

SUMMARY REPORT

Asia Pacific Pathways to Migrant Protection Mapping Regional Meeting on Report Dissemination

The full report is [available here](#)

Facilitated by the Office of the United Nations (UN) High Commissioner for Human Rights,
Regional Office for South-East Asia (SEARO)

Tuesday 5 July 2022 at 11.30am – 1.30pm (Bangkok time) – Held online via Microsoft Teams

I. Background

1. The Asia Pacific region hosts and is home to a significant proportion of the world's international migrants. According to official data, in 2020 roughly one in three of the 282 million international migrants in the world originally came from the region and one in seven are living in the region. The countries of the Asia Pacific region are countries of origin, transit and destination for migrants; and at some level most are all three. The region is also the world's most populous (home to 60 per cent of the global population) and among the most rapidly developing.
2. In the recently published study on migrant protection pathways, the UN Human Rights Office has undertaken a non-exhaustive review of national practices for admission and stay in 17 selected Asia Pacific countries (Australia, Bangladesh, China, Fiji, Hong Kong (China SAR), India, Indonesia, Japan, Malaysia, Maldives, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Singapore, Thailand and Tuvalu) focused on those that host significant numbers of migrants and/or promote principled migration governance including through the Champion Countries initiative of the Global Compact for Safe, Orderly and Regular Migration (GCM).
3. The study aims to provide a snapshot of this complex region, and to provide some examples from each sub-region in Asia and the Pacific (South-East Asia, South Asia, East Asia, and the Pacific). The focus of the study is migration pathways that protect migrants' rights, including mechanisms of entry and stay (whether these originate before migrants arrive or after they enter a territory) that are designed to comply with human rights obligations and/or correspond to compassionate and humanitarian imperatives. Such pathways may engage the principle of non-refoulement, the right to private and family life and the derived obligation to maintain family unity, the right to protection from gender-based violence, the principle of the best interests of the child, the right to rehabilitation for torture victims, or the right to health.
4. The GCM recognizes the importance of mobility pathways, and specifically the need for pathways that are protection-sensitive. It 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” (Objective 5).

5. Noting in particular the ways in which countries were able to adapt their regulations during the COVID-19 pandemic, this new report from the UN Human Rights Office urges States to seize the opportunity to embed the practices and lessons learned in this period. It concludes with a set of seven recommendations to States and stakeholders on how to design, implement and monitor entry and stay pathways for migrants, with a focus on those who are in situations of vulnerability.

II. Objectives and Attendance

6. The main objective of this regional meeting on the dissemination of the abovementioned report was to ask the question: ‘what is a protection pathway for migrants in vulnerable situations in the Asia Pacific region?’.
7. Pathways to migration are various options for individuals to migrate from one State to another for any number of reasons. Protection pathways include discretionary humanitarian entry, temporary residence permits, regularization measures and family union mechanisms among others.
8. The meeting aimed to facilitate an open discussion about the availability and adequacy of human rights and humanitarian migration pathways in the Asia Pacific region, including those that respond to such issues as the principle of non-refoulement, the right to private and family life, family unity, gender-based violence, the principle of the best interests of the child, the right to rehabilitation for torture victims, right to health and right to education.
9. The meeting also aimed to examine the report’s seven recommendations to States and stakeholders on how to design, implement and monitor entry and stay pathways for migrants, with a focus on those who are in situations of vulnerability and hear from speakers on their experience of pathways and how to improve and scale up such pathways in the region in line with the GCM.
10. The meeting consisted of presentations from four Civil Society Organization (CSO) representatives and two Member State representatives and a discussion conducted under the Chatham House Rule. Participants included regional and national CSOs, representatives from Member States including Champion Countries of the GCM, National Human Rights Institutions, UN agencies, academics, media and other stakeholders. There was a total of 88 attendees from over 14 countries including Australia, Bangladesh, Hong Kong, India, Indonesia, Japan, Malaysia, Maldives, New Zealand, Philippines, Republic of Korea, Singapore, Thailand and Canada.

11. This report aims to be a non-exhaustive informal summary of the key points and recommendations made during the meeting.

