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PROPOSED NEW PURPOSE CODE FOR "FACILITATION OF ORDERLY, SAFE, REGULAR AND RESPONSIBLE MIGRATION AND MOBILITY"

The proposal for a new purpose code to capture ODA-eligible migration activities was discussed at the meetings of the Working Party on Development Finance Statistics (WP-STAT) in March 2017 and June 2017. This revised version integrates members' comments made at the WP-STAT meeting in June 2017 and written comments received subsequently.

Members will have the possibility to signal any additional comment in a conference call on 11 December at 1pm Paris time. A final version will then be prepared on this basis and submitted for approval through a written procedure by the end of the year, to allow for implementation of the new purpose code in 2018 reporting on 2017 flows.

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PROPOSED NEW PURPOSE CODE FOR "FACILITATION OF ORDERLY, SAFE, REGULAR AND RESPONSIBLE MIGRATION AND MOBILITY"

1.   The proposal for a new purpose code to capture ODA-eligible migration activities was discussed at the meetings of the Working Party on Development Finance Statistics (WP-STAT) in March 2017 and June 2017[1]. This revised version integrates members' comments made at the WP-STAT meeting in June 2017 and written comments received subsequently. **Members will have the possibility to signal any additional comment in a conference call on 11 December at 1pm Paris time. A final version will then be prepared on this basis and submitted for approval through a written procedure by the end of the year, to allow for implementation of the new purpose code in 2018 reporting on 2017 flows.**

Summary of comments made to the earlier version of the proposal

2.   A number of changes were made to the earlier version of the proposal to accommodate comments received:

- The title was adjusted to more closely align with the label of SDG target 10.7.

- The word "voluntarily" was removed from the sentence referring to sustainable reintegration of refugees and migrants (original sentence reads "sustainable reintegration, in developing countries, of refugees and migrants voluntarily returning to their country of origin"; revised sentence reads " assistance to migrants for their sustainable reintegration in their country of origin"). Members mentioned that, while only voluntary **returns** are ODA-eligible, support to **reintegration** should be provided to all migrants who return to their country of origin, also because persons that have been forced to return are likely to be the most vulnerable and most in need.

- Clarification notes were shortened to align with the standard length for other purpose codes. Details on the coverage of the purpose code and eligibility of activities in the field of migration are now provided separately. Language was updated to further delineate between eligible and non-eligible activities (examples of non-eligible activities were added), and between activities in developing countries (covered under new purpose code) and temporary sustenance of refugees in the provider or a third developed country (covered under code 93010).

3.   Members also commented that there is a risk of overlap of the new code with humanitarian assistance to refugees and that this would deserve a broader discussion with the International Organisation for Migration (IOM) to try to better define development assistance to refugees and migrants. The Secretariat reached out to IOM to consult them on this issue but did not get a reply yet. However, any inputs from them or members in the coming weeks could be integrated in the final version.

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1.   See DCD/DAC/STAT/RD(2017)2 and DCD/DAC/STAT(2017)23.

4.   Two broader comments, not directly addressed in the proposal, related to i) the possible difficulty to isolate, in practice, activities specifically targeting refugees/migrants from human rights programming (code 15160) or migration data from the collection of overall population data (code 13010); and ii) the need to ensure that the DAC purpose classification remains compatible with the voluntary budget identifier codes. On the first point, it is noted that the objective of introducing a new code for migration is precisely to isolate specific migration-related activities and that there always has been a trade-off between the level of granularity in the purpose classification and the feasibility for all members of breaking down programmes to that level. On the second point, the Secretariat is currently collaborating with IATI technical colleagues to generate an XML file in order to better share the code lists and updates with them and other users.

Proposal

5.   It is proposed to **create a new purpose code for "Facilitation of orderly, safe, regular and responsible migration and mobility"** and **amend the clarification notes of other purpose codes** to avoid overlaps.

6.   The objective is to capture under a single code activities currently spread across several sectors. This would facilitate reporting on assistance to developing countries consistent with the SDG target 10.7-*Facilitate orderly, safe, regular and responsible migration and mobility of people.* The code would also cover migration-related activities as addressed in SDG targets 5.2, 8.7 and 16.2 (trafficking), SDG targets 8.8 (protecting labour rights, including migrant workers) and 17.18 (data disaggregation including by migratory status).

7.   The proposal was initiated by the European Union (EU). Principles that led the development of the new code on the EU side can be summarised as follows:

- The creation of a new code is essential to enable transparent, accurate and comprehensive reporting on migration-related development co-operation.

- The new code will not broaden ODA eligibility; its coverage is consistent with the existing Directives and ODA eligibility rules.

