

Leveraging Regular Migration Pathways for Human Rights



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Preface

UN High Commissioner for Human Rights Volker Türk has called human rights “a path for solutions.” At a time when States and societies often struggle to balance competing imperatives around migration, rights-affirming regular migration pathways are one such solution.

Regular migration pathways – which enable people to enter and stay in a country or to regularize their migration status - are central to dignity and human rights. When such pathways are absent, inaccessible or insecure, people on the move are pushed into irregularity and exposed to unsafe journeys, exploitation and legal limbo. Societies, in turn, find it harder to foster inclusion and cohesion. And States lack a crucial tool to plan and govern mobility effectively in a way that upholds human rights and maximizes the benefits of migration.

Expanding and improving regular pathways is a human rights imperative and a governance priority.

This paper sets out how rights-affirming regular migration pathways are a path for solutions. For governments, they offer a blueprint for effective and human rights-based migration governance. For societies, a vehicle to address exclusion, improve social cohesion and build public trust in migration systems. For people on the move, access to a safe, lawful, and dignified path to their aspirations for a life in dignity.

It is intended as a tool for States, international organizations, civil society and all stakeholders committed to human rights-based migration governance. It draws on the experience and good practices of States that have employed migration pathways to strengthen their societies and safeguard the rights of people on the move. The takeaway is clear: by leveraging regular migration pathways, we can build migration systems that are safe, fair, and humane — systems that work for all.

Key messages:

1. *Regular pathways improve the governance of migration and the wellbeing of societies.*
2. *Regular pathways prevent and address vulnerabilities in migration.*
3. *Regular pathways enable States to address human rights and humanitarian needs.*
4. *Regularization gives migrants the opportunity to live in dignity and brings benefits to societies.*
5. *States can enhance options for safe and dignified migration by making regular pathways more accessible.*
6. *To be truly beneficial for individuals and societies, regular pathways should lead to secure residence status and provide access to rights and services.*
7. *The involvement of stakeholders and all sectors and levels of government strengthens regular pathways.*

The Office of the High Commissioner for Human Rights (OHCHR) calls on States and relevant stakeholders to join efforts to:

- **Scale up** regular pathways, by creating new channels for admission and stay and improving the accessibility of existing ones.
- **Diversify** regular pathways, by offering them for a variety of purposes, both before and after arrival, and **tailor** them to the specific needs, realities and vulnerabilities of people on the move.
- **Improve** regular pathways, by ensuring that they are predictable and secure, and they provide access to rights.

Introduction

Migration is part of the human experience, touching the lives of some 304 million people who live outside their country of origin ([UNDESA, 2024](#)). Around the world, people move for multiple and often intertwined reasons, including to find employment opportunities, to access rights and services such as healthcare and education, to escape persecution, to reunite with their family or to move away from the adverse impacts of climate change, conflict or violence ([GCM Objective 2, Mixed Migration Centre 2021](#)).

Migration is a fundamental part of the human journey and as old as humankind. It is a complex and multidimensional phenomenon, which requires local, national, regional and international governance. Pathways for regular migration are an essential component of any migration governance system.

In the Global Compact for Migration, the Global Compact on Refugees, the 2030 Agenda, and Pact for the Future, Member States have affirmed the need to facilitate safe and regular migration through policies that ensure the safety, dignity and human rights of all people on the move, including by enhancing and diversifying the availability and flexibility of pathways for regular migration.

This paper underscores that regular migration pathways are an essential component of human rights-based migration governance and a key tool to prevent and address situations of vulnerability across the migration journey.

It looks at regular migration pathways through a human rights lens and provides insights into the following:

- why regular migration pathways matter for human rights
- why and how we should promote more, diverse and better regular migration pathways
- what safe, regular, rights-affirming migration pathways look like around the world

It acknowledges that while some pathways for admission and stay are grounded in international law obligations, such as the right to asylum, the prohibition of refoulement, the right to family and private life and the best interests of the child, others are not required by international law and constitute a policy option that States can use in the mutual interest of individuals, communities and the relevant State itself.

What are regular migration pathways?

Regular migration pathways are legal, policy and/or administrative mechanisms that provide for regular travel, admission and/or stay in the territory of a State ([UN Network on Migration, 2021](#)). Essentially, regular migration pathways enable people to migrate regularly to a country of destination and authorize them to stay.

Such pathways can be provided at different stages of the migration process, including by:

- Obtaining admission/authorization of stay **prior to arrival** in a State
- Obtaining admission/authorization of stay **upon arrival** in a State
- Obtaining authorization of stay **from inside the country**, including when residing irregularly (regularization)

The term “regular migration pathways” is therefore used here to refer not only to those channels that allow for regular travel and admission to a country, but also to regularization, which is an umbrella term used to capture all those procedures through which someone can apply for a residence permit from inside the country, including when residing irregularly ([A/HRC/53/26](#), para. 19).

