



INTERNATIONAL MIGRANTS ALLIANCE (IMA) ASIA PACIFIC MISSION FOR MIGRANTS (APMM)



Submission to the UN Secretary-General on Migrants' Human Rights Conditions

*Submitted by International Migrants Alliance (IMA)
and Asia Pacific Mission for Migrants (APMM)*

I. Introduction

We submit this report to the United Nations Secretary-General to put a spotlight on the issues facing migrants today. We hope that it sheds light into situations that could not be uncovered from the submissions and reports of UN Member States.

The report highlights aspects of the General Assembly Resolution on the protection of migrants A/RES/76/172, noting that the resolution “[c]alls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and ensuring that their legislation and migration policies and practices are consistent with their applicable international human rights obligations, in order to avoid approaches that might aggravate their vulnerability.”

The issues and realities we highlighted in the submission mainly come from grassroots migrant organizations who have led campaigns, issued statements, and handled cases before, during and after the COVID pandemic. They have shared their issues and analyses in their respective social media accounts, in many conferences, actions and engagements. Migrants' rights advocates also helped provide input to the submission while amplifying migrants' voices. Grassroots migrant organizations need to be regarded as strong, credible and reliable sources of information that can evidence effectiveness (or lack thereof) of policies and mechanisms not only related to migration but multitude of aspects that affect them and their families. Migrants are the primary stakeholders in the migration discourse and by virtue of that, are also experts themselves.

Our observations have shown that migrants face violence directed against them, trafficking, crackdown, deportation of irregular migrants, wage theft, decent work deficits, overcharging by

recruitment agencies, inhumane conditions in refugees camps, border restrictions, militarization, discrimination, racism, fascism, xenophobia, and access to services and assistance.

The IMA, a grassroots-led international alliance, was founded in 2008 with the purpose to unite migrant organizations around the world and fight together against neoliberalism and imperialism. Since then, IMA, together with its member organizations, has continued to fight for the rights of migrant workers, asylum seekers, refugees, displaced people, and their families in countries of origin, transit, and destination. The alliance has 178 member organizations from 33 countries and country-regions around the globe.

Established in 1984, the Asia Pacific Mission for Migrants (APMM) is a regional non-governmental organization that supports migrants' empowerment and movement-building through working with them on advocacy and campaigns, education and research, and network organizing and cooperation. APMM gives particular focus on key issues of development and forced migration, women migrants' rights (including domestic workers' and marriage migrants' rights), migrant trade unionism, and faith partnership and solidarity. It continues to strengthen partnerships with grassroots migrant organizations and migrants' rights advocates from Asia Pacific and the Middle East.

II. Spotlight on conditions of migrants related to the protection and promotion of their human rights

1. Permanently temporary migrant workers

Many States have adopted policies that have put migrant workers in a permanent state of temporary migrant status. In our observation, these States include Chile,¹ Canada,² the United States,³ the GCC Countries (UAE, Qatar, Saudi Arabia, Bahrain, Kuwait, Oman),⁴ South Korea,⁵ and Japan.⁶ The restrictions imposed on temporary migrant statuses create a situation where many easily fall out of status, sometimes despite their best efforts to stay within the restrictions of their visa. In the GCC countries, the Kafala system allows migrant workers to come in as temporary and contractual workers, but contracted to only one company and cannot change employers. The Employment Permit System in South Korea and the regulations for domestic migrant workers in Hong Kong work in a similar manner. The US and Japan have technical and intern training programs that are also temporary contractual work. Finally, Canada has the

¹ Coordinadora Nacional de Inmigrantes Chile, Speech of Chairperson Manuel Hidalgo on the Day for the Protection of Water and Earth, [link](#) (April 23, 2023)

² Immigrant Workers' Centre, IWC Member Presentation: Rise, WMN, [link](#) (March 4, 2023).

³ US IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

⁴ Middle East IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

⁵ Migrant Korea, Statement condemning crackdown on undocumented migrants, [link](#) (March 15, 2023).

⁶ IMA, Chairperson Eni Lestari Speech on G7 and the Exploitation of Migrants and Refugees, [link](#) (April 26, 2023).

Temporary Foreign Workers Program and the student visa program that are temporary statuses with closed work permits creating conditions for migrants to fail to meet their visa conditions, end up in detention, and get deported while Canada gets new migrants to exploit.

