**Submission to the Report on how to expand and diversify regularisation mechanisms and programs to enhance the protection of the human rights of migrants**

**On behalf of the Migration Youth & Children Platform[[1]](#footnote-1)**

***The migration constituency of the Major Group for Children and Youth***

This is a youth-led submission on behalf of the [Migration Youth & Children Platform](https://migrationyouthchildrenplatform.org/) (herein referred to as “MYCP”), the [migration constituency of Major Group for Children and Youth](https://www.unmgcy.org/) (herein referred to as “MGCY”), in consultation with global grassroots youth, youth-led organisations, networks, collectives and movements.

The MGCY is the UN General Assembly-mandated official, formal and self-organised space for children and youth (below 30 years of age) to contribute to and engage in the UN since 1992. The MYCP is a space for youth to participate in high-level migration advocacy and a global network of thousands of individuals and youth-led organisations (up to 30 years old) representing all regions of the world. By organising youth consultations, we collect data on young people’s priorities and recommendations on migration-related questions and bring their voices to policy spaces. Our latest [global policy brief](https://drive.google.com/drive/folders/157oNOIZhVfnZq0K35KEsXe7VTUx0e9r3), summarising the outcomes of our consultations for the Global Compact on Migration Regional Reviews, found that young people are concerned with the urgency of implementing more pathways to obtain legal residency and status. Additionally, this submission was preceded by a thematic consultation with the MYCP constituency to pin down the specific youth experiences and priorities on regularisation mechanisms.

Therefore, MYCP’s critical priorities regarding this submission are:

* 1. To ensure access to services and basic needs regardless of migration status, including physical and mental healthcare and legal assistance. With special care for unaccompanied minor migrants in irregular situations.
	2. To prioritise safe and orderly procedures for all migrants in irregular situations, adopting human rights-based and people-centred approaches. With attention to children and youth in vulnerable situations.
	3. To implement, simplify, and expand regularisation mechanisms for children and youth with their families, with a broad definition of family. In particular, for stateless children born en route, children whose immigrant parents have been deported, unaccompanied and unregistered children, and children from undocumented families.

Irregular migration is not as simple as it is sometimes made to sound. There are many reasons why migrants fall into irregular situations, may this be when entering a country illegally or losing their regular status due to bureaucratic hurdles or lengthy immigration procedures, among other factors. However, regardless of the factors that led to their irregular situation, governments ought to ensure migrants the protection of their human rights, dignity and access to essential services through a human rights-based and people-centred approach.

The decision to migrate irregularly is by no means a simple one. To better contextualise some of the factors driving irregular migration, this paper will introduce a short story about a young migrant called Sheku, who was consulted as part of this submission. Sheku is a qualified teacher from Sierra Leone who resorted to irregular migration to find a better life for himself and his family[[2]](#footnote-2).

In Sheku's culture, families often tend to have many children, compounded with the already difficult financial situation many face, which means it is impossible to provide education for all their members. As a result, the family chooses one member, and all sponsor their education between them. Sheku was the chosen one. He became a teacher, and unfortunately for him, teachers in Sierra Leone are often underpaid or not paid at all. And, as there is no economic empowerment for young people in Sierra Leone, nor opportunities with fair pay, Sheku felt he did not have another choice but to migrate irregularly to provide for his family.

His risky journey took him to Libya, where he had planned to take a boat to Italy. In his camp, Sheku estimated about 5000 people from different nationalities, many families, children and women - all bound to the Old Continent. On the day of the crossing, Sheku couldn't board one of 17 boats because the money he paid was no longer sufficient to cover the costs of the 'fare.' A few hours later, Sheku would learn of the fate of the 17 boats. During the crossing, authorities identified the boats, and upon ignoring their instructions, they opened fire, and all the boats capsized. Three days later, Sheku and other migrants would be spending several days collecting bodies on the beach and burying them with their bare hands.

After attempting to leave, Sheku was beaten up and tortured by his smugglers. They placed him inside a standing coffin, where he was supposed to die. However, five days later, the camp was raided by Riyad soldiers and Police from Tripoli, who took Sheku to the Red Cross, where he spent 16 days in care.

