

# Civil Society Open Letter to United Nations Member States on the Global Compact for Safe, Orderly and regular Migration

3 May 2018

Excellencies,

We, the undersigned members of civil society, write to you regarding the negotiations on the Global Compact for Safe, Orderly and Regular Migration (GCM). **Civil society is connected** across a diversity of networks, sectors and regions, and we share a **common vision** for a GCM that will improve the lives of migrants and communities across the globe. To achieve that vision we remain committed to working with you to ensure that the **GCM will reduce the exploitation and loss of life** faced by so many migrants and their families, as well as offer viable, long-term solutions.

We thank the Co-Facilitators in their efforts to maintain a document that attempts to address the needs and uphold the rights of all migrants, regardless of status, in a time of rising xenophobia. We also appreciate their efforts to take the views of civil society into account. Unfortunately, after three rounds of negotiations and a year of consultations and stocktaking, we see the very **real possibility** that the shared vision articulated in the **New York Declaration will be undercut**.

Withholding access to human rights based on migration status erodes existing good practices, violates international human rights obligations, and does not deter irregular migration. The failure to address the complexities of mixed migration risks letting migrants in vulnerable situations continue to fall through gaps in protection. Continued support for detention of children despite evidence of its long-term harmful effects undermines the human rights and best interests of the child. Finally, without the genuine intent to expand safe and regular pathways, your efforts and ours will mean little to the millions of migrants trekking across mountains and deserts, taking to the seas in overcrowded boats, and living, studying, and working among us in a constant state of precariousness.

This is not, however, a foregone conclusion.

*We, as civil society and as migrants, note **several key areas** that must be addressed in the time remaining in order to ensure the GCM will live up to the vision of the New York Declaration:*

## ○ **SAFE ACCESS TO SERVICES**

Access to education, justice in all areas of law - including labour, decent work and living conditions, and the highest attainable standards of health are just some of the fundamental rights enshrined in international human rights law and national legislation as belonging to **everyone regardless of status**. Yet during the negotiations we have seen Member States, many of them ostensible champions of human rights, arguing that equal access to these rights is contingent upon regular migration status. Moreover, there is inflexible pushback against methods of ensuring irregular migrants can access services and exercise their rights without fear of incrimination or arrest. Civil society has provided **multiple examples from all regions** where such measures allow for irregular migrants to safely report crimes, gender discrimination, and unfair labour practices; attend or take children to school; and receive medical attention. Rather than undermining the whole-of-government approach, **these tools are essential** to safeguard the trusted role of service providers in society.

## ○ **IMMIGRATION DETENTION**

In the New York Declaration, governments committed to protect and uphold the human rights and best interests of all migrant children by working towards ending the practice of child immigration detention. We

welcome the inclusion of language that supports ending this practice by providing for non-custodial alternatives and community-based arrangements. **Alternative solutions** that protect children and respect their rights without resorting to detention are proven to work effectively and efficiently. If the GCM is to remain aligned with its guiding principles of child-sensitivity and the respect, protection and fulfilment of the human rights of all migrants, it is imperative that the text retains its focus on **ending the practice of child immigration detention** and on using **detention of all other migrants only as a measure of last resort** while working to create, implement and expand alternatives.

○ **MIXED MIGRATION**

Migrants and refugees move in similar circumstances and along the same routes in mixed migration flows -- a reality of contemporary human mobility that is fuelled by the lack of safe and regular migration pathways. They often suffer the same human rights abuses, and the reasons why they leave their countries of origin are also intertwined, so much so that the same individual may be labeled a migrant or a refugee at different points in time. Addressing these **common challenges and similar vulnerabilities** was exactly what the New York Declaration set out to achieve. It is therefore essential that individuals who have not yet asked for, do not have access to, or have been denied asylum, and migrants in situations of vulnerability, are considered **fully within the scope of the GCM**. We also oppose strategies to deter large movements of migrants and refugees, including arrangements between transit and destination countries that deny **due process** to migrants.

We welcome the GCM's 360-degree vision to ensure that no one is left behind in global migration governance. While we recognize that the GCM and the Global Compact on Refugees are being developed in separate processes, to ignore the intimately linked experiences of refugees and migrants is to **ignore the reality both on the ground and facing decision-makers**. While there are specific rights derived from refugee law, protection based on human rights and situation-specific or individual needs is a broader concept that applies to all individuals and requires **communication and referral mechanisms between the two Compacts** to prevent protection gaps.

