken at international borders, including those aimed at addressing irregular migration and combating transnational organized crime, are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions.
- › 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 OHCHR Recommended Principles and Guidelines on Human Rights at International Borders.

### GCM objective 13

- › Eliminate detention of children because of their migration status or that of their parents and work progressively to end all forms of immigration detention for all migrants. Until that is realized, ensure that any use of immigration detention is only used as an exceptional measure, for the shortest period and only if justified by a legitimate purpose. Such restrictions on liberty should be provided for in law, carefully circumscribed with a legally prescribed maximum duration and with a regular independent judicial review, in line with international standards.
- › Ensure that conditions in all facilities used for the detention of migrants respect their fundamental dignity, meet the minimum international legal standards, and provide for gender-sensitive, trauma-informed and culturally-appropriate care, and are adequate to health emergencies, climate change and natural hazards, in line with the State’s heightened duty of care.
- › Consider adopting policies or legal amendments to enable non-custodial, community-based ATDs, with a framework for monitoring and evaluating the implementation of such programmes.
- › Ensure that all migrants held in immigration detention are able to communicate with their families outside of detention and with bodies providing legal assistance.
- › Regularly publish data on immigration detention, including the number and demographics of detainees and the length of time held in detention.

## GCM objective 21

- › Implement the legal obligation to ensure that there are no arbitrary or collective expulsions, for example by pushbacks, 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.
- › Ensure that all returns or deportations to migrants' countries of origin or to a third country fully respect and protect human rights.
- › 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, and

follow due process, including individual assessment procedures of the personal risks of harm for each migrant, before they are returned.

- › Develop and resource policies and build institutional capacity to mitigate any risks that returnees may face and support rights-based programming that is gender-, age- and disability-responsive to ensure that reintegration can be sustainable for the migrant, with necessary interagency cooperation and partnerships at the national and local levels.
- › Establish independent monitoring mechanisms that are disability-, gender- and age- responsive, to ensure continued evaluation of reintegration programmes, and to monitor the human rights situation of returning migrants, especially children.







## CHAPTER 4

# Supporting migrants' protection, integration and contribution to development

Malaysian politician/activist with Syrian single mother, who has turned her passion for cooking into a home-based business. © Dari Dapur



*This chapter focuses on developments in migration trends, policies and practices in Asia and the Pacific since 2020 relating to the following GCM Objectives:*

- 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.

In the summary of the discussion of this cluster of GCM objectives at the 2021 Asia-Pacific Regional Review, the provision of spaces for migrants to exercise their rights – such as the right to form and join trade unions, as well as the portability of social security – was noted as crucial. The importance of providing access to basic services to migrants and access to education for children of migrants was also stressed, while noting mechanisms to empower migrants and societies to realize full inclusion and social cohesion. Migrants' contributions to development and the importance of partnerships between governments at national and local level, United Nations organizations, trade unions, employers, civil society and others to support migrants' protection, integration and contribution to development were also noted. Representatives of countries of origin of migrants shared examples on the provision of protection for migrants from their countries, such as improved consular representation with enhanced services for migrants, while representatives of countries of destination shared examples of facilitating civil registration and birth registration as well as providing education to migrant children, including stateless children. Furthermore, local government representatives shared examples on the contribution of governments to support the integration of migrants and in empowering them, including through providing migrants with vocational training and language courses, and the right to vote at the local level.

Over the period 2020–2024, the COVID-19 pandemic and its lingering economic impacts has caused significant turbulence in Asia-Pacific migration patterns, throwing into sharp relief the contribution of migrants in the region but also their vulnerability when measures to promote integration and inclusion are not embedded across national systems. The GCM

underlines the importance of integrating migrants into host societies to benefit migrants and to enhance development in countries of origin, transit and destination. Reflecting the principles of universality of human rights, the GCM represents agreement amongst States that integration of migrants in destination countries must prioritize their human rights and sustainable development. This chapter explores the protections and services migrants are afforded, forms of exclusion and challenges of integration they face, and migrant contributions to development when enabled by inclusive and supportive systems and societies.

## 4.1 Enhancing consular protection, assistance and cooperation

### GCM OBJECTIVE **14**

Consular protection, assistance and cooperation are key to ensuring migrant protection, achieving several SDG targets and realizing other GCM objectives. By delivering effective consular aid, governments can ensure their nationals who migrate receive protections (in line with their rights) and appropriate assistance in times of need. Nonetheless, effective migrant protection requires efforts from a range of duty bearers in countries of origin, transit and destination. Starting in countries of origin, pre-departure orientation information and programmes – when delivered effectively – can help equip migrants with knowledge of their rights, what to expect upon arrival at the country of destination and useful points of contact if they find themselves in need (see on objective 3, chapter 5).

En route and in the countries of destination, post-arrival orientation and training that align with national laws and international labour standards can benefit migrants when accompanied by accessible consular presence and services. This includes deployment of labour attachés and community welfare agents in destination countries who can act as points of contact for migrant workers seeking support and crucial interlocutors with authorities in country of destination, while offering guidance, assistance and advocacy to ensure the protection and well-being of migrant communities. For example, the Overseas Workers Welfare Administration and the Department of Migrant Workers of the Philippines were very active in repatriating and supporting workers in the beginning of the COVID-19 pandemic, building on support and services provided in the preceding years. In India, the Vande Bharat Mission was created in May 2020, during the pandemic, to repatriate and support Indians abroad. It targeted all Indian nationals, including their families and children, and repatriated more than 9.5 million Indian citizens (ADBI, OECD and ILO, 2022).

Embassy staff – consular officers, labour attachés and other foreign service personnel – can play a critical role in responding to violence against women migrant workers, when capacitated to do this. For example, in Viet Nam, a series of seminars strengthened capacity of embassy officials and foreign service personnel working overseas on assisting women migrant workers exposed to violence. This training, combined with standard operating procedures (SOPs) for Supporting Overseas Vietnamese Women Victims of Violence, Abuse, Sexual Harassment and Trafficking in Persons, equips Vietnamese foreign service officials abroad with a tool to enhance the provision of victim-centred

support in cases of GBV and trafficking in persons at all stages of the migration journey. The tool also provides guidance for Vietnamese embassies abroad to collect administrative data on reported cases of violence and abuse in a safe and ethical manner (UN Women, 2023a).

However, providing assistance to migrants and protecting their rights requires adequate resourcing, capacity, political will, and an acknowledgement that consular support must be linked to national judicial and support systems in countries of destination. The Committee on Migrant Workers has expressed concern about the resourcing of embassies and consulates in proportion to the number of migrants in countries of transit and destination, including with regard to training in a human rights-based approach to dealing with all issues faced by migrant workers. For example, in its 2023 review of the Philippines, the Committee highlighted the inadequate attention paid to the cases of the 65 overseas Filipino workers facing the death penalty, many of whom were women, who may have been subjected to legal processes without adequate legal defence and interpretation services (United Nations, 2023f). The Committee also raised this concern about the human, technical and financial resources made available to Kyrgyzstan's consulates in Kazakhstan and the Russian Federation. This was specific to their work providing proper assistance to Kyrgyz migrant workers who were victims of discrimination and violence, to protect their rights and interests in the countries of employment with a view to promoting the investigation, prosecution and sentencing of perpetrators of crimes against them. The Committee also noted the need for gender balance among officers deployed in Kyrgyzstan's consulates to adequately address the needs of migrant workers (United Nations, 2023i).

#### BOX 4.1 Consular support to victims of trafficking for forced criminality

In response to the emerging trend of trafficking for forced criminality in online scamming compounds in South-East Asia (see on objective 10, chapter 3), embassies and consular officials in the subregion have intensified efforts to strengthen their capacity to assist their nationals abroad. This includes requesting technical guidance and training from United Nations agencies to effectively identify and protect their nationals from such exploitation. However, there is limited consular representation in the countries of destination to rely on, and in some contexts victims of trafficking are taken to locations beyond the reach of embassy officials, such as those trafficked to remote locations of Myanmar, who have no option other than to make their own escape (IOM Regional Office for Asia and the Pacific, 2023; UNODC, 2023b).

There have also been reports of complicity between officials associated with embassies and the criminal groups running the scam operations that can result in the names of people held in the scam compound (who have contacted their embassy for help in being released) being handed over to traffickers, putting them at risk of violence. Some embassies have struggled to provide appropriate support and organize the repatriation of their nationals who have been trafficked into forced criminality, for example where their government has no budget allocated to pay the trafficked person's immigration fines and flight costs, leaving them to spend prolonged periods of time in immigration detention in destination or transit countries, at detriment to their well-being (UNDP, 2023b; UNODC, 2023b).

#### 4.1.1 Good practices from the region

The Government of the Philippines, with private sector partners, has worked to leverage digital channels to engage migrant workers, triage support requests and respond to their concerns through the Consolidated Application for Recruitment and Labor Migration Assistance. Specifically, an automated chatbot helps strengthen the capacity of the Overseas Workers Welfare Administration to reach and respond to needs of Filipino migrants by providing timely responses to migrant workers' queries and concerns through Facebook messaging.

In terms of improving consular assistance and cooperation, several significant good practices can be identified in ASEAN. In May 2023, at the regional policy level, Member States adopted the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations, along with its Guidelines. This Declaration stands as a significant commitment to assistance by consular authorities across the subregion by prioritizing the strengthening of their consular service capacity to fulfil the regional commitments in protecting migrant workers. The 2018–2025 workplan that supports the implementation of the 2017 *ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers* acknowledges the importance of training for labour attachés and other foreign service officers. In 2024/25. This activity, led by the Government of the Philippines, with support of the ILO, will encompass a mapping of current statutes, policies, procedures, selection and training programmes, and good practices in the provision of labour attaché and consular services to migrant workers in ASEAN Member States, with specific attention to services to women migrant workers. It will also map training modules for building the capacity of labour attachés and other foreign service officers towards improved gender-responsive approaches to protecting migrant workers from and within ASEAN.

#### 4.2 Providing access to basic services in countries of destination, regardless of migration status

GCM OBJECTIVE  15

Ensuring that all migrants, regardless of their migration status, have access to basic services is essential for upholding their human rights and promoting social justice. Access to services such as health care, education, housing and legal assistance is a necessity for individual well-being, but also key for integration of migrants in the host community. In

Asia and the Pacific, migrants frequently have limited access to basic services due to legal constraints, financial barriers, discrimination, language and restrictive regulations on movement and housing. In instances where migrants have access to services, it is often through *ad-hoc* provisions to address critical needs rather than systematic, long-term inclusive policies and national planning that aim to promote the full participation of migrants in society.

Among the foremost obstacles encountered by migrants in accessing basic services in countries of destination are legal restrictions, discrimination and working conditions that preclude access to services – for instance, lack of a day off or access to paid sick leave. Many destination countries have stringent immigration policies that limit migrant access to essential services such as health care, education, housing and social protection. These policies create a dichotomy where citizens are eligible to full services, while migrants, especially those with irregular migration status, are often marginalized and excluded.

Any differential treatment governed by nationality or migration status must be based on law and be proportionate, and it must pursue a legitimate aim in accordance with international human rights law. Where this is not the case, it violates human rights and perpetuates cycles of vulnerability and inequalities, and the ability of migrants to both integrate into their host communities and fully contribute to society. For instance, xenophobic attitudes and precarities faced by migrants were exacerbated following the onset of the COVID-19 pandemic, where migrants, including return migrants, were often blamed for spreading COVID-19 (IOM, 2020a). Migrants also suffered from exclusion from COVID-19 social protection packages and implementation of differential programmes aimed at restricting their mobility in the interests of protecting nationals, resulting largely from xenophobic sentiments and systems, and reinforcing public perceptions that migrant workers posed a risk, rather than were at risk. There were also reports of increased detention and deportation of migrant workers in several countries during the pandemic (IOM, 2020b; Human Rights Watch, 2021).

Migrants also often faced difficulties accessing COVID-19 vaccination programmes. Although the Malaysian Government, for example, included undocumented migrants in their COVID-19 vaccination programme and encouraged all migrants residing in the country to get vaccinated without fear, the long-standing Health Circular 10/2001t required health-care workers to report undocumented individuals who sought medical treatment to police and immigration authorities (Malaysia, Ministry of Health, 2001). Migrant workers – especially working in informal sectors – struggled to access, either due



to ineligibility or bureaucratic hurdles, government-issued stimulus packages and cash-based support issued to mitigate negative economic impacts caused by the pandemic since 2020.

Besides migrants with irregular migration status, migrant workers who arrive in countries of destination through temporary labour migration programmes also face significant barriers in accessing basic services. The temporary nature of these programmes has consequences for migrants' social integration in their countries of origin as well as destination. As they focus on prioritizing economic benefits from labour migration without having to invest in integration, migrants on these programmes and their family members usually lack access to basic health care and social security provision in destination countries (OHCHR, 2022a). As well as temporary labour migration programmes, some migrants work in labour sectors that are not covered by social security, for example domestic work, exacerbating their vulnerability to financial insecurity and a lack of essential support systems.

The COVID-19 pandemic has shed light on issues of access to basic services and social protection, and systematic exclusion that temporary migrants may experience under temporary labour migration programmes. It is crucial to ensure that migrants in temporary situations have systematic access to accrued benefits, with portability of social protection (OHCHR, 2022a). To achieve this, cooperation and political will between the social security institutions of origin and destination countries is critical.

The GCM emphasises the ways in which pathways for regular migration, including new and expanded regular pathways to admission and stay, can be an effective tool to ensure the protection of migrants and their rights, including migrants in situations of vulnerability. Temporary, circular and irregular migration are widespread in the Asia-Pacific region, with almost half of migrants in these contexts being women (IOM, n.d.b). Regularization can offer a state-led pathway that increases the likelihood migrants can access decent work, social protection, education and vocational training, as well as health and essential services, in countries where rights are guaranteed for documented migrants (see objective 7, in chapter 5). Over the last decades, *ad-hoc* and time-bound regularization programmes have been adopted in many Asia-Pacific countries to address vulnerabilities of migrants and provide them with work permits or extend their stay. Nonetheless, implementing regularization programmes alone will not offer a long-term solution to systematic issues hindering migrant access to services, even with regular status, many migrants are unable to access services, particularly

in informal sectors, such as hospitality and domestic work, due to exclusionary laws and policies that require reform.

Regularization programmes can be explored as a policy tool to address these vulnerable situations and support integration, in line with GCM objective 5 (United Nations Network on Migration, 2021b; United Nations, 2023p). However, expanding regularization pathways should not be viewed as the sole solution. Non-discriminatory and permanent mechanisms that provide essential services to all migrants, regardless of documentation status, remain imperative for sustainable migrant integration in the region. Without such mechanisms, migrants in destination countries will continue to face the risk of losing status-reliant access to services for reasons beyond their control. As Governments in the region explore regularization, they must also seek to provide non-discriminatory mechanisms to achieve essential services for all, especially in health care, education and birth registration, accounting for the need for mechanisms that can be trusted by migrants, who often abandon services out of fear of arrest.

### Lessons learnt on regularization as a tool to address situations of vulnerability for migrants during the COVID-19 pandemic

Countries in Asia and the Pacific have explored time-bound and long-term provisions to facilitate migrant access to basic services during the pandemic to address systematic challenges that contribute to exclusion and vulnerable situation of migrants. The following are selected examples from the region that evidence the clear benefits of inclusive service provision as well as challenges of delivering such services to all. Despite these examples, practical and systematic challenges for migrant inclusion and access to basic services remain prevalent.

Thai authorities implemented regularization schemes and visa amnesty programmes in the period 2020–2022, in response to the COVID-19 pandemic (ILO, 2021e). These initiatives enabled the Thai Government to monitor the well-being of migrant workers and any challenges in accessing health-care services, as well as mitigate labour shortages due to border closures. Most of these schemes were directed towards migrant workers from the nearby countries of Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, whose work permits had either expired or were on the verge of expiry during specific periods, or who were in irregular status. These migrant workers were eligible to register with Thailand's Ministry of Labour and obtain or renew their work permits for up to two years without needing to return to their

home countries. Upon registration, their dependants, including children, were also provided with Non-Thai ID cards, enabling easier access to essential services like health care and education. During the peak of the pandemic, approximately 1.6 million migrant workers benefited from these measures (United Nations, 2023p).

Notwithstanding the aforementioned efforts, migrants continued to face obstacles in accessing health care. There were reports of officials not fully understanding or being reluctant to provide health-care assistance for migrant workers when many Thais had not received treatment for COVID-19. This precarious condition was made worse by language barriers that hindered communication between migrant workers and officials, as well as a lack of access to necessary information (MWG, 2021).

In the instance of countries of origin, during the closures of the COVID-19 pandemic, the Philippines proactively assisted undocumented Filipino migrants abroad who wished to benefit from amnesty programmes introduced by countries of origin by negotiating unsettled immigration fines, providing them with step-by-step advice and the required documents to participate, such as valid passports. The Philippines' Aid to Nationals programme also facilitated consular support, involving police, and migration and judicial agencies, to respond to pressing requests made by Filipino individuals or groups. Repatriation was also coordinated for those who had urgent needs, such as due to illness or death (United Nations, 2023p).

As emphasized above, legal restrictions and discrimination are the foremost obstacles for migrants to access services in Asia and the Pacific. Migrants with irregular migration status are the most vulnerable and often affected by these challenges, especially when accessing justice systems and legal protection and compensation. As a good practice, the Thai law firm, Social Responsibility Law Office, worked with development partners (ASEAN-ACT) and civil society to conduct an analysis of relevant court rulings and document case studies and challenges faced by migrant workers in accessing eligible compensation, as stipulated in the Damages for the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases Act B.E. 2544 (2001). These analyses have been used to develop policy briefs which provide legal analysis that reaffirms the legal basis on which migrants, regardless of their migration status, should be eligible for compensation if identified as victims in criminal cases based on local laws and relevant international frameworks.<sup>45</sup> Consultation workshops with government authorities and CSOs

were held in 2022 to review and validate the above-mentioned policy brief drafts. The consultations and findings from the policy briefs led to a policy change allowing migrants in irregular status equal access to compensation. Additionally, the committee on victim compensation agreed to update the guidelines to apply the non-discrimination principle when providing compensation to injured persons (ASEAN-ACT, 2022; Thailand, Ministry of Justice, 2022).

This example demonstrates the importance of evidence-based policymaking and the impact of inclusive legal reforms in ensuring vulnerable populations have access to justice and compensation. It also underscores how collaborative efforts between law firms, CSOs and government bodies can lead to meaningful changes that uphold human rights and promote fairness and equality for all individuals, regardless of their migration status.

#### 4.2.1 The right to health

Migrants face disproportionate health risks due to socioeconomic disparities, limited access to health care and precarious living conditions. Despite a recognition of the need to 'build better after the pandemic', there is limited evidence that governments across the Asia-Pacific region are systematically integrating the issue of migrant health into their national/regional agendas and planning processes. Understanding migration is crucial to help strengthen health emergency preparedness and develop inclusive health policies that cater to the diverse needs of migrants.

Migrant access to health-care services in Asia and the Pacific is complicated by the fact that health services in general are not always fully developed (ESCAP, 2020a). Despite the acknowledgement of health as a human right, regardless of migration status, migrants in many Asia-Pacific countries face significant barriers in accessing even basic health services. Discriminatory policies and practices, language barriers, lack of awareness about available services, and fear of deportation contribute to the reluctance of migrants to seek medical assistance when needed. Women migrant workers also encounter substantial obstacles in accessing sexual and reproductive health services. Furthermore, despite the existence of essential services for survivors of violence, women migrant workers may be unaware of them or encounter difficulties accessing them. Women migrants in some countries of destination face stringent immigration policies that not only restrict their reproductive rights, but also expose them to harsh consequences, such as termination of contracts and deportation

<sup>45</sup> These include the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 and the International Convention on the Elimination of All Forms of Racial Discrimination, both ratified by Thailand.

upon becoming pregnant (see further in section 1.4.3, above). These discriminatory practices both infringe on their human rights and jeopardize their health and socioeconomic well-being. The practice of denial of pregnancy and maternity benefits to migrant workers contrasts with the rights enjoyed by citizens, highlighting a significant gap in policy and practice.

Moving beyond recovering to rebuilding from the pandemic, policy and inclusion of migrants into national development processes is critical to ensuring migrant access to basic services. For example, at the IMRF, Thailand pledged to progress towards the achievement of universal health coverage, including for wider groups of migrants (Thailand United Nations Network on Migration, 2023). As a GCM champion country and one of the first middle-income countries to achieve universal health coverage, Thailand is committed to implement the pro-poor, pro-vulnerable and truly 'universal' approach, extending health coverage to vulnerable populations including undocumented migrant workers (Thailand, National Health Commission Office, 2022). Since 2002, 99 per cent of Thai citizens have been covered. However, coverage of migrant workers, especially when including undocumented migrant workers from neighbouring countries, remains low (Tawaytibhongs and Michielsen, 2022).

Although Thailand employs a whole-of-government and whole-of-society approach and has worked with multiple sectors to improve policies on migrant access to health care and other essential social services, challenges remain, since adding low-wage migrants to its health system raises political and social sensitivities. As most policies regarding migrant health lack systematic or inclusive planning, there is a shortage of resources at all levels and migrant workers are sometimes perceived as a burden to the health system (Tawaytibhongs and Michielsen, 2022). There remains significant room to promote migrant inclusion and ensure their equitable access to health care both in policy and implementation at the local level, including through SDG localization.

### Good practices from the region

Tuberculosis remains a public health burden in many parts of the world and a leading infectious disease killer. Current tuberculosis prevention and control efforts do not address the specific vulnerability situations of migrants, which in most cases leads to delayed diagnosis and/or interrupted treatment. Afghanistan and Pakistan, for example, both have high rates of tuberculosis. The Islamic Republic of Iran has comparatively lower rates, but estimates are that Afghan migrants account for one in five cases in the country (UNDP, 2023a). Finding and treating

new cases among mobile populations is one of the biggest challenges: many people are unregistered and undocumented, and the stigma around tuberculosis remains high. Even if they are registered, living conditions, socioeconomic status and limited access to health care are barriers to tuberculosis services.

Afghan migrants are particularly susceptible to tuberculosis because they do not voluntarily approach hospitals when they start displaying symptoms of the disease. Bringing mobile vans and X-rays to communities has made it easier for Afghan migrants and refugees residing in the Islamic Republic of Iran to get screened, and, when brought into villages, women (who may face additional social and economic barriers to accessing care), children and older persons have turned out in high numbers for care. In the Iranian city of Mashad, three times as many tuberculosis cases were identified in those who initially tested negative in 2021 compared to the previous year. This mobile strategy has been so successful that other provinces across the country will soon be rolling out similar programmes. However, scaling up to the national level will require further investment from governments and partners to ensure the right tools and resources are accessible to those who need them. Digitalization provides a platform for finding and linking Afghan tuberculosis patients to the treatment system if they leave one country to go to another (UNDP, 2023a).

### 4.2.2 Access to adequate housing for migrant workers

Migrant worker housing is often well below the standards required by human rights and labour standards (ILO, 2022c). The occupation density of migrant housing was a critical factor during the early years of the pandemic, with overcrowded accommodation in ASEAN destination countries putting migrant workers' health at risk. Similarly, the accommodation offered to seasonal workers, such as in Australia and New Zealand, has been found to be often overcrowded and lacking suitable amenities, especially in terms of bathrooms, kitchens and heating. It is overpriced for the migrant workers, while many growers profit from the provision of worker housing (ILO, 2022d).

Housing is a major challenge for migrant workers under temporary labour migration programmes. Many Asia-Pacific migrants are subject to *de facto* segregation and being compelled by law or circumstance to reside physically distant from the majority population. In other cases, low-wage migrants working in higher income countries also struggle to prioritize remittances and afford adequate standards of living (OHCHR, 2022a). This separation exposes them to the danger

of being stigmatized and marginalized, which can, in turn, breed xenophobia and racism directed towards migrant workers earning low wages (Verghis, 2023).

ILO directives require States to establish housing standards that relate to the minimum allowable space in terms of reasonable proportions or per family (ILO Recommendation 115); human rights guidance sets out a number of factors that need to be assessed in determining whether housing is adequate (United Nations, 1991). Destination countries in Asia and the Pacific usually have such minimum standards, and some have made improvements (such as Singapore), but the allocations, especially for centralized housing are low (as for example in destination countries in the ASEAN region – Malaysia, Singapore and Thailand – and in the Republic of Korea). The temporary labour migration programmes in Australia and New Zealand mandate minimum accommodation standards for workers (ILO, 2022d). However, these have not always been enforced.

#### 4.2.3 Service provision in response to challenges faced by women migrant workers

Women and girls constitute around half of the working-age population among Asia-Pacific migrants (see chapter 1). Yet they face many barriers and experience multiple and intersecting forms of discrimination, making it vital to ensure women migrant workers are provided with information and services, including those to address GBV against them. Migrant workers facing abuse are less inclined to seek in-person support services due to multiple barriers and marginalization (UN Women, 2023a). This is especially the case when they are in the informal economy, where other disadvantages also exist, such as exposure to precarious work conditions.

Building on the increased technology reliance and solutions adopted in the beginning of the pandemic, when there were movement restrictions preventing women migrant workers accessing in-person services, may offer a significant advancement to improve their access to these services. A single service provider cannot adequately address nuanced and interconnected needs of women migrant workers, and institutions such as migrant worker resource centres are essential for creating an integrated support system. These centres, alongside other government-provided services, enable migrant workers to access comprehensive information and support within a unified framework in one stop throughout their migration journey, from pre-departure to return.

### Good practices from the region

South-East Asian countries have made significant advances in addressing GBV and violence against women in recent years: from establishing regional and national frameworks, to implementing interventions that target specific challenges, including sexual harassment and trafficking in persons and empowering women migrant workers to exercise their agency and defend their rights.

The ASEAN Guidelines for the development of national Standard Operating Procedures for a Coordinated Response to Violence against Women were launched in 2024, building on the 2021 guidelines endorsed by ASEAN. These showcase good practices to enhance coordinated and quality responses to violence against women, including women migrants (ASEAN, 2024b).

At the national level, South-East Asian countries have also invested in efforts to standardize their protocols to protect, support and assist women nationals who migrate. Indonesia's Ministry of Women's Empowerment and Child Protection developed the Protocol for Handling Cases for Gender-based Violence and Human Trafficking of Indonesian Women Migrant Workers during the early years of the COVID-19 pandemic (UN Women, 2023a). This provides relevant government agencies and service providers with practical guidelines on how to improve their support to women in time of crisis. Similarly, Viet Nam has taken comprehensive measures to support Vietnamese migrant women who are victims of violence, abuse, sexual harassment and trafficking (UN Women, n.d.).

