



Center for Gender & Refugee Studies

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Submission to the Special Rapporteur on the Human Rights of Migrants

Revisiting Migrants' Contributions from a Human Rights-Based Approach: a Discussion on Facilitating and Hindering Factors

Center for Gender & Refugee Studies
University of California College of the Law, San Francisco

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We would like to express gratitude for [the call for input](#) opportunity to inform your report on revisiting migrants' contributions from a human rights-based approach: a discussion on facilitating and hindering factors to the 56th session of the Human Rights Council in June 2024.

In our submission we address inquiries related to promoting awareness and fostering accurate narratives about migration, by spotlighting initiatives led by the Center for Gender & Refugee Studies.

1. How can we raise awareness, rethink and change the way migration is spoken about, especially when harmful narratives on migration are inserted into the public discourse and politicised?

The issue of migration in general, and asylum in particular, has become extremely politicized in the United States in recent years. Many commentators lack knowledge and others deliberately spread misinformation. To gain a more accurate and nuanced understanding of the challenges faced by asylum seekers, it is invaluable to hear directly from individuals about their personal journeys. By listening to their

stories, Americans may not only gain insight into the myriad challenges of the asylum process but also develop empathy and a more comprehensive awareness of the unique circumstances each person confronts. Through respectful engagement and a commitment to learning from their experiences, our Center hopes to contribute to a more compassionate and informed dialogue surrounding asylum seekers.

In May 2023, the Center for Gender & Refugee Studies, together with the Florence Immigrant & Refugee Rights Project and the Welcome with Dignity campaign, created a multilingual resource for asylum seekers at the United States – Mexico border being approached by reporters. The resource (attached as Appendix A) is called “Your Rights with the Media: A Guide for People Seeking Asylum” and is available in English, Spanish, French, Haitian Kreyol, and Portuguese. It gives extensive advice for migrants on how to effectively communicate with press and raise awareness. It also clarifies that no one is obliged to speak to the media and asylum seekers may decline to answer some or all questions. This resource addresses the question posed on how to change harmful narratives on migration and effective ways to speak about it.

It is essential to ensure asylum seekers are fully aware of their own rights, especially that they are not required to share anything they are not comfortable with. When approached by reporters, asylum seekers should know they have the option to decline speaking to reporters altogether or request specific conditions to safeguard their identity. Before agreeing to an interview, it is advisable to inquire about the reporter's affiliation, the focus of their story, specific questions they intend to ask, and how the person will be identified. To maintain confidentiality, the individual can ask reporters not to publish their full name and use only the first name, initials, or an alias. It is recommended not to disclose information that could easily identify the asylum seeker, such as full names of family members, hometown (especially if it is a small community), or place of work in the home country.

At any point during an interview, the individual has the right to refuse to answer questions that make them uncomfortable by stating, "I do not feel comfortable answering that question." The person should be able to decide whether to allow recording and request that video or audio of the interview not be published.

Moreover, asylum seekers should be conscious about how the information they share might affect their immigration case. It is better not to answer questions that the person is unsure about, to avoid any potential discrepancies in the future. Ultimately, the asylum seeker retains the authority to end the interview at any time to protect their interests and privacy. And it is interviewer's responsibility to accommodate and respect individuals' privacy preferences. The person should never feel pressured during the interview.

The Center for Gender & Refugee Studies also publishes advice for individuals and organizations on how to advocate for policy changes most effectively. For example, when the administration published a notice of proposed rulemaking in early 2023 to severely limit access to asylum, we posted a dedicated website page titled "[Tell Biden #NoAsylumBan](#)" with thorough guidance into how this policy contravenes both U.S. and international law. The page outlined actionable steps that individuals and organizations could take to oppose the policy and safeguard the rights of migrants. Working in coalition with other civil society organizations, we were able to generate over 50,000 public comments on the proposed rule.

2. What positive measures are implemented by civil society organisations and non-governmental stakeholders in maximising and optimising migrants' contributions? If so, please provide details.