III. Opening Remarks

12. Ms. Pia Oberoi, Senior Advisor on Migration and Human Rights, Office of the UN High Commissioner for Human Rights (OHCHR), Asia-Pacific, welcomed participants and showed an introductory video. Ms. Oberoi outlined migration trends in Asia and the Pacific. One in three of the 282 million international migrants in the world originally came from Asia Pacific; one in seven are living here. Region has 60 per cent of the global population, high levels of wealth and income inequality, largest and fastest ageing populations and sizeable youth populations.
13. Ms. Oberoi pointed out entrenched patterns of discrimination, conflict and violence, as well as poverty, socio-economic inequality, family separation, and environmental factors drive mobility within and from the region. Most migration is intra-regional; in 2020 almost 39 million, or 42 per cent of all emigrants from countries in Asia and the Pacific, moved to another country in the region and outlined GCM Objective 5 to enhance the availability and flexibility of pathways for regular migration, develop or build practices for admission and stay based on compassionate, humanitarian or other considerations for migrants compelled to leave countries of origin. Ms. Oberoi advised that in addition, there are humanitarian visas, private sponsorships, access to education for children, and temporary work permits while return is not possible, and facilitate access to procedures for family reunification for migrants that promote the right to family life and the best interests of the child.
14. Ms. Oberoi outlined what a pathway is, and the legal, policy and/or administrative mechanisms that enable regular travel, admission and/or stay in the territory. She advised it can be obtained before arrival or upon arrival at the country, and for those already in the territory regular status may be secured or maintained by adjusting migration status (individually or by group). Ms. Oberoi discussed human rights/humanitarian pathways in Asia and the Pacific- humanitarian entry based on conditions in the country of origin or the specific circumstances of the individual migrant (enduring ties). Temporary residence permits on medical grounds or for study (often including visas for accompanying parents or guardians); family union mechanisms; interventions to protect the rights of trafficked persons; special permits for migrant victims of domestic violence; periodic or case-by-case regularization mechanisms; universal access to birth registration.
15. The UN Human Rights Office contends that countries in Asia Pacific should devise and implement pathways that respond to a range of protection-sensitive imperatives including impacts of environmental degradation and climate change; health status and lack of access to health care (including the effects of pollution and other environmental threats to health); protection of the right to family life; rights of the child, including education; occurrence of torture and failure to provide rehabilitation after torture;

protection from gender-based violence; situations in which migrants are witnesses to or victims of trafficking or of other crimes; and in the context of statelessness.

16. Recommendations are that pathways should be **human rights-based** and **secure** so that mechanisms of admission and stay ensure effective procedural safeguards and focus on migrants in vulnerable situations. Pathways should be **responsive** to the many and multidimensional drivers of mobility in the region and they should provide effective alternatives to **return**. Pathways should be **accessible** and **predictable** by ensuring that procedures are clear and transparent and that migrants can know of and access them in a rules-based way. Pathways should ensure a **whole-of-society approach** and enable migrants and human rights actors to participate meaningfully in their development, implementation and monitoring.

IV. Civil Society Representative Speakers

Mr. Daniel Ghezelbash, Deputy Director, Kaldor Centre, Australia

17. Mr. Daniel Ghezelbash congratulated the OHCHR on the publication of the report and remarked that such detailed comparative work is difficult to do but is important to identify best practices and moving towards the implementation of the GCM. He provided a snapshot of the situation in Australia, mentioning the stringent asylum control policies, with both pushbacks at sea and offshore processing which has blocked access to asylum at sea. Mr. Ghezelbash advised that there are strict measures including carrier sanctions and immigration officers abroad that make it difficult for those without valid visas.
18. Mr. Ghezelbash pointed out that restrictions have been justified on the grounds that those in need of protection should enter Australia through authorised pathways, yet in practice these pathways are limited in scope. He spoke about the offshore humanitarian program as a pathway for those recognised as refugees but also those which may have been subject to discrimination. The regular program is capped at about 14,000 people a year, but there was a recent announcement for an additional 16,500 places for Afghan nationals over a number of years.
19. Mr. Ghezelbash also spoke about a new developing community sponsorship program which allows organisations/businesses in Australia to sponsor refugees for resettlement, but one concern with this program is that it does not operate in addition to existing quotas but redirects existing spots away, whereas similar programs around the world are used to add capacity.
20. Mr. Ghezelbash pointed out that there are limited humanitarian/human rights sensitive pathways for migration to Australia. While there is a large temporary migration program, including tourist, student and temporary work visas, individuals with

humanitarian needs may be actively excluded from accessing those visas. The genuine temporary entrant requirement is that entrants are coming to Australia for the purpose of their visa and only for temporary stay, and otherwise visas may be refused or cancelled.