The Ministry of Foreign Affairs developed SOPs to equip Vietnamese foreign service officials abroad with the tools necessary to provide effective support to Vietnamese women who suffer from GBV and experience trafficking in persons, throughout their migration journey (UN Women, 2023a). These SOPs were developed following years of consultation with foreign service officials, CSOs and migrant women. Beyond standardized protocols, the introduction of the SOPs also enables Vietnamese embassies to collect administrative data on the reported cases of GBV and associated abuse that the Vietnamese Government can use to improve service provisions to support migrant women. Viet Nam's Ministry of Justice has implemented SOPs to ensure gender-sensitive legal aid, referral support and quality service provision for survivors of violence, including women migrant workers. Viet Nam's Ministry of Public Security has also adopted SOPs to institutionalize quality service provision for survivors of violence and victims of trafficking in persons (UN Women, n.d.).



An accessible channel for women returnees to acquire information about available service provision and seek assistance in their country of origin is critical. Cambodia's Ministry of Women Affairs has expanded its helpline services to offer returning women, including migrant workers, access to essential information and support, as well as referrals to service providers to receive support relevant to GBV (UN Women, n.d.).

Skills and capacity to organize, negotiate and defend their rights give migrant women agency to assert themselves in challenging environments and advocate for better working conditions and protections where they are marginalized by their migration status and gender. Trade unions also play an important role in engaging with employers to recognize and respect migrant worker rights and address the specific needs of women migrant workers. The Malaysian Employers Federation has introduced policy templates for its members and launched educational initiatives to engage employers to acknowledge the importance of preventing and addressing sexual harassment, with a specific focus on protecting women migrant workers (ILO, 2021e).

#### 4.2.4 Access to basic services for migrant children and children of migrants

Migrant children in Asia and the Pacific face significant challenges in accessing basic services, ranging from health care and education to social support systems. Often displaced from their homes due to poverty, conflict and environmental disasters, these children are particularly vulnerable to exploitation, abuse and neglect. In countries of destination, language barriers, cultural differences and legal hurdles further exacerbate difficulties for their families to navigate unfamiliar systems to ensure access to necessary services that can help them integrate into host communities. They also face barriers when they do access services – for example, at schools, migrant children are at risk of experiencing discrimination and stigma based on their migrant status.

Limited opportunities for children to migrate with their parents through regular channels in Asia and the Pacific can deter parents from bringing their children with them, as is the often very limited access to education and other services in destination countries, especially for undocumented children. When parents migrate with children in irregular status, these children often find themselves excluded from educational opportunities and health-care services, hindering their development. On the other hand, while remittances

sent from migrant parents working aboard can help improve living condition of their children in countries of origin and increase opportunities, including access to education, these children are exposed to protection risks and to poor social and emotional outcomes, often living in unsecured family settings (UNICEF, 2023b).

When children are born to migrants in destination countries in the Asia-Pacific region, the parents can face challenges in birth registration due to discriminatory or restrictive laws, a range of practical barriers such as language and finances, a lack of information on how to access systems, and bureaucratic obstacles in both destination and origin countries, heightening the risk of children being undocumented or stateless (see on objective 4, chapter 3).

Child protection systems still often fall short of being fully inclusive and responsive to the needs of children impacted by migration. Community-based care remains prioritized over institution-based care and is often used within the communities to address matters concerning child protection, with children of migrants at a disadvantage (UNICEF, 2023b).

#### Good practices from the region

In 2021, ASEAN Member States approved the Regional Plan of Action for Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration (2021–2030). This regional plan of action underscores the collective commitment of ASEAN Member States to uphold and fulfil the rights of all children living in migration or displacement, regardless of their status. It outlines a comprehensive approach in line with the GCM, focusing on:

- › Enhancing the accessibility of child protection systems for all children affected by migration.
- › Enhancing accessibility to basic services.
- › Increasing the capacity of stakeholders, including law enforcement, social workers, service providers and civil society to respond, in a multidisciplinary manner, to the rights and needs of children.
- › Strengthening the evidence on children affected by migration by improving and investing in the collection and analysis of reliable, comparable and disaggregated data.
- › Strengthening multisector networking and partnerships among ASEAN Member States and between other countries to support and assist with the implementation of the Declaration.

### 4.3 Empowering migrants and societies to realize full inclusion and social cohesion

#### GCM OBJECTIVE 16

Migrants can be key contributors to resilient communities, but only if they are allowed to prosper in the society in which they reside, and migration is viewed favourably. While some countries promote permanent residence and citizenship acquisition, these are often contingent on the potential economic contribution of migrants and more readily available to those who bring specific assets or skills determined by governments to be in-demand. Pre-departure and post-arrival programmes (see objective 3, chapter 5) can support migrants' orientation into new societies, but inclusion and social cohesion depend on the effective guarantee of economic, social and cultural rights to all members of societies, including migrants. Nevertheless, a large proportion of migration in the Asia-Pacific region, especially low-wage labour migration, is designed to be temporary, with policies and visa regimes that explicitly prohibit family reunification, long-term residency and naturalization, and discourage migrant integration (Neo, 2022; OHCHR, 2022a). A greater recognition and understanding of the contribution of low-wage migrants is required, that translates to integration and pathways for longer-term stay akin to those available to high-income migrants.

There is some evidence that migration strategies of many Asia-Pacific countries do not address migrant integration (IOM, n.d.a). In practice, migrants often encounter barriers to integration such as discrimination and limited access to essential services, exacerbated by health crises and economic instability. In countries, such as Malaysia and Thailand, 2023 unemployment rates among young migrants were up to 20 per cent higher than those of local populations, underscoring the precarity migrant youth have faced through the COVID-19 pandemic (ILO, 2023b). Despite these substantial challenges, there have been moves towards more inclusive systems that support the rights of all migrants and facilitate sustainable development. These moves often consider the need for the empowerment of migrants, as this plays a fundamental role in increasing their capacity to contribute to the societies and economies of destination countries (see box 4.2). Sustaining decent work conditions, with adequate social protection, and supporting family reunification are critical in this regard; also essential is the education of migrants and their children.

#### BOX 4.2 Local authorities as key actors in migration

The GCM lays significant emphasis on the role of diverse stakeholders; among them are local authorities, which can play instrumental roles with regard to migration, such as improving communication between migrants and citizens, as well as promoting general welfare of the population.

Hamamatsu, a manufacturing city in Shizuoka Prefecture, Japan, has long viewed foreign nationals as important partners in the city's development. Migrants comprise around 3 per cent of the city's population, over 80 per cent are between 15 and 64 years of age. About 60 per cent of the city's migrants work in the manufacturing sector. These are mostly long-term stays: in 2022, 45.7 per cent had permanent residence, a further 18.9 per cent had long-term resident status. There are people from 87 nationalities residing in Hamamatsu, with over 40 per cent of Latin-American descent, reflecting the history between Japan and both Brazil and Peru. Through Technical Intern Training there has been an increase in migrants from within the Asia-Pacific region.

The local authority works to provide targeted services for the city's migrants, such as assisting with study of Japanese language and culture. The Hamamatsu City Foreign Resident's Unity Deliberative Council provides a forum where migrants can collectively communicate their civic life issues and discuss intercultural efforts between migrants and Japanese citizens, proposing actions, including sporting events and occasions for local people to meet. The long-term stay of many migrants involves identifying issues such as the need for improvement in social welfare, maternity and elderly care, as well as support for children of migrants.

Source: Hamamatsu City, 2023.

Several countries experiencing rapid population ageing are considering migration as a means to maintain sizable labour forces and fill labour shortages. In Japan there were 2.1m foreign residents in 2009; by 2019 that number had increased to 2.9m. In the Republic of Korea, the population of foreign residents more than doubled from 1.1m to 2.5m over the same period. Both countries have been making efforts to enhance inclusion and social cohesion (The Economist, 2022a, 2024).

### 4.3.1 Full, free and equal participation of women migrants in society

GCM objective 16 specifically addresses the rights of women migrants, recognizing the need to empower them by eliminating gender-based discriminatory restrictions. Since 2020, some countries in the region have lifted or amended restrictions on women migrants, such as those setting a minimum age or restricting mothers of young children from migrating. For example, in May 2020, Lao People's Democratic Republic introduced Decree 245 on the Placement of Lao Workers to Work Abroad, creating a more inclusive migration and mobility framework and lifting the *de facto* ban on regular migration for domestic workers (ILO, 2023p). In 2022, an MOU ended Indonesia's moratorium (or ban) on migration of migrant workers to Malaysia (ILO, 2023l). In the same year, Sri Lanka reduced the Family Background Report requirement for women migrants that restricts the migration of mothers of children under two years of age (down from five) (CEPA, 2022). Often introduced by governments in response to mistreatment or violence against migrant workers, such an approach effectively promotes irregular migration – heightening rather than diminishing situations of vulnerability for women migrants.

Elsewhere, women migrants are not yet guaranteed full, free and equal participation in society and the economy. For example, in ASEAN migrant net destinations,<sup>46</sup> data indicate the persistence of the gender wage gap. Migrant women in Malaysia earn around 80 per cent of men's wages (2020 figures), with the wage gap at around 70–80 per cent since 2011, and in Brunei Darussalam, migrant women earn around 56 per cent of the amount that men earn. In Thailand, the gender wage gap is the narrowest in the ASEAN region, with average monthly earnings for women 80–90 per cent of those for men (ILO, 2024k, forthcoming).

### 4.3.2 Fostering connections

Work at the community level is vital to foster migrants' sense of belonging and realize social cohesion, such as by means of open attitudes among community members to migration and migrants. Programmes at the local level can facilitate intercultural dialogue and the sharing of stories that can develop mutual respect. For example, the City of Gaziantep, Türkiye, supported by the Mayors Mechanism, has been working on this (through its GCM pledge, The Gaziantep Social Cohesion Model) and has found that addressing

migration through a lens of inclusion and a respect for human rights has been core to successful management at the local level (Mayors Migration Council, n.d.).

Many countries have recognized the need to avoid polarization and increase public confidence related to migration. Work on shaping narratives on migration and migrants can enhance inclusion and help generate greater social cohesion between migrants and the communities they live and work in. There is an increasing body of literature and practical experience relevant to reshaping migration narratives in many regions, though such initiatives tend to be relatively nascent in Asia and the Pacific. Research has repeatedly demonstrated that direct exposure of residents of destination countries to migrants often engenders more positive attitudes towards them, which, in turn, can form the basis of work to improve migration narratives (see objective 17, chapter 5).

One project has explored this through narratives based on shared values that also promote mutual respect for the cultures, traditions and customs of communities of destination and of migrants (see box 4.3).

#### BOX 4.3 Promoting values-based narratives on migration: Dari Dapur or 'Stories from My Kitchen'

Beginning in 2020, the United Nations Human Rights Office launched an initiative to contextualize and galvanize hope – and values-based narratives on migration in the region (see further on narratives in objective 17, chapter 5). One strand of that work has been in Malaysia, where the research highlighted that food – the common love of cooking and eating together – plays a significant role in uniting Malaysians, with the shared understanding that diverse cuisine represents the diversity of people in the country.

The local production partner, *untitled kompeni*, proposed a series of short films that brought Malaysian trusted messengers to the homes and workplaces of migrants and refugees to watch as they prepared the meal, learnt how to cook it, and shared the food, while hearing of the memories connected to that particular dish. This showcased the diverse experiences of migrants in Malaysia.

*Continues on next page*

46 Brunei Darussalam, Malaysia and Thailand; Singapore have not shared sex-disaggregated data on migrant workers by economic activity.

*Continued from previous page*

By showing Malaysians sharing spaces and trust with migrants, the campaign both addressed the research finding that migrants were considered less credible messengers by the target audience, and it adhered to the human rights principle of migrant participation. The campaign direction was built on the idea that, while there is joy in sharing a meal, the making of each meal comes with its own story. For migrants in Malaysia, these are stories of celebration and hope, as much as of hurt and loss.

*Untitled kompeni* proposed the Bahasa Malaysia campaign title *Dari Dapur* or ‘Stories from My Kitchen’. It was launched in Malaysia in February 2023. Seven short videos were rolled out over a two-month period, featuring migrant workers and refugees from Cambodia, Indonesia, Myanmar, Pakistan, Syria and Sri Lanka, in conversation with prominent Malaysian personalities. In each of the videos, Malaysians and migrants cooked a favourite recipe from the migrants’ homeland together, sharing stories of each other’s lives, and learning about what they had in common. The key message that emerged from the project’s research phase – “we share more in common than what divides us, no matter where we come from” – along with the key values of respect, diversity, harmony, open mindedness and hard work were built into the framing and messaging of the videos. Collaboration with local mainstream media platforms amplified the campaign further beyond social media.

Source: OHCHR, 2024a.

## 4.4 Maximizing the contribution of migrants to sustainable development at the national and local levels

### GCM OBJECTIVE 19

International migration is a significant and multifaceted aspect of sustainable development for countries of origin, transit and destination in the Asia-Pacific region:

- › Economically, migrants contribute to labour markets, innovation and entrepreneurship, fostering economic growth and job creation. Remittances sent by migrants serve as a vital source of income for families, supporting education, health care and poverty reduction (see objective 20, below).

- › Socially, migration promotes cultural exchange, diversity and social cohesion, enriching societies and strengthening social resilience.
- › Environmentally, migration can contribute to climate resilience and adaptation, as migrants often seek opportunities in response to environmental challenges and disasters.

At the global level, the interconnection between migration and development is recognized and global communities have been calling for an adept management system that can mitigate adverse outcomes of migration while fully harnessing its positive contributions – for migrants and to development. The 2030 Agenda acknowledges migration as a potent catalyst for sustainable development, benefiting both migrants and their destination communities.

As underscored by the GCM: “migration is a multidimensional reality that cannot be addressed by one government policy sector alone”.<sup>47</sup> The interplay between migration and development is intricate and multifaceted, often influenced by the political, social and economic dynamics of origin, transit and destination countries. International migration significantly reduces poverty in low- and middle-income countries. Migrants benefit greatly when their skills and attributes align with the needs of their destination society, often earning higher wages and accessing better public services compared to in their home countries. The economic benefits of migration can be great, with international migrants often experiencing income gains many times higher than those who migrate internally. In many contexts in Asia, it would take decades of economic growth in countries of origin for non-migrants to achieve the economic gains of migrants who move to high income countries (World Bank, 2023b).

Despite the potential economic gains, mutual benefits for migrants and development depend upon normal access to the labour market – including documented status, the right to work and recognition of professional licenses – resulting in improved outcomes for migrants. In contrast, undocumented migrants face worse conditions and greater vulnerability to exploitation. Surpassing migration data gaps to better understand migration patterns and profiles to inform policy and services is crucially needed to maximize opportunities for mutual benefit. So too are measures to enhance policy coherence and coordination and facilitate migrant inclusion, while combating xenophobia and multiple and intersecting forms of discrimination at subnational, national and regional levels. Additionally, ensuring that migration policies are inclusive, rights-based, age-, disability- and gender-responsive will be essential for maximizing the developmental benefits of migration and helping to achieve the SDGs.

47 GCM guiding principle on whole-of-government approach, para. 15.



#### 4.4.1 Remittances and sustainable development

Remittances represent a large and growing share of financing flows in low- and middle-income countries in Asia and the Pacific, contributing as much as 40 per cent as a share of GDP (see chapter 1). Remittances can deliver substantial benefits for communities in the short term – for instance:

- › Guaranteeing food security to households in Indonesia (Szabo et al., 2022).
- › Allowing women to reduce the hours they spend in agricultural and informal work in Nepal (Lokshin and Glinskaya, 2009).
- › Contributing to closing gender gaps in primary education participation in Pakistan (Mansuri, 2006).

In terms of promoting resilience and sustainable development over time, remittances are also crucial for many communities. Remittances can protect households from shocks and crises with, for instance, an average of 60 per cent of household income lost from typhoons and natural disasters in the Philippines is made up for by remittances. Furthermore, migrants from the Pacific islands residing in New Zealand send goods and remittances through CSOs to help rebuild village livelihoods, while remittances even protect households who do not receive them from the effects of economic downturns by stabilizing local economies (World Bank, 2023a).

Asia-Pacific diasporas make significant contributions to development. China and India, respectively, have the fourth and third largest diaspora populations abroad; Bangladesh, Pakistan and the Philippines also have large diaspora populations (UN DESA, 2020). They can serve as a bridge between migrants and their home countries, facilitating the flow of funds, promoting financial literacy and advocating for policies that support migrant financial empowerment. Their knowledge, networks and financial resources enable them to positively impact various development areas, aligning with SDG Target 10.7. Despite the increasing recognition of diasporas' contributions, further research is needed to better understand and harness the potential of diasporas for sustainable development. In data collection and partnerships, there is a growing emphasis on improving data availability and granularity.

Multistakeholder partnerships are deemed essential for optimizing the developmental impacts of remittances, diasporas and migration. Financial institutions, government agencies, and civil society and diaspora organizations can all play a pivotal role in creating inclusive ecosystems that provide migrants with the necessary tools and support to harness the potential of digital remittances for their financial well-being

and socioeconomic empowerment. An example of this is collaboration between the United Nations Capital Development Fund and public and private partners, such as Migrant Money, to glean insights into remittance needs, and change perspectives on remittance data among regulators and central banks as well as tailor financial solutions to make financial services more aligned to the needs of migrants (UNCDF, n.d.).

It must be noted that economic remittances do not necessarily drive development and may be consumed by daily expenses and paying back debts – including those incurred by costs of migration itself (Peth and Sakdapolrak, 2019). The COVID-19 pandemic has exposed both the contribution of remittances in times of crises, but also the consequences for development when migration flows are disrupted. In the Pacific, drops from 2020 to 2021 in the Human Development Index can be attributed to lost income from remittances – alongside losses from suspension of tourism (UNDP, 2024b). Nevertheless, at the macro-economic level, remittances generally provide capital inflow that is less volatile and more resilient to crises than official development assistance on foreign direct investment (World Bank, 2023b). Ensuring that they can be effectively leveraged for sustainable development requires a whole-of-society approach that with alignment between household and community use of remittances, as well as national policy and development planning that considers remittance fluctuations and potential disruption.

#### 4.4.2 Challenges in maximizing the development impact of migrant remittances in ASEAN

Maximizing the development impact of migrant remittances requires that migrant workers have access to affordable and migrant-friendly remittance and banking services. Although there are some promising examples, such as in box 4.4, this is, unfortunately, still not largely the case in the ASEAN region. An ILO and IOM survey (2017) found that informal remittance channels were the most popular among migrants from Lao People's Democratic Republic and Myanmar. Vietnamese migrants preferred using banks or hand carry, while Cambodian migrant workers preferred money transfer organizations (Harkins et al., 2017). In addition to a greater risk for the migrant worker to lose their earnings on the way home, reliance on informal remittance channels in the region has led to a significant shadow economy which needs to be brought to formality. Migrant domestic workers are among the most disadvantaged in accessing banking and formal remittance channels, as they typically work very long days, have few days off, and are often unable to leave their places of work.

#### BOX 4.4 Migrant worker remittances driving development in rural Indonesia

In Indonesia, village authorities have been facilitating investment of migrant worker remittances in Village-Owned Enterprises (known as BUMDes). In *Serang Mandiri Sejahtera*, located in Serang Village, Purbalingga, Central Java, there has a remarkable business expansion in tourism, agriculture and microfinance. Using remitted investments to unlock the economic potential of residents, the enterprises have generated nearly IDR 4 billion in revenue. Noteworthy is the 2020 achievement, where the sale of BUMDes shares was exclusively offered to Serang Village residents, exemplifying a community-driven model for business growth. Increased revenue for BUMDes, propelled by capital contributions from migrant workers, is channelled back to the workers through various avenues, including investment options (for example, stock options) and/or a profit-sharing scheme (UNDP, 2024a).

#### 4.4.3 Migration-responsive development planning in the face of climate change

In the Pacific islands, where climate change poses significant challenges, governments are increasingly incorporating migration considerations into their development planning (see on objective 2, in chapter 2). For example, the Government of Tuvalu has developed a Climate Change Policy that recognizes migration as an adaptation strategy in the face of rising sea levels and extreme weather events. In Tuvalu's National Adaption Framework, migration is identified as one of the key strategic areas, prioritizing the importance of mitigating the adverse impacts of internal migration and urbanization as well as the ability to capitalize on opportunities offered by migration and urbanization (Tuvalu Climate Change Department, 2020). Additionally, Kiribati and Tuvalu National Labour Migration Policy Reports and Kiribati's Joint Implementation Plan on Climate Change recognize labour mobility as an adaptation strategy to manage risks of decreasing domestic employment opportunities as a direct impact of climate change. In particular, Kiribati's revised Joint Implementation Plan on Climate Change notes the need to develop skills of youth to access employment abroad (Kiribati, Government of, 2014 & 2019).

Colombo Process Member States have supported the development of targeted programmes and financial products that facilitate migrant workers' investments and entrepreneurship, including by providing legal

support in business creation and granting seed capital-matching, saving bonds, and startup and investment funds. Linked to this, States have been promoting migration policies that optimize the benefits of returning workers for countries of origin and destination and their communities. In Nepal, for example, returning migrant workers who remit via formal channels benefit from material assistance, information and communications technology equipment, tax cuts on imported vehicles and other duty concessions that support the establishment of a venture.

Crucial next steps involve examining the extent to which climate change impacts are likely to motivate cross-border movements, while also exploring how climate change may affect both demand and working conditions for migrants within migrant-employing sectors in the region.

### 4.5 Promoting faster, safer and cheaper transfer of remittances and fostering financial inclusion of migrants, including through diaspora engagement

GCM OBJECTIVE 

Faster, safer and cheaper remittances are critical for improved livelihoods for migrants and their families and for sustainable development. Although most migration occurs within the region, the highest remittance inflows are coming from migration destinations outside it, specifically from several GCC countries (ESCAP, forthcoming). Though remittance flows to Asia and the Pacific during the early years of the COVID-19 pandemic were resilient, the transition to a post-pandemic future remains uncertain, with some subregions experiencing growth in remittances, while others face various risks: these include dampened prospects of demand for less-skilled migrant labour from middle-income countries in East Asia, especially China; growth in South Asia being highest among developing country regions of the world; and weaker-than-expected economic growth in major remittance-sending economies in Central Asia or a sharper-than-expected drop in Russian outbound remittances. Many factors beyond the region also play a role, such as:

- Uncertainty related to ongoing global conflicts.
- Reduced growth and labour market conditions in high-income host economies.
- Migrants' preferences for informal over formal channels of money transfer to countries experiencing economic crises (Ratha et al., 2024).

While some corridors show a growing preference for informal remittance channels, potentially reversing progress made during the pandemic, others are experiencing a significant surge in formal remittance channels. This divergence emphasizes the need for support policies to mitigate risks and eliminate existing barriers, particularly in countries heavily reliant on remittances. Efforts are underway to reduce remittance costs and enhance markets through an adapted legal and regulatory framework, to meet the less than 3 per cent target of the GCM objective, which is also SDG Target 10.c. These initiatives aim to promote faster, safer and cheaper remittance transfers, foster financial inclusion (which remains a key focus) and enhance the financial literacy of remittance-receiving families. Group differences in digital remittances highlight the need for tailored measures to facilitate access to financial services and training for underserved groups, such as migrant women.

As in the preceding year, in 2023, the largest recipients of remittances in the Asia-Pacific region were expected to be India, China, the Philippines, Pakistan, Bangladesh, Viet Nam, Indonesia, Thailand, Nepal and the Republic of Korea, in order of magnitude (USD billion). Remittance inflows to India were anticipated to grow by 11 per cent to USD 100 billion, making the country the first ever to reach this threshold. With the world's largest diaspora group at close to 18 million (UN DESA, 2020), there has been a gradual structural shift in Indian migrants' qualifications and key destinations from predominantly low-skilled, informal jobs in the GCC countries to a dominant share of high-skilled jobs in high-income countries. The accelerated growth has benefited from wage hikes and a strong labour market in the United States and other high-income countries (Ratha et al., 2022).

The Fifth Round of the Survey on Remittances for the year 2020/21 involved authorized dealer banks, between 2016/17 and 2020/21. Notably, while the proportion of remittances from the United States, the United Kingdom and Singapore increased from 26 to 36 per cent, the share from the GCC countries dropped from 54 to 28 per cent (IOM, 2023c). This latter point reflected the slower pace of migration and, more importantly, the high share of Indian workers recruited in informal sectors adversely affected by the COVID-19 pandemic (Reserve Bank of India, 2022). The greater presence of Indian migrants in high-income countries earning relatively high salaries could contribute to enhanced resilience of their remittances, compared to those of lower-wage migrants, such as many of those in GCC countries. Furthermore, positive economic conditions in the GCC countries and depreciation of the Indian rupee in relation to the United States dollar were considered to have favourably affected remittance flows to India (Ratha et al., 2022).

In the case of the Philippines, with potential implications to other countries, the sustained rise in remittance inflows was attributed to inflation that may have required the sending of more remittances to cope with higher prices of goods and services for overseas Filipino workers and their families in the Philippines. In countries of destination, elevated inflation could, in the short to medium term, potentially reduce their disposable income and, in turn, the amount of remittances sent to the Philippines.

Measured as a percentage of GDP, the top three remittance-dependent countries worldwide are in the Asia-Pacific region: Tonga, Tajikistan, and Samoa (in order of magnitude). Other countries in the region, with levels of remittance inflows as percentage of GDP, are shown in table 1.1 (chapter 1). Remittances are often a source of crucial income for families in countries of origin. However, high costs of sending remittances diminish the potential development benefits. Migrants often have to spend part of their income on costs to remit money. Overall, remittance costs were already reduced between 2015 and 2021, but further efforts need to be made. The global average of the cost of sending USD 200 was, 6.2 per cent in 2021. In most countries of the Asia-Pacific region, the cost of sending remittances is well above the SDG Target 10.c. of 3 per cent, except in the Russian Federation, which already meets the target (see below).

Analysis of remittance costs is typically done along remittance corridors. Costs along a corridor depend on both financial infrastructure in countries of origin and destination. Asia-Pacific countries of origin and destination are represented among the least costly remittance corridors globally, particularly those corridors originating from the Russian Federation (table 4.1).