In our observation, the rise of temporary migrant work programs that place migrants in temporary status in perpetuity reflects the globalization of the labor export policy where the priority of states is to acquire cheap labor from countries whose decades-long underdevelopment and persistent unemployment have forced their people to migrate outside the country to look for sources of livelihood.

2. Poor living and working conditions – low wages, safety hazards, etc.

Poor living and working conditions have led to the death of a Cambodian migrant farm worker in South Korea in 2020⁷. Factory workers in Taiwan⁸, Japan, and South Korea are forced to live only in designated dormitories, restricting their freedom of movement. Their important documents are often kept by the agency or employer. Workers on the night shift get paid a low night shift differential. The unsafe and unhealthy conditions, coupled with a lack of workplace safety precautions, have caused some of the migrant factory workers to easily fall sick and a few have died as a result. Those who get sick do not get the proper support for medical or health treatment. They are also not able to take a rest day or go on vacation because they are threatened with job loss. Once a migrant's contract ends and they are forced to return home, they are also not able to claim their pension and other retirement benefits that were extracted from their wages by the government. Similar issues arise among migrant farm workers in Canada⁹, Japan, South Korea, Malaysia, and New Zealand. In addition, migrant workers are often assigned to jobs for which they are not contracted or trained, creating a safety hazard for the worker.

If a migrant worker complains, they risk getting fired, stifling their freedom of expression. Although exceptions to job change restrictions exist, overcoming those restrictions is very difficult because the migrant worker would have to compile evidence that they might not be able to acquire while working full time. Women migrant workers are also vulnerable to physical, emotional, and sexual abuse because they are tied to that employer. The vulnerability of migrant workers, particularly women, due to the restrictions imposed by the closed work permits have forced many among them to lose status to actually change employment and avoid intimidation and abuse.

⁷ IMA, Asia Pacific statement on the systematic crackdown on undocumented migrants in South Korea, [link](#) (Mar. 15 2023)

⁸ Inputs in Rise Working Women Migrants Now: Join Online Action for International Women's Day 2023, [link](#) (Mar 4 2023)

⁹ Ibid.

3. Human rights violations in international borders

The States comprising the African Union and the Economic Community of West African States (ECOWAS) have signed a protocol on the free movement of Africans within the continent's boundaries but, in practice, have not implemented the protocol.¹⁰ Many States have addressed migration through the militarization of their borders, similar with the trend in the Europe-Africa border,¹¹ US-Mexico border,¹² and borders of certain countries in Latin America and the Caribbean.¹³ Many North African States are restricting migration from Sub-Saharan Africans primarily due to monetary, political, and social pressure from the European Union.

4. Increased vulnerability of migrants and refugees to trafficking, organized crime, and other forms of violence

Corruption, death, and kidnapping have become common along the pathways that migrants and refugees use, particularly in the transit countries of North Africa.¹⁴ These pathways are not just traversed by migrants and refugees but also by drug traffickers, human traffickers, and jihadists. During the COVID-19 pandemic, migrants in Myanmar, Indonesia¹⁵ and the US¹⁶ who lost employment became vulnerable to traffickers in those pathways. In Latin America, the pandemic restrictions on travel also placed migrants in a more vulnerable position to trafficking when they were forced to use unauthorized migration pathways.¹⁷

5. Racism, discrimination, and xenophobia against migrants

Businesses of African nationals experienced xenophobic attacks in South Africa.¹⁸ The Tunisian president scapegoated Sub-Saharan African migrants, causing massive anti-black and xenophobic attacks in the country. Many migrants have been forced to leave their homes, some of whom have lived in camps while others sought protection in different countries.¹⁹ Two Hong Kong lawmakers made speeches promoting the objectification of and racism and discrimination

¹⁰ Africa IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹¹ Ibid.

¹² USA IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹³ Latin America and Caribbean IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹⁴ Africa IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹⁵ Kabar Bumi, Wiwin Warsiating presentation to the Regional Women Migrants Conference, on file with author (September 21, 2022).

