SPOTLIGHT REPORT ON GLOBAL MIGRATION

2022

The report is a joint effort by the Global Coalition on Migration with support of the Friedrich-Ebert-Stiftung to generate momentum for rights-based, migrant-centered, and gender-responsive implementation of the Global Compact for Migration. These organizations see the UN International Migration Review Forum as a key moment for states to renew their commitment to this rights agenda through concrete pledges, benchmarks, and new ways of approaching migration policy.

Global Coalition on Migration (GCM)
The Global Coalition on Migration is a multi-sector alliance of regional and international networks that strives to impact global policy on migration and migrant and labor rights. This is done by sharing strategies, mobilizing people, and leading in common action towards advancing human rights and global justice for migrants and their families. GCM's approach to rights-based policy is both rooted in and dependent on its members' ability to connect that framework to implementation at national, state or even city levels.
As a network of networks, GCM members are grounded in their regional and national realities, where migration policies play out in varying ways.

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EXECUTIVE SUMMARY

Rampant labor exploitation in temporary migration schemes, climate crisis, prevalent vaccine apartheid, tragedies at borders and in detention centers, everyday precarities of undocumented migrants, and the deplorable working conditions of many migrant workers unequivocally indicate that we are far from realizing the Global Compact for Migration (GCM) vision of a 'safe, orderly, and regular migration' governance system.

The COVID-19 pandemic has emphasized the deep fault lines in our world and added to it by exacerbating nationalism, xenophobia, racism, and fear of outsiders. While migrants work in all sectors, an overwhelming majority are employed in temporary and precarious jobs and have nominal or no labor rights. Those migrants in jobs that were labeled as 'essential' or 'frontline' continued to work but often without appropriate preventive gear, economic incentives for overtime work, or hazard pay. Despite the rhetoric of 'building back better', there has not been any multi-state grouping to discuss an urgently-needed new social contract.

In this deeply troubling context, states have responded with closure of borders, externalization and militarization of borders, and further criminalization of migrants. They have excluded migrants from critical pandemic-related economic support and healthcare, including vaccines. Since the Global Compact for Migration was adopted in 2018, precarious and exploitative temporary bilateral labor deals have become the standard instrument for 'regular migration', heightening the rights violations of migrant workers. Despite intensification of environmental change and crises, there is ongoing dismissal of climate-displacement as a valid reason for seeking refuge and permanent residency in a different country.

These realities ignore the fact that ongoing conflicts in many parts of the world, the worsening climate crises, and rising poverty and hunger put people in more vulnerable situations and may force them to migrate.

The goal of 'safe, orderly, and regular migration' governance envisioned in the GCM and Sustainable Development Goals (SDGs) is frequently being interpreted by states in a way that violates migrant rights. These practices contradict GCM's principles and commitments: to uphold the human rights of migrants and guarantee human rights protection at international borders.

There is no evidence that creating permanent regular pathways for migrants and regularizing undocumented people will strain the economic or social system of destination countries. On the contrary, such policies will go a long way in reducing livelihood insecurity, building just societies, and strengthening the economy.

However, there is ample evidence that such a vision cannot be realized by draconian measures to curb irregular migration and by aggravating people's already precarious situations. People are on the move because they want safety and security. They must not be treated as criminals. Migrants are not responsible for the disasters and abject poverty that they are fleeing from. When they move in search of a dignified life, they are determined to work hard and contribute to the countries of destination and origin.

To make real progress on the commitments of the Global Compact for Migration, the first International Migration Review Forum (IMRF) should strongly advocate for a shift towards rights-based, gender-responsive, and permanent regular pathways for migration, regularization of undocumented migrants, and protection of migrants' rights, including labor rights. The IMRF and follow up action must acknowledge the reality of climate-displacement, calling for regular pathways for those who are displaced. Real global cooperation is necessary to build resilient, people-centered economies that address the drivers of migration in a coherent and holistic way.

RECOMMENDATIONS BY THE GLOBAL COALITION ON MIGRATION

The Global Coalition on Migration calls on the United Nations and member states to put migrants' human rights at the center and promote coherent policies that offer rights-based, gender-responsive, and permanent regular pathways and regularization for all.

States must take measures to protect the human rights of migrants at all stages of migration regardless of their migratory status.

- **Demilitarize all migration policies and procedures**, particularly at borders, and shift resources to sustainable development and decent work for all.
- 'Safe, regular, and orderly' migration is **not a cover to legitimize exploitative temporary labor schemes** and heightened enforcement policies.
- Through **human rights-based, gender-responsive pathways for regular migration and for the regularization of undocumented migrants**, states must provide options for permanent residence, citizenship, and meaningful participation in civic life to facilitate social and family cohesion.
- Address migration through a **whole-of-government approach and policy coherence** that promotes economic, social, racial, climate, and gender justice and centers the objectives of economic, trade, migration, and foreign policy on the needs of people and protecting the environment.

States must extend equal rights to migrants, including full workers' rights, social protection, and access to services, regardless of their migration status.

- **Address intersecting forms of discrimination** in policy: gender identity or expression, race, ethnicity, nationality, class, sexual orientation, age, religion, and disability.
- **Recognize the agency of workers** to represent themselves and integrate the ILO's tripartite structure of consultations (between the government, workers', and employers' representatives) as a central governance mechanism for economic and social integration of all workers, including refugees and migrants.
- **Recognize migrants as right holders** and clearly establish migrants' entitlement to basic services, secondary care, and access to the justice system.

The implementation of the Global Compact on Migration must lead to a new social contract and not to "building back better" the broken and flawed circular global migration edifice.

- **Promote a new social contract** that ensures quality basic services and universal social protection; community safety; ability to recover from climate impacts; rule of law; mechanisms to end all discrimination, such as by race or gender; and decent, stable, family-sustaining jobs.
- Commit to a priority **focus on climate and migration with a gender lens**, including creating mechanisms within the UN system to effectively and coherently link global policy in climate, migration, development, and human rights arenas.
- Rethink the concept of development and **create national policies to avert, minimize, and address climate-related displacement** in a way that is gender-responsive, inclusive, and contributes to building resilience among affected populations.

Overview

"SAFE, ORDERLY AND REGULAR MIGRATION" FOR WHOM?

Bandana Pattanaik
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Global Alliance Against Traffic in Women (GAATW)

The first International Migration Review Forum (IMRF) to review the implementation of the Global Compact or Safe, Orderly, and Regular Migration (GCM) takes place in May 2022. Regional reviews were carried out by state parties during 2020-2021 and the IMRF is an opportunity for civil society organizations (CSOs), including migrant-led organizations and migrants themselves, to hold states accountable for the promises they made in 2018.

The GCM was the culmination of many years of work by state and non-state actors around the world to improve migration governance and uphold human rights and humanitarian commitments towards migrants. Along with the Global Compact on Refugees (GCR), it reiterates the vision articulated in the New York Declaration for Refugees and Migrants, and the Sustainable Development Goals (SDGs).

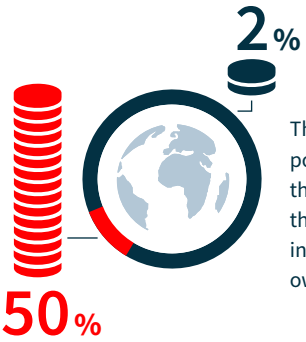
The Covid-19 pandemic has disrupted and destroyed the lives and livelihoods of millions of people around the world. While the virus has certainly caused an unprecedented health crisis, it has also revealed the deep fault lines in our world. The UN Secretary-General Antonio Guterres reiterated the sentiments of many people when he said in his Nelson Mandela Annual Lecture that the pandemic has exposed "fallacies and falsehoods everywhere—the lie that free markets can deliver healthcare for all, the fiction that unpaid care work is not work, the delusion that we live in a post-racist world, the myth that we are all in the same boat".

Regrettably, despite strong civil society advocacy, world leaders have not yet come together to address vaccine inequality[1], let alone strategize for a global transformational recovery program. Despite the rhetoric of 'building back better', there has not been any multi-state grouping to discuss a new social contract.

According to the World Inequality Report 2022, after three decades of trade and financial globalization, global inequalities remain extremely stark. The wealthiest 10% of the world's population has more than 50% of the world's income while people in the lower-income group constituting around 50% of the population own only 2% of the world's wealth[2]. Not surprisingly, the pandemic has marked the steepest increase in global billionaires' share of wealth.

Ending poverty is foremost on the SDG agenda, but hunger, extreme poverty, and unemployment are on the rise globally. In rich countries, state stimulus packages have prevented a massive rise in poverty, though migrants were often excluded, but that has not been the case in countries of the Global South.

The pandemic has also exacerbated nationalism, xenophobia, racism, and fear of outsiders. Asians and people of Asian descent have faced increased levels of violence, discrimination, and hate crimes around the world. However, in many countries, anyone perceived as an outsider has been subjected to violence, exclusion, or hatred. These 'outsiders' are notably migrants, and also people from racial, ethnic, and religious minorities[3].



The wealthiest 10% of the world's population has more than 50% of the world's income while people in the lower-income group constituting around 50% of the population own only 2% of the world's wealth.

Migrants in Global Coalition networks have also conveyed that many international and internal migrants who returned to their hometowns during the pandemic were met with suspicion and ostracized as potential carriers of the virus.

How have the world's migrants fared in this deeply troubling context, and what have been the states' responses to their situations? The six short essays in this report describe and analyze the reality on the ground in specific regions of the world. Sadly, the situations in other regions are not very different. Clearly, now is the time to reflect and act if the signatory states want to deliver on the commitments made in the GCM.

As per the estimates of the United Nations Department of Economic and Social Affairs (UNDESA) there were around 281 million international migrants in the world in 2020 and women migrants comprised 48.1% of that number[4]. Therefore, international migrants constitute 3.6% of

the global population and are very unevenly spread across the world. While people generally tend to move towards higher-income countries, most migrate within their own regions.

A much larger number of people migrate within their own countries. The estimated number of internal migrants was 763 million in 2020. In 2019, an estimated 62% of international migrants were workers. UNHCR estimated that global forced displacement surpassed 84 million in mid-2021.

While migrants work in all sectors, an overwhelming majority are employed in temporary and precarious jobs and have nominal or no labor rights.

As of mid-2021, more than two-thirds of all refugees under UNHCR's mandate and displaced abroad came from just five countries—Syria, Venezuela, Afghanistan, South Sudan, and Myanmar.

Although migrant rights activists and migration researchers already knew this, the pandemic has shown everyone that while migrants work in all sectors, an overwhelming majority are employed in temporary and precarious jobs and have nominal or no labor rights. Many live in cramped accommodations and do not have access to basic services. The sudden onset of Covid-19 saw a rapid spread of infection among migrant workers living in dormitories. Some countries such as Singapore, Malaysia, and Thailand responded by creating containment zones without extending adequate facilities to the migrant workers.