Several of the costliest corridors include Australia or Thailand as sending countries. This indicates an important role of the sending end of the corridor in remittance pricing. The low cost of remittances to North and Central Asian countries is largely a consequence of remittances from the Russian Federation being the lowest in the region. Remittance costs vary significantly between countries (figure 4.1).

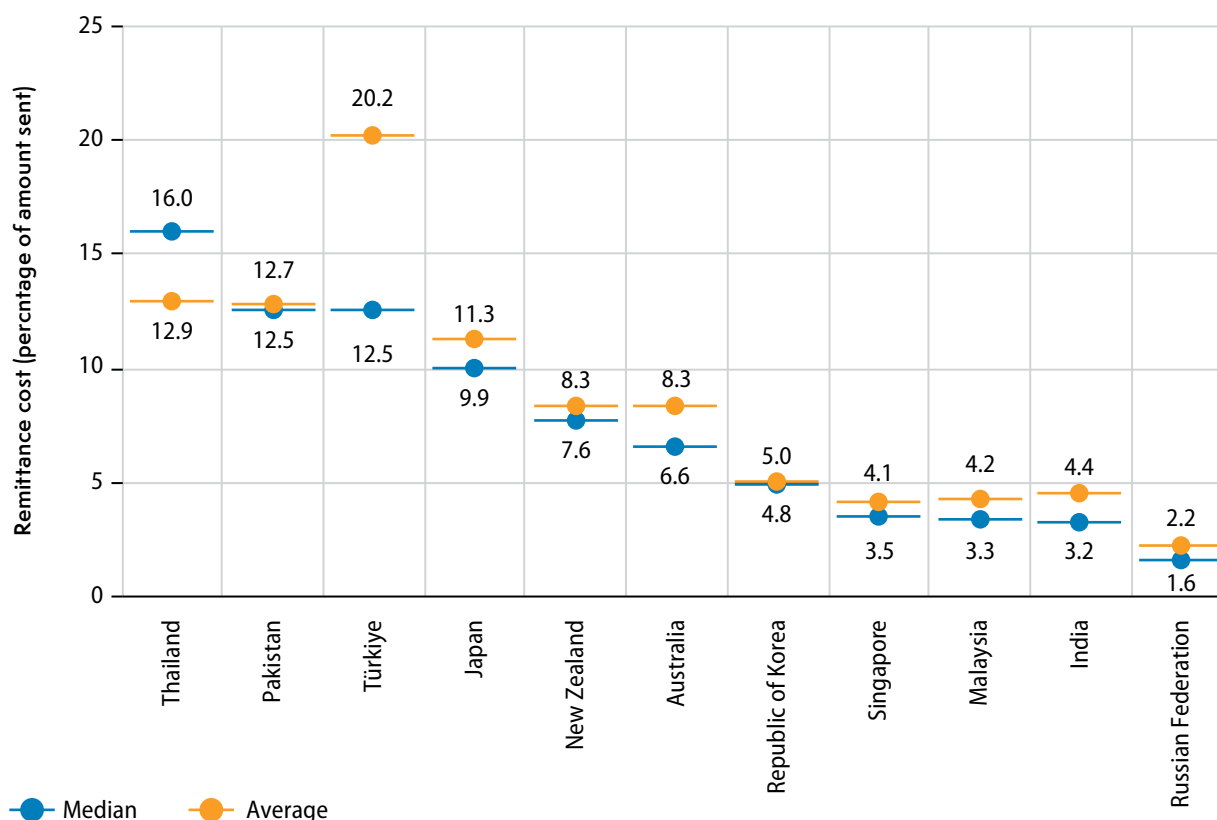
Looking at recent trends in the median cost of sending USD 200, figure 4.2 considers the Asia-Pacific aggregate, as well as the two subregions which are outliers: the Pacific, with traditionally the highest costs, and North and Central Asia, with traditionally the lowest costs. Since the outset of the COVID-19 pandemic, the figures in the former have fallen, while in the latter, the figures have risen significantly. So much so that in 2023 (the latest year with available data) figures for these subregions were almost identical.

TABLE 4.1 **Least costly and most costly remittance corridors in Asia and the Pacific, by subregions, percentage of the amount transferred**

SUBREGIONS OF ASIA AND THE PACIFIC	LEAST COSTLY REMITTANCE CORRIDORS AND AVERAGE REMITTANCE COST AS OF Q2 2023 (PERCENTAGE)	MOST COSTLY REMITTANCE CORRIDORS AND AVERAGE REMITTANCE COST AS OF Q2 2023 (PERCENTAGE)
East and North-East Asia		Japan-India (9.23)
South-East Asia	Malaysia-India (1.90) Malaysia-Viet Nam (3.05) Malaysia-Philippines (3.36) Singapore-Bangladesh (2.92)	Thailand-India (11.10) Thailand-Indonesia (12.22) Thailand-China (12.08) Thailand-Lao People's Democratic Republic (12.67)
South and South-West Asia	Singapore-India (2.18)	
North and Central Asia	Russian Federation-Kyrgyzstan (0.96) Russian Federation-Belarus (0.99) Russian Federation-Tajikistan (0.99) Russian Federation-Moldova (0.99) Russian Federation-Kazakhstan (0.99) Russian Federation-Azerbaijan (1.00)	
Pacific		Australia-Vanuatu (12.37)

Source: ESCAP, forthcoming, based on World Bank, Remittance Prices Worldwide database, accessed 10 April 2024.

FIGURE 4.1 **Average and median cost of sending USD 200 from Asia-Pacific countries, Q3 2023, percentage of amount sent**



Source: ESCAP calculations based on Ratha et al, 2023.



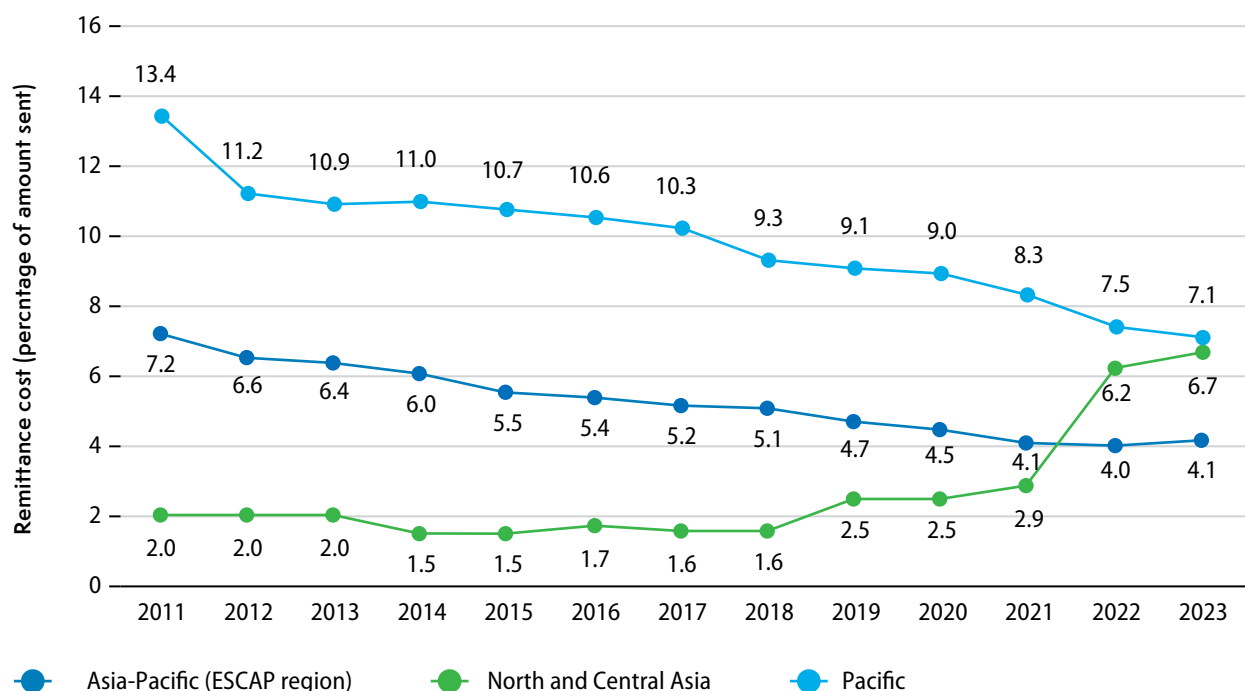
The reasons for high remittance costs include issues related to financial development and regulatory environments, but also the behaviours of remittance senders. The former include underdeveloped financial infrastructure, limited competition, regulatory obstacles or lack of transparency in the financial market. The latter include lack of digital and financial literacy skills of remittance-senders, lack of trust in the financial system and lack of access to necessary identification documentation for migrants. Women often face different challenges in sending remittances, which often lead to *de facto* higher remittance costs for them compared to men. In some cases, women are less financially literate than men, while they often feel reluctant dealing with remittance service providers, which are male-dominated in some countries. Women also tend to remit smaller amounts of their income more frequently, increasing their transaction costs.

Depending on the corridors, it is often unclear which components of the remittance cost architecture contributes most to the total remittance cost at a given time (Beck et al., 2022). Thus, developing policies to reduce remittance costs requires analysis and close collaboration between remittance sending and receiving countries, as well as governments and the private sector (ESCAP, forthcoming).

Fintech and digital finance can be leveraged to improve migrant inclusion in formal financial services. This requires tailored initiatives to facilitate access to financial services and training for underserved groups; furthermore, it should encompass comprehensive educational programmes that not only address the technical aspects of digital financial transactions but also emphasize financial literacy and empowerment. Targeted outreach efforts should be implemented to raise awareness among migrants, including migrant women, about the benefits and functionalities of digital remittance platforms, thereby overcoming barriers related to digital literacy and cultural norms.

Malaysia is a good practice example where remittance costs are relatively low. Among the reasons leading to this is high competition among remittance service providers, which usually charge a flat service fee in addition to a competitive foreign exchange margin (direct fee for the service and exchange rate margin). Due to this high competition, it is reported that migrants have more bargaining power and at times can negotiate on foreign exchange rates. The regulatory environment allows easy market entry, permitting banks to compete with non-banks, including post offices, micro-finance institutions and mobile network operators. As of 2019, in Malaysia, there were around 330 money services business licensees, of which 36 were remittance service providers (ESCAP, forthcoming).

FIGURE 4.2 Median cost of sending USD 200 to Asia-Pacific countries and selected subregions, 2011–Q3 2023, percentage of amount sent



Source: ESCAP calculations based on Ratha et al, 2023.

In the Russian Federation, the remittance market is dominated by local providers. In 2004, international remittance service providers, such as Western Union, lost their exclusivity contracts and subsequently could not compete with local remittance service providers for the remittance corridors involving countries in North and Central Asia. Low costs of remittance transfer corridors involving the Russian Federation are a result of zero foreign exchange margins and use of the same currency, the Russian Ruble, in countries of origin and destination. Nevertheless, when the transfer cannot be undertaken using Russian Rubles, the foreign exchange margin increases the costs of migrant remittances for the receiving country.

High costs of remittances from Australia to Pacific island countries are due to the environment at both ends. In Australia, there is little competition among service providers since remittance transfers are usually done by banks. At the receiving end, in the Pacific, operational costs for conducting cash transfers are high. Kiosks accepting cash in Australia must make electronic transfers to countries in the Pacific, where cash is required for disbursement at the receiving kiosk. Hence, money transfer operators apply “tiered pricing”, implying that fees are higher when the remitted amount is lower, as is often the case in Pacific island countries. To reduce costs, many Pacific islanders remit in cash as a group at Australia Post (ESCAP, forthcoming).

A large proportion of remittances are still sent through informal channels, due to factors including high remittance costs, lack of access to banking services, unfamiliarity with or lack of trust in formal channels, and lack of identification documents. Women are more likely than men to use informal channels, sometimes because of lack of familiarity or trust regarding formal channels, but also because they tend to transfer smaller amounts for which the cost of using formal channels is higher. Undocumented migrants generally prefer informal remittance channels. Since remittances through informal channels are difficult to capture in official statistics, actual amounts of remittances can be higher than documented figures.

Especially in countries where remittances can be transferred only through formal banking services, their use can be difficult for migrant workers, as it is often conditional on availability of valid documents – passport, proof of address or pay slips are required by traditional banks to meet the know-your-customer requirements (ESCAP, forthcoming). Particularly for domestic workers, requirements such as pay slips or work contracts are often difficult to provide.

‘Social remittances’ and the avoidance of ‘brain drain’ by means of reinvesting human capital, can play a significant role in development in countries of origin.

Return and diaspora engagement in communities can have positive impacts such as developing stocks of skills and promoting adoption of norms that drive sustainable development.

### Good practices from the region

As indicated above, achieving successful financial inclusion requires enhanced literacy for remittance recipient families and migrants themselves and identification of tailored financial services that answers to their needs. In South-East Asia, ILO’s TRIANGLE in ASEAN programme partnered with Saver. Global (formerly DMA Global) to maintain, develop and distribute a remittance comparison and financial education mobile application and website. SaverAsia aims to educate ASEAN migrant workers about available and emerging low-cost secure remittance services and subsequently help formalize informal remittance channels in ASEAN to improve security of transfers and increase GDP contributions. Market transparency created by SaverAsia can also drive down remittance costs. Since its launch in 2018, the SaverAsia website has had more than 299,019 users, 389,052 sessions and 564,090 page views (as of 31 December 2023). Most of these users access the site from Malaysia, followed by Cambodia, Indonesia, Thailand and Australia. Since its launch in 2020, SaverAsia app has had a total of 12,286 downloads, 25,403 sessions and more than 72,975 page views (United Nations Innovation Network, 2023).

Other important developments are supported under the Colombo Process for South Asia and South-East Asia; these include the promotion of quicker, less expensive and safer remittance processes for both migrant workers and their families (IOM, 2024a). Colombo Process Member States have facilitated the sustainable reintegration of returning migrants into community life by providing them with equitable access to vocational training and financial services, in view of encouraging productive utilization of remittances and building upon their entrepreneurship, skills and human capital. To this end, countries are incentivizing the use of formal channels, while encouraging providers to expand operations, including via tax exemptions and other incentives. Governments have also capitalized on existing technologies to facilitate remittance transfers for migrants; examples include:

- ▶ Sri Lanka launched its ‘Lanka Remit’ mobile phone application in February 2022. It provides remitters and remittance receivers with direct access to the existing remittance channels available to them and facilitates users’ ability to choose more convenient and cost-effective remittance channels (IOM, 2024g).

- › Indonesia has closely worked with providers in countries of destination to improve interoperability of platforms, in view of promoting more efficient remittance transfers that are accessible to more migrant workers and recipients of remittances (IOM, 2024g).
- › In Bangladesh and Pakistan, returning migrant workers are channelled through national qualification and certification processes, including recognition of prior learning mechanisms, to fully build upon their skills as active members of society and contributors to sustainable development in their country of origin (IOM, 2024b).

Migrant workers in the region are also benefiting from financial and digital literacy training to support their access to remittance services and enhance their remittance outcomes through better planning and financial management skills.

## 4.6 Ensuring portability of social security entitlements and earned benefits

### GCM OBJECTIVE 22

As migration continues to shape the social and economic landscape of countries in this diverse region, ensuring the portability of social security entitlements and earned benefits for migrants emerges as a critical aspect of promoting social inclusion and sustainable development, as well as safeguarding the rights of migrants and their families.

Social protection policies in many settings in Asia and the Pacific still lag behind other regions of the world. The Asia-Pacific region has a relatively low level of public expenditure on social protection, amounting to, on average, 7.5 per cent of GDP annually, with half of countries spending 2.6 per cent or less. Additionally, social protection is not a priority for many governments in the region, with responsibility sometimes delegated to communities and families, or CSOs and religious institutions. In the majority of countries in the region, the insufficient coverage of contributory schemes is exacerbated by the limited presence of non-contributory schemes (ILO, 2021g).

Contributory schemes primarily cater to formal sector employees, while non-contributory schemes predominantly target the poorest individuals, leaving a significant segment of the workforce unprotected. This group encompasses various categories, such as women, migrant workers, self-employed individuals, micro- and small-enterprise workers, domestic workers, home-based workers, seasonal workers

and contributing family workers. In many Asia-Pacific countries, non-contributory programmes are intentionally designed to cater to only a small segment of the population, typically focusing on the poorest individuals, and occasionally, specifically targeting the most impoverished among certain age categories. Some groups remain particularly disadvantaged in terms of social protection coverage. Migrant workers are disproportionately represented in informal employment and are often not covered at all by social protection systems (ILO, 2021g). This can create financial precarity, especially for older migrants (see chapter 1). Specific efforts are needed to ensure that migrant workers, as well as other disadvantaged groups, are adequately covered and protected so as to leave no one behind (ILO, 2021g).

Migrant workers in the ASEAN region, despite their substantial contributions to local economies, often encounter significant hurdles when attempting to access social security benefits. Many find themselves employed in sectors inadequately covered by social security schemes, such as domestic work or agriculture. Additionally, even when entitlement exists, it may be limited to a select few benefits compared to all those provided to local workers. Moreover, factors such as limited knowledge of their social security rights, language barriers, employment or migration status, and the duration of their stay further compound their difficulties in meeting qualifying conditions and accessing benefits. Consequently, migrant workers are often marginalized and at risk of social exclusion due to their inability to access vital social security provisions.

The absence of social security agreements between States exacerbates the challenges faced by migrant workers, as it hinders their ability to transfer and maintain benefits across borders. To effectively address the predicament of migrant workers and foster inclusive growth within the region, prioritizing the portability of social security benefits is imperative. By facilitating the seamless transfer of benefits across borders, migrant workers can maintain continuity in their social security coverage, ensuring they receive adequate support regardless of their location or employment circumstances.

### 4.6.1 Promising developments on portability

Acknowledging the aforementioned challenges faced by migrants, Governments in some parts of the region have tried to mobilize commitment through regional cooperation and frameworks. In November 2022, ASEAN Member States ratified the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers, building on earlier work to protect and promote the rights of migrant workers (ASEAN 2022a).

To support and guide ASEAN Member States in forging social security agreements and implementing the Declaration, work is underway on ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers, led by the Cambodia Ministry of Labour and Vocational Training, with support from the ASEAN Secretariat and ILO. This is anticipated to conclude with the adoption and endorsement of the ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers at the 44th and 45th ASEAN Summits in October 2024.

Representatives of the Ministry of Overseas Pakistanis and Human Resource Development established a national committee in 2023 to review existing MOUs and agreements with destination countries to align with the recommendations presented by the Sub-Regional Symposium on Bilateral Labour Migration Instruments held in Kathmandu in May 2023. In this context, the Government plans to strengthen provisions linked to social welfare and protection and maximize benefits to workers. A Memorandum of Collaboration was renewed with the Social Security Organization of Malaysia, which has currently over 62,000 Pakistani workers registered. Signed in July 2023 for a period of 3 years, the Memorandum of Collaboration aims to strengthen collaboration between the two countries in the realm of social security, particularly when it comes to enforcement and payment of benefits, as well as rehabilitation and prevention of workers' rights' violations.

## 4.7 Linkages between the Global Compact for Migration and the 2030 Agenda

The GCM is rooted in the 2030 Agenda. The alignment between the two underscores a shared commitment to inclusive approaches and sustainable development. Acknowledging that migration is of major relevance for the sustainable development of countries of origin, transit and destination, the GCM seeks to ensure that migration policies and practices are designed and implemented in a manner that contributes to inclusive and sustainable development and respects the dignity and rights of all individuals, including the most vulnerable, through promoting cooperation between countries, other stakeholders and migrants, and adopting a whole-of-society and whole-of-government approach – corresponding with the Leave No One Behind principle. This recognition is vital in the context of the Asia-Pacific region, where diverse migration patterns and significant migrant populations exist.

As noted in chapter 1, the Asia-Pacific region is not on target to meet any of the SDGs by 2030. Current estimates show these will not be reached before 2062, at least 32 years behind schedule (ESCAP, 2024a). Work to realize the SDGs was disrupted by the pandemic and reduced economic activity in Asia and the Pacific; after reviving in 2021, it was hit by the global economic slowdown in 2022. The economy is currently expected to remain weak, exacerbating the damage of the pandemic years.

Asia-Pacific countries have recognized that many of the roadblocks to achieving the SDGs, such as non-income poverty and inequality, must be addressed through supporting implementation of the 2030 Agenda at the local and community level (UNDP, n.d.). In the realm of migration, these localization initiatives focus on enhancing the integration of migrants into sustainable development frameworks, aligning with both the principles of the GCM and the SDGs. This section explores some existing notable initiatives and underscores how GCM objectives and SDGs are linked through their implementation.

The GCM recognizes that migration policies need to be developed based on accurate, reliable and comparable data, disaggregated by sex, age, migration status and other characteristics, relevant in national contexts. This is translated into GCM objective 1 (see chapter 5). In the Philippines, the Local Government Units are placed at the forefront of delivering public services and have been key players in the process of mainstreaming various national and global development commitments. These include commitments in terms of poverty monitoring, gender and development, migration and development, disaster risk reduction and management, climate change adaptation, meeting the Millenium Development Goals, and, currently, the localization and achievement of the SDGs (UNDP, 2019).

In March 2023, the Philippines Commission on Population and Development, through the support of the German Agency for International Development, initiated efforts to equip the Local Government Units with two critical tools to support their capacity to better analyse internal and external movement of people and enhance their capacity in effective planning and policymaking in their respective areas, with particular focus on climate change-influenced migrations (Philippines Commission on Population and Development, 2023). The tools include:

- ▶ The Digitalized Registry of Barangay Inhabitants and Migrants — a demographic database of residents and migrants of implementing Local Government Units for analysis, which will be vital for development planning and programming.



- › The Philippines Commission on Population and Development Knowledge Portal—an open-access platform to the agency’s knowledge products on population and development, including human mobility in the context of climate change research studies.

This initiative will help address challenges in collecting migration data to inform tailored development and policy. It also aligns with SDG 17 (Partnerships for the Goals), particularly Target 17.18 on enhancing capacity-building support to developing countries to collect high-quality, timely and reliable data, disaggregated by several criteria. The migration data collected through this initiative can also be used to inform development priorities for destination and host communities and the design of relevant services across the Philippines.

The Government of Thailand participates in the Migrants in Countries in Crisis initiative and worked with IOM to mainstream the guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster into the existing policy and operational framework (IOM, 2022a). Since 2016, it has rolled out a series of trainings for strengthening officials’ and migrants’ capacities in disaster preparedness, response and recovery, as well as live simulation exercises for first responders to identify the challenges faced by migrants. The initiative also aims to address risks of migrants often marginalized or excluded during the time of crisis by working with the Ministry of Interior’s Department of Disaster Prevention and Mitigation to develop guidelines for the set-up, operationalization and management of collective shelters that ensure equal access to shelter and basic services for migrants in times of frequently occurring natural disaster such as inundation, landslides and tsunamis. This initiative is in line with GCM Objective 2 that calls on States to account for migrants in national emergency preparedness and response, including through the Migrants in Countries in Crisis initiative and the Sendai Framework. It also echoes GCM objective 15 (above) on ensuring migrants have basic access to services, and SDG indicator 13.1.3 on the number of countries that adopt and implement national disaster risk reduction strategies in line with the Sendai Framework.

## 4.8 Conclusion

Disruptions introduced by the COVID-19 pandemic starkly demonstrated that migrant positions in host societies are precarious, and systems for social protection tend to leave them behind. This chapter showcases a range of good practices to address migrant needs through the pandemic, but enhancing protection systems to cope with future shocks and

crises requires that systems are built to include migrants so that exceptional support measures are not needed.

Building anticipatory and adaptive migration policies are also essential to prepare the region for future challenges. Like in many regions worldwide, some countries in Asia and the Pacific are experiencing demographic shifts towards ageing societies, but in some parts of the region, others, albeit few, are experiencing youth bulges. For example, the demand for migrant labour in ASEAN countries is likely to be increasingly driven by demographic changes and ageing populations in certain destination countries, with a declining share of the working-age population (55.8 per cent in 2022) across the ASEAN region (Calpidi, 2023; ASEANstats, 2023). With demographic shifts, origin communities and countries face challenges, such as brain drain and unsustainable economic development. In contrast, as demand for migrant labour grows, competition between labour markets in destination countries may intensify, presenting both risks and opportunities. As some countries become increasingly keen to attract migrant workers, there will be an incentive to improve social protection and service accessibility, and an opportunity to recalibrate towards greater inclusion.

In the decades to come, environmental disasters, extreme weather events and other impacts caused by climate change will continue to be at the forefront of defining migration patterns in Asia and the Pacific. The adverse effects of climate change will significantly contribute to the loss of livelihoods, particularly in vulnerable communities dependent on agriculture, fishing and other climate-sensitive sectors. As these impacts intensify, it is likely that urbanization will rise and there will be greater strains on services within settlements where underprivileged migrants disproportionately reside. In this context, it will be essential that systems for delivery of basic services – especially in cities and through municipal governance – are built using approaches that factor in potential for population growth and the specific needs of migrants.

This chapter has explored a particularly challenging period for migrant integration in Asia and the Pacific. While the pandemic is now fading in people’s memories, it is crucial that lessons learned in relation to migrant contributions and inclusion are heeded. With new challenges on the horizon, and potential shocks and crises ever-present, it is imperative that destination countries look to inclusion of migrants in their national systems for providing key services, in economies, and in social and political life, while countries of origin continue to provide support to migrants experiencing hardship. Only through inclusive systems in countries of destination,

where migrants' contributions to economies and communities are encouraged and recognized, can the developmental gains of migration be realized.

## 4.9 Recommendations

### GCM objective 14

- › Develop and strengthen digital platforms to improve accessibility of consular support for migrants. Ensure these platforms are backed by sufficient resources and capacity to effectively address concerns and provide timely assistance.
- › Implement comprehensive pre-departure and post-arrival training programmes to better prepare migrants for their journey and life in the destination country. These programmes should include information on rights, local laws, and how to access consular support and other essential services.
- › Address gaps in capacity and resource allocation for consular services to ensure comprehensive support for migrants. Enhance cooperation between consular services and national systems in destination countries to protect migrant rights effectively and ensure migrants receive the support they need through coordinated efforts.

### GCM objective 15

- › Support the provision of key service information in the primary languages spoken by migrant communities to enhance their understanding and access, in partnership with consulates and governments of origin countries.
- › Design and implement programmes that provide clear and attainable pathways for migrants to regularize their status.
- › Work towards mainstreaming migrant service delivery within inclusive national systems wherever possible for access to health care – including sexual and reproductive health-care services and mental health services – education, housing and legal assistance for all migrants, regardless of their status.