This complements asylum procedures that States put in place at the national level to implement the international protection regime.

In addition to their national asylum systems, States offer regular migration pathways of various types and for a variety of purposes, including for instance :

<i>Family</i>	○ Entry and residence arrangements allowing family members to enter and reside at the same time as the primary migrant ○ Family reunification of spouse, parent, children or other relatives after initial migration ○ Residence permits through marriage with a citizen or resident ○ Regularization based on the right to family life ○ Sponsorships where individuals or organizations support the entry and stay of family members
<i>Human rights and humanitarian needs</i>	○ Visas granting admission on humanitarian grounds, such as in the context of disasters and the adverse effects of climate change, or for people fleeing conflict ○ Visas granting admission for medical treatment, where adequate care is not available in the country of origin ○ Humanitarian visas and residency permits for relatives of victims of enforced disappearance ○ Residence permits on humanitarian grounds, based on conditions in countries of origin or specific individual circumstances ○ Residence permits for victims of gender-based violence, labour exploitation, trafficking in persons and other crimes. ○ Residence permits for persons whose return would breach international human rights law (e.g. prohibition of refoulement*, right to family and private life, best interests of the child)
<i>Labour</i>	○ Worker visas and residence permits, at different skills-levels ○ Regularization based on employment-related criteria
<i>Education</i>	○ Student visas (e.g. academic or vocational training) ○ Residence permits for the transition of international students into the national labour market
<i>(Sub-) regional economic integration</i>	○ Free Movement Agreements within (sub-)regional economic integration schemes that liberalize mobility restrictions between participating States (e.g. removing visa requirements for entry into Member States, rights to reside and work).

Complementary pathways refer to regular migration pathways with refugee-specific flexibilities that offer admission prior to arrival in a State. Complementary pathways, such as education, labour, humanitarian pathways, sponsorship, and family reunification allow

refugees to travel and to be admitted to third countries (outside their countries of origin or asylum) and provide a link to a permanent solution ([UNHCR 2022](#)).

* The prohibition of refoulement under international human rights law may overlap with obligations under international refugee law.

Human rights and regular migration pathways

Regular migration pathways are often solely seen as a demonstration of every State's sovereign prerogative to determine its national migration policy. The connections between pathways and human rights is not always fully recognized or clearly articulated. However, pathways for admission and stay are linked to human rights in at least three ways:

- Some pathways for regular migration are **derived from international human rights law obligations**. For instance, States have a responsibility to establish procedures that enable family reunification, and to assess whether the return of an individual would result in a breach of international human rights law obligations, including the principle of non-refoulement**, the right to family and private life and the best interests of the child principle.
- Pathways for regular migration contribute to **preventing human rights violations and abuses**. Regular pathways offer a safer alternative to irregular and perilous

journeys, facilitating safe and regular arrival and integration into host communities. Access to regular migration status, including through regularization, reduces the risk of being subjected to human rights violations, marginalization and exploitation.

- Pathways for regular migration contribute to **enabling access to human rights**. This requires adopting a human rights-based approach into the design, implementation and monitoring of pathways. Regular migration channels and resulting residence permits can ensure access to services and the labour market, decent work, and protection of human rights, such as the right to family life, health, education, just and favorable conditions of work, adequate standard of living, social security, and access to justice.

*** The prohibition of refoulement under international human rights law may overlap with obligations under international refugee law.*

Global Policy Frameworks: States' commitments to enhance regular pathways

In the **Global Compact for Safe, Orderly and Regular Migration (GCM)**, States committed to expand and diversify pathways for regular migration, in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability ([A/RES/73/195](#), Objective 5).

States also committed to develop accessible and expedient procedures to facilitate status transitions and to inform migrants of their rights to prevent falling into irregularity (Objective 7h). In addition, States committed to facilitate access for migrants in an irregular status to an individual assessment, based on clear and transparent criteria, that can lead to regular status, especially in cases where children, youth and families are involved,

therefore offering regularization as an option for reducing vulnerabilities, as well as for States to gain better knowledge of the resident population (Objective 7i).

Yet, as recognized in the **Progress Declaration of the First International Migration Review Forum**, the availability and flexibility of pathways for regular migration remain limited ([A/RES/76/266](#), para 24). Against this background, States further committed to strengthen efforts to enhance and diversify the availability of pathways, including by working coherently across all relevant multilateral forums, concluding labour mobility agreements, optimizing education opportunities, facilitating access to procedures for family reunification through

appropriate measures that promote the realization of the right to family life and the best interests of the child, and regularizing migrants in an irregular situation, in line with national laws (para 59).

The **Global Compact on Refugees (GCR)** emphasized the need to ensure that complementary pathways for admission to third countries are available to refugees on a more systematic, organized, sustainable and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall ([Global Compact on refugees](#), 2018, paras. 94-95; [UNHCR 2022](#)).

