



National Network for Immigrant and Refugee Rights

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3rd Informal Thematic Session

International Cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission integration and reintegration

Panel 2:

International cooperation and governance of migration in transit, on entry and at borders

Response by Catherine Tactaquin, Executive Director
National Network for Immigrant and Refugee Rights

Thank you Mr. Moderator.

We reaffirm the principle that **borders are not zones of exclusion when it comes to human rights.**

Particularly from our experience in the North American region, where border control reflects an “immigration prevention through deterrence” policy, we would encourage states to support a global compact where there is greater international cooperation to provide for safe borders that need not be sites of migrant deaths by policy.

Today we have a degree of international cooperation at the U.S.-Mexico border – and that is to help identify the remains of thousands of migrants and refugees in transit and who have died crossing dangerous zones because they had no access to safe passage. These Missing Migrants initiatives there and elsewhere globally, should serve as motivation towards greater cooperation towards saving lives in the future.

We are familiar with the particularly vulnerable situations of migrants in transit, where there are gaps in rights and protection, where migrants may experience violence and exploitation, where there is an absence of access to health care, situations of detention and a lack of access to justice. Now and in the future, we need to support rescue services and ensure a firewall between rescue and provision of health care, housing and food, and migration control efforts. We encourage that the remedies in the global compact for those in transit, be backed by greater research and data collection that also specifically looks at issues of age and gender.

We are alarmed by the prosecution of irregular border crossers within criminal courts, and that includes their imprisonment. In the U.S., 49% of all new federal criminal prosecutions last year were for immigration violations. The consequences of criminal prosecution not only seriously impact the migrant, but result in long-term, harmful consequences for their families.

We recommend stringent accountability and monitoring processes, including independent and multi-stakeholder evaluations of entry and border policy practices. On a practical level, we are concerned with the intention to place in the hands of low level immigration officers, the determination of the fate of asylum seekers who arrive at borders, and with a subsequent increase in the detention of asylum seekers, and their deportation. Those fleeing the violence of the Northern Triangle in Central America, for example, are criminally prosecuted for initial entry violations at the U.S. border and are deported

with criminal convictions that would bar them from any potential remedy or application for future entry to the U.S. This concern is heightened by the rapid expansion of immigration agents and border patrol officers whose hire is subject to weak hiring standards and protocols, and where there has already been a practice of impunity for human rights violations by such agents. We are also concerned by the extension of border entry violation prosecutions to the interior, resulting in the arrest, detention and deportation of long time residents, who may also have citizen children.

In this period promised by the compact on migration, we must include a commitment to revisit and reform current entry and border control policies that have been designed for decades to keep out migrants and asylum seekers. In laying a new foundation of policy and practice, consistent with states' human rights obligations, the transition needs to ensure access to justice for migrants, in which individual circumstances and conditions must be taken into account.

Instead of harsh and punitive treatment of migrants at entry, at borders, we encourage commitments to provide for visas and safe pathways, which would also diminish the migrant market to traffickers; to demilitarizing border regions; and to resourcing effective and humane border management facilities. In other words, we support breaking down both policy barriers as well as the construction of higher and thicker physical border walls, which for many, many reasons, are problematic and as history has shown, were never very good at their stated intentions at any rate.

We remain concerned that increased border controls without humane accommodation of entrance, without safe pathways, plays to a political narrative of fear, distrust and stigmatization of migrants that can undermine the promise of the global compact in shaping this new generation in migration governance.

Thank you.