Many migrant workers lost their jobs as a result of lockdowns and closure of businesses, wage theft was rampant, and many were stranded in countries of destination due to sudden closure of international flights. Those in jobs that were labeled as 'essential' or 'frontline' continued to work but often without appropriate preventive gear, economic incentives for overtime work, or hazard pay[5].

As the article 'Access to healthcare for undocumented migrants in Europe' (Smith) shows, undocumented migrants found themselves in desperate situations. They did not exist in the records of destination countries and fear of deportation often stopped them from seeking health services. The article underscores the fact that lack of regular migration status is directly linked to social and economic precarity such as poor access to basic services, decent work, and decent living conditions. The article also notes that good practices such as bottom-up approaches and collaboration between local authorities and NGOs existed in some countries.

Policies of certain countries had always extended access to health services to migrants regardless of their migration status while a few countries took this step as a pandemic measure. The fact that such practices existed or could be created in an emergency is proof that states can develop inclusive practices if they want to.

The articles 'Ending immigration detention & criminalization by centering grassroots leadership' (Pillay, Boua Kiernan, and Gottardo) and 'The impacts of border controls and externalization on migrants in social vulnerability' (Maquitico and Moncada) are stark reminders of the flawed strategies that states are employing to address irregular migration. The widespread practice of punitive and deterrence measures towards irregular migrants contradicts the inherent principles and commitments enunciated in the GCM and GCR: to uphold the human rights of migrants and refugees and guarantee human rights protection at international borders.

Immigration detention, externalization of border control, and militarization of borders also ignore the fact that ongoing conflicts in many parts of the world, the worsening climate crises, and rising poverty and hunger put people in more vulnerable situations.

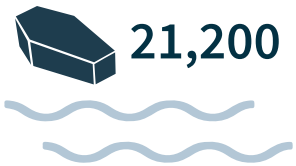
The volcanic eruption of Mount Nyiragongo in the Democratic Republic of the Congo and extreme flooding in South Sudan are just two among many examples which show that large numbers of people are facing environmental disasters while still struggling with political insecurity. The article 'Climate crisis heightens inequalities, drives precarious migration' (Tactaquin) points out with examples from many regions that "when there are few options for regular pathways for climate-displaced migrants, people are forced over dangerous land or sea routes, to live as irregular migrants in countries of destination." Yet the climate crisis

Punitive and deterrence measures towards irregular migrants contradicts the commitment of guaranteeing human rights protection at international borders enunciated in the GCM and GCR.

is not considered a valid reason for seeking permanent residency or refuge in a different country—a particularly glaring omission given the scientific consensus about its impact and likely outcomes.

As the article 'The impacts of border controls and externalization on migrants in social vulnerability' (Maquitico and Moncada) shows, the United States (as well as European Union countries) have increasingly focused on the externalization of migration controls. The United States developed several bilateral and trilateral agreements to prevent migrants, including asylum seekers, from entering its jurisdiction. During the period of 2014-2020, the Mediterra-

nean Sea has claimed the lives of over 21,200 people while they were trying to enter Europe[6]. The paper also points out that human rights activists, humanitarian workers, researchers, and those providing legal counsel or services to migrants have been criminalized. The tensions between the



21,200

During the period of 2014-2020, the Mediterranean Sea has claimed the lives of over 21,200 people while they were trying to enter Europe.

European Union and Belarus are testimony to the fact that migrants and displaced people can pay the price of instrumentalizing and politicizing migration with their lives.

Climate crisis, prevalent vaccine apartheid, tragedies at the borders and in the detention centers, everyday precarities of undocumented migrants, and the deplorable working conditions of many migrant workers point to a worrying reality. It is imperative that we analyze how the vision of safe, orderly, regular, and responsible migration governance envisioned in the GCM and SDGs is being interpreted and implemented by the states.

Results of a recent global survey conducted by UN-DESA and IOM are revealing in this regard. While a large number of states responded that they had policies for partnerships and cooperation to facilitate "orderly, safe, regular, and responsible migration" (SDG indicator 10.7.2), many also noted that they did not have strong policies to protect the rights of migrants and promote their socio-economic well-being.

Clearly, states are cooperating with each other to curb irregular migration with scant regard for human rights. Militarization, externalization of borders, and temporary labor contracts will never make migration safe, regular, and orderly—it will only aggravate the vulnerabilities of migrating people.

The first IMRF and follow up action should strongly advocate for a shift towards regular pathways for migration, regularization of irregular migrants, and protection of migrants' rights, including labor rights. Irregular migration is a direct consequence of a range of discriminatory policies. Policies that restrict migration based on gender, race, and class push low-wage women workers to choose irregular routes.

As the article 'Migrant domestic workers between Africa and the Gulf and the Levant' (Seghaier and Njiru) points out, migrant domestic workers in the Gulf Cooperation Countries and the Levant lose their regular status when they run away from abusive employers. Binaries such as voluntary/involuntary, regular/irregular, migrants/refugees, or trafficked/smuggled have harmful consequences when one type of border crossing is legitimized at the expense of another.

It is imperative that destination states get out of the false notion that migrants are a burden or threat to their countries. Statistics show that a very small number of the world's population migrates across national borders. Reasons and motivations for border crossing are a complex mix of aspiration and desperation. Migrants are not responsible for the disasters that they are fleeing from. When they move in search of a more decent life, they are also ready to work hard and contribute to the countries of destination, transit, and origin. As the article on 'People, not profit: coherent migration pathways centered in human rights and decent work for all' (Lederer, Merino, and Misra) points out, migration policies should "center long-term regular pathways, including humanitarian and family pathways, as well as pathways out of irregularity".

There is no data to support the notion that creating permanent regular pathways for migrants and regularizing undocumented people will strain the economic or social system of destination countries. On the contrary, such policies will go a long way in reducing livelihood insecurity, building just societies, and strengthening the economy.

Unequal development, migration approaches that are not rights-based, and rising precarity are results of policy decisions. Therefore, they can also be reversed by people-centered policies.

Given the state of human insecurity, nothing less than a rethink of the concept of development will suffice. Global economic, financial, and trade systems are set up in ways that make it difficult for poor countries to get out of powerty. Domestic policies of coutries make it difficult for poor people to realize their full potential. As long as the world is operating under the economic, financial and trade systems established over centuries by rich countries, human insecurities will continue to rise.

Unequal development, migration approaches that are not rights-based, and rising precarity are results of policy decisions. Therefore, they can also be reversed by people-centered policies.

In the early days of the pandemic, the writer Arundhati Roy reminded us that this moment of crisis could also be an opportunity to break with the past and imagine the world anew. That this could be "a portal, a gateway between one world and the next." The IMRF and the work that follow must create momentum for the international community to "imagine another world and fight for it."

Recommendations

The Global Coalition on Migration makes the following demands of states:

1. States must take measures to protect the human rights of migrants at all stages of migration regardless of their migratory status.

- Take meaningful steps to advance viable **rights-based and gender-responsive pathways** for regular migration and for the regularization of undocumented migrants.
- **End all policies and practices that criminalize irregular migrants** and all punitive measures taken by countries of origin, transit, or destination.
- Address migration through a whole-of-government approach that **centers the objectives of economic, trade, migration, and foreign policy on the needs of people and protecting the environment.**
- Prioritize regularization schemes and rights-based channels in state and regional GCM implementation strategies, which **allow migrants and their families the freedom to move, settle, work, and fully participate in society**—not the expansion of temporary or circular labor migration programs.
- Shift resources from border militarization and migration enforcement to **sustainable development and decent work for all** in countries of origin, transit, and destination.
- Make available **sustainable and gender-responsible reintegration measures** to all migrants upon return to their home countries.

2. States must extend equal rights to migrants, including full workers' rights, social protection, and access to services, regardless of their migration status.

- **Protect the labor rights of migrants** and recognize them as rights holders working to improve their lives and contributing to their host societies.
- Clearly establish the entitlement of migrants without regular status to **responsive, respectful, accessible, affordable, adapted, quality basic services, including primary and secondary care.**
- Recognize the agency of **migrant workers to represent themselves and integrate the International Labor Organization's tripartite structure of consultations** (between the government, workers', and employers' representatives) as a central governance mechanism and a necessary vehicle for economic and social integration of all workers.
- **Address multiple and intersecting discriminations** including gender identity or expression, race, ethnicity, nationality, class, sexual orientation, age, religion, disability, and migration status. These policies must be applied to all migrants and migration contexts and proactively fight all forms of exploitation or abuse.
- Give migrants **access to the justice system** in countries of destination as well as upon return to countries of origin.

3. The implementation of the Global Compact must lead to a new social contract and not to "building back better" the broken and flawed circular global migration edifice.

A new social contract for all will:

- Ensure **quality basic services and universal social protection; community safety; ability to recover from climate impacts; rule of law; mechanisms to end all discrimination**, such as by race or gender; and **decent, stable, family-sustaining jobs.**
- Conduct **due diligence and accountability in business operations.**
- Deliver **climate justice** and create national policies to avert, minimize, and address climate-related displacement in a way that is gender-responsive, inclusive, and contributes to building resilience among affected populations.
- **Protect rights for all workers** regardless of nationality, sector, or status, particularly the freedom of association, right to join unions, and bargain collectively.
- Embrace a **whole-of-society lens** in collaboration with unions, grassroots organizations and civil society, and learn from their expertise on rights-based approaches.

PEOPLE, NOT PROFIT: COHERENT MIGRATION PATHWAYS CENTERED IN HUMAN RIGHTS AND DECENT WORK FOR ALL

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The International Migration Review Forum occurs at a time when working families are struggling to recover from overlapping health, economic, political, and racial justice crises. Democracies around the world are under attack, and workers and their unions confront shrinking civil spaces. Amidst these threats, the Global Coalition on Migration has joined the global labor movement in the call for a new social contract, with no exclusions. The implementation of the Global Compact on Migration (GCM) must also be seen through that broad lens.

Now is the time to think boldly about the necessary shifts to address injustices and scale up investment in laws and policies that support good work, so that migration can be a choice rather than a means of survival. That will require a whole-of-government approach that centers the objectives of economic, trade, migration, climate, and foreign policy on protecting human rights and the environment.

Given that serious humanitarian and human rights concerns gave rise to the GCM, implementation strategies must prioritize regularization schemes and rights-based channels—which allow migrants the freedom to move, settle, work, and fully participate in society—over expanding temporary or circular work programs. States must promote regular migration pathways that ensure full worker rights, facilitate social and family cohesion, and provide options for permanent residence and meaningful participation in civic life.

States must promote regular migration pathways with full worker rights, social and family cohesion, and options for permanent residence and meaningful participation in civic life.

With the current high level of forced displacement and mixed flows occurring globally, it is imperative to break down the artificial separation between refugee/asylum-seekers and migrants. States' efforts to promote regular pathways must focus on restoring and expanding humanitarian resettlement options rather than misdirecting desperate migrants into flawed and abusive temporary labor migration programs.

To effectively integrate a worker rights lens into policy frameworks, workers need a seat at the table as these policies are being developed and implemented.

