

Development Co-operation Directorate
 Development Assistance Committee

DAC Working Party on Development Finance Statistics

PROPOSED NEW PURPOSE CODE FOR "MIGRATION AND MOBILITY FACILITATION"

Formal meeting of the Working Party on Development Finance Statistics (WP-STAT), 20-21 June 2017

At the meeting of the Working Party on Development Finance Statistics (WP-STAT) in March 2017, the European Union (EU) presented a proposal for a new code on ODA-eligible migration activities, given pressure to be more transparent on this topic and report on activities carried out, consistent with SDG 10.7. [See DCD/DAC/STAT/RD(2017)2.]

This note presents a revised proposal that integrates members' comments made at the WP-STAT meeting. Members are invited to APPROVE the proposal in Table 1, for implementation in 2018 on 2017 flows (2019 on 2018 flows at the latest).

This document is presented to the Working Party on Development Finance Statistics (WP-STAT) for APPROVAL under item 11.a of the draft annotated agenda [DCD/DAC/STAT/A(2017)2/REV1].

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PROPOSED NEW PURPOSE CODE FOR "MIGRATION AND MOBILITY FACILITATION"

1. At the meeting of the Working Party on Development Finance Statistics (WP-STAT) in March 2017, the European Union (EU) presented a proposal for a new purpose code to capture ODA-eligible migration activities, currently spread across several sectors.¹ The proposed code would facilitate reporting on assistance to developing countries consistent with SDG 10.7-*Facilitate orderly, safe, regular and responsible migration and mobility of people*. It would also cover migration-related activities as addressed in SDGs 5.2, 8.7 and 16.2 (**trafficking**), SDG.8.8 (**protecting labour rights, including migrant workers**) and SDG 17.18 (**data disaggregation including by migratory status**).

2. This note presents a revised proposal that integrates members' comments at the WP-STAT meeting. **Members are invited to approve the proposal in Table 1, for implementation in 2018 on 2017 flows (2019 on 2018 flows at the latest).**

Summary of adjustments made to the proposal

3. At the WP-STAT meeting, members welcomed the objective of separately identifying activities related to migration in the CRS. However, several concerns were raised and clarification was requested in particular on the nature of ODA-eligible activities that would be assigned the new code. Clear definitions were needed to avoid misinterpretation and potential degradation of ODA programmes.²

4. The Secretariat, in collaboration with the EU, revised the proposal to take into account the comments, as described below.

- *Comment:* "Activities conducted in donor countries should be excluded, the delineation should be clear (these activities are the subject of a separate discussion under the Temporary Working Group on Refugees and Migration)."

Adjustment made: The clarification notes of the proposed new purpose code were revised to emphasise that only support to developing countries is covered. A sentence was added to specify that expenditures for the temporary sustenance of refugees in the donor or a third developed country should be coded under 93010.

- *Comment:* "The eligibility of activities outside donors' borders could also be questioned regarding the component 'irregular migration and trafficking in human beings'. Some of these activities may fall under peace and security ODA exclusions, and may therefore be better suited for reporting on TOSSD. They may involve military border control or maritime security linked to peace and security. The delineation with police activities should remain clear. The question may be raised of whether the fight against smuggling benefits first and foremost the developing countries or the donor countries themselves; the reintegration of refugees is also

1. See [DCD/DAC/STAT/RD\(2017\)2](#).

2. See summary record [DCD/DAC/STAT/M\(2017\)1](#), paragraphs 43-44.

problematic as there are statistics that show that 75% of returns are forced returns from donor countries; the eligibility of border management capacities may be questioned too."

Adjustment made: In order to clarify that the focus of the proposed new code, in line with SDG 10.7, is on facilitating "orderly, safe, regular and responsible migration and mobility" rather than addressing it as a problem from a donor perspective, the label of the code was adjusted to "Migration and mobility facilitation".

Language in the clarification notes was made more concrete and specific to avoid ambiguity on the eligibility of activities covered.

A box below Table 1 presents criteria for assessing ODA-eligibility of activities in the field of migration. Examples of eligible activities that would fall under the new code are also provided. (The examples were provided by the EU and selected from the CRS database.)

