

THE WHOLE
DAMN SYSTEM
IS RACIST AS HELL

BLACK ALLIANCE FOR JUST IMMIGRATION

Impact Anti-Blackness in Global Migration:

FINDINGS AND
RECOMMENDATIONS FOR
THE PERMANENT FORUM OF
PEOPLE OF AFRICAN DESCENT
AND BEYOND

2023

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FOR JUST IMMIGRATION

Anti-Blackness in Global Migration: *Findings and Recommendations for the Permanent Forum of People of African Descent and Beyond*

Authors

Ronald Claude and Nana Gyamfi
Black Alliance for Just Immigration (BAJI)

Dr. Iman Ahmed and Paddy Siyanga Knudsen
Global Research Forum on Diaspora & Transnationalism (GRFDT)

Stella Opoku-Owusu
African Foundation for Development (AFFORD), UK

Alya Harding
African Foundation for Development (AFFORD), UK

Carla Garcia
Black Co-networks for Peace and Justice, and Organización Fraternal Negra Hondureña (OFRANEH)

Dr. Nisrin Elamin
University of Toronto

Editors

Abraham Paulos, Deputy Director (BAJI)
Nekessa Opoti, Communications Director (BAJI)
Erica Baganza, Policy Manager (BAJI)
Metzlal Ocbazghi, Research Consultant (BAJI)

Acknowledgements

A special thank you to Janvieve Williams Comrie, Executive Director of AfroResistance, Lamont Anthony Wells, Executive Director at the Network of ELCA Colleges and Universities and Christine Mangale of Lutheran Office for World Community all of whose knowledge, experience, and incredible work toward justice for Black migrants contributed to the findings and recommendations in this report.

Citation

Claude, Ronald, et al. *Session 2: Permanent Forum on People of African Descent (PFPAD)-Findings*. Nov. 2023, p. 13.

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Introduction

The [Permanent Forum on People of African Descent](#) (PFPAD) is a consultative mechanism for people of African descent and other relevant stakeholders which provides a platform for improving the safety and quality of life and livelihoods of people of African descent. It is also an advisory body to the Human Rights Council, in line with the program of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms. Civil society members, including diaspora organizations, attended the Permanent Forum's second session held in New York, from 29 May – 2 June 2023.

On Tuesday, May 30th, 2023, the [Black Alliance for Just Immigration \(BAJI\)](#), [Global Research Forum on Diaspora & Transnationalism](#), Evangelical Lutheran Church in America (ELCA), [African Foundation for Development](#) (AFFORD) co-hosted a side event at the 2nd session of the Permanent Forum on People of African Descent. The discussion was centered around current transnational anti-Black immigration policies and the mistreatment of Black migrants seeking humanitarian protections. Host countries around the world are violating migrant rights and imposing draconian, punitive, violent, and sometimes deadly policy responses. We also discussed and analyzed challenges that include criminalization of migrants; the good vs. bad immigrant trope; Black migrants' valuation defined as GDP; preclusive asylum and refugee policies; and the power of collective organizing and advocacy, through migrant and diaspora actors, to protect Black migrants.

BAJI and co-partners compiled feedback and recommendations from the side event. This report is by no means comprehensive but is designed to provide guidance and specific recommendations regarding confronting anti-Blackness in global migration discourse and national practices. These recommendations are critical for the official report back from the PFPAD to the United Nations General Assembly and for the improvement of future PFPAD sessions.

PFPAD Procedural Challenges

Lack of Adequate Support for Civil Society Participation

Although this issue was highlighted in the first session, some civil society colleagues were unable to attend the Second Session of the Permanent Forum on People of African Descent due to lack of visas or UN pass cards to enter the building. For the second session in a row, it was a challenge for Black people to acquire a visa to travel to the session and it was worse for people traveling to the United States. This challenge is experienced by both civil society members and UN experts. The United States did not follow the traditional protocol of easing visa requirements for those traveling into the country to participate in UN activities.

These particular challenges made themselves apparent during the second session at the United Nations:

- ***Acquiring badges:*** There was a logistical failure to ensure that civil society members received the badges necessary to enter UN facilities. This reflects a lack of respect towards PFPAD, its agenda, and its participants who traveled across the world and were denied the ability to participate.
- ***Excess security:*** Security measures were arbitrarily applied to Black participants. For example, participants were asked to show their badge at random, with some even being asked to show their badges each time they went to the restroom. This practice reflects the same criminalization and disparate treatment that Black people experience every day in the United States. Black people were treated as a security risk while attending a UN event where the main objective is to eradicate such systems that perpetuate these harmful biases.
- ***Language access:*** Although it was raised at the first session, the PFPAD failed to accommodate requests for expanded language access. For example, many participants requested Brazilian Portuguese, yet it was not offered until the last day of the second session. By denying language access to participants that represent the largest population of African descent outside of Africa, the PFPAD continued its practice of prioritizing colonizer languages over those spoken by the Black people it's supposed to represent.

