

# Global Coalition on Migration

## Perspectives on Migration Governance & the Global Compact

### Introduction

The Global Coalition on Migration's perspective on migration and human mobility is people-centered and rooted in the universality of human rights: all human beings have all human rights. Migration and human mobility are first and foremost about human beings—their lives, needs, aspirations, autonomy, and well-being—and migration therefore must be well-governed, not merely managed. People have been moving for many millennia, while nation-states and their borders are relatively recent inventions. Securitized borders aimed at keeping people out and restrictive visa regimes that admit people merely as commodified units of labor, without fundamental rights, are more recent still.

We face a future in which people's access to mobility options will become increasingly central to their ability to exercise their rights and to lead secure and sustainable lives. Because economic, environmental and demographic changes will increasingly shape lives, migration governance must not only protect migrants' rights. It must also be farsighted, future-oriented and interact coherently with the policy frameworks that address these interconnected social processes. And it must be responsive to diverse local, national, regional and inter-regional patterns and specificities, including the ways these patterns and specificities are gendered and racialized.

Below we offer an overview of migration governance trends that urgently need to be addressed for the benefit of migrants—and indeed for the benefit of all whose choices about their own and their families' mobility are made under serious constraints. We then offer an assessment of the potential for improving mobility options and protecting migrant rights offered respectively by the 2030 Sustainable Development Agenda and by the Global Compact on Safe, Regular and Orderly Migration. We emphasize the importance of making and marking progress on many of the SDGs, not simply on Goal 10.7 on “safe, orderly, regular and responsible migration.”

### Overview

According to the UN, the number of migrants, measured as those who have been living outside of their country of birth or nationality for at least a year, was at an all-time high of 244 million in 2015 and has been growing at a slightly faster rate than the world population as a whole. Nevertheless, despite

the facts that numbers of migrants are growing and that our world is more interconnected and interdependent than ever, national borders and restrictive visa regimes continue to play a major role restricting human mobility. Current policies and practices across a wide range of states of origin, transit and destination continue to keep migration costly and dangerous for migrants who are seeking a livelihood for themselves and their families and often meeting a real (even if unacknowledged) demand for their labor.

In recent decades, capital and goods have been moving across borders ever more freely. The number of people moving across borders has been increasing too, but quite unevenly; some are able to move much more freely than others. For people from high-income countries who have resources, movement especially for tourism, business or education has become relatively easy, and the privilege of mobility is often taken for granted by those who enjoy it. For those in poor and middle-income countries, especially those seeking opportunities to work abroad, the situation is more difficult.

Currently, there are insufficient opportunities for regular migration relative to demand; this is clear from the fact that so many people migrate or attempt to migrate irregularly, or stay in a country to work without authorization after a regular entry. Irregular migrants face the most obvious risks, but many existing opportunities for regular migration, particularly for low-skilled work, are so restrictive and susceptible to abuse that they too present serious risks and rights deficits, including inadequate regulation and oversight; multiple forms of exploitation by recruiters and employers; and an almost complete lack of access to justice for redress of violations. Whether in regular or irregular status, migrants face a lack of respect and protection of their human rights due to inadequate and often incoherent migration governance, including deliberately discriminatory policies in transit and destination countries. At the national level, adequate implementation of international rights protections and access to justice in cases of violations is all too rare.

Recent months and years have seen a disturbing trend in almost every part of the world toward closing, militarizing and securitizing borders, even slowing or rolling back important progress in establishing regional free-mobility regimes. The paradigm in most destination countries is focused on deterrence, on keeping people out— and if possible,

externalizing enforcement so that those who would seek to enter can never access the state's territory. Migrants and would-be migrants are demonized, treated and discussed not only as criminals but as security threats, even terrorists. Those who reach the border or are found to be residing irregularly are detained and eventually deported, often without access to due process and information about the right to apply for asylum or other available protection is sometimes but not always provided, depending on the country and circumstances.

An official discourse demonizing and criminalizing migrants is not only incompatible with stated commitments to combat racism and xenophobia directed toward migrants, it is a *cause* of those same racial and xenophobic reactions. Furthermore, criminalization itself does not stop at the border; it follows irregular migrants (and their families, even those with citizenship or regular status) as long as they stay—they are still subject to arrest, detention and deportation merely for being in irregular status. Detention can be lengthy, imposing financial and other hardships on their families.

### Migration Governance

It is in this context that we call on states to redouble their efforts to improve global migration governance—not only in the context of the Global Compact, but also with renewed attention to the SDGs and Agenda 2030. In both Agenda 2030 and the New York Declaration, states commit to fully respecting the human rights of all migrants regardless of status, and the need to realize this commitment in practice is critical.

