
An Overview of the Model Convention

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The following overview explains how the chapters of the Model International Mobility Convention (MIMC) build on and complement each other. This overview may be consulted in conjunction with the visualization on pages 240–241 of the rights outlined in the MIMC which offers a breakdown of the different categories of persons covered by the MIMC alongside the rights and protections to which they are entitled.

The MIMC consists of 213 articles divided over eight chapters. These provisions spell out the rights held by a wide array of mobile people, ranging from visitors, students, tourists, migrant workers, investors and residents, forced migrants, refugees, family members, migrant victims of trafficking and migrants caught in countries in crisis. Some of these categories are—to a greater or lesser extent—covered by existing international legal regimes. However, the Model Convention for the first time brings these groups together under a single framework. In developing such a comprehensive legal regime for mobility, the MIMC fills a number of existing gaps in protection and rights, adds clarity around the corresponding responsibilities of States as well as migrants vis-à-vis States, and proposes comprehensive mechanisms for international cooperation and responsibility sharing to strengthen and reinforce the development of a truly global mobility regime.

The Preamble of the MIMC establishes the complementarity of the MIMC with existing international legal instruments. These include the United Nations Charter,¹ the Universal Declaration of Human Rights² as well as other core international human rights treaties, thereby explicitly signaling that the MIMC builds upon the rights and protections embodied in these documents. None of the provisions in the MIMC should be interpreted as undermining such rights, nor should any rights be regarded as negated by the MIMC should they

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1. U.N. Charter.
2. G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

not be explicitly embodied in its articles. The focus of the MIMC is with the rights and protections that are of special relevance to people on account of their moving across national borders. Accordingly, individuals enjoy these rights without prejudice to all other rights they are entitled to as persons, as embodied in the wide range of existing human rights treaties.

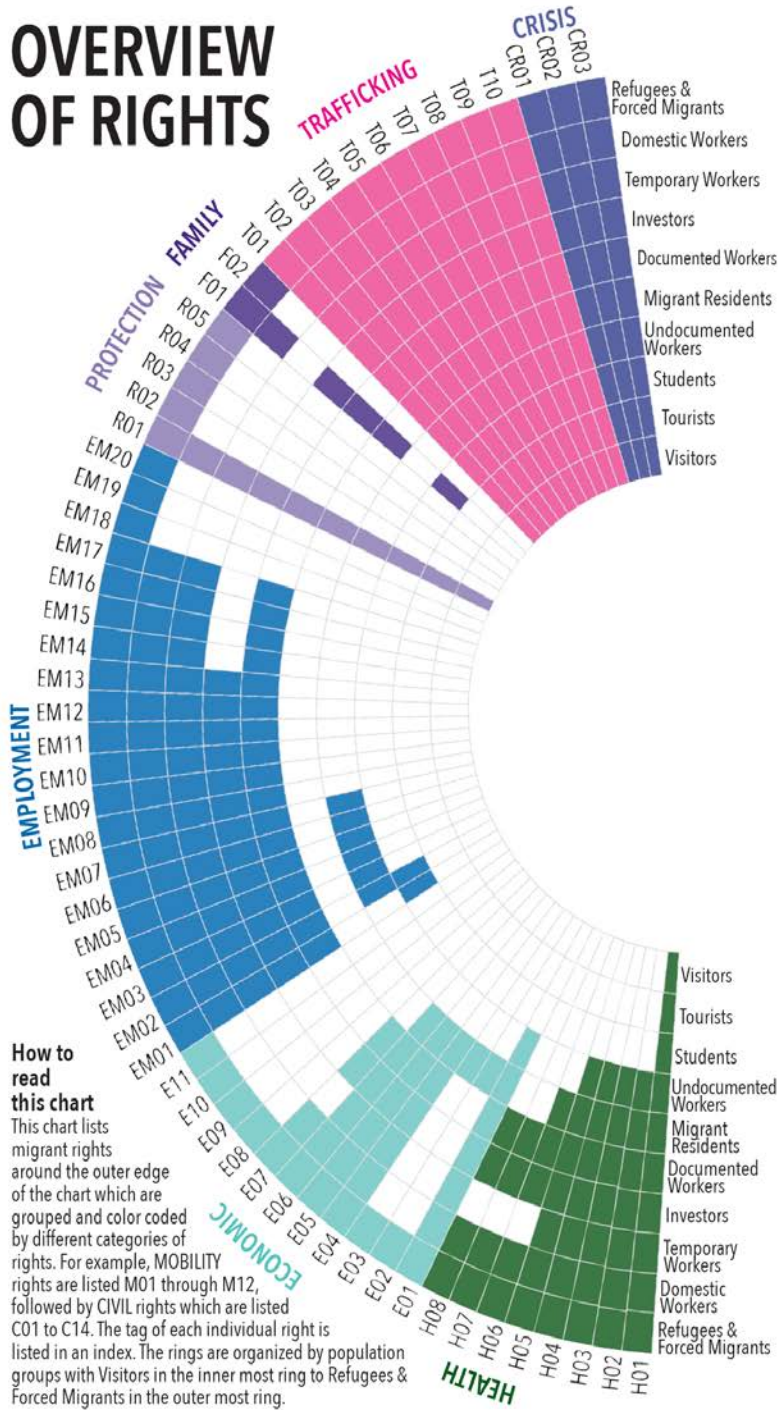
With the aim to help the reader navigate through the MIMC and the rights it contains, a visualization of the rights outlined in the MIMC along with a key can be found on pages 240–243.