21. Mr. Ghezelbash addressed family migration and noted some good practices such as family violence provisions which allow migrants who are victims of domestic violence to remain permanently in Australia even after a relationship breaks down. He also noted that there are a number of barriers for people in Australia to sponsor their family members to move over to Australia. There are a large number of asylum seekers and refugees, particularly on protection visas which are ineligible to sponsor families for family reunification, with high cost and long waiting times averaging two to three years, but may be up to 30 years for some visa types.
22. Mr. Ghezelbash mentioned broader options for pathways in the context of climate change and disasters as Australia and New Zealand have been asked to consider claims in these contexts. A number of Pacific countries offer emergency humanitarian protection and temporary protection for those displaced across borders and may find themselves stranded abroad.
23. Mr. Ghezelbash outlined measures including special humanitarian visas, temporary stay arrangements, expedited processing and waivers of normal visa requirements, which are often discretionary rather than legislation, and thus ad hoc and uncertain. Mr. Ghezelbash pointed out that many visas were extended in the context of the COVID-19 pandemic. He also mentioned Pacific labour mobility schemes which diversify livelihoods and support remittances and adaptation but access can be uneven.

Ms. Sumitha Shaanthinni Kishna, Director, Our Journey, Malaysia

24. Ms. Sumitha Shaanthinni Kishna addressed the report directly and spoke about the provisions from the Federal Constitution. Ms. Kishna advised that Article 8(1) states that all persons are equal before the law and entitled to its equal protection. In the case of *Ali Salih Khalaf v Taj Mahal Hotel*, the Industrial Court held that Article 8 uses the word 'person' and not 'citizens', and that the rights guaranteed by its equality is extended to documented and undocumented migrants.
25. Ms. Kishna also addressed Article 5(1) of the Federal Constitution which states that "No person shall be deprived of his life or personal liberty save in accordance with law" and subsequent articles provide the right to a legal counsel and the right to appear in court within 24 hours. She mentioned that the article differentiates the right of liberty with respect to non-citizens who, pursuant to the proviso to the Article, can be detained up

to 14 days for immigration offences. In addition, Ms. Kishna pointed out that freedom of movement under Article 9 is confined to citizens only and silent on their application to non-citizens.

26. Ms. Kishna outlined that a special pass is a temporary pass issued to a person who wishes to remain in Malaysia “for any special reason.” She pointed out that the pass is valid for one month and may, at the immigration officer’s discretion, be extended subject to a monthly administration fee of RM100. She advised that special passes are issued to migrant workers whose VP (TE)’s have expired or been cancelled by the employer but who wish to stay in Malaysia, for example to pursue a legal case. Ms. Kishna informed attendees that a “special reason” is medical, renewal of passport or work permit, pursuing a case as the plaintiff or witness, trafficked victims. Ms. Kishna was unsure whether workers with conflicts at home can apply for a special pass.
27. Ms. Kishna spoke about the recalibration programme to both legalise workers and for the repatriation of illegal immigrations from 16 Nov 2020 to 30 Jun 2021, which was extended to 30 June 2022. The payment of fines ranged from RM300 to RM500 and it was open to all sectors but they had a travel ban on them, depending on the offences.
28. Ms. Kishna spoke about trafficked victim shelters. There are two shelters operated by Tenaganita and Global Shepherd for women which provide a safe haven while plans are put into place to seek a resolution to their situation and/or facilitate their return home. The links to these are [Good Shepherd](#) and [Tenaganita](#). She advised that victims under a Protection Order are given a monthly allowance.
29. Ms. Kishna addressed an order to be made under Section 55 of the Immigration Act to exempt refugees and asylum seekers from penalization but mentioned this has only happened once under the Australia-Malaysia swap deal. She pointed out the importance of differentiating between refugees and asylum seekers and spoke about the status determination of refugees.
30. Ms. Kishna considered the recommendations good but quite general. She recommended addressing the root cause of irregular migration and pointed out difficulties in obtaining a passport. Ms. Kishna advised there is a lack of proper documentation and pertinent information to make an informed decision to migrate, along with false promises and narratives that irregular migration is safe and that smuggled migrants can be legalized upon arrival which convince some people to take this route.
31. Ms. Kishna found that in terms of countries of origin and destination, it is always best for countries to adapt a rights-based bilateral labour agreements (BLAs) and ensure fair and ethical recruitment, including zero recruitment fees and employer pay model. She advised that pre-departure orientation training and model employment contracts are

