

## ***Provide Safe Access to Services for ALL Migrants***

### **The Issue**

- “**Safe access to services**” means that all migrants, regardless of status, have genuine access in practice, where migrants, especially migrant women:
  - Have information about available services in a language they can understand
  - Do not find cost a barrier to accessing services
  - Can safely get to the place where the services are provided
  - Receive culturally appropriate services
  - Do not fear that accessing services will put them or their family members in danger of targeting by immigration enforcement authorities
- Barriers to access to services harm migrants and society, and may also constitute unlawful discrimination, prohibited under international human rights law.
- Migrants around the world continue to face many types of legal and practical barriers to safe access to justice, healthcare, education, information and other basic services. These include costs of care; lack of accessible information about services; eligibility restrictions that exclude migrants directly or indirectly, by requiring that information they provide be shared with immigration enforcement authorities (or failing to protect them from such sharing); time/location barriers and documentation requirements.
- Migrants who are undocumented or in an irregular situation face particular barriers because official documents may be required to establish eligibility for services or personal information acquired through the use of services or application for coverage may be used by immigration enforcement authorities to identify and target people for deportation.
- Denial of affordable, accessible healthcare to migrants is detrimental to the health and wellbeing of the population as a whole and restriction of care to emergency situations has been shown to cost governments more, not less.

### **Gender Dimensions**

- Women migrants face particular barriers, especially but not only when they are undocumented or dependent upon a male relative for their status.
- Many women migrants face multiple intersecting forms of discrimination, on grounds such as migratory status, family or marital status, racial, religious, ethnic, LGBTQ, age, disability or health status, including pregnancy, which further limit their ability to access services.
- Access to sexual and reproductive health services, including family planning, pre-natal and other maternal health care services, are essential to the health and well-being of migrant women and their families and communities as well as to the broader society.

- Migrant women and girls, including LGBTQ women and girls, are often at greater risk of, or have been subject to sexual or gender-based violence (SGBV) during their journeys and/or in countries of destination and require safe access to social and health services.
- Women may have difficulties accessing healthcare service points—work hours, lack of access to transportation, or required permission from male relatives may present obstacles.
- Because women migrants are often the primary caregivers in their families, they may have the responsibility for healthcare and education of children, putting additional burdens on them to navigate systems to access services.

## Recommendations

- Ensure no gender discrimination in access to individual identity documents.
- Healthcare must be provided based on need, not immigration status.
- Provide information to women migrants about accessing services
- Replicate good practices of local authorities—often in partnership with civil society stakeholders—to provide safe and inclusive access to healthcare, education and other services even in situations where national law and policy falls short.
- Service providers should not be asked to share information with immigration authorities about their patients for immigration control purposes. Immigration enforcement authorities should respect this firewall and should be trained in this regard. Health professionals’ independence and patients’ privacy must be upheld.
- Guarantee provision of healthcare and other services in migrants’ language.
- Create policies at all levels to guarantee migrant women’s safety in accessing healthcare.
- Points of service must be respected and free from migration enforcement actions.

## Relevant International Policy

**Global Compact for Safe, Regular and Orderly Migration:** (15) States commit to “ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services” and “to strengthen migrant-inclusive service delivery systems”.

**Committee on Economic, Social and Cultural Rights (CESCR),** “General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)”, 2009, E/C.12/GC/20; “Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights”, 2017, E/C.12/2017/1.

**Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW),** General Recommendation No. 26 on women migrant workers, CEDAW/C/2009/WP.1/R.

**New York Declaration for Refugees and Migrants,** UN General Assembly, 2016, A/RES/71/1 commits to providing “access to sexual and reproductive health-care services” and tackling “the multiple and intersecting forms of discrimination against refugee and migrant women and girls.”

**Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW),** General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2. **Committee on the Elimination of Racial Discrimination (CERD),** General recommendation No. 30 on discrimination against non-citizens, CERD/C/64/Misc.11/rev.3.