



The Human Right's Path: Key for Social Integration of Young Migrants

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Why a Right's based-approach?

- Interdependence of HR, Democracy & Human Development;
- Human Rights: instrumental role for:
 - preventing social exclusion and disparities among all members of society;
 - advancing equity, efficiency and poverty reduction;
 - ensuring migrants' integration;
 - promoting social cohesion in multicultural societies
 - Children and Youth: assuring sustainable human development
- Fulfillment of rights increases contribution to development (not only migrants')
 - Anyway, migrants substantially contributes even if their rights are not duly respected



Issues & Challenges

- **State Sovereignty:**
 - **Right to regulate migration (security, economic, unilateral focus) vs. HR duties regarding everyone under state jurisdiction (human beings, not commodities)**
- **Absence of Long Term Migration Policies**
 - **Narrow approach → imbalanced, inefficient outcomes**
- **Gender inequalities, plus ethnic/national discrimination**
- **Xenophobia and Racism against migrants (hinder integration)**
- **Few, unequal regular channels for migration**
- **Root Causes**
- **Approaches to Irregular Migration**



Irregular Migration: Integration, Exclusion or Deportation?

- **Integration? No access to a key right for social and economic integration: to work. Consequences?**
- **Long-term Irregularity**
 - **Deportation or Marginalization as the only available alternatives? What about integration? How?**
 - **Pros and Cons of Irregular status?**
 - **Temporary migration becomes permanent**
- **Irregular Migration & Children and Adolescents**
 - **Obstacles for their development and integration**
 - **Born from Irregular Migrant Parents: inequality since birth (registration, stateless, access to education, family separation; parents impeded to work → right to adequate standard of living)**



Regularization avenues (Permanent & Extraordinary)

Why?

- Addressing reality of migration flows, including pull factors
- Reducing Informal economy; preventing marginalization, exclusion, and risks of exploitation
- Promoting Integration; Improving social and economic conditions
- Regularization as fundamental part of migration policies (South American Declaration)
- Efficiency of public policies (social services, security, development, etc.)

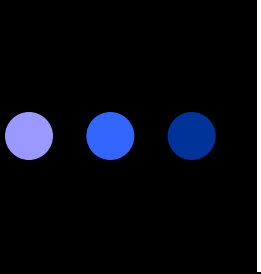


Regularization (II)

How? (flexible, permanent criteria)

- Existing Labor relationships (reality, no selectivity)
- Young migrants in Education System
- Family Unit (e.g., child born in destination –*ius soli*-)
- Humanitarian Grounds
- Length of *-de facto-* residence
- Pledge for the Right to Asylum

- Case Study: Argentina (2005-2011)
 - around 800,000 regularized migrants
 - unemployment and poverty substantially decreased



Economic, Social, and Cultural Rights of Children and Young Migrants

○ Right to Work

- Labor Opportunities: equality, non discrimination
- Regular status
- Gender equity for ALL women (e.g., domestic workers)

○ Right to Education

- Second class citizens? Labor opportunities in the future?
- Impact on entire society
- Intercultural education (training, participation)
- Remove barriers for equal access to education



ESCR (II)

○ Right to Health Care

- **Health Policies:** individual and social impact of universal access to health care. Could it be different if they are migrants?
- **Linkages with right to work, education, etc.**

○ Right to Social Security

- **Regular migration:** better job, better social benefits and contributions,
- **Case Study: Spain: Report on Migrants' contribution to Economy & Social Security System (*Fundación La Caixa, 2011*)**



Migration Control Mechanisms: Impact on migrants' integration

- **Obligation to report (public administration bodies, including social services)**
- **Criminalization (ECJ, El Dridi v. Italy, April 2011)**
- **Alternatives to detention and deportation**
 - **Unaccompanied Children: Best Interest Determination (including measures for their integration)**
 - **Children with families: protection, rather punitive approach**
- **Impact of Family Separation**
 - **Avenues for regular migration**
 - **Children left in destination**



Some Recommendations

- **Design and implement Intercultural transversal Integration policies:**
 - **Rights-based public policies, cultural diversity and gender sensitive**
 - **Migrants' and civil society participation**
 - **Coordination among public bodies (migration, childhood and youth, education, health, labor, foreign affairs, social protection)**
- **Improve the Role of Judiciary and Independent Monitoring Bodies**
- **Develop Rights-based indicators on Social Rights of Migrants**
- **Explore more avenues for regular migration**
- **Remove migration control mechanisms than hinder access to ESCR**
- **Develop alternatives to deportation**
- **Explore more avenues for regularization**

Final Remarks

○ Scenario in 30-50 years?

○ Migration Policies: Moral & Economic Suicide?

- Culture and Framework of rights: standards and universality at serious risk

- economic/demographic/social:

 - current needs: future outcomes?

“Penser l’immigration, c’est penser l’État. C’est l’État qui se pense lui-même en pensant l’immigration”

(A. Sayad)