¹⁶ USA IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹⁷ Latin America and Caribbean IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹⁸ Africa IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

¹⁹ IMA, Statement Condemning Xenophobia and Anti-Black Racism by Tunisian Government, [link](#) (March 16, 2023).

against migrant domestic workers, particularly from the Philippines and Indonesia, with one commenting that domestic workers are like “products” that “do not match the description.”²⁰

6. Excessive fees for migrant workers including seafarers

Migrant workers particularly from Bangladesh,²¹ the Philippines,²² Vietnam,²³ and Indonesia²⁴ face excessive fees when working with agencies to find work. The placement fees range from USD 3,000 to 4,000. The Philippines passed House Bill 7325 or the Magna Carta for Seafarers continuing the excessive fees for migrant workers and seafarers. Basic training alone costs PHP 83,000 (USD 1,660) plus certification for specialty training such as for the Management Level Course or MLC, costs up to PHP 58,000 (USD 1,400). In addition, state exactions for documentation and the cost of living while undergoing training are heavy burdens for Filipino seafarers and their families. The exorbitant training fees often result in seafarers incurring a large debt burden, which they need to pay off before they can even begin to make money for themselves or their family. Migrant factory workers in Taiwan²⁵ face a similar problem with high placement fees and heavy debt burden.

7. Stigmatization, criminalization and detention of migrants including minors

In Canada, at least 17 people have died in immigration detention, with at least six deaths since 2016 and one death in January 2023. In detention were 8,825 people between the ages 15 and 83. During the same period, another 136 children were “housed” in detention with their detained parents, including 73 under age six. Since 2016, Canada has held more than 300 immigration detainees for longer than a year because its law imposes no limit to the length of time that the Canada Border Services Agency or CBSA can detain immigrants.²⁶

Hong Kong plans to further regulate what it has termed “job hopping” of migrant domestic workers, referring to the early termination of contracts with an employer to find a different one²⁷. Its government has already set in place restrictive policies for contract termination, forcing a migrant domestic worker to leave the city within two weeks after contract termination. Generally, a migrant worker is also contractually obligated to pay a fine to the hiring agency if they change employers. Migrant workers are already restricted from changing employers under

²⁰ AMCB, Statement Condemning Objectification of Migrant Domestic Workers, [link](#) (Feb. 20, 2023).

²¹ Asia Pacific IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

²² Concerned Seafarers of the Philippines, Statement on House Bill 7325, [link](#) (April 8, 2023).

²³ Asia Pacific IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

²⁴ Ibid.

²⁵ Factory Workers Association Taiwan, FWAT Member Presentation: Rise, WMN, [link](#) (March 4, 2023).

²⁶ IMA Canada, Statement Condemning CBSA Detention Conditions, [link](#) (Jan. 5, 2023).

²⁷ Asian Migrants Coordinating Body. Press Conference, [link](#) (May 11, 2023)

the current employment system and therefore do not enjoy the freedom to move to a different form of employment when faced with poor working and living conditions.

Similar crackdowns of undocumented migrants have occurred in South Korea²⁸ and Japan, even targeting places of worship and other community centers.

8. Political conflicts leading to internal and cross-border displacement

The continuing military dictatorship in Myanmar has unleashed violence against ordinary citizens and particular ethnic groups, causing internal displacement in the country and forcing the Rohingya and the Karen to flee to neighboring or farther countries as refugees.²⁹ The US invasion of Libya and Syria have continued to devastate the countries, causing outward flows of refugees.³⁰

9. Lack of protection and support for those affected by climate change

Climate change, as we know by now, is one of the causes of forced migration. Many temporary migrant workers are climate migrants whose farm work and livelihood in their countries were destroyed by typhoons, floods and other natural disasters made worse by climate change. Migrants, especially the undocumented, who are affected or devastated by natural disasters and climate change in their respective countries of destination lack access to relief and rehabilitation.

Due to mass flooding 7.9 million people were displaced (Pakistan) and over 58,000 lived in refugee camps, one fifth of Bangladesh is submerged due to the 3-foot rise of global sea level, and severe droughts and mass flooding in some countries like El Salvador, Guatemala, Honduras, and Nicaragua due to irregular precipitation. 25.3 million people are displaced annually.³¹ In Turkey and Syria, a recent earthquake exacerbated the poor working and living conditions of asylum-seekers and refugees.³²

10. Lack or limited access to services and aid during the COVID-19 pandemic

The COVID-19 pandemic left many painful experiences to migrants from which efforts to build back better must be learned. Access to food, aid, and social services were severely limited during the pandemic, impacting many migrant workers and seafarers in Australia, Japan, Thailand, Indonesia, Taiwan, the UAE, South Korea, the US, and Hong Kong³³. The stories all point to

²⁸ Migrante Korea, Statement condemning crackdown on undocumented migrants, [link](#) (March 15, 2023).

