Reflections on the UN Network on Migration's Listening Sessions on Alternatives to Detention (held on Tuesday 9 June 2020), Asisé Mateo

Today, my colleagues in the UN Network on Migration organized a listening session with partners on how to expand regular pathways for migrants in vulnerable situations. They shared examples of practices observed from across the globe and hugely insightful questions that should inform our work.

It is no surprise now that the Covid-19 pandemic and the economic crisis that followed lockdowns are having multiple impacts on our mobility systems. The availability of regular pathways for admission and stay is no exception. Here are some practices that illustrate that and some reflections I took away from the discussion.

Regularization is no longer a policy taboo.

Regularization schemes for migrant workers– not without controversy in many quarters -- seem to be back on stage.

After the economic crisis generated by the oil shocks and with the slowdown of the unprecedented economic growth post-World War II, many countries that had used migrant workforces to stand up their factories stopped envisaging regularization schemes as a solution to address the growing numbers of undocumented migrants in their societies. To the point that the mere use of the word regularization became taboo in many migration policy fora.

Lockdowns revealed across the world how key migrant workers ensure continuity in essential services such as the care, health and food sectors, to the point that States[1] started implementing regularization schemes based on grounds of either public health or to address labour needs.

There is no question that regularization is an effective tool to offer migrants a means of improving their situation vis-à-vis access to services, assistance and rights, more broadly. Italy is expected to regularize 200 000 migrant workers[2] in the upcoming two months illustrating that this crisis clearly offers a chance to reflect further on the benefits of regularization.

Interestingly, as participants from Italy, Germany - and to some extent Australia - raised, the way regularization is used to respond to supply chain needs raises some concerns as to what place in our societies we are giving to migrants, not least because as someone pointed out in the conversation regular status does not necessarily equate to decent working conditions. The meat industry in an industrialized country, for example, relies on migrant workers who constitute 80 per cent of the workforce. Many live in dire conditions, sometimes sharing a room with other six to eight fellow workers, constituting a hidden human cost behind competitive food prices.

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[1] Portugal, Italy, France, Germany are only some in a longer list.
[2] The figure is only an estimate as the programme has no ceiling, but some 500 000 undocumented migrants are deemed to be in the country.

Now that regularization is back on the table, will we be able to make the case that migrant workers cannot only be considered a piece in the puzzle of our business models, but an integral part of our societies entitled fully to their rights? If we fail them on this, we might also fail on integration, and more largely, the social cohesion debate.

Gaps between policy and practice and how our frameworks respond to the realities they seek to address.

It continues to be encouraging to see so many mobilized around implementing the Global Compact for Safe, Orderly and Regular Migration (GCM) and to be part of conversations that are instrumental in the 'health check' of a framework: "how does this text help respond to concrete issues faced by practitioners?", one always has ask to oneself.

Many participants used the word "gap" in different ways in today's conversation.

A participant described how lockdown measures in force in India - amongst the most severe in the world - and the loss of jobs that goes with it, put as many as eight million migrant workers on the roads to return back home in horrendous travel conditions, sometimes even by foot. This has been well covered by international media outlets as a migration issue and these populations described as "migrant workers," although all are Indian nationals, and as such outside of the scope of the GCM. The scope of the GCM is to address all aspects of international migration and does not apply to the situation of many of the million migrant workers stranded now in India. Interestingly, a stakeholder from India shared how useful the framework has been to guide their advocacy actions showing that a major strength of the GCM strength lies in the fact that in addition to being framed in a clear set of general principles, it provides actors with a wide range of very concrete actions. Some can inform policy and practice regardless of scope of action.

Gaps between policy and practice were also raised: "Now that we have a great framework, how do we move on to the next level and make those commitments real?", another participant raised.

It was also striking - and intellectually stimulating - to note gaps in language to refer to similar things. Where stakeholders say "options to migrate", institutions refer to "migration schemes". Where stakeholders say "risk of trafficking", institutions say "risk for the integrity of migration systems". There is nothing right or wrong about this. Although not neutral, language - and the different uses of it - is an attempt to describe and frame the complex reality around migration governance. Listening sessions have demonstrated how useful these are to help us bridge this and other gaps across communities of practice that work towards similar objectives

A last observation perhaps on the great absence from this conversation: namely, the complementarity between the Global Compact on Refugees and the Global Compact on Migration. Migrants and refugees were at the centre of the 2016 New York summit that called for the two Compacts. Migrants and refugees are two distinct categories, in how the world has categorised people on the move. . It is nonetheless not news to anyone that migrants and refugees are taking the same routes regardless of the differences in how they are ultimately labelled. How can discussions around legal pathways, admission and stay for the

purposes of the protection of migrants in vulnerable situations on the one hand, and on complementary pathways for refugees on the other, better inform each other's distinct policy objectives? In short, how can innovative admission solutions available for refugees that are admitted thanks to academic programmes, family reunification, labour or sponsorship schemes better inform how legal pathways for migrants in vulnerable situations could better work?

Categories are and will forever be useful to describe a reality, frame action, advance reflections and more broadly bring order to chaos. It is however inevitable to ask oneself how the categories we use allow us to respond to the realities we observe. It is equally important to conclude that it's our task to make them fit for purpose.