also useful tools to ensure safe migration and prevent human trafficking. Ms. Kishna pointed out that for states to ensure rescue, protection, rehabilitation, and reintegration of human trafficking victims by extending crucial support such as shelter, treatment, legal, counselling, among others.

32. Ms. Kishna noted that for states to cease the criminalization and detention of migrants and instead provide regularization options and safer pathways. For states to effectively address the drivers of migration such as poverty, war/violence, persecution, and climate change as well as the root causes of migrant smuggling such as lack of regular pathways, exorbitant recruitment and migration costs, lack of information, among others.
33. Ms. Kishna made reference to the [Migrant Workers' Access to Justice](#) and [ILO Gap Analysis on Forced Labour](#).

Ms. Roshni Shanker, Executive Director, Migration and Asylum Project, India

34. Ms. Shanker acknowledged the complicated nature of migration in India and aimed to break this down from a practitioner's perspective and provide recommendations. She pointed out that India operates in a mixed migration context, including refugees, trafficking survivors, economic migrants, and noted the importance of distinguishing refugees from the larger migrant groups.
35. Ms. Shanker advised there are 200,000 refugees in India, often from neighboring countries and regions such as Tibet, Sri Lanka, Myanmar, Afghanistan and so on. She pointed out the paradoxical approach to refugees, as they are not recognized under law but can be prosecuted under the Foreigners Act and may be vulnerable to detention and deportation despite being a group in need of international protection. Ms. Shanker wanted to point out that the law is not reflective of the practice regarding the treatment of refugees both good and bad.
36. Ms. Shanker informed participants about a number of executive orders from the government over the years which regulate refugee movement, migration, visa policies, stay and progressive judgements which recognized the principle of non-refoulement, extended the right of life and equality before law, and access to the justice system to anyone within the territory of India, including refugees and those not citizens of India. These previous progressive judgements have been used to extend protection to this community.
37. Ms. Shanker pointed out another layer of complication to this system. India has a dual refugee system with both the UNHCR looking after refugees from non-neighboring countries, and the Indian Government looking after those coming from neighboring countries. Ms. Shanker focused on some of the good practices highlighted in the report and associated legal challenges. One best practice is the Sri Lankan refugee model, with rights almost in par with citizens and a range of social economic rights. This was seen as a positive model but in the modern refugee protection landscape this has not been

replicated, for example, Rohingyas and Afghans are treated very differently, and each are regulated by ad hoc systems, educative policies and orders and this keeps changing according to the government of the day.