Priority issue areas for improved governance include:

- Labor migration, including recruitment reform
- Gender and the empowerment of women
- Migrants in crisis
- Border securitization, militarization and externalization
- Detention, including the detention of children & families
- Returns and deportations
- Regularization and firewalls
- Racism and xenophobia toward migrants

Several areas require specific action in law, policy and practice to ensure protection of the human rights of migrants and provide access to justice when rights are violated:

- **End criminalisation of migrants** and ensure that irregular entry or stay is only ever an administrative offense and not grounds for detention;

- **End detention of migrants** (children, pregnant women and families most urgently) for purposes of assessing migration status and implement alternatives to detention, and recognize that international standards state clearly that **detention is never in the best interest of the child**;
- **Guarantee firewalls** between immigration enforcement authorities on the one hand, and other government agencies and services on the other, so that migrants can report crimes against them to law enforcement and access essential services, without fear of being detained or deported;
- **Respect the human rights of all migrants** at work and outside of work, including access to essential services such as healthcare and reproductive health services for women and education for children;
- Address the need for **paths for regularization of irregular migrants** in the interests of social cohesion and integration.

Recognizing that most migration is for labor, there is an urgent need to progressively improve standards for regular migration programs, and to ensure their effective implementation. Improvement of standards should be a priority in bilateral, regional, and international processes and must:

- Focus on the **rights of migrants, benefits to migrants and preferences of migrants** as central concerns of regular labor migration programs, not simply benefits to origin and destination states, which often come at the expense of migrants and their families;
- **Reform temporary and circular migration programs** to enable workers to fully exercise their rights, including the right to organize and collectively bargain, to use visa portability to change employers and to access justice for protection from employer retaliation;
- Provide migrant workers with the **widest possible range of mobility choices**, including paths to permanent residency and citizenship, with the right to family reunification;
- **Improve transparency, accountability, and adequate standards** in labor agreements, involving the ILO and social dialogue partners;
- Develop and expand **mechanisms for recognition of skills and qualifications** at all skill levels;

- **Implement ILO fair recruitment guidelines**, develop **effective oversight and portable justice mechanisms** to guarantee access to justice and end impunity of exploitative recruiters and employers.

If States ratified the nine core international human rights treaties and ILO Conventions including 97, 143 and 189, domesticated them in national law and implemented them in policy and practice, they would effectively address almost all of the deficits listed above.

While attempts are being made to more adequately incorporate a gender perspective in migration governance, much remains to be done. Thus far, attention has focused too narrowly on women's vulnerabilities. While all women—and all people—must be able to travel and live in safety, the New York Declaration, for example, focuses too narrowly on women as victims, on their vulnerabilities when travelling irregularly. A more adequate approach would start not with migration, but with progress toward equality, as expressed in Goal 5 of the 2030 Agenda, to “achieve gender equality and empower all women and girls.” Progress on Goal 5 in states of origin and destination would go far toward reducing women's vulnerabilities in migration. The closer women and girls come to enjoying equal rights and opportunities—to education and training, to credit, to property, to inheritance, to mobility, to health services—the better their opportunities for decent work and the less likely they are to find themselves in a situation in which they are compelled to migrate—especially under circumstances that leave them vulnerable to abuse and exploitation, whether sexual or gender-based violence or workplace exploitation. Destination states must address the particular needs of migrant women, who almost always face discrimination on the basis of their gender and migration status (and even more so if they are irregular), and who are more likely than men to work in sectors not covered by labour protection.

Migration—and therefore migration governance-- affects millions of children who migrate alone or with family members, and it also affects children whose family members migrate without them, as well as those at risk of separation from parents subject to detention and/or deportation due to irregular status. Both regular and irregular migration cause children to be separated from migrating family members. Multiple regions have experienced increases in numbers of unaccompanied and separated child migrants, and the protection of their rights continues to be a governance challenge. Despite authoritative guidance from the CRC on detention never being in the best interests of the child, much weaker language ended up in the New York Declaration.

## **Sustainable Development and Migration**

Just over a year ago, states and stakeholders were celebrating the vision and aspirations of the 2030 Sustainable Development Agenda and its inclusion of explicit references to migrants and migration. Shortly thereafter and for much of the past year, attention has largely shifted to the more specific agenda of the September 19 High Level Summit addressing large movements of refugees and migrants, the New York Declaration, and the process it outlines toward a Global Compact on Safe, Regular and Orderly Migration.

Within the context of the Summit and compact discussions, the sustainable development context of the SDGs is largely ignored except for target 10.7, “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.” But addressing migration governance in a comprehensive way—rather than just repeatedly trying to respond to crisis situations—will require a more integrated, comprehensive approach than a Global Compact on Migration on its own can offer. It will require a sustainable development approach that goes back to the real drivers of migration and the inextricable link between migration and the need for sustainable livelihood, which states fully recognized in A/RES/70/1 adopting the SDGs. Heads of State and Government did so “on behalf of the peoples [they] serve,” adopting a “comprehensive, far-reaching and people-centred set of universal and transformative Goals and targets” toward “achieving sustainable development in its in its three dimensions—economic, social and environmental—in a balanced and integrated manner” (Para 2). States also emphasized implementation, recognizing the need for a revitalized Global Partnership for Development, committing to “work in a spirit of global solidarity, in particular solidarity with the poorest and with people in vulnerable situations” (Para 39). Global solidarity is needed, as is the “enabling institutional environment” for financing development as outlined in the Addis Ababa Action Agenda (AAAA).

