

## Regularisation as a Core Policy for Safe Migration Pathways

Regularising the immigration status of migrant women in irregular status is key to realizing their human rights. The New York Declaration calls on states to consider regularisation in the Global Compact.<sup>1</sup> The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) has also affirmed that, “regularization is the most effective measure to address the extreme vulnerability of migrant workers and members of their families...”<sup>2</sup>

**Migration governance should not impede, limit, criminalise nor prosecute migrants. Instead, migration policy must create pathways to regularisation as a right for all migrants, rather than an exception.**

When local documentation (regularization) and local integration is at the root of migration policy, migrants are better able to exercise their rights. In fact, possession of local documentation facilitates integration. Regular migration status supports migrant women’s access to housing; ability to work in the formal economy; healthcare, including sexual and reproductive health services; access to bank accounts; and access to the justice system and to education. Regularisation enables migrants to “come out of the shadows” and exercise agency in joining unions, advocating for services, and defending their rights—including resistance to all forms of discrimination. As such, regularisation promotes migrant women’s autonomy and rights.

Towards the Global Compact on Migration, UN Women recommends that receiving countries, **“Develop and provide access to programmes that seek to regularize the status of migrants or lead to permanent residence, with specific measures taken to address migrant women and girls with irregular migration status or who are stateless in countries of transit or destination, in**

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<sup>1</sup> New York Declaration for Refugees and Migrants, Outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, A/71/L.1, 13 September 2016, Annex II para.8(p).

<sup>2</sup> Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013, para.16: “The Committee recalls that regularization is the most effective measure to address the extreme vulnerability of migrant workers and members of their families in an irregular situation.[ref deleted] States parties should therefore consider policies, including regularization programmes, for avoiding or resolving situations whereby migrant workers and members of their families are in, or are at risk of falling into, an irregular situation (art. 69, para. 1).”

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 1 on migrant domestic workers, CMW/C/GC/1, 23 February 2011, para.52:

“States parties should take appropriate measures to address the extreme vulnerability of undocumented migrant domestic workers, especially women and children. In particular, States parties should consider policies, including regularization programmes, to avoid or resolve situations in which migrant domestic workers are undocumented or are at risk of falling into irregular status (article 69).”

particular in situations where children are unaccompanied or where women have been victims of crime, abuse or exploitation (Recommendation 2.5)".<sup>3</sup>

***The Global Compact should:***

- Shift from an emphasis on temporary migration to promoting and allowing access to permanent residence and pathways to citizenship, including family reunification initiatives, if migrants so choose.
- Promote regularising the situation of migrants in irregular status within a reasonable period of time and without onerous and costly burdens, as the most effective measure to address the needs, and secure the rights of migrants.
- Eliminate prohibitions on paths to citizenship for migrants who were once in irregular status.
- End the criminalization and the denial of access to regularisation of irregular migrants who re-enter a country. Develop more flexible regularisation categories including of self-employment.
- Eliminate tied sponsorship schemes that lead to exploitation and rights abuses.

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<sup>3</sup> Recommendations for addressing women's human rights in the global compact for safe, orderly and regular migration: Outcome of expert meeting in Geneva November 2016 at <http://www.ohchr.org/Documents/HRBodies/CMW/WomenMigrantWorkers/Recommendations.pdf>