38. Ms. Shanker pointed out a second pathway which was the long-term visa policy. This was a welcome step, where the Indian Government issued document to refugees recognized by UNHCR of five years with one-year extensions. Many were issued but issuance has reduced and extensions given during the pandemic but were not a uniform practice. Ms. Shanker pointed out that Afghans could apply after the Taliban takeover, and many were approved, but we are yet to see how this will play out, including entry, protection and access to rights. She advised non-citizens can access public education but systems are overburdened and a number of institutions continue to see undocumented migrants.
39. Ms. Shanker spoke about international migrants, who are not refugees and pointed out there is no known pathways for this group. She advised there is just anti-trafficking law which keeps them from being prosecuted under the Foreigner Act. Further, she advised that rehabilitation facilities have not been equipped and access to rights for migrants from 'friendly countries' is better. She informed attendees that there is a national register for citizens. In Assam they must show the government that they are indeed citizens and their name shows in the register. Ms. Shanker advised there are over two million not featured and it is unknown whether they will remain in detention or be deported, which could lead to a humanitarian crisis that is not restricted to Assam and could spread across the country.
40. Ms. Shanker provided three recommendations, including (i) the need for law on statelessness for migrants not documented and a bilateral agreement. In addition, she pointed out (ii) the need for a uniformed codified law for refugees in line with the Constitution and democratic ethos, and lastly (iii) under the Citizenship Act, which is controversial, allow minority groups from the countries of Afghanistan, Pakistan and Bangladesh to apply for citizenship in an expedited manor under the Act. For those who do not belong to this minority group, they can apply under the regular pathway which must show continuous legal residence but it is almost impossible for individuals to establish that they stayed in India for 12 years because the Indian Government does not issue continuous legal documentation to most people.
41. Ms. Shanker pointed out that the long-term visa is the only pathway and that is issued on a discretionary basis. She concluded that for one category of migrants you have an expedited process but for the other you do not have a pathway at all, so the Citizenship Act is just there in theory and not something that can be practically obeyed.

Ms. Jeanie Kim, Attorney, Duroo Association for Public Interest Law, South Korea

42. Ms. Jeanie Kim mentioned Article 6 of the Constitution of the Republic of Korea (RoK) whereby (1) Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea and (2) The status of aliens shall be guaranteed as prescribed by international law and treaties. She mentioned other relevant legislation including the Immigration Act, the Refugee Act, Framework Act and treatment of foreigners.
43. Ms. Kim noted that RoK has ratified the 1951 Refugee Convention in 1992, enacted the Refugee Act in 2012 (Entered into force on 1 July 2013). There is the Refugee Division under the Ministry of Justice, Korea had the first national refugee law in the region. She noted low recognition rates and limited protection of humanitarian status holders.
44. Ms. Kim spoke about the protection of refugees and advised the RoK has the Refugee Act since 2012 which is a good pathway for migrants but the recognition rate is low (one per cent) and before COVID-19 was even lower, in 2020 it was roughly 0.4 per cent. She also mentioned humanitarian status holders as a complimentary form of protection but they do not enjoy rights as much as recognized refugees and do not have access to family reunification and healthcare as much.
45. Ms. Kim addressed about protection for trafficked persons. The Act on the Prevention of Trafficking in Persons and Trafficking Victims Protection was enacted in April 2021 (to be enforced in 2023). It is yet to be enforced and there is no provision of punishment for perpetrators and it does not give much protection or identification, thus victims may be detained in immigration detention centers or deported. Ms. Kim did not think this Act will give clear access for this kind of identification because there lacks provision on the identification of human trafficking victims. She advised that is why Special Rapporteurs (on trafficking in persons, and on contemporary forms of slavery) expressed concerns on this Bill before it was enacted and their concerns/questions were not addressed.
46. Ms. Kim spoke about child protection pathways and pointed out a section in the report regarding the Ministry of Justice announcement to grant legal status to undocumented migrant children with over seven years of residence, which is a step forward for the rights of migrant children in the RoK because before that, there was no regularization procedure at all for undocumented migrant children. Ms. Kim advised we are yet to see how it goes and how it actually protects migrant children in the country. Although the Ministry of Justice announced about providing national registration numbers for undocumented migrant children, that has not happened yet and there is no concrete plan, with no access to healthcare or other welfare services foreseen in the near future.
47. Ms. Kim noted protection from statelessness, whereby the RoK has ratified the 1954 Convention relating to the Status of Stateless Persons, but there are no statelessness

determination procedures prescribed by law and no official definition of ‘statelessness’, with a lack of reliable statistics. Korea also lacks a universal birth registration system and only Korean nationals can register births.