Building on regular pathways to enhance human rights

These global policy frameworks show a growing international consensus on the need to expand and enhance regular pathways. A human rights-based approach to pathways for regular migration can support States and

stakeholders in fulfilling these commitments in a way that leads to greater dignity and safety for people on the move as well as more inclusive and prosperous communities of destination.

KEY MESSAGE 1

Regular pathways improve the governance of migration and the wellbeing of societies.

Effective migration systems cannot be achieved without pathways for regular migration ([IOM, 2024](#)). Regular pathways allow States to shape human mobility in ways that respond to the needs of individuals, communities and States. They provide States a tool to address precarious movements compelled by adverse drivers, such as conflict, violence, persecution, climate change, crime, lack of employment and decent work opportunity, food insecurity

and inequalities, while upholding the principles of solidarity and international cooperation. Pathways for regular migration can also advance national interests and needs, for instance by helping meet labour market needs, manage demographic transition, and contribute to sustainable development ([UNDESA, 2023](#)). Predictable channels for regular entry and stay help to build public confidence in migration systems and promote positive migration narratives.

They can facilitate inclusion, contribute to building strong and cohesive communities and strengthen the rule of law ([UN Network on Migration, 2021](#)).

Pathways for regular migration are a concrete demonstration that State's sovereign

prerogative to decide who is permitted to enter and stay in its territory can be exercised in a way that simultaneously upholds human rights, the principles of solidarity and international cooperation, as well as national interests.

Selected recommendations

- ✓ Reflect progress and planned actions related to regular migration pathways, including regularization, in the voluntary reporting on GCM implementation, feeding into both GCM regional review processes and the International Migration Review Forum (IMRF), as well as reporting to the UN Human Rights Treaty Bodies, the Universal Periodic Review, and other relevant intergovernmental processes.
- ✓ Make concrete pledges committing to scale up, diversify and improve regular migration pathways, including regularization, at the IMRF, GRF and other relevant intergovernmental processes.

KEY MESSAGE 2

Regular pathways prevent and address vulnerabilities in migration.

The options currently available for regular migration are limited, but also unequally distributed, as over the past decades regular pathways for those from developing countries have diminished, while those for individuals from developed countries have grown ([McAuliffe and Oucho, 2024](#), chapter 4). Similarly, while many countries have channels to attract high-skilled workers, pathways for the regular admission and decent work of workers in lower-wage categories are often limited, despite existing labour market demands in low-wage sectors ([ILO, 2017](#); [Migration Partnership Facility, 2024](#)). Regularization options are often absent, time bound or highly discretionary ([OHCHR/DLA Piper, 2018](#); [OHCHR, 2022](#)).

Over the past decades, migration policy approaches have often prioritised the securitisation of movement and borders over the creation of regular pathways and the

protection of people on the move. Research suggests that deterrence and restrictive migration policies may lead to shifts in routes and more dangerous journeys for individuals while creating conditions of uncertainty for States and diminishing the ability to manage migration in an orderly manner. They fuel the growth of predatory industries, allow discrimination and abuse, and make the situation of already vulnerable individuals more precarious ([MMC, 2025](#); [A/HRC/54/81](#), para. 23).

Providing access to entry and residence through regular channels reduces the need to move, live and work in unsafe and precarious circumstances ([UN Network on Migration, 2021](#), para. 2). Regular pathways prevent loss of life and reduce exposure to risks and situations of vulnerability, violence and abuse that arise when travelling along perilous routes.

Access to regular status, including through regularization, lowers the risk of discrimination, exploitation and marginalization; enable people to report crimes and access to justice; supports the protection of human rights, including decent work, social protection, health, education and housing; and facilitates integration into the community ([UN Network on Migration, 2021](#), para. 2). Regularization can prevent situations of vulnerability, marginalization and socio-economic exclusion experienced by migrants in irregular situations, including

those who cannot be returned for legal or practical reasons but are left without regular status. Moreover, regularization can be considered as an option to prevent situations of vulnerability that migrants may experience in the context of undignified and unsustainable returns, such as economic hardship, mental health challenges, disruption of education, rupture of family and social networks, stigma and discrimination ([OHCHR, 2024](#)).

Selected recommendations

- ✓ Expand and improve access to family reunification to prevent family separation and reduce the risks associated with irregular journeys, including by broadening eligibility criteria and easing requirements.
- ✓ Provide for regularization when return is not legally or practically possible. Consider regularization as a tool to uphold human rights and prevent situations of vulnerability, as well as a human rights-based alternative to undignified or unsustainable returns.
- ✓ Roll out at the national and regional level the recommendations of the UN Network on Migration's [Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability](#).

KEY MESSAGE 3

Regular pathways enable States to address human rights and humanitarian needs.

