



## **ISTANBUL MINISTERIAL DECLARATION**

**on**

### **A Silk Routes Partnership for Migration**

WE, the Ministers responsible for migration and migration-related matters from the Budapest Process participating countries as well as the European Commissioner responsible for migration and representatives of relevant organisations,

Gathered in Istanbul on 19 April 2013 at the Budapest Process 5th Ministerial Conference,

Thanking the Chair, Turkey, for its timely initiative and for hosting the conference and the preparatory meetings, and Hungary acting as Co-chair, for its support and for hosting the third preparatory meeting in Budapest and the International Secretariat, ICMPD, for its administrative and substantial preparations,

Noting that migration is a part of life and a continuing reality for all countries, that developments in each country are linked with those in other parts of the world and that cooperation and partnership is the most efficient way to develop successful migration policies,

High-lighting that solidarity, mutual cooperation and joint responsibility between countries of origin, transit and destination are fundamental cornerstones for successful migration governance,

Appreciating other relevant initiatives at the regional or sub-regional level and the importance of being complementary and creating synergies,

Underlining that well-managed migration leads to benefits for both countries of origin and destination and for migrants themselves, while being conscious at the same time of the detrimental effects irregular migration can have on all countries involved as well as on individual migrants and their family members,

Recognising the severe risks posed by organised criminal networks involved in irregular migration to internal security and the security of citizens and migrants alike,

Emphasising that migration management must respect human rights and be based on general principles of international law and relevant international conventions,

Being aware that relevant measures should be implemented according to the provisions and the basic principles of the legal system of each State,

Understanding that the term “international protection” as used in this Declaration includes the granting of refugee status according to the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, as well as complementary or subsidiary forms of protection, while underlining the importance of the principle of non-refoulement as well as the rights of refugees, and beneficiaries of subsidiary or complementary forms of protection,

Committed to taking into account the specific needs of the most vulnerable migrants - including trafficked persons, stranded migrants and stateless persons – as well as to ensuring the best interest of the child, including unaccompanied minors,

Recognising the gender-specific aspects of migration,

Emphasising the negative impact of the phenomena of discrimination, racism and xenophobia on societies and individuals, dedicated to combat anti-migrant sentiments and promote awareness of the positive impacts of migration and mobility,

Aware of the potential impact of global environmental changes and of the importance of cooperation in addressing migratory flows resulting from natural disasters and in providing humanitarian assistance following emergency situations,

Recognising the need for continuous knowledge transfer and exchange of good practice and experience between the partner states in all fields of migration management, as well as the contributions which international organisations, civil society and other stakeholders can provide in this area,

Acknowledging the achievements of the long-standing Budapest Process as a successful platform for facilitating migration dialogue between countries for more than 20 years, covering an ever increasing geographic and thematic scope, and ascertaining the importance of balanced and state-led dialogue and cooperation between governments and other relevant partners, incorporating the full range of migration management issues,

Emphasising that cooperation within this framework will continue to be guided by the principles of informality, voluntariness, flexibility and equality,

Committed to maintain the Budapest Process as a safe and open platform for all participating states to meet in confidence and trust, while recognising the differing migration landscape in each participating state as well as their differing interests and perspectives,

Having acknowledged the importance and complexity of migration along the Silk Routes and aiming at further developing partnership through enhanced dialogue and mutual cooperation among all participating states,

HAVE AGREED TO

(1) **Establish** a “Silk Routes Partnership for Migration” with the objective to promote further dialogue and mutual cooperation in managing migration flows taking place along the Silk Routes as the Budapest Process priority.

The priority goals of this Partnership will be to:

- a) Better organise and improve conditions for **legal migration** and **mobility**,
- b) Support the integration of migrants and counteract phenomena of **discrimination, racism** and **xenophobia**,
- c) Strengthen the positive impact of **migration on development**, both in countries of origin and of destination,
- d) Prevent and counteract **irregular migration**, facilitate **return and readmission** of irregular migrants, and combat criminal networks involved in **smuggling of migrants**,
- e) Prevent and combat **trafficking in persons**, address its root causes and provide adequate protection and support to trafficked persons,
- f) Promote **international protection** and the respect of the rights of refugees, in line with international standards.