### GCM objective 16

- › Ensure that migration strategies adequately address migrant inclusion and social cohesion, such as through protection of migrants' economic, social and cultural rights, regardless of their length of stay or type of contract.
- › Review and amend any gender discriminatory restrictions on migration – in law, policy or practice – that limit opportunities for women to migrate.

Respect women's agency and their self-defined best interests, and ensure gender equity in relevant policies including those regarding access to visas, residence permits, work permits and other documentation required for safe, orderly and regular migration.

- › Promote transitioning from the informal to the formal economy to reduce women migrant workers' exposure to precarious work conditions, GBV and sexual harassment.
- › Ensure that all migrants receive equal remuneration for work of equal value without distinction of any kind, and guarantee women have conditions of work not inferior to those enjoyed by men, with equal pay for equal work.
- › Support local authorities and communities in their efforts to realize social cohesion, including through community centres or programmes at the local level, to facilitate migrant participation in the countries in which they reside.
- › Foster narratives of connection and shared values to help promote inclusion and social cohesion with regard to migrants and the communities they live in.

### GCM objective 19

- › Support diaspora engagement in sustainable development by researching the impacts of their non-financial contributions in countries of origin and destination and creating enabling environments for investment and entrepreneurship – especially targeting local level, whole-of-society approaches that link to SDG localization.
- › Create conditions for the voluntary engagement of migrants and diasporas in partnerships that catalyse their contributions but do not instrumentalize them as tools of development. Engage with developed countries in the region and other relevant migration corridors to ensure they take equal responsibility in realizing the potential benefits of migration for development.
- › Work in partnership with all relevant stakeholders to identify and facilitate the flexible modalities appropriate in different migration contexts to achieve the necessary movement of people to realize sustainable development.
- › Invest in comprehensive data collection and analysis to better understand migration patterns and inform migration/mobility responsive development planning, especially adaptation planning in response to climate change.

### GCM objective 20

- › Adopt legal and regulatory frameworks that reduce remittance transfer costs to meet SDG Target 10.c of less than 3 per cent.
- › Develop and implement tailored financial literacy programmes for migrants and family members that remain behind, with a particular focus on underserved groups, such as migrant women, to improve their access to formal financial services.
- › Ensure financial institutions, government agencies, and civil society work together to create inclusive financial ecosystems that support digital remittances and the socioeconomic empowerment of migrants.

### GCM objective 22

- › Forge bilateral and multilateral agreements to ensure the portability of social security benefits, enabling migrant workers to transfer and maintain their entitlements across borders – learning from good practices within the region.
- › Expand social protection schemes to cover all workers, including those in informal employment and migrant workers, ensuring no one is left unprotected.
- › Increase awareness and access through outreach and education programmes to inform migrant workers of their social security rights and facilitate easier access to benefits, including by means of addressing barriers such as language and legal status.





## CHAPTER 5

# Improving value-driven and evidence-based policymaking and public debate, and enhancing cooperation on migration

A woman and children in a camp in Afghanistan, having recently returned from Pakistan.

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*This chapter focuses on developments in migration trends, policies and practices in Asia and the Pacific since 2020 relating to the following GCM objectives:*

- 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

In the summary of the discussion of this cluster of GCM objectives at the 2021 Asia-Pacific Regional Review, stress was placed on the importance of protecting migrants from going missing or being separated from their families and prioritizing effective access to essential services and humanitarian assistance for all migrants, and the rights and needs of the most vulnerable, especially children. Furthermore, structural factors that could put people in vulnerable situations and drive migrations were noted, together with the multiple and intersecting forms of discrimination that migrants often faced. In connection with this, the importance of coherent and positive messaging on the contribution of migrants and avoiding negative stereotypes to protect them from abuse and discrimination was also noted. The need for a predictable and transparent legal framework for migration was highlighted as crucial for all partners, including employers. Moreover, examples of international cooperation for better migration governance were shared, such as an inter-ministerial coordination mechanism or formal agreements between countries of origin and destination, while it was noted that partnerships had been built with and among civil society organizations, the private sector and social partners, trade unions and employers' associations. Representatives of both member States and stakeholders reiterated the importance of international cooperation and partnerships as key to achieving safe, orderly and regular migration, while noting that there was a persistent need for more timely, accurate and integrated data.

## 5.1 Collecting and using accurate and disaggregated data as a basis for evidence-based policies

### GCM OBJECTIVE 1

This first GCM objective calls for the collection, analysis and distribution of accurate, reliable and comparable data, disaggregated by sex, age, migration status and other characteristics relevant in national contexts, while upholding the right to privacy under international human rights law and protecting personal data. It is in line with SDG Target 17.18, to improve capacity-building support to increase the availability of disaggregated high-quality, timely and reliable data on, among others, migratory status. Data and information are needed to assess the situation of migrants, development outcomes and how they are faring in comparison to nationals. These data should cover all aspects of the situation, including socioeconomic indicators, of migrants and their families, regardless of their migration status (United Nations, 2021c, 2023g).

The United Nations human rights treaty bodies routinely comment on the lack or inadequacy of a country's system for the collection and analysis of migration-related data (see, for example, United Nations, 2022d, 2023j). This includes observations on limited

standardization of data practices across countries, including where the definition of a migrant worker in a State party's legislation is not in line with the international treaty and will therefore skew any data collection (United Nations, 2023i). The collection, storage, transfer and disposal of these data should be firmly grounded in ethical principles to ensure protection of the right to privacy, personal information and data protection of migrants and their families, including by establishing appropriate reporting firewalls and access limitations, and erasure of personal information once the purpose of data collection has been achieved, so that personal data are not used for migration control or for discrimination in public and private services (United Nations, 2021c).

In Asia and the Pacific, it is hard to get a clear picture of children affected by migration, as there are substantial gaps in data typically captured by national statistical authorities. Thus, estimates of children on the move are often based on census data. However, the reality is that established administrative data collection methods – such as censuses, or labour force or household surveys – often fail to capture data on migration status, including that related to children. In South-East Asia, where UNICEF has undertaken detailed research, data on birth registration among children affected by migration are not available in most countries, except for partial data in Viet Nam. Information on the number of child migrants who have accessed or were referred to child protection services, is, at most, partially available in the Philippines, Cambodia and Viet Nam. Finally, data on the number of children affected by migration who have been arrested, charged or detained on immigration grounds are available in Malaysia and partially in Thailand, but not in other countries (UNICEF, 2023b).

The major effort to measure progress towards realizing the SDGs, and to ensure that no one is left behind, still lacks sufficient data on migrants. As noted, the region is not on track to meet the SDGs by 2030, including SDG targets associated with migration (see chapters 1 and 4). IOM has analysed the availability of migration data in some countries in the region, highlighting several knowledge gaps in the relationship between migration and the SDGs (IOM, 2022b). Even when disaggregated indicators are published, few countries in the region report data by migratory status or collect enough data to measure progress over time. This varies by country and by issue or SDG goal and target, yet the data needed to monitor implementation of the SDGs remain scarce for many countries in Asia and

the Pacific, with data on discrimination and violence particularly limited. As employment is a major driver of international migration within and from the region, this is one area in which there has been greater investment in migration-related data.

### 5.1.1 Data and data bases on migration statistics in Asia and the Pacific

#### ILO International Labour Migration Statistics database

In 2013, the International Labour Migration Statistics Database<sup>48</sup> was launched in ASEAN and has been published annually since 2014. Now expanded from ASEAN to a global collection, the Database includes a set of indicators describing the number and profile of international migrant workers, their situation in the labour market and employment patterns, their main origin and destination countries and the magnitude of inward and outward migration flows (ILO, n.d.a, 2022e). ILOSTAT, the ILO central database, strictly applies international statistical standards to ensure comparability across countries. Governments submit data from national surveys and administrative records,<sup>49</sup> with the Database filling a knowledge gap for national and regional policymakers and for the broader research community. Administrative data usually only include migrants in a regular status, and indicators based on that data may then exclude migrants in an irregular situation and therefore be an underestimate.

The Database enables analysis by characteristics such as sex, age and sector, thus allowing comparative analysis of women and other groups of migrant workers with a view to gender-responsive policymaking, budgeting and planning for services, among others (ILO, 2024k, forthcoming). Data are available for approximately 60 per cent of indicators in the International Labour Migration Statistics Database among ASEAN Member States. This ranges from 19 to 86 per cent database completeness, depending on country. Some countries have gaps in data collection or processing at the country level, while, for a minority of countries, significant data about migration are not made public. ILO continues to build capacity among data producing bodies in the region, with recent improvements related to revision of data collection instruments and inclusion of labour migration indicators in national statistical systems (ILO, 2022e).

48 This is a special global collection on the ILO central database, ILOSTAT, <https://ilostat.ilo.org/resources/concepts-and-definitions/description-international-labour-migration-statistics/>. ASEAN-specific statistics are published through the AP-Migration web-portal, <https://apmigration.ilo.org/asean-labour-migration-statistics>, and as an Excel sheet on ILO's website: <https://www.ilo.org/static/english/asia/ilms-asean-tables-jan-2024.xls>

49 Note that flow data typically come from administrative data sources such as registration for residence or working permits from interior affairs or immigration services, foreign employment departments or border registration. Household surveys may include information on migration flows (ILO, n.d.a).

## DESA migration estimates

The United Nations Population Division maintains an empirical database on international migration and provides 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. The latest data refer to the 2020 migrant stock estimates referenced earlier. In addition, and given the absence of empirical data on inflows and outflows of international migrants for all countries in the world, 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, 2024).

## ESCAP Labour Migration Outflow Database

ESCAP maintains a labour migration outflow database<sup>50</sup> that compiles time series data on annual labour outflows from select countries of origin to respective countries of destination. For example, the database can display how many migrants from Bangladesh left Bangladesh in each year (between 1976 to the latest available year – in most cases 2021) to work in the United Arab Emirates. The data are based on official administrative records from countries of origin, typically by the overseas administration. These data are largely based on records of permits for overseas employment or emigration clearance. Those administrative records are often the only available source on labour out-migration in a country. However, administrative records in some cases may underestimate the number of labour migrants, as many migrants leave the country for work without official clearance.

## 5.1.2 Official statistics on migration

Official statistics play a crucial role in providing objective insights into migration patterns, offering transparency and accountability in policymaking, and act as a trusted source of unbiased information. Nonetheless, challenges such as data quality, sharing barriers and political pressures persist, hindering their effectiveness. Recent initiatives, like the United Nations Expert Group on Migration Statistics and the Expert Group on Refugee, Internally Displaced Persons and Statelessness Statistics, both comprised of State representatives and intergovernmental organizations, have been pivotal to address these challenges.<sup>51</sup>

The former expert group has worked on improving statistics on international migration by revising recommendations and assessing data gaps. It has developed a revised conceptual framework and definitions, endorsed by the United Nations Statistical Commission, aimed at enhancing coordination and quality of migration statistics globally (United Nations Expert Group on Migration Statistics, 2021). Their efforts also include developing guidance on core indicators, technical materials for data integration, and good practices for producing comparable statistics.

Similarly, the latter expert group focuses on developing international standards and recommendations for collecting, compiling and analysing data on these populations. Their work includes producing recommendations, promoting their use, and supporting implementation through capacity-building, training, advocacy and ongoing refinement of the guidance. Collaboration with national statistical offices and international organizations has been crucial in establishing harmonized standards and definitions. Strengthening capacity can be enhanced by engagement between diverse stakeholders (box 5.1).

### BOX 5.1 Migration data and capacity development in North and Central Asia

ESCAP, through funding from the Russian Federation, has been implementing a project on migration data in countries in North and Central Asia from 2021 to 2024. ESCAP convened two expert group meetings and capacity-building workshops with representatives of governments, academia and civil society from Kazakhstan, Kyrgyzstan, Tajikistan, the Russian Federation and Uzbekistan, in Almaty, Kazakhstan in 2023 and 2024. Meeting participants discussed migration data availability and data collection methodologies. The meetings also identified pertinent topics related to migration in North and Central Asia that require in-depth studies on gender, remittances and their costs, as well as migration governance and emerging migration trends. Desk studies on some of these topics are currently being carried out under the guidance of ESCAP (ESCAP, 2023d).

50 Labour Migration Outflow Database, <https://www.population-trends-asiapacific.org/labour-migration-outflow>

51 United Nations Expert Group on Migration Statistics, <https://unstats.un.org/unsd/demographic-social/sconcerns/migration/index.cshml>; membership, <https://egrisstats.org/about/membership/>



Future national, regional and global reviews of GCM implementation may have new tools to assess progress – tools that will require comprehensive, precise, reliable and disaggregated data. In the Progress Declaration of the IMRF, Member States requested that the United Nations Secretary-General, in his 2024 report, propose a limited set of indicators, drawing on the global indicator framework for the SDGs and targets and other relevant frameworks, for their consideration (United Nations, 2022o, para. 70). The United Nations Network on Migration has established a workstream on this, mapped relevant approaches to measuring the governance of migration in general, with a specific focus on the GCM, convened consultations for Member States and other stakeholders, and, through this, produced and revised a discussion note with a proposal for a limited set of indicators (United Nations Network on Migration, 2023d).<sup>52</sup>

To benefit from using indicators related to migration governance (see box 5.2) and addressing migration opportunities and challenges, it is vital to strengthen national statistical capacity, with the adoption and implementation of recommendations on official statistics for migrants, refugees, internally displaced and stateless people playing a central role.

#### BOX 5.2 Migration governance indicators

Since 2020, IOM has developed and implemented migration governance indicators in collaboration with national governments and other stakeholders in seven Asia-Pacific countries (Fiji, Islamic Republic of Iran, the Marshall Islands, Mongolia, Nepal, the Philippines and Thailand). There are a set of 90 indicators that measure the extent to which a country's migration governance aligns with the GCM objectives and the 2030 Agenda. These indicators provide a comprehensive and standardized assessment of migration governance, identify gaps and good practices, and support evidence-based policymaking and dialogue. The assessments are a valuable tool for improving value- and evidence-based policymaking and public debate, as well as enhancing cooperation on implementing the GCM objectives in Asia and the Pacific, especially the vision and principles to achieve safe, orderly and regular migration for the benefit of all.<sup>1</sup>

1 See, IOM Global Migration Data Analysis Centre, <https://gmdac.iom.int/migration-governance-indicators>.

#### 5.1.3 Data for the prevention of gender-based violence against migrant women and girls

The work to address and prevent GBV needs to be inclusive of migrant women and girls, in order to improve the provision of essential services in countries of origin, transit and destination. The safe, ethical and robust measurement of GBV is critical and national prevalence surveys with sex- and age-disaggregated data are an appropriate method. UNFPA, for example, supports development of population census and household surveys to reach migrant communities and ensure they are counted, working with Governments in Asia and the Pacific to strengthen safe and ethical collection, analysis and distribution of administrative GBV data at national and subnational levels.

The sensitive nature of GBV poses a number of methodological and ethical challenges in data collection. Addressing these requires prioritizing the safety of respondents and interviewers, providing support to women disclosing incidents of violence, and carefully designing surveys and data collection, including comprehensive training of interviewers. International standards provide guidance to mitigate these challenges, but political will and technical and financial capacity are also required.

In 2021, three United Nations agencies worked together to develop a decision tree to help stakeholders working on violence against women migrant workers decide when and how best to collect data on women migrant workers' experiences of violence and their access and use of services (ILO, UNFPA and UN Women, 2021). This decision tree guides those seeking data and evidence on violence against migrant women through the various research methods, considerations and alternative data sources for obtaining information, with safety and data quality as the main priority.

#### 5.1.4 Taking into account data from migrants

The GCM calls for a whole-of-society approach to its implementation, including by ensuring the participation of all relevant stakeholders in developing and implementing a comprehensive strategy for improving migration data at local, national, regional and global levels. Taking into account the diverse data provided by migrants specifically will help in shaping evidence-based policy that is in line with the ten guiding principles of the GCM. Migrant organizations and CSOs have actively provided qualitative data on migrants' situations on the ground to different international human rights mechanisms and other United Nations processes, such as the development of reports by the Secretary-General.

52 More generally on the workstream, see United Nations Network on Migration, Workstream 1: Development of a proposed limited set of indicators to review progress related to GCM implementation, <https://migrationnetwork.un.org/development-proposed-limited-set-indicators-review-progress-related-gcm-implementation>.

Information provided by migrants themselves can highlight critical insights not always included in other contributions. Aside from that, many researchers have worked together with migrants' organizations and communities to conduct research that reflects realities on the ground. For example, the Lives of Migrant Remittances research, was spearheaded by different migrants' organizations from Indonesia and the Philippines and the University of Alberta, and delved into the remittances of Indonesian and Filipino migrant workers in Hong Kong, China, as well as the impacts on them, their families and communities back home (APMM, 2023). See further on academics as GCM stakeholders in box 5.3.

In addition, significant data and information do not only come from formal research papers and publications. Migrants have a rich repository of podcast episodes, for example, where they discuss the relevance of international labour law to protect the rights of women migrants in the region (BEBESEA, 2024), and online radio programmes, such as that operated by the MAP Foundation in Chiang Mai and Mae Sot, Thailand, for Myanmar migrants in the country (MAP Foundation, 2024). Such discussions about on-the-ground realities support or illustrate many statistics from the United Nations and international think tanks. Moreover, such channels, forged by, with and for migrants themselves, are critical to fully understand their situations.

### BOX 5.3 Academic stakeholders in the implementation of the GCM

The GCM seeks to provide “objective, evidence-based, clear information about the benefits and challenges of migration” (para. 10) in order to inform policies (objective 1) and public discourse on migration and migrants that generates a more realistic, humane and constructive perception (objective 17), and to better inform migrants (objective 3 (para. 19e)). As such, academic actors are important stakeholders in the implementation of the GCM, providing qualitative and quantitative data and analysis, findings and recommendations to inform decision-makers and the public on the realities of migration for the formulation of evidence-based policies to defend the human rights of migrants. There exists a vast body of academic research on migration, from migration scholars, university programmes and peer-reviewed journals. Nevertheless, there is still work to do to bridge the divide between academia and policymakers, United Nations actors, civil society and other stakeholders.

As one example of efforts in this regard, the South Asia Centre for Labour Mobility and Migrants was established in 2021 with the aim to be a one-stop to promote understanding, strengthen research, and enhance teaching and capacity-building of labour migration research actors to help formulate evidence-based policies to promote decent work and drive effective labour migration processes. The knowledge hub was established with the support of the joint ILO-IOM-UN Women programme and Governance of Labour Migration in South and South-East Asia, and in partnership with the Refugee and Migratory Movements Research Unit (Bangladesh), the International Institute for Population Sciences (India), the Centre for the Study of Labour and Mobility (Nepal), the Sustainable Development Policy Institute (Pakistan) and the Institute of Policy Studies of Sri Lanka.

The South Asia Centre for Labour Mobility and Migrants connects researchers and institutions from South Asia working on five themes: labour migration policies; gender and migration; migration, health and disasters; migration and development; and drivers of migration. From 2022 to 2023, the Centre organized 18 public lectures, gathering over 675 participants, including academics, policymakers and practitioners to share knowledge and data emanating from Centre-initiated studies. The Centre network also successfully established partnerships with eight institutions, including academic entities and think tanks working on migrant workers' issues (GOALS, 2024).

Another example is the International Union for the Scientific Study of Population, the global organization to promote the scientific study of population, which continues to work on migration issues. Its Scientific Panel on Priorities in International Migration Research remains committed to training in the methods of measurement, estimation and analysis of international migration data initiated at the Asian Demographic Research Institute at the University of Shanghai, China. The International Union's Panel on Priorities in International Migration Research continues its advocacy for the piloting of a world migration survey. The results of the survey would significantly contribute to the implementation of GCM objective 1 to collect and utilize accurate and disaggregated data, including in Asia and the Pacific (Cerrutti et al., 2021). Members of the Panel have also contributed to the United Nations Migration Network consultations on measuring progress towards implementation the GCM. The 2025 International Union's International Conference, to be held from 13 to 18 July 2025 in Brisbane, Australia, will bring together academics, policymakers, representatives of international organizations and civil society groups working on international migration. Participants from Asia and the Pacific are encouraged to contribute to the conference session organized by the Scientific Panel on 'International Migration, Mobilities and Displacement: The Role of Population Science in Informing Policy.'

## 5.2 Ensuring that migrants have access to accurate and timely information about migration at all stages of the process

### GCM OBJECTIVE 3

As States have noted, insufficient access to information is one reason why migrants continue to face risks throughout the migration journey (United Nations, 2022o, para. 32). Crucially, migrants need access to information about their rights and how to defend them, at all stages of migration. Information should also be transparent, accessible by everyone – by potential migrants, migrants and their families, and wider society – with various means of information distribution. For example, information that is transparent about the cost of migration, based on rules and regulations, helps migrants and their families avoid extortionate or illegal levies and debt bondage.

Accessible, accurate and timely information is vital for migrants to know that regular pathways, including entry and stay requirements, and available forms of protection and assistance, are accessible to them. This requires that the authorities widely publicize accurate information on available pathways in accessible formats and in languages that migrants understand. It should include clear guidance on how to access these pathways and negotiate relevant bureaucratic procedures, which should not be burdensome. This information should be stable, and not subject to change at short notice. Instead, accessing information about the availability of regular pathways for migration across the Asia-Pacific region is challenging. These pathways are regulated by numerous bilateral agreements, while countries have different visa options and other requirements, which can change with little notice.

In some places, local or community-run media outlets respond to this need. Radio is an effective way to share information with otherwise hard-to-reach migrant populations in diverse situations. Programmes provide updated information in migrants' languages where there are frequent changes in policy and the political situation changes, and also deliver news from origin and destination countries supporting daily life and civic participation (United Nations, 2024g). This may be done effectively through social media, as shown in box 5.4.

To migrate in regular status, the procedures that labour migrants must complete are often complicated, expensive and time-consuming, and, as a result, many choose to use irregular channels (where these are available). For individuals (or families) migrating for other reasons the regular pathways are even more limited (see objective 5 in chapter 2). The reasons include:

- › The impacts of environmental degradation and climate change.
- › Health status and lack of access to health care in countries of origin.
- › To realize family reunification.
- › Protection from (and remedies for) GBV, labour rights abuses or trafficking in persons in destination countries, and in the context of statelessness.

#### BOX 5.4 Engaging migrant workers through social media campaigns

Digital content plays a vital role in reaching and engaging migrant workers and their family members with information on safe migration and labour rights. The ILO Ship to Shore Rights South East Asia and Safe and Fair programmes have been supported BBC Media Action in implementing the highly successful “Yay Kyi Yar” Facebook page in Myanmar. The campaign leverages the cultural savvy and technical sophistication of BBC Media Action to craft highly relatable social media posts on critical migration issues. Since 2022, the campaign has produced 201 original videos and infographics with a total estimated reach of over 68 million unique views. Although the majority of its followers are based in Myanmar, Yay Kyi Yar now has over 1.5 million followers across 10 countries – including the major destination countries for Myanmar migrants of China, Malaysia, Singapore and Thailand.

Yay Kyi Yar's digital content provides accurate, up-to-date, engaging and practical information about safe migration and labour rights, sharing of individual migrant experiences and interviews with subject matter experts in Myanmar, particularly targeting migrant workers employed in the fishing, seafood and domestic work sectors. A key strategy employed by Yay Kyi Yar has been storytelling, as well as multimedia and interactive formats (such as animation and quizzes). Yay Kyi Yar received 509 requests for direct assistance from migrant workers through Facebook Messenger. BBC Media Action responds to these questions by linking the audience with service providers in Myanmar and Thailand, providing migrants with a critical bridge in access to assistance (ILO, 2023n).

States may make little specific information available on pathways to citizenship or permanent residency. Especially in countries of destination, migrants may face language barriers in accessing any available information. Similarly, there is little information provided about any regularization programmes for migrants who are in irregular status, and complaint mechanisms for those who experience human or labour rights abuses during their migration. Furthermore, if these procedures are to be accessible, migrants in irregular situations need to be confident that they will not face criminal penalties if they use them (see box 5.5). When migrants are not able to familiarize themselves with rules and procedures, they are unlikely to be able to successfully secure access to a regular migration pathway or regularize their status. Moreover, without access to clear guidance, migrants may rely on unscrupulous brokers to navigate the system, putting them at risk of human rights abuses (OHCHR, 2022c).

**BOX 5.5** **Towards equal rights at work for migrant workers and accountability for abusive employers in Australia**

In February 2024, the Australian Government amended the Migration Act 1958 to decriminalize undocumented work by migrant workers and confirm that workplace protections apply to all workers regardless of their migration status. The amendment introduces new offences for employers who pressure migrants to work in breach of their visa conditions or coerce migrants to accept exploitative conditions (such as underpayment, unwanted sexual conduct or poor accommodation) by threatening to inform on them to immigration (if they are in irregular status), or otherwise threaten their immigration status (Migrant Justice Institute, 2024a).

### 5.2.1 Pre-employment and pre-departure orientation programmes

Pre-employment and pre-departure orientation programmes for migrant workers are often insufficient or lacking. There can also be mistrust of official sources among migrants, thus building trust through community-based information is important. Good practice is to involve CSOs, migrant workers and their families in developing these programmes and facilitate migrant feedback on these informational materials and trainings, as well as incorporate the feedback in subsequent iterations. Moreover, these programmes should ensure that they:

- › Cover migrant workers' rights and obligations under the law and practice of destination countries.
- › Facilitate access to government programmes and services, including mandatory benefits, to which migrant workers are entitled.
- › Make available remedial mechanisms in origin and destination countries and information on how to access them.

It is also recommended that the information on employment rights and practical realities in the country of destination be reissued on arrival in the worker's own language.

For example, the Philippines-based CSO, Atikha Overseas Workers and Communities Initiative has been working with the Cambodia Women Crisis Center in Cambodia, Village Focus International in Lao People's Democratic Republic, and the Foundation for Education and Development in Myanmar to conduct pre-departure orientation seminar and reintegration programmes supported by the Poverty Reduction to Safe Migration through Skills Development and Enhanced Job Placement in Cambodia, Lao People's Democratic Republic, Myanmar (PROMISE) project. The trainings include modules on life skills, such as goal-setting for saving and remittance management, and negotiation skills to aid prospective migrant workers, especially women, to have a better understanding of what to prepare and plan for before migrating and during employment in destination countries (IOM, 2021b).

