

## **U.S. Catholic Working Group on Global Compacts on Refugees and Migration**

Statement on Revision 1 of the Zero Draft Plus of the Global Compact on Safe, Orderly, and Regular Migration

**Introduction.** Members of the U.S. Catholic Working Group on the Global Compacts on Refugees and Migration<sup>1</sup> are deeply involved in the care and accompaniment of migrants and forcibly displaced persons at every stage of their journeys. We often work in partnership with the U.S. government, international organizations, and local organizations. Through advocacy and service our work includes fighting against the root causes of migration, providing humanitarian support to forced migrants, especially those in vulnerable situations, and advocating for just reform of national immigration laws in the United States. While we bring a distinct American Catholic experience to our statement, we also echo and build upon the Twenty Points document issued by the Holy See Mission to the United Nations in New York.<sup>2</sup> We thank the co-facilitators of Mexico and Switzerland for their able leadership in developing the latest draft of the Global Compact on Safe, Orderly, and Regular Migration (“Global Compact on Migration”). We offer the following principles which we believe should be reflected in the final draft of the Global Compact on Migration.

**The Global Compact on Migration should foster the catalytic role of faith-based organizations that provide service to migrants at every stage of their journey.** We strongly believe that the Global

<sup>1</sup>The working group includes Catholic Charities-USA, Catholic Relief Services (CRS), U.S. Liaison Office of the International Catholic Migration Commission (ICMC), Jesuit Conference of Canada and the United States, Jesuit Refugee Services/USA (JRS-USA), Scalabrini International Migration Network (SIMN), and the U.S. Conference of Catholic Bishops’ Migration and Refugee Services (USCCB/MRS).

<sup>2</sup>“Responding to Refugees and Migrants: Twenty Action Points,” Migrants & Refugee Section, Dicastery on Integral Human Development, Vatican, 2017. A summary of the document is also in a video featuring Pope Francis. See “Let’s welcome, protect, promote and integrate refugees as Pope Francis is asking us,” Migration & Refugee Section, Dicastery of Integral Human Development, Vatican, January 18, 2018, video available at <https://www.youtube.com/watch?v=dDlxrIY96ak>

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Compact on Migration should specifically include faith-based organizations as important stakeholders and partners in both the Preamble and the Implementation sections of the document. As has been stated by the Holy See during the negotiations, faith-based organizations are unique because of their presence in sending, transit, and destination countries--at every point of the migration process. Faith-based organizations are universal in nature and thus have a reach beyond that of a single government.

Moreover, faith-based organizations fill gaps in services to migrants which governments are unable or unwilling to fill and work closely with many member states to protect migrants in vulnerable situations. They often build bridges between migrants and the local people. In addition, migrants often are attracted to faith-based groups because they are members of the faith or otherwise trust them to look after their best welfare, including warning them about the potential dangers of the migration journey.

**The Global Compact on Migration should highlight increased legal avenues and regularization programs as the primary tools for reducing irregular migration and encourage member states to adopt these tools more aggressively.** Consistent with its goal to promote safe, orderly, and regular migration, the Global Compact on Migration should include specific language, in both the preamble and Objective 5, which calls for a significant increase in legal avenues for migrants and regularization programs for migrants residing in their countries.

In most cases, migrants travel in an irregular status because there are insufficient visas available for them to migrate in a legal manner. Once they have navigated an arduous and dangerous journey, they fill low-skilled jobs in many economies, yet remain susceptible to exploitation and abuse in the workplace. Legal avenues, which should include the option for permanent residency, should be increased to protect their lives, their human rights and the integrity of their family.

Migrants who reside in a country often live in fear of deportation, despite equities they may have built— families, businesses, homes—over time. Family separation, in which parents are deported away from their citizen children, is a real threat. Regularization programs bring immigrants and their families into society, thus increasing their economic contributions, preserving family unity, and aiding national security, as governments would know who they are and more effectively integrate them into society.

In our view, the Global Compact on Migration should increase legal immigration as a method for reducing irregular migration, as opposed to using enforcement and methods of deterrence to accomplish this goal. Not only is it the most humanitarian way to respond to the challenge of irregular migration, it also is the most effective and sustainable.