Many countries offer options for regular admission and stay based on human rights and humanitarian considerations ([OHCHR/DLA Piper, 2018](#); [OHCHR, 2022](#); [IOM/Migration Policy Institute 2024](#); [PDD, 2021](#)).

Some States have established humanitarian pathways that provide for the legal and safe entry of individuals to their territory, followed by temporary or permanent residence. These include, for instance, humanitarian visas, medical treatment visas, sponsorship, visa

waivers and refugee resettlement. States have put in place these entry channels in the face of acute humanitarian needs and to encourage regular rather than irregular movement. However, these pathways are often small in scale due to caps on the number of beneficiaries or restrictive eligibility criteria. Some of their requirements may exclude people from lower socio-economic background and have a discriminatory impact, such as proof of income for medical visa or sponsorship.

Some States have also established humanitarian pathways that respond to the human rights protection needs of refugees and migrants, including humanitarian visas and humanitarian admission programmes. As a complement to asylum systems, these pathways are an expedited and safe channel that allow individuals in need of international protection or in situations of vulnerability to quickly move away from persecution, conflict and humanitarian emergencies and to have immediate access to safety, protection and human rights upon arrival ([IOM/Migration Policy Institute 2024](#); [UNHCR](#)).

Scaling up pathways that correspond to compassionate and humanitarian

imperatives provides safer alternatives to deadly journeys, enables timely access to protection for those at risk due to human rights needs or humanitarian emergencies, and supports a coordinated response to displacement and precarious migration. This is in line with the principles of international cooperation and solidarity, as well as commitments to make complementary pathways available to refugees on a more systematic basis ([Global Compact on refugees](#), 2018, paras. 94-95) and to expand and diversify pathways for regular migration in a manner that address vulnerabilities ([A/RES/73/195](#), Objective 5).

Brazil has provided [humanitarian visas](#) and residence permits to Haitians affected by the 2010 earthquake in Haiti. Starting in 2012, Haitians have been able to apply for these visas at the Port-au-Prince consulate and, starting in 2015, at the Brazilian Visa Application Centre in Port-au-Prince. Since 2015, the center has processed more than 60,000 applications, reducing the number of Haitians who turn to migrant smugglers to reach Brazil irregularly.

In 2022, **Argentina** launched the [Special Humanitarian Visa Program](#) for nationals and residents in Mexico, Central America and the Caribbean displaced by socio-natural disasters. The Program grants admission and a temporary visa based on humanitarian grounds for up to three years with possibilities to transition into a permanent resident status. The program entails coordination across different organizations including IOM, UNHCR and ICRC. It is sustained through a sponsorship program by a civil society organization through which beneficiaries get access to housing and integration support for a period of one year.

As climate change impacts worsen, **Australia and Tuvalu** have co-designed the [Falepili Mobility Pathways](#), which provides Tuvaluan citizens the choice to migrate to Australia to live, work and study as permanent residents. Visa holders will have access to Australian health, education, and key income family support, and they will have freedom to travel to and from Australia to maintain connections with family and community in Tuvalu.

Pathways based on human rights and humanitarian considerations are also made available to individuals who are already within a country ([OHCHR/DLA Piper, 2018](#); [OHCHR, 2022](#); [PICUM, 2022](#)).

Despite their importance, they are often insufficiently visible and not prioritized. In some cases, their impact is limited by overly restrictive criteria or discretionary decisions. Moreover, the growing emphasis on return as

the primary response for irregular migrants and those not qualifying for asylum may risk narrowing the space for humanitarian and human rights-based residence permits ([PICUM, 2021](#)).

Establishing and enhancing human rights-based pathways for individuals already within a country helps States comply with international human rights law obligations that limit their ability to return individuals,

including the principle of non-refoulement, the right to private and family life and the best interest of the child. Pathways for stay based on international human rights law ensure that individuals whose return is legally precluded can access a comprehensive and individualized assessment and apply for a

regular status on these grounds. In addition to this responsibility, States can also create and expand residence permits based on human rights-sensitive, humanitarian, compassionate, practical, and other considerations, including as an alternative to return.

Humanitarian and human rights –based residence permits help States to address the human rights and humanitarian needs that can arise from:

- ❖ ***situations of vulnerability that individuals face in countries of origin.*** For instance, pathways can respond to the needs of individuals compelled to move due to disasters and the adverse impacts of climate change, those who cannot access adequate medical treatment in their country, or individuals who were left behind when their family migrated abroad.

[Leave Outside the Rules \(LOTR\)](#) is a provision in the **United Kingdom** that allows individuals who do not meet standard visa requirements to remain in the country for family and private life reasons, medical reasons, modern slavery or other compelling compassionate grounds. For example, LOTR may be granted when an individual suffers from a serious medical condition that cannot be adequately treated in their country of origin and return would expose them to inhuman treatment contrary to article 3 of the European Convention on Human Rights.

