

# WHY 'UNDOCUMENTED' OR 'IRREGULAR'?

## IT'S RECOGNISED BY KEY INSTITUTIONS

1975

### UNITED NATIONS GENERAL ASSEMBLY

"The UN General Assembly requests the UN organs and specialized agencies concerned to utilize in all official documents the term 'non-documented' or 'irregular migrant workers'".

- General Assembly, Measures to ensure the human rights of all migrant workers, 3449, 2433rd plenary meeting, 9 December 1975

1994

### UNITED NATIONS INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

The most comprehensive text on international migration adopted by the international community at the time affirmed that "undocumented or irregular migrants are persons who do not fulfil the requirements established by the country of destination to enter, stay or exercise an economic activity".

- Programme of Action of the International Conference on Population and Development (ICPD), Cairo, 1994

2004

### INTERNATIONAL LABOUR CONFERENCE, 92<sup>ND</sup> SESSION

The Resolution concerning a fair deal for migrant workers in a global economy, adopted by the highest governing body of the International Labour Organisation in 2004, refers to "irregular status" and "workers in irregular situation".

2006

### COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY

"The Assembly prefers to use the term 'irregular migrant' to other terms such as 'illegal migrant' or 'migrant without papers'. This term is more neutral and does not carry, for example, the stigmatisation of the term 'illegal'".

- Council of Europe, Parliamentary Assembly, Resolution 1509, "Human Rights of Irregular Migrants"

2009

### EUROPEAN PARLIAMENT

"Calls on the EU institutions and Member States to stop using the term 'illegal immigrants,' which has very negative connotations, and instead to refer to 'irregular/undocumented workers/migrants'".

- Paragraph 159, European Parliament resolution on the situation of fundamental rights in the European Union 2004-2008, 14 January 2009

2009

### UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

"... 'illegal immigrants' should be avoided and replaced by the internationally accepted definitions of 'irregular' or 'undocumented' migrants, which more accurately describe the situation..."

- Former UN High Commissioner for Human Rights, Navi Pillay, 12<sup>th</sup> session of the Human Rights Council, 22 September 2009

2010

### EUROPEAN COMMISSION

"And let me be clear about my vocabulary too: illegal migrants do not exist. People may come to the EU and might be required to use irregular ways...but no human being is illegal."

- Cecilia Malmström, former European Commissioner for Home Affairs, 29 November 2010

2013

### ASSOCIATED PRESS AND OTHER MEDIA

Several international media outlets have changed their terminology and dropped 'illegal migrant,' including leading news agency Associated Press: "The Stylebook no longer sanctions the term 'illegal immigrant' or the use of 'illegal' to describe a person."

- Associated Press, 2 April 2013

## IT'S POSSIBLE

	<b>Arabic (العربية)</b>	مهاجر غير موثق مهاجرون بدون أوراق هجرة غير نظامية	<b>Hungarian (Magyar)</b>	Rendezetlen jogállású bevándorló
	<b>Bulgarian (български език)</b>	нередовен мигрант мигрант без документи	<b>Irish (Gaeilge)</b>	Imirceach gan doiciméid Stádas cónaithe neamhrialta
	<b>Chinese (中文)</b>	无证移民 非正式移民 非正式居留者	<b>Italian (Italiano)</b>	Migranti irregolari
	<b>Croatian (Hrvatski)</b>	Neregularni migrant Nedokumentirani migranti	<b>Latvian (Latviesu valoda)</b>	Nelikumīgie imigranti Nedokumentētais migrants Neregulārais migrants
	<b>Czech (Cestina)</b>	Osoba bez oprávnění k pobytu Neoprávněně pobývající Neregulární	<b>Lithuanian (Lietuvių kalba)</b>	Migrantai be dokumentų Nereguliarūs migrantai
	<b>Danish (Dansk)</b>	Udokumenterede migranter	<b>Maltese (Malti)</b>	Immigrant irregolari
	<b>Dutch (Nederlands)</b>	Mensen zonder papieren Mensen zonder wettig verblijf Ongedocumenteerd Irregulier	<b>Polish (Polski)</b>	Nieudokumentowani migranci Migrant o nieuregulowanym statusie
	<b>English</b>	Undocumented migrant Irregular migrant	<b>Portuguese (Português)</b>	Imigrantes não-documentados Migrantes irregulares
	<b>Estonian (Eesti keel)</b>	Elamisloata immigrant Ebakorrapärane sisserändaja	<b>Romanian (Romana)</b>	Imigrant cu ședere nereglementată Subiecții migrației neregulate
	<b>Finnish (Suomi)</b>	Paperiton siirtolainen	<b>Russian (русский)</b>	Недокументированные мигранты мигранты, не состоящие на официальном учете
	<b>French (Français)</b>	Sans-papiers Migrants irréguliers	<b>Slovak (Slovenský jazyk)</b>	Nezdokumentovaní prisťahovalci
	<b>German (Deutsch)</b>	Migranten ohne (gesicherten) Aufenthaltsstatus Irreguläre Migranten Undokumentierte Migranten	<b>Slovene (Slovenski jezik)</b>	Nedokumentirani priseljenci
	<b>Greek (Elliniká)</b>	μετανάστες χωρίς χαρτιά παράτυποι μετανάστες	<b>Spanish (Español)</b>	Migrantes irregulares Migrantes en situación (administrativa) irregular Sin papeles
			<b>Swedish (Svenska)</b>	Papperslösa
			<b>Turkish (Türk)</b>	düzensiz göçmen