- *Comment:* "There are overlaps between the proposed new code and human rights and with the newly proposed humanitarian code for international protection."

Adjustment made: To address the overlap with the human rights code, it is proposed to add a note in its clarification notes to explicitly exclude human rights assistance provided to refugees and migrants. Humanitarian aspects of refugee assistance such as delivery of emergency services and humanitarian protection should be coded under the emergency response code 72010; a note has been added to this effect under the proposed new code for migration.

- *Comment:* "Activities to address root causes should be reflected as well e.g. job creation for specific groups of potential migrants."

Adjustment made: Activities to address the root causes of migration, such as job creation, are standard developmental activities and fall under specific economic or social sectors or purpose codes such as food security (52010). In line with SDG 10.7, the focus of the proposed new code is on "facilitating" migration rather than addressing it as a problem. In future, the possibility of creating a policy marker to identify activities addressing the root causes of migration across all sectors could be examined.

- *Comment:* "More than just one purpose code may need to be introduced to reflect the variety of activities undertaken."

Adjustment made: At this stage, for the sake of keeping the CRS purpose code list manageable, the Secretariat's recommendation is to create only one code.

- *Comment:* "International protection and asylum" should be renamed "international protection and right to asylum".

Adjustment made.

Proposal

5. The proposal consists in creating a new purpose code for "migration and mobility facilitation" and editing the clarification notes of other purpose codes to avoid overlaps with the new code as shown below.

Table 1. Proposal for adjusting purpose codes in the area of migration

CRS code	Description	Clarifications
151xx [new code]	Migration and mobility facilitation	<p>Assistance to developing countries that facilitates the orderly, safe, regular and responsible migration and mobility of people.</p> <p><u>Capacity building in migration and mobility policy, analysis, planning and management</u>: support to mainstream migration into national and local development strategies; to maximise the development impact of migration and improve integration of migrants in countries of destination (developing countries only); to develop responses to the social and economic consequences of migration (e.g. "brain drain and gain" issues), to collect migration data. Also includes engagement with diaspora and programmes encouraging remittances and/or their use for developmental projects. <i>(Programmes aiming at reducing the sending costs of remittances are coded under 24050.)</i></p> <p><u>Measures to improve migrant labour recruitment systems</u>, e.g. harmonisation of regulations governing recruitment agencies at origin and destination developing countries; improvement of portability of rights and recognition of diplomas and skills; reduction of recruitment costs; reduction of vulnerability of migrant workers to right abuses and labour exploitation; capacity enhancement of employer, support to trade unions, civil society organisations and the media to provide reliable information and services to migrant workers and their families.</p> <p><u>Counter trafficking in human beings and smuggling of migrants in developing countries</u>: capacity building for strategy and policy development; legal and judicial development (including border management) to address trafficking, smuggling and irregular migration, as well as their inter-linkages and links to corruption and organised crime; protection and assistance to victims of trafficking and smuggling; measures to inform potential migrants about legal processes for migration. <i>(Only financing for routine civil policing functions i.e. pursuant to preventing and addressing criminal activities and the promotion of public safety are eligible. See eligibility rules and exclusion in paragraphs 100-101.</i></p> <p><u>Assistance, in developing countries, for the safe, informed and voluntary return of refugees and migrants to their country of origin (forced returns are excluded); sustainable reintegration, in developing countries, of refugees and migrants voluntarily returning to their country of origin.</u></p> <p><u>International protection and the right to asylum</u>: measures to enhance national legal frameworks for asylum; to improve reception and admissions policy and capacity in developing countries; support to mainstream protection and assistance to refugees into national and local development strategies, including where there is a large movement of refugees or a protracted situation; support to host communities receiving and hosting large influxes of refugees. <i>(Humanitarian aspects of refugee assistance such as delivery of emergency services and humanitarian protection should be coded under the emergency response code 72010.)</i></p> <p><u>Support to effective strategies to ensure adequate protection and assistance for internally displaced persons (IDPs)</u>: measures to facilitate their voluntary, informed and safe integration, return or resettlement as appropriate; support to host communities receiving and hosting large influxes of IDPs.</p> <p><i>Use code 93010 when expenditures are for the temporary sustenance of refugees in the donor or a third developed country.</i></p> <p><i>Activities addressing the root causes of migration should not be coded here, but under their relevant sector of intervention.</i></p>
13010 [edited]	Population policy and administrative management	Population/development policies; census work, vital registration; migration data ; demographic research/analysis; reproductive health research; unspecified population activities. (Use purpose code 151xx for data on migration and refugees.)