(2) **Launch a coordinated effort** to implement **concrete actions** aimed at fulfilling the above objectives and priorities, taking inspiration from the indicative list of activities identified under the thematic areas of cooperation mentioned below.

(3) **Meet** in regular Ministerial Conferences to take stock of relevant developments and achievements of the Silk Routes Partnership for Migration, to evaluate its impact and progress, and to define future actions.

(4) **Mandate** our Senior Officials to:

- a) Implement the objectives of the Silk Routes Partnership for Migration in an efficient and effective manner,
- b) Oversee the implementation of the Partnership through yearly Senior Officials' Meetings,
- c) Agree at their first meeting after this Ministerial Conference on the priority issues for concrete action,
- d) Ensure an appropriate geographical working group structure, offering interested states in certain sub-regions a possible additional platform to discuss migration flows along the Silk Routes,
- e) Initiate thematic expert meetings, to facilitate in-depth discussion between all stakeholders on specific priority issues.

(5) **Task** the Secretariat to assist, at the request of participating states, in the implementation of the Silk Routes Partnership for Migration and, where appropriate, facilitate the development of dialogue and cooperation.

ARE COMMITTED TO

Focus the dialogue and cooperation especially on, but not limited to, the objectives and activities identified in the following list of initiatives:

#### I. Migration and Mobility

- a) Improving the management of legal migration, including through the enhanced transparency of rules and regulations on admission and residence,
- b) Strengthening cooperation and increasing the exchange of information between states on employment opportunities based on a thorough assessment of the needs of sending and receiving countries, also taking into account the labour market situation,
- c) Further examining and promoting, where appropriate, the use of labour migration agreements and pilot projects to organise migrant workers' access to labour markets,
- d) Evaluating existing circular migration programmes - also as development instruments - and exploring the establishment of new ones, including through the facilitation of temporary return,
- e) Providing clear, accessible and understandable information to potential migrants on possibilities for orderly migration and rules and regulations, including relevant pre-departure information,
- f) Exploring best practices on skills matching and on facilitating the recognition of migrants' professional and educational qualifications and the validation of diplomas and ensuring the optimal use of human skills,
- g) Establishing procedures and reinforcing administrative capacities to ensure that migrants have access to sufficient information on their rights, obligations and opportunities,
- h) Exploring options for promoting the portability of certain retirement pension rights,
- i) Facilitating well-managed mobility for *bona fide* travellers - including students, researchers and businessmen - and improving transparency of rules and procedures.

#### II. Integration

- a) Strengthening integration processes for migrants and refugees,
- b) Working for the successful integration of migrants and refugees and their active participation in receiving communities through the provision of adequate integration tools and measures,

- c) Supporting receiving communities in welcoming migrants and refugees as well as taking action to encourage their active participation in the social and cultural life of the receiving communities,
- d) Promoting host governments' cooperation with civil society and diaspora communities in both monitoring and countering incidents of discrimination, racism and xenophobia.