While the raid meant Sheku was free from the torturous device, this device would soon be changed to an overcrowded Libyan prison cell, where he would survive daily with a piece of bread and a glass of water without access to water and sanitary facilities.

In 2017, the Libyan Government, with the assistance of several humanitarian organisations and the IOM, repatriated Sheku and several other individuals back to Sierra Leone. Since then, he founded the Advocacy Network Against Irregular Migration ([ANAIM](https://anaims.org/)), which raises awareness of the dangers of irregular migration and assists migrants who fall into irregular situations and travel via irregular means.

And Sheku is not alone. Through the work done in his organisation, he has been able to assist many migrants wishing to return to Sierra Leone, identifying patterns that shine a light on the pre-migration vulnerabilities and the exposing hidden impact irregular migration has on migrants.

As Sheku's story shows, the trauma experienced by migrants in irregular situations is beyond comprehension. As seen during their journey, Irregular Migrants risk their lives. They are often exposed to several violations of their human rights, which have severe physical and psychological consequences on the individual. Additionally, they are at risk of being criminalised, sent to prison, and deported (in some cases to countries where migrants could face prosecution) if caught by the authorities.

It is critical to mention that many migrants in irregular situations are, at the same time, in a position of vulnerability. Regularisation can provide migrants with legal status, granting them protection from detention and deportation and enabling them to access social protection systems and participate fully in the labour market and society, positively contributing to economic growth and development. Studies[[3]](#footnote-3) have shown that migrants are vital in developing healthy economies and community growth. These contributions can be through the payment of taxes, consumption, investment, subsidies and innovation. Migrants are often more likely to start their businesses, which can create jobs for the host community. They can also fill labour shortages in specific industries, such as agriculture and healthcare, and bring diverse skills, languages and cultural perspectives to the host country.

Among vulnerable communities, Children and Youth require supplemental support to tend to their additional needs. As a result of their regularisation, Children and Youth could benefit from access to education, physical and mental healthcare, safe housing, and other social services, improving their overall well-being. Regularisation provides them with much-needed safety and stability, reducing the negative physical and mental impacts irregular situations have on individuals. This legal status can also help Children and Youth resist exploitation, abuse, and discrimination and access justice when their rights are violated.

The COVID-19 pandemic uncovered the reality of Irregular Migrants, who have been systematically separated from state programs, leaving them stranded or even close to death. One demographic that should be mentioned when talking about irregular migrants, regardless of their right to be in the country, are Indigenous Communities, who often find themselves without documentation and defacto irregular migrants in their own country.

According to the *International Organization of Migration* (IOM), Indigenous Peoples are protected in [three legislative](https://rosanjose.iom.int/es/blogs/5-aspectos-clave-sobre-la-migracion-de-los-pueblos-indigenas) areas:

1. Universal rights as recognised by States or in international instruments.
2. National or international laws guarantee their rights as migrants.
3. National or international laws guarantee their rights as indigenous persons.

A real-life example will describe the situation more accurately. In Peru, large migrations of Indigenous Persons have occurred over the last few years from the Highlands to Lima, the Capital. Most of these migrations are due to internal displacements resulting from conflict and persecution, the impacts of climate change on their traditional lands, land-grabbing, and in search for better opportunities. Many of these migrants do not have the essential documentation to access basic services and government assistance - resulting in limited access of Indigenous Persons to services such as education, health, and employment opportunities, often the same needs denied to irregular migrants.

As an outcome of this internal disparity between citizens, Indigenous Persons in Peru tend to neglect their indigenous roots, including but not limited to not speaking their native language anymore, which has led to the [extinction](https://archivo.elcomercio.pe/sociedad/lima/peru-se-han-extinguido-al-menos-37-lenguas-nativas-84-detectadas_1-noticia-1581686) of 37 of its languages as no more people were speaking them due to discrimination and marginalisation, provoking a huge cultural loss.