Pre-departure orientation programmes, national campaigns and migrant resource centres in origin countries, support Colombo Process Member States (see further on objective 23, below). They do so by offering open and accessible information points that make available relevant information, including on human rights and fundamental freedoms, appropriate protection and assistance, and options and pathways for regular migration. Through community welfare attachés and overseas employment promoters deployed in destination countries, migrant workers also benefit from continuous access to information points along the migration cycle. Cambodia's labour migration policy, for example, anticipated the establishment of migrant resource centres to strengthen the effectiveness of sharing information related to safe labour migration and prevention of irregular and unsafe migration. Since promulgation of the policy, a network of migrant resource centres has been inaugurated across the country; these are managed in partnership with government institutions (under the auspices of the General Department of Labour of the Ministry of Labour and Vocational Training), trade unions and CSOs, and provide a range of services in countries of origin and destination.



### 5.2.2 Issues and good practices in pre-departure information and training for migrant workers in the fishing and seafood processing sectors

One of the most important ways to deliver information to migrants about migration and employment is to increase the quality of information circulating within communities of origin. In line with previous initiatives, the vast majority (93 per cent) of migrant worker interviewees in a recent ILO study who had worked in the fishing and seafood processing sectors in Thailand reported that friends and family were their primary source of information. None of the respondents had relied on local authorities to obtain information about migration before going abroad. Many migrant workers lack confidence in the accuracy and usefulness of information provided by government officials or do not feel comfortable going to a government office (Harkins, forthcoming). Potential migrants from Myanmar are faced with extremely limited access to information and services to support safe migration since the military's seizure of power in 2021. Box 5.6 shows how migrants can benefit from informational materials that are sector- and country-specific.

Delivery of pre-departure training is a mandatory responsibility of recruitment agencies. However, in interviews with Lao recruitment agencies, ILO found that each recruitment agency used differing methodologies and training materials, and the training

was highly abbreviated. For example, the official pre-departure orientation curriculum developed by the Ministry of Labour and Social Welfare requires more than ten hours to be completed, but it is usually delivered in just two or three hours. The orientation is often less about upholding migrants' labour rights and social protection, and is instead more focused on teaching them to be compliant with employer wishes. None of the recruitment agencies interviewed reported including any specific gender-responsive information for migrants who are women, men or persons with diverse sexual orientations and gender identities in the pre-departure orientation. Examples of such information would include specific issues more commonly faced by such migrants when working abroad, including reporting mechanisms for GBV and how to seek help and support in destination countries (Xayamoungkhoun and Harkins, 2023).

The persecution of grassroots trade unions and CSOs represents an existential threat to further progress in protecting the rights of migrant workers in the country (Phyo and Harkins, 2022). A 2022 ILO review of seasonal worker schemes in the Pacific included recommendations on improving pre-departure briefings for workers joining these migration schemes. In particular, it emphasized the importance of inviting union representatives to be part of pre-departure briefings and noted that the involvement of human rights groups and CSOs in pre-departure briefings (box 5.7) would further enhance the understanding of workers concerning their rights while overseas and upon return (ILO, 2022d).

#### BOX 5.6 Sector- and country-specific informational materials for migrant workers in the fishing and seafood processing sectors

The Ship to Shore Rights South East Asia programme developed sector- and country-specific information, education and communication materials for outreach to Cambodian, Lao People's Democratic Republic and Myanmar migrant workers in Thailand's fishing and seafood processing sectors. The three pamphlets provide essential sector- and country-specific information on: (1) safe migration; (2) labour rights; and (3) occupational safety and health (ILO, 2023a; 2023g; 2023j). The information, education and communication materials have been translated into English, Khmer, Lao and Myanmar languages and have been printed for distribution to migrants through migrant worker resource centres in Cambodia, Lao People's Democratic Republic, Myanmar and Thailand. The Ship to Shore Rights South East Asia programme has also supported the Mawk Kon Local Development Organization in a major area of origin for migrant workers in Myanmar in translating informational materials on safe migration in the fishing and seafood processing sectors into the Shan language to ensure clear understanding and to avoid reinforcing Bamar ethnocentric approaches.

### BOX 5.7 Informal pre-departure orientation training delivered by CSOs and trade unions

Many migrants in the fishing and seafood processing sectors migrate through irregular channels and are therefore not able to access the official pre-departure training. The Ship to Shore Rights South East Asia programme has supported migrant worker resource centres to deliver informal pre-departure trainings for these migrant workers. A further benefit is that the engagement of trade unions and CSOs has contributed to a more rights-based approach to pre-departure orientation in many cases.

In Cambodia, the Ship to Shore Rights South East Asia programme supported the Cambodian Labour Confederation in Koh Kong province and worked with the Center for Alliance of Labor and Human Rights to conduct pre-departure orientation trainings in Banteay Meanchey province. The topics covered in the trainings included:

- › Preparation of travel documents.
- › Labour laws and regulations.
- › Workers' rights, culture and traditions in Thailand.
- › Accessing support services and other related topics.

The Center's training also covered financial literacy. A key feature of the training is that it was delivered in cooperation with "Safe Migration Ambassadors", local community members recruited and trained to deliver information and training to migrant communities. Because of the high level of trust they have with people in their communities and because many of them are return migrants themselves, they are extremely effective in facilitating pre-departure trainings.

In Myanmar, the Ship to Shore Rights South East Asia programme supported the Foundation for Education and Development and the Future Light Centre in Bago to organize pre-departure orientation trainings for MOU migrant workers, which is a particular need in the country, as the official pre-departure training provided by the *de facto* authorities has become much more limited. The Future Light Centre organized "women-only pre-departure orientation seminars", leveraging the direct experiences of women migrant workers who had worked in Thailand for a long period to provide practical and gender-responsive information.

Source: ILO, n.d.c.

## 5.3 Responding to vulnerabilities in migration

### GCM OBJECTIVE

The need to recognize and address vulnerability and uphold human dignity underpins the legal obligation of States to respect, protect and fulfil human rights. Policies and practices can create or exacerbate vulnerable situations for migrants, such as where migrant domestic workers are required to live in their employer's home, which can lead to rights abuses including unregulated working hours, deny migrants their right to privacy, and put them at the risk of physical and sexual abuse. Multiple and intersecting forms of discrimination and inequality, as well as

structural and societal dynamics, lead to diminished and unequal levels of power and enjoyment of rights. In the context of migration, this needs to be addressed regardless of migration status and in association with each individual's identity, condition or circumstances, as well as at each stage of migration – in the country of origin where rights deficits often drive migrations, during transit, in the country of destination, and during returns and reintegration (OHCHR and Global Migration Group, 2018). These situations of vulnerability are largely produced by State actions – migration-related laws, policies and practices – and inactions, such as not eliminating discrimination. The abuse of a position of vulnerability is a means of trafficking in persons. Research published by ASEAN noted that policy differences in each member country and the lack of a whole-of-government approach undermines

coordination in managing labour migration. This can create situations of vulnerability, while protection gaps arise when the regulatory framework does not cover all labour sectors. The research also noted recruitment agencies as a risk factor for migrants, such as through imposing excessive recruitment fees (ASEAN, 2023d). At the IMRF, States recommitted to ensure that their “legislation and migration policies and practices are non-discriminatory and consistent with their applicable international human rights obligations, in order to avoid approaches that might create or aggravate situations of vulnerability for migrants” (United Nations, 2022o, para. 55).

Migration status is often precarious. The process can be expensive and involve a bureaucratic burden, but even where migrants travel and enter a country in regular status, that process can be jeopardized in a number of ways, such as by migrants losing access to their documents or them being lost or stolen. Migrant workers require additional forms of documentation, such as work permits, and also face more potential risks, beyond their control, to keeping their regular status. Such risks include:

- › Documents being withheld by employers.
- › Employers not following required work permit and/or employment contract procedures.
- › Employer misconduct, such as visa trading or contract substitution.
- › Business or broker companies losing their licences to sponsor migrant workers.
- › Migrants’ residency being tied to their employer.
- › Migrants leaving due to abusive situations rather than reporting the mistreatment and risking deportation (OHCHR, 2022c).

These circumstances reflect the lack of comprehensive engagement by States in labour migration management and result in a lack of comprehensive protection for migrant workers (ASEAN, 2023d). The Committee on the Protection of Migrant Workers routinely recommends that States take appropriate measures to establish dedicated procedures for the regularization of the situation of migrant workers in an irregular situation, as well as members of their families, so as to ensure that such a situation does not persist (United Nations, 2021c, 2023i, 2023k). This echoes the call for regularization in the GCM and is also an explicit recommendation from States in the IMRF Progress Declaration (United Nations, 2019b, paras. 23(h), (i) under objective 7; United Nations, 2022o, para. 59h).

Migratory status is not the only indicator of a vulnerable situation for migrants. Many who are in regular status are also unable to effectively enjoy their

human rights and at increased risk of violations and abuse. For example, many migrant workers are still not covered by labour policies in destination countries, or they may not enjoy the same rights and standards as national workers, contrary to international law and the GCM. Their human and labour rights, especially those who are on temporary or seasonal contracts, are not respected, protected and fulfilled. One particular barrier is that migrants’ right to organize to defend their rights are often restricted, while they are denied their right to freedom of association – prohibited from establishing or joining trade unions. There are some good practices from around the region, for example, Türkiye allows non-citizens to establish and join unions, the Malaysian Trades Union Congress assisted 500 migrants in joining the Electronics Union in Penang, and the ASEAN Trade Union Council strives for portable union rights across borders (United Nations, 2024g; ILO, 2023h). Despite restrictions or prohibitions on organizing, migrants, their organizations and advocates have championed calls for wage increases and amnesties for undocumented migrants; they have also campaigned against the rise of racism and certain anti-migrant policies (APMM, 2022b).

### 5.3.1 Challenges faced by migrant workers with diverse sexual orientations and gender identities

Migrants with diverse sexual orientations, gender identities and/or expressions, and sex characteristics, especially transgender women, face serious risks of human rights violations at all stages of migration, including significant barriers to the full enjoyment of rights in countries of destination. Many countries in the Asia-Pacific region have laws against consensual same-sex acts, while people with diverse sexual orientations, gender identities and/or expressions, and sex characteristics often face high levels of discrimination, abuse and exclusion at home and in the community. This situation of vulnerability and the barriers it creates – to accessing decent work, education, health care, adequate housing and other services – can push such people to the margins of society and drive migrations to seek safety and a better quality of life, including freedom to openly express themselves (UN Women, 2023b).

Although they may be moving from being targets of violence and discrimination in countries of origin, migrants, especially those who are trans and gender nonconforming, continue to face specific risks due to the multiple and intersecting forms of discrimination and particularly on the basis of diverse sexual orientations, gender identities and expressions, and sex characteristics. This can include exacerbated risks of violence, policing and detention at the hands of State and non-State actors, especially where countries

of destination have laws criminalizing same-sex sexual conduct, as well as structural barriers that bring economic, health and protection risks (UN Women, 2023b; Luibhéid and Chávez, 2020).

Migration cannot always deliver more autonomy, and many migrants do not disclose their sexual orientations, gender identities and/or expressions, and sex characteristics for fear of discrimination, harassment or violence, or losing out on employment opportunities or being fired from their jobs (UN Women, 2023b and 2024c). In some cases, the COVID-19 pandemic brought further pressure on these marginalized populations, such as trans women in Cambodia, who faced high levels of food insecurity, compelling many to migrate to neighbouring countries to find work (United Nations, 2024f). Given societal prejudices, what protection and support facilities there are for migrants may not be welcoming for people with diverse sexual orientations, gender identities and/or expressions, and sex characteristics (UN Women, 2023b and 2024c).

Research on the experiences of migrant workers with diverse sexual orientations and gender identities and/or expressions in South-East Asia found that they were especially at risk of violence and harassment (see objective 17, below), particularly in work contexts that carry heightened risks for migrant workers, such as domestic work with in-home accommodation, and employer recriminations. Furthermore, their expectation of discrimination could be a barrier to them seeking assistance, including from worker associations. Migrant workers with diverse sexual orientations, gender identities and/or expressions are also likely to experience indirect forms of discrimination, such as the lack of tailored or targeted services that address their specific concerns, information or support needs (ILO, 2022a).

Although facilities in certain labour sectors, such as communal accommodation, may expose migrant workers with diverse sexual orientations, gender identities and/or expressions to discrimination and harassment (ILO, 2022a), migration can also enable them to exercise their agency and rights, including by forming or seeking out support networks that help them resist violence and discrimination. Research by ILO on public attitudes to migrant workers in the main ASEAN destination countries (see further on objective 17, below) found that survey respondents in Singapore and Thailand showed considerable support concerning the rights to equal opportunities, pay and work benefits for migrant workers with diverse sexual orientations, gender identities and/or expressions (ILO, 2024l, forthcoming).

### 5.3.2 Denial of family life on temporary labour migration programmes

The temporary labour migration programmes that predominate in the region and for low-wage Asia-Pacific migrant workers in other regions often do not recognize migrant workers as partners or parents, prohibiting them from migrating with their families and/or imposing restrictions on family formation and consensual sexual relations, at least outside of heterosexual marriage. These enforced family separations can create situations of vulnerability, contributing to detrimental mental health outcomes for the migrant worker and their families who remain in the country of origin. In particular, they can have life-defining consequences for migrants' children, given that, although nominally temporary, migrants often undertake repeated temporary labour migration, resulting in extensive separation periods that can be especially harmful to the parent-child relationship (OHCHR, 2022a). International human rights law is clear that everyone has the right to family life and States have repeatedly affirmed that various forms of family exist. Rights related to family life require States to take positive measures to maintain the family unit, including through enabling family reunification in the country of destination.

### 5.3.3 Addressing the protection needs of children affected by migration

Several ASEAN Member States have developed bilateral agreements which relate to the protection needs of children affected by migration. However, a notable gap remains in the MOUs addressing trafficking in persons – the absence of guidelines for responding to child protection cases that have a cross-border dimension but do not meet the legal definition of child trafficking (UNICEF, 2023b).

Indonesia, Malaysia, Thailand and Viet Nam have taken important steps to strengthen their policy frameworks to protect the rights of children from violations by businesses. However, non-implementation of these laws and regulations is a common challenge, particularly among smaller businesses and in the informal economy. There are, though, some good practices by businesses that are taking voluntary steps, in partnership with international agencies and civil society, to undertake due diligence and child rights impact assessments, paying particular attention to the rights of children of migrant workers (UNICEF, 2023b).



## 5.4 Eliminating all forms of discrimination and related intolerance directed at migrants, and ensuring positive perceptions of migration

### GCM OBJECTIVE 17

The principle of non-discrimination is central to international human rights law, affirmed by all core international human rights instruments, international labour standards, and by the United Nations Charter. It is also the basis of the GCM (in its guiding principle on human rights, United Nations, 2019b, para. 15). However, in the first global progress review of the GCM, States explicitly raised concern about “misinformation and stigma against migrants, especially Asians and people of Asian descent” (United Nations, 2022o, para. 49). States responded by building on their commitments in the GCM to also recognize the importance of including action against systemic racism and hate speech in the work to eliminate discrimination (United Nations, 2022o, para. 54).

Discrimination is the antithesis of the SDGs, with their aim to leave no one behind. SDG Targets 10.3 and 16(b) focus on eliminating discriminatory laws and promoting appropriate legislation, policies and action, and SDG Target 5.1 is specifically on ending all forms of discrimination against all women and girls everywhere – as GBV against women is a form of discrimination. Thus, action needs to start with comprehensive anti-discrimination legislation, explicitly covering all areas of life and defining and prohibiting direct, indirect and intersectional discrimination on all grounds, with access available to effective and appropriate remedies for victims of discrimination.

Hate speech, both online and offline, should be adequately monitored and expressly prohibited where it constitutes incitement to discrimination, hostility or violence (OHCHR, 2013). There must be safe reporting channels, and instances of hate speech need to be investigated, with perpetrators held accountable. In some cases, State officials and other public figures, as well as the media, enable and spread this hate, reinforcing and normalizing anti-migrant views. Leaders have a responsibility to speak out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech.

The living and working situations for migrants are frequently discriminatory; for example, by design, their accommodation may effectively be geographically segregated from the host society. This can isolate them from access to services, including education and

health care. The isolation can be particularly hard on children of migrants. For example, migrant children living in physically secluded construction site camps in Thailand are isolated from surrounding communities. They have reported having few friends, being unable to speak the local language, and feeling uncomfortable or ‘out of place’ due to their migrant status. They also have reported experiencing xenophobia and discrimination from locals who viewed them with hostility and suspicion (UNICEF Thailand and Baan Dek Foundation, 2018).

Migrants frequently experience discrimination outside of work. For example, some migrant workers in the Maldives are denied their right to freedom of religion and belief as the country’s laws prohibit non-Muslim migrants from practising and manifesting their religion, including in places of public worship, which may exacerbate their marginalization (FORUM-ASIA, 2024; United Nations, 2024d).

There is also the temporal segregation for migrants in temporary or seasonal work that can function as a barrier to integration into the wider community of migrants and their families (ILO, 2022d; OHCHR, 2022a; UNICEF, 2023b).

#### 5.4.1 Migrants with disabilities

Persons with disabilities – a term covering a vast number of conditions and experiences – migrate, yet they may face systemic ableism and restrictive immigration policies. Disrupted support networks, discrimination, limited resources and access to basic services, among other challenges, can contribute to heightened situations of vulnerability for disabled migrants and their families. Data on people at the nexus of migration and disability remain sparse.

Applications for some visas require proof of an acceptable standard of health and in some countries, this has been used to deny visas to disabled individuals, including to children with disabilities, even when the State has granted visas to their parents or they were born in the destination country (Frost, 2022). For example, Australian law has a migration exemption that allows the government to deport families if a disabled person’s lifetime care is assessed to impose a high cost to the health system and community services, a mechanism called the “significant cost threshold”. This policy can prevent people living with stable and managed health conditions from meeting the Migration Health Requirement for a permanent visa. A 2024 review of this provision made several recommendations, many enacted or under consideration at the time of writing, including that the Migration Regulations 1994 should be amended to

enable special consideration for child visa applicants born and living in Australia with a health condition or disability (Australian Government, Department of Home Affairs, 2024).

Similar to the above, in a review of a case brought over a residency application by a disabled woman, the New Zealand House of Representatives recommended that the acceptable standard of health, used to inform decision-making on visa applications, be reviewed so that the health requirements be aligned to a strengths-based approach for disabilities and only screen for the most serious health conditions (New Zealand House of Representatives, 2021). The United Nations Committee on the Rights of Persons with Disabilities has also called for this to be reviewed, with the participation of persons with disabilities and migrants (United Nations, 2022f).

Current guidelines and laws do not provide sufficient guidance and support for disabled persons who are also migrants (Hultman et al., 2023). Migrants may be disabled during their migration, for example mental or physical disabilities resulting from abusive working conditions. Suitable support services are not always available or accessible to disabled migrants in countries of origin, transit or destination. Migrant children with disabilities may lose their assistive devices, access to essential medication or experience disrupted access to health services. Both migration and disability are likely to exacerbate barriers to accessing quality education, and migrant children with disabilities are more likely to be missing from the classroom (UNICEF, 2023a).

### 5.4.2 Multiple and intersecting forms of discrimination

Migrants frequently face multiple and intersecting forms of discrimination. This is often because of some perception of “foreignness”, in connection with other aspects of their identities. Such xenophobia is context-dependent and site-specific, often based on stereotypes and misinformation, with strong structural and political elements. Xenophobia, racism and other forms of discrimination endanger the human and labour rights of migrants and negate the fundamental promise of the 2030 Agenda that no one be left behind.

Intersectional discrimination remains a complex but vital issue to address in migration governance. For example, marriage migration has become a popular regular pathway for some racially marginalized migrant women in the region who otherwise have very few regular migration pathways available to them (UN Women, 2022b). One of these intersections that has not been adequately researched is the experience of migrant workers with diverse sexual orientations, gender identities and/or expressions. For example, in a study in South-East Asia, 27 per cent of such migrant

workers who were interviewed reported that they experienced discrimination, violence or harassment during transit, usually from police and border officials (in 76 per cent of cases) (ILO, 2022a). The onset of the COVID-19 pandemic triggered an escalation of xenophobic attacks in many parts of the world, both verbal and physical, commonly against people who were perceived to be East Asian, along with stigmatization and blame of migrant workers (OHCHR, 2020; United Nations Network on Migration, 2022c). Concern on this matter was raised in the IMRF Progress Declaration (see above).

### 5.4.3 Legislation against discrimination – gaps and progress

Several States across Asia and the Pacific lack comprehensive, and in some cases, any, legislation against discrimination. The constitutions of several Asia-Pacific countries extend some or all human rights protections only to citizens (OHCHR, 2022c). In some countries, the discrimination and differential treatment experienced by racially marginalized migrant workers is legitimized and permitted by law (UN Women, 2022b).

For example, although its constitution includes limited non-discrimination provisions, Kyrgyzstan has no explicit anti-discrimination legislation. A draft law on the right to equality and protection from discrimination has been in discussion since 2022, in the context of restrictions on civic space and threats to freedom of expression, both of which are at odds with realizing freedom from discrimination (United Nations, 2021b, 2022n, 2023i; OHCHR, 2023c, 2023e). Similarly, Bangladesh’s Anti-Discrimination Bill was introduced in parliament in April 2022 but has not yet been enacted into law (United Nations, 2023f). The State accepted the multiple Universal Periodic Review recommendations to adopt the bill where those did not specify rights of people with diverse sexual orientations and gender identities (United Nations, 2024i). More work needs to be undertaken to advance the comprehensive anti-discrimination bill of the Republic of Korea that would address a lack of such legislation and offer a basis for addressing reports of discrimination against specific groups, including Muslim migrants, and hate speech targeting migrants during the COVID-19 pandemic. The authorities have said there is a need to gain public agreement on the issue (OHCHR, 2023b; United Nations, 2023i). The National Human Rights Commission of Korea reported that eight out of ten respondents to their survey agreed that discrimination in the country needed attention and 67 per cent agreed that the pending Equality Act should be adopted. It also noted that human rights activists staged a hunger strike in support of enacting the Equality Act (Anti-Discrimination Law) (National Human Rights Commission of Korea, 2022).

Although some States lack comprehensive anti-discrimination legislation, many do have anti-discrimination provisions in other domestic laws. For example, the Kyrgyzstan Labour Code prohibits discrimination, so that everyone has equal opportunities to exercise their labour rights and freedoms (United Nations, 2021a). In Viet Nam, ILO supported amendments to the labour migration law, the Law on Contract-Based Vietnamese Overseas Workers, that was passed by the National Assembly in November 2020 and came into effect on 1 January 2022. The amended law prohibits discrimination and forced labour within labour migration and permits workers who are subjected to, or threatened with, maltreatment, sexual harassment or forced labour during their migration to unilaterally terminate their employment contracts without financial penalty (ILO, 2020a; ILO, n.d.b).

#### 5.4.4 Action on hate speech

Asia-Pacific countries often lack comprehensive information and statistics on instances of racist and other hate speech and hate crimes, including against migrants (United Nations (2022a)). Resolving this will not prevent such incidences, but it would provide a basis for action. For example, Georgia has developed a unified methodology to collect data on hate crimes and the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs monitors those crimes – though they persist (United Nations, 2022k). The domestic law in some States across the region does not contain provisions that expressly declare racist hate speech and hate crimes offences punishable by law with a clear definition covering all prohibited grounds (for example, United Nations, 2022c, 2022j, 2023h).

Notably, Singapore has legislation criminalizing racist hate speech and hate crimes; nonetheless, the implementation of this legislation may result in intimidation, arrests and prosecution of journalists, human rights defenders or political opponents (United Nations, 2022d). Properly balancing freedom of expression and the prohibition of incitement to

hatred is a challenge: the Rabat Plan of Action sets out a six-part threshold test for expressions considered as criminal offences (OHCHR, 2013). Moreover, legislation alone cannot resolve this, it will take a whole-of-government and whole-of-society effort to challenge toxic narratives against migrants (box 5.8 and discussion on narratives, below).

#### 5.4.5 Access to essential services in cases of violence and abuse, and access to complaint mechanisms, legal aid and justice

Legislation is only the start of addressing discrimination against migrants. It is a valuable tool in campaigning for change, but there also need to be structures and processes in place to support affected migrants and access justice – and those need to be effective. For example, in Hong Kong, China, United Nations experts have raised concerns that few racial discrimination complaints have been filed with the Equal Opportunities Commission, despite the reportedly frequent incidents of racial discrimination experienced by migrant workers, and that none of the discrimination claims brought before the Commission under the four anti-discrimination ordinances have been successful (United Nations, 2022j).

The pandemic demonstrated underlying discrimination in access to health care, including essentials such as personal protective equipment, vaccines and medications. Such discrimination continues, pointing to the urgent need to strengthen mechanisms that protect against human rights abuses.

Effective access to essential services in cases of violence and abuse, to complaint mechanisms and legal aid, and to justice in case of exploitation and rights violations are all more difficult for migrant workers, especially those in elementary occupations. Women migrant workers on temporary labour contracts face the risk of deportation if they get pregnant – a direct form of gender-based discrimination against migrant workers

#### BOX 5.8 Building inclusive and fair societies: ASEAN Parliamentarians for Human Rights toolkit to promote counternarrative to hate speech towards migrants and refugees in Malaysia

ASEAN Parliamentarians for Human Rights, in partnership with the office of the Speaker of Malaysia's House of Representatives (Dewan Rakyat), launched a toolkit for Parliamentarians to promote counter narrative to hate speech towards migrants and refugees in Malaysia. The toolkit, available in English and in Bahasa Malaysia, includes an explanation of what constitutes hate speech and the importance of countering such speech. It also describes possible strategies through which Members of Parliament can use their role to reframe narratives on migration, promote positive narratives and end harmful perceptions, stereotypes, and disinformation about migrants and refugees, both in parliament and in their respective constituencies (APHR, 2023).

(OHCHR, 2022a). Migrant domestic workers in the region report disabilities stemming from violence and harassment at work, as well as injuries related to working at heights and exposure to harsh chemicals, among others. South-East Asian migrant domestic workers who are providing direct care to persons with disabilities have been found to lack access to comprehensive social protection in the event that they acquire a disability due to the absence of equal labour rights and social protection (ILO, 2023d) (see further on social protection in chapter 4).