The strategies enacted in response to the GCM must protect and empower workers in countries of origin, transit, and destination and produce positive labor market outcomes for all working people, regardless of race, gender, or immigration status. To effectively integrate a worker rights lens into policy frameworks, workers need a seat at the table as these policies are being developed and implemented. Workers have had enough of siloed, ineffective tweaks to an unjust migration system and instead call for policy coherence that incorporates migration governance into the broader economic, social, racial, and gender justice agenda.

Promote decent work

For too long, failed foreign and trade policies have prioritized the interests of corporations and low-wage, export-oriented growth while actively undermining democ-

racy and accountability, contributing to the push factors driving people to migrate[1]. A focus on decent work in origin countries is necessary to break cycles of exploitation and prevent labor migration pathways from perpetuating global power and wealth imbalances. As long as destination countries can rely on an endless 'supply' of desperate migrant workers, they have little incentive to develop fair migration schemes, nor to fund genuine, rights-based, sustainable development in origin countries.

There are many factors that force people around the world to leave their homes. They are rarely asked what would enable them to stay. Some of the most important answers include community safety, ability to recover from climate impacts, end to gender-based violence, rule of law, and decent work that provides stable, family-sustaining jobs. These vital components must be built from the bottom-up; they cannot just be imposed from the top.

Poverty and inequality in the Americas are on the rise. The majority of jobs remain in the informal economy, with no benefits or safety net. Worker rights violations have increased, especially in the expanding maquiladora sector. Many Central American governments have failed to respond to these abuses, intensifying the problems working families face.

In Guatemala and Honduras, employers routinely refuse to engage in collective bargaining and avoid paying workers due wages. Multinational corporate buyers are complicit in this wage theft. Until these realities are addressed through the creation of jobs with living wages, enforceable rights, and real social protections, migration will remain a necessity for too many families, and employers in destination countries will continue to exploit these vulnerabilities.

Development assistance and broader foreign economic interventions have done little or nothing to support the emergence of resilient domestic markets, so economies in the region have grown reliant on cheap labor at home and remittances from abroad. This model is an outgrowth of US policy that has long pushed Central American countries to open themselves up to low-quality investment that has at best created insecure, low-wage jobs in export-oriented industries.

Trade unions call for a shift of emphasis away from viewing migrants as criminals, and toward creating real consequences for employers who commit criminal violations of worker rights.

It is striking that there has been such urgency among politicians to detain and deport migrant families, but no urgency at all to protect workers in the region. Now is the time to strengthen and utilize mechanisms to protect all working people, regardless of immigration status.

Trade unions call for a shift of emphasis away from viewing migrants as criminals, and toward creating real consequences for employers who commit criminal violations of worker rights. The United States currently spends eleven times as much on immigration enforcement as it does on labor standards enforcement. The Biden-Harris administration and other States must set an example by rebalancing this investment and providing concrete protections for migrant workers who take action to promote safe and fair workplaces.

The United States currently spends eleven times as much on immigration enforcement as it does on labor standards enforcement.

Workers throughout the Americas are organizing to dismantle structural racism[2] and sexism, and demand more inclusive and sustainable development strategies. Enforcement tactics incubated at borders have been used to oppress migrants, workers, and people of color for decades. Many important lessons can be learned from resistance struggles as the labor movement and civil society push for a new chapter in regional migration governance.

Create humanitarian and rights-based pathways for all

All people on the move have rights and must have access to safe and regular pathways. However, the global discourse on regular pathways must not be narrowed to focus on temporary work migration. The labor movement demands an approach to migration that centers long-term regular pathways, including humanitarian and family pathways, as well as pathways out of irregularity. Such pathways afford rights and work opportunities, but are not based solely on labor contracts and do not put migrants' fate under the control of employers.

States must maximize opportunities for irregular migrants to regularize their status. We cannot advance a humane, rights-based migration strategy without addressing the pressing needs and acute exploitation of millions of migrant workers who currently lack formal status.

The appalling treatment of Haitian migrant families arriving at the US border[3] heightens broader concerns about the commitment of the US and other governments to meet their obligations to keep people safe. States appear to be unprepared or unwilling to respond to the current level of human displacement, let alone the levels we will face in the future. This underscores the need for a more serious

focus on how states increase their humanitarian resettlement capacity, as well as efforts to effectively integrate all migrants into the regular workforce. States must stop excluding migrants who may not 'fit' existing categories from protection, and protect migrant rights as human rights under all circumstances.

Unfortunately, the US and other governments are instead attempting to misdirect asylum seekers and refugees into temporary labor migration programs, and using labor recruitment as a tool to alleviate border pressures[4]. In 2021 the Biden-Harris administration "expanded US temporary guestworker programs, with 6,000 new H-2 temporary work visas destined for Northern Triangle workers…[these migrants] need the safety and permanency that asylum can provide—not temporary work visas".

We cannot advance a humane, rights-based migration strategy without addressing the pressing needs and acute exploitation of millions of migrant workers who lack formal status.

This approach ignores the human rights of migrants and their families and exposes already vulnerable populations to predatory recruitment and labor exploitation. Rather than increasing protections for migrants, it benefits employers by delivering a captive and cheap workforce—then disposes of those workers and returns them to the dangerous conditions they were seeking to escape.

States must use all possible means to expand rights and protections for those forced to migrate. In addition to strengthening refugee and asylum programs, the Biden-Harris administration must implement designations of Temporary Protected Status (TPS) for countries destabilized by conflicts and disasters. Such designations would make millions of migrants eligible for work permits, and are clearly warranted in the wake of Hurricanes Eta and Iota and in the face of unstable, dangerous conditions in Haiti and many other countries in the region and beyond.

Governments in the region must launch concerted efforts to address the realities faced by African and Afro-descendant migrants. The Trump administration exploited the public health crisis to conduct mass expulsions, forcing out asylum seekers, and trapping migrants from all over the world in dangerous circumstances at the US-Mexico border. African and other Black migrants trapped in the region face acute racism and discrimination, and many speak languages other than Spanish or English. Effective GCM implementation must include specific measures to protect these migrant populations.

Fundamentally reform labor pathways

Trade unions can never accept tiered rights for workers, yet the vast majority of so-called 'regular labor migration pathways' severely constrain migrants' rights—the right to change jobs, the right to be with their families, the right to social protection, and the fundamental right to freedom of association, whether through legal or practical barriers.

The abusive reality of these programs became even more clear amidst the pandemic. Now is the time to end the treatment of migrants as a contingent, disposable, on-demand workforce. After decades of abusive temporary 'guest worker' programs that degrade labor standards and constrain the rights of migrant and native workers alike, change is long overdue.

Preventing abuses in labor recruitment is one important step in the much larger work that is needed to fundamentally reform[5] the structure of labor migration pathways. The international labor recruitment industry that thrives globally is rife with abuse.

It is important to keep in mind that the *reason* international labor recruitment happens is at least as important as the *way* it happens. Recruitment that is undertaken in lieu of providing humanitarian resettlement, rights-based, and gender-responsive regular pathways, investment in addressing drivers of migration, or in lieu of providing fair pay and working conditions can never be fair.

The vast majority of so-called 'regular labor migration pathways' severely constrain migrants' rights, whether through legal or practical barriers.

Workers in the US of all types of immigration status, across a wide range of industries, are striking in record numbers to protest inadequate wages and working conditions. In addition, millions of people, particularly women of color, are no longer willing to risk their lives for meager wages without childcare support, paid leave or basic safety protections. Migration policymakers must take care not to undermine or undercut these collective actions that seek to force overdue improvements in labor standards.

Conclusion

The GCM implementation process must serve as a vehicle to address the root causes of migration and to encourage pathways out of irregularity. It must enhance regular migration channels that address pressing human needs and ensure fundamental rights. However, without bold action that involves all social partners, there is a risk that states will shirk their human rights obligations and fail to protect workers from deportation and abusive temporary work programs.

The Global Coalition on Migration renews its call for states to pursue a worker-centered approach that adheres to human and labor rights standards and does not further criminalize migrants or empower the private sector to dictate the terms of migration governance. Freedom of association is a right that shifts power dynamics, enabling workers to protect and advance their interests and reduce the push factors that force too many people to migrate as a means of survival.

Meaningful GCM implementation must insist upon respect for the rights of all workers, regardless of status.

Meaningful GCM implementation must insist upon respect for the rights of all workers, regardless of status. Together, workers will break cycles of exploitation and ensure decent work the same way we always have—through organizing, collective bargaining, and mobilizing to win overdue changes. The global labor movement will continue to fight for a new social contract, and a more just and inclusive recovery for all.

Recommendations

In accordance with the GCM Objective 5 on regular pathways, states must:

- **Promote policy coherence** that puts the focus on regularization, family pathways, humanitarian resettlement, and policies that promote sustainable development and decent work for all in countries of origin, transit, and destination.

- Instead of expanding failed and exploitative temporary labor migration programs, states must **adopt a new framework for work visas** that ensures:
  - fair labor standards
  - freedom of movement
  - family unity
  - access to justice
  - a path to permanent residency
  - no discrimination or displacement

- Put adequate safeguards in place to **protect migrants from continued abuse in the labor recruitment process,** including:
  - Binding regulation of the recruitment industry, including **zero fees to workers**
  - Strict **employer accountability** for abuses and protection for migrant workers who act to enforce labor laws
  - Real-time **public access to information** that workers need
  - **Worker-driven models** for enforcement of recruitment regulations

- **Integrate the ILO's tripartite structure of consultations** as a central migration governance mechanism.

The creation of **decent work for all must be a pillar of GCM implementation strategy** and central to regular migration pathways.
Workers, regardless of status, must have freedom of association and a role in shaping the GCM implementation strategy as part of the broader fight for economic, social, racial, and gender justice and a new social contract, with no exclusions.

Watch this video and learn more about regular pathways for migrants from the grassroot organization KUDHEIHA in Nairobi, Kenya.

www.spotlightreportmigration.org/spotlight-videos/

ACCESS TO HEALTHCARE FOR UNDOCUMENTED MIGRANTS IN EUROPE: COVID-19, VACCINATIONS, AND EFFORTS TO SPUR ACCESS TO ESSENTIAL CARE FROM THE GROUND UP

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Lack of regular migration status is strongly correlated with social and economic precarity due to poor access to decent wages, working conditions, and housing. Irregular migration status often increases the risk of poverty and social exclusion while limiting access to benefits and systems that alleviate economic hardship and provide social support, including access to health services.

Gaps in our health systems undermine our resilience as communities in the face of emergencies like COVID-19, which expose and heighten inequalities. The pandemic has made more visible health and social inequalities that have existed for years, including those linked to irregular status and related exclusion. These inequalities are driven by intersecting forms of systemic disadvantage as outlined in the overview.

Lack of regular migration status is strongly correlated with social and economic precarity due to poor access to decent wages, working conditions, and housing.

In the United States, The Health Disparities Geocoding Project revealed that as of May 2020, communities of color across the state of Illinois and New York City experienced the highest death rates—nearly five times greater than communities with few people of color. The UK Office for National Statistics similarly found a 'clear social gradient', with higher levels of poverty tending to correlate with higher mortality rates due to COVID-19.