○ **SAFE AND REGULAR PATHWAYS**

Underpinning all these issues is the critical need to **expand safe and regular pathways and facilitate options for obtaining regular status**. Expanding these pathways is the key to creating an actionable GCM that upholds the vision of the New York Declaration. This does not mean providing blanket regular status to all irregular migrants in a territory. Rather, we urge States to have an evidence-based discussion on the ways in which they can cooperate and expand on already existing practices, such as humanitarian visas, family reunification and labour pathways that protect the rights of migrant workers. If the GCM is to achieve safe, regular and orderly migration, it must **provide the tools** necessary to meet this goal.

On 19 September 2016, the Member States of the United Nations committed to addressing large movements of refugees and migrants in a "humane, sensitive, compassionate and people-centered manner." As key stakeholders and subjects of this GCM, **civil society, migrants and their communities have a strong and important voice** in these negotiations. The GCM has the potential to protect the dignity of all migrants and to leave no one behind. As we enter into the final rounds of negotiations, we urge you to **stay true to the spirit of the New York Declaration** and engage in open dialogue. We appeal to you to be bold and to think long-term.

***We must seize this historic chance. All of us have come too far to go back now.***

Yours sincerely,

## Signatories (May 18, 2018)

- 11.11.11 CNCD
- 21st Century Community Empowerment for Youth and Women initiative
- ACT Alliance
- Action Secours Ambulance (ASA)
- ADEPT
- Aditus foundation
- Advies Centrum Migratie - CAW Antwerpen
- Africa - Europe Diaspora Development Platform
- AFRICA UNITE (AU)
- African Women in Germany (MAISHA)
- Afrique Culture Maroc (ACM)
- Afrique Europe Interact (AEI)
- Agricultural Missions
- Aid Organization
- AITIMA
- Alianza Americas
- Alliance Against Trafficking in Women and Children in Nepal (AATWIN)
- Americas for Conservation and the Arts (AFC+A)
- Anglican Consultative Council (ACC)
- Antenne pour la reconnaissance de l'environnement au Congo (AREC)
- Asabe Shehu Yar'Adua Foundation (ASYARF)
- Asia Pacific Refugee Rights Network (APRRN)
- Association des Volontaires pour le Développement Rural Mali (AVDR\_Mali)
- Association for Community Development (ACD)
- Association Khamsa Solidaire Ici et Ailleurs
- Association Kirikou pour mineurs migrants et marocains (Kirikou)
- Association of Integration and Migration (SIMI)
- Asylum Access
- Athens Scientific Alumna Association of Kindergarten teachers of Higher Education (ΕΠ.Ε.Α.Δ.Ν.Α)
- Awaj Foundation
- Ayni Bolivia Nederland
- Bangladesh Mukto Sramik Federation
- Bangladesh Pani Unnayan Borad Jatiotabadi Sramik Karmochary Union
- Bangladesh SCM
- Bischöfliches Hilfswerk MISEREOR
- Black Alliance for Just Immigration (BAJI)
- Bloque Latinoamericano sobre Migración
- Brot für die Welt
- Bulgarian national committee of preschool education (omen)
- Caritas Ghana
- Caritas Internationalis
- Casa Generalizia della Societa' del Sacro Cuore
- Casa Monarca Humanitarian Aid for Migrants
- Centre Euro-Méditerranéen Migration et Développement
- Centre Guide pour la Migration de la CGTM
- Centro de Estudios Sociales y legales (CELS)
- Centro de Promoción y Defensa de los Derechos Humanos (CDH)
- Centro Internacional para los Derechos Humanos de los Migrantes (CIDEHUM)
- Chambre Transversale des Jeunes Entrepreneurs du Burundi
- Charles Sturt University (CSU)
- Church of Sweden
- Churches Witnessing With Migrants (CWWM)
- Civil Society Network on Migration and Development, Nigeria
- Coalition Nationale des Associations de Lutte Contre la Traite et le Trafic des personnes (CONATT)
- Collectif des Communautés Subsahariennes au Maroc (CCSM)
- Comisión de la Pastoral de Migrantes y Movilidad Humana, Arquidiócesis Primada de México
- Community Development Foundation Pakistan (CDF-Pakistan)
- Community Development Services (CDS)
- Company of the Daughters of Charity of St. Vincent de Paul
- Conferencia de Religiosos de Colombia (CRC) Comisión Justicia, Paz e Integridad de la creación JPIC
- Congregation of Our Lady of Charity of the Good Shepherd