The commitment to sustainable development in the SDGs is far deeper and more transformative than the development in the “migration and development” paradigm. Many—even most—of the 17 Goals relate to migrants and/or migration. In addition to the specific mentions in relation to decent work; safe, orderly, regular and responsible migration; and including migratory status in data collection, there are particularly important intersections with targets in Goals 1, 3, 4, 5, 8, 10, 11, 13, 16, and 17. In fact, if one looks just at Goal 10, Reducing Inequality Within and Among Countries, the picture is quite different from looking at 10.7 in isolation. Goal 10 reflects the

spirit of global solidarity and the need to address a wide range of causes of inequality within and among countries-- Inequalities understood as including but not limited to income inequalities; there is an emphasis on countering discrimination and reforming institutions to foster greater equality.

### Global Compact

The great potential of a Global Compact for Safe, Regular and Orderly Migration is to bring institutional and policy coherence to migration governance at the global level. States must make the most of this opportunity to act collectively with a shared purpose, engaging with stakeholders to produce a framework for the future: a compact that addresses urgent needs while also reflecting the solidarity and future-oriented vision expressed in the 2030 agenda. The commitments in the New York Declaration, and especially its Annex II, are ambitious and wide-ranging, but they are also vague and lacking in references to implementation. It will therefore be especially important to make maximum effective use of existing normative and policy frameworks and guidelines, and the expertise of agencies with the normative mandates to provide authoritative guidance on their implementation.

Equally important will be designing modalities with robust regional consultative processes, recognizing that priority issues and governance concerns take specific forms in different regions, between specific regions and in specific corridors-- depending on who is migrating where for what reasons and under what circumstances. Civil society actors, and especially migrant and migrant-led organizations, are critical stakeholders whose leadership and policy expertise must be centrally involved in the consultations through which the Global Compact is developed. Although not currently identified as a UN Major Group, since the Rio+20 meeting, "migrants and [their] families" have been included in the broader list of "Major Groups and other stakeholders" (MGoS: "local communities, volunteer groups and foundations, migrants and families, as well as older persons and persons with disabilities").

The modalities should be designed such that States' commitment in paragraph 5 of the New York Declaration to upholding the human rights of all migrants regardless of status can be effectively incorporated into the Global Compact. Consultations and negotiations should therefore involve the facilitation and input of *all* relevant agencies around those substantive governance issues over which they have competence, including the UN human rights institutions and mechanisms-- Treaty Bodies as well as Special Procedures. Similarly, this means an important role for the ILO in all

discussions of international labor rights and standards and indeed the involvement of many GMG groups. We want to emphasize that the participation of these agencies is essential because this is where the expertise on the international human and labor rights legal framework resides.

### About the Global Coalition on Migration

The concept of the GCM was born out of the collaborations of its initial member organizations around the [Global Forum on Migration \(GFMD\)](#) and the corresponding [People's Global Action on Migration, Development & Human Rights \(PGA\)](#) processes. In the current international political climate where migration is receiving intense attention, global civil society movements need to have a strong presence, collective voice, and unified vision to advocate for the best possible global governance and policy-making around migration.

The **Global Coalition on Migration (GCM)** represents a space for critical dialogue, networking and coordinated advocacy. Network membership does not imply complete alignment on all issues. Rather, the Coalition enables members to collectively chart tools and strategies to advance a rights-based migration agenda on critical issues, bridging national, regional and global levels of governance.

### Member Organizations

These organizations form the core of the **Global Coalition on Migration**. They represent regional and international networks of migrant associations, migrant rights organizations and advocates, trade unions, faith groups and academia, covering every region of the world.

- [Alianza Americas](#) (formerly NALACC)
- [Bank Information Center](#) (BIC) *observer*
- [Espacio Sin Fronteras](#) (ESF)
- [Global Migration Policy Associates](#) (GMPA)
- [International Catholic Migration Commission](#) (ICMC)
- [International Network on Migration and Development](#) (INMD)
- [International Trade Union Confederation](#) (ITUC)
- [La Via Campesina](#) (LVC) *observer*
- [Migrant Forum in Asia](#) (MFA)
- [Migrants Rights International](#) (MRI)
- [National Network for Immigrant and Refugee Rights](#) (NNIRR)
- [Pan-African Network in Defense of Migrants Rights](#) (PANiDMR)
- [Platform for the International Cooperation on Undocumented Migrants](#) (PICUM)
- [Solidarity Center](#)
- [Transnational Migrant Platform](#) (TMP)
- [Women in Migration Network](#) (WIMN, *formerly Women & Global Migration Working Group, WGMWG*)