

Global Compact for Migration Sixth Round of Negotiations July 2018

Migration continues to be heavily politicized in many nations around the world, therefore making a thoughtful, fact-driven approach to global migration governance very difficult. In this challenging context, the fact this process has continued under your careful and hardworking leadership is in itself an important accomplishment. However, we are reminded that there will be a lot more to be done in the area of global governance of migration, above and beyond the ultimate text of the Global Compact. However, it will mark a significant step forward if the Compact can uphold the spirit of the New York Declaration for Refugees and Migrants and the standards set forth in international human rights law. After a careful revision of Draft 3, Alianza Americas has identified the following elements that we believe are essential:

It is necessary to include the principle of non refoulement in various objectives. Its omission or references to it by describing its content rather than naming it undermine both the Compact and the principle.

Criminalization of irregular migration has not deterred irregular migration. Criminalization does not make migration safe, orderly or regular. There is substantive evidence of the contrary. **Regular migration will not be achieved through the criminalization, detention, return, exclusion and limitations of rights of migrants based on their irregular status. The Compact should promote an administrative over a criminal approach to immigration infractions**, encouraging States to work towards using other tools.

Detention for immigration violations, whether part of civil or criminal enforcement, does not deter migration, and does result in pervasive and systemic human rights violations. The Compact should advance from the NY Declaration towards the **elimination of detention of both children and adults**. An unacceptable outcome of this process would be to maintain detention as a standard policy tool to deter immigration.

Prior drafts attempted to establish **limitations to information sharing related to migrants' access to services -including justice- shielding it from immigration enforcement purposes**, reflecting that the States' obligation to ensure and protect them trumps immigration enforcement. It is key to re-establish them.

Efforts to strengthen returns have ignored human rights. We want to underscore the importance of including limits and reasons that prohibit a return, and elements that favour a migrant's stay. Monitoring mechanisms must be independent and returns of children should take into account the right to family unity and family life. However, emphasis on effective and efficient cooperation on returns fails to consider the conditions that returned migrants encounter in their country of origin. The challenge is not how to process deportations swiftly, but rather how to create conditions that make migrants' return safe and sustainable and that enable in as far as his or hers rebuilding their lives. Hence the importance of **international cooperation**. Failing to consider these elements will only result in an understandable effort to return to the life they had prior to deportation.

Addressing **adverse drivers** is essential. We particularly welcome and support the inclusion of **natural disaster and climate change induced displacement** as adverse drivers. However, we believe that prevention and resolution of armed conflict and ensuring human rights protection should be included.

Ensuring decent work regardless of migratory status is a central aspect of this endeavour. It is necessary to set standards that advance protections for all migrant workers and not only for those in a regular status, or those with a written contract. It is necessary to break the cycle that allows employers to benefit from immigration enforcement actions to elude their obligations. This Compact must retain the assurance from prior drafts, that there will not be immigration enforcement consequences if they exercise their labour rights and demand protection.

Families should not be separated at ports of entry and in immigration enforcement actions. Furthermore, return decisions must take into consideration the impact of forcible removal or deportation on the rest of the family. **The right to family unity and to family life must both be included in the text.**

A **greater role for civil society organizations**, that will participate in the implementation and oversight of the Compact can make a difference. Our voice, the voice of migrants, our families, our organizations, and the organizations that work in advocacy and service provisions for migrants must be included into the follow-up and review process.

We initiated this process with great expectations. We aspire to leave on Friday with a Compact that is meaningful for migrants and our families.