- Good Shepherd Myanmar Foundation (GSMF)
- Good Shepherd Sisters Australia and Aotearoa/New Zealand
- Good Shepherd Sisters Colombia-Venezuela
- Good Shepherd Sisters Mexico
- Good Shepherd Sisters Singapore-Malaysia
- Consortium of Indian Scientists for Sustainable Development (CISSD)
- Consortium of Migrants Assisting Organizations
- Coordinamento Italiano NGOs Internazionali (CINI)
- Coordination SUD
- Cordaid
- Cynthia Annamma Mathew
- Danish Refugee Council (DRC)
- Democratic Network for Action (DNA)
- Dina Habib - Signing at Own Capacity
- Dominican Leadership Conference (DLC)
- Don Bosco International (DBI)
- Don Bosco Network (DBN)
- El Centro del Inmigrante
- EnZO
- Eurochild
- Euro-Mediterraan Centrum Migratie Ontwikkeling (EMCEMO)
- Every Child Protected Against Trafficking (ECPAT UK)
- FAIRWORK
- FAIRWORK Belgium
- FAWCO
- Federación SOS Racismo
- Fédération des Tunisiens pour une Citoyenneté des Deux Rives (FTCR)
- Fédération Euro-Africaine de Solidarité
- Fédération Internationale de la Diaspora Afar (FIDA)
- Federazione Organismi Cristiani Servizio Volontario Internazionale (FOCSIV)
- Fondation Orient-Occident
- Force Africaine pour la Solidarité l'Education et le Développement (FASED)
- Forum des Organisations de Solidarité Internationale Issues des Migrations (FORIM)
- Franciscan Action Network (FAN)
- Franciscans International
- Franciscans International
- Friends of Refugees NoVA
- Fundación Alianza por los Derechos, la Igualdad y la Solidaridad Internacional (Alianza por la Solidaridad)
- Fundación Esperanza
- Fundación Scalabrini para las Migraciones
- Ghana Registered Nurses and Midwives Association (GRNMA)
- Global Coalition on Migration
- Global Justice Now
- Global Labor Justice
- Grupo de Mujeres de la Argentina - Foro de VIH Mujeres y Familia
- Holding Hands Organization (HHO)
- Hope Border Institute/International Tribunal of Conscience of Peoples in Movement
- Human Rights Development Information Center
- Human Rights Watch (HRW)
- Humanity and Inclusion (HI)
- Humanity Crew
- IAMANEH Switzerland
- IMA Research Foundation
- Immigration Outreach Service Center
- INRLF-Indian National Rural Labour Federation
- Institut pour le Developpement/ Missionnaires des Droits Humains (IDEV/MDH)
- Instituto de Estudios y Divulgación sobre Migración (INEDIM)
- International Catholic Migration Commission (ICMC)
- International Centre for Advocacy and Social Research (ICASOR)
- International Council of Psychologists (ICP)
- International Council of Voluntary Agencies (ICVA)
- International Detention Coalition (IDC)
- International Federation of Medical Students' Associations (IFMSA)
- International Movement for Advancement of Education Culture Social & Economic Development (IMAECSED)
- International Network on Migration and Development
- International Presentation Association

