RESPONSE TO THE SRSG’s ISSUE BRIEF #6
Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications and other relevant measures

IN PREPARATION FOR THE SIXTH THEMATIC CONSULTATION ON THE GLOBAL COMPACT FOR MIGRATION
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As noted by the SRSG, regular and irregular migration have many drivers in common, and wherever regular migration pathways are lacking, those who are compelled to migrate by these drivers are forced to do so irregularly. Such migrants then become vulnerable to the risks of smuggling and trafficking in transit and to stigma and the inability to access human and labor rights protections in countries of destination. A Global Compact must not only focus on a human rights-based return and reintegration of irregular migrants, but it must also provide expanded and new opportunities for safe, regular, human rights-based migration and policies for the protection and regularization of irregular migrants.

We call on Member States to expand existing regular pathways and to create new ones for safe, regular, human rights-based migration for all persons driven to migrate, including for those displaced by environmental degradation resulting from natural and man-made disasters, climate change, industrial activity and other anthropogenic causes, and that include increased mechanisms and numbers for:

- humanitarian visas for resettlement, safe access to territories for people in need, and community and private sponsorship programs
- family reunification
- scholarship and student visas
- effective skills and credentials recognition and matching labor mobility schemes

In addition, we call for the implementation of temporary and permanent labor mobility schemes that are inclusive of workers of low-skill as well as of those of high-skill. We emphasize, however, that some temporary and circular migration schemes, which have been proposed by many Member States as a regular migration pathway and a tool for development, can also be harmful to migrant workers. Under these schemes, temporary migrant workers, especially those of low-skill, may be unable to access legal remedies for workplace violations, ineligible for social protection benefits, and unable to be reunited with their families. In accord with the Convention on the Rights of Migrant Workers and their Families, all migrant workers, whether they are of high or low-skill, temporary or permanent, are entitled to the protection of their human rights and labor rights, including the right to social protection and the right to family life. The NGO Committee on Migration strongly supports the position of the SRSG that any temporary or circular migration policies should allow migrant workers to access decent work opportunities, to change employers, and to switch from temporary to permanent migration status.

Taking steps to expand and create new regular pathways, including for the regularization of migrants in
an irregular situation, is essential, but it is not enough. We call on Member States to take urgent action to protect the labor rights of irregular migrants, including women and low-skilled migrant workers. As the SRSG notes, international human rights instruments apply to all persons regardless of status, and the treaty bodies have paid particular attention to migrant workers, including women migrant workers and migrants in an irregular situation. Despite these principled commitments, many migrant workers experience abusive and/or fraudulent recruitment practices, low wages, poor working conditions, lack of social protection, discrimination, xenophobia, and other violations of their human and labor rights, some of which lead to trafficking in persons or forced labor. In addition to other abuses faced by low-skilled or irregular migrant workers, women migrant workers also face gendered economic systems and discrimination that make them prone to deskilling and increase their vulnerability to exploitation.

In order to prevent exploitation and human rights abuses, including human trafficking and forced labor, The NGO Committee on Migration urges Member States to:

- Redouble efforts to protect the human rights of all migrant workers regardless of skill level or migratory status, and to ensure that labor mobility commitments they make reflect that equal voice, visibility and protection has been provided to workers of low and high-skill levels, and not only to workers of high-skill level
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Conventions No. 97 and 143, if they have not done already, and to fully implement and enforce these conventions to close the gaps between the rights of migrant workers in theory and practice, and in high and low-skilled labor mobility
- Develop a Global Compact through which they commit to require that all employers institute ethical recruitment processes aligned with the ILO’s International Recruitment Integration System; holding accountable all employers who fail in this regard; strengthening labor inspection services that ensure migrant workers are not put at risk of debt bondage, forced labor or hazardous working conditions and are able to access information and complaint mechanisms to protect their rights
- Keep in mind that the primary aim of readmission and reintegration processes should not be to deter re-migration, but rather, to establish conditions in countries of origin that eliminate migration as a pre-requisite for the enjoyment of human rights, including through remediation of man-made environmental degradation
- Implement non-discrimination policies to combat wage gaps and to establish firewalls between basic services and immigration enforcement to ensure access to rights, regardless of status
- Establish strong protections for all migrant workers, regardless of status and gender, to effectively exercise and defend their rights through freedom of association and collective bargaining, and to and enable access to trade unions for migrants in irregular situations

The NGO Committee on Migration and its civil society partners remain committed to our continued collaboration with Member States, the UN system, and the international community to achieve a Global Compact for Human Mobility and Migration that is actionable and accountable; that enhances sustainable development in countries of origin, transit and destination; and that protects the human and labor rights of all migrants and their families.