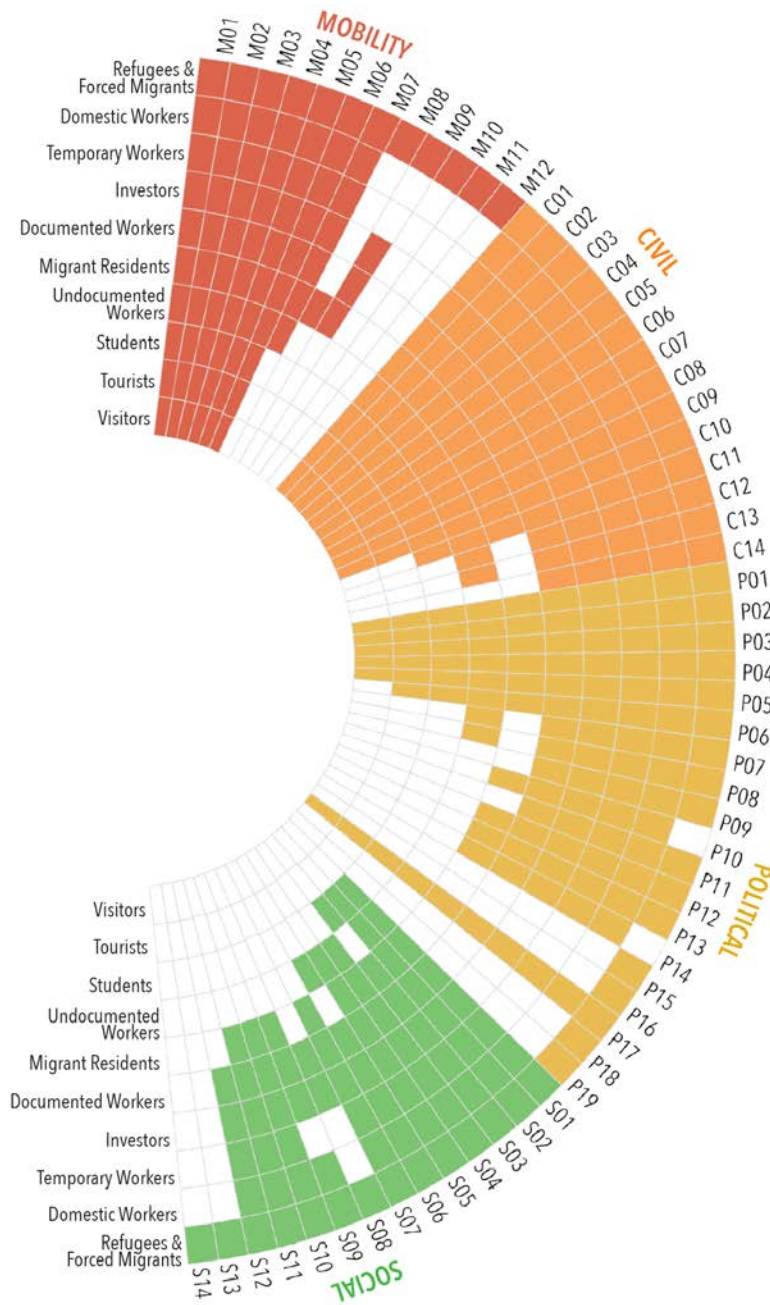
Box 1: Using the visualization to navigate the MIMC