It is now well-known and well-established that not all occupations have been equally affected by the pandemic, or measures to contain the pandemic. The OECD noted in an October 2020 report that the "negative impact on immigrants' labor market outcomes is increased by the fact that they are strongly overrepresented in sectors most affected by the pandemic". There are gender dimensions to these disparities too, with women constituting 90% of the global health and social care workforce. The ILO has underscored the devastating impact of COVID-19 and related measures on migrant domestic workers, where 8 out of 10 are employed informally and lack many legal protections.

COVID-19 vaccines and access to health services for undocumented migrants in Europe

For undocumented people, increased risk of exposure to infection as a result of these systemic inequalities coincides with extremely limited access to mainstream healthcare due to their migration status. Under Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)—ratified by every state in the EU—everyone has the right to the highest attainable standard of health. This was affirmed by the ICESCR Committee in a statement[1] on 13 March 2017 making clear that social rights apply to everyone on a state's territory, regardless of migration status. Yet, in practice, irregular migration status often means very restricted access to healthcare for undocumented people. In most countries in Europe[2], undocumented people are limited to emergency care, or what is provided for by Non-Governmental Organizations (NGOs).

However, a handful of countries have recognized the importance of creating a legal framework and health system that is inclusive of everyone, regardless of their residence status. For instance, in Belgium, France, Italy, Spain, Sweden, and Portugal, the national healthcare system allows undocumented migrants to access both preventative and curative care. This has been the case since a law reform in Sweden in 2013; in Belgium, France, and Italy, this has been the case[3] for roughly 25 years.

Nonetheless, challenges persist in implementation, including complicated or inconsistently applied rules; administrative barriers; and regional variations in some countries. For instance, a legal framework in Belgium grants access to a broad range of health services—but administrative procedures are cumbersome, requiring proof of habitual residence

In at least eight European countries (Belgium, France, Ireland, Italy, the Netherlands, Portugal, Spain, and the UK) there is access to the vaccine for undocumented migrants.

and social investigation that can take up to a month. In the Netherlands, it is possible in principle for undocumented people to qualify for reimbursement of the costs of care for a fairly broad basket of services—but complex and bureaucratic systems for reimbursement put off health professionals and hospitals from serving undocumented patients.

A key barrier that undocumented people face is potential immigration enforcement if they try to seek healthcare. The risk of immigration enforcement is related to the broader policy environment, which criminalizes irregular status and means that people who become known to the authorities—through labor inspections, reporting to the police, and sometimes through the use of services—face possible expulsion.

For instance, the public authority in Germany that grants access to subsidized healthcare for undocumented people has a duty to report them to immigration authorities. In December 2021, the new German coalition government adopted a coalition agreement that includes a pledge to lift these obligations, mandated under the Residence Act, following calls for change by a multi-stakeholder campaign called 'Gleich Behandeln'. The criminalization of irregular migration has sometimes gone as far as criminalizing human rights defenders for humanitarian assistance[4]—in the context of rescuing people at risk of drowning in the Mediterranean, or providing undocumented people with food or accommodation.

This context of exclusion and mistrust has very important consequences for the COVID-19 vaccine rollout. PICUM has monitored national COVID-19 vaccine strategies in Europe and in at least eight European countries (Belgium, France, Ireland, Italy, the Netherlands, Portugal, Spain, and the UK) there is access to the vaccine for undocumented migrants. More recently, building on this work, Lighthouse Reports produced scorecards[5] indicating the level of transparency and inclusiveness of vaccination strategies in various European countries in terms of their application to undocumented migrants.

The growing use of vaccine certificates to determine access to a range of spaces and services (including public transit), and the accompanying identity checks, raise concerns about reinforcing distrust without addressing the systemic causes for limited uptake of the vaccine by undocumented people.

Working from the ground up to improve access in practice

Norway is not among European countries with national legislation on healthcare which is inclusive of people with irregular status. However, it is an example of the role and importance of grassroots initiatives to create pathways for improved access.

Under Norwegian law, undocumented people can generally only access emergency healthcare and 'healthcare that is totally necessary and cannot be deferred'. The law on communicable disease entitles everyone, regardless of residence status, to healthcare related to communicable diseases, including treatment and preventative care, like vaccinations.

For other types of care, except when related to children and pregnant women, one needs to be registered with a general practitioner, and a valid personal identification number, which is by law not possible for undocumented migrants. Informal access to a general practitioner may still be possible, but the doctor has to bear all the costs of the care they provide. However, there is a very clear firewall in place in Norway, and medical staff have a strong duty of confidentiality that shields undocumented patients from the risk of immigration control.

Norway is an example of the role and importance of grassroots initiatives to create pathways for improved access.

In 2009, the Health Centre for Undocumented Migrants was established in Oslo. It is open for drop-in consultations, including with a mental health specialist, and can provide referrals to other services through volunteers or the public system. The center treats thousands of patients each year, and engages a broad range of volunteers including nurses, psychologists, midwives, pharmacists, social workers, and physicians. The center also advocates for legislative change that opens up access to healthcare for people without regular status in Norway.

Undocumented migrants are not mentioned explicitly in the Norwegian COVID-19 vaccination strategy. In early spring 2021, the Norwegian Directorate of Health published guidance on COVID-19-related care for undocumented people. It addressed a letter to all local and regional health authorities, both primary and specialist healthcare services, calling on them to make the vaccines available for everyone.

However, the letter did not detail how undocumented people could practically get their shot, leaving it to municipalities to organize this.

In Oslo, the Health Centre for Undocumented Migrants, in collaboration with the municipality, arranged for a local general practitioner to come weekly to the center to write referrals for people based on their medical and socio-economic conditions. With these referrals, undocumented people can be called to get their vaccine without the need of a personal number or a valid ID document: only the name, date of birth, phone number, and preferred language are noted. The center also has excellent cooperation with one of the local vaccination centers in Oslo to make sure people get appointments and access to interpretation.

Ensuring healthy, resilient societies requires addressing social inequalities that result from systemic and historic forms of discrimination and exclusion.

Conclusion

The COVID-19 pandemic has exposed longstanding gaps in our health and social protection systems, and the broader relationship between exclusion and poor and unequal health outcomes. At the same time, in modest but important ways, the pandemic has shown what is possible in terms of addressing some of these gaps where there is sufficient political will.

Given the strong motivation of some states and local authorities to achieve universal COVID-19 vaccine coverage due to public health and economic imperatives, countries like Norway with otherwise fairly restrictive laws governing undocumented people's access to healthcare, took steps (responding to strong pressure on the part of local advocates) to facilitate access to COVID-19 vaccines for residents, regardless of status. This is promising.

However, these kinds of initiatives should be seen as pilots to be further developed and expanded, not only as a response to an emergency but to ensure broad access for all members of the population to healthcare in a permanent and equitable way, with proactive steps to remove barriers that are based on residence status.

Beyond the vaccines, and beyond health systems, a critical lesson from the pandemic is that ensuring healthy, resilient societies requires addressing social inequalities through a health and social justice lens that accounts for harms to health that result from systemic and historic forms of discrimination and exclusion. This is long-term work that requires changes to law, practices, and mindsets that must come through meaningful and sustained engagement with affected communities.

Recommendations

The COVID-19 pandemic has underscored that achieving health equity requires a bottom-up approach, and collaboration with both affected groups and local organizations. This collaboration must identify challenges and devise practical strategies to address them. Achieving health equity also requires a clear and well-communicated national policy and, where necessary, accompanying legislation to regulate access.

In accordance with GCM Objective 15 on access to basic services, states must:

- **Establish the entitlement of migrants without regular status to responsive, respectful, accessible, affordable, adapted, and quality social (or public) services,** including primary and secondary care.
- **Provide clear information and instructions from public authorities to all relevant stakeholders** about these entitlements and how undocumented people can access the care they are entitled to.
- **Commit that** personal data will be safeguarded and **there will be no negative immigration consequences of seeking care.**
- **Provide low-threshold services with limited bureaucracy** and administrative or documentation requirements.
- **Actively involve local and non-governmental organizations, migrant rights organizations, and members** of affected communities in defining strategies and protocols.
- Provide multilingual communication and outreach campaigns to **build trust and encourage health-seeking behavior.**

Watch this video and learn more about access to services for migrants from the humanitarian aid organization INTERSOS in Athens, Greece.

www.spotlightreportmigration.org/spotlight-videos/

ENDING IMMIGRATION DETENTION & CRIMINALIZATION BY CENTERING GRASSROOTS LEADERSHIP

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There is a rising global trend of migration laws, policies, and practices driven by systemic racism, sexism, homophobia, and other structural issues. This impacts migrant and refugee communities, and those seeking asylum, in complex and intersectional ways.

Instead of safeguarding peoples' human rights and dignity, many governments around the world are adopting approaches that inherently criminalize migration and invest in harsh deterrence tactics, such as incarceration and surveillance, forced returns, externalization of borders, and pushbacks. In addition, the penalizing of migrant community activists, human rights defenders, NGO workers, and emergency crews such as sea rescuers, is a deeply concerning trend.

Throughout 2021, International Detention Coalition (IDC) worked with leaders with lived experience of detention and asylum systems, as well as other grassroots organizers from different countries, to co-create a space to connect and strategize about efforts to end immigration detention.

The learnings from this space are crucial for all of us: change and solutions must start from the grassroots, and must center the leadership of people with lived experience of detention and criminalization. Furthermore, in order to end detention and criminalization, change must address the root causes of these issues, and must be co-designed, co-created, and co-delivered with people with lived experience. We will explore the pressing facets of detention and criminalization of migrants in this article.

Criminalization trends

"From our perspective on the ground, it seems that some governments have become very imaginative about how to be cruel," observed a grassroots migrant leader. These grassroots organizers brought together insights about criminalization trends they and their communities experience and witness every day.

For many, COVID-19 created and enhanced huge challenges. In March 2020, in response to COVID-19, IDC initiated regional webinars for our members across Africa, the Gulf and the Levant, Europe, Asia Pacific, and the Americas. Attended by participants from more than 40 countries, IDC heard about the impacts and needs on the ground from organizations working at the forefront of COVID-19 response around the globe. Through this listening and learning, IDC developed a Global Position on COVID-19, and documented some Key Developments shared by IDC members in countries such as South Africa, Malawi, Mexico, Australia, South Korea, Malaysia, Greece, the United States, Egypt, Libya, Tunisia, Qatar, and many more.

Change and solutions must start from the grassroots, and must center the leadership of people with lived experience of detention and criminalization.

These impacts include lengthened (and often indefinite) periods of detention, health and safety issues, border closures, increased and often violent pushbacks at borders, and deportations. There are also difficulties with registration, access to services, discontinuation of migratory procedures, as well as an erosion of the right to seek asylum. All of this has created environments of chaos for people and families seeking stability and safety.

