

CHECK AGAINST DELIVERY



**Statement by Mr. Felipe González Morales
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the human rights of migrants**

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**INTERPARLIAMENTARY COMMITTEE MEETING
The European Agenda on Migration
- What about Legal Avenues and Integration?**

Ladies and gentlemen,

Thank you very much for inviting me to this very important meeting. As you may be aware, I assumed my position as the Special Rapporteur on the human rights of migrants last August. During my term on the mandate, I will work to strengthen the protection of the human rights of migrants - a group which is often characterized by extreme vulnerability and invisibility.

Push and pull factors

Migration cannot be considered as a problem, let alone can migrants themselves be considered a problem. Something different is the problem or problems that arise as a result of inadequate policies and practices on the part of States. The issue at stake is how States deal with migration.

Migration has always existed and will always exist. It is human behaviour to search for better opportunities for our families and ourselves. Many factors influence the decisions of migrants as to why, when, to where and how they want to migrate. The main push factors are poverty, violence, discrimination and poor governance. The main pull factors are official or unacknowledged labour needs and family reunification. Migrants mostly go where there are jobs, where they can start integrate and create a future for their children. Public discussion about these factors is however extremely shallow, often scapegoating migrants as “job stealers”.

Ladies and Gentleman,

The Global North has jobs for migrants. Many of those jobs are in the official labour market. But many low-wage migrants are employed in the underground labour markets in certain sectors of the Global North economies which cannot be delocalised: depending on the country, these may include agriculture, construction, hospitality, care, fisheries, and extraction. Often migrants face violence, abuse and exploitation by their employers, recruiters or landlords.

Nevertheless, migrants often consider that the risk of exploitation is worth taking if it gives them the opportunity to set foot in a country where they can create a better future for themselves and their families. Migrants are often doing the dirty, dangerous and difficult jobs in the Global North economies.

Demographic shifts and ageing populations in European countries should lead to a new way on how migration is perceived and should impact migration policies. The discourse between the “deserving refugee” and “undeserving migrant” is completely out of place. What migrants deserve are more accessible, regular, safe and affordable channels to migrate and regulated labour conditions, that actually allows migrants to thrive and enjoy of all their human rights.

Repressive policies and the lack of responses to push and pull factors of migration only serve to create the perfect conditions for underground labour markets and smuggling rings to flourish.

States often do not address the reasons why individuals want or need to move from their countries of origin and why employers in destination countries seek to employ them. The so-called “migration crisis” is a “crisis of political will”. Placing restrictions on migratory movements is part of the problem, not of the solution. Deterrence policies, such as immigration detention, poor reception centres or lengthy procedures for status resolution or family reunification does nothing but increase the suffering and trauma, herewith decreasing the possibility and motivation for a successful future integration, in addition to wasting resources.

Both my predecessor and I have analysed EU’s migration policies and raised repeated concerns for instance over the EU-Turkey statement or over the deal with Libya, as the EU may be in violation of international human rights standards. By externalising borders and providing financial support to governments which may be involved in serious human rights abuses, the EU may make itself

responsible of these violations. The solution cannot be to secure and externalise borders and to keep migrants as far away as possible, as this only creates tremendous suffering at the external borders. In fact, the suffering of so many is a symptom of systemic failings within the EU border management system, despite its investment in securing borders. Migrants lose their lives and significant resources are lost, instead of maximising the benefits migration can offer to both – migrants and host societies.

Developing more accessible, regular, safe and affordable mobility policies and practices will place States in a better position to respond to the significant demographic, economic, social, political and cultural challenges that lie ahead in our modern-day societies. Furthermore, the narrative of “migrants relying on social security”, “stealing jobs” etc. can be easily contradicted by simply presenting facts, which everyone here in the room could do.

