

International Migration Review Forum (IMRF)

Side event:

“Upholding the human rights guiding principle in the Global Compact for Migration”

Thursday, 19 May 2022, 1.00-3.00 pm EDT / New York

Statement by

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Thank you to the Office of the High Commissioner for the invitation to participate in this important panel, and to the co-sponsoring States of Mexico, Colombia, Luxemburg, Bangladesh and Morocco for their openness to debate publicly and with civil society.

My name is Camila Maia, I coordinate the international program at CELS, a national human rights organization from Argentina. My organization has decades of experience in advocacy and litigation for the protection of the rights of migrants and has evolved from a national to a regional perspective to this issue.

During the negotiation of the Global Compact in 2018, together with Argentinean partner CAREF in the multiple rounds we have shared with delegations diagnostics and concrete proposals to enhance access to rights for migrants. The incorporation of the human rights principle, a question specifically asked in this event, is not an abstract notion. The principle translates into standards, and the implementation of standards translates into policies that are shaped in a different way from the ones dictated by a principle of control.

I would like to recall our audience that the big promise of the adoption of an instrument like the Global Compact, of the political will behind its adoption, was the deep transformation of migration policies. At least in our Latin-American region, in the majority of the States migration policies have been far from this ideal, and more so after the pandemic. During the crisis the protection of the rights of migrants seems to have dropped vertiginously as a priority. Migration in the last two years was only relevant in terms of sanitary control.

We were asked to bring here good practices, so I will start with this and then I will also allow myself to point out some worrying new practices, because I truly believe that these review forums have allow for honest political debates. It is important that civil society is part of the debates on good practices and solutions, and States have to be open to discuss about the limits and risks of their policies as well.

So from the perspective of policies and measures that have been successfully implemented in the past and present in our region of South America, I want to highlight:

- a. Recognizing all rights, including economic and social rights, to migrants regardless of their migratory status. The human rights treaties are clear: there can be no discrimination in the recognition of human rights and States have a duty to protect every person within its jurisdiction.
- b. Prevent and revert situations of irregularity, since not having a regular status still impedes access to most rights, provoking vulnerability and exclusion. This means, quite simply, two things:

- enhancing accessible pathways for regular migration and
- implementing regularization operations where the State actually deploys itself at the territories and actively regularize migrant communities.

All of these measures have been successfully implemented in South America. In Argentina, Brazil, Uruguay the access of migrants to education, health and other social policies are not dependent on a regular status.

Also, in a region where most of the migration is from within the region, Residency Agreements such as that of Mercosur and its incorporation in national law have played an enormous role in enhancing regular pathways for migration. The criteria for crossing the borders and then requesting for a residency permit are a lot more flexible than they were 15 years ago. This logic should be broadened to include other nationalities.

And sometimes good practices are forgotten even by the same State that pushed for them initially. Regularization Programs were implemented in Argentina in the beginning of the 2000's, when the country adopted its new Migration Law recognizing the right to migrate, with a goal to drastically reduce irregularity and include migrants in society. After 2 years of border These programs are a model that could and should be replicated again after two years of closed borders and important delays in all migration procedures.

On the other side, we are really worried about the intensification of security and control policies connected to the proliferation of intelligence technology. It is especially concerning that States are exploring or even implementing policies for the collection of personal and biometric information of migrants that aren't even granted a regular stay in the country. This shows that the control side of migration policies is operating without a commitment to human rights principles.

Now that we seem to be overcoming the pandemic we hope that these review processes create an honest space to discuss about the urgent and grave situations migrants are still facing worldwide and concrete measures to really transform our policies towards them.

Thank you very much.