In 2022, [Costa Rica](#) established a Special Temporary Category of Complementary Protection for Venezuelan, Nicaraguan and Cuban nationals whose asylum applications were pending or had been denied. Recalling its international human rights obligations, the government adopted this measure as a system of complementary protection based on humanitarian considerations and intended to enable individuals in situations of vulnerability to remain lawfully in the country and access employment.

- ❖ ***situations of vulnerability that individuals encounter during their journey and at destination.*** Pathways can facilitate access to protection and support for those who suffered trauma and violence during perilous journeys or at destination. Residence permits may be granted to individuals who survived torture, trafficking, labour exploitation, gender-based violence and other crimes. This can facilitate their access to redress, for instance by enabling survivors of trafficking and labour exploitation to exercise their right to a remedy, or by allowing survivors of torture to access rehabilitation services. Humanitarian visas and residence permits can also be provided to relatives of victims of enforced disappearance to facilitate their participation in the search and investigation and their access to information about their loved ones ([Committee on Enforced Disappearances, 2023](#), para. 46).

A person who has been victim or witness of a serious crime in the territory of **Mexico** may apply for regularization of their migration status on [humanitarian grounds](#).

In **Panama**, victims of trafficking and their dependents can be granted a temporary humanitarian residence permits, regardless of their cooperation in the investigation and prosecution of traffickers.

In **New Zealand**, the [Migrant Exploitation Protection Work Visa](#) ensures migrants who report exploitation can quickly leave exploitative situations and remain lawfully in New Zealand. Rights.

❖ **situations of vulnerability linked to personal factors**, considering, among others, age, gender, family and private life, and length of stay in a country.

According to **Italian law**, children cannot be deported, without prejudice to the right to follow their parents if they are deported. All unaccompanied children are eligible for a [residence permit](#) for minors, valid until the age of 18.

In **the Netherlands**, a person whose deportation would violate the [right to family and private life](#) (Article 8 ECHR) could qualify for a residence permit. In assessing such cases, the Dutch authorities consider several factors, including age on arrival; the duration of residence in the Netherlands compared to that in the country of origin; periods of regular residence in the Netherlands; relationship of the applicant and their family with the Netherlands, the country of origin and third countries; issues which would interfere with the exercise of family life outside the country; and medical circumstances.

In addition to creating specific pathways based on human rights and humanitarian grounds, States can also adapt skills-based pathways (e.g. labour, education) or pathways originally designed for another purpose (e.g. free movement) to facilitate

access of people whose situations raise human rights and humanitarian concern, and, in doing so, ensure access to work, education, family life and other rights ([Tamara Wood 2022](#), [UNHCR 2022](#)).

In **East Africa**, the Intergovernmental Authority on Development (IGAD) adopted the [IGAD Free Movement Protocol](#) that includes specific provisions ensuring entry and stay for people moving in the context of disasters and climate change.

Selected recommendations

- ✓ Scale up humanitarian pathways that provide for the legal and safe arrival of individuals.
- ✓ Ensure residence permits are available for those individuals whose return would be contrary to international human rights law.
- ✓ Establish or enhance residence permits based on human rights-sensitive, humanitarian, compassionate, practical, and other considerations. Ensure their flexibility but limit full discretion, including by establishing clear, transparent and human rights-sensitive criteria that ensure predictability, transparency and accountability.
- ✓ Create victim-centered residence permits for survivors of torture, trafficking, labour exploitation, gender-based violence and other crimes.
- ✓ Establish ex officio examination, so that authorities in charge of residence permit applications systematically assess whether a person who is rejected on one ground meets the grounds for another residence permit.

KEY MESSAGE 4

Regularization gives migrants the opportunity to live in dignity and brings benefits to societies.

Regularization is a procedure through which a person can apply for a residence permit from within the country, including when residing irregularly ([A/HRC/53/26, 2023](#), para. 10). Irregular migration is often linked to the adverse drivers of movements, coupled with the limited legal channels through which to migrate and labour markets demand in countries of destination ([A/HRC/53/26, 2023](#), para. 28; [ILO, 2017](#)). Although irregular border crossings tend to capture the public and policy debate, many migrants enter a country in a regular manner and only later fall into an irregular or precarious legal status, often due to administrative barriers ([A/HRC/53/26, 2023](#), para. 26-27; [Näre, L., Palumbo, L., Merikoski, P., & Marchetti, S., 2024](#), p. 10-12). Irregularity may also arise from restrictive or overly bureaucratic governance frameworks, which do not allow for easy renewal of residence permits or transitions from one regular status to another, resulting in people falling into irregularity from no fault of their own ([A/HRC/53/26, 2023](#), para. 26-28; [ILO C143, ILO, 2017](#); [Näre, L., Palumbo, L., Merikoski, P., & Marchetti, S., 2024](#), p. 21-22,).