Unfortunately, discrimination against migrants does not always end when they reach these essential services, since migrants experience real or perceived xenophobic or discriminatory attitudes on the part of service providers. These may preclude migrants, including children affected by migration, from seeking or receiving services. For example, in a qualitative study covering several locations in Thailand with large populations of migrants, interviewees described migrant children as ‘outsiders’ or ‘burdens’ who were not entitled to access to government-funded services, a perception fuelled by the negative and misinformed view that migrants do not contribute to the economy and despite the Thai Government’s commitment to universal health care (UNICEF, 2023b).

From 2011 to 2021, the ILO-supported migrant worker resource centres in ASEAN have provided services to more than 284,000 migrant workers and their family members (47 per cent women). Crucially, the centres provide legal support to migrant workers who seek to resolve complaints and receive due wages, compensation or other legal remedies in cases of abuse, exploitation or fraud – often training migrants to support related information and service provision. This includes training migrants to be paralegals for delivery of information and services on labour rights in destination countries. There are many advantages to this, including that the paralegals:

- › Are trusted and committed to helping their own communities.
- › Are aware of what is happening in their communities and can conduct direct outreach.
- › Do not require an extensive legal background to provide basic advice and assistance on labour rights.
- › Can support informal negotiation to resolve disputes.
- › Can assist with referral to legal service providers for more extensive legal assistance when necessary.

Since ILO began tracking such settlements in 2014, a total of USD 10,877,000 has been awarded to migrant workers in compensation for legal complaints. A total of 4,707 legal cases were settled during 2014–2021 (ILO, 2022f).

#### 5.4.6 A systems-building approach to supporting survivors of gender-based violence against migrant women in Asia and the Pacific

As migrants, women and girls are at accentuated risk to various forms of GBV due to the intersecting forms of discrimination they face, including as a result of structural barriers and gender inequalities. Women and girls are likely to experience a continuum of GBV at all stages of migration, from bullying to verbal, physical and psychological abuse, and on to sexual violence. Violence often takes place multiple times, with different perpetrators, along the route from the country of origin, while in transit, on arrival in the country of destination and upon return. UNFPA, ILO and UN Women have prioritized support to systems-building, helping Governments across Asia and the Pacific – many of them being both countries of origin and destination for migrant women and girls – to ensure access to coordinated quality essential services for all survivors of GBV, irrespective of migration status.

Strengthening the health sector’s capacity to sensitively respond to and support GBV survivors is a key priority. For many migrant women, a visit to a health facility may be their only chance to access other GBV survivor services. Furthermore, support provided could facilitate their escape from an abusive situation; for this they need to know they can act without the risk of being reported to immigration or other authorities. Health-care providers – including nurses, midwives and doctors – can assess and refer to mental health care, shelters, legal assistance and protective services. In 2023, UNFPA supported 15 Asia-Pacific countries to enhance the capacities of health service providers to strengthen the response to GBV.

Effective case management is another area where GBV responses must consider the needs of migrant women. UNFPA has led a GBV case management capacity building initiative with 19 countries across the region. Such case management functions as a structured method for providing help, whereby the survivor is informed of all the options available to them. The issues and problems they face are identified and followed up in a coordinated way, and emotional support is provided throughout the process. Within this framework, UNFPA supports governments to develop national and subnational SOPs on GBV and referral pathways for all women and girl survivors, irrespective of their migration status.

In other positive developments, ILO and UN Women have built the capacity of, and provided support to, service providers and migrant worker resource centres in nine ASEAN countries to provide GBV services, information and referrals to women migrant workers



and their families. Multiple referral mechanisms have been established with an SOP on cross-sector referrals for women migrant workers who have experienced violence; joint task forces have been established to address such issues in Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam. In addition, ILO, IOM, UN Women and UNODC have developed a regional framework for the prevention of GBV and harassment against women migrant workers in South and South-East Asia. This captures the risk factors associated with GBV and harassment against women across the migration cycle and articulates strategies and stakeholder actions that can accelerate their prevention (UN Women, 2022a). At the ASEAN level, there is new guidance on ways to develop national SOPs for survivors of violence against women, including migrant women (ASEAN, 2024b).

#### 5.4.7 Perceptions of migrants and migration

In the Progress Declaration of the first IMRF, States again recognized “the positive role and contributions of migrants for inclusive growth and sustainable development in countries of origin, transit and destination, including by enriching societies through human, socioeconomic and cultural capacities” especially in response to the COVID-19 pandemic (United Nations, 2022o, paras. 7, 8). However, migrants’ rights and safety are not conditional on the perceived benefits they bring. All migrants are rights holders, and all their rights should be protected regardless of their perceived contributions to society (United Nations, 2024g).

Migration is often perceived as a societal problem associated with crises, where people on the move are only represented in terms of challenges and costs, for example to the economy or society. These negative stories, visuals and messages perpetuate disinformation around migration and can normalize misperceptions and stereotypes of migrants, leading to their dehumanization, which in turn can fuel other human rights abuses. Such harmful migration narratives are often rooted in xenophobia and racism; some are overtly hostile, while others are more subtle and indirect (United Nations, 2022o, para. 49). These narratives can reinforce an “us-versus-them” perception that seeks to exclude some people, not only migrants, from society, and can expose them to discrimination and danger. This is harmful to migrants, economies and the fabric of societies (United Nations, 2024g).

Positioning migrants and migration only as a problem diverts the focus of policies and practices away from centring on the needs of people and addressing genuine societal issues. It can become a vicious cycle, where the negative framing of migrants and

migration in political discourse, the media and popular culture influences public perception, to which governments then respond by rolling out policies, such as criminalization of irregular migration or limiting the access of low-wage migrant workers to essential services, on the grounds of negative public opinion they helped trigger (ILO, 2019).

Building positive perceptions of migration is important for social cohesion, for migrants in ensuring they understand their human rights and feel empowered to claim them, and also for working towards a fairer society where everyone’s rights are fully protected and realized. Public narratives can represent a powerful force for social solidarity; furthermore, there are tools developed and trialled in the region to help design, implement and evaluate narrative change campaigns on migration and people on the move (OHCHR, 2024a).

However, too much emphasis only on migrants’ positive contributions risks fuelling the divisive perception that migrants’ access to the territory and enjoyment of their inalienable rights should be transactional, contingent on their economic or other contribution to the country of transit or destination, dismissing human potential and denying them dignity and rights (United Nations, 2021d, para. 95). It also rests on a value judgement about what counts as positive contributions and who can make them, with the work of so-called “low-skilled migrants” routinely undervalued and the contributions of migrants in irregular situations often less or not recognized. With many workers in Asia and the Pacific migrating into low-wage work, whose contributions, though significant, are not always recognized – or are only acknowledged during a crisis situation such as the COVID-19 pandemic – they face additional barriers to entry or to realizing their rights during their migration.

#### 5.4.8 Public attitudes towards migrants in Asia and the Pacific

Research on public attitudes towards migrants in Asia and the Pacific is limited, but important – not just for social cohesion (see objective 16, chapter 4), also because negative attitudes towards migrants can engender rights abuses, for example, creating barriers to accessing essential services in cases of violence against women migrant workers.

ILO has carried out several iterations of a survey on public knowledge, attitudes and practices towards migrant workers in the main ASEAN countries of destination: Malaysia, Singapore and Thailand. The previous survey, in 2019, found that the public in all three countries had limited knowledge about migrant workers, held many negative attitudes towards them, and was unwilling to engage in behaviour that would

support migrants (ILO, 2019).<sup>53</sup> The 2023 survey (using the same questions) took place in a late- COVID-19 pandemic context, and findings were mixed in relation to public knowledge, attitudes and practices towards migrant workers (ILO, 2024I, forthcoming).

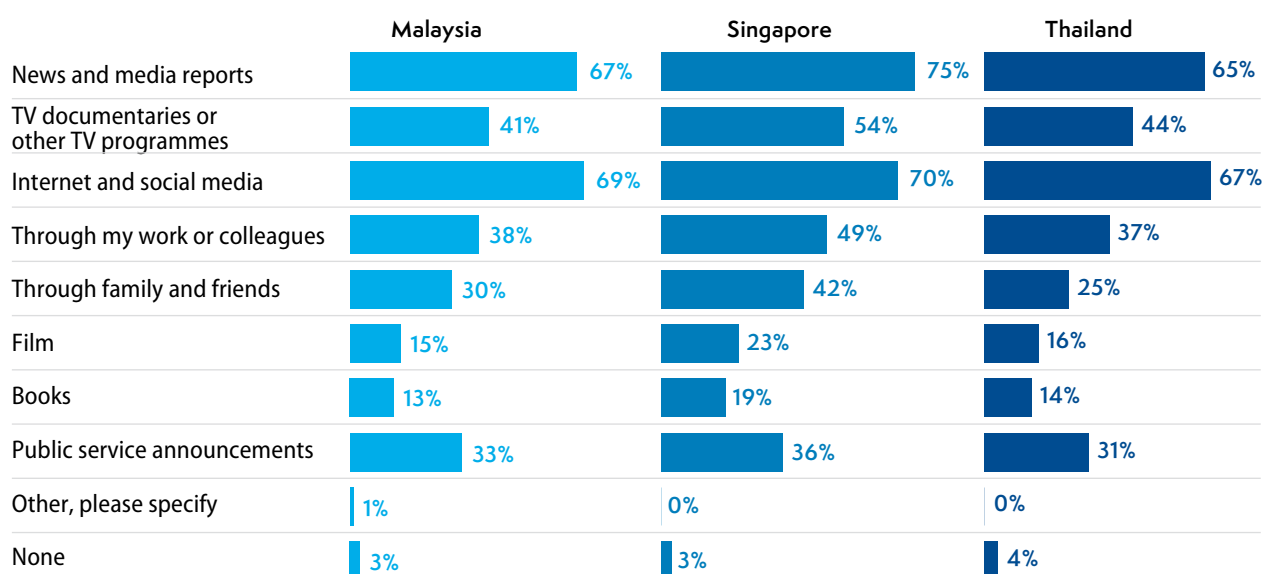
All three countries, and Singapore in particular, saw significant positive change in opinions on migrant workers' effects on national economies. That stated, more than half of respondents (albeit fewer than in 2019) in Malaysia and Thailand (52 and 54 per cent, respectively) said that migrant workers were a threat to the nation's culture and heritage, with the proportion in Thailand little changed from the previous survey. Despite this, the survey found mixed support for migrant workers' rights, such as equal wages (Malaysia 45 per cent, Singapore 48 per cent and Thailand 58 per cent) and the right to join unions (Malaysia 49 per cent and Thailand 61 per cent). More than half of respondents in Singapore (58 per cent) also supported migrants having pathways to citizenship (see discussion of pathways, objective 5, in chapter 2); in comparison, the figure for Thailand was 42 per cent. Attitudes to migrant domestic workers across the three countries show support for migrant domestic workers having the same labour rights as other workers, though the figures were slightly different in Singapore and Thailand (66 and 65 per cent, respectively – a change of plus and minus four percentage points since the 2019 research). In Malaysia, though the level of support was lower (47 per cent), it showed the greatest improvement since the previous survey,

a 10 percentage point increase. In practice, these positive attitudes do not yet reflect support for improved living and working conditions.

The COVID-19 pandemic appears to have had a profound effect on knowledge about the lives of migrant workers in countries of destination, bringing to light deficiencies in their working conditions, accommodation and access to social protection. News coverage of the pandemic's effects on migrant workers has also influenced how they were perceived by local populations. The majority of respondents in all three countries admitted that the pandemic had made them more aware of the conditions of migrant workers in their country. Nevertheless, this did not always translate into public support for migrant workers, with a minority of respondents in Malaysia and Thailand (44 and 32 per cent, respectively) reporting that they were less supportive of migrant workers since the outset of the pandemic. Nearly half (46 per cent) of respondents in Singapore claimed to have become more supportive of migrant workers since the outset of the pandemic, when the unsanitary and overcrowded conditions of migrant worker housing in the country made international news.

The ILO survey findings also show that news and media reports influence public perception of migrant workers in all three countries surveyed (figure 5.1). However, there are subtle variations in the role of television programmes, personal networks and social media across the countries.

FIGURE 5.1 The public's main sources of information about migrant workers in Malaysia, Singapore and Thailand



Source: ILO, 2024I, forthcoming.

53 The 2010 survey included respondents from the Republic of Korea, while the 2019 iteration also surveyed respondents from Japan, in addition to respondents from Malaysia, Singapore and Thailand.

As in the 2019 survey, the 2023 ILO survey found that interaction (both frequency and type) with migrant workers has a strong positive effect on the public's knowledge, attitudes and practices *vis-à-vis* migrant workers in destination countries. This is also demonstrable in research carried out in different areas with Thailand (IOM Thailand, 2024), which found noticeable regional differences in attitudes towards migrants in the country. Border areas like Mae Sot and Chanthaburi, respectively, on the Myanmar and Cambodia borders, showed more positive views compared to the capital city, Bangkok. For instance, 82 per cent of Mae Sot respondents were willing to help migrants with language barriers, compared to 69 per cent in Chanthaburi and 58 per cent in Bangkok. As in the ILO research, direct exposure to migrants was correlated with more positive attitudes, while social media and television were cited as the main information sources on migration. This can form the basis of work to improve migration narratives (see box 4.2). In all three countries, the relatively low percentages of respondents who claimed to have never interacted with migrant workers (or were unsure) suggest that migrant workers are an integral part of these societies.

#### 5.4.9 Media as stakeholders in GCM implementation

The media are an important stakeholder in the whole-of-society approach necessary for effective implementation of the GCM, in particular with regard to shaping public discourse and narratives about migrants and migration. Most of the public get their information about migrant workers from mainstream and social media (see figure 5.1; also, OHCHR, 2024a). Since 2020, media representations in Asia and the Pacific of migrants have often portrayed them as either a vulnerable community in need of help – which can lead to them being perceived as a burden on transit and destination countries – or have securitized them as a threat, most recently, in terms of disease (COVID-19) and crime, as well as undermining coherence of national values and identity (Ang and Colic-Peisker, 2021; Pittaway and Dantas, 2021; Weng and Mansouri, 2021; Lai et al, 2023; Yoong and Lee, 2023). These anti-migrant narratives can also take on a gendered character, with migrant women portrayed as corrupting 'native' morality (Yoong and Lee, 2023). Meanwhile, migrants themselves – their voices and experience – are often under-represented in the mainstream media.

Many professional media groups have existing ethical frameworks and guidelines which can be strengthened to promote objective and quality reporting on migration and about migrants; these, in turn, can promote social cohesion. There has also been a range of initiatives by CSOs, international organizations and State actors working with mainstream and alternative media professionals to sensitize them to the realities of

migration in the region and strengthen their analysis (for example, IOM, WHO and AIBD, 2020; APWLD, 2021; APMM, 2022a; Thailand, Ministry of Foreign Affairs, 2022), as well as sharing learning from media professionals to support migration advocacy (APMM, 2022a).

For example, ILO engages public and media through campaigns (box 5.9) and photo competitions to promote quality reporting on labour migration issues to address stereotypes, as well as to highlight the positive contributions of migrant workers (ILO, 2023q).

#### BOX 5.9 Supporting campaigns on education and advocacy in fostering positive narratives on labour migration and countering stereotypes

ILO and UN Women have supported a successful campaign in the Philippines, celebrating the contributions of women migrant workers. The Babaeng BiyaHero campaign – a play on the words "biyahe" (Filipino for journey) and hero – involved celebrities and influencers, with the aim of increasing Filipina migrant workers' and their families' access to important information and essential services throughout all the stages of migration, while celebrating their contributions. It engaged with users via a website and mobile application developed for potential, current and returnee women migrant workers and their families as an online information hub, providing access to a comprehensive downloadable service directory featuring the National Service Directory for Filipina migrant workers. These online tools facilitated timely and effective provision of psychosocial support and repatriation of some migrant workers during the COVID-19 pandemic. The website and the mobile application had 50 users for the app and 10,599 website users at the time of the reporting (in 2023).

The collaboration with celebrity champions, such as Ms. Maine Mendoza, during the launch of "Together Tayo, Babaeng BiyaHero Online Event" – reached an audience of 243,378 people. Furthermore, the media event "The Power of Their Stories: The Journey of our Babaeng BiyaHero Champions" organized on Facebook in 2022, in which 16 Babaeng BiyaHero champions met with the media and shared their experiences and advocacy, reaffirmed to the public that the power to end GBV lies in everyone. The event provided the Babaeng BiyaHero champions with the opportunity to speak directly to the public about the challenges and various forms of violence and exploitation they encountered.

Source: ILO, 2020c. For further information: <http://babaengbiyahero.info/> and <https://www.facebook.com/BabaengBiyaHero/>

## 5.5 Strengthening international cooperation and global partnerships

### GCM OBJECTIVE 23

Cooperation is at the heart of global migration governance and, accordingly, one of the ten interdependent guiding principles of the GCM. The Progress Declaration of the IMRF opens with the assertion that the gathered State representatives are “determined to enhance cooperation on international migration in all its dimensions” (United Nations, 2022o, para. 1). This explicitly includes how the GCM relates to the 2030 Agenda.

The agreed recommendations of the Progress Declaration identify strengthening international cooperation on international migration as one of the overarching goals. In those recommendations, States commit “to further aligning the implementation of relevant commitments and objectives from the Global Compact with those under the 2030 Agenda, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030 and relevant internationally agreed instruments and other existing frameworks, as appropriate” (United Nations, 2022o, para. 74).

Regional commissions, including ESCAP, organized a side event at the IMRF in 2022 to elevate the discussions from the regional reviews to the global level. At that event, participants, including Chairs (or their representatives) of all regional reviews, called for strengthening bilateral and regional cooperation on migration governance. Participants identified capacity-building on data as a major challenge and highlighted inequalities as a major push factor for migration. They called for promoting effective socioeconomic integration of migrants in host countries, including through the provision of decent work and unhindered access to services. Migration also provided an opportunity to aid recovery and build longer-term resilience (United Nations Network on Migration, 2022a).

In 2024, regional commissions, on a rotational basis, joined the Executive Committee of the United Nations Network on Migration. Since most migration is regional in nature, the presence of the regional commissions on the Executive Committee will provide an opportunity for United Nations entities to more strongly align national, regional and global work on migration.

All regional commissions are organizing a second round of GCM regional reviews in 2024 and 2025.<sup>54</sup> In Asia and the Pacific, ESCAP is leading the workstream of the Regional United Nations Network on the regional review and is organizing the second Asia-Pacific Regional Review of Implementation of the Global Compact, in partnership with the Regional United Nations Network, to be held at the United Nations Conference Centre in Bangkok from 4 to 6 February 2025, using the ESCAP intergovernmental platform. The Regional Review in Asia and the Pacific will provide an opportunity for ESCAP members and associate members, as well as other relevant stakeholders, to:

- ▶ Take stock of progress made in GCM implementation since the first Asia-Pacific GCM Regional Review.
- ▶ Identify key challenges, opportunities, gaps and emerging issues, as well as promising practices and lessons learned.
- ▶ Discuss regional priorities and potential areas for regional cooperation on international migration in line with the vision and guiding principles of the GCM.
- ▶ Compile resource requirements related to capacity-building, policy advice, data collection, technology and partnerships for the full implementation of the GCM.
- ▶ Facilitate the formulation of key findings and recommendations to inform the 2026 IMRF.

The regional review process consists of the drafting of this Asia-Pacific Migration Report 2024, stakeholder consultations, participation, where appropriate, in subregional SDG Forums in Asia and the Pacific, and the intergovernmental meeting in February 2025.<sup>55</sup>

In 2023, all regional commissions organized intergovernmental conferences on population and development that informed the 30-year review of the Programme of Action of the International Conference on Population and Development at the 57th session of the Commission on Population and Development in 2024. Until the adoption of the New York Declaration for Refugees and Migrants (2016) and the Global Compact for Migration (2018), Chapter X of the Programme of Action provided agreed language on international migration and development, including on policy directions for migrant integration, the rights of migrants, the development of orderly migration programmes, the prevention of trafficking in migrants, the reduction of irregular and undocumented migration, and better protection of internally displaced people and refugees. At the Seventh Asian and Pacific Population Conference, in 2023, ESCAP members and

54 General Assembly resolutions 73/195, 73/326 and 76/266.

55 Second Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration, <https://www.unescap.org/events/2025/second-asia-pacific-regional-review-implementation-global-compact-safe-orderly-and>



associate members discussed the role of migration in economic and social development, as well as the contribution of migrants. Several representatives raised concerns, including:

- › The need to pay greater attention to ensuring safe, orderly and regular migration.
- › The consequences for countries of origin of workers migrating elsewhere.
- › The many challenges faced by migrants, especially in relation to work, social inclusion, health care, housing and sanitation.

Several representatives reported on measures taken to protect the rights of migrant workers and provide social protection. A call was made for experiences in migration management in the region to be shared (ESCAP, 2023e).

The GCM champion countries initiative continues to develop and work to support GCM implementation. There are now eight champions in the Asia-Pacific region: Azerbaijan, Bangladesh, Cambodia, Indonesia, Nepal, the Philippines, Thailand and Türkiye.<sup>56</sup>

At the IMRF, States committed to promoting the meaningful participation of migrants in policy discussions on issues affecting them (United Nations (2022h), para. 51). Moreover, they recognized that migrants are integral to all societies and, as such, committed to promoting their meaningful contribution to policy development, delivery and reviews (para. 53). This is core to the GCM whole-of-society approach. To realize this means enabling civic space for migrant groups to operate. There need to be safe spaces for migrants from local and community levels to national and on to the regional and international levels, where all migrants can actively and meaningfully participate in discussions with government representatives on operational and policy matters affecting migrants and their families. Their evidence-based feedback and recommendations should always be taken into consideration as they are the principal stakeholders in migration.

The multi-stakeholder consultations initiated by ESCAP in the lead up to the first Regional Review on the GCM in 2021 were a good start to encourage and build partnerships with CSOs and migrant organizations. This helped in the creation of an enabling civic space for migrant groups to operate, and for civil society and migrants to engage fully in decision and policymaking at all levels of the GCM, from local implementation to the IMRF.

### 5.5.1 United Nations coordination at regional and national levels

The Regional United Nations Network on Migration for Asia and the Pacific continues to work to ensure cooperation on migration work across the region and to support realization of the whole-of-society approach of the GCM, with the meaningful, transparent and inclusive engagement with relevant and diverse stakeholders.<sup>57</sup> In August 2024, a Stakeholder Advisory Group of the Regional Network was formed to increase stakeholder involvement in a structured and coordinated way in the tasks of the Regional Network. The Advisory Group currently consists of stakeholder organizations, representative to the extent possible of the 12 stakeholder categories listed under paragraph 44 of the GCM. The group strives for geographic, gender and thematic balance.

At the IMRF, the Regional Network pledged to build on its work the Asia-Pacific Regional Review in 2020 and the GCM Champion Series Dialogues to strengthen information exchange and capacity-building on the GCM in the region with governments and stakeholders, jointly support the establishment of United Nations migration country networks, support the inclusive development of GCM national action plans, and advocate for expansion of champion countries, particularly noting underrepresented subregions (GCM Pledge ID 2131).

There are now 16 national-level networks on migration across Asia and the Pacific (see table 5.1). One of these, the United Nations Network on Migration Philippines, entered a pledge at the IMRF for strengthened partnership with the Philippine Government and society:

- › To continue to promote safe, orderly and regular migration, and support the promotion and articulation of the GCM in national development frameworks.
- › To strengthen partnerships to promote safe migration and decent work for migrants to ensure a whole-of-government and whole-of-society approach.
- › To, most importantly, ensure voices of migrants and their human rights are at the centre of the work and partnership with the Government of the Philippines (GCM Pledge ID 2206).

<sup>56</sup> United Nations Network on Migration, Champion countries, <https://migrationnetwork.un.org/champion-countries>

<sup>57</sup> The Regional Network is comprised of all United Nations agencies at Asia and the Pacific regional level wishing to join. The Regional Office of IOM, Asia-Pacific serves as the Coordinator and Secretariat of the Regional Network.

**TABLE 5.1** The 16 United Nations country-level migration networks established in the Asia-Pacific region

2020	Bangladesh, Sri Lanka and Thailand
2021	Maldives and the Philippines
2022	Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Timor-Leste, Turkmenistan and Uzbekistan
2023	Papua New Guinea
2024	Indonesia and Mongolia

Note: For the Network terms of reference, see: <https://migrationnetwork.un.org/asia-and-pacific> (for Asia Pacific) and <https://migrationnetwork.un.org/europe-and-north-america> (for Central Asia).

### 5.5.2 Linkages with other United Nations global processes

#### High-level political forum on sustainable development

The GCM builds on and is implemented within the framework of the 2030 Agenda. In the IMRF Progress Declaration, States committed to enhance international cooperation, especially by actions that accelerate the realization of the 2030 Agenda, in relation to eliminating adverse drivers of, and structural factors that compel, migration (United Nations, 2022o, para. 58). Also, at the IMRF, States encouraged the Coordinator of the United Nations Network on Migration to report on the linkages between the implementation of the GCM and the 2030 Agenda during the High-level Political Forum on Sustainable Development (United Nations, 2022o, para. 75). For example, in the 2024 session, the Coordinator called for stronger recognition of the crucial role migration plays in benefiting all communities and the need to integrate migration more deeply into development agendas (United Nations Network on Migration, 2024).

Since 2020, most Asia-Pacific States have reported through the Voluntary National Review process (see table 5.2). A total of 48 of these countries made some reference to migration in their Voluntary National Review reports between 2020 and 2024, some of them more than once (see annex table 2).

ESCAP, with support from members of the Regional United Nations Network on Migration, organized sessions at subregional SDG forms on migration in 2023 and 2024, with a particular focus on South-East Asia and North and Central Asia. At the 2023

forum in South-East Asia, for example, participants highlighted how technology and digital solutions can be harnessed to address migration-related challenges, foster regional cooperation, and explore opportunities for integrating the principles and objectives of the GCM into national and regional policies to enhance coherence and effectiveness.<sup>58</sup>

**TABLE 5.2** Asia-Pacific States submitting Voluntary National Reviews at the High-level Political Forum on Sustainable Development<sup>59</sup>

YEAR	MEMBER STATE VOLUNTARY NATIONAL REVIEWS
2020	Armenia, Bangladesh, Brunei Darussalam, Georgia, India, Kyrgyzstan, Micronesia (Federated States of), Nepal, Papua New Guinea, the Russian Federation, Samoa, Solomon Islands and Uzbekistan.
2021	Afghanistan, Azerbaijan, Bhutan, China, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Marshall Islands and Thailand.
2022	Kazakhstan, Pakistan, the Philippines, Sri Lanka and Tuvalu.
2023	Brunei Darussalam, Cambodia, Fiji, Maldives, Mongolia, Singapore, Tajikistan, Timor-Leste, Turkmenistan, Uzbekistan and Viet Nam.
2024	Armenia, Azerbaijan, Georgia, Lao People's Democratic Republic, Nepal, Palau, Samoa, Solomon Islands and Vanuatu.

