

GCM Reflections on the September 19 Outcome Documents— Most of the work is yet to be done, and States need to act now.



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On August 2, after several weeks of intense negotiations, the Member States of the United Nations adopted a Political Declaration and two Annexes as outcomes for the upcoming September 19 United Nations Summit addressing large movements of refugees and migrants. We applaud the work of the Co-Facilitators in forging this agreement and we welcome States' commitment to "reaffirm, and... fully protect, the human rights of all refugees and migrants, regardless of status."

But what the Declaration really reveals is States' *reluctance* to act collectively to make concrete commitments ensuring implementation of respect for migrants' and refugees' rights in practice. Worse, some States actually insisted on language that backtracks from existing standards; the US-led weakening of the draft language—which had recognized that **detention for purposes of assessing immigration status is NEVER in the best interest of the child** and committed States to ending the practice-- was especially shameful.

Elsewhere, in paragraph 2.3, some States' security concerns led to commitments to strengthening cooperation to *keep people out*, with insinuations of connections between terrorism and refugees and migrants. This is despite a lack of evidence that deterrence and securitized borders keep people from attempting—and sometimes succeeding at—irregular entry, especially when they are responding to unmet labor demand in the destination country.

Perhaps even more importantly, **State deterrence policies are completely inconsistent with the important expressed commitments to combating racism and xenophobia** and to "changing the narrative" to emphasize the positive contributions migrants make to societies of destination as well as origin. On the contrary, State policies preventing regular entry, criminalizing irregular entry and detaining migrants who enter or stay without documents can only contribute to the demonization of migrants and refugees. This is intensely counterproductive to combatting racism and xenophobia and achieving the social cohesion and integration that we all seek.

We call on States to stop wasting time. There are many millions of migrants living and working around the world, most working in low-wage jobs in the informal economy-- in agriculture, domestic work, construction, and various service sector jobs. Their conditions of life outside of the framework of legal and social protection impose risks and burdens on them, but also negatively impact the rest of society and the potential for social integration. We call on States to show leadership and take action now 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;

- **Respect the rights of irregular migrants** at work and outside of work, including access to healthcare, including reproductive health services for women; accommodation, and access to education for children;
- Ensure that **gender issues are fully 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.

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. Responsible and coherent collective approaches to migration governance must focus on developing 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. 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 do more than consider it, and to ratify the Migrant Workers Convention now.**

We urge States to work both individually and collectively, now and through the Global Compact negotiating process, to address the issues we have outlined and to do so as part of a genuinely multi-stakeholder process. States must take advantage of the mandates, expertise and capacity of UN and other intergovernmental organizations as well as that of civil society, including migrant and migrant-led 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.