

## **DECLARATION OF MIGRANTS' RIGHTS AND STATES' RESPONSIBILITIES<sup>1</sup>**

*Revised by the "International Working Group on Migration"  
during proceedings on July 12, 2002 at  
The University of Texas Panamerican  
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WHEREAS throughout human history, lack of opportunity and hostile conditions in some countries, and demand for labor in others, have caused people to move from one land to another,

WHEREAS sending and receiving countries have significant mutual interests related to migration, but lack developed capacity to jointly manage these issues for mutual benefit,

WHEREAS any such joint management must further the democratic value of free movement and acknowledge the increasing desire of migrants to participate in more than one country at once, while respecting the right and obligation of states to control their borders,

WHEREAS migration management is a crucial for the promotion of national security in receiving societies,

MIGRANT SENDING AND RECEIVING COUNTRIES will have the following rights and responsibilities<sup>2</sup>:

- 1) The demand for immigrant labor implies that receiving countries do have responsibility to ensure the rights of immigrants.<sup>3</sup>

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<sup>1</sup> This document has been presented by Dr. Juan Hernández at the Metropolis Conference "Diaspora and Homeland" in Dubrovnik, Croatia, in May 2002, and at the conference "Sending and Receiving Countries in a World of Migration" in Edinburg, Texas, in July, 2002. Gratitude is due to the following individuals who have offered commentaries and suggestions. Their institutions are provided for identification purposes only: Jorge Bustamante (Notre Dame University), Alejandro Carrillo-Castro (National Institute for Public Administration, Mexico), Alberto Dávila (University of Texas Panamerican), Omar de la Torre (Government of Mexico), Howard Duncan (Metropolis Project), Jorge Durand (University of Guadalajara), Luin Goldring (York University), Khalid Koser (University College London), Amanda Levinson (University of Texas), Demetrios Papademetriou (Migration Policy Institute, Washington, D.C.), José Angel Pescador (El Colegio de Sinaloa), Mario Riestra (Conofam, Mexico), Neil Ruiz (Massachusetts Institute of Technology), Patricia Santo Tomas (Government of the Philippines), Yossi Shain (Georgetown University), Robert Smith (Barnard College), Joanne Van Selm (Migration Policy Institute), Leslie Voltaire (Government of Haiti), Julie Weise (University of Texas at Dallas).

<sup>2</sup> Countries of transit also must afford human rights and basic protections to those migrants who pass through their territory.

<sup>3</sup> These rights are spelled out in international conventions including: The International Convention on the Protection of the Rights of All Migrant Workers and their Families (U.N.), Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, International Convention on the Rights of the Child, ILO Migration for Employment Convention, ILO Migrant Workers Convention, ILO Forced Labour Convention, ILO Freedom of Association and Protection of the Rights to Organize Convention, ILO Equal Remuneration Convention, ILO Discrimination Convention, ILO Minimum Age Convention, Vienna Convention on Consular Relations, among others.

Immigrant-sending countries must work to change the social and economic conditions that caused emigration, and must strive to create opportunities for their citizens at home.

Sending and receiving countries should establish working relations and the institutions needed to manage their mutual migration issues. This is not an imposition on sovereignty, but rather a responsible exercise of stewardship.

- 2) Receiving countries should regularize the status of undocumented migrants, in order to build a society where identity fraud does not thrive, where border control is both economically and socially feasible, and where immigrants participate actively in the host society, rather than hiding in its shadows.

- 3) Sending countries and receiving countries should work together to create reliable and mutually recognized systems for those who live abroad to establish their identities.

Sending countries must find ways to establish the identities and permit the return of conationals whose identity documents have been destroyed during migration.

- 4) Sending and receiving countries should work together to facilitate the efficient, secure, legal and inexpensive transfer of voluntary remittances and other forms of assistance, from migrants to their families and communities of origin.

Both governments should create policies ensuring transparency and productive competition in the remittance-sending industry.

The primary purpose of remittances is to benefit migrants and their families, and as such they must not be taxed nor put to use for other projects, no matter how valuable, without migrants' consent.

Nonetheless, both governments should provide opportunities and incentives for migrants to invest these remittances in their communities of origin.

- 5) Sending countries should not see the process of migrants' incorporation into receiving societies as an identity threat and should allow for dual or multiple belongings, nationalities or citizenships, and the ability to exercise their political rights, wherever they may reside.

Receiving countries should not consider these continued residual attachments as threats to the full incorporation of new immigrants into the host society, but rather, should acknowledge that by permitting these multiple attachments, they not only facilitate social incorporation, but also enrich their societies

- 6) Sending countries that have a significant percentage of their populations living outside their national borders should include the concerns of emigrants and diasporas in their framework for creating and evaluating public policies.

Sending and receiving countries share the responsibility for informing migrants of their rights.

Sending and receiving countries should create mechanisms of democratic participation and representation for their immigrant, emigrant and diaspora populations.

Sending and receiving countries should re-examine their citizenship policies, and should move them towards the ultimate goal of permitting dual citizenship.

7) The consular protection rights guaranteed in the Vienna Convention are only the beginning of sending countries' responsibility to protect their co-nationals abroad; They should be encouraged to send representatives to ensure that all the basic rights guaranteed by the international community<sup>4</sup> are enjoyed by their emigrants.

Receiving countries must recognize these sending-country representatives as having a legitimate interest in protecting not only the persons but also the basic rights and dignity of these co-nationals.

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<sup>4</sup> Ibid.