#### Global Refugee Forum

At the Global Forum on Refugees, held in Geneva, Switzerland, in December 2023, the High Commissioner of UNHCR and the Director General of IOM, appearing in her capacity as Coordinator of the United Nations Network on Migration, in their first joint briefing, spoke of the need to address the complex challenges facing all people on the move and the role of a whole-of-system approach. Speaking at a High-Level Event on GCR-GCM Complementarity, they discussed the need to take a route-based approach and apply that across the entire pathway, how better global governance of migration would also ease the pressure on the asylum system, and their hope that the next IMRF would be less concerned with the legal categories than on protecting the rights of all people on the move and recognizing them as people with agency and rights (UNHCR, 2023c; see also box 1.1, in chapter 1).

<sup>58</sup> For further information, Seventh South-East Asia Multi-Stakeholder Forum "Reinforcing the 2030 Agenda and Eradicating Poverty in Times of Multiple Crises: The Effective Delivery of Sustainable, Resilient, and Innovative Solutions in Asia-Pacific" and Associated Events, <https://www.unescap.org/events/2023/seventh-south-east-asia-multi-stakeholder-forum-reinforcing-2030-agenda-and-eradicating>

<sup>59</sup> For further information: <https://hlpf.un.org/countries>

The 2023 Global Forum on Refugees invited pledges to support the implementation of the GCR, including on mixed movements. UNHCR further encouraged ‘mirror pledges’ under the GCR and the GCM on thematic areas affecting refugees and migrants and covered by the two Compacts (UNHCR, n.d.). The United Nations Network on Migration submitted a pledge for the effective implementation of the GCM to positively impact the implementation of the GCR, ultimately benefitting migrants and refugees, especially in situations of mixed movements (GRF Pledge ID GRF-08771).

### Paris Agreement and Sendai Framework for Disaster Risk Reduction

GCM implementation – in particular Objectives 2, 5 and 23, and also IMRF Progress Declaration paragraph 74 – aligns with the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC). Accordingly, the United Nations Network on Migration has a workstream dedicated to building stronger synergies between the GCM, the objectives of both the Paris Agreement under the UNFCCC and the 2030 Agenda, and the Sendai Framework for Disaster Risk Reduction. Launched in 2021, and co-led by ILO, IOM and UNFCCC, this workstream includes work on the implementation of the GCM and the GCR, and linkages with the recommendations of the Task Force on Displacement and the development of a policy brief on “Addressing the human rights protection needs of migrants in vulnerable situations in the context of sudden-onset and slow-onset disasters”.<sup>60</sup>

In October 2023, as part of the work of this workstream, and led by the Platform on Disaster Displacement and IOM, the CLIMB Database, Human Mobility in the Context of Disasters, Climate Change and Environmental Degradation Database, was launched at the International Dialogue on Migration. The database collates key data on policy and legal instruments and practices addressing human mobility – using the GCM as a starting point – in the context of disasters, climate change and environmental degradation. It provides a resource for policymakers as well as researchers, practitioners and other stakeholders working in the area of policy development on human mobility, disasters, climate change and environmental degradation. The United Nations Network on Migration also issues recommendations towards the annual UNFCCC Conference of Parties meetings (for example, United Nations Network on Migration, 2023b).

### 5.5.3 Migration governance and partnerships within and across regions

With much of the migration in and from Asia and the Pacific staying within the region and often taking place in the same subregion, effective cooperation and governance at these levels is critical. Barring East and North-East Asia, most of the Asia-Pacific subregions have at least some such structures for migration governance.

#### North and Central Asia

Migration routes involving North and Central Asia have long been particularly concentrated within the subregion. The conflict in Ukraine and its consequences are major impediments to further strengthening cooperation. In light of this, States are intensifying efforts to diversify migration patterns by exploring bilateral and multilateral agreements with countries outside the subregion.

#### › Eurasian Economic Union

The Eurasian Economic Union established a free-trade area with freedom of movement of workers between its member States: Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation, including with agreements on social protection and portability of pensions. The union has had successes in promoting labour mobility, such as providing legalized forms of labour migration with access to social protection and facilitating the sending of remittances. However, the limited membership of this union, which excludes other North and Central Asian States, such as Tajikistan and Uzbekistan (major migrant countries of origin), limits integration and cooperation possibilities in the subregion.

#### The Pacific

The particular development and environmental challenges facing the Pacific island States has fostered multiple cooperation platforms across the subregion and also within wider groupings, such as the Small Island Developing States. Several address migration and its governance. The Pacific Regional Framework on Climate Mobility endorsed by the Pacific Island Forum (chapter 2) is an example of collaboration; Pacific regional architecture includes the following:

60 United Nations Network on Migration, Workstream 10: Climate Change, the GCM and the Paris Agreement, <https://migrationnetwork.un.org/climate-change-gcm-and-paris-agreement>

### › Pacific Islands Forum

The Pacific Islands Forum is a political and economic organization representing 18 countries and territories,<sup>61</sup> with its Secretariat in Fiji, that works to foster cooperation between governments, as well as collaboration with regional and international agencies, development partners and stakeholders.<sup>62</sup> The Secretariat recognizes the importance of labour mobility across the Pacific and the world to the subregion's economic growth, and to assist with development and adaptation (PIFS, 2022, 2024). To better support its migrant workers, it has conducted a comprehensive assessment of regional and subregional labour mobility arrangements in the Pacific (PIFS, 2023b).

### › Pacific Community

The Pacific Community is an organization with 27 member countries and territories working to ensure that all Pacific people benefit from sustainable development by applying a people-centred approach to science, research and technology across all of the SDGs.<sup>63</sup> Given this focus, migration is a major concern, including human rights violations, such as trafficking in persons in the Pacific fishing industry (Pacific Community, 2023). In support of safe, orderly and regular migration, the Pacific Community is working to better support the recognition of Pacific qualifications in other countries (see discussion on objective 18, in chapter 2) (Pacific Community, 2024).

### › Pacific Labour Mobility Annual Meeting

The purpose of the Pacific Labour Mobility Annual Meeting is to advance cooperation on labour mobility across the Pacific subregion. Held each year since 2017 (though cancelled in 2020 due to the COVID-19 pandemic), its main participants are representatives from the ten States signatories to the Pacific Agreement on Closer Economic Relations Plus, a free trade agreement to which the Arrangement on Labour Mobility, which established the Meeting, is an annex. The Meeting is also attended by migrant workers, including seasonal workers and representatives from other States, industry, CSOs, trade unions, the private sector, academia, and regional and international organizations (PACER Plus Implementation Unit, 2023). Priorities from the 2023 Meeting include developing Pacific guidelines for sustainable reintegration (GCM objective 21); developing recommendations to improve worker access to social services and social protection, and increase flexibility to change employers; and reviewing options for improving accommodation with particular consideration to privacy.

## South and South-West Asia

### › South Asian Association for Regional Cooperation

Cooperation between the of this subregion is relatively weak, including on migration, due to a range of factors such as the subregion's history, inter-State tensions, conflict, protectionist measures and the asymmetry due to India's economic, geographic and population size. In this context, SAARC is still to fulfil its potential since the 2014 adoption of the SAARC Declaration regarding the protection of migrant workers abroad, and needs to reinvest in understanding and supporting international migration within and from the subregion (Rajan and Kumar, 2023). This could include follow up with members and stakeholders on the 2020 zero draft of a SAARC Declaration on Labour Migration or similar initiatives.

## South-East Asia

The subregional migration governance structures in South-East Asia, outside of bilateral agreements, is limited to the 10 States comprising ASEAN<sup>64</sup> and the five South-East Asian countries that, with China, share the Mekong River.<sup>65</sup>

### › Association of Southeast Asian Nations

ASEAN has a well-developed, albeit non-binding, governance architecture on labour migration that includes attention to children in the context of migration and to trafficking in persons, and is supported by various sectoral bodies at the ministerial level. This attention to the protection of migrant workers has continued to develop over the last four years, since the first APMR, including attention to migrant return and sustainable reintegration, portability of social security benefits, protection of migrant workers and their families in crisis situations, and on migrant fishers (ASEAN, 2020, 2023a, 2023b, 2023c). In 2023, the ASEAN Intergovernmental Commission on Human Rights published research examining State migration management practice, including policies, processes and enforcement measures, existing cooperation mechanisms, and good practices of effective migration management of migrants in vulnerable situations. It also offered recommendations on the protection and promotion of the rights of migrant workers for the consideration of related ASEAN Sectoral Bodies (ASEAN, 2023d). The 2022 ASEAN Migration Outlook had a particular focus on the effects of the first years of the COVID-19 pandemic on migration movements

61 Australia, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

62 Pacific Islands Forum Secretariat, <https://forumsec.org>

63 Pacific Community, <https://www.spc.int/about-us>

64 Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. Papua New Guinea and Timor-Leste are observer members.

65 Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.



and policies in the region (ASEAN, 2022b). The second edition focuses on the climate change and migration nexus in ASEAN (ASEAN, 2024c, forthcoming). However, the promise of these efforts is undermined by the general ASEAN principle of non-interference, that sees Member States relatively disengaged with these subregional measures and limits follow up on their commitments (Asis and Maningat, 2024).

#### › Greater Mekong Subregion

The Greater Mekong Subregion Economic Cooperation Program Strategic Framework 2030 was adopted in 2021 at the 7th Greater Mekong Subregion Summit of Leaders, hosted by Cambodia, to address the impacts of the COVID-19 pandemic and recession, and promote regional cooperation initiatives to help individual countries deliver on their SDG commitments. Although there is some consideration of migration through the framework, notably in relation to lessons from the pandemic, climate change and the demographic dividend from a youthful workforce, States identified labour mobility and safe migration as another area of cooperation that may be explored under the Strategic Framework 2030 (Greater Mekong Subregion and Asian Development Bank, 2021).

#### 5.5.4 State-led consultative processes

Asia-Pacific countries are members of several regional, inter-regional and international State-led consultative processes (see table 5.3). International agencies and, in some cases, non-State actors, such as CSOs, trade unions and the private sector, also participate as members or observers. These informal and non-binding consultative processes provide a space for States and other stakeholders to share information and good practices, and hold policy dialogues to enhance international cooperation on migration.

#### › Abu Dhabi Dialogue

The Abu Dhabi Dialogue is a voluntary and non-binding intergovernmental consultative process focused on labour migration between Asia and the Pacific and the GCC States, engaging 10 countries of origin and 7 countries of labour destination (principally GCC States, but also Malaysia), as well as three observers (Switzerland, IOM and Migrant Forum Asia).<sup>66</sup> At Ministerial Consultations and Senior Officials' Meetings, and with the participation of external researchers and international organizations, States discuss operational details of intraregional labour migration (see further in chapter 2). Outcomes of the most recent meeting, the 7th Abu Dhabi Dialogue Ministerial Consultation, in February 2024, reflected

concern about the substantial and persistent impacts of climate change, with a commitment to undertake research on the relationship between environmental stress and labour mobility in the Asia-GCC corridor, and analyse the correlation between existing labour market policies and workers' ability to a just transition among various economic sectors and occupations (Abu Dhabi Dialogue, 2024).

#### › Almaty Process: Inter-State Consultation Mechanism on Refugees' Protection and International Migration

The Almaty Process is an inter-State consultation mechanism focused on the protection of refugees and international migration to, from and within Central Asia.<sup>67</sup> The process uses Technical Expert Meetings, Senior Officials' Meetings, Ministerial Conferences and regional thematic discussions to promote ongoing dialogue and exchange of information on migration and refugees' protection issues in Central Asia. As well as dialogue, the Almaty Process works to promote the implementation of a coherent, integrated and differentiated policy on people on the move, and develop mechanisms for monitoring and resolving issues related to irregular migration. The most recent Senior Officials' Meeting, conducted online in March 2023, saw, among others, agreement to enhance joint efforts in line with the GCM and the GCR, strengthen bilateral and regional cooperation to prevent irregular migration, facilitate voluntary returns and work to end trafficking in persons (Almaty Process, 2023). Technical and coordination support to the process is provided by the Secretariat, represented by IOM and UNHCR.

#### › Asian Network for Document Examination

IOM acts as the Secretariat of the Asian Network for Document Examination (ANDEX), established in 2013 as a regional forum involving experienced law enforcement senior officials to share information and good practices in travel document examination and verification of identities. The regional forum aims to share information on trends and patterns of immigration fraud, while promoting regional coordination to better address operational measures and evidence-based immigration policies (IOM, 2021a).

#### › Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

The Bali Process is a non-binding, international, multilateral forum to facilitate cooperation and collaboration, information-sharing and policy development between Member States, as they work together on practical measures to help combat smuggling of migrants, trafficking in persons and related transnational crimes in the Asia-Pacific region

<sup>66</sup> For further information: <http://abudhabidialogue.org/ae/members>

<sup>67</sup> Almaty Process, <https://www.almaty-process.org>

**TABLE 5.3 Participation of ESCAP members and associate members in State-led consultative processes on or related to migration**

PROCESS	ESCAP MEMBERS AND ASSOCIATE MEMBERS
<b>Abu Dhabi Dialogue</b>	Afghanistan, Bangladesh, India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam.
<b>Almaty Process</b>	Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Türkiye.
<b>Asian Network for Document Examination</b>	Bangladesh, Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Maldives, Myanmar, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam.
<b>Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime</b>	Afghanistan; Australia; Bangladesh; Bhutan; Brunei Darussalam; Cambodia; China; Democratic People's Republic of Korea; Fiji; France; Hong Kong, China; India; Indonesia; Islamic Republic of Iran; Japan; Kiribati; Lao People's Democratic Republic; Macau, China; Malaysia; Maldives; Mongolia; Myanmar; Nauru; Nepal; New Zealand; Pakistan; Palau; Papua New Guinea; the Philippines; the Republic of Korea; Samoa; Singapore; Solomon Islands; Sri Lanka; Thailand; Timor-Leste; Tonga; Türkiye; the United States; Vanuatu and Viet Nam. <i>Observer countries:</i> Netherlands, the Russian Federation and the United Kingdom.
<b>Budapest Process</b>	Afghanistan, Armenia, Azerbaijan, Bangladesh, Georgia, Islamic Republic of Iran, India, Kazakhstan, Kyrgyzstan, Pakistan, Sri Lanka, Kingdom of the Netherlands, the Russian Federation, Tajikistan, Türkiye, Turkmenistan, the United Kingdom and Uzbekistan. <i>Observer countries:</i> Australia, Bangladesh, China, India, Islamic Republic of Iran and the United States.
<b>Colombo Process</b>	Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam.
<b>Pacific Immigration Development Community</b>	Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. <i>Observer countries:</i> the United States.
<b>Platform on Disaster Displacement</b>	Australia, Bangladesh, Fiji, France, Maldives and the Philippines.
<b>Prague Process</b>	Armenia, Azerbaijan, France, Georgia, Kazakhstan, Kyrgyzstan, Netherlands, Tajikistan, Türkiye, Turkmenistan and Uzbekistan.

and beyond.<sup>68</sup> The Eighth Bali Process Ministerial Conference, in February 2023, built on established principles and priorities and endorsed new priorities for cooperation, focusing on eight areas: law enforcement, stakeholder engagement, information sharing and public information campaigns, irregular migration and related transnational crime, border management, victim protection and migration management, returns and reintegration, and coordination and support (Bali Process, 2023).

#### › **Budapest Process**

The Budapest Process is an interregional dialogue on migration stretching across Europe to the Silk Routes region in Central Asia and parts of West Asia.<sup>69</sup> The Call for Action – a five-year plan (2019–2024) lists actions under six priority areas identified for cooperation:

- › Prevent and counteract irregular migration, facilitate return and readmission of migrants in irregular status, and combat criminal networks involved in smuggling of migrants.
- › Better organize and improve conditions for regular migration and mobility.
- › Support the integration of migrants and counteract discrimination, racism and xenophobia.
- › Strengthen the positive impact of migration on development, both in countries of origin and destination.
- › Prevent and combat trafficking in persons, address its root causes and provide adequate protection and support to trafficked persons.
- › Promote international protection and the respect of the rights of refugees, in line with international standards.<sup>70</sup>

68 The Bali Process, <https://www.baliprocess.net>

69 Budapest Process, <https://www.budapestprocess.org>

70 Budapest Process, <https://www.budapestprocess.org/budapest-process/mission-and-vision-statement/>

The Budapest Process also has work focusing on the Silk Routes region, covering Afghanistan, Bangladesh, Islamic republic of Iran, Iraq and Pakistan. The 7th Ministerial Conference will take place at the end of 2024. The International Centre for Migration Policy Development acts as the Secretariat of the Budapest Process.

#### › Colombo Process

The Colombo Process has been less active in recent years due to resource constraints and the absence of a Chair of the Process from mid-2021 to 2023. However, from 2021 to early 2024, the Thematic Area Working Groups continued to organize discussions on different issues of migration. This has seen a change in the dynamic of this consultative process through increased regular participation of non-State actors, such as CSOs, trade unions, employer organizations and the private sector, in the Thematic Area Working Group meetings over the past three years. Such participation has supported the Thematic Area Working Group discussion and workplans in becoming more inclusive, gender-responsive and migrant-centric. For example, in March 2023, the Colombo Process Thematic Area Working Group on Pre-Departure Orientation and Empowerment held a two-day meeting in the Philippines on the need to collaborate on the promotion of pre-departure orientation programmes to help ensure decent work and safe migration across South, East and South-East Asia (IOM, 2023b). The work of the Thematic Area Working Groups has produced four reports that detail the work carried out by Colombo Process Member States in:

- › Advancing pre-departure orientation and empowerment for migrant workers to ensure safe and decent work, and optimize their migration and employment experience, with a particular focus on gender-responsive support (IOM, 2024a).
- › Increasing the skills of workers, while also improving skills and qualification recognition processes to ensure effective skills-matching across corridors and maximize the benefits of migration to workers (IOM, 2024b).
- › Fostering ethical recruitment practices for migrant workers to ensure safe and decent work, and optimize their migration and employment experience (IOM, 2024c).
- › Enhancing remittance processes, the management of remittances and outcomes to migrant workers and recipients, in view of optimizing migrant workers' migration experience and employment gains (IOM, 2024g).

#### › Pacific Immigration Development Community

This community is a forum for official immigration agencies of the Pacific, open to all official Government immigration agencies within Melanesia, Micronesia and Polynesia; it also includes Australia and New Zealand. It provides a space in which the Heads of the participating States' immigration agencies can discuss issues of mutual interest and foster multilateral cooperation with regard to members' territorial borders and the integrity of their entry systems, with the ultimate goal to build and enhance quality immigration and border management practices across the Pacific.<sup>71</sup>

#### › Platform on Disaster Displacement

The Platform on Disaster Displacement is a State-led initiative supporting States and other stakeholders to strengthen the protection of persons displaced in the context of disasters and the adverse effects of climate change, as well as to prevent or reduce disaster displacement risks in countries of origin.<sup>72</sup> Its objective is to follow-up on the work started by the Nansen Initiative, and to implement the recommendations of the Protection Agenda (The Nansen Initiative, 2015), a toolbox to better prevent and prepare for displacement and to respond to situations when people are compelled to move, within their own country or across the border. It brings together partners such as States, international and regional organizations, research institutions, academia and CSOs to promote dialogue, information sharing, and policy and normative development. The Platform is explicitly mentioned in the GCM, under objective 2.

The workplan of the Platform on Disaster Displacement 2019–2023 strategy focused on:

Supporting the integrated implementation of global policy frameworks on human mobility, climate change action and disaster risk reduction, including the GCM.

- › Promoting policy and normative development to address gaps in the protection of persons at risk of displacement or displaced across borders.
- › Facilitating exchange of knowledge and strengthening capacity at national and regional levels to implement effective practices and instruments that can prevent, reduce and address disaster displacement.
- › Strengthening evidence and data on disaster displacement and its impacts.<sup>73</sup>

71 For further information: <https://www.iom.int/pacific-immigration-development-community-pidc>

72 Platform on Disaster Displacement (PDD), <https://disasterdisplacement.org>

73 For further information: <https://disasterdisplacement.org/wp-content/uploads/2022/07/30062022-Annex-I-PDD-Workplan-2019-2023.pdf>

The 2024–2030 strategy of the Platform focuses on enhancing implementation of measures to protect cross-border disaster-displaced persons; improving the management of the risk of disaster displacement in climate action, disaster risk reduction; and enhancing sustainable development and public policies on planned relocation and internal disaster displacement, as well as finding durable solutions (PDD, 2023). The Platform on Disaster Displacement also continues to work on displacement, loss and damage by engaging in and supporting the work of the Warsaw International Mechanism for Loss and Damage and its Taskforce on Displacement, its Expert Group, and the Santiago Network on Loss on Damage.

#### › Prague Process

The Prague Process is a targeted migration dialogue and a policy process promoting migration partnerships among the countries of the European Union, Schengen Area, Eastern Partnership, Western Balkans and Central Asia, as well as Türkiye. Cooperation with the Russian Federation and the Republic of Belarus was halted in early 2022.<sup>74</sup> The current, 4th phase of the Prague Process, is shaped by the Ministerial Declaration 2022 and the Prague Process Action Plan (2023–2027), which focuses on six areas:

- › Preventing and fighting irregular migration and migrant smuggling.
- › Promoting readmission, voluntary return and sustainable reintegration.
- › Addressing legal migration and mobility, with a special emphasis on labour migration.
- › Promoting integration of legally residing migrants in their host societies,
- › Making migration and mobility positive forces for development.
- › Strengthening capacities in the area of asylum and international protection (Prague Process, 2022).

The International Centre for Migration Policy Development acts as the Prague Process Secretariat.

## 5.6 Conclusion

The collection and utilization of adequate, timely and publicly available disaggregated data on migration for evidence-based policymaking remains a challenge across the Asia-Pacific region, but there are some good initiatives to build on. The development of a set of indicators to assist States in conducting inclusive reviews of progress related to GCM implementation and improving data collection will help further. It is important to note that since 2020, most Asia-Pacific countries have reported through the GCM Voluntary National Review process on their migration experiences. Given the strong linkages between the GCM and the 2030 Agenda, this work needs further strengthening at subnational, national and subregional levels to leverage the potential of migration for the achievement of all SDGs and vice versa. Ongoing work towards localizing SDGs and Voluntary National Reviews, with a focus on migration, will contribute to contextualizing and grounding migration-related SDGs in local-level realities and structures.

As detailed in this chapter, there is a range of good practices across the region which support rights-based migration and provide migrants with multi-lingual, gender-responsive and evidence-based pre-departure orientations. Social media and other digital modalities are increasingly vital in reaching and engaging migrant workers and their family members with information on safe migration and labour rights. They are also used in work to improve public perceptions of and reduce discrimination against migrants.

Migrants in the region are too often in situations of vulnerability before or during their migrations. These have not been adequately researched, but the research base is growing and helping build understanding of the multiple and intersecting forms of discrimination that migrants face as well as actions required to address them. Many countries across the region need to develop comprehensive anti-discrimination legislation, including on hate speech – which has increased against migrants in many countries during the COVID-19 pandemic – as part of a holistic approach to challenge harmful narratives against migrants and reduce situations of vulnerability for migrants.

<sup>74</sup> Information from: <https://www.pragueprocess.eu/en/about/states-partners>.



The COVID-19 pandemic has spotlighted the situation of migrant workers across the region and the degree to which countries rely on them. This altered public perceptions and opened up discussion about migrants and their families, as well as their contribution to economies and societies in countries of origin, transit and destination. Nevertheless, it still has not translated into ensuring decent living and working conditions for all migrants and their families. Research in the region has demonstrated that the public's interaction with migrant workers is crucial to improving attitudes to migrants and migration, and there are several promising developments to build upon.

The complexity and interconnectedness of migration with development and other processes is increasingly appreciated and understood with processes and networks at national, subregional, regional and global levels striving to meet the challenge and deliver practical solutions in line with countries' commitments under the GCM and other standards. In this regard, the Regional United Nations Network on Migration for Asia and the Pacific has continued its work in a number of workstreams and has made considerable progress in formalizing the involvement of stakeholders in its work through the formation of a Stakeholder Advisory Group.

## 5.7 Recommendations

### GCM objective 1

- › Strengthen national capacities and international partnerships to improve data collection to provide accurate, reliable and comparable data that is disaggregated by income, sex, age, race, ethnicity, migration status, disability, geographic location and other characteristics relevant in national contexts.
- › Ensure that the rights of migrant workers and members of their families to privacy, personal information and data protection are protected, including by establishing appropriate reporting firewalls and access limitations, and that personal information is erased once the purpose of the data collection has been achieved, so that personal data are not used for migration control or for discrimination in public and private services.
- › Facilitate, resource and engage with qualitative as well as quantitative data on migrants' diverse situations – in particular that produced by migrants – to identify needs and address risks to their human rights.
- › Work to break down the silos between academia and policymakers, United Nations entities and other GCM stakeholders to improve future stakeholder engagement and expand the evidence-base for rights-based migration policy development.

### GCM objective 3

- › Countries of origin and destination should cooperate to strengthen pre-departure and post-arrival orientation to provide migrants with essential and accurate information pertaining to their rights during all stages of migration – including information on regular pathways, fair and ethical recruitment, skills, qualifications, entry and exit requirements, available forms of protection and assistance, living and working conditions, wages and benefits, and access to justice and services – in a language and format that they can understand.
- › Develop and use culturally-sensitive information materials that are country- and sector-specific, and ensure they are made available in languages appropriate for migrant workers to enable clear understanding.
- › Support and facilitate the provision of information, materials and training about migration by CSOs, trade unions and other relevant stakeholders to the public and to migrants before, during and after migration. Promote efficient community-based information distribution strategies.