# WHY NOT 'ILLEGAL'?

## INACCURATE

### LEGALLY INCORRECT

Being undocumented does not constitute a crime in most countries. As it is not an offense against persons, property or national security, it belongs to the realm of administrative law. However, even in countries where violations of immigration law are considered criminal offenses, committing a criminal offense does not make you an 'illegal' person.

### MISLEADING

The majority of undocumented migrants in Europe have lost their status as a result of exploitation, misinformation or administrative delays - not by committing an offense. Children are also erroneously labelled 'illegal' simply by being born or coming into an irregular situation with their parents.

### IGNORES INTERNATIONAL LEGAL OBLIGATIONS

States have internationally recognised obligations towards all persons under their jurisdiction, all of whom have human rights no matter what their migration status is. In response to human rights violations, atrocities and crimes against humanity, these standards were designed precisely to prevent states from defining any human being as anything less than a legal person.

### VIOLATES PRINCIPLE OF DUE PROCESS

Defining and treating an individual or group as 'illegal' violates their right to recognition as a person and a rights holder before the law. Due process is a fundamental human rights safeguard, yet migrants are increasingly denied their full legal rights in immigration proceedings. While punitive sanctions, such as detention, are increasingly used to enforce immigration violations, these administrative proceedings lack the necessary procedural safeguards and protections.

### INACCURATE TO DESCRIBE PEOPLE ARRIVING AT BORDERS

Under international law, everyone has the right to leave a country, including their own. All those arriving at borders have innate human rights and specific human rights protection needs. Labelling all migrants trying to reach Europe through unofficial channels as 'illegal' is inaccurate and increases their exposure to prejudicial treatment.

## HARMFUL

### DEHUMANISING

Calling migrants 'illegal' denies their innate dignity and human rights. Characterising migrants' existence as illegitimate ignores their experiences as workers, women, men, children, families, and the elderly. When dehumanising terms are accepted as the norm, people are turned into targets of contempt, and even their right to life may come under threat.

### CRIMINALISING

The word 'illegal' depicts migrants as dishonest, undeserving, and criminals who are a threat to the public good. This normalises the use of punitive measures, enforcement, and procedures to punish and deter irregular migrants. It promotes the policing of migrants, the systematic use of detention, and the normalisation of handcuffs and other restraints in immigration processes.

### PREVENTS FAIR DEBATE

Criminalising irregular migrants, rather than addressing the laws and policies which create irregularity, prevents a truthful, respectful and informed debate on migration.

### THREATENS SOLIDARITY AND COSTS LIVES

Labelling the entry and stay of migrants as 'illegal' often results in the automatic criminalisation of anyone who might help them: even rescuing migrants at sea or providing them with clothing and shelter can result in prosecution. Prohibiting solidarity towards undocumented migrants risks an increase in suffering and loss of life.

### UNDERMINES SOCIAL COHESION

The use of 'illegal' encourages suspicion and mistrust of those who simply look 'foreign' or different, often on the basis of their race, ethnic origin or religion. It increases social divisions, and gives rise to racial profiling, xenophobia and hate crimes.

## AGAINST EUROPE'S VALUES

### DISCRIMINATORY

'Illegal' is a negative term. It is never applied to citizens. Used only against migrants, it is both discriminatory and offensive.

### OPPRESSIVE

'Illegal' has been used to define disadvantaged groups at different times throughout history. Quakers and Jesuits migrating to New England in the 17th century; Jewish migrants fleeing the Holocaust; people and acts in violation of the segregationist laws of South Africa (1948-1994) and the United States (1876-1965) - all have been considered 'illegal'. The term is rarely used to describe established and privileged groups.

### OUTDATED

The word 'illegal' is no longer acceptable to describe those without proper documentation and does not adhere to the values of Europe today. Prejudiced terms for women, people of colour, people with disabilities and LGBTI people were once part of everyday speech, but were challenged and their meaning questioned until fair and neutral terms became the norm. Language is constantly evolving. The battle for terminology is a battle for dignity, humanity and respect.