- **Speaking program:** Another logistical failure led to inequalities in speaking time. There were no set parameters for how civil society would speak and participate during the session. Without adequate planning, participating groups and people were not given equal opportunities to share their points.
- **Event location:** The PFPAD should consider hosting the next event in a predominantly Black country. By doing so, it would open up the number of Black people that would be able to participate, making it more accessible for the people it represents. In addition, the PFPAD should make its events more inclusive for the people who made an effort to participate via zoom.

Issues of Concern

Feedback on the 2nd session of the PFPAD

The following are the issues areas that set the basis for the co-organizers to map out a panel discussion to articulate these burning concerns. The side event provided the opportunity to confirm, refine, and gather inputs on thematic issues from those that participated. The co-organizers were keen to listen to the participants on their feedback on their participation in the 2nd session of the PFPAD.

- **Root causes of migration**

Participants highlighted the need for greater acknowledgement and accountability for the push factors that force migrants to flee their home countries. Migration often stems from extractive practices that result in political conflict, war, climate crisis and economic inequalities. Foreign investments into natural resource extraction and land and water resource grabbing has left many countries with systems that place political power, opportunity, and wealth in the hands of very few. Migration policy must address inequitable access to development and violation of basic economic, social and cultural rights.

Droughts, floods and extreme heat coupled with the exploitation of land and water resources renders the African continent more challenging for indigenous communities.

- **Restrictive migration policies**

The rise of restrictive migration policies was highlighted by participants. This includes border policies that militarize immigration enforcement and leads to the arrest, detention, and deportation of migrants seeking humanitarian protections. Anti-migrant policies are spread across borders through bilateral and multilateral agreements and are enforced by border police that violate migrant rights with impunity. Host countries are entering agreements and are violating the principle of non-refoulement by deporting vulnerable migrants to countries where their lives are threatened. Migrant rights must be upheld and they should be granted permanent protections from deportation and death.

In addition, countries are entering agreements to collect and use migrants' biometric data to legitimize unlawful surveillance. The use of biometric data for surveillance violates migrants' rights to privacy and leads to the creation of discriminatory and racially biased profiling. Safeguards must be put in place to protect migrants from having their personal and location data being used by law enforcement.

- **The need to decolonize migration discourse**

Participants reinforced some of the raised concerns by pointing to serious challenges Black migrants face in various regions and country-contexts. The systemic link between migration and racial injustice involving people of African descent continues in many forms. There was a global debate on dysfunctional forms of mobility and how the lives of people of African descent have been marginalized in these contexts, devalued, and, in extreme cases, extinguished, remains largely unresolved and the impact continues to be felt. Dysfunctional forms of mobility include slavery, colonialism, and contemporary forms of irregular migration.

Citizenship is premised on an economic exchange rather than human rights principles. This creates a harmful dynamic where migrants must either be 'skilled' and provide service to the host country, otherwise they are a 'drain' or less deserving of protections. Themes of agency, dependency and responsibility in migration discourse are developed through a colonialism mindset.

- **Mismatch between social protection objectives and migration policy**

A number of panelists pointed to examples of migration policies that prioritize the protection of borders over the social protection of migrants.

United Kingdom

For example, the Illegal Migration Act proposed in the United Kingdom directly contradicts its responsibilities to provide humanitarian protections to people seeking safety abroad. If enacted, the legislation would deny sanctuary to people who are fleeing conflict, persecution, and currently have no alternative path to safely claim asylum in the UK.

Sudan

Participants also highlighted the treatment of Sudanese refugees as an example of the harm caused by misaligned migration policies. Countries have closed and are closing their borders to Sudanese nationals fleeing the current armed conflict. The Sudanese have yet to see the same standard of protections and special visa programs that were afforded to Ukrainians after conflict forced them to flee to Europe and North America. Instead, the world watched as European and US embassies in Sudan shredded or relocated the travel documents of their own citizens, essentially trapping them inside the country with no resources to escape.

For many years, Sudan welcomed one of the largest refugee populations in the world. Since the conflict began, over 5 million newly internally displaced people are now seeking protection and waiting for their hospitality to be reciprocated in their time of need. However, regional and bilateral social protection policies are failing to support Sudanese migrants in crossing borders safely. Sudan shares a border with seven different countries, many of which have either tightened their visa rules or completely barred entry to Sudanese refugees in recent weeks. On June 10th, Egypt announced that entry visas will be required for all Sudanese nationals and has slowed its visa processing to just 100 a day. The new visa requirement applies to everyone, including children, women and the elderly, no matter their circumstances caused by ongoing conflict. The United Arab Emirates also announced the cancellation of all visas issued to Sudanese citizens.

