

**U.S. Explanation of Position on the Progress Declaration on
the International Migration Review Forum
As prepared for delivery on May 20, 2022**

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The United States is pleased to join in the adoption of the first International Migration Review Forum (IMRF) Progress Declaration. The Declaration recognizes important progress made since the adoption of the Global Compact for Safe, Orderly, and Regular Migration (GCM) in areas such as promoting ethical recruiting, integrating migration considerations into climate strategies, increasing prosecution of human traffickers, and supporting migrants in the context of the COVID-19 pandemic.

This IMRF is happening at a time when more and more people around the world are on the move for a variety of reasons, including persecution, armed conflict, generalized violence, poverty, economic crises, corruption, and the adverse impacts of natural disasters and climate change. Given the scale of these movements, international cooperation is more important than ever. The United States is committed to promoting safe, orderly, and humane migration, and to strengthening access to international protection for displaced populations. We embrace the need to promote conditions for people to lead peaceful, productive, dignified, and sustainable lives in their countries of origin – making migration a voluntary option and not a matter of survival. We continue to engage with partners regarding our shared responsibility for humane migration management, which includes enforcing our respective immigration laws, expanding access to legal

pathways for migration, and strengthening protection for those at risk of persecution, torture, and other threats such as human trafficking.

We emphasize the importance of safe and dignified return and reintegration of migrants without international protection needs or another legal basis to remain, in order to help them reestablish their lives in communities of origin.

In joining in the adoption of the Progress Declaration, we would like to clarify our views on several elements of this text, and on the GCM, the implementation of which this Declaration reviews. The United States did not vote to adopt the GCM in 2018; however, in December 2021 the United States issued a Revised National Statement on the GCM, reflecting certain clarifications and limitations. That statement remains our position on this instrument. At the same time, we reiterate our endorsement of the vision contained in the GCM and our commitment to work with other countries to enhance cooperation to manage migration in ways that are grounded in human rights, transparency, nondiscrimination, responsibility-sharing, and State sovereignty.

We underscore that the GCM is an aspirational document that does not create or change rights or obligations under international or domestic law. The same is true for the Progress Declaration, which outlines non-legally binding political commitments that the United States aspires to achieve, to the extent consistent with our domestic law and particular international obligations. For example, the United States stands committed to working to eliminate acts of discrimination and hate crimes against migrants and to countering other expressions of racism, xenophobia, and related intolerance, in a manner consistent

with the U.S. Constitution and our international obligations regarding freedom of opinion and expression.

We further recognize that the Progress Declaration does not require States to implement obligations under international instruments to which they are not a party. This applies, in particular, to references to obligations related to the “best interests of the child” and “collective expulsion,” which are principles derived from international and regional conventions, respectively, to which the United States is not party.

The United States supports fair, orderly and humane immigration systems with appropriate legal and procedural protections that are respected for all migrants, and with particular safeguards for the most vulnerable, including migrant children. We interpret the Declaration’s references to due process and other protections, including for migrants in U.S. government custody and in the context of returns and removals, to be consistent with our international legal obligations and U.S. law and practice. We understand the Declaration’s abbreviated references to certain human rights, such as the “right to privacy” and the “right to family life” to be shorthand for the more accurate terms used in the applicable treaties. We maintain our longstanding positions on specific rights and on the territorial scope of our obligations under the treaties to which we are party, as further elaborated in our December 2021 National Statement.

Finally, we recall that the search and rescue obligations of States for persons in distress at sea, including migrants, are governed by existing legally binding agreements. This comprehensive global framework for search and rescue has been critically important to avoiding unnecessary loss of lives.

Our national values align closely with those reflected in the GCM. The United States will continue to seek to achieve many of its objectives within the structure of the U.S. Constitution, domestic laws, and our international obligations, in keeping with our proud history as a nation of immigrants.

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