### III. Migration and Development

- a) Mainstreaming migration into development planning as well as taking into account development issues and needs when elaborating migration policies,
- b) Promoting sustainable, comprehensive, balanced and efficient policies on migration and development, building on a migrant-centred approach and taking into account its impacts on, inter alia, employment, education, health, housing and social policies,
- c) Ensuring a multi-actor approach, inviting relevant development stakeholders, including both public and private sector, to engage in dialogue and concrete cooperation,
- d) Facilitating circular migration and active engagement in development for the benefit of both countries of origin and destination,
- e) Engaging with diasporas and making better use of their contributions and, to this end, using established good practice,
- f) Facilitating the transfer of remittances including through reducing costs and providing training on financial literacy, and improving the use of monetary and social remittances for the benefit of the sustainable economic and social development of the countries of origin, while taking into account the private nature of such assets,
- g) Fostering sustainable reintegration, inter alia through policies benefitting receiving communities,
- h) Implementing measures counteracting possible negative effects of emigration on the countries of origin, such as brain drain and social impacts on family left behind,
- i) Addressing the gap between emergency relief, humanitarian assistance and sustainable development,
- j) Exploring and addressing development-related causes of migration,
- k) Developing and strengthening small and medium migrant entrepreneurship with the help of training and consultation services and other initiatives allowing migrants and migrant organisations to contribute to the development of their countries of origin.

### IV. Irregular Migration

- a) Furthering the exchange of information and experience between states and relevant stakeholders on irregular migration and related crime in order to,
  - i. Enhance the knowledge base,
  - ii. Enhance capacities for situation assessment as well as analysis and prognosis of irregular migration flows
  - iii. Increase law enforcement cooperation on preventing and combating migrant smuggling and related crime.
- b) Improving coordination between all agencies involved in preventing and combating irregular migration and migrant smuggling at the national, regional and international level,
- c) Stepping up cooperation in the area of integrated border management, and the exchange of information, with due respect to applicable rules on data protection,
- d) Consider establishing contact points, including through immigration liaison officers,

- e) Taking measures to prevent the misuse of legal migration channels while exchanging information, experience and good practices in order to prevent the abuse of asylum systems,
- f) Ensuring adequate handling of mixed migration flows and guaranteeing access to international protection of persons in need, with special attention to ensuring adequate assistance to migrants belonging to vulnerable categories such as unaccompanied minors, stranded migrants, trafficked persons or migrants in need of health care,
- g) Raising awareness of, and providing clear information to, potential migrants, on the risks and dangers associated with irregular migration,
- h) Exchanging information, experience and know-how on document security, including travel-, identity, and breeder or source documents,
- i) Enhancing operational cooperation on return and readmission, especially on identification and documentation, including through the negotiation, conclusion and implementation of readmission agreements, bearing in mind the obligation of each state under customary international law to readmit its own nationals,
- j) Prioritising voluntary return and promoting programmes giving tailor-made assistance for effective reintegration in the receiving communities and exploring measures to better monitor the return process.

## V. Trafficking in Persons

- a) Taking measures to increase awareness of the risk of trafficking in persons including through the provision of clear and understandable information as well as counteracting the root causes of trafficking in persons,
- b) Continue, as appropriate, developing national and regional strategies for preventing and combating trafficking in persons with a particular focus on women and children to ensure a multi-actor approach, involving all relevant stakeholders,
- c) Supporting the development of mechanisms for the national and transnational referral of trafficked persons while increasing capacities to assist and protect them in view of their rehabilitation,
- d) Designing and implementing policies on the role and functioning of recruitment agencies, on employers' and workers' rights and responsibilities and on labour inspectors contribution to reducing the risk of migrants becoming victims of slavery and trafficking in persons, or of being exposed to mistreatment and labour exploitation,
- e) Establishing, where appropriate, the adequate legislation and developing capacities of law enforcement and judicial authorities to allow for effectively identifying, prosecuting and punishing traffickers in persons.

## VI. International Protection

- a) Strengthening procedures for the identification of persons in need of international protection, providing asylum seekers with adequate reception conditions and documentation, and offering refugees durable solutions, including voluntary return, local integration or resettlement,
- b) Applying the principle of non-refoulement without restrictions, including in the framework of return and readmission procedures ensuring access for asylum seekers to fair and effective asylum procedures irrespective of the way they entered the country,
- c) Increasing solidarity in addressing protracted refugee situations and strengthening protection systems through international cooperation,
- d) Developing asylum legislation and systems in line with international standards, including through exchanging information and furthering a common understanding of the concept of international protection.