²⁹ ILPS-AP, Statement Condemning Continued Military Rule, [link](#) (Feb. 3, 2023).

³⁰ Middle East IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

³¹ IMA, Earth Day 2023 Statement, [link](#) (April 27, 2023).

³² IMA, Call for Action and Solidarity Turkey and Syria Earthquake, [link](#) (Feb. 24, 2023).

³³ Asia Pacific Mission for Migrants. Regional Women Migrants Conference (article) ([link](#)) (September 2022)

migrants becoming unable to access basic social services or vaccines, joblessness, hindered from returning home or leaving their places of work, vulnerable to abuse, victims of short-term contractual employment schemes and wage theft, among others. Many of these issues, however, have continued and some have even worsened after the pandemic.

11. Migrant workers forced into precarious work and informal economy

Irregular migration and precarious work have increased in Chile and Latin America³⁴. According to studies, 70% of workers for various apps in the gig economy are migrants and 10% of delivery drivers are migrants. Migrants who come to Senegal often do not enjoy a support system to help them acquire a source of livelihood. The result is that many migrants are forced into the informal economy; mostly selling food or other items in the streets. Migrant workers in the informal economy are denied labor protections, including access to healthcare or insurance, and are particularly vulnerable to attacks against them.³⁵ The pandemic has also increased the amount of contractual app-based work for migrants in Hong Kong and the US.

12. Gender-based violence and discrimination (Netherlands, Hong Kong, Canada, Kuwait)³⁶

Female migrant workers do not receive equal pay, face long working hours, receive lower wages, and endure inadequate working and living conditions.³⁷ Factory workers, farm workers, and caregivers in Taiwan³⁸ and Canada³⁹ are warned to avoid getting pregnant and are forced to take contraceptives to avoid pregnancy. Women face particular forms of discrimination in the workplace and gender-based abuse in the workplace. Family reunification is also restricted for workers who are in closed work permits, which is particularly difficult for women who play important roles in the family. The closed work permit also restricts migrant workers' freedom to travel and consequently also restricts their access to healthcare and travel to a hospital and health facilities when they are sick.

III. Recommendations

1. Improve living and working conditions for all migrants, especially temporary migrant workers. Migrants need to be protected and their rights and welfare upheld from the time of their engagement with an agency or employer to find a job up to the

³⁴ Coordinadora Nacional de Inmigrantes Chile. Op. Cit.([link](#))

³⁵ SYNATREIN, SYNATREIN Member Presentation: Rise, WMN, [link](#) (March 4, 2023).

³⁶ Inputs in Rise Working Women Migrants Now, Op. Cit., [link](#)

³⁷ Asia Pacific IMA Global Region Report to the IMA 5th Global Assembly, on file with author (Dec. 3, 2022).

³⁸ Factory Workers Association Taiwan, FWAT Member Presentation: Rise, WMN, [link](#) (March 4, 2023).

³⁹ Immigrant Workers' Centre, IWC Member Presentation: Rise, WMN, [link](#) (March 4, 2023).

travel in transit in order to reach their destination and their time at work. Workplace safety and migrants' rights to decent and worthy work must be ensured as well as workers' rights to form unions or associations and their democratic rights. Employment for migrants must be gainful and allow them to make the choice to reside permanently in their country of destination.

2. Include migrants in governments' services, protection and economic programs.

Mechanisms need to be created to combat stigmatization, discrimination, racism, xenophobia, and anti-immigrant sentiments, especially violence and attacks stemming from these. Hostility to migrants and scapegoating of migrants and refugees for the economic and various crises should be stopped.

3. Stop the criminalization as well as the arrest, detention and deportation of all migrants and refugees.

4. Find sustainable, human rights-based and people-focused solutions to the root causes of forced migration. Migration must be a real choice that migrants make and not a choice they are forced to make because of landlessness, poverty and unemployment, climate crisis, and conflict and war. Therefore, migrants' rights can only be truly upheld if the countries of origin are allowed to pursue genuine development, attain freedom from restrictive free trade agreements and structural programs, allowed to develop national industries, and support an agricultural base that can employ and feed their people.