



National Network for Immigrant and Refugee Rights

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Statement from the National Network for Immigrant and Refugee Rights Multi-stakeholder Session with the GCM Co-Facilitators 18 May 2018

Thank you for the opportunity to provide a comment towards this 4th round of negotiations for the Global Compact for Migration. We also thank you for your facilitation of the negotiations themselves. We believe the process has been informative and productive, and we are pleased with the progress in identifying key issues and areas of convergence, as well as greater clarity on issues where there are disagreements.

I would like to speak this morning to the importance of retaining the concept of “regularization” in the Compact, specifically in Objective 16, g.

We appreciate the identification of the factors that drive migration, and proposals to reference the 2030 Agenda in this Compact. We look forward to the time when migration is a choice and is not driven by necessity. We also hope that expanded pathways for regular migration will help to ease the flow of irregular migration, which exposes migrants to vulnerable, and sometimes fatal, situations.

But unless there are massive patterns of forced returns, or deportations – and we hope this will not be the case – we will continue to have significant numbers of irregular migrants in some countries. Options for regularization need to be part of any policy conversation and consideration on irregular migration and should be provided as an alternative to returns.

While we urge States to do better at providing access to key services, and to respecting rights, in our experience, nonetheless, most irregular migrants will continue to live in precarious situations.

For example, the child of an irregular migrant may be able to go to school – but the parent walking the child to school can still be picked up by immigration authorities, arrested and placed in deportation proceedings. Emergency medical care may be available, but an irregular migrant may shun going to a hospital.

The draft now only refers to “procedures towards residence status”, but we would urge that the concept of regularization be specified, recognizing that there are *various options for regularization* – or to adjust immigration status – and which include considerations for social ties, length of residence, and so forth. Agreed, criteria should be clear and transparent, and any fees or obligations attached to access to a regularization process be fair not overly burdensome for the migrant.

Absent options for regularization, almost half a million migrants from several countries in the United States will lose Temporary Protected Status over the next year or so and will face the threat of deportation. Some have lived for over 20 years in the country, have U.S. citizen children, are business owners, and have regularly worked. Some 800,000 DACA recipients – young irregular immigrants who grew up in the U.S. – are presently in limbo. They have lived under the color of law, and with access to work, but have no right to remain.

Options for regularization are needed to ensure access to justice and even baseline services, access to decent work and labor protections, and to support the agency of migrants and their participation in society, rather than their maintaining a life in the shadows. *It is a tool for protection, and it is also in the public interest.* We have safer and healthier communities when irregular migrants can adjust their immigration status and not fear reporting crimes or getting their children vaccinated.

I live in the state of California, which is the fifth largest economy in the world. About 25 per cent of the foreign born in the U.S. live in California, and the foreign born – including citizens as well as irregular migrants, constitute over 25% of the state's population. Over many years, immigrants have played a vital role in the social and economic life of the state, and we have seen the benefit to all, of those irregular immigrants who were able to adjust their status, in terms of social integration and economic stability. It's a win-win situation for migrants and for the public as a whole.

We would like to reiterate our support for an expansion of legal pathways for migration, and for policies and practices to facilitate integration and inclusion. Such pathways, to facilitate safe passage, access to decent work and to basic services and benefits, are essential to avoid the vulnerable situations of irregular migrants, of forced migration. Options for legal pathways are also important for the many migrants who do migrate through regular channels, but who may be threatened with the loss of status under various circumstances.

Plainly, legal pathways are essential for the prevention of migrant deaths. We appreciate the Compact's objective towards saving migrant lives and addressing missing migrants; access to safe passage must remain at the core of this objective.

Coupled with options for regular migration and legal pathways, we appreciate the discussion thus far on the concept of firewalls. Access to justice and to services can best be ensured when there is data privacy, when there is no unnecessary disclosure of migration status – especially when such disclosure is intended for punitive or exploitative purposes.

Thank you, once again, for the opportunity to share these comments at this important stage of the Compact's development.

Submitted by:

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