

UNSAFE, DISORDERLY, AND IRREGULAR MIGRATION? EXAMINING  
THE ASSUMPTIONS UNDERLYING THE UNITED NATIONS' NEW  
YORK DECLARATION

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The argument of this article is that achieving safe, orderly, and regular migration requires states to embrace their responsibilities in international human rights law, including at their borders. This can only be done effectively by disaggregating border control from migration regulation and law enforcement. The attempt to use border control to further the latter is one of the most important contributing factors to unsafe, disorderly, and irregular migration. The vast majority of people who cross international borders do so safely, orderly, and in a regular manner. Only a very small proportion of them are placed at risk. By examining the differences between the movement of the majority and the risks suffered by the very small minority, it will be possible to take effective measures to promote safe, orderly, and regular migration. The international human rights responsibilities of states when exercising their state sovereign entitlement to control their borders and the movement of persons across them includes an obligation to desist from applying measures which result in unsafe, disorderly, and irregular movement.

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The New York Declaration, adopted by the United Nations General Assembly Resolution of 19 September 2016,<sup>1</sup> is intended to contribute to safe, orderly, and regular migration around the world. This is a very important objective on which all states represented at the UN can agree. The New