On the other hand, there were instances of some governments reducing or suspending the use of immigration detention during this time, which opened up opportunities and momentum to rehearse the end of immigration detention. For example, a 2020 IDC document[1] states that there were detention releases and decreased arrests in Belgium, Egypt, Italy, Japan, Mexico, Spain, and the UK, as well as instances of increased registration and support in the community in Spain, Portugal, Zambia, Guatemala, and Mexico.

Furthermore, residency permits were extended in countries such as France, South Africa, Italy, Portugal, Colombia, and Tunisia. Some governments also made public statements (including significant changes) about migrant access to healthcare, including Ireland, Egypt, Portugal, and South Korea.

However, these non-detention and community-based practices have not all been maintained. For example, immigration detention centers have reopened in Spain, and timid attempts to increase registration and support in Mexican communities were dropped. In many contexts, some of the promising practices co-existed with worrying trends, or with situations of destitution and lack of access to services and rights for those released from detention. This makes it more challenging to sustain and scale up. Learnings must be gathered to analyze and evaluate with a view to sustaining and enhancing non-detention practices beyond the COVID-19 pandemic.

The politics of many governments are shifting dramatically towards increased nationalism, leading to harsh and inhumane migration policies. This includes new bills and laws that are gaining traction across the world. For example, UN human rights experts[2] have determined that the UK's Nationality and Border's Bill increases the risk of discrimination as well as 'serious human rights violations'.

Some governments have gone beyond traditional ideas of detention and integrated the use of de facto detention in their policy responses, often naming these responses as 'alternatives to detention' when they are not[3], and even though they entail varying degrees of deprivation of liberty and violation of rights. These de facto detention trends include closed spaces, such as former military barracks and hotels in Australia and the UK, where people are unable to leave. Custody also happens in transit zones, such as borders, airports, and ports, in countries like Mexico.

The politics of many governments are shifting dramatically towards increased nationalism, leading to harsh and inhumane migration policies.

Custody in physically remote or isolated places, including offshore detention, is also a growing and concerning trend, as topography is being used to isolate people from communities and whole societies. This occurs in countries such as Australia and Greece[4], and is also being proposed in the UK.

Technology curtailing rights

Electronic monitoring and tagging are concerning elements in the growing use of technology to enhance criminalization measures. In countries where the use of ankle monitors is prominent (such as the US), some community meetings of directly impacted people must be held in close proximity to wall outlets so that leaders can ensure their ankle monitors are properly charged. Otherwise, they would trigger piercing alarms coming from the device attached to their bodies. The dehumanizing physical and psychological impact of this technology is felt by people every day—at home, among their families, friends, at work, and in their communities.

Technology is not neutral. On the contrary, it reflects social biases.

More broadly, there is an increasing prevalence of technology use inside detention centers, or 'smart prisons'. Technology is not neutral. On the contrary, it reflects social biases. When technology is used as a basis to increase the rights and agency of people, the impacts are positive. However, when utilized to increase punitive and restrictive measures, as well as to surveil and collect data (often without consent or respect for the right to privacy), then we see moral and ethical contradictions to critical rights-based standards.

Migrant organizations and partners have witnessed severe levels of depression and post-traumatic stress disorder, as well as long-term cognitive and emotional impacts in people who have experienced these punitive technology-based measures.

Grassroots leadership & change-making

When it comes to making transformative systems change, leaders with lived experience of detention and other grassroots organizers lead the way with a vision grounded in root-cause analysis. As one organizer puts it, "We are growing and nurturing a tree together, and ending immigration detention will be the fruit of our labor."

Migrant and refugee communities experience constant attacks from policies, biased media portrayals, social discrimination, and politicians. For people impacted or at risk of immigration detention, there are dangers to speaking out, even to seeking health or social services. Consequences could include facing prolonged detention, criminal imprisonment, or deportation.

The impact of these consequences is exacerbated for groups and identities already driven to vulnerable situations, such as women, girls, gender-diverse, and LGBTI people. According to IDC's research[5], detained LGBTI migrants face "heightened levels of harassment, discrimination, psychological abuse, physical and sexual violence by detention staff as well as other detainees. They are frequently segregated in conditions falling below those of the general detainee population and well-established international

standards, or are subjected to policies of solitary confinement… Almost universally, LGBTI persons in detention are in situations of extreme vulnerability."

In certain restrictive contexts, human rights are not protected within society. For example, the websites of human rights organizations and defenders may even be blocked from public viewing. These environments and experiences create deep trauma and fear, and present very real dangers for migrant communities, as well as distrust, and lack of solidarity and belonging for many.

In spite of monumental challenges, grassroots migrant groups are building strategies that involve looking at the big picture and being proactive against rising threats to their rights. By working at the grassroots level to build strong communities, systems, structures, and cultures, the aim is to address restrictions at the outset and to create long-lasting systems-change.

References by states to 'detention as a last resort' in actuality have become detention as the first resort. This must end.

Conclusion

In implementing the Global Compact for Migration (GCM), states must move rapidly to a world without immigration detention, where people who migrate and seek sanctuary live with their full rights and dignity intact. References by states to 'detention as a last resort' in actuality have become detention as the first resort. This must end. Central to addressing detention issues is the regularization of migrants and the end of criminalizing migration, plus the adoption of rights-based and community-centered alternatives to detention, which need to move to the center of migration policy.

Also key to achieving this vision is an active commitment by governments to work with grassroots organizations and civil society. Government leaders must work to achieve a cultural and mindset change within government departments that show hostility towards migration and that consider immigration detention as a necessary tool. Migrants have fundamental human rights. Regardless of status, governments and policymakers must uphold these rights.

Migrants give life to these issues. They are key to making this necessary transformation in collaboration with different stakeholders, including government allies. To end detention we will need the same perseverance and determination as those who have survived detention. And if we work together with solidarity, understanding, and with a genuine desire to make a change, we can achieve it.

Recommendations

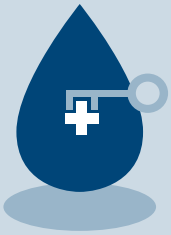
In accordance with the GCM Objective 13 on alternatives to detention, states must:

- **Regularize migrants at the national level.**
- **End immigration detention.**
- Invest in rights-based and community-centered alternatives to detention, and **refrain from any deprivation of liberty.**
- Invest in case management towards **case resolution that explores** all possible **regularization options.**
- **Incorporate** the Committee of Migrant Workers General Comment 5, Joint General Comment 4, and overall international **human rights standards into national immigration policies and systems.**
- **Listen and learn from peoples' stories** about hostile and criminalizing migration and asylum laws and policies, and the severe and damaging impacts on individuals, communities, and societies as a whole.
- **Embrace whole-of-society lens in collaboration with grassroots organizations and civil society,** and learn from their expertise on rights-based approaches to migration while co-designing solutions.
- **Use whole-of-government approaches** by listening and taking leadership from government experts and departments **that prioritize the wellbeing and rights of migrant and refugee communities, and asylum seekers.**

Watch this video and learn more about criminalization and detention of migrants from the Maryhill Integration Network in Glasgow, Scotland.

www.spotlightreportmigration.org/spotlight-videos/

Promoting access to services and justice for all



Regularization removes the fear of deportation, and enables migrants to advocate for and safely access services and justice.

Over

1.8 million

Venezuelans in Colombia will benefit from the ten-year temporary protection status, which provides a path for permanent residency.

Data source: UNHCR (2021)

Rights-based, gender-responsive, and permanent REGULAR PATHWAYS AND REGULARIZATION enhance migrants' human rights.

Ending Detention

Ending the criminalization of migration includes ending detention and the separation of families, and developing pathways to permanent residency with full human rights.

There is no accessible, reliable, and dis-aggregated data about people in immigration detention. Detention systems overall are surrounded by obscurity and lack of transparency.

Protecting workers' rights

Workers must have access to decent work and long-term regular status to fully exercise their freedom of association and right to organize, maintain family unity, and ensure social protection.

Between April and August 2020 alone, there was a

+ 275 %

increase of labor abuse allegations from migrants in the Gulf region.

Data source: Business & Human Rights Resource Centre (2020)

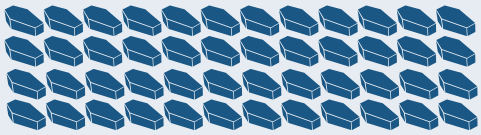
Ensuring human rights at borders

Rights-based regular pathways can save lives, enabling migrants to cross borders without risking their lives, being detained, criminalized, or exploited. Demilitarizing border enforcement will make migrant and border communities safer.

At least

47,165

migrant deaths could have been prevented globally since 2014 if regular pathways had been in place.



Data Source: IOM (2022)

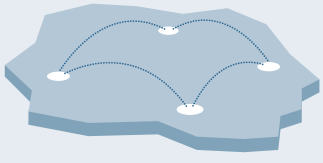
Recognizing climate-displaced migrants

Asylum, visas, and work permits leading to long-term documentation, including citizenship, are crucial to ensure human rights and human security for those unable to return to countries devastated by climate change.

In 2020, geophysical and weather related disasters triggered

30.7 million

new internal displacements across 149 countries and territories.



Data Source: iDMC (2021)

MOVING FOR LIVELIHOOD AND LIFE: MIGRANT DOMESTIC WORKERS BETWEEN AFRICA AND THE GULF AND THE LEVANT

Roula Seghaier
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There is "no moral justification for border control", says migration scholar Dr Phil Cole. Policy is frequently divorced from ethics, creating legitimacy or respectability standards for one type of movement or border crossing at the expense of another. Binaries such as voluntary/involuntary migration or migrants/refugees are created, bringing with them different entitlements.

Policy is frequently divorced from ethics, creating legitimacy or respectability standards for one type of movement or border crossing at the expense of another.

Migrants are conceived as moving voluntarily to improve their lives with the ability to 'return home'. This obscures the fact that many are leaving their origin country because of push factors that do not magically disappear over years. Unemployment, poverty, food scarcity, gender-based violence, hostile governmental policies, and environmental disasters are among the factors that drive domestic worker mobility.

Many low-wage migrants, including migrant domestic workers, move in search of livelihoods. Within the context of the above constraints they technically '*choose*' to travel. The framing of this decision as a choice (albeit dignifying and cognizant of agency) means that they must return.

At the policy level, the distinction between migrant/immigrant/refugee exists and is often burdened with racialized and classist implications. However, ethically, it is hard to justify why labor migrants (including domestic workers) are not entitled to the very same provisions and protections, freedom of mobility, and health and safety at work and in their new environment as other protected categories of migrants.

Migration justice is a part of a larger vision for social justice that considers all of the above. In this article, we outline what domestic workers' migrant experiences look like, traveling from Africa to the Gulf and the Levant (Cyprus, Iraq, Israel, Jordan, Lebanon, Palestine, Syria, and Turkey (Hatay Province)).

Labor migration in Africa: Kenya as an example

Africa has experienced a long history of migration movements, both voluntary and forced. In recent years, there is a growing number of women migrants as part of overall East African labor migration, both within and outside the continent. This is driven by the increase in gendered job opportunities within Africa, the Gulf and the Levant, and East Asia, particularly in care work, domestic work, and the healthcare sector.

