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Roundtable 6: Addressing the vulnerabilities of refugees and migrants on their journeys from their countries of origins to their countries of arrival

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Thank you distinguished chairs and participants. I am Eleanor Acer, senior director for refugee protection at Human Rights First, a U.S. based organization that advocates for U.S. leadership on human rights. We also partner with law firms to provide pro bono counsel to refugees and immigrants.

We welcome the commitments in the New York Declaration to protect the human rights of all persons in transit and after arrival, and all refugee and migrant children, regardless of their status.

While refugees and migrants are entitled to protections under international law, too often border, transit, arrival and post-arrival interactions are conducted as though they occur in rights-free zones. It is precisely in times and places where adherence to international law is most needed, that the temptation to circumvent it can be greatest. Respect for human rights and refugee law is essential to securing stability and security; it also benefits host states and communities.

Civil society groups have expressed disappointment that the Declaration does not include more concrete commitments, and that some states worked to include language that appeared aimed at undercutting existing human rights standards, including for children. The Civil Society Statement "Rising to the Challenge," joined by Human Rights First and 60 other groups, outlines recommendations to translate the Declaration's commitments into a rights-based, age and gender-sensitive plan of action.

With respect to this Roundtable's focus, I urge that:

- States review and revise national border policies to uphold the human rights of all people. States must immediately end policies and practices that violate non-refoulement obligations and undermine access to asylum, including accelerated or summary procedures that cut corners leading to return or rejection of persons entitled to protection.

- States should act immediately to save lives on land and sea, while also ensuring access to international protection.
- States should implement effective identification and referral tools, for use at borders and after arrival, to protect children, torture and trauma survivors, victims of trafficking, survivors of sexual and gender-based violence and other vulnerable individuals. These processes must be properly resourced. State cooperation or assistance focused on stemming the flow, without prioritizing access to effective protection, will ultimately prove counterproductive from both a rights and migration management perspective.
- Efforts to develop guiding principles on migrants in vulnerable situations must reinforce existing fundamental rights and should not signal such rights are not binding. The State-led process referenced in paragraph 52 of the Declaration should include civil society and migrants' groups, recognize that migrants in vulnerable situations require protection as well as assistance, and be based substantively on the *Principles and practical guidance on the human rights protection of migrants in vulnerable situations* referenced in paragraph 51.
- As we sit here today, vulnerable refugees and migrants are held in migration detention around the world. States should end detention that is inconsistent with human rights and refugee protection law.
- Human Rights First – and other groups – call on states to fulfill the commitment in the New York Declaration to work to end the practice of child immigration detention. As the UN Committee on the Rights of the Child and UN experts have confirmed, the detention of a child on the basis of their or their parents' immigration status is never in the child's best interests and may amount to cruel, inhuman or degrading treatment or punishment. States can implement rights-based alternatives to detention for the entire family, in cases where necessary. I urge support for the efforts of the Inter-Agency Working Group (IAWG), UNICEF and the International Detention Coalition (IDC) to End Child Immigration Detention, including tomorrow's high-level roundtable on "Working together to end child immigration detention."

In closing, I will share the words of some children - ages 12 to 16 - who have been held in immigration detention for about a year already in a facility a few hours' drive from this building. "It pains us," they wrote, "to know that the school year is starting and that we are imprisoned here We can't concentrate because of the frustration that we feel locked up here like criminals when in reality we are innocent."

Thank you for your attention to these critical issues.