

UN Migrant Workers Convention

Illustrate Our Rights



A simplified Convention for every migrant, everywhere.

The text of the United Nations Migrant Workers Convention is complex and difficult to understand. A simplified Convention is presented in order to make sure that everyone can understand how the rights of migrant workers and their families are protected.

The Convention Matters! **Articles 1 & 7**

The Convention grants rights to **all migrant workers & their families**, regardless of sex, race, political belief, colour, language, religion, nationality, age, economic position or marital status. The Convention applies to all the stages of the migration process, including preparation, departure & transit to & from the migrant's State of origin.

Definitions Matter! **Articles 2 & 3**

The Convention defines a **migrant worker as a person who is to be engaged, is engaged, or has been engaged in a paid activity in a State of which s/he is not a citizen**. However, the Convention does not apply to all persons working outside of their State of origin. For example, investors, asylum-seekers, trainees & students are not protected by the Convention.

Family Matters! **Articles 4, 44 & 50**

The term "**migrant worker's family**" means a person who is married to a migrant worker, a migrant worker's children & other family members who are supported by a migrant worker. States should promote ways for **documented migrant workers** to be joined by members of their family & should protect the rights of a family to be together. States should also protect the rights of family members following divorce or the death of a **documented migrant worker**.

Documentation Matters! **Article 5**

There is a **difference between a documented & undocumented migrant**. If a migrant worker is allowed to enter, stay & work in a State by law, they are considered a **documented migrant**. If a migrant is not allowed to enter, stay or work in a State in accordance with the State's law, they are considered an **undocumented migrant**. **Documented migrants** have records proving that they are lawfully allowed to be in a State. **Undocumented migrants** do not.

Freedom of Movement Matters! **Articles 8 & 39**

All migrant workers & their families have the right to leave any State. **Documented migrant workers & their families** have the right to live & travel freely within their State of employment. These rights can only be restricted for very serious reasons.

State Definition Matters! **Article 6**

The Convention uses specific terms to define where a migrant is coming from, where the migrant is working & the countries that a migrant passes through. Here's a closer look at the terms used:

- **State of origin:** a migrant worker's home country.
- **State of employment:** where the migrant worker was, is or will be working.
- **State of transit:** the country or countries a migrant worker passes through to reach the State of employment or to return to the State of origin.

Right to Life Matters! **Article 9**

Migrant workers & their families have the right to life. Nobody has the right to end the life of a migrant worker or that of a member of their family. This also means that migrant workers & their family have the right to be protected by law if their life is at risk.

Freedom from Torture Matters! **Article 10**

Migrant workers & their families should never be tortured or subjected to inhuman or degrading treatment.

Freedom from Slavery Matters! **Article 11**

Migrant workers & their families should not be owned as property or forced to work against their will.

Freedom of Religion Matters! **Article 12**

Migrant workers & their families are free to hold their own thoughts, beliefs & religion without fear of being forced to change what they believe in. The only time this right is limited is if it interferes with the rights or protection of others. States must also respect migrant workers' freedom to provide or not provide their children with a religious & /or moral education.

Freedom of Expression Matters! **Article 13**

Migrant workers & their families have the right to their own opinions & to express these opinions themselves in any way. The only time this right is restricted is when it interferes with the rights or protection of others.

Private Life Matters! **Article 14**

Migrant workers & their families have the right to have their social, family & personal life respected. This includes such things as their reputation, personal relationships, interests, activities & private communication.

Private Property Matters! **Article 15**

Migrant workers & their families have the right to own belongings that are kept for their own use. If their property is taken by a government to be used for public good, the State must give fair compensation.

Security & Liberty Matter! **Article 16**

If a migrant worker or family member is arrested & charged, they have the right to be informed in a language they understand of the reasons for the arrest & the charges against them. They also have a right to consular or diplomatic help from their State of origin in the case of arrest, detention or trial. If a migrant worker or family member is arrested illegally they have the right to compensation.

Imprisonment & Detention Matter! **Article 17**

Even when detained, a migrant worker or their family should be treated humanely. When detained or imprisoned they should be treated the same as citizens.

Fair Trial Matters! **Article 18**

If a migrant worker or their family is charged with a criminal offence, they have the right to a fair & public trial & to legal assistance. They are also entitled to the same protections as citizens of the State. If a migrant worker or member of their family needs an interpreter, one should be provided for free.