The demand for domestic workers in the Gulf and the Levant is a significant driver of women's migration from Kenya, Ethiopia, Tanzania, and Uganda, leading to an increase in remittances to those countries. In Kenya, diaspora remittances have become the country's highest foreign exchange earner[1], having overtaken tea, coffee, and tourism.

In Kenya, diaspora remittances have become the country's highest foreign exchange earner, having overtaken tea, coffee, and tourism.

The labor migration process in Kenya is not always safe or fair. Workers rely on unverified information about job opportunities, relying on friends, family members, and private recruitment agencies. Illegal recruitment agencies take advantage of the lack of law enforcement by governments. Workers often have inadequate knowledge and awareness of the legal pathways to 'voluntary, orderly, and

regular migration'. This increases the vulnerability of migrant workers to unethical recruitment practices.

Furthermore, they are prone to excessive placement fees, falsification of documents, false promises about the nature and conditions of work, and debt bondage from money lenders and recruiters. The profile and level of education of the majority of migrant women domestic workers also limit them from accessing (on their own) information on the legal and institutional landscape.

According to a report[2] by the Kenyan government, about 93 Kenyan migrant workers died in Saudi Arabia between 2019 and July 2021. A large number of migrant returnees have complained about the challenges faced in the destination countries. They cite abusive labor practices such as violence and harassment; verbal, sexual, and physical abuse; handling of hazardous chemicals with bare hands; racial or ethnic discrimination; and withholding of pay.

Labor migration in Kenya is guided by several legal and regulatory frameworks aimed at protecting the rights of migrant workers. However, visible gaps still exist.

Many domestic workers experience cases of wage theft. Following up with the employers is next to impossible because ties to the destination country are cut once they return, and local agents distance themselves once the migrants reach the destination country.

Labor migration in Kenya is guided by several legal and regulatory frameworks aimed at protecting the rights of migrant workers. However, visible gaps still exist in the coordination of labor migration between Kenya and destination countries.

Kenya lacks a monitoring and evaluation mechanism for the implementation and performance of the bilateral labor agreements entered into with destination countries. The contents of the agreements are also not made public, so key actors such as trade unions and the general public cannot know of their existence and provisions. Kenya also lacks return and reintegration programs for returning migrant workers, so many workers return without protections or reintegration support.

Outside of some active but minoritarian attempts to organize domestic workers in Kenya, those attempting to migrate find themselves at higher risk of human and labor rights violations, as they are isolated and lack union representation. Efforts by local trade unions such as KUDHEIHA Workers through the support of the International Domestic Workers Federation (IDWF) aim to mend this situation by forming networks that bring these workers together.

The Kafala system in the Gulf and the Levant: history and implications

The Kafala system is a loose collection of laws, decrees, regulations, and customary practices tied to immigration in countries of the Gulf and the Levant. Kafala means 'sponsorship', and is usually utilized in Arabic to refer to the sponsoring of an orphan, a minor, a person with severe disabilities that requires support in daily life decisions, and migrants' residence in a destination country. The Kafala is not a labor law, it is an immigration system governed by the Ministry of Interior, the branch of the government responsible for policing and security.

The decisions on residency, housing arrangements, social life, mobility, and many other facets then lie in the hands of one individual: the employer. The overlap of the private household as a place for both work and life becomes increasingly unsafe, due to the huge imbalance of power between the employers and the workers. All of this is in addition to the fact that domestic workers are mostly women[3], who face disproportionate amounts of gender-based violence and harassment.

Under any other system, if one has a problem with an employer, then their job is at risk, but the other aspects of their life (e.g. residency, health, legal status) are not within their employer's purview. However, when a worker is under the Kafala system, the employer decides everything about every aspect of their life. Can they open a bank account? Can they have a driver's license? Can they have their family visit? Can they reside in the country? All of these aspects are single-handedly decided by one employer.

A problem with the employer can lead not only to loss of the job, but also to loss of work permit, migration status, and home, even to imprisonment and deportation.

Kafala systems vary across the Gulf and the Levant, but they have many aspects in common such as the workers' inability to renew their own migration papers.

Kafala systems vary across the Gulf and the Levant, but they have many aspects in common: a workers' inability to renew their own migration papers, their inability to change employers without the employers' permission, and the requirement that they live in the employer's home (when it comes to domestic work). The fact that paperwork renewal happens through the sponsor means that workers are often unaware of their own fate. Is their paperwork being renewed? Has their residency expired? A worker may not know the answers, as employers often hold their passports—a practice that the kafeel (employer) considers their prerogative.

The worker does not have control over what has been done to their papers and might not even have access to them in the first place. It is absolutely obscene that while it is the responsibility of the kafeel to renew the visa of their employee, the worker is the one criminalized when the visa is not renewed.

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Domestic workers endure the worst fate amongst workers governed by the Kafala system because they are not included in national labor law. Their work is seen as part of the informal economy. Other workers are governed by the Kafala as migrants and also by various labor laws as workers within their sectors. The internal affairs ministries still largely govern domestic workers and are meant to guarantee their rights.

If a domestic worker wants to leave an abusive situation, they must leave the household they are working in and leave their employer, who is the person that oversees their legal status. A domestic worker then is immediately in irregular status and can face absconding charges. If a worker has an absconding charge against them, they cannot leave the country.

This mechanism is abused by employers, who have complete impunity, as they are acting within the boundaries of the Kafala system. Workers who are included under the labor law, even when the law is lacking, have some form of access to redress for labor violations. However, when it is the policing branch of the government that oversees the working conditions of migrant domestic workers, the workers become suspect: they have no access to justice.

The Kafala system is often portrayed as a fruit of cultural prejudice, obscuring the economic factors that create and sustain it. Instead, it is racial capitalism that must be addressed. The Kafala system is lucrative both because the cheap labor migration allows these states to save money on care institutions, and because the fees generated by the process of recruitment, residency applications, and renewals offer a steady stream of revenue for the economy.

For example, the Kafala system in Lebanon generates around 100 million USD annually[4] from recruitment fees, taxes, and dues to various governmental agencies, amongst other expenditures. This number is the smallest in the estimates of profits collected in the region. The Kafala system model of recruitment is also lucrative for origin countries: an 'agent' serves as the go-between for a prospective worker and their destination country. The agent is paid per person recruited, thus benefits from false advertising, creating false job opportunities, and cheating workers into traveling.

The system creates employment opportunities for agents, recruitment agencies, and unknown third parties that facilitate such transactions. The workers bear the cost of this recruitment. Many go into debt bondage to pay the fees demanded of them. Yet the economic interests behind the survival of the Kafala system are seldom addressed, focusing instead on cultural aspects, which deem that change is hard to achieve. Not only is this an essentialist perspective that portrays countries in the Gulf and the Levant as fundamentally prone to archaic domination systems, but it also obscures possible venues for advocacy.

While the region has encountered numerous challenges with the ongoing pandemic, including economic inflation and layoffs of domestic workers, the biggest challenge remains the Kafala system. As a domestic worker leader in Lebanon explained: "In the Gulf and the Levant, COVID is not the virus, Kafala is."[5] The key to any potential reform is to provide more visibility to employment and working conditions, and to break down the cycles of unfair recruitment that is akin to the trafficking of workers into forced labor.

Agency and social justice

Domestic workers inhabit many complex identities: migrant women from the Global South, multiracial and multireligious backgrounds, sole breadwinners of families. Justice for migrant domestic workers does not end nor begin at the sector alone: it transcends it into social justice at large, for women, migrants, and people of color. The Domestic Workers Rights movement, led by the International Domestic Workers Federation and allies, is one of human rights and freedom.

The economic interests behind the survival of the Kafala system are seldom addressed. This is an essentialist perspective and obscures possible venues for advocacy.

Migration for domestic work must be facilitated, protected, and regularized. The workers themselves must be valued and respected, for they provide immense contributions to their origin countries through remittances and destination countries through their labor. They must be able to exercise their agency as workers and as humans who have a right to decent work and a life outside of the workplace. They have the right to call the place where they spend years

and give decades of service their home, and this includes family unity. Through IDWF and elsewhere, migrant domestic workers are organizing and resisting across borders and movements. They build bridges that we need to learn from.

Justice for migrant domestic workers does not end nor begin at the sector alone: it transcends it into social justice at large, for women, migrants, and people of color.

Conclusion

Let us be clear: Kafala and labor justice are not compatible. It is not reform that we seek but the abolition of the sponsorship system. There is no pragmatic or ethical reason to prevent workers from crossing borders through a rights-based regular pathway, and owning their own rights without transferring them to an employer. There is every pragmatic and ethical reason for workers to have rights and agency, both for their own wellbeing and for social justice.

Recommendations

In accordance with GCM Objective 6 on recruitment and decent work, states must:

- **Abolish the Kafala system.** Include domestic workers under national labor law with full workers' rights in contracts and allow visa portability.
- **Create regular pathways for all migrant workers** that lead to family unification, permanent residency, and a pathway to citizenship.
- **Ratify ILO Decent Work for Domestic Workers Convention** (C189) and adopt national legislation to operationalize it.
- **Include migrant workers, unions, and recruitment agencies** in the negotiation of bilateral agreements and make them public.
- Regulate recruitment agencies and conduct inspections. **Penalize unlawful recruitment practices.**
- **Guarantee domestic workers' freedom of assembly and association and their right to organize and join unions** in destination countries.
- Collect data on migrant domestic work for **data-driven reform.**
- Create entities to **promote rights-based, gender-responsive reintegration** of migrant workers, when and if they choose to return.
- **Facilitate access to full social protection for all migrants**, including pension schemes.
- Address the drivers that give women little choice but to migrate, through **real investment in sustainable development,** including quality public services (education, healthcare), social protection, decent work, human security, climate mitigation and adaptation, and government human rights accountability.

Watch this video and learn more about the protection of migrant workers' rights from the trade union UNIDAPP in Bogota, Colombia.

www.spotlightreportmigration.org/spotlight-videos/

THE IMPACTS OF BORDER CONTROLS AND EXTERNALIZATION ON MIGRANTS IN SOCIAL VULNERABILITY

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This article is a summary of two investigative projects of the National Network for Immigrant and Refugee Rights and of the Foundation for Justice and the Rule of Law concerning the impacts of the militarization of migration policy on the southern border of the US, the northern and southern borders of Mexico, and the El Salvadoran borders. See: www.nnirr.org and https://bajolabota.com/

The United States (US) has increasingly focused on the externalization of migration controls over the last decade, and this was accelerated during the COVID-19 pandemic. These policies, historically used to contain and deter irregular migration, are increasingly used to address the crisis of asylum. This impacts those in vulnerable situations due to social, political, and climate reasons, along with race, gender, class, ethnicity, and national origin distinctions.

Since the adoption of the GCM in December 2018, US Immigration enforcement agencies forcibly removed 2,300 children from their parents under the new 'zero-tolerance' policy that refers all cases of unauthorized entry for criminal prosecution.