This visualization provides an overview of the rights entitled to different groups of migrants.

- **Mobility categories** are listed on the vertical axis in order of appearance in the MIMC: visitors, tourists, students, migrant workers, residents and investors, temporary and domestic workers, refugees and forced migrants.
- **Rights** are divided by type of right and are listed horizontally in order of introduction in the MIMC; mobility, civil, political, social and cultural, health-related rights, economic, employment, protection and family reunification rights.
- Each **vertical row** represents a rights-category that has been coded at the periphery of the circle (“M01”, “S11”, “E5”). The key can be found on page xx, where the rights and corresponding articles are listed in full.
- A **colored box** along the axis of a particular mobility category (i.e. visitor, domestic worker, refugees and forced migrants) means that the group enjoys the relevant right.
- **Article numbers in the key** indicate where in the MIMC the right can be found; note that a number of rights are given multiple articulations across the MIMC.

OVERVIEW OF RIGHTS





Tag Description (article #)**MOBILITY**

- M01 Access to passports (9)
- M02 Freedom to leave any state (6)
- M03 Right at any time to enter and remain in their State of origin (6)
- M04 Right to apply for lawful entry into any country and to be considered for the award of a visa (8)
- M05 Protection against arbitrary expulsion (12)
- M06 Freedom of movement (18, 80, 100, 158)
- M07 Protection against collective expulsion (70)
- M08 Right to travel with unlimited visas to and from State of origin (72, 104)
- M09 Freedom to choose residence (80)
- M10 Right not to be denied access to air, land, or sea carriers (140)
- M11 Access to documents for international travel (160)
- M12 Right to assistance to facilitate return (177)

CIVIL

- C01 Non-discrimination (5, 55, 98, 133)
- C02 Right to life (14)
- C03 Freedom from slavery and forced labor (15)
- C04 Protection against torture, or cruel, inhuman or degrading treatment or punishment (16)
- C05 Right to privacy (17)
- C06 Protection of property (19)
- C07 Freedom of thought, conscience and religion (20, 141)
- C08 Right to hold opinions (21)
- C09 Right to liberty and security of person (25)
- C10 Right to respectful treatment during arrest, detention and imprisonment (26)
- C11 Freedom of expression (46)
- C12 Right to protection against violence and exploitation in the workplace and in workers' accommodations (63)
- C13 Prohibition against exploitative child labor (64)
- C14 Non-discrimination based on skill (98)

POLITICAL

- P01 Protection of documents (11, 75)
- P02 Right to recognition as a person before the law (24)
- P03 Children have the right to a name, to registration of birth and to a nationality (24)
- P04 Right to equality before the law (27)
- P05 Right not to be imprisoned merely on the ground of failure to fulfill a contractual or visa obligation (28)
- P06 Right to receive objective, honest and timely information (30, 41, 59, 67, 74, 79, 159)
- P07 Equality of treatment with nationals with regards to joining and participating in and seeking assistance of trade unions (61)
- P08 Right to report and seek legal remedy for harassment at work (63)
- P09 Right not to be deprived of authorization of residence or work permit or expelled merely on the ground of pregnancy (76)
- P10 Right to form political associations (81, 99, 145)

