

# 3 REGULAR PATHWAYS AND IRREGULAR MIGRATION

Tuesday, 4 May 2021, 3 PM CEST

## CONCEPT NOTE

### Background

In recent years, there has been an increasing tendency to focus on the need to combat irregular migration and to promote safe, orderly and regular migration. Under this framework, irregular migration has been increasingly viewed as undermining the national sovereignty of states while having negative repercussions on the safety and well-being of migrants.

The indirect result that the “demonization” of irregular migration has had, is the further denial of the human rights of undocumented migrants. In many places in the world, irregular migrants continue to be denied basic rights such as rights to services, health and justice. In the context of the COVID-19 pandemic, this inequality has become even more visible as access to health care or the vaccine in some parts of the world remains contingent on status.

Equally, the removal of undocumented migrants has become more widely accepted in policy circles by using the less threatening and more easily digestible concepts of “facilitating returns”. Countries of destination have repeatedly emphasized the responsibility of countries of origin to re-admit their own nationals, in a bid to secure cooperation for returning undocumented migrants. And while the international community has reiterated its commitment to use immigration detention as a last resort in the Global Compact on Migration, evidence suggests that in fact there has been no significant progress towards ending the practice of immigration detention.

The Global Compact for Safe, Orderly, and Regular Migration (GCM) is one of the latest of such instruments to make a distinction between the rights of regular migrants and irregular migrants. National sovereignty, which is one of the guiding principles, is interpreted to mean that “states may distinguish between regular and irregular migration status”.

Almost three years after the adoption of the GCM, little tangible progress however has been made in realizing the commitment to promote regular pathways. Civil society has however pointed GCM objective 5 “Enhance availability and flexibility of pathways for regular migration” is a keystone objective and called for more accountability in delivering on the commitments contained therein.

A positive approach towards irregular migration which puts migrants’ rights at heart of policies, is however desperately needed if we are to a situation of fulfillment of rights. This has however been hindered by the disproportionate focus on enforcement and management at the expense of the more positive approach of creating and expanding existing regular pathways, understanding regularity and putting in place regularization programs and firewalls to protect the rights of irregular migrants.

The aim of this webinar is to understand how the policy and practice landscape has evolved in the last few years on irregular migration and regular pathways and to explore what are the implications of the current landscape on the fulfillment of the rights of undocumented migrants. Specifically, this webinar seeks to identify ways forward in advocating for more regular pathways and for the realization of the human rights of undocumented migrants. It is expected that there might be imbalance in the perspectives brought forth by the panelists given the complexity and scope of the issue of regular pathways and irregular migration as well as the limited time. However, this imbalance is recognized as a requisite in order to weave a bigger narrative around the area.

This webinar is part of an independent civil society webinar series which aims to highlight the most pertinent issues on the migrants’ rights agenda and mobilize for change.

**PEOPLE’S MIGRATION CHALLENGE**

**CIVIL SOCIETY PRIORITIES WEBINAR SERIES** from 13 April to 18 May 2021