**Border management should ensure that migrants receive due process protections and should not deploy deterrence schemes to halt large movements of migrants and refugees.** More and more, destination nations, sometimes in conjunction with transit nations, are using deterrence tactics to prevent large mixed movements of persons from reaching their borders, including the use of interdiction and return, detention, family separation, push backs, criminal prosecution of irregular migration, the closing of borders, and conditional aid agreements, among other tactics. These formal and informal arrangements among nations can prevent migrants in vulnerable situations and even refugees from receiving protection and in some cases entail returning vulnerable individuals to harm.

Objective 11 of the Global Compact on Migration should prohibit the use of these tactics and encourage responsibility-sharing among member states that ensures that migrants and refugees are screened by a

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competent and independent authority, and, if necessary, offered protection, by either a transit nation or other nations in a region. In addition, language should be restored in the draft that encourages member states to promote screening of asylum-seekers, including informing migrants of their rights to apply for asylum protection.

**Migrants, regardless of their legal status, should be guaranteed certain services, consistent with their human rights and international law.** Human persons, regardless of legal status, possess God-given human rights that should not be violated, **including the right to life**, and thus should be provided services necessary to protect those rights, including health-care, social services, access to justice, education, and pastoral services. Such services should be specified in the Global Compact on Migration, so that member states have a common understanding of this requirement. In providing these services to undocumented persons or to persons in a temporary legal status, firewalls should exist to prevent personal information from being used for enforcement purposes.

**Migrants in vulnerable situations should receive protection.** Perhaps the most difficult issue to address between the Global Compact on Migration and the Global Compact on Refugees is the issue of migrants in vulnerable situations. This group may include persons fleeing natural disaster or the effect of climate change; migrants in countries in crisis; migrants who may not achieve refugee protection or asylum but nevertheless have legitimate protection claims and

could face harm upon their return; victims of human trafficking or forms of domestic violence; and inherently vulnerable migrants, such as unaccompanied children, the elderly, or the disabled.

These groups may not meet the refugee definition laid out in international refugee law, but nevertheless face danger and possible harm in their home countries. Member states should increase the legal tools available to them to address these populations, including humanitarian visas, temporary protected status, and visas targeted toward specific groups, such as victims of human trafficking, victims of domestic violence, and unaccompanied alien children. Protection consistent with international human rights law should be afforded them.

**Return of migrants to their countries of origin should uphold the principle of non-refoulement and when return is proper should include re-integration programs which offer them comprehensive re-integration services.** Just as countries of origin have an obligation to their nationals to receive them, destination countries should follow international law in assessing their status, informing them of their rights in the process, and, as the law requires, either allowing them to remain or returning them to their homes. We oppose policies which deny due process to migrants seeking protection, as well as tactics that pressure them to acquiesce to deportation without due process. Non-refoulement should govern the return policies of all nations.

Safeguarding the integrity of the family is crucial when people are subjected to detention and deportation processes. Humane alternatives to detention and defenses to removal based on family unity should be available in lieu of detention and deportation. In cases where family members are detained and/or returned, systems should be established to track their locations and to inform family members.

Moreover, re-integration programs should be created in countries of origin that assist returnees with job training and placement, access to social services, and physical security, so they are able to remain and

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live in safety and dignity. Destination countries should provide assistance to source countries in creating these programs.

**The root causes of migration should be comprehensively addressed, so that migration is a choice, not a necessity.** Migration and development are intrinsically linked, as remittances are a primary resource for development efforts. The Global Compact on Migration should facilitate remittances by lessening fees and fostering financial inclusion. Remittances should not be a substitute for global support for sustainable economic development in developing nations. Finally, we urge the creation of a well-financed capacity-building framework that facilitates the actionable commitments of the Global Compact on Migration, as well as a monitoring system that holds member states accountable in implementing them. While the Global Compact on Migration may be legally non-binding, it should be politically binding, so that good faith efforts are made by all member states in reaching its goals and achieving a positive impact on migrants around the world.

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