- International Youth Association TIP
- Istituto Internazionale Maria Ausiliatrice (IIMA)
- Jesuit Refugee Service Belgium
- Joint Committee with Migrants in Korea (JCMK)
- Jugendliche ohne Grenzen (JoG)
- Justice in Motion
- KISA - Action for Equality, Support, Antiracism
- Koperazzjoni Internazzjonali Malta (KOPIN)
- La Strada International
- Lawyers Beyond Borders -Sri Lanka
- Laye Camara
- Le Monde des Possibles
- Life Quality Improvement Organisation FLIGHT
- LIVE-ADDIS Ethiopian Residents Charity
- Loretto Community
- MAP Foundation
- Maryknoll Fathers & Brothers
- Maryknoll Sisters
- Medinetz Mainz
- MediNetz Wuerzburg
- Mekong Migration Network (MMN)
- Mennonite Central Committee (MCC)
- Methodist Church of new Zealand Te Haahi Weteriana o Aotearoa (MCNZ)
- Migrant Rights Centre Ireland
- Migrant Voice
- Migrant Womens Lobby Group SA (MWLG)
- Migrante-Central Visayas
- Migrants Rights Council India
- Mixed Migration Centre (MMC)
- Muzaffarabad Poveriety Alleviation Programme
- National Association of Women's Organisations in Uganda (NAWOU)
- National Council of Churches in the Philippines (NCCP)
- National Domestic Workers Movement
- National Network for Immigrant and Refugee Rights
- National Workers Welfare Trust
- Nations Institute
- New Humanity
- OMANIAE VZW
- World Organization for Early Childhood Education (OMEP)
- OMEP Australia
- OMEP Canada
- OMEP Canterbury Chapter
- OMEP Croatia
- OMEP Europe
- OMEP Ghana
- OMEP Greece
- OMEP Panamá
- OMEP Switzerland
- OMEP Turkey
- OMEP Victoria, Australia
- OMEP Waikato/Bay of Plenty Chapter
- One Third
- ORBIT VZW
- Othernews
- Our Lady Queen of Peace
- Outreach Social Care Project (OSCAR)
- Pacificwin New Zealand Samoa (Pacificwin NZSamoa)
- Pacificwins Queensland
- PACWIN / Pacific Womens Indigenous Networks
- Partnere per Femijet
- Partnership for Global Justice
- Passionists International (PI)
- People Forum for Human Rights (People Forum)
- Plateforme Euro Marocaine Migration Développement MDGD
- Platform for International Cooperation on Undocumented Migrants
- Policy Analysis and Research Institute of Lesotho (PARIL)
- Policy Management Consultancy Services (Policy Consult)
- Pouliot-Cleare and Associates
- POURAKHI Nepal
- Poverty Elimination and Community Education (PEACE) Foundation
- Programme for Helpless and Lagged Societies (PHALS)
- Recherches et Documentation Juridiques Africaines –(RDJA)
- Red Acoge
- Refugee Council of Australia
- Refugee Solidarity Network (RSN)
- Refugees International
- Religious of the Assumption, English province

- Religious of the Sacred Heart of Mary
- Réseau Euromed France (REF)
- Réseau Marocain Transnational Migration Développement (RMTMD)
- Réseau Migration Développement (REMIDEV)
- Resource center for elderly Pennsylvania (RCE)
- Samantha Suib
- Sans-Papiers Anlaufstelle Zürich (SPAZ)
- Save the Children
- Scalabrini International Migration Network (SIMN)
- Secours Catholique – Caritas France
- Service d'Accès à une Véritable Éducation (SAVÉ)
- Sindicato Unitario Nacional de Trabajadores de la Construcción y Similares (SUNTRACS)
- Sisters of Charity Federation
- Sisters of Notre Dame de Namur (SNDdeN)
- Social Forum Senegal and West African Réseau Migration
- Society for Human Rights & Prisoners Aid. (SHARP) Pakistan
- Society of Catholic Medical Missionaries (MMS)
- Solidarity Center
- Soroptimist International
- Soul Sustainable Progress (SSP)
- South Texas Human Rights Center
- SPARK!
- Special Education Rights and Responsibilities (SERR)
- Sr. May Catherine Francis
- Stichting Habagat
- Stichting LOS
- SÜDWIND Institut
- Sumaiya Islam, Bangladeshi Ovibashi Mohila Sramik Association (BOMSA)
- Swedish Djiboutian Development Agency
- Terre des Hommes International Federation
- Terre des Jeunes du Burundi Transnational
- The Lutheran World Federation
- The Norwegian Centre Against Racism
- The Populace Foundation International (TPFI)
- Tong Jahoni International
- Unanima International
- UNANIMA International
- UNESCO
- UNICEF
- United Methodist Church General Board of Church and Society
- VIVAT International
- WARBE Development Foundation
- Women in Migration Network (WIMN)
- World Democratic Governance project association (WDGpa)
- World Student Christian Federation Asia-Pacific (WSCF AP)
- World Vision
- Zdruzenie na gragjani za promoviranje i zastita na kulturnite i duhovnite vrednosti LEGIS Skopje
- Zimbabwe United Nations Association