48. Ms. Kim pointed out that migrants currently five per cent of population. The RoK has National Action Plan for the Promotion and Protection of Human Rights (2018 – 2022) and third Master Plan for Immigration Policy (2018 – 2022) but she pointed out that Korea has a long way to go.
49. Ms. Kim’s recommendations were the need transparent and fast refugee status determination procedures, improved recognition rate, a concrete plan for humanitarian status holders and a plan for migrant children. She pointed out that although the RoK has the possibility for regularization, she is unsure how it will go and advised there must be focus on it, along with need for new administration, a new ministry of justice and requirement to discuss in depth migrant policies.

V. Member State Representative Speakers

Mr. Paul Raymund Cortes, Assistant Secretary, Office of Migrant Workers’ Affairs, Department of Foreign Affairs, Philippines

50. The first Member State representative speaker was Mr. Paul Raymund Cortes. Mr. Cortes noted that the Philippines is a GCM Champion Country and as such they continue to proudly campaign for the GCM and support implementation of the GCM on the regional, local and domestic level.
51. Mr. Cortes pointed out that the report created a base line for migration experts and stakeholders such as CSOs to study, replicate and improve the current pathways of entry and stay for migrants. As a non-exhaustive report, Mr. Cortes also highlighted the state general pathways to migration but also recommendations for the Asia Pacific region to develop and implement efficient pathways to a rights-based migration governance system.
52. Mr. Cortes advised that the Philippines is primarily a country of origin and has been so for the past 50 years and has bannered the importance of migrant rights as shown through practices, including the way the Philippines espouses their desires on the international level. He echoed support for the report’s seven recommendations in enhancing migration pathways, that should be rights-based, should provide alternatives for the return of migrants, should be responsive, accessible, predictable and should ensure a whole-of-society approach, something he felt deeply about.

53. Mr. Cortes noted that the Philippines has some migration milestones which the UN Human Rights Office may consider adding to the report. To ensure a rights-based approach, the Philippines recently passed into law, the expanded anti-trafficking in persons Act of 2022 a few weeks ago. He noted this reform provides accountability, including gender-sensitive mechanisms against neighbor trafficking to combat human trafficking as evidenced in the inter-agency committee council against human trafficking. He was proud to share that the Philippines has retained its last status as far as the US's trafficking in persons report 2021 is concerned.
54. Mr. Cortes also noted that the onset of the COVID-19 pandemic prompted the government to conduct mass repatriation of 3.7 million Filipinos to make sure that they returned to the country and borders were eased for their return. In addition to foreign nationals returning to their countries of origin, it was also the other way around, and this was the largest repatriation ever undertaken. Mr. Cortes was proud to note the confluence between the efforts of the Philippines Government and civil society which other countries have asked them about.
55. Mr. Cortes made a final point, similar to their commitment to the GCM, instituted by law on the department of migrant workers. This is the first instance of a state turning GCM commitments into something with relevance as far as domestic implementation is concerned. Mr. Cortes thought that the department of migrant workers will streamline and modernize migration pathways and overseas Filipinos will also be given importance.
56. Mr. Cortes' final comment was that he hopes the OHCHR will add these milestones and recommendations to the report in the essence of international cooperation in countries of origin, destination and transit. He hoped that suggestions be taken on in partnership with Bahrain as far as migration is concerned and noted engagement with Qatar, UAE, Saudi Arabia and others to sure benefit to Filipinos and again reiterated commitment to becoming a Champion Country for migration for others to learn from and they learn from others as well.

Ms. Lynda Kurnia Wardhani, Minister Counselor, Directorate of Socio-Cultural Affairs, Indonesia

57. Ms. Lynda Kurnia Wardhani noted the importance of the report to map pathways in Asia and the Pacific which captures the progress, gaps and recommendations to improve migration governance and protection of migrants in the region. Ms. Wardhani appreciated that the document recognized Indonesia's efforts to address statelessness as a promising development in the region.
58. Ms. Wardhani noted that currently, every child born in Indonesia is recorded and documented including refugees and asylum seekers. She noted that while the document provided general information on Indonesia's efforts to ensure safe pathways for outgoing migrants, it overlooks the progress on protecting the rights of incoming

migrants in terms of policies and practices. Ms. Wardhani added that some of them including formulating regulation to ensure the rights of arriving migrants, particularly for vulnerable groups such as asylum seekers, refugees and victims of trafficking.