United States

The United States prides itself on being a welcoming country to immigrants. And yet it has repeatedly imposed restrictive border policies, including Title 42, the 'Remain

in Mexico' policy, and "metering", and prioritizes border security at the expense of human rights. The United States created an asylum system that intentionally makes it more difficult for Black migrants to access protections. At the US-Mexico border, migrants are required to use CBP One. It's a smartphone app created by US Customs Border Patrol to schedule asylum appointments. It has been widely reported that the app's facial recognition software fails to register darker skin tones, which reinforces the US' system that disproportionately excludes Black migrants from protection.

- Limited attention to the growing needs for humanitarian border governance

African migrants face a range of challenges in accessing the European continent, including unlawful surveillance and interception at sea. They are often deported back to countries where they face systematic abuse in detention facilities, inhumane conditions in migrant camps, and the denial of basic rights such as health and education.

While saving lives has been highlighted as a priority in the Progress Declaration of the Global Compact for Migration through Missing Migrants, the numbers of migrants losing their lives during their migratory journeys continues to rise. Their families are left with unanswered questions and devastating pain. The lack of humanitarian border governance is also evident within the Americas where an increasing number of lives are lost as migrants journey towards the United States. Despite the growing need for more resources to prevent migrant deaths, receiving countries are expanding their budgets to increase militarized border control.

- ***Third-party country agreements***

Receiving countries are cheating the asylum system and denying migrants their human right to apply for asylum in the country of their choice. By the U.S. entering into restrictive asylum agreements with Central America; and Europe similarly with North African countries; the West is evading its responsibilities to honor the rights of Black migrants seeking protections. Third-party country agreements are violations of international and often domestic asylum laws and have resulted in suffering and death. It is particularly troubling that the third-party countries

agreeing to obsessively detain Black migrants have rampant anti-Black discrimination.¹

- ***COVID-19 and its impact on Black migrants***

The COVID-19 pandemic exposed a range of inequities experienced by African migrants both in transit and even decades after becoming nationals of their new countries. A study conducted by the Organization for Economic Co-operation and Development (OECD), indicates that migrant living conditions increased their exposure to and chances of death from the virus². Second generation migrants of African origin are more vulnerable to COVID-19 infection³. One reason for this inequity is that the nature of jobs held by Black migrants put them at the forefront of those highly exposed to the virus. Many Black doctors in the United Kingdom lost their lives to the pandemic as well⁴.

COVID-19 exposure and the risk of serious illness for migrants actively fleeing conflict is incredibly high. The current conflict in Sudan is an example of how the international community failed to support migrants in gaining much needed access to healthcare. The international humanitarian aid response has been almost non-existent in the areas hardest hit by conflict, including Khartoum and various cities in Darfur and Kordofan. The healthcare and banking systems have collapsed, making it difficult for people to obtain critical healthcare and for Sudanese in the diaspora to provide their families with financial support. There seems to be a lukewarm approach to adequately support Black migrants' in crisis. This leaves room for thought on how the diaspora and migrant organizations can support host and receiving governments in providing the necessary social protections and access to care.

¹ S. Priya Morley et al., "There is a Target on Us" – The Impact of Mexico's Anti-Black Racism on African Migrants at Mexico's Southern Border (2021).

² OECD/European Union (2018), *Settling In 2018: Indicators of Immigrant Integration*, OECD Publishing, Paris/European Union, Brussels, <https://doi.org/10.1787/9789264307216-en>

³ Organization for Economic Co-operation and Development (OECD): Policy Brief, 19 October 2020. <https://www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/>

⁴ Patel K C R, Hanif W. Ethnic health inequalities in the NHS BMJ 2022; 376 :o607 doi:10.1136/bmj.o607

- ***Prison to deportation pipeline in the United States***

From its inception, the United States criminal enforcement system has demonstrably targeted Black people disproportionately. With the passing of the 1994 crime bill, the US criminal system rapidly became a funnel into the immigration detention and deportation system, and created a cruel and merciless police-to-deportation pipeline for Black migrants. Black immigrants make up only 5.4% of the undocumented population in the U.S., but make up 20.3% of immigrants facing removal on the basis of criminal conviction.

- ***Investment in public goods but at the cost of human rights***

Human rights, land grabbing, and migration are interconnected. Massive immigration and territorial dispossession are two sides of the same coin for US-bound migrants. Territorial dispossession, including the harassment and criminalization of territorial defenders, extrajudicial executions, and forced disappearances, and other tools, forces defenseless communities to leave the territories. Governments in the Americas fail to meet the basic needs of these populations and their inaction makes them a predominant factor in this cycle. Large development projects are designed and negotiated with the authorities behind the backs of the populations that are directly affected.

