



# Protect

The Right to International Protection

WP2 Policy briefing on  
protection seeking migrants



This project has received funding from the European Union's Horizon 2020 research and innovation program under grant agreement No 870761.





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## WP2 POLICY BRIEFING ON PROTECTION SEEKING MIGRANTS

Research in PROTECT's Work Package 2 (WP2) focused on the *rights* dimension of the international protection regime. It analysed the legal interaction of the Global Compact for Migration (GCM) and the Global Compact on Refugees (GCR) with pre-existing frames of protection, especially human rights treaties. Taking the Compacts seriously, in particular the substantive commitments laid down in the Migration Compact's Objectives, would entail substantial changes in EU policies, in asylum and beyond.

### Core findings regarding EU policies

The bifurcation between refugees and migrants on which the two Compacts seemingly build is less straightforward than one would assume. Accordingly, not only the GCR but also the GCM has major implications in asylum policy. It addresses specific protection needs of protection-seeking migrants who are not covered by the Refugee Convention, and it serves as an 'umbrella', strengthening core human rights of migrants regardless of their status.

The GCM has the potential to strengthen the international protection system in improving the legal condition of protection-seeking migrants other than refugees. GCM Objective 5 stands out as an example, laying down the commitment to expand safe pathways to protection. **The European Union and its Member States should live up to their commitment, laid down in the Global Compact for Migration, to expand safe pathways to protection in the EU, in particular by providing humanitarian visas.**

The GCM has the potential to strengthen the social and economic rights of protection-seeking migrants. Objective 15 of the GCM reflects a human right to a 'minimum core' of basic services for all migrants independent of their status. This is particularly relevant for the reception conditions of protection-seeking migrants whose status determination is pending, including asylum-seekers who are subject to so-called Dublin transfers.

Immigration detention is another example where the GCM functions as an 'umbrella', shielding protection-seeking and other migrants alike. The GCM, with its Objective 13, has the potential to limit the use of detention as a means of asylum policy, in particular in the context of border procedures.

Faithfully observing Compact standards could also have policy implications beyond the CEAS instruments, such as the Return Directive or the Schengen Borders Code. Moreover, the GCM may create legal effects for EU development policy.

### Select references to research output

- D2.5: Elspeth Guild, Kathryn Allinson, Nicolette Busuttil and Maja Grundler, 'A Practitioners' Handbook on the Common European Asylum System (CEAS) and EU and Member States' Commitments under the UN Global Compact on Refugees and the UN Global Compact for Safe, Orderly and Regular Migration' (Protect 2022)  
<<https://zenodo.org/record/7053969#.Y1vPjy337PD>> (accessed 28 October 2022)
- D2.6: Jürgen Bast and Janna Wessels, with Anuscheh Farahat, 'The Dynamic Relationship between the Global Compact for Migration and Human Rights Law' (Research Paper, Protect 2022)

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