Instead of addressing root causes and drivers of migration and creating regular migration pathways for those confronting these situations of vulnerability, the US has continued to pursue several bilateral and trilateral agreements with Central American countries to prevent migrants, including asylum seekers, from entering its jurisdiction. This renders displaced people 'legally inadmissible', often in violation of the international protection regime.

The Global Compact for Migration (GCM) recognizes a set of commitments that uphold the human rights of migrants and establishes a framework for international cooperation to primarily save lives and guarantee human rights protections at international borders. Yet, states in the region have criminalized migration by enacting and tightening immigration laws and enforcement mechanisms.

Migrants in the region face undue burdens, suffering, and life-threatening conditions at borders. In addition to government-sponsored violence, extreme poverty, or environmental displacement, they are simultaneously experiencing the exacerbated harms brought by the pandemic; food and housing insecurity; mobility constraints; and walls and military forces at borders.

The Immigration deterrence model

In Mexico and other Central American countries, border externalization programs include immigration agreements, economic development packages, and technical-military assistance for the implementation of policies such as the Migrant Protection Protocol (MPP), and US Title 42 of the 1944 Public Health and Service Act, which deny the right to asylum on a health-related basis. The MPP refuses asylum seekers at US ports of entry, while Title 42 has resulted in up to 980,000 summary deportations of migrant women, men, and children in the context of the pandemic.

These policies and agreements are instrumentalized to achieve the long-wanted goal of sealing the US-Mexico border, while subjecting people to grave human rights violations and leading to an increase in migrant deaths. Immigration deterrence contradicts the inherent principles and commitments enunciated in the GCM and Global Compact on Refugees (GCR).

The US has pursued immigration deterrence as the primary tool to manage migration over the last several decades. This complex architecture of laws, walls, drones, biometrics, data-sharing, surveillance technology, and heavily guarded geographies is aimed at enforcing two parallel border regimes: one that facilitates the mobility of those privileged by multilateral visa agreements and another that deters and criminalizes those without a 'compelling claim'

of entry, primarily along with race, class, and national origin distinctions.

Civil society monitoring of these industries[1] has found that 'US surveillance often leads to the arrest, jailing, and deportation of immigrants'. This includes companies that supply the US Department of Homeland Security (DHS), and particularly its Immigration and Customs Enforcement (ICE) agency, with databases; powerful data systems; biometrics; cloud systems such as Amazon's; tracking technologies like Palantir's; Northrop Grumman's biometric databases; and iris and facial algorithms such as NEC Corporation's, among others.

While the racial and ethnic impact of these militaristic strategies has been largely overlooked, these technologies are increasingly being used to expedite and force returns of refugees and migrants without due process of law and the possibility of requesting asylum. This results in systematic human and civil rights violations to those migrating through the border and those residing in the border region. This includes indigenous groups, persons of Mexican descent, and similarly racialized groups.

Since the adoption of the GCM, US Immigration enforcement agencies (Immigration and Customs Enforcement and Customs and Border Protection) forcibly removed 2,300 children from their parents[2] under the new 'zero-tolerance' policy that refers all cases of unauthorized entry for criminal prosecution. Most children were from Guatemala (1423), Honduras (848), and El Salvador (179), while other children were from Brazil (43), and Mexico (30). Furthermore, the Biden administration has expelled more than 9400 Haitians through almost 126 flights from primarily border cities. These flights face minimal regulation by aviation watchdog agencies. Per IOM data, about 44% of those expelled from the US to Haiti since September 19th, 2021 were women and children.

Migrant criminalization has a long legal history in the US and is one of the primary features of the immigration deterrence model. In the context of the War on Terror, border securitization policies conflate migrant women, men, and children, with terrorists, drug smugglers, or human traffickers.

The model is being exported to Central America, where several signed agreements between the US and Central American countries set the basis for the current US administration to continue the immigration deterrence project, criminalizing instead of protecting and creating conditions for migrants to claim rights as they migrate.

Criminalizing mobility has directly led to the aggressive acceleration of the US border externalization program. This specifically includes the US-Mexico Joint Declaration and Supplementary Agreement (US-Mexico); the Guatemala Arrangement for Irregular Migration (GAIM), The Biometric Data Sharing Program (US-Guatemala); the Border Security Agreement and Biometric Data Sharing Program (US-Honduras); and the Asylum Cooperative Agreements (US-El Salvador), among others.

The militarization of migration policies: the US border wall in Mexico and Central America

Among the most troubling patterns found in the agreements signed between the US, Mexico, and countries within the 'Northern Triangle' includes the deployment of thousands of military and police forces along the northern and southern Mexican borders. US agencies provide training and ongoing technical assistance to security forces in immigration enforcement, and direct engagement in immigration deterrence activities in Honduras, El Salvador, and Guatemala with the goal of preventing migrants and asylum seekers from ever reaching the US.

Since the COVID-19 pandemic, military participation in migration management has increased considerably[3]. In the case of Mexico, the US-Mexico Joint Declaration and the Supplementary Agreement resulted in the initial deployment of more than 6,500 members of the Mexican National Guard on the southern border and 15,000 on the northern border with the goal of impeding people from migrating to the US.

In Guatemala, Honduras, and El Salvador, the US promoted the participation of border patrol agents in the training of military forces and civilians to halt migration flows.

In Guatemala, Honduras, and El Salvador, the US promoted the participation of border patrol agents in the training of military forces and civilians to halt migration flows. Officials of the US National Security Agency have carried out summary deportations of people traveling in 'caravans'. Such actions are contrary to International Human Rights Law and Refugee Law.

Additionally, in El Salvador, the creation of the Border Patrol financed and trained by the US in 2019[4] has impacted the freedom of movement and the human rights of people living in border communities, with indigenous and peasant communities being particularly excluded from accessing their economic, social, and territorial rights. This is evident in the transnational territories known as Ex-Bolsones where indigenous and peasant communities are regularly denied from exercising the freedom of movement as guaranteed in the settlement by the International Court of Justice.

Consequences of militarization and externalization of migration policy in the region

Since Mexico and Northern Triangle countries have carried out joint militarized deterrence operations, migrants and asylum-seekers have experienced repression, detention, and other rights violations. These include using excessive

force, committing acts of torture[5], and threatening their physical integrity, personal freedom, and security.

In recent years, communities along the northern and southern Mexican borders have experienced the increased deployment of military forces to carry out immigration functions. This has intensified racism against particular groups: Black migrants (including Afro-descendants and Black transcontinental migrants), indigenous, and Indo-peasant peoples, who are systematically profiled, subjected to arbitrary detention, and targeted with xenophobic narratives and other forms of discrimination.

The externalization of the US immigration deterrence project facilitates violence against women, girls, and non-binary migrant persons. This 'presumptive criminality' subjects them to persecution rather than protection, and creates a permissive environment for border agents to dehumanize, shame, beat, and sexually assault women. Victims of sexual violence in immigration detention are often deported without an opportunity to seek justice, enabling immigration policing forces to continue acting with impunity. Furthermore, policy choices purportedly undertaken to assist victimized migrant women actually worsen their situation, as anti-trafficking strategies are used to 'justify' a host of militarized immigration enforcement strategies that make migrant crossings more dangerous.

The intensified policing has made the migration journey more violent and deadly for migrants. Since the mid-2000s, migrant fatalities along the US-Mexico border have increased. Community organizations attribute the increasing death rate to migration flows shifting to more isolated routes, condemning people to death by heatstroke, thirst, and other preventable deaths.

Families and under-resourced community organizations are confronted with a web of judiciary, morgues, medical examiners, forensic pathologists, embassies, and consular officials to investigate and track individual missing persons or to ensure that individual remains are recovered and identified. Pain, trauma, and death are central and intended consequences of the immigration deterrence model.

Conclusion

The current global health crisis accelerated the hardening of border controls and the externalization of border policies, presenting major challenges for the protection of inalienable human rights of migrant women and men, asylum seekers, children, and groups made vulnerable by intersectional discrimination.

Policies of deterrence contradict the inherent principles and commitments enunciated in the GCM, which commits to upholding the human rights of migrants and establishes a framework for international cooperation to save lives, and guarantee human rights safeguards at international borders.

Recommendations

In accordance with GCM Objective 8 on saving lives, states must:

- **Demilitarize migration policies** in law and practice.
- All personnel engaged in immigration and asylum eligibility procedures will:
  - **Guarantee accountability of enforcement entities** that have participated in human rights violations.
  - **Guarantee the protection of human/migrant rights defenders,** particularly those from vulnerable groups.
- **Engage in multi-stakeholder conversations** with civil society organizations to:
  - **Review and analyze the impact of militarized deterrence** strategies on migrants and refugees.
  - Develop migration governance frameworks. that **recognize and address the structural drivers of migration,** including climate change, systemic racism, poverty, and social violence.
- Develop gender-responsive mechanisms and protocols at all levels that **facilitate search, identification, and reunification of deceased migrants with their families,** including:
  - Provide **full support to civil society organizations** and forensic teams engaged in search and identification.
  - Work collaboratively towards **mitigation and guarantees of non-recurrence** to address the crisis of migrant deaths and disappearances.
  - Extend the **Right to Remedy and Reparation,** including psycho-social, economic, and holistic support to the families of disappeared migrants and those that perished in transit.

Watch this video and learn more about the protection of migrants at borders from the South Texas Human Rights Center.

www.spotlightreportmigration.org/spotlight-videos/

Climate-related displacement

CLIMATE CRISIS HEIGHTENS INEQUALITIES, DRIVES PRECARIOUS MIGRATION

Catherine Tactaquin
Co-convenor, Women in Migration Network (WIMN)

While climate change and migration have often been treated as distinct issues, the intersection today has become undeniable. Three years after approval of the Global Compact for Migration (GCM), climate realities have accelerated at a faster pace than most experts had predicted, heightening adverse impacts and dire consequences. The climate crisis is steadily emerging as a key driver of population displacement as well as cross-border migration for the foreseeable future.

The actual number of migrants on the move directly attributed to climate-related factors is hard to pin down. As described in the Mixed Migration Review 2021, "…the ways in which climate change and human mobility collide are complex, dynamic, and rooted in local landscapes, including policy decisions. Climate change acts as a threat—or vulnerability—multiplier, exposing and exacerbating pre-existing vulnerabilities of those affected, rather than creating them outright."

The GCM provides an initial foundation to address climate change and migration, particularly under Objective 2, to 'minimize the adverse drivers and structural factors that compel people to leave their country of origin'. Other elements of the GCM, such as Objective 5(h), concern pathways for people displaced for climate-related reasons, as well as objectives addressing vulnerabilities in migration (Obj. 7). Access to services (Obj. 15), discrimination (Obj. 17), and skills development (Obj. 18) are also especially relevant to address the situation of climate-related displacement and migration.

The climate crisis is steadily emerging as a key driver of population displacement as well as cross-border migration for the foreseeable future.

