

HUMAN RIGHTS OF ALL MIGRANTS

Brazil welcomes this first thematic session of the preparatory process for the intergovernmental negotiations of a global compact for safe, orderly and regular migration that aims to integrate the Geneva-based migration expertise into the process. We support the New York Declaration for Refugees and Migrants, adopted last September and would like to express our full commitment to these negotiations.

The global compact will set out a range of principles, commitments and understandings among Member States regarding migration in all its dimensions. We are convinced it should be people-centered, human rights-based and gender-responsive. Furthermore, it must be based on the perspective of the positive contribution of migrants for inclusive growth and sustainable development, as recognized in the 2030 Agenda for Sustainable Development.

Brazil believes that migratory policies must be guided by the principles of the universality, indivisibility and interdependence of human rights and guarantee, on an equal basis with nationals, their civil, social, cultural and economic rights. Indeed, these notions are at the heart of the New Migration Bill recently adopted by the Brazilian parliament. This Law will, furthermore, ensure that migrants have the political rights of assembly and association.

The New Migration Bill also seeks to promote regular pathways of admission and the regularization of undocumented migrants, which we believe are crucial measures for the effective promotion of human rights of all migrants. In this context, we believe the global compact could address tools for increased pathways for safe and regular migration.

In Brazil, the enactment of special regulations to address specific influx of migrants has proven effective in the past years. Particularly, the adoption of the humanitarian visa to welcome Haitian migrants after the earthquake of 2010 was essential to curb human trafficking. More recently, we have also established a special regulation to grant temporary residence to nationals of neighboring countries entering the Brazilian territory by land, so as to accommodate an increase in this kind of immigration.

Lastly, we believe that the principle of non-criminalization of migrants should be a keystone of our common understanding on the matter. Together with the creation of regular pathways of admission and the regularization of undocumented migrants, this will be essential to guarantee a human-rights approach to the Global Compact.

SOCIAL INCLUSION AND COHESION

The Brazilian parliament adopted, last April, a new immigration bill based on the principles of equal treatment and opportunity for migrants and their families, as well as on the promotion of their social, labor and productive inclusion by public policies. We believe that the Global Compact should be based on these notions and seek to provide migrants with access to justice, public health services, education and public legal assistance, regardless of their migratory status.

As previously affirmed, we are also convinced that the regularization of undocumented migrants is crucial to guarantee their human rights, given that it also provides them with access to work, social security, housing and banking services – which are essential for a dignified life in their countries of destination.

The social inclusion and cohesion of migrants also calls for special attention to those most vulnerable among them. In this context, the best interest of the child and adolescent migrant should be fully protected. We understand that migrant children should not be subject to arrest or detention based on their migration status. The Global Compact could call upon States to expeditiously and completely end that practice, as well to develop human-rights based alternatives to it. The prevention of all kinds of violence against women migrants, as well as the protection of women migrant workers, should also be subject of adequate consideration.

Lastly, we would like to highlight our strong belief that, while facilitating safe, orderly, regular and responsible migration and mobility of people, it is of utmost important to address some of the root causes of involuntary movements of migrants, including through strengthened efforts in cooperation, poverty eradication and the implementation of the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development.

ALL FORMS OF DISCRIMINATION, INCLUDING RACISM, XENOPHOBIA AND INTOLERANCE

We could not agree more with the conclusion of the New York Declaration for Refugees and Migrants, namely that diversity enriches every society.

Brazil itself is a construct of migrants. Men and women from all continents have contributed with their culture, values and knowledge to enrich our country. We cherish our diversity. We reject all forms of racism, xenophobia and other expressions of intolerance. Migrants are an essential part of our identity.

We strongly believe that human mobility is inherent to the human condition. We also believe that each State has a sovereign right to determine national rules for admission, subject to international standards, including those related to international human rights law.

The admission into a country's territory should not be denied on the grounds of race, religion, nationality, membership of a social group or political opinion. The practice of collective deportation, repatriation or expulsion should be terminated.

We are also convinced that migrants contribute to inclusive growth and sustainable development in countries of origin, transit and destination. Recent studies show that the proportion of migrants in a country's population is positively correlated with its GDP.

Therefore, we believe that the global compact should address ways and means of preventing xenophobia, racism and any form of discrimination against migrants. It should foster international cooperation between countries of origin, transit and destination, with a view to ensure the effective protection of their human rights.