Ladies and Gentleman,

Migration supports development and prosperity. Immigration has a positive overall impact on employment generation and investment: migrants contribute to economic growth wherever they go. Increasing evidence suggests that migrants, including irregular migrants, contribute more in direct and indirect taxes than they receive in the way of services. The use of the appropriate language and studies, the presentation of facts and policies that favour diversity and the inclusion of migrants are key to facilitating their integration and contribution to development and to reducing negative populist representations of migrants.

Opening up more regular, safe, accessible, affordable migration channels

The repression of undocumented migrants and the externalization of borders do little but increase the suffering of migrants and have the effect of entrenching

smuggling rings and exploitative recruiters and employers. Migrants will continue to arrive. The only solution is to adopt well-managed migration policies that facilitate the mobility of migrants and provide States with the border control that they need.

In order to facilitate mobility, States must increase regular channels for migration, through the progressive expansion of visa liberalization and easily accessible visa facilitation regimes and/or schemes, such as refugee settlement, temporary protection, visitor, family reunification, work, resident, retirement and student visas, with all the identity and security checks that efficient visa regimes can provide.

In effect, States must reclaim the mobility market from the smugglers and adopt measures to regularize undocumented migrants. Migrants do not want to be undocumented or use smugglers, but are forced to do so owing to a lack of regular, safe, accessible and affordable mobility options. They would rather pay a reasonable fee to a visa officer than suffer extortion at the hands of smugglers. They would adapt to the requirements of States for access to regular mobility solutions within a reasonable time and arrive at border posts, presenting official identity and travel documents in good order, rather than embarking with their families on a journey riddled with suffering. They would work in official labour markets, even for the minimum salary, instead of being exploited and abused in underground labour markets. Well-designed mobility policies are needed to induce this virtuous cycle.

Ladies and Gentleman,

The overall goal in terms of governing mobility is for most migrants to use regular channels to enter and stay in destination countries, thereby reducing considerably the size of the underground migrant smuggling market. States must recognize and address what may be termed as the pull factors of migration, such as unrecognized demands for low-skilled labour in economic sectors that are not met locally, and

provide safe, regular, accessible and affordable migration channels to meet the demand for such low-skilled jobs. When regular migration channels fail to properly reflect labour market needs, migrants are more likely to be offered undocumented migration solutions by smuggling rings and unethical recruiters and become victims of exploitation and abuse.

Opening up more regular migration channels for migrants at all skill levels would considerably reduce undocumented migration and limit the power of smuggling rings. Allowing people to look for work on the regular labour market would present opportunities for both employers and workers. Abolishing sponsorship-based temporary migrant worker programmes and providing open work visas would considerably reduce labour exploitation.

Through resettlement programmes for refugees and the provision of humanitarian visas and other opportunities, it is well within the means of States to develop the mechanisms necessary for providing resettlement opportunities to refugees. A worldwide, well-governed distribution key that provides resettlement programmes for refugees and humanitarian visas and other opportunities will create a reliable long-term programme and ensure that a large number of refugees will seek resettlement rather than spend large sums of money and risk their lives and those of their children in smuggling operations. This would considerably reduce the market for smugglers, as well as the cost of refugee status determination procedures in the countries of destination.

Reducing underground labour markets

As explained before, underground labour markets act as a magnet for undocumented migration at the request of exploitative employers and constitute a major pull factor for exploited migrant workers and a key trigger of the smuggling market. It is, however, difficult to reduce those markets significantly owing to the favourable impact of lower labour costs on certain economic sectors, in particular the construction, agriculture, caregiving, hospitality, fisheries and

extraction industries, the acquiescence of consumers, the indifference of politicians and the absence of complaints by migrants owing to their fear of detection, detention and deportation. Nevertheless, action needs to be taken to achieve mobility without distortions to the labour market, which would entail considerably reinforcing labour inspection mechanisms, vigorously targeting exploitative employers and empowering migrants to defend their rights.

Proactive regularization procedures should be readily available to help migrants who work and are socially integrated to remain in the country with legal status and to fight exploitation and defend their rights, just like any other workers.

I thank you very much for your attention.