

Office for Systemic Justice Newsletter

January 2015

## The Congregations of St. Joseph submitted the following Statement on Migration to the United Nations

Commission for Social Development  
Fifty-Third Session  
4–13 February 2015

The Priority Theme: "Rethinking and strengthening social development in the contemporary world."

Statement on "Migration" submitted by the Congregations of St. Joseph a Non-Governmental Organization with General Consultative Status with Economic and Social Council at the United Nations (representing almost 10,131 women in 49 Countries of the six Continents in the world).

### *Introduction*

Globally, there were 232 million international migrants in 2013, and many others are internal migrants within their country of origin. This movement of people takes place on such a significant scale that it must be understood as one of the defining characteristics of this age. The way that the global community responds to migration issues, both as individuals and states, will help to shape the future of the world.



### *Purpose*

With this statement, we are calling for the globalization of solidarity through governmental policies that create comprehensive protection of the rights of all migrants.

## Overview

The UN human rights system creates the foundation for rights that are universal and indivisible. As Article 2 of the Universal Declaration of Human Rights states, "Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind." However, such rights are only as strong as the commitment of governments to uphold them, and the Congregations of the Sisters of St. Joseph are disturbed by practices and policies that weaken these rights in the countries where we live and work. This pattern is particularly evident with regard to rights that apply to migrants and refugees.

## Areas of Concern

### Minimalist Interpretations of Refugee rights and Governmental Obligations

When state protection of human rights fails, it is up to the international community to fill the gap. The protection of the rights of refugees, as delineated in the 1951 Convention Relating to the Status of Refugees, pertain to any person who has a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his (sic) nationality, and is unable to, or owing to such fear is unwilling to avail himself (sic) of the protection of that country." Signatories to this convention agree to offer protection to any person who meets these criteria.

Among countries that have signed onto the 1951 Convention, many governments are applying only a minimalist interpretation of refugee rights and their governmental obligations to protect these rights. This results in severely restricted or non-existent access to basic goods and services such as health care, housing and social protection programs. Even more problematic, are the extremely high levels of refugee insecurity in countries that do not even have laws of asylum for those experiencing persecution.

### Highly selective immigration policies force migrants into dangerous means of migration

Too often, immigration policies give clear priority to those who are highly educated and highly skilled, or have money to invest. Such policies are detrimental to people who are forced to migrate due to violations of their economic, social and cultural rights, violations that are often so severe that they threaten survival. When denied regularized routes of migration, people in such situations are forced to take routes that are far more precarious. Some rely on smugglers to get them across borders, and too often these arrangements devolve into situations of abuse, human trafficking or death. Others migrate through temporary work programs and find that they are vulnerable to workplace exploitation.



### Detention of Migrants

People who migrate through irregular channels are often subject to detention even though they do not have a criminal background. In some countries they are placed in immigration detention centers while, in others, migrants are placed within the general prison population. In other cases, detention centers are run by for-profit corporations and managed as prisons. We also received a report of migrants being threatened with torture while in detention.



may be internal rather than international.

## Our Vision

Sustainable development requires that we shape an economy that provides all with the basic goods and services that are necessary for human wellbeing while enabling humanity to live in harmony with earth's wider ecosystems. It requires an awareness of the interconnectedness of the whole earth community. It works toward the flourishing of each and every person along with all earth's bioregions, and demands a new imagination with regard to ecological, social and economic relationships. Such are the patterns of **globalized solidarity**.

With regard to migration issues in particular, the Congregations of St. Joseph envision a world where human rights truly are universal and indivisible. Freedom from fear, hunger, poverty, violence, environmental devastation and war is essential to human flourishing and the creation of peaceful societies. People must have the right to migrate in search of personal safety and freedoms, a job that offers a living wage for themselves and their families, and living conditions that are worthy of the dignity of the human person.

To help to bring this vision to fruition, Sisters of St. Joseph join with others to support migrants by visiting in detention centers, providing medical care, food, shelter, transportation, accompaniment, legal assistance and spiritual care; by teaching literacy and language skills, and challenging racist and xenophobic attitudes. In many countries, Sisters of St. Joseph also work toward enhanced rights for documented and undocumented migrants and refugees through the reform of government policies. These experiences are the basis for the policy recommendations that follow.

## *Recommendations*

- **Create Cities of Solidarity**

Join those municipalities that are taking steps toward a fuller vision of migrant justice by declaring that anyone, regardless of immigration status can access the services that the municipality provides without fear that they will be asked to show documents or be reported to authorities.

- **Strengthen Protections for All Migrants**

Governments should shape immigration policy development in ways that:

- ◇ Enhance legal channels for migration in order to reduce smuggling.
- ◇ Create a clear path to permanent residency for migrants.
- ◇ End the detention of migrants in irregular situations.
- ◇ Ensure due process protections for migrants seeking regularized status

- **Formulate Gender-, Age- and Disability- Sensitive Policies**

Such policies should:

- ◇ Recognize refugee claims that are made on the basis of gender or sexual orientation.
- ◇ Screen migrant children immediately and placed them in the least restrictive setting possible.
- ◇ Keep families together, preferably in a community setting and provided full due process rights.
- ◇ Remove barriers for migrants with disabilities so that there is equal access to services, resources and opportunities.
- ◇ Ensure that migrant children receive appropriate child welfare services including psychological care as well as access to education and legal representation.

- **Strengthen Protections for Migrant Workers**

The *UN Convention on the Rights of Migrant Workers and Members of Their Families* could be a critical tool in the protection of the rights of all migrant workers. However, this will occur only if more governments become signatories. Governments also need to address deficiencies in regulatory frameworks. Regulations should:

- ◇ Require employers to pay for the recruitment and travel expenses of workers, thereby reducing the costs of labour migration.
- ◇ License contractors and apply onerous fines to contractors who exploit workers.
- ◇ Monitor places of work and apply onerous fines to employers who do not create safe working conditions or offer fair pay.
- ◇ Increase migrant worker mobility by not tying work permits to a single employer.
- ◇ Support the right for migrants to access emergency health care and to join trade unions.

- **Improve public attitudes toward migrants**

Governments should improve the public perception of migrants by emphasizing the ways that migrants are a positive force for development. For instance, migrants contribute to the richness and resilience of society through enhanced cultural diversity, fill gaps in the labour market of host countries at all skill levels, and play important roles as entrepreneurs and job creators. Governments should also launch media campaigns to challenge negative attitudes toward migrants and commonly held stereotypes.

- **Increase restitution funds for addressing climate change**

Climate change raises critical ethical issues about the relation between wealthy industrialized countries and developing countries. According to estimates from the World Bank, almost 80% of climate change impacts will be borne by developing countries even though they contribute only about 30% of greenhouse gas emissions.

The costs of responding to the increased migration flows from the impacts of climate change should not be borne by countries that have contributed little to climate change. Highly industrialized countries must respond to increasing climate change impacts with increased restitution funds.

## **Conclusion**

Complex and multi-faceted migration issues are pointing to the need for greater solidarity in the world. The aforementioned recommendations are important steps in this work of globalizing solidarity.

***Follow-Up:** If you encounter situations in which the human rights of migrants (refugees, migrant workers, persons who have been trafficked) are not protected, please document the details of these cases and send to the Federation Office for Systemic Justice. This will enable continued follow-up on this issues at the UN.*