### GCM objective 7

- › 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. Work to prevent migrants losing their regular status and 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.
- › Ratify international standards protecting freedom of association [International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; ILO Convention on the Freedom of Association and Protection of Right to Organise (Convention 087)] and enact their provisions into domestic law and implement them without discrimination. Amend any laws or policies that could be used to impede migrants' freedom of association.
- › Ensure that provisions for migrant workers, including in bilateral labour migration agreements and MOUs and in working and living arrangements, protect the rights and address the needs and concerns of migrant workers with diverse sexual orientations and gender identities. Include guidance for the protection of the rights of such migrant workers in regional and national labour migration policy discussion and strategy documents, engaging with relevant CSOs, as well as with such migrant workers and their representatives, in the development and review of these strategies and frameworks.

- › Avoid family separation and allow migrants to reunite with family members in countries of destination, particularly in cases of cumulative long stay in the country. Remove prohibitions on migrant workers forming families in countries of destination. Deal with applications for family reunification in a positive, humane and expeditious manner, respecting that various forms of the family exist. Effective and accessible family reunification should allow for both entry into and regularization on the territory. Give priority to applications for family reunification involving children and apply accelerated procedures in cases involving children.
- › Ensure that laws relating to migration require, in all decisions affecting children and at all stages of the immigration process, that their best interests are a primary consideration.
- › Work with the private sector, CSOs and other stakeholders to systematize child rights-based approaches to business operations and relationships, with a specific focus on the rights of children affected by migration, including by conducting human rights due diligence processes that integrate children's rights and child rights-based impact assessments throughout the business' supply chain and identify, prevent, mitigate and account for their impacts on their human rights.

### GCM objective 17

- › Repeal or amend all laws or measures that may give rise to discrimination against migrants, including direct and indirect discrimination and that which is based on multiple grounds.
- › Review and amend immigration legislation and administrative rules, in close consultation with and with the active involvement of organizations of persons with disabilities and migrants and refugees, to ensure that persons with disabilities do not face discrimination in any of the immigration formalities and procedures, in particular as a result of the application of the acceptable standard of health requirements.
- › In cases of complaint, violence and abuse, as well as for those in immigration detention, ensure that all migrants have access to competent, independent and confidential legal aid, made available to them without cost, in accordance with international standards, as well as competent interpreters, including sign-language interpreters, as needed, to ensure migrants are able to exercise their rights, such as accessing an effective remedy for human rights violations and abuses.

- › Ensure migrants are able to access support services, including prevention and protection services related to GBV, and that migrant workers including those with diverse sexual orientations, gender identities and/or expressions, and sex characteristics are not criminalized or penalized for seeking support. This should include through establishing and implementing firewalls – and making their use known – between immigration enforcement and labour inspectorates, service providers, complaints processes and the criminal justice system.
- › Adopt or amend, as necessary, comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting direct, indirect and intersectional discrimination on grounds including race, ethnicity, age, nationality, religion, migration status, disability, sexual orientation and gender identity, and ensure access to effective and appropriate remedies for victims of discrimination.
- › Combat all advocacy of hatred, hostility or violence against migrants through good governance and by modelling rights-based and evidence-based discourse about migrants and migration, as well as challenging intolerance, stereotypes, prejudice and discrimination towards migrants. Resist criminalizing hate speech except in the gravest situations, such as advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and adopt the interpretations of human rights law contained in the Rabat Plan of Action. Review existing laws or develop legislation on hate speech to meet the international human rights law requirements of legality, necessity and proportionality, and legitimacy.
- › Engage with journalist and media representative groups (journalist unions, media councils and associations) to encourage social cohesion messages in the mainstream media. Many professional media groups have existing ethical frameworks and guidelines which can be strengthened to regulate against discriminatory reporting or media content, and encourage messages that promote social cohesion.

### GCM objective 23

- › Support engagement of governments and stakeholders at local levels in pursuit of GCM implementation, building on good practices from the region and encourage sharing of experiences and lessons learned.
- › Ensure intentional and meaningful engagement of stakeholders in the work of United Nations networks at regional and national levels in Asia and the Pacific, following a whole-of-society approach to GCM implementation.

- ▶ Support member States in the region in accelerating the implementation of the 2030 Agenda, which will also contribute to the implementation of the GCM, 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.
- ▶ Advance GCM implementation and realize migrants' rights through related intergovernmental processes, in particular the Asia-Pacific Regional Review of Implementation of the Global Compact for Migration, the Asia-Pacific SDG Subregional Forums, the Asian and Pacific Forum for Sustainable Development, the High-Level Political Forum on Sustainable Development, the Global Refugee Forum, the IMRF, the UNFCCC Conference of Parties meetings and related intergovernmental meetings, with involvement from governments and relevant stakeholders from Asia and the Pacific.
- ▶ 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 GCM, the IMRF Progress Declaration and the outcomes from the Chair's summaries of the 2021 and 2025 Regional Reviews, where such a common United Nations system approach would add value.





## CHAPTER 6

# Moving forward – Towards a comprehensive approach to safe, orderly and regular migration in the Asia-Pacific region

Female staff at an information desk to assist outgoing women migrant workers at Ninoy Aquino International Airport, the Philippines. © UN Women/Pairach Homtong

Migration is a vital force in today's world. It is instrumental in countries' economic, social and cultural development, driving progress and prosperity. Governments and other stakeholders across Asia and the Pacific are working hard to improve migration governance through implementing the GCM to better align migration issues with sustainable development and human rights protection. However, the full promise of migration is not yet being fulfilled, neither for the migrants and their families, nor for origin, transit and destination countries.

The first assessment of implementation of the GCM at the regional and global levels took place in the beginning of the COVID-19 pandemic, a time of significant disruption to migration and migration governance that also made both migrants' contributions and the risks they face more visible. These years saw many States implement a number of rights-based and migrant-centric good practices in areas such as improving adequate documentation and regularization, increasing access to health care, reducing reliance on immigration detention and suspending forced returns. Though many of these were not retained and migration policies and practices have often returned to the pre-pandemic norm, it is important to learn lessons from and to "build back better" by (re)instituting those good practices. Such an approach acknowledges that migration has been a core element of countries' endurance during the pandemic and their recovery since. It can also help build resilience against future pandemics and crisis.

### Assessing Global Compact for Migration implementation in Asia and the Pacific

The 23 objectives of the GCM cover all stages of migration and the full spectrum of human rights. They recognize that to secure the benefits of migration, it is necessary to address the risks and challenges for individuals and communities in countries of origin, transit and destination. The task of assessing implementation is challenging – the GCM offers a 360-degree vision of international migration and recognizes that implementation needs a comprehensive approach, international cooperation and the meaningful participation of all relevant stakeholders to realize the goal of safe, orderly and regular migration. As such, this report cannot fully do justice to the diversity of migrant experiences, promising initiatives, and continuing and new challenges in the most populous region in the world. Nevertheless, the previous chapters have shed light on many important trends and developments, while they offer specific recommendations for Asia and the Pacific regarding implementation of the objectives under review in each chapter (2 to 5). These are necessarily topline recommendations, each of which can generate

more detailed policy and operational guidance. This conclusion does not replicate or elaborate on those recommendations but offers some overall reflections.

### Achievements since the first Asia-Pacific Global Compact for Migration Review, in 2021

There have been numerous achievements in implementing the GCM throughout the Asia-Pacific region since 2021. These include good practices in:

- › Measures to ensure fair recruitment, provide decent working and living conditions, promote occupational safety and health, expand coverage of labour rights and social protection, and improve access to justice.
- › Enhanced labour rights extended to migrant domestic workers.
- › Reforms, including a new protection pathway, for migrant workers to leave exploitative employers.
- › Pathways to citizenship for certain migrants, when the country is a major labour migration destination.
- › Cooperation and coordination to extend humanitarian assistance to migrant workers, irrespective of their migration status, and their family members who are already residing with them in the States where the crisis occurred.
- › Humanitarian provisions for permanent stay, where migrants on partners' visas who are victims of violence committed by their partner may continue to apply to remain permanently in the country even if the relationship has ended.
- › Visa provisions, which, in some cases, permit a migrant's immediate family member to relocate to the country, including through same-sex civil partnership, union or marriage.
- › Legislation to protect and recognize the rights of children of unknown parentage and grant them nationality. Commitments to enhance the policy, legal and operational framework for refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness.
- › Embassies and consular officials intensifying efforts to strengthen their capacity to assist their nationals abroad.
- › Progress in the use of alternatives to immigration detention and some investments in reintegration assistance and programming for returnee migrants.
- › Increased collaboration between the United Nations Network on Migration at global and Asia-Pacific regional and national levels, with involvement of relevant stakeholders.

## Linkages between Global Compact for Migration and 2030 Agenda

Achieving sustainable development – the goals and targets of the 2030 Agenda – is critical to implementation of the GCM objectives. Ending poverty and hunger; resolving income, gender and other inequalities within and among countries and the violence, insecurity and injustice they generate; ensuring peace and security and building peaceful, just and inclusive societies; and taking urgent action to combat the adverse impacts of climate change, disasters and environmental degradation, are vital to realizing sustainable development. They are also important for reducing adverse drivers of migration, removing the significant inequalities in access to regular travel, ensuring decent living and working conditions, minimizing pressures for irregular migration, and providing the choice for people to remain at home if they wish to do so. Sustainable development policies and programmes need to integrate migrants as both agents and beneficiaries, and migration policies need to support sustainable development. However, with just five years to the deadline, all countries in the region are lagging in achieving the goals and targets of the 2030 Agenda and need to expend extra effort to achieve sustainable development. The cost of missing these goals carries a human cost.

## Global Compact for Migration implementation following a holistic approach

Realizing the objectives and commitments of the GCM, in line with its ten guiding principles, requires a “whole-of-GCM” approach. It also requires an approach which is balanced. For example, the roles and responsibilities of countries of origin, transit and destination must be recognized in promoting and protecting the human rights of all migrants – including how certain developments in the last four years have changed some of these dynamics. Similarly, migrants’ economic impact – for them and their families, their country of origin, as well as in the destination country – is largely determined by their access to decent work. However, decent work is not available to the majority of people in Asia and the Pacific, including most migrants. This also includes migrants in regular status and on dedicated labour migration pathways (such as those governed by MOUs), undermining some of the potential benefits of migration for all. Work is also still needed in this respect to reduce the transaction cost of migrant remittances.

States have a sovereign right to determine their national migration policies and to govern migration within their jurisdiction, but this must be in accordance

with their obligations, also made in exercise of their sovereignty, to respect, protect and fulfil the human rights of migrants, without discrimination of any kind. All migrants are rights holders, and all their rights should be protected, regardless of their migration status or that of any family members, their region or country of origin or destination, or how or why they migrated.

## Remaining challenges

Restrictive approaches to migration create situations of vulnerability for migrants and are detrimental to the economies and societies of origin and destination countries. Whereas ensuring that migrants can access safe, regular pathways – and that available pathways are sufficiently flexible to meet human needs – is at the heart of the people-centred, human rights-based, age-, disability- and gender-responsive migration governance envisaged by the GCM. This means understanding and accepting migration as more than just a means to address labour market needs, as is the predominant focus in Asia and the Pacific, and ensure, among others:

- › Adequate accessible pathways to facilitate family unification of migrants at all skill/wage levels.
- › Support to academic mobility.
- › Upholding of the principle of the best interests of the child, including for unaccompanied and separated children and those who remain behind.
- › Commitment to respond to human rights and humanitarian protection needs, including the adverse impacts of climate change, disasters and environmental degradation.

Every migration policy should be people-centred, taking into account the diverse situations of migrants and their families and recognizing that these may change over the course of migration. They should protect the human and labour rights of migrants and their families and not create or exacerbate vulnerable situations, such as can happen, for instance, as follows:

- › Increased restrictions can function as drivers of irregular migrations.
- › Different destination country labour sectors readily employ migrants in irregular situations to meet demand and address shortages, which can create and exploit situations of vulnerability.
- › Measures to reduce and prevent irregular migration, including those to counter the smuggling of migrants, may criminalize migrants.

Thus, policymakers need to be sensitized in order to avoid promoting interventions that adversely affect the enjoyment of migrants' human rights and dignity, or run counter to enabling pathways that respond to their needs in situations of vulnerability. Another concern is that statelessness remains a particularly severe problem in Asia and the Pacific. The lack of proof of nationality or other forms of legal identity pose significant challenges to human rights, governance and development, and must be urgently addressed.

Migrants within and from Asia and the Pacific continue to face situations of vulnerability because of the circumstances they left behind, those in which they travel or the conditions they face on arrival and during their stay, or because of pervasive and often intersecting forms of discrimination on the basis of personal characteristics such as their age, gender identity, disability or health status. Hence, more should be done to, among others:

- › Ensure the human rights and dignity of migrants in vulnerable situations, in countries of origin, transit and destination.
- › Eliminate all forms of discrimination, including racism, xenophobia and intolerance against migrants and their families.
- › Ensure an age- and a gender-responsive approach to migration governance.

Women account for almost half of all migrants in Asia and the Pacific and, although they are not inherently vulnerable, what happens to women migrants affects all aspects of society. This demonstrates that a gendered approach to migration governance is required to recognize and value migrants' contributions to society and recognize their agency, while protecting the rights and addressing the needs of migrants of all genders that cross international borders. To ensure a gender-responsive approach, policymakers and other stakeholders may consider establishing a dedicated taskforce to drive and support the implementation of the GCM to be gender responsive across levels. In addition, governments should engage migrant women and their representatives in development, implementation, monitoring and review of migration policies and procedures, so that these systems can respond effectively to the realities of women and girls at different stages of migration.

As highlighted throughout the report, migration data are lacking or not publicly available and, where such data exist, they are often outdated. As a consequence, countries and other stakeholders should, among others:

- › Address the lack of qualitative and quantitative data needed to make the invisible visible.

- › Invest in the collection, compilation, analysis and distribution of data, disaggregated by, among others, migration status, age, gender, ethnicity, disability status, occupation, sector of employment, country of origin, number of children per household and level of education.
- › Collate existing data collected by States, CSOs and other stakeholders into a single database with accompanying metadata, accounting for differences in collection methods and terminology, where possible.
- › Invest in capacity-building on data collection, analysis and dissemination.

### Moving forward with the Global Compact for Migration in Asia and the Pacific

Asia and the Pacific, the largest, most populous and most diverse global region, home to over 40 per cent of the world's international migrants, has many countries with well-developed systems to support their nationals abroad and a wealth of experience in international coordination and cooperation on migration. With most migration in Asia and the Pacific intraregional in nature, countries from the region can learn much from each other in advancing GCM implementation. There are also thriving and engaged CSOs in the region, many of them engaging current or former migrants, who, together with other stakeholders, are helping to progress implementation of the GCM, as well as advance understanding of and discussions about international migration at all levels.

The coming years are a critical time and there is much to be done. It is a time of change. For example, the digital transformation is very rapid in the region and is altering migration and the world of work. It offers increased efficiency, access and accountability and also brings new risks. There are profound demographic shifts that migration can support, especially in countries with ageing populations and low birth rates. The next regional review of GCM implementation is due just a year before the 2030 deadline for the SDGs. Climate change remains one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve sustainable development, as well as realize human rights and the social, economic and political inclusion of all. These and other pressures unquestionably make it more difficult to achieve the goal of safe, orderly and regular migration in the Asia-Pacific region. That is the challenge. Respecting the human rights of all migrants, regardless of their nationality, migration status or other circumstances, facilitates effective migration governance and is more crucial than ever. Recognizing migrants as development actors will ensure that migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda. With that, migration can be a path to peace, inclusion and sustainable development for all.



## Annexes

TABLE A1 GCM objectives and guiding principles

### Objectives for Safe, Orderly and Regular Migration

- 1 Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
- 2 Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- 3 Provide accurate and timely information at all stages of migration
- 4 Ensure that all migrants have proof of legal identity and adequate documentation
- 5 Enhance availability and flexibility of pathways for regular migration
- 6 Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- 7 Address and reduce vulnerabilities in migration
- 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
- 12 Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
- 13 Use migration detention only as a measure of last resort and work towards alternatives
- 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
- 17 Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- 18 Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
- 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
- 21 Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
- 22 Establish mechanisms for the portability of social security entitlements and earned benefits
- 23 Strengthen international cooperation and global partnerships for safe, orderly and regular migration

### The cross-cutting and interdependent guiding principles of the GCM

- I People-centred
- II International cooperation
- III National sovereignty
- IV Rule of law and due process
- V Sustainable development
- VI Human rights
- VII Gender-responsive
- VIII Child-sensitive
- IX Whole-of-government approach
- X Whole-of-society approach

**TABLE A.2 Countries/areas with reference to migrants/migration in Voluntary National Reviews to the High-Level Political Forum on Sustainable Development**

- Notes: ✓ Country presented a Voluntary National Review and made reference to migrants/migration  
 x Country did not present a Voluntary National Review with a reference to migrants/migration for the respective year  
 .. Country did not present a Voluntary National Review for the respective year  
 \* Country indicating plans to report in 2025 (as at September 2024)

Noting that some Voluntary National Reviews may focus on internal migration which is outside the scope of the GCM and the APMR

COUNTRY/AREA	2020	2021	2022	2023	2024	NUMBER OF TOTAL VOLUNTARY NATIONAL REVIEW PRESENTATIONS OVER THE PERIOD, AS OF SEPTEMBER 2024	2025 (TBC)
<b>EAST AND NORTH-EAST ASIA</b>							
China	..	✓	..	..	..	1	-
Democratic People's Republic of Korea	..	x	..	..	..	1	-
Hong Kong, China	..	..	..	..	..	0	
Japan	..	✓	..	..	..	1	*
Macao, China	..	..	..	..	..	0	
Mongolia	..	..	..	✓	..	1	-
Republic of Korea	..	..	..	..	..	0	-
<b>SOUTH-EAST ASIA</b>							
Brunei Darussalam	✓	..	..	✓	..	2	-
Cambodia	..	..	..	✓	..	1	-
Indonesia	..	✓	..	..	..	1	-
Lao People's Democratic Republic	..	✓	..	..	✓	2	-
Malaysia	..	✓	..	..	..	1	*
Myanmar	..	..	..	..	..	0	-
Philippines	..	..	✓	..	..	1	*
Singapore	..	..	..	✓	..	1	-
Thailand	..	✓	..	..	..	1	*
Timor-Leste	..	..	..	✓	..	1	-
Viet Nam	..	..	..	✓	..	1	-
<b>SOUTH AND SOUTH-WEST ASIA</b>							
Afghanistan	..	✓	..	..	..	1	-
Bangladesh	✓	..	..	..	..	1	*
Bhutan	..	✓	..	..	..	1	*
India	✓	..	..	..	..	1	*
Iran (Islamic Republic of)	..	..	..	..	..	0	-
Maldives	..	..	..	✓	..	1	-
Nepal	✓	..	..	..	✓	2	-
Pakistan	..	..	✓	..	..	1	-
Sri Lanka	..	..	✓	..	..	1	-
Türkiye	..	..	..	..	..		-

NORTH AND CENTRAL ASIA							
Armenia	✓	..	..	..	×	2	-
Azerbaijan	..	✓	..	..	✓	2	-
Georgia	✓	..	..	..	✓	2	-
Kazakhstan	..	..	✓	..	..	1	*
Kyrgyzstan	✓	..	..	..	..	2	*
Russian Federation	✓	..	..	..	..	1	-
Tajikistan	..	..	..	✓	..	1	-
Turkmenistan	..	..	..	✓	..	1	-
Uzbekistan	×	..	..	✓	..	2	-
PACIFIC							
American Samoa	..	..	..	..	..	0	-
Australia	..	..	..	..	..	0	-
Cook Islands	..	..	..	..	..	0	-
Fiji	..	..	..	✓	..	1	-
French Polynesia	..	..	..	..	..	0	-
Guam	..	..	..	..	..	0	-
Kiribati	..	..	..	..	..	0	-
Marshall Islands	..	✓	..	..	..	1	-
Micronesia (Federated States of)	✓	..	..	..	..	1	*
Nauru	..	..	..	..	..	0	-
New Caledonia	..	..	..	..	..	0	-
New Zealand	..	..	..	..	..	0	-
Niue	..	..	..	..	..	0	-
Northern Mariana Islands	..	..	..	..	..	0	-
Palau	..	..	..	..	✓	1	-
Papua New Guinea	✓	..	..	..	..	1	*
Samoa	✓	..	..	..	✓	2	-
Solomon Islands	✓	..	..	..	✓	2	-
Tonga	..	..	..	..	..	0	-
Tuvalu	..	..	✓	..	..	1	-
Vanuatu	..	..	..	..	✓	1	-

Sources: Country Voluntary National Review reports available at <https://hlpf.un.org/countries>

**TABLE A3 GCM Pledges made at the level of the State or City, Municipality and Local Authority in Asia and the Pacific**

The table references the GCM objectives and guiding principles (see annex 1) identified by the pledging entity as most relevant to implementation of the pledge.<sup>1</sup>

GCM PLEDGE ID	PLEDGE TITLE	MAIN GCM OBJECTIVES	MOST RELEVANT GCM GUIDING PRINCIPLE(S)	TENTATIVE DEADLINE
<b>BANGLADESH – STATE PLEDGES</b>				
2027	Using learning and sharing as a tool to maximize the effectiveness UN Migration Network in ensuring safe orderly, and regular migration	5, 23	II, X	30/11/2022
2028	Strengthening Efforts to Provide Accurate and Timely Information at all Stages of Migration	3, 7, 18	I, VI	31/01/2023
2171	Climate Vulnerable Forum Action	2, 5, 7, 16, 17, 19, 20, 23	I, II, V, VI, VII, IX, X	30/11/2023
2183	Amendment of the “Overseas Employment and Migrants Act- 2013”	6,14, 20, 21	I, IV, VII	30/09/2022
2184	Adoption of “Bangladesh Migration Governance Framework” (MiGOF)	All	I, II, IV, V, VII, IX, X	30/06/2023
2185	Formulation of the “National Reintegration Policy for Migrants, 2022”	7, 16, 21, 22	I, V, IX, X	31/12/2022
2186	Formulation of “Diaspora Policy”	19, 20, 21	I, V, IX, X	31/12/2023
2187	Finalization of GCM National Action Plan 2022-2024	All	I, V, VII, VIII, IX, X	31/12/2022
2188	Signing of Mutual Recognition Agreement (MRA) with different countries and regional blocs	6, 16, 18	II, V	30/06/2025
2189	Raising Awareness and Publicity regarding Migration	3, 5	I	31/12/2022
2190	Mainstreaming migration in climate action, with focus on adaptation and in alignment	2, 7	I, V, VI, VII, VIII, IX	31/12/2023
2191	Launching and operationalization of Bangladesh Migration Compact Taskforce	All	I, V, VI, VII, IX	30/06/2022
2192	Bangladesh has pledged to provide funding for GCM implementation to the Migration Multi-Partner Trust Fund (MMPTF)	All	I, V	30/04/2022
2018	Empowerment of Migrant	16	V	18/12/2022
2486	Financial contribution to the Migration Multi-Partner Trust Fund	All	II	26/10/2023
<b>BANGLADESH – CITY, MUNICIPALITY, AND LOCAL AUTHORITY PLEDGES</b>				
2304	Livelihoods Improvement of Urban Poor Communities Project (LIUPCP)	7, 15, 16, 17, 23	All	30/06/2023
<b>CAMBODIA – STATE PLEDGE</b>				
2245	The Royal Government of Cambodia	All	All	02/06/2022
<b>REPUBLIC OF KOREA – STATE PLEDGES</b>				
2172	Introducing a birth registration system for foreign children	4	I, III, IV, VI, VIII	31/12/2026
2173	Regulating the treatment of detained foreigners by a higher-level law	13	I, III, IV, VI	31/12/2026

<sup>1</sup> This is limited to pledges by State actors, for pledges by other stakeholders in the region, see the Pledging Dashboard: <https://migrationnetwork.un.org/the-pledging-dashboard>



GCM PLEDGE ID	PLEDGE TITLE	MAIN GCM OBJECTIVES	MOST RELEVANT GCM GUIDING PRINCIPLE(S)	TENTATIVE DEADLINE
2174	Strengthening communication with relevant stakeholders when establishing the Basic Plan for Policies on Foreigners	16	I, III, IX, X	31/12/2022
<b>PHILIPPINES – STATE PLEDGES</b>				
2072	USD 50,000 contribution to the Migration Multi-Purpose Trust Fund	All	All	31/12/2022
2073	Multistakeholder Consultation for the Philippines' Voluntary National Review	All	All	31/03/2022
2074	Continued Articulation of GCM Objectives within the Philippine Development Plan 2023-2028	All	All	30/06/2023
2075	Capacity-building Programs for non-GCM Champion Countries	All	All	31/12/2025
<b>PHILIPPINES – CITY, MUNICIPALITY, AND LOCAL AUTHORITY PLEDGES</b>				
2434	A policy-oriented commitment on Objective 18 by City of Taguig, the Philippines	18	I	31/12/2026
2539	Laguna Province Establishes a One Stop Migration Resource Center	2, 7, 16, 23	I	11/03/2024
2540	Quezon City's Migrants Resource Center: Solidarity in Diversity	7, 15, 16, 23	I	11/03/2024
2546	Legazpi City: Expanded Help Desk for Overseas Filipino Workers	2, 7, 16, 17	I	11/03/2024
2512	Legazpi City: Expanded Help Desk for Overseas Filipino Workers	2, 7, 16, 17	I, III, X	30/11/2023
2513	Quezon City's Migrants Resource Center: Solidarity in Diversity	7, 15, 16, 23	I, VI	30/11/2023
2518	Laguna Province Establishes a One Stop Migration Resource Center	2, 17, 23	I	30/11/2023
<b>THAILAND – STATE PLEDGES</b>				
2343	To enable birth registration for all migrant's children born in Thailand	4	I, VIII	16/12/2022
2344	To make progress towards the achievement of universal health coverage, including for wider groups of migrants	15	I	16/05/2026
2345	To effectively implement alternative to detention measures for migrant children	13	VII	16/05/2026
2346	To promote public perception regarding the positive contribution of migrants and to end discrimination and stigmatization against them	17	I, IX, X	16/05/2025
<b>TÜRKIYE – STATE PLEDGES</b>				
2021	Clean Energy And Energy Efficiency Measures For Host Communities With SUTP In Turkey Project	7, 15, 16, 18	II, V, IX	31/12/2022
2488	Financial contribution to the Migration Multi-Partner Trust Fund	All	II	26/10/2023
<b>TÜRKIYE – CITY, MUNICIPALITY, AND LOCAL AUTHORITY PLEDGES</b>				
2533	Nilüfer Municipality's "House of the Exchange of Populations" Museum: Promoting Cultural Diversity and Co-existence by Preserving Social Memory	17, 23	I, III	01/01/2022

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