<p>15130 [edited]</p>	<p>Legal and judicial development</p>	<p>Support to institutions, systems and procedures of the justice sector, both formal and informal; support to ministries of justice, the interior and home affairs; judges and courts; legal drafting services; bar and lawyers associations; professional legal education; maintenance of law and order and public safety; border management; law enforcement agencies, police, prisons and their supervision; ombudsmen; alternative dispute resolution, arbitration and mediation; legal aid and counsel; traditional, indigenous and paralegal practices that fall outside the formal legal system. Measures that support the improvement of legal frameworks, constitutions, laws and regulations; legislative and constitutional drafting and review; legal reform; integration of formal and informal systems of law. Public legal education; dissemination of information on entitlements and remedies for injustice; awareness campaigns. (Use codes 152xx for activities that are primarily aimed at supporting security system reform or undertaken in connection with post-conflict and peace building activities. Use purpose code 151xx for border management activities related to migration.)</p>
<p>15160 [edited]</p>	<p>Human rights</p>	<p>Measures to support specialised official human rights institutions and mechanisms at universal, regional, national and local levels in their statutory roles to promote and protect civil and political, economic, social and cultural rights as defined in international conventions and covenants; translation of international human rights commitments into national legislation; reporting and follow-up; human rights dialogue. Human rights defenders and human rights NGOs; human rights advocacy, activism, mobilisation; awareness raising and public human rights education. Human rights programming targeting specific groups, e.g. children, persons with disabilities, migrants, ethnic, religious, linguistic and sexual minorities, indigenous people and those suffering from caste discrimination, victims of trafficking, victims of torture. (Use code 15230 when in the context of a peacekeeping operation. Use code 15180 for ending violence against women and girls. Use code 151xx for human rights programming for refugees or migrants, including when they are victims of trafficking.)</p>
<p>24050 [edited]</p>	<p>Remittance facilitation, promotion and optimisation</p>	<p>Includes programmes aiming at reducing the sending costs of remittances. Also includes programmes encouraging remittances and/or their use for developmental projects.</p>

Box. ODA eligibility of activities in the field of migration and examples of eligible activities

Migration is a global phenomenon that concerns both developing and developed countries. Therefore, programmes might be developed that address migration as a global public good, with multiple objectives including development but also possibly migration control. Only those activities whose primary purpose/motivation is to promote the economic development and welfare of developing countries qualify as ODA. Activities that pursue first and foremost donors' interests (e.g. containing migration) or involve co-operation between developed and developing countries on various aspects of migration for a mutual benefit are excluded from ODA (the latter might be considered under TOSSD).

Activities in the field of migration might also address rule-of-law issues (e.g. trafficking in persons and the smuggling of migrants); in this area only financing for routine civil policing functions (i.e. pursuant to preventing and addressing criminal activities and the promotion of public safety) are eligible. (See eligibility rules and exclusions in paragraphs 100-101.)

Examples of eligible activities:

- Assessment of existing national migration policies and their possible gaps; improve protection of human rights of irregular migrants, training of lawyers on asylum issues.
- Maximise the impact of remittances for the local economic and social development.
- Prevent and address trafficking in persons and the smuggling of migrants in developing countries by assisting them in the elaboration and implementation of comprehensive national counter-trafficking and smuggling responses including fight against corruption and organised crime.
- Reduce abusive practices and violations of human and labour rights during migrant recruitment processes and maximise the protection of migrant workers.
- Regional Development and Protection Programme for refugees and host communities in the Middle East (Lebanon, Iraq and Jordan), with the objective to: propose durable solutions to refugees (voluntary return, local integration or resettlement) and ensure access to basic rights, including freedom of movement; and support socio-economic development in host countries.
- Assisted voluntary return and reintegration for migrants in an irregular situation in Morocco willing to return to their country of origin.