The Center for Gender & Refugee Studies is a founding member of the Welcome With Dignity campaign. It collaborates with an extensive network of over a hundred partners, including immigrant and refugee-led organizations, such as the Asylum Seeker Advocacy Project, Comunidad Maya Pixan Ixim, Human Rights First, and the Women's Refugee Commission.¹ The Welcome With Dignity campaign's mission is "[u]pholding and supporting people's right to seek refuge in the United States by ensuring a welcoming and dignified reception to all seeking safety; building an accessible, transparent, fair, and easy to navigate system; and demonstrating true U.S. leadership in refugee protection in the Americas."² This collaborative effort

¹ Welcome With Dignity (Last accessed on February 5, 2024) <https://welcomewithdignity.org/who-we-are/>

² Welcome With Dignity: Our vision and Mission (Last accessed on February 5, 2024) <https://welcomewithdignity.org/vision-mission/>

underscores a commitment to fostering a comprehensive, compassionate, and rights-based approach to refugee protection and advocacy.

The Center for Gender & Refugee Studies also submitted a pledge at the Global Refugee Forum 2023 to create a position for a refugee fellow and to appoint a person with lived experience to our Advisory Board.³ Guided by our core values of excellence, justice, sustainability, collegiality, and inclusivity, this reflects our commitment to diverse perspectives and meaningful involvement of those directly affected by displacement. We believe that lived experience is an expertise, and that people with lived experience of displacement are best placed to identify and articulate their rights, needs, and interests. We aim to strengthen our efforts in addressing the unique challenges faced by refugees.

Our team is currently engaged in the active development of a prospective fellowship program and the associated board position. Such positions can, for example, support ongoing and sustained community engagement, and can review grant proposals, participate in annual agenda setting, or serve as part of technical assistance teams. We are exploring the possible models and seeking funding for this initiative.

3. What practical recommendations would you propose in order to effectively address these ongoing challenges and protect migrants' human rights in origin, transit and host communities?

Engaging with migrants provides insights into the specific challenges they encounter, such as discrimination, exploitation, or lack of access to essential services. Governments, international organizations, and civil society should expand channels for open dialogue, ensuring that policies are informed by the first-hand experiences of migrants.

Furthermore, efforts should be directed towards empowering migrants in the organizations that work with and for them. A crucial aspect is to avoid tokenization, ensuring that individuals are not merely represented symbolically but are

³ Pledge by the University of California College of the Law, San Francisco, Pledges and Contributions for the Global Refugee Forum 2023 (Last accessed on January 26, 2024) <https://globalcompactrefugees.org/pledges-contributions>

authentically valued for their unique insights and contributions. Furthermore, it is important to address key considerations to guarantee accessibility and create comfortable conditions for individuals with lived experiences. The significance of this was highlighted at the Global Refugee Forum 2023 during a panel discussion titled [“From refugee inclusion to shifting power: Building a global refugee sector that puts refugees first.”](#) This insightful session, organized by The New Humanitarian, Refugees International, and Asylum Access, featured refugees who shared valuable perspectives on how to effectively include individuals with lived experience.

During the discussion, the panelists emphasized several critical aspects, including the need for fair compensation, ensuring accessibility in all aspects, recognizing the true value of their contributions, and fostering meaningful involvement.⁴ The insights shared underscored the importance of creating an environment that not only acknowledges the lived experiences of individuals but also actively engages them as valued contributors, promoting a more inclusive and effective approach within the global refugee sector.

To effectively protect migrants’ rights in the host communities it is important to create an inclusive environment that actively engages migrants as valued contributors, fostering a more effective and respectful approach within the global refugee sector.

⁴ Refugee International, *From refugee inclusion to shifting power: Building a global refugee sector that puts refugees first* (December 15, 2023) <https://www.refugeesinternational.org/events-and-testimony/from-refugee-inclusion-to-shifting-power-building-a-global-refugee-sector-that-actually-works-2/>