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**Ms. Louise Arbour
Secretary-General of the Intergovernmental Conference**

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**Sixth Informal Thematic Session on
“Irregular migration and regular pathways, including
decent work, labour mobility, recognition of skills and
qualifications and other relevant measures”**

Geneva, 12-13 October 2017

Dear Mr. President of the 72nd Session of the UN General Assembly,

Dear Ambassador Gomez-Camacho,

Ambassador Lauber,

Excellencies, esteemed colleagues and friends,

I am pleased to present the issue brief for this sixth and last informal thematic session, on irregular migration, regularly pathways and labour mobility. It was prepared with the support of the International Organization for Migration (IOM), and reflects inputs from the Global Migration Group (GMG).

In my remarks, I would like to highlight the spectrum on which irregular migration presents itself, and the interplay between irregular migration and the informal economy. I will then look briefly at how labour migration policies can best address these issues.

Let me begin with this reminder: while most migration is well-managed and undertaken through regular channels, not all people wanting to migrate find a suitable channel to do so. Irregular migration, with all its inherent risks, is related to a lack of regular and safe pathways.

We have repeated time and again in these proceedings the sovereign prerogative of states to determine who enters their territories, for what purpose and for how long. Yet the obvious interdependence of states when it comes to migration issues invites them to consider demographic and labour market realities. Barriers to regular migration that do not respond to these realities inevitably result in the emergence and growth of irregular migration.

It is useful at the outset to distinguish between different forms of irregularity of migration status. Entry into a country through unauthorized means leads to an irregular status, but that status may subsequently be regularised. Conversely, migrants who enter a country lawfully but overstay their visas or take up employment in violation of their visa restrictions, find themselves in an irregular situation.

In response to these forms of irregularity, states have a spectrum of options designed to address both those irregular migrants already on their territory, as well as those potential, new irregular arrivals. In this latter case, options range from expanding legal channels to greater securitization of borders. While any option along that spectrum may be resorted to, the opening of legal pathways for migrants at all skill levels is vastly preferable if it can grant access to labour market needs, often otherwise fulfilled in the informal sector.

As for the presence of irregular migrants, again options range from various forms of regularization to deportation. Regularization programs are best understood again along a spectrum which includes temporary stay permits granted for work, study or for a humanitarian purpose, as well as permanent residency with a path towards citizenship granted for, among other things, family ties, work-related or humanitarian grounds. All of these regularization options are alternatives to voluntary return programmes and forced deportation, both of which present considerable difficulties, in practice.

So to design a proper response to irregular migration, we must understand and recognize what drives it. In that context, the attraction of the informal economy in destination countries must be acknowledged as a significant factor, alongside those so-called 'push' factors which typically receive more rhetorical and policy focus. For many irregular migrants, the informal economy is a means to finding a job, ensuring their survival despite their irregular status, and this is true in south-south migration, if more pronounced in migration towards the wealthiest countries.

Employers may of course benefit from the irregular status of migrants. The severe restrictions on their ability to work legally means irregular migrants are often willing to accept poor wages and unsatisfactory labour conditions. Their fear of being detected, detained or deported may make them reluctant to report rights violations to the authorities. This can, as a corollary, result in unfair competition with and harm to national workers, effectively creating a second-tier labour market for migrant workers that prejudices their rights and undercuts established wages and decent working conditions.

The clandestine nature of both the informal economy and irregular migration makes it hard to estimate how many migrants are compelled to access informal work, and their conditions of employment. But it is important to keep in mind that these migrants are neither a driver, nor the unique source, of labour for the informal economy.

The current inadequacy of accessible legal channels, including to fill existing labour market gaps, will inevitably continue to encourage irregular migration attracted by employment prospects in the informal market. Therefore, one might reasonably conclude, a reduction of irregular migration also implies a reduction in the size of the informal economy.

The process to achieve it entails, however, some challenges at individual, institutional and state levels. The cost – economic as well as political - of tackling this issue in any given country must be factored in. There is little information available on the potential adverse effects of such a transition and what the variations would be between countries and across sectors.

At the same time, it may well be that the demand for access through immigration to wealthier countries cannot be fully accommodated, even with an expansion of legal access to jobs in the formal economy. The supply of labour from developing countries with large working age populations is likely to continue to exceed the demands of developed economies even with aging, soon declining, populations. But safe, orderly and regular access to jobs in the formal economy of developed countries, through fair and transparent decent work programs and systems for effective skills recognition, should go a long way in reducing recourse to irregular migration.

The global compact for safe, orderly and regular migration is a key opportunity to address these issues by building multiple layers of cooperation between states at various levels. I look forward to your discussion in the next two days and beyond.

Thank you.