Although often described as the preferred policy response to irregularity, return is not generally the first choice of irregular migrants, nor is it always feasible for States due to legal or practical obstacles and competing policy considerations, including the need to balance political pressure to enforce returns against labour market needs.

While return measures are part of migration governance, a more holistic approach to irregularity takes into consideration a broader range of solutions, including addressing the informal economy, improved pathways for regular admission, and regularization. Although it is often argued that regularization cannot be pursued as it would lack public support, research in the EU has for instance highlighted that EU residents prefer policies that offer irregular migrants a route to legal status—under specific conditions—over those that do not ([Gschwind, L., Ruhs, M., Ahlén, A., Palme, J., 2025](#)).

Regularization is a humane, effective and common policy response to irregularity that brings mutual benefits to migrants and the hosting society. It enables migrants to live in dignity, address and prevent the harm experienced when undocumented, and allows individuals to exercise their rights. Regularization facilitates economic and social integration. It also brings broader benefits to societies, as it reduces inequality and social exclusion, strengthens social cohesion, and promotes decent work and social protection. It can contribute to increased labour supply, tax revenues, economic dynamism, and social security contributions. It may also reduce reliance on emergency services, limit the size of the informal economy, address labour exploitation and improve the availability of data for policymaking. ([A/HRC/53/26, 2023](#), para. 41-47; [PICUM, 2023](#); [UN Network on Migration, 2021](#)).

States can design, enhance and implement:

- ❖ Temporary regularization **programmes**, which are available for a limited period of time and allow eligible individuals to apply for legal status during that window

Since the 1990s, the **Thai Government** has periodically [registered undocumented migrants](#) from Laos, Cambodia and Myanmar who are already present in Thailand. These large-scale exercises, which are legislated through Cabinet resolutions, have been held every couple of years and grant undocumented migrants permission to live and work in Thailand for up to two years.

Ecuador created an [Exceptional Temporary Residence Visa](#) for Venezuelans. When it was first launched in September 2022, only Venezuelans who entered the country with authorization before June 2022 were allowed to apply. In subsequent stages, Ecuador has expanded eligibility to Venezuelans who entered irregularly (including their non-Venezuelan family members) and to migrants of other nationalities who entered regularly.

- ❖ Permanent regularization **mechanisms**, with applications accepted on a rolling basis

States use a variety of (often overlapping) criteria for granting residence permits from inside the country (permanent regularization mechanisms), including those related to:

➤ **employment**

In **France**, migrant workers in an irregular situation may apply for an [exceptional admission to residence permit](#), either as an employee or as a temporary worker. This is a case-by-case form of regularisation, reserved for exceptional situations or linked to humanitarian considerations. It requires seven years of residence in France, as well as proof of integration into French society.

➤ **length of stay and ties with the country**

Spanish law provides for [five avenues of stay](#) for migrants who are in an irregular situation, but who have established employment, social, or family ties in Spain, or who have lost their previous residence permit. Applications for one of the five Spanish ‘arraigos’ (ties) (social, socio-labor, socio-educational, family and second-chance arraigo) are all assessed on meeting criteria which are clarified in law.

➤ **human rights and humanitarian-based considerations.**

Ten different grounds for stay can be invoked when applying for the **Greek** [residence permit for humanitarian reasons](#), namely being: a victim of human trafficking; a victim or witness to a criminal act; a victim of domestic violence; a victims of abusive working conditions; attending a legally approved ‘mental dependence treatment programme’; an adult unable to return (including on non-refoulement grounds); a child in need of protection and under the care of public institutions; a child placed in the care of a Greek or regularly residing family by a Greek or foreign court; a victim of a work accident, for the duration of the treatment; a child staying in a boarding school; and a patient with serious health problems.

Selected recommendations

- ✓ Establish or enhance permanent regularization mechanisms, to ensure there are clear and predictable ways to regularize status.
- ✓ Establish regularization mechanisms for irregular migrants who have created employment, social, family and educational ties to society.
- ✓ Promote human rights-based narratives on regularization, e.g. using [OHCHR's toolbox](#) and [PICUM's guidance](#)).

KEY MESSAGE 5

States can enhance options for safe and dignified migration by making regular pathways more accessible.

Most countries and regions around the world offer some regular migration pathways for employment, education, family reunification, human rights, humanitarian and other reasons. However, many individuals are unable to access existing channels, as these are not tailored to their needs and realities. For instance, obtaining regular migration status can be complex for low-income migrants and for those engaged in informal labour activities, including because of costs and requirements such as proof of livelihood or a formal work contract ([CELS/CAREF, 2020](#)). Enhancing pathways for regular migration involves not only the establishment of new pathways, but also the expansion of existing ones.