59. Ms. Wardhani spoke about improving hiring procedures for migrant workers willing to work in Indonesia, facilitating consul notification and assistance for victims of trafficking and developing an integrated digital database to monitor foreign nationals facing issues in Indonesia.
60. Ms. Wardhani explained that the assessment does not reflect the implementation underground, that Indonesia has always held up the the principle of non-refoulement despite not being party to the 1951 Refugee Convention. She advised Indonesia treats refugees and asylum seekers with dignity by providing shelters, access to medical services, basic needs and COVID-19 vaccinations, with the facilitation of IOM, UNHCR and other organizations.
61. In addition, Ms. Wardhani noted Indonesia no longer places asylum seekers and refugees in detention centers. Secondly, she noted that Indonesia has been actively engaged in addressing irregular migration in the region and Indonesia continues to use the Bali Process as a forum to address trafficking in persons, people smuggling and related transnational crimes. Ms. Wardhani noted that Indonesia also promotes the principle of burden sharing and shared responsibility to tackle the issue proportionately.
62. Ms. Wardhani welcomed the recommendations on safe pathways for migrants as guidance to develop better human-rights based migration policies. She advised that Indonesia is looking forward to the recommendations to be fully implemented, especially in countries with high numbers of Indonesian migrants such as Malaysia, Singapore, Hong Kong, China, Japan and the Republic of Korea.
63. Based on Indonesia's experience to ensure a regular pathway for migration, Ms. Wardhani highlighted three points. First, ensuring safe pathways for migration requires sustained international cooperation and commitment. She pointed out that earlier this year, Indonesia and Malaysia signed a Memorandum of Understanding that outlines the establishment of a one-channel system to facilitate secure and predictable placement of Indonesian domestic workers. She noted that this kind of cooperation might serve as a best practice on how recommendations are translated into concrete actions on the ground.
64. Secondly, Ms. Wardhani pointed out the importance of holistic regulation at all migration places. She noted that Indonesia has initiated expanded policies to protect the rights of migrant workers, with a one-stop integrated service office, to raise awareness and provide information for perspective migrants before employment. Ms. Wardhani also noted they established a migrant resources center to provide legal assistance and

gender-responsive services to migrant women. She also noted the development of the Indonesian citizens care portal as an online consulate service for migrants living abroad.

65. Ms. Wardhani noted the establishment of the productive migrant village program to increase the capacity of returning migrants and to reintegrate them in the social economic development in Indonesia. She also mentioned addressing push factors effective to prevent unsafe pathways of migration through efforts among others, expanding opportunities at the international level, eliminating recruitment fees, designing programs for productivity, to boost consumption and financial assistance for prospective migrants. Ms. Wardhani noted that in the context of refugees, it is important to address the root causes and push factors of irregular migrants.
66. Ms. Wardhani concluded that she appreciated OHCHR for launching the report and convening the meeting. She advised that Indonesia as a Champion Country remains committed to effectively implement the GCM, including to develop better human rights-based migration policy and acknowledged IOM's continued support and stands ready to share their best practices and to speed up implementation of the GCM.

VI. Open Discussion

67. One participant from India spoke about his discussion with one of the panelists, Ms. Shanker on refugee law and concluded that domestic asylum laws and the model law on refugees should be updated, and executive orders need to be consolidated. He also pointed out the many countries from the Gulf Cooperative Council are not signatory to various UN Conventions and suggested developing a mechanism that any UN member state must adopt minimum pathways and not use any migrant worker for dangerous jobs in contrast to their basic rights.
68. Ms. Kishna spoke about new forms of work which are increasingly outsourced; for example contracting work and short-term work. She advised they have tried to get the government to look at flexi-permits which are more flexible work-permit for workers. In domestic sector there is an issue about not wanting to stay with worker and not wanting to be a full-time worker. Ms. Kishna also spoke about the age barrier (18-45), but countries of origin have their own age criteria, where migrant below that age (not necessarily minor) then there is lots of falsifying of documents and age, including with forced labour and trafficked victims, which creates an issue for them to become regularised and may return back to their country of origin.
69. Ms. Kishna also pointed out the increasing use of the migrants social visa introduced by the Malaysian Government in cooperation with the governments of China and India called the eNTRI tourist visa for 15 days. However, almost 90 per cent of Indian nationals coming on that visa and become undocumented and almost 90 per cent have not returned, which is a problem for sending countries due to the issue of taking advantage.