Equality Before the Law Matters! **Article 19**

Migrant workers & their families cannot be held guilty of a criminal offence for doing something that was not, at that time, considered a crime. In giving a sentence for a criminal offence, the court should always take into account humanitarian considerations related to the status of migrant workers.

Freedom from Unlawful Imprisonment Matters! **Article 20**

Migrant workers & their families cannot be imprisoned or forced to leave the State if they are unable to fulfil a contractual obligation. The protection against being forced to leave the State does not apply to migrant workers whose work permit or permit of residence is dependent on fulfilling an obligation in a work contract.

Personal Documents Matter! **Article 21**

It is illegal to take, destroy, or attempt to destroy personal documents (e.g. passport, visa or identity card) belonging to migrant workers or their families. Public officials who are authorized by law are the only persons who can take or destroy personal documents. If this is the case, a detailed receipt must be provided. The destruction of a passport (or equivalent document) is never allowed.

Expulsion Matters! **Article 22**

Group expulsion of migrant workers & their families from a State is not allowed. Each case should be decided individually & in accordance with the law. Migrant workers must be informed of the decision in writing & in a language they can understand. Migrant workers & their families have the right to explain why they should not be required to leave a State. In the case that they are required to leave a State, migrant workers may seek entry to a State other than their State of origin & have the right to receive wages due to them.

Diplomatic Assistance Matters! **Article 23**

Migrant workers & their families have the right to receive help & advice from diplomatic agents of their State of origin or of a State representing it whenever the rights in the Convention are affected. This right to assistance is especially important in cases where migrant workers or their families are forced to leave a State.

The Right to be Recognised as a Person before the Law Matters! **Article 24**

Migrant workers & their families are holders of rights & obligations under the law.

Working Conditions Matter! **Article 25**

Migrant workers & their families deserve the same working conditions (pay, hours of work, weekly rest, holidays with pay, health, etc.) as citizens, **regardless of the migrant's status**. This must be applied to both public & private employment contracts.

Labour Unions Matter! **Article 26**

Migrant workers & their families have the right to join associations, including labour unions & to participate in their activities. These associations can protect the economic, social, cultural & other interests of migrant workers & their family. These associations can also provide aid & assistance to its members. These rights can only be restricted for the protection of national security, public order & rights of other people.

Social Security Matters! **Article 27**

When migrant workers & their families fulfil State requirements, they should receive the same level of monetary assistance when they have inadequate or no income that citizens in the same situation in the State of employment receive.

Health Matters! **Article 28**

Migrant workers & their families have the same right as citizens to receive any medical care that is required to avoid permanent harm to their life or health.

Child Identity Matters! **Article 29**

Migrant workers' children have the right to a name, to birth registration & to a nationality.



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Education Matters! Article 30

The children of migrant workers have the same right to an education as citizens. Access to public schools cannot be denied to a migrant child who is **undocumented or whose parents are undocumented**.

Cultural Identity Matters! Article 31

States must guarantee respect for how every migrant identifies with their culture including, but not limited to nationality, gender, language, ethnicity, religion & social class. States cannot stop migrants from maintaining cultural links with their State of origin.

Belongings Matter! Article 32

Migrant workers & their families have the right to move their belongings, earnings & savings when they end their stay in the State of employment.

Information Matters! Articles 33 & 37

States of origin, employment & transit should inform migrant workers & their families about the rights protected by the Convention. States must provide this information free of charge &, as far as possible, in a language the migrant understands. **Documented migrant workers & their families** have the right to be fully informed by the State of origin or the State of employment about entering, staying & working in the State of employment.

Respect Matters! Article 34

Migrant workers & their families must respect the laws of States of employment & transit. They must also respect the cultural identity, including, but not limited to nationality, gender, language, ethnicity, religion & social class of the people living in States of employment & transit.

All Migrants Matter! Article 35

The rights protected & explained from Articles 8 to 35 **do not mean that States have to allow undocumented migrant workers & their families to stay in the State**. At the same time, States should foster humane migration conditions, thus promoting fair living & working conditions for migrant workers & their families.

Documented & Undocumented Migrants Matter! Article 36

Articles 8 to 35 protect both **documented & undocumented migrant workers**. Articles 36 to 56 give additional rights to **documented migrants** only.

Workers' Rights Matter! Article 38

States should do their best to allow **documented migrant workers & their families** to temporarily leave the State without affecting their permission to stay or to work in the State of employment.