- P11 Right to form trade unions (81)
- P12 Right to be considered eligible to apply for regular permanent residence after a specified period of time (83, 155)
- P13 Right to permanent residence after a specified period of employment or residence (83)
- P14 Right to citizenship after a specified period of legal residence in the country not exceeding ten years (84)
- P15 Exemption from exceptional measures (134)
- P16 Exemption from reciprocity (136)
- P17 Children's right not to be detained solely on the basis of the migratory or residence status or of being unaccompanied or separated (137)
- P18 Right to identity papers (150)
- P19 Right to a resident permit valid for at least three years and renewable (157)

SOCIAL

- S01 Full rights of access to educational facilities on par with national students (41)
- S02 Ownership rights over intellectual work (41)
- S03 Right to maintain cultural links with State of Origin (45)
- S04 Right to decent living conditions (62)
- S05 Equality of treatment with nationals with regards to children's right to access primary education (64, 106, 172, 182)
- S06 Equality of treatment with nationals with regards to children's right to access secondary education (64, 106)
- S07 Equality of treatment with nationals with regards to access to and participation in cultural life (85)
- S08 Equality of treatment with nationals with regards to social housing schemes (85)
- S09 Equality of treatment with nationals with regards to access to educational and social services (85)
- S10 Equality of treatment with nationals with regards to protection against rent exploitation (85)
- S11 Right to social inclusion of children into local school systems (87)
- S12 Right to portable pensions (106)
- S13 Right to have rights attaching to marriage or other civil union previously acquired respected by States Parties (142)
- S14 Right to sit for qualifying exams that are relevant to their degree level (163)

HEALTH

- H01 Equality of treatment with nationals with regards to emergency medical care, including reproductive healthcare (22)
- H02 Access to non-emergency health care that supports public health (57)
- H03 Right not to undergo discriminatory medical examinations (57)
- H04 Access to sexual health care services and maternity protection (63)
- H05 Children's right to access necessary medical assistance and health care (64)

- H06 Equality of Treatment with regards to access to health services (85)
 H07 Access to long-term rehabilitation services (86)
 H08 Right to stay in the country in case of incapacity to work (86)

ECONOMIC

- E01 Right to transfer earnings and savings to State of Origin (60)
 E02 Right to rent or purchase property and sell or lease property (72)
 E03 Right to retain bank accounts in country of origin (72)
 E04 Equality of treatment with nationals with regards to access to banks and other financial institutions (85)
 E05 Right to exemption from import and export duties and taxes (88)
 E06 Equality of treatment with nationals with regards to taxes, duties and charges (89, 151)
 E07 Equality of treatment with nationals with regards to social security (90)
 E08 Equality of treatment with nationals with regards to the acquisition of movable and immovable property (143)
 E09 Equality of treatment with nationals with regards to protection of industrial and intellectual property (144)
 E10 Equality of treatment with nationals with regards to rationing and public relief (147, 148)
 E11 Equality of treatment with nationals with regards to transfer of assets (152)

EMPLOYMENT

- EM1 Right to engage in employment activities (41, 105, 174)
 EM2 Equality of treatment with nationals with regards to minimum age of employment (58)
 EM3 Equality of treatment with nationals with regards to remuneration and other conditions of work and safe and secure working environments (58)
 EM4 Right to receive understandable and enforceable employment contracts (59)
 EM5 Equality of treatment with nationals with regards to right to remedies in case of breach of employment contracts (59)
 EM6 Right to have wages paid directly to them on a regular basis and to dispose of their wages as they wish (60)
 EM7 Right to remain in the State of employment to seek a remedy for unpaid wages (60)
 EM8 Right not to be deprived of authorization of residence or work permit or expelled merely on the ground of failure to fulfill an obligation arising out of a work contract (75)
 EM9 Protection against termination of employment merely on the grounds of pregnancy (76)
 EM10 Right to lodge appeal against termination of employment (77, 101)
 EM11 Right to reinstatement or compensation for unjustified termination of employment (77)

