

Ensure Rights for All in Mixed Migration Flows

The Issue

- “Mixed migration” refers to migration flows that include persons who are travelling together and face similar risks during the course of the journey, but who may have originated in different places and left for different reasons. This includes those who will seek and qualify for some kind of international protection as well as others who will not qualify for international protection or are unaware of it.
- Women, men and children on the move often find themselves in situations where neither the Migration nor Refugee Compact alone will be able to address their needs, including situations at borders, in transit, and return.
- Many people don’t strictly meet the specific persecution criteria of the Refugee Convention but can experience layered forms of forced displacement or human rights breaches that force them to move.

Gender Dimensions

- While women and girls on the move have protection needs in general, refugee and asylum-seeking women and girls also have a well-founded fear of persecution and should enjoy the right to seek asylum.
- Women may move between different categories as asylum seekers, refugees, victims of trafficking, stateless people, migrant workers and others, as a result of external factors or changes in their life situation. A typical example is a refugee woman in Asia lacking access to status determination procedures and to identity documents who is a survivor of SGBV and is treated as an undocumented migrant by Government authorities.
- Women in migration may be at risk of rights violations at a moment when they have not had access to status determination procedures. They may not have identification documents and are not wearing labels on their foreheads to determine their specific status but have immediate and specific needs.
- Women and girls in migration are not inherently vulnerable but rather placed in situations which create or exacerbate exclusion, inequality and human rights abuses including by migration policies. Women are advocates for their rights and agents of change.
- Migrant and refugee women often experience multiple oppressions.

Recommendations – States should:

1. Address the multiple and complex reasons for women’s migration and displacement, upholding the human rights of all migrant, refugee and asylum-seeking women in countries of origin, transit, destination and return.
2. Fulfill international human rights law and refugee law obligations regardless of migratory status.
3. Ensure that all women and girls are entitled to minimum safeguards in accordance with human rights law, regardless of the way they move or their migration status.
4. Acknowledge and address the needs of refugee and migrant women and those who fall in the middle in all legal and policy provisions to meet the principle of gender equality adopted by both the Global Compact for Migration and the Global Compact on Refugees. Avoid any framing of “deserving” or “undeserving” refugees and migrants.
5. Ensure gender-responsive policy coherence and a whole-of-government and whole-of-society approach in the implementation of the parallel Global Compacts.

Relevant International Policy

States have the obligation to fulfill human rights legislation that affirm the rights of *all* refugees and migrants regardless of their immigration status.

New York Declaration on Refugees and Migrants (para 11) acknowledges a shared responsibility to address “*large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner.*” Addressing intersectional discrimination experienced by refugee and migrant women and girls is a key commitment.

Global Compact for Safe, Orderly and Regular Migration: (7) refers to *mixed movements* when committing to a gender-responsive approach in addressing vulnerabilities in migration. (12) need to “*ensure that, in the context of mixed movements, relevant information on rights and obligations under national laws and procedures...is appropriately, promptly and effectively communicated, and is accessible.*”

Global Compact on Refugees: (para 12) acknowledges that population movements are not necessarily homogeneous. This includes large movements involving both refugees and others on the move; or refugees and internally displaced persons; and people affected by sudden-onset natural disasters and environmental degradation; that these situations present complex challenges for affected States and that support for appropriate responses could build on the partnerships between relevant actors and a coordinated approach.