Moreover, minimizing drivers of international migration dovetails with the urgent demands to address the climate crisis through strategic plans and investment in mitigation and adaptation, as well as accounting for permanent and long-term losses with support for loss and damage.

Negative, racist, and violent hostilities against so-called 'climate migrants', frame climate-displaced migrants as 'security risks'. This is especially concerning with the economic and social pressures of the global health pandemic, where migrants have been scapegoated for the spread of the virus, leading in some cases to more restrictive immigration policies.

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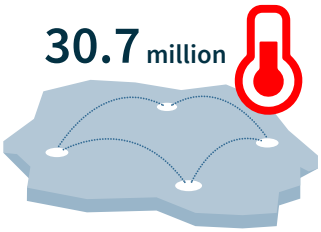
Intersecting discrimination intensified by climate crises

With the advance of the climate crisis, women, men, and children are experiencing heightened risks, especially at the intersections of inequities laid out in the overview. Those living on the frontlines of the severe impacts of the climate crisis may have fewer resources and capacities to sustain themselves and their families. Having lost land, access to fishing, housing, and jobs, they may experience food insecurity and have little or no access to healthcare, at a time when health risks are heightened. Children may be unable to attend school.

These people and communities are at the greatest risk of displacement when governments fail to provide for their well-being, safety, and rights. Climate-related internal displacements were the overwhelming majority of new displacements in 2020 in 145 countries (an estimated 30.7 million of a total of 40.5 million), according to the Internal Displacement Monitoring Center (IDMC). As noted in International Organization for Migration's World Migration Report 2022, this data focuses on new displacements generally caused by sudden-onset events. Data on internal displacements and cross-border migration due to slow-onset climate-related factors such as drought is more difficult to ascertain.

Nonetheless, the phenomena of climate-related internal displacement spotlight the concerns for the safe-

ty and rights of not only the displaced, but for local populations more generally. Rural-displaced populations have moved to urban areas, raising the urgency for social protections, labor rights, and economic support to poor and marginalized communities, and to act on policies and resources to address climate-related impacts.



In 2020, an estimated 30.7 million of a total of 40.5 million internal displacements were climate-related displacements.

Regional realities

Bangladesh is often cited as one of the most 'climate-vulnerable' countries in the world, with low-lying geography and high population density. The Environmental Justice Foundation estimates that by 2050, one in every seven people in Bangladesh could be displaced by climate-related factors—with upwards of 18 million people needing to move because of sea-level rise alone.

The organization Bangladesh Nari Sramik Kendra (BNSK) recently conducted research among climate-displaced women who had moved to Dhaka, where they are among hundreds of thousands of slum dwellers. Their study revealed the disparate impact of displacement on women, who shared their concerns about the lack of work and healthcare, fears for their physical safety, and the lack of education for their children. Such conditions exemplify the insecurities of many internally displaced populations—who may need to move again.

While the vast majority of climate-displaced people migrate internally, circumstances in which people must move across borders are increasing. For populations in low coastal areas, relocation has already become unavoidable. This is the case among small island states, such as Kiribati,

By 2050, one in every seven people in Bangladesh could be displaced by climate-related factors.

Tuvalu, and Fiji in the Pacific. While the entire Pacific region contributes only 0.03%[1] of the greenhouse emissions that fuel global warming, they are on the frontlines of the climate crisis, experiencing more extreme weather; sea-level rise; increased sea and land salinization; loss of land, fishing, and livelihoods; and more.

In these countries, people in rural areas have already been forced to move to urban settings, seeking employment, housing, and basic survival. Population density has dramatically increased, as has more pervasive poverty, a lack of economic and social support, and pressure towards out-migration.

Even in such dire circumstances, many impacted populations strive to 'cope' with their situations, resistant to moving from their homes and communities. Those that are internally displaced, as in the BNSK study, feel the loss of community, culture, family contact, safety, and more.

In 2021, the World Bank projected a potential 86 million climate-related migrants in Africa by 2050, displaced within and among countries. According to the IDMC, almost one-third of all internal displacements worldwide take place among African nations, noting that such data can reflect displacements by rapid-onset disasters such as floods, but may not reflect (and thus under-report) displacements due to slow-onset changes such as droughts and desertification.

According to the United Nations High Commissioner for Refugees (UNHCR), by January 1, 2021, almost 3 million people were internally displaced in Somalia due to conflicts and disasters, and almost a million had crossed into neighboring countries. By the end of 2021, some 3.5 million Somalis were projected to experience food insecurity due to a three-year drought, further fueling displacement and cross-border migration.

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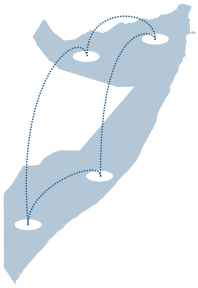
Cross-border migration due to persistent climate-related factors has been on the rise in Central America. Guatemala, Nicaragua, and El Salvador are high on Germanwatch's Long-Term Global Climate Risk Index, according to La Ruta del Clima. Countries like these located in the Central American Dry Corridor, are prone to persistent droughts, irregular rainfall, higher and more extreme temperatures, and flooding related to climate change.

A long drought has led to crop failures over several years, stimulating migration from rural to urban areas. Multiple major hurricanes in the region have accelerated these desperate conditions and fueled out-migration, particularly to Mexico and the US, as these forced migrants have sought shelter and safety, embarking on dangerous journeys only to be repelled at borders. Many survive in camps prone to further violence and exploitation, without work, health

care, and education for children. The World Bank's 2021 Groundswell Report projects that some 3.9 million people could be displaced by 2050 in this region; UNHCR reports that less than a million are internally displaced or have sought refuge within the region.



3 million

By January 1, 2021, almost 3 million people were internally displaced in Somalia due to conflicts and disasters.

Climate change impacting migrant communities

Having crossed borders, migrants displaced by climate factors may continue to experience climate impacts and other vulnerable situations. As irregular migrants, they may endure difficult living and working conditions owing to their undocumented status and racial identity, and the constant threat of arrest, detention, and deportation. Their lack of immigration status is a barrier to decent work, and they often lack access to social services, healthcare, and access to public safety and justice programs. Their freedom of movement may even be restricted.

In destination countries, these climate-displaced irregular migrants may once again feel the effects of the climate crisis. Along with other migrants, they are more prone to live in localities that are already environmentally degraded, like some areas in the Southeast and Southwest regions in the US—poorer neighborhoods and housing that may be temporary, substandard, and constructed without permits. In the wake of disasters[2], they may not have access to relief like housing, meals, or medical assistance, or are fearful of accessing such support, if available.

In the US, climate-related mega-fires raged since 2018 in California, where undocumented immigrants and farmworker families living in affected areas had little access to information, initially available only in English although Latinos make up almost half the population there. They were excluded from emergency support, and farmworkers were even forced to work in smoke-filled fields to save agricultural produce from rapidly advancing fires[3].

Years of climate impacts make returning to origin countries not viable, and these migrants still face uncertain futures despite having lived 'temporarily' in the US for over two decades.

Tragically, even those who flee their home countries due to climate change impacts may work on the frontlines of climate disaster recovery efforts. In fact, some undocumented workers in the US purposely head to disaster zones in hopes of finding work, performing jobs that can be dangerous and toxic[4]. These workers are now being organized by groups like Resilience Force, to ensure their rights and protections in an arena of work that has vastly expanded during the climate crisis.

Years of climate impacts have also contributed to unsustainable situations where returning to origin countries is not viable, such as Haiti, parts of Central America, and Pacific island states. In the US, Haitian and Salvadoran migrants received Temporary Protected Status (TPS) following major earthquakes and hurricanes. This status was renewed numerous times over the years, as subsequent weather events heightened by climate change continued to devastate the countries, along with political and broader economic instability. Many years later, these migrants still face uncertain futures despite having lived 'temporarily' in the US for over two decades.

While the importance of financing for loss and damage received much more attention in 2021, resistance by much of the Global North continues.

Conclusion

COP26 in 2021 concluded without the bold commitments needed to mitigate the rapidly advancing consequences of the climate crisis, despite having reaffirmed the goal to limit global warming to a 1.5°C rise. Countries will regroup in 2022 with updated national plans, but loopholes in the carbon market rules may allow for 'business as usual' in the continued use of fossil fuels. Pledges for more adaptation funding have increased, but more rapidly-deployed funds are needed for struggling countries. While the importance of financing for loss and damage received much more attention in 2021, resistance by much of the Global North continues.

These shortcomings and failures to address the climate crisis, combined with longstanding problems of economic development, lack of social protections, political chaos, gender and racial inequity and more, undermine promises to address the 'root causes' of population displacement and the structural and adverse drivers of migration.

Addressing these root causes involves recognition of ongoing global inequities stemming from the colonial era and the necessity of global cooperation in the context

of Common but Differentiated Responsibilities and Respective Capabilities (CBDR–RC) of nations, affirmed by the UNFCCC[5]. It requires an integrated approach to sustainable development and migration policy that is commensurate with the urgency of the moment by welcoming climate-displaced migrants with full rights.

Addressing these root causes involves recognition of ongoing global inequities stemming from the colonial era and the necessity of global cooperation.

The acceleration of the climate crisis, in collision with the ongoing global health crisis, has sharply revealed the traumatic and desperate conditions of climate-displaced migrants crossing borders without the benefit of immigration documents. When there are few options for regular pathways for climate-displaced migrants, people are forced over dangerous land or sea routes, to live as irregular migrants in countries of destination. Without financial support and increased capacities to reverse or strategically adapt from climate-related damages to lands, resources, and economies (especially for regions in the Global South), the possibility of 'return' for these migrants is ever more unlikely.

Recommendations

In accordance with GCM Objective 2 on minimizing adverse drivers, states must:

- **Provide rights-based, gender-responsive, and permanent regular pathways for climate-displaced migrants** that are consistent with rights and protections in international human rights law and established labor standards of the International Labour Organization (ILO).
- Address the adverse drivers of migration by **contributing to climate-related financing for mitigation, adaptation, and loss and damage.** Address structural factors underlying migration decisions.
- **Facilitate human mobility** and provide economic and social support for displaced peoples, including migrants, and access for safe migration and stay.
- **Provide grants, not loans, for loss and damage in the Global South,** which shoulders the brunt of climate change's traumatic impact. This is a particular obligation for China, the EU, and the US, which account for 41.5% of all greenhouse gas emissions.
- **Cancel debt as a form of 'reparation' for the historical ecological damage,** to help countries transition to just, sustainable economies.
- **Recognize the uneven circumstances of those forced to migrate due to climate-related factors,** including those who may not 'fit' existing criteria for protection or migration visas.
- **Give access to safe passage, residency, services and work authorization, and citizenship** in addition to humanitarian assistance.
- **The IMRF Progress Declaration should call for agile mechanisms that facilitate coherence within the UN system on climate, migration, labor, and development processes.** Climate-migration and its causes must emerge as a key priority for global migration policy.

Watch this video and learn how climate change amplifies inequalities and precarious migration – and how the international community should respond.

www.spotlightreportmigration.org/spotlight-videos/

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