Pathways for regular migration should be continuously assessed to identify barriers that limit their scope, inform improvements and meet the changing needs of migrants and communities ([IOM, 2024](#)), in particular looking at:

➤ *Eligibility criteria*

Restrictive eligibility criteria and burdensome requirements limit who can benefit from regular channels. In some cases, pathways are wholly discretionary and lack clear and transparent criteria. For instance, access to

family reunification can be improved by broadening eligibility to cover a wider range of visa categories and family members, as well as by easing requirements such as minimum income thresholds. Residence permits based on victimhood should not depend on a criminal conviction of the perpetrator and should be provided unconditionally and independent of an individual's ability or willingness to assist in the investigation or prosecution of offenders. Requirements to prove residence or employment for the purpose of regularisation can be defined in a flexible and reasonable way, taking into account that migrants in irregular situations often limit their exposure to authorities for fear of deportation.

[A list of documents that constituted proof of stay or work](#) was published during the 2017-2018 regularisation initiative 'Operation Papyrus' in Geneva, **Switzerland**. Applicants were required to demonstrate both continuous residence and employment. Any documentation that related to children, such as insurance plans or school enrolment, was accepted as indirect proof of the parents' residence.

➤ Costs

Obtaining a visa or a residence permit is expensive for many. Migrants in an irregular situation often experience poverty and fees can be an insurmountable obstacle to regularization ([PICUM, 2022](#), p.41). Costs include application or renewal fees, identity photographs, translation and legalization of documents, biometric data registration, permit issuance, legal assistance, travel for interviews and submissions, and time taken off from work ([PICUM 2023](#); [CELS/CAREF, 2020](#), p. 40-41). States can enhance pathways for admission and stay by reducing their costs, e.g. by introducing fee waivers or lower fees for certain visas/residence permits or groups of people, considering the vulnerable situations they face, or cutting fees entirely ([PICUM 2023](#); [CELS/CAREF, 2020](#), p. 80).

Brazil and Argentina have mechanisms to [exempt the payment of fees](#) in all entry and residence procedures. In Argentina, this is done by means of an attestation of socio-economic status that is carried out in public offices. In Brazil, a personal affidavit or one made with the support of the Public Defender's Office is usually accepted. For residence permits for humanitarian reasons the costs are automatically exempted.

➤ Practical barriers and lack of procedural safeguards

Various practical barriers can limit access to procedures for regular admission and stay. These include lack of information in a language people understand and in formats they can access; limited access to computers, internet connectivity or digital skills; lack of legal assistance; difficulty in obtaining essential documentation such as birth certificates, identity cards, passports or diplomas; and fear of being deported if the application is rejected.

Identifying and addressing these barriers is crucial to expand pathways. Examples of supportive measures include providing clear, regularly updated and user-friendly information on visa and residence options; ensuring people can continue to submit paper applications without penalty; providing free or low-cost legal aid; and establishing firewalls to assure applicants that their data will not be used for immigration enforcement purposes.

Selected recommendations

States can enhance the accessibility of pathways by:

- ✓ Reviewing eligibility criteria and requirements, including with stakeholders such as employers' and workers' organizations, and ensuring that they are clear, transparent, right-based, predictable and tailored to the realities and situations of vulnerability of people on the move.
- ✓ Reducing, limiting or eliminating fees and additional costs.
- ✓ Monitoring existing pathways to identify and address barriers that discourage individuals from applying, in close collaboration with civil society organizations, migrant-led organizations and other relevant stakeholders.

KEY MESSAGE 6

To be truly beneficial for individuals and societies, regular pathways should lead to secure residence status and provide access to rights and services.

Although having regular status makes a difference in the lives of migrants, much also depends on the quality of the status. Restrictive migration approaches not only narrow entry channels and routes for regularisation but also contribute to the precarisation of the legal status of migrants in a regular situation. Insecure status can include, for instance, suspension of deportation, short-term temporary residence permits, restricted mobility between forms of legal status, and limited avenue to transition to permanent residence or citizenship.

The temporariness of residence permits is often associated with restrictions on a range of human rights, including the rights to family life, health, social security, work and rights in the workplace ([OHCHR, 2025](#); [OHCHR, 2022](#)). Even if in regular situation, migrants may therefore find themselves in precarious situations, unable to find mental, social, and financial stability, vulnerable to exploitation, discrimination, socio-economic marginalisation and at risk of (re)becoming irregular ([PICUM, 2023](#), p. 49-56; [OHCHR/DLA Piper, 2018](#), p. 5; [A/HRC/53/26, 2023](#), para. 46; [Näre, L., Palumbo, L., Merikoski, P., & Marchetti, S., 2024](#), p.21-23). For example, if labour migration pathways are not designed with adequate safeguards - from recruitment and placement to employment and living conditions - migrant workers may still face exploitation, abuse and human rights violations. Embedding human rights and labour standards and oversight, including through social dialogue, is essential to ensure these pathways support decent work and protect rights ([OHCHR, 2022](#)).

