

Key issues for the Global Compact

Well governed migration must be more than merely “safe, orderly and regular”; it must also protect migrants’ human rights and guarantee access to justice when those rights are violated. States have an opportunity to develop fair, responsible and coherent collective approaches to migration governance. These must include development of frameworks and mechanisms to allow people to move regularly across borders—whether to make asylum claims, to work, to look for work, to return home, to return to a job, to get education or training, or to reunite with family members.

We call on States to show leadership and take advantage of the opportunity presented by the Global Compact to:

- **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 implementing alternatives to detention, and recognize that international standards state clearly that **detention is never in the best interest of the child**;
- **Ensure firewalls** between immigration enforcement authorities on the one hand, and other government agencies and services on the other, **enabling all migrants’ access to social services and to the criminal justice system** to report crimes against them, without fear of being detained or deported;
- **Ensure effective access to justice** for all migrants, regardless of status, through all phases of the migratory process
- **Respect the rights of irregular migrants** at work and outside of work, providing access to healthcare, including sexual and reproductive health services for women; accommodation, and access to education for children;
- Ensure that **gender issues are appropriately addressed** at the levels of law, policy and practice so as to empower women in migration and allow them to enjoy full and equal rights protection and benefits from migration;
- Address the need for **paths for regularization of irregular migrants** in the interests of social cohesion and integration and consider regularization as an alternative to return.

The vast majority of migrants are economically active, either workers or self-employed. Many millions of migrants around the world are contributing to economies in low-wage jobs in the informal economy-- in agriculture, domestic and care work, construction, and various service sector jobs. Recognizing that most migration is for labor, we call on States to commit to progressively improving standards for regular migration programs, and to ensure their effective implementation. Improved labor standards 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 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, preferably by involving the ILO and social dialogue partners;
- Develop and expand **mechanisms for recognition of skills and qualifications** at all skill levels;
- Go beyond current efforts at recruitment reform, developing **effective oversight and portable justice mechanisms** to guarantee access to justice and end impunity of exploitative recruiters and employers.

We note that 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 those urgent needs for reforming regular labor migration programs. Paragraph 3.8 asks States to “consider” ratifying or acceding to the 1990 Convention on the Rights of All Migrant Workers and Members of Their Families. **We call on States that have not done so to ratify the Migrant Workers Convention now**, while also emphasizing that the non-discrimination clauses mean that state parties to the ICCPR and ICESCR as well as other core UN human rights conventions (e.g. CERD, CEDAW, CRC) already have obligations to respect, protect and fulfill the human rights of migrants on their territory

We urge States to work both individually and collectively, throughout the Global Compact consultation and negotiation process, to address the issues we have outlined and to do so as part of a genuinely multi-stakeholder process. An effective compact requires the inclusion and participation of civil society, **especially including migrant and migrant-led organizations**, as well as by taking advantage of the mandates, expertise and capacity of UN and other intergovernmental organizations.

We also urge States to devote greater attention to addressing drivers of forced migration and to supporting better migration and mobility choices for all. While we focused here on improving the respect, protection and fulfillment of migrants’ rights, we want to emphasize that the ultimate goal-- of the UN, of its Member States, and of global governance-- must be the respect, protection and fulfillment of the human rights of all. Looking toward achieving the 2030 Sustainable Development Agenda and beyond, States and all stakeholders must take a view of the place of human mobility in the future of humanity that is both longer and broader.

The Global Coalition on Migration (<http://gcmigration.org>) is a multi-sectoral coalition of large regional networks of migrant and migrant-led organizations in Europe, Africa, Asia and the Americas, together with labor, policy, and faith-based organizations. The Coalition serves to bridge its members’ work at national and regional levels with global governance processes.