- EM12 Right to seek alternative employment (78)
 EM13 Right to temporary absence from State of employment (79)
 EM14 Equality of treatment with nationals with regards to vocational guidance, placement services and training facilities (85, 180)
 EM15 Right not to lose authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of work permits or similar authorizations (91)
 EM16 Freedom to choose remunerated activity (94, 100)
 EM17 Equality of treatment with nationals with regards to unemployment benefits, access to public work schemes and alternative employment (95)
 EM18 Equality of treatment with nationals with regards to right to self-employment (161)
 EM19 Same treatment as foreign nationals with regards to practicing of liberal professions (163)
 EM20 Priority access to labor visas (209)

PROTECTION

- R01 Access to consular or diplomatic authorities (23)
 R02 Right to international protection (127)
 R03 Prohibition against expulsion or direct or indirect return to the frontiers of territories where there is a risk of serious harm (138)
 R04 Right to be admitted to the territory of States pending a determination of a request of international protection (140)
 R05 Equality of treatment with nationals with regards to public relief and assistance (155)

FAMILY REUNIFICATION

- F01 Right to nuclear family reunification (Ch. VII)
 F02 Right to extended family reunification (Ch. VII)

TRAFFICKING

- T01 Right to confidential legal proceedings (181)
 T02 Access to measures for physical, psychological and social recovery (181)
 T03 Access to appropriate housing (181)
 T04 Access to counseling and information (181)
 T05 Access to medical, psychological and material assistance (181)
 T06 Access to employment, educational and training opportunities (181)
 T07 Protection against detention (181)
 T08 Access to measures that offer possibility of obtaining compensation for damage suffered (181)
 T09 Right of children migrant victims of trafficking to a legal guardian to represent their interests (182)
 T10 Right to protection from victimization (191)

CRISIS

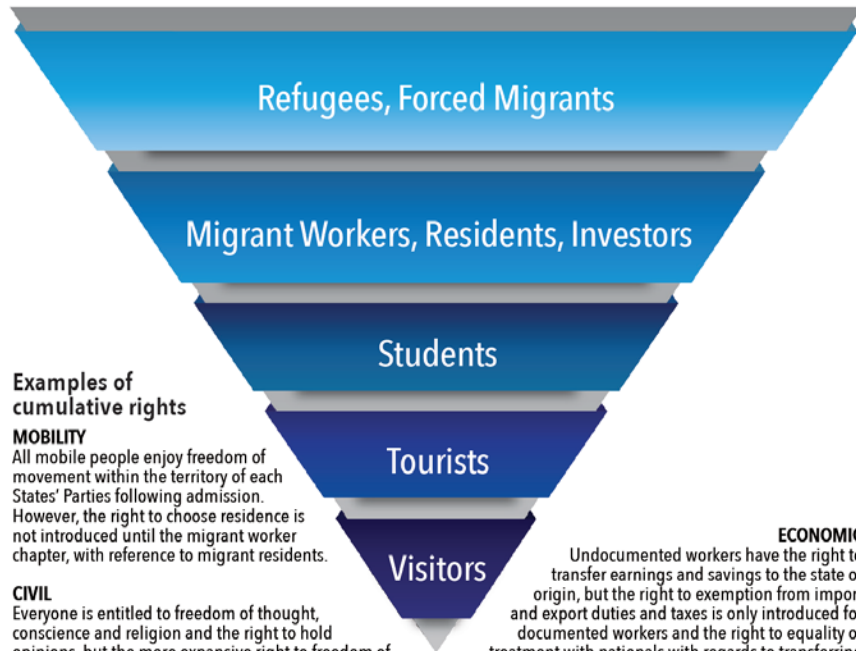
- CR1 Right to internal relocation (187)
 CR2 Access to valid identity and travel documents (188)
 CR3 Access to emergency temporary protection (190)

An essential feature of the MIMC is that it is cumulative. This means that, for the most part, the chapters build on and add to the set of rights afforded to categories of migrants covered by earlier chapters.

