

UNITED NATIONS



NATIONS UNIES

Check against delivery

**Opening Remarks at multi-stakeholder hearings
By Louise Arbour, Special Representative of the Secretary-
General for International Migration**

--

New York, 21 May 2018

H.E. Mr. Miroslav Lajčák, President of the General Assembly,

Distinguished co-facilitators,

Excellencies,

Ladies and gentlemen,

It is a great pleasure to address you today at this critical juncture at the end of the fourth round of negotiations towards the Global Compact for Migration.

Lessons from the field – the title of today’s gathering – have proven to be one of the richest dividend of this entire process building up to the intergovernmental conference this December in Morocco.

One of the great takeaways of both the consultations phase, and now the negotiations process, has been our increased real understanding about migration: its links to development; its drivers and impacts; its potential future trends; its regional and national particularities, all these issues have come to life in a rich exchange of ideas and, above all, of practices and challenges.

We have heard that many governments, along with civil society organisations, trade unions, academia and the private sector have developed partnerships that contribute to safe, orderly and regular migration in a variety of areas ranging from joint skills trainings, to responding to labour market needs, and collaboration for innovative data collection on migration patterns.

And we have heard from many local governments about the realities of the lives of migrants, the direct impact of migration policies and the working partnerships at their level. While local governments do not necessarily decide who comes in, they go a long way in determining how people will be treated, providing pragmatism to migration policy by engaging in the daily lives of all people, irrespective of their status.

I am looking forward to hearing many more examples of successful best practices today.

Yet, many challenges remain, hence the need for such a compact to ensure deliverables at all levels, from the local to the global in line with the 2030 Agenda.

Many migrant workers, particularly those employed in the lower skilled sector, face discrimination and exploitative working conditions. Despite most empirical evidence suggesting otherwise, migrant workers are often assumed to have an adverse impact on wages and living standards of native workers.

And while they contribute to tax and social welfare systems in countries of destination, many migrants find it impossible to enjoy the earned benefits of these contributions should they decide to return to their original homes.

Government regulators and financial services providers also must address the long-standing need to reduce the costs migrants incur in transferring remittances to their country of origin and in particular they must ensure that banking regulations aimed at preventing international money laundering and the financing of terrorism do not provide barriers for migrants to send remittances home to their families.

In addition to those, however, the most urgent challenges remain in the field of irregular migration where

our current policies, or often the lack of any clear policy, are demonstratively, inadequate.

Irregular migration, and the situations of irregular migrants, present themselves in such a variety of ways and circumstances that no single policy approach is likely to be suitable for all Member States to address irregular migration in a satisfactory way. Tailor-made and context specific solutions are required. The best policies may not prove applicable or necessary in a given context. Yet the Compact should provide a compendium of desirable initiatives, anchored in human rights and responsive to the interest and circumstances of all concerned- states of origin, transit, destination, neighbouring states, migrants themselves of course as well as their families and employers.

Examples that have emerged in these consultations and negotiations amply illustrate that irregularity presents itself along a spectrum of severity and needs to be addressed accordingly. Understanding this will enable appropriate policy responses to be put in place, responses that are reflective of the nuanced circumstances giving rise to the irregular situation, and therefore provide an appropriate corrective. These, I would suggest, would then have a greater chance of generating the impact for which

they are designed and either restoring, or strengthening, popular confidence in a state's migration policies.

When appropriate, such policies would include expanding pathways for regular migration to respond to labour market needs, rather than inadvertently fueling irregular access to the informal economy; again, when appropriate, such policies would include a range of regularization options for irregular migrants already living in and contributing to our societies.

Equally, return, even involuntary, would always remain a viable policy option in appropriate cases such as when the irregularity of entry or stay is associated with serious criminal activity, and no mitigating factors compel otherwise.

Again, as long as responses to irregular migration are anchored in the rule of law, they should be responsive to the variety of circumstances in which irregular migrants find themselves, in the effective pursuit of the public interest.

The last year has been instructive about the complexity of documenting what is really going on in the field. On the one hand, there are a lot of harmful,

dangerous and exploitative practices that put migrants at risk, from smuggling of migrants to crimes such as human trafficking.

There is also a hostile and negative rhetoric about migrants and newcomers anchored in the political instrumentalization of fear.

On the other hand, we have seen Member States and stakeholders in many parts of the world responding with great solidarity and compassion accommodating new arrivals, under temporary protection schemes, where they do not qualify for refugee protection, particularly for those who are affected by natural disasters and the adverse effects of climate change.

While this Global Compact process has undoubtedly sharpened our understanding of international migration, we must also acknowledge that with every issue that is being unpacked and analyzed more closely, new layers of complexity surface.

Equally, while one model of partnership might work well in one specific context, it might face resistance in

another. While some policies might be desirable to reach a set of defined objectives, there is often a risk that, if not designed carefully, those policies could, in the end, not only fail to attain their objective but also produce unintended but devastating consequences to individuals, often, the least able to cope.

The current reality on the ground suggests a significant amount of existing partnerships between States including in collaboration with civil society towards safe, orderly and regular migration including many *ad hoc*, informal and temporary arrangements. Recognizing the fact that migration is highly time bound and context specific, the Global Compact should allow for sufficient flexibility to calibrate policies to continuously evolving contexts and realities.

Member States have undertaken an important challenge in seeking to develop a Global Compact as a framework for international cooperation on migration issues. It is our collective task to ensure that the activities the Compact will generate are implemented in the most constructive way for the benefit of all.

I very much look forward to listening to your insights and lessons that we learn today.

Thank you.