



Policy Memo 4

What do durable solutions mean and what are their implications for migrant workers and refugees in the Arab world?

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In brief

In view of the fact that migrant workers and refugees face similar challenges (e.g., crossing borders, facing discrimination in the receiving/host country, experiencing exclusion and limited enjoyment of rights, and the threat of detention and or deportation), both the UN and the civil society have increasingly resorted to common approaches and solutions to enhance the protection of these different groups. Based on ARDD's research and experience, and having consulted the Migrant Workers Committee¹ the brief proposes **six recommendations** that could help guarantee a safe and dignified life for all concerned:

- 1) Invest in **quality data gathering through targeted regional research**, particularly on borders, to identify: (a) the main challenges refugees and migrant workers face across the region and (b) the main alternative to voluntary or involuntary migration, which could save lives.
- 2) Make sure that legal aid **provides full information about solutions** for both migrants and refugees, and those migrants and refugees are not discriminated against on any ground.
- 3) Raise awareness about the circumstances that push people to move and align responses with international legal obligations. Forced migrants should always be granted asylum, as a basis for durable solutions: (1) voluntary repatriation under the supervision of pertinent agencies, to ensure refugees' or migrants' protection, (2) local inclusion with an emphasis on social cohesion; (3) resettlement to places where the refugee can reestablish him/herself.
- 4) Establish a task force for Arab countries to prioritize regional discussions on how to ensure that the Mediterranean Sea returns to being a place that saves lives, not causes death. For it, Arab countries (and not only those bordering the Mediterranean Sea) should engage with European countries on:
 - a. integrated, humane, and coordinated management of borders,
 - b. effective prevention and response to the smuggling of migrants and refugees, and trafficking.
- 5) Promote partnerships among government authorities, the private sector, banks and development organizations, civil society, donors, and the UN, to:
 - a. promote social cohesion of migrant workers and their effective protection (by enabling communication in different languages, securing recourse mechanisms, etc.),
 - b. support sustainable income-generating projects for migrants/refugees in host countries,
 - c. create conditions for migrants and diasporas to contribute to sustainable development in receiving/host country, but also to access fast, safe, and convenient transfer of remittances,
- 6) Hold all stakeholders accountable, to help maintain the legal status of refugees/migrants during their life journey away from their home/country of origin.

¹ This committee, including 30 representatives of various non-national (migrant worker and refugee) communities in Jordan, is set up and supported through the ARDD's Haquna project

Introduction

“Solutions” is a charged word whose meaning changes significantly when used in reference to migrant workers or refugees: in the case of refugees, “solution” is the end of their refugee status through naturalization or voluntary return to the country of origin, it would signify substantial change for the better to their legal or political status in the receiving country. In both cases, solutions should lead to an improvement in living conditions.

ARDD routinely engages in research and advocacy for durable

solutions for refugees and fair and equitable solutions for migrant workers. This policy brief provides ideas to address the main issues raised by the Migrant Workers Committee in connection with solutions. It is not an overview of legal solutions: these are articulated in the New York Declaration for Refugees and Migrants (2016) and the Global Compacts for Safe, Regular, and Orderly migration, among others. Building on ARDD's experience and consultations with the MWC, the brief suggests a series of ideas that can improve the condition of refugees and migrant workers in the Arab region.

Solutions: ‘uncommon’ commonalities for migrant workers and refugees

While not recognized as refugees, many migrants are forced to move due to difficult situations in their countries, brought about by conflict, natural disasters, adverse climate impact, environmental degradation (i.e., desertification, heavy pollution, land degradation, drought, and sea level rise) as well as lack of opportunities. In recent years, the growingly common challenges and fate encountered by refugees and migrant workers (e.g., risk of death while crossing borders, discrimination, deprivation of rights, the threat of detention and/or deportation) have led human rights activists and organizations to try to seek common approaches and solutions to the problem.