In the same manner, as indigenous people usually feel foreign in their own country, Irregular Migrants like Sheku find themselves at the mercy of kind citizens or dependent on the diaspora they might belong to. In all cases, the irregularity of migrants turns out to be their vulnerability. For instance, Local and National governments could be adopting mechanisms that provide Irregular Migrants access to basic needs and services while regularisation policies are developing. Zurich, Switzerland, issues the [Züri City Card](https://www.infomigrants.net/en/post/41370/city-card-welcome-news-for-undocumented-migrants-in-zurich), a Local ID for Irregular Migrants, which allows them to access medical services, report a crime, and even get married without fear of deportation. An approach that was first developed in the City of New York, where Irregular Migrants are issued a [Photo ID](https://www.nyc.gov/site/idnyc/about/about.page) that they can use to access City services, health care and interact with the Police without being at risk of deportation.

Regularisation should also be part of a comprehensive global approach to migration that addresses the root causes of irregular migration, including providing access to regular migration pathways, reducing bureaucratic roadblocks and providing access to basic needs regardless of migration status.

At home, advocacy networks, like [ANAIM](https://anaims.org/), can play an essential role in raising awareness of the dangers of irregular migration, emphasising youth and vulnerable groups. Governments should focus on addressing the root causes driving people to migrate irregularly while, at the same time, ensuring the adequate social reintegration of returned migrants—policies and procedures ought to be in place for handling cases involving unaccompanied minors, ensuring their safety during the reintegration process.

Abroad, regularisation procedures should provide irregular migrants with the tools for success. For instance, free-of-charge empowerment workshops that coach migrants on being entrepreneurs could provide migrants with the tools to bring development within their communities and financial security for their families, some of which migrated due to economic hardships. Different countries and demographics combinations will require innovative solutions under the SDGs and international frameworks, focusing on the protection of Children and Youth. Furthermore, regularisation programmes should be designed and implemented in consultation with civil society, particularly migrants’ associations and, where relevant, youth-led organisations. Specific recommendations on the components of regularisation laws and policies can be found in [12 Key Ways](https://csactioncommittee.org/wp-content/uploads/2022/01/FINAL.-Global-Civil-Society-Priorities.pdf) (section 5), a policy paper collectively developed by civil society actors, including MYCP.

To conclude, Sheku’s story highlights the dangers and traumas resulting from irregular migration, a choice no one takes lightly and a journey no one should ever have to endure. The fundamental basis of the conception of human rights is that it is afforded to every person, situation, nation, and circumstance. At the end of the day, every person is human despite any defining characteristic, especially migration status. Therefore, MYCP reiterates our call to:

1. *Ensure* access to services and basic needs, regardless of migration status, notably physical and mental healthcare and legal assistance. Special attention should be paid in this manner to children and youth travelling alone.
2. *Prioritise* safe and orderly procedures for all migrants in irregular situations, using a human rights-based and people-centred approach, specifically focusing on children and youth.
3. *Establish* regularisation mechanisms for children and youth with their families and vulnerable groups.

These calls are a basic plea to see the human before the number on the screen. No person should be surmised to a digit or point on a graph, but every person should be afforded their internationally protected rights, respect and dignity. Irregular migration affects many people worldwide and adversely affects vulnerable populations such as indigenous communities, children and youth. Therefore, it has never been more important to ensure those who need help are given it.

*END*

1. For any questions please do not hesitate to contact our team at migrationgfp@unmgcy.org [↑](#footnote-ref-1)
2. You can find Sheku’s Complete story [here](https://drive.google.com/file/d/1m11ZU_Ova_OxnfQkZpwzYHswc1EzFCWQ/view?usp=share_link). [↑](#footnote-ref-2)
3. In the United States: [*https://www.americanprogress.org/article/the-economic-effects-of-granting-legal-status-and-citizenship-to-undocumented-immigrants/*](https://www.americanprogress.org/article/the-economic-effects-of-granting-legal-status-and-citizenship-to-undocumented-immigrants/), [*https://d279m997dpfwgl.cloudfront.net/wp/2016/09/0922\_immigrant-economics-full-report.pdf*](https://d279m997dpfwgl.cloudfront.net/wp/2016/09/0922_immigrant-economics-full-report.pdf)
In Canada:

<http://global-economics.ca/immigration-and-the-canadian-welfare-state-2011.pdf> [↑](#footnote-ref-3)