**OHCHR intervention for the sixth thematic session of the global compact on safe, regular and orderly migration**

**Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures**

**Panel 4**

Excellences, ladies and gentlemen,

All migrants have all human rights, we have heard this call clearly throughout this thematic session. In the New York Declaration, Member States reaffirmed and committed to fully protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status.

Under international law, irregular entry and stay are administrative misdemeanours rather than criminal offences and should be sanctioned accordingly; of themselves they involve no crimes against persons, property or national security Without prejudice to the sovereign prerogative to order their removal, the very presence of such migrants under their jurisdiction imposes certain obligations on national authorities, including the primary obligation to acknowledge their presence and accept their right to claim rights.

Migrants in an irregular situation are often disproportionately subject to human rights violations.

Yet, we know that migrants who move out of necessity rather than free choice are at greater risk of additional human rights violations throughout their journey and at their destination. They are less likely to be able to access alternative option when their migration does not go to plan, and they are therefore more likely to move in conditions that do not respect the dignity of the human being.

Desperate people without regular migration options will continue to risk their lives in search of safety and dignity through turning to dangerous routes and means of travel. The vulnerability of migrants to abuse, exploitation and exclusion is exacerbated by a general lack of safe, accessible and sufficient avenues for regular migration, and indeed in some cases a trend to limit avenues for regular migration, including family reunification.

As we come to the end of the consultations of the Global Compact, we urge States and other stakeholders to commit fully to operationalising a human rights-based approach to migration within the Global Compact.

Such an approach would end criminalisation of people on the move, and instead implement concrete measures such as seeking community-based alternatives to detention, implementing firewalls to ensure that all migrants can access health, education and housing services, and exploring the protection benefits of regularization of pathways.

Such measures are set out in detail in the Global Migration Group’s draft Principles and Guidelines on human rights protection of migrants in vulnerable situations. This initiative is designed to assist States and other stakeholders to implement their human rights obligations towards migrants in vulnerable situations who have a heightened need for protection of their human rights.

As we move into the next phase of the Global Compact process, we must ensure that our pledge to protect, respect and fulfil the human rights of migrants goes beyond rhetoric to meaningful and actionable commitments that will make a real difference ot the lives of people on the move.

I thank you.