- The new code does not relate to expenditures incurred in the provider country for the temporary sustenance of refugees (in-donor refugee costs); it will help to clearly differentiate between the two types of expenditures.

Implementation

8.   It is proposed to **implement the new purpose code 151xx and adjustments to codes 13010, 15130, 15160 and 24050 in 2018 on 2017 data (2019 on 2018 flows at the latest).** The Secretariat will monitor the implementation and assess the eligibility of projects reported under the new code; it will present a report to WP-STAT in 2020 on 2017-18 data.

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

CRS code	Description	Clarifications
151xx [new code]	**Facilitation of orderly, safe, regular and responsible migration and mobility**	Assistance to developing countries that facilitates the orderly, safe, regular and responsible migration and mobility of people. This includes: • capacity building in migration and mobility policy, analysis, planning and management, including engagement with diaspora and programmes enhancing the development impact of remittances and/or their use for developmental projects in developing countries; • measures to improve migrant labour recruitment systems in developing countries; • capacity building for strategy and policy development, legal and judicial development (including border management) to address trafficking in human beings, smuggling of migrants and irregular migration in developing countries; • international protection and the right to asylum; • support to effective strategies to ensure access to justice and assistance for internally displaced persons (IDPs); • assistance to migrants for their safe, informed and voluntary return to their country of origin (covers only returns from another developing country); • assistance to migrants for their sustainable reintegration in their country of origin. *Activities addressing the root causes of migration should not be coded here, but under their relevant sector of intervention. In addition, use code 24050 for programmes aiming at reducing the sending costs of remittances, code 72010 for humanitarian aspects of refugee assistance such as delivery of emergency services and humanitarian protection, and code 93010 when expenditures are for the temporary sustenance of refugees in the donor country, including for their voluntary return, or in a third developed country.*
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.)
15130 [edited]	Legal and judicial development	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 capacity building in border management related to migration.)

15160 [edited]	Human rights	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.)
24050 [edited]	Remittance facilitation~~, promotion and optimisation~~	Includes programmes aiming at reducing the sending costs of remittances. ~~Also includes programmes encouraging remittances and/or their use for developmental projects.~~

Additional clarifications on purpose code "Facilitation of orderly, safe, regular and responsible migration and mobility"

Coverage

9.   The new purpose code "Facilitation of orderly, safe, regular and responsible migration and mobility" covers assistance to developing countries that facilitates the orderly, safe, regular and responsible migration and mobility of people. Activities addressing the root causes of migration should not be coded here, but under their relevant sector of intervention. Expenditures for the temporary sustenance of refugees in the provider country, including for their voluntary return, or in a third developed country should be reported under code 93010.

10.   The code covers:

- Capacity building in migration and mobility policy, analysis, planning and management: 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 in developing countries. *(Programmes aiming at reducing the sending costs of remittances are coded under 24050.)*

- Measures to improve migrant labour recruitment systems in developing countries 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.

- Capacity building for strategy and policy development, legal and judicial development (including border management) to address trafficking in human beings, smuggling of migrants and irregular migration in developing countries 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. (*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. For exclusions in relation to the use of the military, see paragraphs 97-98.)

- International protection and the right to asylum: 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; development/structural/non-relief support to communities receiving and hosting large influxes of refugees. (*Humanitarian aspects of refugee assistance such as delivery of emergency services and humanitarian protection should be coded under the emergency response code 72010.)*

- Support to effective strategies to ensure access to justice and assistance for internally displaced persons (IDPs): measures to facilitate their voluntary, informed and safe integration, return or resettlement as appropriate; support to communities affected by internal displacement.

- Assistance to migrants for their safe, informed and voluntary return to their country of origin (covers only returns from another developing country).

- Assistance to migrants for their sustainable reintegration in their country of origin.

ODA eligibility of activities in the field of migration

11.   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 providers' 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.)

12.   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.)

13.   Paying for the transit, voluntary or otherwise, of migrants from provider countries is outside the scope of the code, and not eligible. [See paragraphs 47 and 48 in DCD/DAC(2017)35/FINAL.]

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.

- Capacity building assistance to developing countries to help them prevent and address trafficking in persons and the smuggling of migrants through 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, 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.

- Assistance for voluntary return and reintegration for migrants in an irregular situation in a North African country willing to return to their country of origin.

- Sustainable reintegration of migrants returning from EU member states, the Middle-East or elsewhere to Afghanistan.

Examples of non-eligible activities:

- Capacity building of migration policies in a provider country.

- Support for forced returns for migrants in an irregular situation in a North African country.

- Contribution to armed patrols for border control.