Labour Unions Matter! Article 40

Documented migrant workers & their families have the right to form associations & labour unions for the promotion & protection of their economic, social, cultural & other interests.

Political Rights Matter! Articles 41 & 42

The State of employment should help **documented migrant workers & their families** exercise their right to vote & be elected in the elections in their State of origin where the State of origin provides these rights. States of employment should facilitate participation of migrant workers & their families in decisions concerning the life & administration of local communities.

Equality & Integration Matter! Articles 43 & 45

Documented migrant workers & their families must be treated the same as citizens of the State of employment in receiving access to education, vocational training, social & health services, provided relevant requirements are met.

Unfair Taxation Matters! Article 46

Documented migrant workers & their families have the right to not have their personal property taxed when moving from the State of origin to the State of employment & when moving back to the State of origin.

Money Matters! Article 47

States must facilitate the right of **documented migrant workers** to legally transfer earnings & savings from the State of employment to any other State.

Equal Taxation Matters! Article 48

Documented migrant workers & their families must be treated the same as citizens of the State of employment in all matters concerning taxation.

Migrant Workers Matter! Article 49

The State of employment must provide **documented migrant workers** with a permit of stay of at least the same duration that they are authorized to work in the State of employment. **Documented migrant workers** who are free to choose their job must not be considered **undocumented** if they lose their job before their work permit expires.

Residence Matters! Article 51

Documented migrant workers who cannot freely choose their job must not be considered as **undocumented** & will not lose their permit of residence if they lose their job before their work permit expires. They have the right to look for another job or participate in public work schemes until their work permit expires.

Right to Choose a Job Matters! Articles 52 & 53

In general, **documented migrant workers** have the right to freely choose their job. States should consider giving permission to **family members of a documented migrant worker** to work in the State of employment before other workers seeking entry to the State.

Equality of Treatment in Employment Matters! Articles 54 & 55

Documented migrant workers who fulfil certain requirements deserve the same treatment as citizens in relation to protection against dismissal, unemployment benefits, access to alternative employment in the case of loss of work & legal remedies if employment contracts are violated.

Expulsion of Documented Migrants Matter! Article 56

Documented migrant workers & their families cannot be required to leave a State for any reason that is not defined by law. A **documented migrant worker or family member** cannot be required to leave in order to deny them employment or residence rights. In deciding whether to require a migrant worker to leave, States must take into account humanitarian considerations & the length of time the person in question has been in the State.

Different Types of Migrants Matter! Article 57

In Articles 57 to 63 the Convention identifies specific categories of migrant workers. These categories of migrant workers enjoy specific rights, in addition to the rights set out in Articles 8 to 56.

Cooperation Between States Matters! Article 64

States must work together to promote fair & humane conditions for the migration of migrant workers & their families.

Migration Standards Matter! Article 65

States must put in place services that create migration policies, exchange migration information with other States and provide information on migration to employers and migrant workers.

Recruitment of Migrant Workers Matters! Article 66

Recruitment of migrant workers must be undertaken by State bodies. Migrants can only be recruited for work by private organisations or employers subject to the legislation of the States concerned.

Help Matters! Article 67

States should cooperate to help migrants return to their State of origin when 1) they decide to return; 2) their permit of residence or employment expires; or 3) they are not permitted by law to be in the State.

Protecting Migrants Matters! Article 68

States should work together to prevent and stop migration that is against the law. The Convention requires States to impose effective penalties on persons or groups that play a role in irregular migration.

Regularisation of Migrants Matters! Article 69

When migrant workers or members of their families are living in a State as an **undocumented migrant**, States should take appropriate steps to make sure that such a situation does not continue. When considering giving an **undocumented migrant** a right to stay in the State and become a **documented migrant**, States should take into consideration how and when the migrant entered their territory, how long they have lived there, and their family situation.

Working & Living Conditions Matter! Article 70

Documented migrant workers & their families have the right to the same working and living conditions as the citizens of the State of employment.

Death Matters! Article 71

In the case of death, migrant workers & their family members have the right to have their bodies returned to their State of origin. States should provide assistance to ensure the quick settlement of issues relating to compensation for loss of life.

The Committee on Migrant Workers Matters! Articles 72 to 78

The Committee on the Protection of the Rights of All Migrant Workers & Members of Their Families monitors implementation of the Convention. It has 14 members & meets regularly to examine reports submitted by States that are party to the Convention. The Committee can only monitor & evaluate protection of migrant worker rights in those States that have signed & ratified the Convention.