Colombia's Temporary Statute of Protection for Venezuelan Migrants—

launched in 2021- provided a ten-year status, work authorization, and access to health, education, and other services. An estimated 2.5 million Venezuelans had received status via this program.

Luxembourg's mechanism regularizing children who have gone to school for at least four years [automatically regularizes the child's parents and their siblings](#). This prevents mixed-status families.

In October 2021, the **Spanish** government adopted a [decree](#) to facilitate access to residence and work permits for former unaccompanied children who became adults and are younger than 23. The reform also facilitated unaccompanied children to reach adulthood with documents, preventing them from almost automatically becoming undocumented when they turn 18.

In June 2024, **Canada** announced a [new pilot program](#) that provides migrant care workers with permanent residence on arrival in Canada .

Selected recommendations

Enhance security of status and thereby maximise the positive impacts of regular migration pathways on human rights and societies by:

- ✓ designing and issuing secure residence permits of reasonable duration;
- ✓ avoiding legal limbo situations that are inherently insecure, such as the suspension of deportation without granting a regular status that ensures access to rights;
- ✓ allowing and facilitating transition to another regular migration status;
- ✓ providing avenues to longer-term permits and ensuring that all types of residence permits count towards citizenship;
- ✓ ensuring all residence permits give access to the labour market, human rights and essential services, including health, education, and social protection;
- ✓ ensuring all residence permits protect the right to family life, by extending the permit to already-residing family members and allowing family accompaniment and reunification.

KEY MESSAGE 7

The involvement of stakeholders and all sectors and levels of government strengthens regular pathways.

A structured and meaningful engagement with stakeholders outside governments, including civil society, employers' and workers' organizations, and affected individuals themselves, contributes to the effective design, implementation, monitoring and review of regular migration pathways. Civil society, societal partners and migrant and refugee-led organisations in countries of origin, transit and destination can support the design of clear eligibility criteria and reasonable requirements that meet the realities, needs and rights of people on the move, including those in situations of vulnerability. They can also contribute to the design of human-centered procedures, monitor their implementation, identify obstacles and shortcomings, and develop concrete recommendations to inform improvements ([PICUM, 2023](#); [UN Network on Migration, 2021](#)).

In 2021, the **Irish** government published draft proposals for a programme to regularise undocumented migrants in Ireland. The proposals were subject to [consultations with civil society](#) before deciding on the finer details of the scheme, including the eligibility criteria and application process. The six-months [programme](#) opened on January 31st, 2022.

In addition to the whole-of-society approach, a whole-of-government approach increases the effectiveness of pathways. The multidimensionality of migration requires responses that ensure horizontal and vertical policy coherence across all sectors and levels of government ([UN Network on Migration, 2021](#)). States can put in place a national strategy for regular migration pathways, ensuring institutional coordination across different ministries and levels of governments.

Regular migration pathways benefit from coordination with broader government actions in areas such as labour market regulation, efforts to address labor exploitation and the informal economy, social protection, humanitarian and development initiatives, climate change mitigation and adaptation and disaster risk reduction, anti-trafficking efforts, gender-based violence prevention, child protection, social cohesion and socio-economic inclusion.

Local and sub-national governments are critical partners in piloting innovative models for regular pathways, as well as facilitating access to existing ones. Owing to their proximity to migrants and local networks, they can support governments to embed pathways in local contexts ([GFMD Mayors Mechanism, 2025](#)).

The City of Amsterdam, together with five local educational institutions, took steps to [facilitate access to higher education](#) for undocumented young residents, who lose access to education once they turn 18 years of age, even if they have previously attended primary and secondary school in the **Netherlands**. Undocumented young people received assistance in applying for and obtaining a study residence permit. The municipality and the five participating educational institutions worked together with the local ombudsman and the Immigration and Naturalisation Service (IND) to examine how they can make the application process for a student residence permit easier for these young people.

Selected recommendations

- ✓ Establish institutional avenues for systematic and meaningful stakeholder participation in the design, implementation and monitoring of regular migration pathways.
- ✓ Support local and regional governments' role in piloting, implementing and advocating for regular migration pathways and implement the recommendations of the [GFMD Mayors Mechanism](#).

Conclusions and Recommendations

States in all regions have established pathways for migration, enabling individuals to enter and stay in their country in a regular way, for a variety of purposes. When designed and implemented with a human

rights-based approach, these pathways bring mutual benefits to people on the move, societies and States, and are an essential component of migration governance.

OHCHR calls on States and relevant stakeholders to join efforts to:

Scale up regular pathways, by creating new channels for admission and stay and improving the accessibility of existing ones.

Diversify regular pathways, by offering them for a variety of purposes, both before and after arrival, and **tailor** them to the specific needs, realities and vulnerabilities of people on the move.

Improve regular pathways, by ensuring that they are predictable and secure, and they provide access to rights.