

The U.S.-Canada Regional Civil Society Consultation

Sept. 25 & 26, 2017

Washington, DC

SUMMARY REPORT

Can the UN Global Compact on Migration Advance Migrant Rights?

Over 80 civil society representatives from across the United States and Canada participated in an informative and engaging discussion of key migration-related themes towards the UN Global Compact on Migration. Some 60 organizations and networks, from immigrant and refugee communities, labor, faith, legal, human and civil rights, humanitarian and other sectors were represented.

The Consultation was co-organized by the AFL-CIO, Alianza Americas, National Network for Immigrant and Refugee Rights, and the Solidarity Center with critical support and input from other civil society partners in Canada and the U.S.

For most of the participants, the consultation provided the first opportunity to directly engage in discussions about the Compact, and to better understand the backdrop of the Compact and its significance for future global migration policy and governance.

Following introductory presentations on the backdrop to the Compact process, an overview of thematic sessions and other meetings, participants focused on issues and conditions of particular concern to the U.S. and Canada. Presenters from the U.S. and Canada described issues ranging from the cancellation of the “DACA” (Deferred Action for Early Childhood Arrivals) program in the U.S.—which has provided temporary relief from deportation and work permits for over 800,000 young undocumented immigrants—to the criminalization of immigrants at borders and in the interior. Likewise, in Canada, temporary work permits are tied to one employer in specific job sectors, undermining labor protections and placing these workers at greater risk of exploitation. Servicing of immigrant programs remains seriously under-resourced. And while Canada has had a reputation as a refugee-friendly country, it has not withdrawn from the Safe 3rd Country Agreement with the U.S. and is sending mixed signals, for example, to Haitian and other refugees seeking safe haven in Canada due to the increased hostility of U.S. policies.

Breakout Sessions: Principles, Proposals and Concerns

The consultation affirmed the centrality of human rights in the Compact, and acknowledged numerous core principles for the human rights of migrants. Participants then worked in five, broad-themed breakout sessions: Labor Rights and Labor Recruitment; Border Enforcement - Human Rights at Borders; Detention and Deportation issues; Regularization (legalization) and Other Forms of Regular Migration Programs; and Refugees, Asylum Seekers, & Temporary Protections. Each breakout identified core principles, recommendations, and areas of concern in the Compact, largely emphasizing experiences and conditions in the U.S. and Canada.

Key Principles:

- The Global Compact should be a “peoples’ compact”, including respect for human dignity, the protection of individuals and families, maintenance of family unity, & birthright citizenship.
- The Compact must respect the freedom of people to defend their human and peoples’ rights.
- International borders should not be zones of exclusion when it comes to human rights.
- The criminalization of migrants should be ended, with no detention of migrants for administrative immigration violations.
- Legal pathways for migration must be increased.
- Regularization should be a core concept in the Compact.
- All migrants should have access to due process, including non-cost legal representation; as well as access healthcare and education.
- A gender lens should be clear throughout the Compact.
- There should be no deportation to nations that are suffering economically, or that are in chaos.

Proposals:

- The Compact should include more expansive citizenship definitions that embrace bi-nationalism and mobility back and forth between countries.
- Regularization programs should also be provided for certain groups, for example, victims of trafficking or gender-based violence.
- Labor standards should be raised for all workers, including freedom of association and collective bargaining.
- Temporary labor agreements must be transparent and include mechanisms to protect migrant rights, including the right to collective bargaining and long-term residency.
- Prohibit government contracts with private corporations for enforcement, detention, monitoring of migrants, which builds profit motive into enforcement
- Establish a UN oversight mechanism for compliance with international standards, including monitoring of court statistics and country on-the-ground conditions.
- Urge governments to divest from detention and invest in community-building.
- Eliminate the revocation of citizenship.
- Avoid placing migrants in further vulnerability as they transit.
- Greater government responsibility for the wellbeing of deportees in the reintegration process.
- There must be clarity and transparency in the allocation of foreign aid.

Concerns/Areas to Watch in the Compact:

- The Compact preamble should address causes of forced migration, including migration for work.
- The use of circular migration as a purported “solution” to the root causes of migration and labor demands in destination countries should be challenged; rather, the structural inequalities that drive migration should be recognized and addressed.
- Closed workers’ permits need to be redlined.
- Need to discourage, discontinue enforcement regimes that undermine workers’ rights.
- Avoid policy language that would enforce or codify deterrent migration strategies.
- Human rights must not be sacrificed in the name of sovereignty.
- Migration bans, such as those based on country or gender, should be redlined.
- The definition of “refugee” needs to be updated.
- A detailed and articulated strategy addressing environmental factors in migration is needed.