Ms Oberoi agreed, pointing out the interconnectedness of pathways, and monitoring the use of one visa is one thing, but there are difficulties in using the regular labour pathways which makes migrants and agents think about easy ways, but found that few have criminal intent.

70. One participant from Bangladesh spoke about the implementation of GCM and also the issue of age. She also spoke about the need to work out how to protect rights, how domestic workers may bring family members and pointed out that many from Bangladesh are not getting full salaries, health is bad and there is no time for rest.
71. One participant from Australia noted that others mentioned state-to-state cooperation and communication, and asked whether participants had other examples, including in relation to relationships and ensuring the safety of migrant workers and whether further state-to-state cooperation or examples that others may like to highlight. Ms. Oberoi agreed and wondered what countries of origin can do, and asked attendees working on cooperative frameworks to comment.
72. The same participant from India thought there should be a process of enrolment as local people may not have their registration, deprived of maternal and health benefits. He also pointed out that it is important to take note of cases.

VII. Closing Remarks

73. Ms. Oberoi closed the meeting by thanking all participants for their expertise and involvement. She advised that there will be gaps and things to improve but OHCHR embarked on this research to bring life to the GCM, particularly its perspective of migrants in situations of vulnerability. The report aims to shed light on migrants who are not refugees and on the tools available outside of labour migration pathways for States and stakeholders to respond to this vulnerability.
74. Ms. Oberoi pointed out that what the OHCHR wanted to do is expand our understanding as a global community, as a regional community, of what human rights protection means for people. She noted that legal categories are imperfect and this is the reality fortunately and unfortunately as it brings us back to the human rights framework to see the person as an individual rather than a category and everyone of us has inherent human rights including those on the move.
75. Ms. Oberoi noted the lack of pathways in law, in practice and the fact that they can be ad hoc and discretionary but the report highlights the possibilities, to look on the bright side and see what we can work with, and build an agenda from this. Lastly, Ms. Oberoi advised participants to reach out and keep in touch and advise us how we can do better,

how we can support CSO work and the efforts towards the GCM, and showed a [YouTube video](#) on the seven recommendations.

VIII. Agenda

TIME	AGENDA
11.15-11.30am	<p style="text-align: center;">Entrance to Meeting</p> <p style="text-align: center;"><i>Attendees can enter meeting via Microsoft Teams before 11.30am start</i></p>
11.30-11.40am	<p style="text-align: center;">Introduction to Meeting and Presentation – Pia Oberoi, OHCHR</p>
11.40-12.20pm	<p style="text-align: center;">Pathways in the Asia Pacific – Sub-regional Discussion of Opportunities and Challenges</p> <p style="text-align: center;"><u>Speakers:</u></p> <ul style="list-style-type: none"> - Sumitha Shaanthinni Kishna – Director, Our Journey, Malaysia - Roshni Shanker – Executive Director, Migration and Asylum Project, India - Daniel Ghezlbash – Deputy Director, Kaldor Centre, Australia - Jeanie Kim – Attorney, Duroo Association for Public Interest Law, South Korea
12.20-12.40pm	<p style="text-align: center;">Member State Representatives from Champion Countries –</p> <p style="text-align: center;"><u>Speakers:</u></p> <ul style="list-style-type: none"> - Paul Raymund Cortes – Assistant Secretary, Office of Migrant Workers’ Affairs, Department of Foreign Affairs, Philippines - Lynda Kurnia Wardhani – Minister Counselor, Directorate of Socio-Cultural Affairs, Indonesian MOFA
12.40-1.25pm	<p style="text-align: center;">Open Discussion: Migration Issues, Purpose of Report, Recommendations</p>
1.25-1.30pm	<p style="text-align: center;">Event Wrap Up: Next Steps and Ways Forward</p>