



Measures Ensuring Respect for and Protection of the Human Rights of Migrants

Remarks

Anne C. Richard

Assistant Secretary, Bureau of Population, Refugees, and Migration

United Nations

February 20, 2013

Ambassador de Alba, Special Rapporteur Crépeau, Permanent Representatives, friends and colleagues, let me begin by thanking the International Organization for Migration, the UN Department of Economic and Social Affairs and the UN Population Fund for sponsoring today's roundtable, which is being [webcast live](#).

The United States looks forward to the upcoming High Level Dialogue as an opportunity for productive dialogue on international migration, including on the human rights of migrants. Migration affects all countries of the world and presents both opportunities and challenges that we must address in a spirit of cooperation and respect.



We hope to see a High Level Dialog focused on substantive issues and not wrangling over procedural and institutional issues. We reaffirm our support for robust civil society engagement in the High Level Dialog. We are grateful that the theme for today's Roundtable puts an emphasis on women and girls who face special challenges as migrants.

I can think of no better country than Mexico for the United States to co-chair a panel on the human rights of migrants. Former Secretary of State Clinton noted that the U.S.-Mexican relationship is one of the most important between any two countries in the world. Our relationship with Mexico is defined by the bonds between our peoples, not simply by our borders. We share with Mexico an abiding interest in the human rights of all migrants, whether documented or undocumented.

The United States is unwavering in its commitment to respect the human rights of all migrants, regardless of their immigration status, and we urge other States to do the same. While States have a responsibility to ensure the integrity of their migration systems and the security of their borders, there are also important international obligations that provide protection to all persons, including migrants.

The United States has ratified human rights treaties including:

- the International Covenant on Civil and Political Rights,
- the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- and other conventions that address challenges associated with slavery, human trafficking, and refugees.

In addition to highlighting these international conventions, I would like to share some of the best practices we have developed in the United States to protect the human rights of migrants. I'll mention three categories – 1. protection against xenophobia and hate crimes; 2. special protection for victims of human trafficking; and 3. civil rights and labor protection.

Criminal justice authorities in the United States use a variety of laws to prosecute persons who commit crimes against migrants, including crimes related to xenophobia and hate crimes. In 2009, the United States enacted ground-breaking federal hate crimes legislation that expanded protections against violent assaults motivated by a victim's race, color, religion, or national origin, and added protections against such assaults based on sexual orientation, gender, disability, and gender identity. The Department of Justice and United States Attorneys' Offices vigorously enforce these laws.

In addition to criminally prosecuting human traffickers, we protect trafficking victims in various ways, including by granting them what we call "T" immigration status under our Trafficking Victims Protection Act. T status allows the victim to remain and work in the U.S. legally, to apply for permanent residence after a prescribed period, and for certain family members to be eligible for a T visa. Our trafficking legislation is an excellent example of a law that advances both law enforcement and humanitarian objectives - objectives that can and must work together.

The United States also has many civil laws that protect migrants. The Equal Employment Opportunities Commission and the Civil Rights Division of our Department of Justice enforce federal civil laws prohibiting discrimination on the basis of national origin, and the Civil Rights Division also enforces laws prohibiting discrimination based on citizenship status.

Special protections apply to the children of immigrants, regardless of their parent's legal status. For example, all children have the right to attend public schools.

AILA InfoNet Doc. No. 13022253. (Posted 2/22/13)

elementary and secondary schools. All recipients of federal funds including state courts, law enforcement, and social service agencies, must provide language services for persons with limited English proficiency. And, employers may not treat individuals differently because of their place of birth, country of origin, ancestry, or because they look or sound "foreign." Our labor laws protect all workers in the United States, regardless of immigration status. These protections include minimum wage and overtime, workplace health and safety and freedom from unlawful discrimination.

I would be remiss in not mentioning a few words about Comprehensive Immigration Reform in the United States. President Obama made Comprehensive Immigration Reform a centerpiece of his legislative agenda. He recently proposed a framework that would create a fair, effective and commonsense immigration system that lives up to our heritage as a nation of laws and a nation of immigrants.

His commonsense proposal has four parts:

- First, continue to strengthen our borders.
- Second, target companies that hire undocumented workers.
- Third, hold undocumented immigrants accountable before they can earn their citizenship. This emphasis on 'earning' citizenship means requiring undocumented workers to pay their taxes and a penalty, move to the back of the line, learn English, and pass background checks.
- Fourth, streamline the legal immigration system for families, workers, and employers.

Our Congress has bipartisan groups now working on legislation.

Finally, there are steps all countries can take to protect the human rights of migrants that cost nothing at all. One is to encourage our elected leaders to take every opportunity to counter negative public perceptions about migrants.

We can emphasize the contributions that migrants make to host societies in economic and other terms. In my own country this contribution has been immense. We can convey the message to the public that new arrivals will enhance rather than undermine the country's political-cultural ethos.

We can strenuously oppose measures that discriminate against migrants. We can emphasize the cost to society of keeping undocumented migrants "underground," where they're vulnerable to unscrupulous employers, afraid to report crimes, and where billions in tax revenues are lost. We can emphasize that as a matter of fundamental fairness the "sins" of their parents should not be visited upon the children of undocumented immigrants.

These are just some examples of what countries can do to protect the human rights of migrants. I am sure that our panelists this morning will provide some additional thoughts and I look forward to hearing from them.

Thank you again for your participation this morning.