



Concept Note

Migrants' Right to Family Life: Towards Migration That Keeps Families Together

Introduction

The right to family life and the right to found a family (hereafter, the right to family life) are protected by international human rights instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, under which States have the primary obligation to provide protection and assistance to the family¹ as the fundamental unit of society. Centring around the children's right to family life, the UN Convention on the Rights of the Child recognises the specific needs of children for a nurturing family environment that provides the foundation for their development, growth, and overall well-being. The principle of non-discrimination under international human rights law equally applies to these rights, including for migrants and their families.

In the Asia Pacific region, temporary labour migration programmes (TLMPs) are a dominant form of migration pathways for employment through which millions of people take up fixed term, low-wage work in other countries within and outside the region. While efforts have been made in protecting labour and human rights of migrant workers in and from the region, they are still prevented from fully enjoying their human rights, especially those beyond their workplaces. In particular, compounded with intersecting discrimination against migrants, the right to family life is systemically restricted by TLMPs, affecting the personal lives, family unity, health, rights and well-being of migrant workers and their families, including their children.² Wide-spread criminalisation of irregular migration in the region also represents a barrier for migrants in irregular situations to enjoy their right to family life, while the restrictions under TLMPs can compel migrants to move or chose to enter into irregular status.

The Global Compact for Safe, Orderly and Regular Migration (GCM) outlines a series of States' commitments to uphold the right to family life of migrants and their families, ranging from protecting family unity, preventing family separation, facilitating family (re)unification, and ensuring the best interests of the child in all circumstances. Specifically, under Objective 5, States have committed to adapt options and pathways for regular migration that upholds the right to family life, as well as to put in place procedures for family reunification for migrants at all skills levels. It is essential that these commitments are implemented in a gender-responsive and child-sensitive manner as per the guiding principles of the GCM.

This side event seeks to centre migrants and their families as human beings with rights and freedom in the discussion to assess GCM implementation through the perspective of migrants who are

¹ There is no definition of family and a concept of family can vary nationally, regionally and internationally. (United Nations, A/HRC/31/37 (29 January 2016))

² OHCHR (2022), "We wanted workers, but human beings came": Human Rights and Temporary Labour Migration Programme in and from Asia and the Pacific, page 29-32, available at: <https://bangkok.ohchr.org/sites/default/files/documents/2024-06/Report-on-temporary-labour-migration-programme-final-250123.pdf>

themselves parents, spouses and partners, as well as children to formulate recommendations towards migration laws, policies, and practices that respect and protect the right to family life.

Objectives

- Review progress in implementing GCM objectives relevant to the right to family life of migrants and their families including children.
- Offer an opportunity for stakeholders including migrants to discuss and share their experiences of migration and family unity, including government efforts to strengthen national systems with focus on preventing family separation.
- Identify gaps and opportunities and share promising practices in upholding the right to family life of migrants and their families.
- Develop recommendations to guide GCM implementation that centres the right to family life of migrants and their families in line with the GCM guiding principles.

Date and Time

The side event will be held on 5 February from 12:30 to 13:45 in the Conference Room 4, UNCC. The side event will be held in a hybrid setting (in-person and online).

Speakers

- Adolescent with lived experience of migration
- Rasika Jayasuriya, Migration Policy and Human Rights Consultant
- Jaya Anil Kumar, Senior Manager (Research and Advocacy), Humanitarian Organization for Migration Economics (HOME)
- Ivan Delfin, Vice-Chairperson, KARAMAY
- Pia Oberoi, Senior Advisor on Migration and Human Rights (Asia-Pacific), OHCHR – Moderator

Programme

1. Welcome and opening
2. First round of panel
3. Interactive discussion with participants
4. Second round of panel
5. Interactive discussion with participants
6. Closing

Participants

Participants will be primarily those attending the Second Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration, as well as online participants from the public.

Organisers

OHCHR, Asia Pacific Mission for Migrants, UNICEF, UN Women