



Statement by H.E. Archbishop Ivan Jurkovič, Permanent Observer of the Holy See
to the United Nations and Other International Organizations in Geneva at the
6th Thematic Session on the Global Compact for Safe, Orderly, and Regular Migration
Panel 1: “Irregular Migration and Regular Pathways”
12 October 2017

Mr. Moderator,

[Through the New York Declaration, States unanimously and collectively declared “profound solidarity with, and support for, the millions of people in different parts of the world who, for reasons beyond their control, are forced to uproot themselves and their families from their homes”¹. My Delegation wishes to draw attention on to a few words: “millions of people beyond their control forced ...” As a matter of fact, these words fall short of the reality, when one billion of people persons are in some sort of migratory status.]

The enormous number of people on the move is a tangible sign of increasing inequalities, socio-economic imbalances and unregulated globalization. While well-governed migration can benefit countries of origin, transit and destination alike, providing opportunities for migrant workers and their families, the persistence and increase in the use of irregular pathways is yet another symptom of how the multilateral system has not yet succeeded in effectively managing migration.

Regrettably, all too often, the response to irregular migration is a short-term one, with a strong emphasis placed on security. But while it is right and just to respect the legitimate interests of the receiving countries, it is possible and highly recommended to reconcile these interests with migrants’ rights. To this end, the Delegation of the Holy See wishes to contribute to this thematic discussion by highlighting a few points:

1) Beyond the political and legal aspects of irregular situations, we must not lose sight of the human face of migration. In particular, most of those in an irregular migratory situation live a grim everyday reality. They find themselves ignored and neglected, gripped by the constant fear of expulsion or deportation. Out of desperation, they are compelled to accept dangerous work conditions, and often end up being exploited and abused. While they retain their God-given dignity and fundamental human rights, they are invisible in societies and, in many respects, they do not exist from the point of view of the law.

Indubitably, every State has the sovereign right and responsibility to regulate the movement of people and should do so with a clear system of migration laws. However, the approach to migration in all of its aspects, including irregular migration, should begin first and foremost from the perspective of the human person, and his or her fundamental rights as such, with special attention given to unaccompanied minors, the elderly, and those with special needs. In this regard, States should avoid the criminalization of irregular migrants and ensure the respect of the principle of non-refoulement.

2) The need to find dignified pathways out of irregularity. Overtly strict immigration laws and restrictive immigration policies, including limits to migrants’ access to social services, hardly

¹ Para. 8 of the New York Declaration for Refugees and Migrants.

discourage migration. Desperation and hope always prevail over restrictive policies. Unfortunately, the same is true for profits, hence, turning to an irregular workforce becomes the likely response when there is a strong demand for “cheap” labour.

Indeed, States can mitigate irregular migration while also helping to address labour skills gaps and demographic challenges by expanding regular pathways and by increasing international cooperation across labour migration corridors. The more legal pathways are available, the less likely are migrants to be drawn into criminal networks and find themselves victims of contemporary forms of slavery, including human trafficking or of exploitation and abuse while being smuggled. In this regard my Delegation welcomes the development of several initiatives to institute fair and ethical recruitment processes for migrant workers.

3) The need to regulate openness and increase opportunities to facilitate regular and safe mobility should also take into consideration the needs of local communities and can provide valuable help in facilitating projects of sound integration and positive community relationships with bonds of reciprocal support. Pope Francis reminds us that “it is imperative to promote a culture of encounter rather than of exclusion: to expand legal and secure programs of reception for those who arrive and to offer suitable and dignified accommodations that guarantee their personal safety and access to basic services”.²

4) The migrant family is a crucial component of our globalized world, but in too many countries the presence of the families of migrant workers is often legally impeded. If we truly wish to leave no one behind, we must devise frameworks that help keep families together, including migrant families. The human vacuum left behind when a father or a mother migrates alone is a stark reminder of the toughness of the choice to migrate and of the fundamental right to be able to stay at home in dignity.

5) Addressing the conditions that give rise to irregular migration is urgent. As no person with the possibility of living with dignity in his or her home country would feel compelled to flee it irregularly, international solidarity and cooperation must create the fair conditions at home, thus making migration a choice and not a forced necessity.

Mr. Moderator,

Be it regular or irregular, there is little doubt that migration is one of the most powerful forces shaping today’s economic, social, political and cultural life. My Delegation wishes to ask the panelists if they could share some good practices and lessons learnt on the regularization of migrants and on innovative policies and practices oriented to protect the unity of the family that could be fed into the Global Compact.

² Pope Francis, *Address to the National Directors of Pastoral Care for Migrants of the Catholic Bishops' Conferences of Europe (CCEE)*, 22 September 2017.