CUMULATION OF RIGHTS

How to read this visualization

An essential feature of the Convention is that it is cumulative. Chapters are built upon one another and add to the set of rights afforded to categories of migrants covered by earlier chapters, beginning with visitors and concluding with labor migrants (migrant workers, residents, and investors) and refugees and forced migrants.



Examples of cumulative rights

MOBILITY

All mobile people enjoy freedom of movement within the territory of each States' Parties following admission. However, the right to choose residence is not introduced until the migrant worker chapter, with reference to migrant residents.

CIVIL

Everyone is entitled to freedom of thought, conscience and religion and the right to hold opinions, but the more expansive right to freedom of expression is not introduced until the student chapter.

POLITICAL

Undocumented workers enjoy equality of treatment with regards to joining and participating in and seeking assistance of trade unions. However, only in the sections addressing documented workers is the right to form trade unions or other associations introduced.

SOCIAL

Undocumented workers enjoy the right to decent living conditions and protection from exploitation. However, it is not until the Convention turns to documented migrant workers in chapter IV that the right to equality of treatment with regards to social housing schemes is introduced. Moreover, only forced migrants and refugees enjoy the right to same treatment as foreign nationals with regards to housing.

HEALTH

All mobile people enjoy access to emergency medical healthcare, but access to non-emergency healthcare is introduced in the migrant worker chapter, and only in the section on documented migrant workers the right to equality of treatment with nationals with regards to access to healthcare is introduced.

ECONOMIC

Undocumented workers have the right to transfer earnings and savings to the state of origin, but the right to exemption from import and export duties and taxes is only introduced for documented workers and the right to equality of treatment with nationals with regards to transferring assets only applies to refugees and forced migrants.

EMPLOYMENT

All migrant workers enjoy equality of treatment with regards to remuneration and other conditions of work and safe and secure working environments, but the right to seek alternative employment can only be claimed by documented workers, while equality of treatment with regards to right to self-employment only applies to refugees and forced migrants.

PROTECTION

Everyone has the right to access consular or diplomatic authorities but only forced migrants and refugees have the right to international protection.

FAMILY REUNIFICATION

The right to family reunification of the nuclear family is introduced in the chapter on students (undocumented and temporary migrant workers are exempted) but only forced migrants and refugees enjoy the right to reunification of the extended family.

Although the various sections of the MIMC are designed to be cumulative and interlocking the various chapters, nonetheless, still focus on specific categories of mobile persons.

Following the Preamble, Chapter I on visitors articulates the minimum set of rights afforded to all mobile people, independent of their immigration status and whether they entered a State regularly or not. As chapters and new categories of migrants are subsequently introduced in the MIMC additional rights are added to this minimum base-line of rights. Thus, Chapter II specifies the rights enjoyed by tourists, which are provided in addition to those spelled out in Chapter I. Similarly, Chapter III on students builds on and adds to the rights embodied in the previous two chapters.

Chapter IV covers migrant workers, investors and residents. These provisions address the rights that can be claimed by any migrant working within the territory of any State Party, including undocumented migrants or those in an irregular situation. The chapter also outlines the additional rights that can be claimed by documented migrant workers and investors. Migrant residents have, in addition to a few specific rights related to residency, full access to the non-work related rights enjoyed by undocumented and documented migrant workers alike.

Chapter IV moreover outlines the rights of temporary migrant workers. These provisions introduce some contextual exceptions to the otherwise cumulative nature of the rest of the MIMC: temporary workers may not have access to all the rights afforded to documented migrant workers that have been admitted on a permanent basis. Article 98 lists the permissible modifications that can be placed on the rights of temporary workers. Importantly, however, the MIMC specifies clear time limits for the legitimate modification of these rights.