This reality, coupled with promises of a better life in the United States for mothers, children, and young people, results in situations like the migrant caravans. Once in the United States, these already separated communities face an unknown system that is unfriendly and very difficult to navigate. Black migrants are dehumanized and forced to navigate their survival while their immigration statuses are in limbo. This is the case for the Garifuna mothers who are forced to wear electronic shackles on their ankles, in exchange for being able to get closer to their families and carry out their migratory process in freedom.

In migratory limbo, Black migrants are not even given the hope of returning to their communities. Meanwhile, in those communities, investment and dispossession projects advance without the remaining population, mostly elderly, having the strength to defend their territorial security. It is imperative to establish a frank dialogue that addresses organized immigration from the elites, which makes territorial dispossession effective.

Recommendations

On PFPAD's Procedural Challenges:

Improve the United Nation's capacity to increase the participation of people of African descent in future PFPAD sessions

1. Loosen or eliminate visa requirements for participants of PFPAD sessions and any other sessions addressing the concerns of people of African descent
2. Provide adequate funding for PFPAD so that it can have adequate staffing and resources to support its operations
3. Increase language access to include Portuguese as well as non-colonizer languages
4. Establish well-communicated and transparent speaker protocols that allow for fuller participation by civil society
5. Host PFPAD sessions on the African continent and the Caribbean for increased input from people of African descent in majority Black countries

On Sudan:

1. *Increase efforts to end the war*

The international community must impose more pressure on the Sudanese Armed Forces (SAF) and Rapid Support Forces (RSF) to negotiate an end to the power struggle that is completely destabilizing Sudan. This may include freezing assets and pressuring third-party actors in Egypt, Libya, United Arab Emirates, and Russia to stop funding and fueling the war for their own strategic gain. We must also see Sudanese-led efforts guided by the resistance committees, independent unions and other popular democratic forces on the ground.

2. *Pressure regional allies to open their borders and allow Sudanese refugees to apply for asylum*

3. *Manage the safe evacuation Sudanese dual-citizens*

The international community should handle the evacuation of Sudanese dual-citizens using the same resources used to extract its embassy staff, NGO workers, and foreign nationals.

4. *Increase humanitarian aid within Sudan and its borders*

More humanitarian aid must be distributed to civilian volunteer networks within Sudan while providing them with international protection; a request that has repeatedly been made by civilian volunteers.

5. *Create special visa process for Sudanese refugees*

All countries, including the US, Canada and the European Union, should issue special and expedited visas to Sudanese citizens. These visas should not include administrative barriers like application fees and separate approval processes to receive work visas. The special visa should also include paths to citizenship so that the legal statuses of its recipients are not uncertain. This has been done before for Ukrainian refugees and other groups fleeing armed conflict and it can be done again. We do not need more immigration programs that put refugees in a state of perpetual limbo. Rather we need paths to citizenship for all.

On Issues of Concern:

6. *End the militarization and unlawful surveillance at borders*

Restrictive border policies do not deter migrants seeking safety abroad, but only exacerbate the dangerous conditions faced while in transit. Safeguards must also be put in place to protect migrants from having their personal and location data collected and shared by border officials and law enforcement.

7. *Adopt welcoming and humane refugee policies for migrants of African descent*

Prioritize providing refuge and asylum to migrants of African descent fleeing violence, climate change, and other calamities. Institutionalized racism is a global problem that pervades many of the policies and systems navigated by vulnerable asylum-seekers. Black migrants are barred from accessing social services and are disproportionately exposed to xenophobia, corruption, and violence because of their race.

8. *Separate immigration from the criminal legal system*

End the detention and deportation of migrants seeking humanitarian protections. The 1951 Refugee Convention specifically forbids imposing penalties on migrants, on account of their illegal entry or presence, without assessing the merits of their asylum claim. This is a direct violation of the principle of non-refoulement and the rights afforded to migrants under international law.

On advocating for the rights of Black migrants:

1. *Advance practical policy options at global and national levels*

Advance practical policy options at global and national levels to address key issues of inequity, systemic racism, and economic advancement. Within the international framework outward migration governance from the Global South needs to be enhanced.. The Global South must also lead and collectively work with the diaspora and African partners to transform economic fundamentals and create jobs and wealth.

2. *Invest in and develop sustainable infrastructure, systems, and institutions that hold up the rights of people of African descent*

Support the younger generations of people of African descent by connecting with them through their activism, building bridges of solidarity between Africa and her diaspora, and promoting the creation of opportunities for young people in the diaspora and Africa.

3. *Continue creating spaces and high-level platforms to engaging with people of African decent*

Increase accessibility and engagement through PFPAD to share knowledge of the underlying historical issues and their ongoing legacies. Specifically, engage with and provide opportunities for grassroots organizations and civil society to lead practical policy responses that are imperative to tackling inequity at the personal, institutional, national, and global levels.

9. *Extend the Decade of the People of African Descent indefinitely*

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