

## Joint Statement

### Fourth Round of Intergovernmental Negotiations of the “Global Compact for Safe, Orderly and Regular Migration”

May 2018

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Thank you, co-facilitators

I have the honour to speak on behalf of **Argentina, Bangladesh, Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nepal, Panama, Paraguay, Peru, The Philippines, Uruguay**...and my own delegation **Brazil**.

Mr. Co-facilitators,

In your letter of May 7, you asked us to focus on desired results and public benefits in the deliberation of certain policy areas, which we agree with you, they are of fundamental importance in shaping the Global Compact.

In this regard, we would like to offer some comments of a general nature on each of these topics, bearing in mind that these are the commonalities shared by our group concerning these issues at that in our intervention in national capacity each of us will further explain and complement our views thereon.

**Regarding the International cooperation and capacity building, we would like to comment that:**

- Acknowledging that the GCM is rooted in the 2030 Agenda, we should reaffirm the principle of international cooperation and partnership as enshrined in the Agenda. We as Member States have committed to ‘setting out together on the path towards sustainable development, devoting ourselves collectively to the pursuit of global development and of “win-win” cooperation which can bring huge gains to all countries and all parts of the world’, as clearly stated in paragraph 18 of the Agenda 2030. This will be delivered through a ‘Global Partnership’ of States, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals and in our case the objective of safe, orderly and regular migration in all countries.

**Regarding the pathways for regular migration/regularization, we would like to stress that:**

- In paragraph 8.g of Annex II of the New York Declaration, Member States affirmed that The GCM could include the consideration of policies to regularize the status of migrants. In paragraph 8.e of that same document, we have affirmed that the facilitation of safe, orderly, regular and responsible migration and mobility of people may include the creation and expansion of safe, regular pathways for migration.
- We all share the view that irregular migration, in and on itself, is a source of vulnerability and challenges associated therewith. In this regard, we believe that considering possibilities to improve the existing pathways for regular migration can be an effective tool to tackle some of the vulnerable situations that irregular migrants face in the migration cycle. We also believe that, in certain cases, irregular migration can be addressed through the establishment of clear criteria for regularization, in accordance with national law and policies. We believe that regularization is part of the Pact's 360 degree vision of migration, and should be included as a policy option for Member States.

**On Natural disasters, Climate change and migration, we are of the view that:**

- The GCM could, acknowledge the vulnerability of migrants affected by sudden and slow-onset climate displacement and recognize the need to address their reality.
- In this case, as in all other situations of vulnerability, we do not believe that we should create a third category of persons somewhere between migrants and refugees, but we do believe that this objective can be achieved by recognizing that we must address the specific needs of all kinds of vulnerable persons on the move.
- We should stress that we need to be careful in not leaving anyone behind for lack of a specific reference either in this Global Compact for Migrants or the Global Compact for Refugees.

**On the question of Fundamental human rights and spectrum of services:**

- For our delegations, the irregular situation in which migrants may find themselves, at any stage of their path, should not deprive them either of their humanity or of their human rights. States have the obligation to respect the human rights of all individuals under their jurisdiction.
- In the New York Declaration, we have reaffirmed that all migrants are rights holders, regardless of status, and have committed to improve the integration and inclusion of all migrants, with particular attention to access to education, health care and justice, for instance.
- In this same vein, we strongly believe that States should develop policies in order to all migrants be able and have a minimum floor to access basic services necessary for the exercise of their human rights, such as health, education and access to justice, which are all an integral and essential part of the goals that all Member States have agreed upon in the 2030 Agenda for Sustainable Development.
- We support the language of human rights protection added into the text, particularly the reference of migrants in vulnerable situations. Nonetheless, further clarification is needed regarding what human rights protections means, especially if it applies to access to basic services, would be very welcomed. In that sense, using language from the relevant International Human Rights instruments might prove to be an acceptable solution.

**Regarding the Concept of Firewalls:**

- We believe that all migrants should be able to claim their rights, including by access to justice and reporting discrimination, violence, acts, manifestations, and expressions of intolerance and other abuses. Furthermore, access to the labour justice system should remain distinct from the immigration control mechanisms.
- We understand safeguards as an already existing practice in almost all countries, that allow specific government departments to carry out their duties without conducting tasks that are competence of migration authorities. This approach in any way hinders a “whole-of government” approach. Furthermore, these policies can prove to be beneficial for host community as well, as they allow for people to safely report crimes to police officers and to seek medical treatment that can avoid public health concerns.

### **On Integration/contributions of irregular migrants:**

- We recognized in the New York Declaration the positive contribution made by migrants for inclusive growth and sustainable development in line with the adoption of the 2030 Agenda for Sustainable Development. In this regard, we believe that the positive correlation between migration and development is one of the key aspects to be considered in order to consolidate in the GCM the understanding of human mobility as an inherent and globally positive characteristic of the human condition.

### **On the Effective and efficient cooperation on return, we would like to affirm that:**

- Return is an integral part of a migration cycle and has to be included in a 360 degree vision of migration. The human rights and dignity of all returning migrants must be protected at all times, irrespective if the return is voluntary, assisted or forced. We need to acknowledge that there are shortcomings in the way we implement return policies and cooperate internationally. This is often detrimental both to the migrants and to the relations among States.
- The GCM should address this by anchoring principles on return, in line with international law, clearly stating the prohibition of collective expulsions and ensuring that all non-voluntary returns are a result of individual assessments conducted under the due process of law.
- In the context of these individual assessment, we believe that some elements should be taken into consideration, in particular the principle of *non-refoulement*, as stated, for instance, in Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the family ties of migrants established by migrants within the host communities.
- The GCM should, furthermore and as suggested in the Sutherland report, start a more in-depth dialogue on return practices and standards, with a view to better govern cooperation on return and reintegration.

Mr. Co-facilitators,

To conclude, we want to reiterate our dedicated and constructive engagement in this process, particularly at this stage, the middle of the road, when it is essential to demonstrate our will to truly achieve a positive outcome that can contribute in improving the lives of millions of migrants everywhere, while assuring prosperity and benefits for host and origin communities.

Thank you.