



The Global Compact on Migration

Putting Migrants on a Path to Membership

New York, New York

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How do you achieve “safe, orderly, and regular migration”?

- Legal avenues vs. enforcement: how do you reduce irregular migration?
Legal avenues/status +enforcement+push factors: what is the balance
- Disconnect between reality on ground and negotiations: will the GCM make a difference on the ground?
- Issue of citizenship left to member states, viewed as a sovereignty issue
- Compromise: everyone walks away from table unhappy=GCM
- Interpretation of language: floor vs ceiling; advocates and progressive member states should interpret rights as floor, enforcement as ceiling
- How provisions are implemented (or not) holds the key to the future

Examples of “compromise” for legal avenues

- Legal Avenues: “expand availability and flexibility” vs. “increase” chapeau of Objective 5
- Regularization: “Develop accessible and expedient procedures that facilitate transition from one status to another...including those fallen out of regular status..” “Build on existing practices to facilitate access for migrants in an irregular status to an individual assessment that may lead to regular status, on a case by case basis and with clear and transparent criteria..” Obj 7, 23 h, l
- Labor migration: “Develop flexible, rights based, gender responsive labor mobility schemes...by providing flexible, convertible, and non-discriminatory visa and permit options, such as for permanent and temporary work..” Objective 5, 21 (d)

Examples of “compromise”: enforcement

- Border management: “facilitating safe and regular cross-border movements of people while preventing irregular migration..” Objective 11, Paragraph 27
- Externalization: “Enhance international and regional cooperation regarding border management, taking into consideration...assistance and appropriate protection for migrants in situations of vulnerability...” 11-27-a
- Criminalization: “Review and revise laws and regulations to determine sanctions are proportionate, equitable, non-discriminatory, and fully consistent with due process and other obligations under international law” (no “civil”) 11-27-f
- Detention: not used as a deterrent, community-based ATDs, “work to end the practice of child detention.”

Other language dances

- “family reunification” vs “right to family life”
- “right to privacy” vs “firewalls”
- Basic services to irregular migrants not defined
- Non-refoulement left out but definition left in? Sustainable reintegration and equal access to social protection, employment, justice, and psycho-social support.
- Migrants in vulnerable situations= human rights standards. How does that apply on the ground?

Steps moving forward

- Interpret provisions of Compact broadly
- Promote best practices on important issues
- Maintain a voice in UN system re monitoring and support, but organize in capitals
- Monitor worse practices which use GCM as justification, and clarify and push back
- Educate on GCM and its importance as a multilateral framework for migration governance