

Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration

Joint Stakeholder Statement Protecting migrants through rights-based border governance and border management measures

Objectives 4, 8, 9, 10, 11, 13, 21

Joint Stakeholder Statement

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Cluster 2 underscores the significance of the GCM as a commitment of states to ensure that the rights, legal identity, status and lives of migrants must be protected, regardless of migration status.

With this in mind, our recommendations are as follows:

1. To avert the risks and vulnerabilities associated with statelessness and irregular migration status, countries of destination and embassies should ensure that migrants and their families have:
 - a. Access to a suitable legal identity and effective protection of their human rights, regardless of status; and
 - b. Adequate means of support pending resolution of their status.
2. States should ensure that:
 - a. Migrants have access to clear, accurate, accessible, protection-focused information and communication;
 - b. Use of digital technology is rights-based, swift and provides effective identification and protection of migrants, including their privacy; and
 - c. Communication tools and strategies address language barriers and are age-appropriate and gender-sensitive.
3. States should ensure that:
 - a. Survivors of trafficking, smuggled migrants and others in an irregular situation are not criminalized;
 - b. People with lived experience of being smuggled or trafficked, including women survivors of gender-based violence, can safely inform legal and policy reform; and
 - c. Perpetrators of trafficking are prosecuted and survivors are able to access adequate support and protection.
4. States should:

- a. Collaborate with other stakeholders to:
 - Ensure rights-based capacity building and training of border control officials;
 - Develop and ensure effective implementation of guiding principles on human rights, child sensitivity and gender responsiveness; and
 - b. Commit financial and technical resources to ensure partnerships with local authorities and other key stakeholders, and the social, economic, education and health sectors.
5. States should expand and promote the use of regular migration channels that ensure:
- a. Full enjoyment of human and labour rights;
 - b. The facilitation of social and family cohesion; and
 - c. The availability of options for permanent residence and meaningful participation in civic life.
6. To prevent harm, States should ensure that:
- a. No child is held in immigration detention and national child protection systems are accessible to all migrant children;
 - b. Any detention of migrants is a measure of last resort, for the shortest possible period of time, follows due process requirements, and includes judicial oversight and independent monitoring;
 - c. There is a significant reduction in the use and duration of immigration detention and an expansion of rights-based community-based arrangements.
7. States should ensure that returns of migrants are:
- a. Voluntary and take place in safety and dignity;
 - b. Compliant with due process guarantees, including individualized assessments and effective remedies; and
 - c. Effectively and independently monitored to ensure human rights compliance.

Thank you.