

# 5 key points to respect rights of migrants and refugees at borders

Multiple organizations with a wide experience working within migrants and refugee people in borders context have met during 17th and 18th January in Mérida (Spain): Greek Council for Refugees –GCR- and European Lawyers in Lesvos (Greece), Association for Judicial Studies on Migration –ASGI- and Italian Association Recreative and Cultural –ARCI- (Italy), Moroccan Association for Human Rights –AMDH- and Groupe Antiracist for Defense and Accompany of foreign and migrants –GADEM- (Morocco), Spanish Commission for Refugees –CEAR- (Spain) and Migratory Issues Program –PRAMI- from University Iberoamericana Ciudad de México and Human Rights Center Fray Matías Córdova –CDHFMC- (México).

During this International meeting, the present Joint Document has been adopted, where are gathered five essential points that States must implement in order to guarantee rights of migrants and refugee people rights´ at borders.

## 1. RESCUE, SAFEGUARD AND HUMAN LIFE IN TRANSIT AND BORDERS

### **With regard to rescue operations:**

- Increase technical and economic resources destined to rescue operations.
- Promote a multidisciplinary and non-militarized approach during rescue and salvage operations of migrants and refugees.
- Establish a mechanism that guarantees a bigger transparency, control and monitoring of rescue operations.
- To change the approach on migratory policies based purely on safety to an approach based on protection and human rights.
- Facilitate observation of civil society organizations during rescue operations.
- Guarantee that any procedures of information and identification occur once arrived to a safe port and never during rescue neither on vessels.
- Establish mechanisms for information exchange among civil society organizations guaranteeing confidentiality and an accurate data treatment.

### **On countries on transit and borders:**

- Eliminate any obstacle to humanitarian aid, to put an end to the criminalization of NGOs that work on rescue and accompany migrants and asylum seekers.
- Protect life of migrants and refugees people rights´ defenders.
- Start up programs for continuous training courses in human rights to all actors involved operating on transit zones and at borders, especially to police officers, migratory authorities and security forces.
- Favor freedom of movement and implement more safe ways to avoid the risk and loss of human lives.
- Guarantee protection of children and teenagers as well as any people included at vulnerable groups as LGTB community and women.
- Raise awareness and train mass media on accurate information treatment about migrant and refugee people.

## 2. EXTERNALIZATION OF BORDERS AND AGREEMENTS WITH THIRD COUNTRIES

- European Union and the United States must end with the policies of border externalization.
- Transit countries such as Mexico and Morocco must stop the implementation of border externalization policies.
- Europe Union and the United States must evaluate and make publicly visible the negative impact of agreements with third countries.
- End with the military presence and other third-country security bodies in border regions, which aim to promote or reinforce outsourcing policies.
- Guarantee a safe crossing and avoid risks situations and higher vulnerability of people in countries of transit. A situation that feeds trafficking in persons and human smuggling networks.
- Avoid the use of the speech of “fight against networks smuggling and trafficking of human being” to justify policies of migratory control.
- Not to adopt any texts, at an international or regional level, without a legal value and with an undefined nature that supposes an impact on the rights of migrant and refugee people. Those texts should also provide mechanisms for an effective remedy.
- Guarantee that bilateral agreements with third countries are submitted to the parliamentary procedures established in each country.
- Ensure a higher transparency in the adoption and publication of agreements whit third countries.
- Guarantee that official development aid is not conditioned to migratory control and security.
- Erase lists of safe countries and guarantee the individualized study of each case based on international and regional treaties on asylum.
- Not to link migration with terrorism, gangs and organized crime.
- Stop assigning security forces and intelligence services to harass and investigate people who deserve protection.
- Guarantee that the functions of immigration control in territory and border are exercised by officials of the sovereign State legally authorized to do so, and not by other police or military bodies, respecting human rights.

## 3. VIOLENCE AND ILLEGAL EXPULSIONS

- To end with expulsions at borders.
- Eliminate any kind of violence at borders.
- Ensure the access for justice to migrant people victims of violence, access to psychological treatment and rehabilitation.
- Finish with violence during identification processes (fingerprinting).
- Guarantee access to all legal procedures established and due process: access to information, legal assistance, translator, access to effective judicial protection and the chance to apply for international protection.
- Ensure a greater transparency and precision during identification procedures (avoid to assign quotes based on nationalities, presumption of majority of age, etc.).
- Guarantee that detention is an exceptional measure, non-discriminatory due to nationality and that it was never used on identification procedures. In no case may children be detained.
- Value the length of stay, family ties and integration processes in the expulsion procedures of people whose situation is irregular in order to avoid expulsions.
- Eliminate geographical restrictions in transit and destination countries.

## 4. LEGAL WAYS AND ACCESS TO PROTECTION

- Promote an opening policy in the granting of visas.
- Favor the issuance of humanitarian visas so that there is a legal procedure with guarantees and possibilities of appeal.

- To reinforce and to strengthen the recognition of international protection for humanitarian reasons in host countries.
- Guarantee the access to embassies and consular offices of destination countries along countries of transit in order to facilitate transporting and formalize asylum application at destination countries.
- Boost family reunification, speed up procedures and expand the concept of family unit.
- Guarantee free legal assistance from the very beginning of the registration and identification process.
- End with detention of migrants, asylum seekers and refugees.
- Ensure a proper functioning of asylum systems.
- Monitoring the living conditions of refugees, guaranteeing access to rights.

## 5. PEOPLE WITH SPECIAL NEEDS

- Guarantee and implement early warning systems for detection and immediate protection of people with special needs.
- Ensure a differential treatment that responds to the needs of people in situation of special vulnerability during the processing of their asylum application.
- Assure sufficient human resources and budget to identify their needs and create multidisciplinary teams with specific and continuous training.
- Avoid that host conditions head all people systematically towards situations of vulnerability.
- Guarantee that the higher interests of childhood are protected and guaranteed at all times.
- Ensure at all times the application of the gender approach to determine the situation of women and LGBTB people.



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