ARDD has been advising governments and vulnerable groups on what could work as solutions to the plight of refugees and migrant workers. Based on its experience, ARDD recommends investing in the following actionable recommendations:

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| <p>1- <i>Invest in quality data gathering through targeted regional research, particularly on borders (crossed by refugees and migrant workers), to identify (a) the main challenges faced by them across the region and (b) the main alternative to voluntary or forced migration that could help save lives.</i></p> | <p>This would help enrich the research made available by the UN, international organization, and NGOs, as border-focused research would give an idea about the number of migrants and refugees that cross borders. In view of the dangers posed while crossing borders, including, often, death, a unified Arab position on the issue is timely.</p> |
| <p>2- <i>Make sure that legal aid provides full information about solutions for both migrants and refugees, and those migrants and refugees are not discriminated against on any ground.</i></p> | <p>Migrants and refugees should be informed about their rights and opportunities to help improve their conditions. They should be put in a situation to always make a realistic informed decision about their ‘being on the move’. It is critical that actors on the ground, both national and international, refrain from encouraging or creating, even unwittingly, patterns of discrimination in the opportunities afforded to non-nationals, particularly refugees, on the ground of their status, nationality, and gender.</p> |
| <p>3- <i>Raise awareness about the circumstances that push people to move across the region and beyond. Forced migrants should be granted asylum as a basis for durable solutions: (1) voluntary repatriation under the supervision of pertinent agencies to ensure the protection of migrants, (2) social cohesion in the host country (which should always be a goal); and eventually local inclusion or resettlement.</i></p> | <p>The larger public as well as selected government authorities should be informed about the circumstances that pushed “foreigners” to leave their countries. Foreigners, especially if asylum seekers, are entitled to protection and refugee status. The global compacts offer opportunities to governmental and non-governmental entities to debate and find constructive solutions together.</p> |
| <p>4- <i>Advocate for Arab states to hold regional discussions on how to ensure that the Mediterranean Sea returns to being a place that saves lives, not causes death. This should be reinforced by the pursuit of (1) integrated, humane, and coordinated management of borders, (2) effective prevention of and response to the smuggling and trafficking of migrants and refugees.</i></p> | <p>Under the leadership of authoritative figures in the region (e.g., “the elders”) a task force made of regional representatives should stimulate discussions about migrants and refugees in and from the region and their future. From its forced-upon role of “containment area” of men and women unwanted in Europe as refugees or migrants, the Arab region can reposition itself as a place of protection where both citizens and foreigners are safe; it should also discuss and revise the rules of engagement with European countries.</p> |
| <p>5- <i>Promote partnership among government authorities, private sector, banks, development organizations, civil society, donors and the UN to: (1) promote greater inclusion of migrant workers and their effective protection (by enabling communication in different languages, securing appeal mechanisms, etc.), (2) support sustainable income-generating projects for migrants/refugees in host countries; (3) create conditions for migrants and diasporas, as well as refugees, to contribute to sustainable development in receiving/host country, but also access to fast, safe and convenient transfer of remittances (for migrants).</i></p> | <p>Enabling migrants and refugees to be active contributors to their new society helps them make their voices heard by decision-makers and relevant stakeholders in the host country and links them to the global dialogue on relevant UN initiatives (including the global compacts). This would make the receiving/host countries better places for all and role models.</p> <p>Migrants and refugees are aware of the difficulties host/receiving countries may face in securing access to services and dignified opportunities for their nationals; therefore, they may also call upon the international community to lend effective support to the host countries. It is critical to ensure the refugees’ access to essential services, such as health and education (for children, but also adults seeking higher education), including with the support of the international community, as well as job opportunities to help them lead a dignified life and to eliminate obstacles that prevent them from participating on equal footing with host communities in the economic life, while a durable solution to their problem is being sought.</p> |
| <p>6- <i>All stakeholders should be held accountable, to help maintain the legal status of refugees/migrants during their life journey away from their home/country of origin.</i></p> | <p>It is necessary to ensure the application of international law through local laws and policies, as well as through the rebalancing and remedial function of the courts in the case of migrant workers and refugees to lessen the vulnerability of “foreigners”.</p> |

Advancing Haquna (Our rights)

In the context of the joint Haquna initiative, ARDD and Heinrich-Böll-Stiftung Palestine and Jordan (HBS) promote means that guarantee respect for the rights of migrant workers and refugees and raise awareness about ways to improve their living conditions to give rise to peaceful societies

Disclaimer

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