

- **Thank you chair, to IOM for the invitation, and good afternoon to all,**
- Based in Brussels, PICUM represents over 150 civil society organisations working in 30 countries with migrants in an undocumented or irregular situation
- Partnerships are key to this work – and I'm happy to share some examples, and reflections - on how partnerships can work for good migration governance

The Compact on Migration covers all migrants (including undocumented), & affirms that states can differentiate, but not discriminate

- States may determine the conditions under which migrants may enter, reside & work on their territory,
- But must ensure that differential treatment between migrants, is in line with international law, in particular, the principle of non-discrimination.

In the European Union & its member states, a number of laws guaranteeing rights to irregular migrants

- **At EU level;**
 - the **EU Victims' Directive** affirms rights & services to *all* victims of crime, irrespective of residence status;
 - The **EU Employers' Sanctions Directive** explicitly includes labour rights protections for undocumented workers, requiring complaint mechanisms (Article 13) and payment of outstanding wages (Article 6).
- **EU member state legislation**
 - provides access to compulsory education for all children and
 - **nine EU member states** provide health care to undocumented children on an equal basis as national children.
- **At local & city level** – as we've heard throughout this event - **policies and practices often go further**, providing a wide range of services, including emergency accommodation, women's shelters, health services to all without discrimination of any kind.
 - Partnerships are central to these examples
 - Many were born out of - and owe their success to - alliances between civil society, trade unions, health providers (even local police & labour inspectors)

I'd like to highlight two partnership examples;

1. A partnerships which upholds rights of undocumented workers
2. A partnership to implement alternatives to detention

1st on Labour Protections

- Its clear that many undocumented workers work for low wages, are often paid less then what was agreed, and sometimes are not paid at all.
- Their employers may use threats of arrest & deportation to coerce & exploit migrant workers.
- In the EU, the Employers' Sanctions Directive explicitly includes protections for undocumented workers, including complaint mechanisms (Article 13) and payment of outstanding wages (Article 6).

How can a worker in a precarious & exploitative situation access these protections?

In Germany, partnership between labour enforcement & trade unions are working to ensure that standards are enforced

- ✓ Trade Unions are supporting undocumented workers who experience wage-theft to file a complaint with the labour courts
- ✓ Judges in the Labour Courts are not required to check & report residence status to the immigration authorities
- ✓ So the worker can access justice without risking arrest or deportation
The contact details (address/phone number) of the union are used to protect the worker.
- ✓ In the German city of Hamburg, the trade union **MigrAr** supports undocumented workers to file a complaint against their employer – and, if no resolution is brought about – to take a wage claim to the labour court.

This is a perfect example shows of the 'firewall' – the separation of access to rights from migration enforcement.

2nd example highlights partnerships between civil socociety & states to reduce immigration detention

- A growing body regional and international standards calls on states to use less coercive measures in migration management
 e.g. The EU Returns Directive (article 15) requires MS to use detention only when **other less coercive measures cannot be applied**
- Partnerships with civil society are a key strategy to effectively reducing detention
- A number of states are turning to NGO-led, case management based, alternatives - based on engagement with migrants to promote compliance & case resolution
- Where there are grounds for detention, alternatives based on engagement with migrants, can contribute to effective migration management **while** safeguarding their rights

its in line with international standards **and** at a fraction of the cost.

in 2017 ,PICUM & IDC (The International Detention Coalition) established the European Alternatives to Detention Network,

- This network supports projects in Poland, Cyprus, UK and Bulgaria where civil society organisations are working with states to test this approach through a series of pilots.
- We've already seen some success – in its first year, the Bulgarian pilot project worked with 50 migrants, mainly single men, showing a high compliance rate

Rather than being detained, these migrants were followed by an NGO case worker

- During this year, 4 people returned voluntarily
- 2 obtained humanitarian status
- 42 were still engaged in the project
- only 2 absconded,.

To finish;

I'd like to make 2 recommendations on partnerships which relate to the text of the Compact

and one recommendation on partnership that relates to its implementation

On SERVICES:

1. **Its essential that all migrants, irrespective of status, can access services basic social services, & do so safely**
 - Requiring service providers to differentiate between migrants on grounds of status increases racial profiling and results in arbitrary & ill-informed decisions
 - And migrants should never be apprehended at places of service delivery (schools, hospitals, NGO clinics)
2. **Service providers should not be required to share personal data with immigration enforcement agencies**
 - fuels mistrust – by migrants towards service providers AND mistrust among migrants & service providers towards the authorities
 - heard yesterday, that data should never be used to harm migrants
 - linking data to enforcement is one of the biggest barriers to effective data collection
 - it prevents civil society from collecting data
 - OR sharing data about those they work with
 - & creates an inaccurate picture of migration realities

On Alternatives to detention

- NGOs providing high quality and trusted advice and structured support to migrants can prove a valuable partner for states

- they understand the political realities, have the trust of the migrants and can meet their range of needs, while ensuring effective migration governance

Finally, on partnerships to ensure systematic and meaningful engagement with civil society in the *implementation* of the Global Compact

- it is essential that the Compact provides a clear role for civil society & transparent mechanism for civil society engagement
- in the UN system, our role as civil society is often consultative - on the issue of migration, our role is much much more.
- As civil society & the UN, working together on migration, we need to move our partnership to one which allows for input in a clear, defined & a transparent way

This Global Compact process is on the right track.

- In the negotiations, we have been grateful to the co-facilitators for their openness, & for taking civil society inputs & insights into consideration.
- This is a good model for looking forward

We can look at other UN mechanisms that work well;

- the **Human Rights Council** mechanism ensures a systematic & defined role for civil society
- and, the **ILO Tripartate Mechanism** could also be considered – expanding beyond Trade Unions to include broader civil society stakeholders

Thank you for your attention.