



## STATEMENT FOR THE INFORMAL DIALOGUE WITH THE CO-FACILITATORS DURING THE SIXTH THEMATIC CONSULTATION ON THE GLOBAL COMPACT ON MIGRATION – 13 OCTOBER 2017

### IRREGULAR MIGRATION AND REGULAR PATHWAYS, INCLUDING DECENT WORK, LABOUR MOBILITY, RECOGNITION OF SKILLS AND QUALIFICATIONS AND OTHER RELEVANT MEASURES

The lack of safe, orderly and regular migration channels can lead people into irregular and vulnerable situations, especially girls and women. These migrants face the risks of exploitation in transit, and face stigma and the inability to access human and labor rights protections in countries of destination. The principles of security and national sovereignty must not violate migrants' fundamental human rights and gender equality, and therefore decriminalization of migrants is vital to reducing vulnerabilities. This must include the establishment of clear and binding firewalls to protect migrant girls and women with insecure migration status from risking a double penalty, where in addition to experiencing violations of their human and labor rights and abuses in the criminal justice system, undocumented migrants face the threat of removal, which has significant personal, social and economic consequences.

A Global Compact on Migration must reflect the realities of migration as a phenomenon that is here to stay, and therefore cannot only focus on the dignified return and reintegration of irregular migrants, but must also call on Member States to create new and expand existing regular and transparent pathways, including the regularization of migrants in an irregular situation. Regular migration status supports migrant girls' and women's integration and human rights, including access to social protection, shelter, healthcare, education, formal employment, and justice. Regularization promotes migrant girls' and women's autonomy, enabling them to come out of the shadows and exercise agency in defending their rights. Regular pathways should include a diverse variety of measures that help all migrants to realize family reunification, human rights and inclusion in the formal economy including through family-based, study, and humanitarian visas, in addition to inclusive labor mobility schemes.

We urge Member States to take action to protect the labor rights of women migrant workers, especially irregular migrants, low-skilled workers, and those working in the informal sector. Despite the principled commitments made by Member States, women migrant workers are often discriminated against in the types of work they are allowed to perform, and are relegated to gendered sectors such as domestic work. The economic sectors and jobs that women migrants are allowed to migrate into are often under-regulated or part of the informal economy, putting women outside of the formal protections of labor laws. Faced with gendered economic systems and discrimination that make them prone to deskilling, abusive or fraudulent recruitment practices, low wages, poor working conditions, lack of social protection, xenophobia and other violations of their human and labor rights, women migrant workers have extremely limited access to justice and redress. We recommend that Member States address systemic gender inequality in this context, institute fair and ethical recruitment processes, and strengthen labor inspection services, ensuring that migrant workers are not put at risk of forced labor, debt bondage or hazardous working conditions, and are able to access social protection, information and complaint mechanisms to protect their rights.

Although many Member States have promoted temporary and circular migration schemes as a regular pathway and as a tool for development, we caution that these systems can be harmful to migrant workers. Because of the gendered care-giving role that women play in society, temporary migration programs have significant costs to migrant women workers and their families. Temporary migrants, especially women, may not be able to exercise their rights to freedom of association and collective bargaining, access legal remedies for workplace violations or social protection benefits, and may not be able to reunite with their families. Migrant workers of all skill levels, regardless of status, are entitled to the protection of their human rights, including the right to social protection, freedom of association, and the right to family life. Temporary migratory pathways must be flexible, allowing workers the option to change employers, to adjust to permanent residency, and to enjoy family life. No one should have to leave their family and community behind for lack of decent work at home, and no one should have to give up their rights simply because they are a migrant worker. In making migration a choice and not a necessity, states must place a strong emphasis on sustainable development and decent work in countries of origin.

In order to prevent exploitation, including human trafficking and forced labor, and to support family unity and the contributions of all migrants, Member States must redouble their efforts to protect the human rights of all migrant workers, regardless of skill level or migratory status. We call for full ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and relevant ILO Conventions, and for their implementation and enforcement.

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