Chapter V subsequently covers the status of refugees and forced migrants and the specific rights they enjoy and follows the logic of building on the rights set forth in earlier chapters. The chapter presents a unified approach to refugees and forced migrants and strengthens the terms of protection as compared to the existing refugee regime. Refugees and forced migrants enjoy all the rights set forth in Chapters I through III and all the non-work related rights set forth in Chapter IV. To the extent that they engage in employment activities, they enjoy all employment related rights as well. In addition to provisions governing their general treatment by States Parties, they enjoy rights primarily related to protection and access to asylum.

The subsequent two chapters diverge from the earlier chapters of the MIMC by addressing cross-cutting issues and rights entitlements. Chapter VI addresses migrant victims of trafficking and migrants caught in countries experiencing crises. These provisions are

cross-cutting in the sense that the rights embodied therein are applicable to any migrant that should find him or herself in any or both of these two scenarios. Chapter VII is similarly issue-specific and spells out the rights relating to family reunification enjoyed by different mobility categories.

Not all articles in the MIMC are represented in the overview on pages 240–243. This is because the MIMC not only contains provisions that afford rights to migrants, and to a lesser extent States (such as the right to decide who can enter and remain in their territory); it also articulates the responsibilities of migrants vis-à-vis States and the rights and responsibilities of a number institutions that do not directly respond to a right held by migrants. Examples include the articles in Chapter II on tourists regarding the protection of the environment and those in Chapter III on students on the rights of educational institutions.

Finally, Chapter VIII introduces the Treaty Body and is dedicated to ensuring the effective implementation of the MIMC as well as providing a broader framework for facilitating global cooperation on international mobility. It includes provisions for the establishment of a Committee with the responsibility to review and monitor the application of the MIMC. This role is supported by reporting requirements for States Parties on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the MIMC and by identifying the Committee as a source of authoritative guidance on the interpretation of the MIMC. These provisions also create an institutional space for civil society, including migrants and their representative organizations, to participate fully in the independent monitoring process established by each State to promote, protect and monitor the implementation of the MIMC. The chapter moreover includes provisions relating to dispute resolution in cases when States Parties consider that another State Party is not fulfilling its obligations under the MIMC, and outlines the specific procedures and remedies that should be taken under such circumstances.

The Treaty Body chapter also proposes that the Committee establish a number of mechanisms to more comprehensively and equitably address migration flows whichever their causes might be. These mechanisms include a Mobility Visa Clearing House and a Remittance Subcommittee for facilitating international economic migration. The chapter also introduces a number of innovations for supporting and strengthening the provision of international protection, key aspects of which include a Responsibility Sharing framework, a Comprehensive Global Planning Platform and a Global Refugee Fund.

INTERNATIONAL COOPERATION MECHANISMS



Visa Mobility Clearing House

Global platform accessible by States Parties, corporations, nongovernmental organizations and individuals to facilitate the safe, orderly and regular migration of individuals (participating States are asked to allocate at least 10% of all annual labor visas to refugees and forced migrants).

Remittance Subcommittee

Tasked with issuing annual reports surveying the facility and costs of remittances of migrants to designated recipients and making recommendations for reducing costs and ensuring the reliable delivery of funds.

Responsibility Sharing

Tasked with issuing annual reports documenting the number of recognized refugees and forced migrants, their current location of asylum and the cost-per-person of the provision of asylum. During annual meeting involving all States Parties the "responsibility shares" of each State Party will be announced, as based on a responsibility sharing formula. Each State Party will pledge the number of resettlement visas for refugees and forced migrants and the amount of funding that it will provide in the coming year.

Comprehensive Global Planning Platform

Tasked with establishing working groups to propose solutions to protracted refugee situations, with the aim of facilitating return, local integration or resettlement. In order to improve the quality of global deliberation and problem solving for migrants and refugees, the Convention establishes a research function to report and assess the flow of global visitors, refugees and migrants as well as their impacts on countries of origin, transit and destination.

Global Refugee Fund

Supplements the responsibility sharing mechanism by directing funding to support the efforts of States in receiving refugees and displaced persons, resettlement programs and integration efforts, and the provision of emergency measures.