



From the Classroom to the United Nations:

*Student Perspectives on the Implementation of
the Global Compact for Migration in Canada and Portugal*

Shadow Report Submitted to
the International Migration Review Forum 2026

How to cite this report:

Students of the Global Migration Governance Course, *From the Classroom to the United Nations: Student Perspectives on the Implementation of the Global Compact for Migration in Canada and Portugal* (Younous Arbaoui and Inga Broerse (eds), Vrije Universiteit Amsterdam 2026).

Vrije Universiteit Amsterdam, April 2026

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1. Introduction

The New York Declaration for Refugees and Migrants,¹ adopted by the United Nations General Assembly on 19 September 2016, initiated a process that led, in 2018, to the adoption of the Global Compact for Safe, Orderly and Regular Migration (Compact; GCM).² The Compact rests on core international human rights treaties and international labour standards.³ States committed to ‘ensure effective respect, protection and fulfilment of the human rights of all migrants, regardless of their migration status’.⁴ The Compact consists of twenty-three Objectives, each of which sets out a core commitment and a corresponding range of actions representing best practices.⁵ The GCM is based on cross-cutting guiding principles, including respect for human rights and a whole-of-society approach encouraging the participation of migrants, civil society, academia, and other stakeholders in its implementation and review.⁶ Importantly, the Compact introduces the International Migration Review Forum (IMRF), which serves as the principal intergovernmental platform for reviewing progress, sharing best practices, and identifying challenges in its implementation.⁷

The present report focuses on the implementation of the Compact in Canada and Portugal, two GCM Champion Countries,⁸ and aims to contribute to the second IMRF, to be held in May 2026.⁹ The report is not intended to be exhaustive and focuses on Objective 6 (facilitating fair

¹ UN Doc A/RES/71/1 (3 October 2016).

² UN Doc A/RES/73/195 (19 December 2018).

³ GCM, para. 2 and 15.

⁴ GCM, para. 15.

⁵ GCM, para. 16. For an analysis of all the Objectives of the Compact, see Elspeth Guild and Tuğba Başaran (eds), *The UN’s Global Compact for Safe, Orderly and Regular Migration: Analysis of the Final Draft, Objective by Objective* (Refugee Law Initiative, School of Advanced Study, University of London 2018) <https://www.cjhm.org/wp-content/uploads/2019/03/The-UN%E2%80%99s-Global-Compact-for-Safe-Orderly-and-Regular-Migration-Analysis-of-the-final-draft-Objective-by-Objective.pdf> accessed 18 April 2026.

⁶ GCM, para. 15(f) and (j).

⁷ GCM, para. 15 and 48-49.

⁸ The Champion Countries initiative is a voluntary group of Member States dedicated to advancing the effective implementation, follow-up, and review of the GCM. See United Nations Network on Migration, *Champion Countries Initiative: Information Note* (February 2024) <https://migrationnetwork.un.org/system/files/docs/Champion%20countries%20initiative%20Information%20Note%20%28updated%29%20Feb%202024.pdf> accessed 18 April 2026.

⁹ United Nations Network on Migration, ‘International Migration Review Forum 2026’ <https://migrationnetwork.un.org/international-migration-review-forum-2026> accessed 18 April 2026.

and ethical recruitment and safeguarding conditions for decent work) and Objective 13 (using immigration detention only as a measure of last resort and working towards alternatives).¹⁰

Objective 6 entails a commitment and various actions aiming to protect migrant workers from exploitation and to strengthen recruitment systems so that they operate in a fair and ethical manner.¹¹ Under this Objective, States *'commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination.'*¹²

In turn, Objective 13 establishes a core commitment and a set of actions to limit the use of detention and to promote alternatives.¹³ Under this Objective, States *'commit to ensure that any detention in the context of international migration follows due process, is non-arbitrary, based on law, necessity, proportionality and individual assessments, is carried out by authorized officials, and for the shortest possible period of time, irrespective of whether detention occurs at the moment of entry, in transit, or proceedings of return, and regardless of the type of place where the detention occurs'.* States also *'commit to prioritize non-custodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only.'*

The present report is prepared by students of the Global Migration Governance Course at Vrije Universiteit Amsterdam as part of a learning activity linking academic research and education to the IMRF.¹⁴ The initial research and drafting were carried out by students

¹⁰ See the annex below for the full text of these two Objectives.

¹¹ Jean-Baptiste Farcy and Sylvie Saroléa, 'GCM Commentary: Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work' (Refugee Law Initiative Blog, 8 October 2018) <https://rli.blogs.sas.ac.uk/2018/10/08/gcm-commentary-objective-6/> accessed 18 April 2026. See also Jean-Baptiste Farcy, 'GCM Indicators: Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work' (Refugee Law Initiative Blog, 25 February 2019) <https://rli.blogs.sas.ac.uk/2019/02/25/gcm-indicators-objective-6-facilitate-fair-and-ethical-recruitment-and-safeguard-conditions-that-ensure-decent-work/> accessed 18 April 2026.

¹² GCM, par. 22.

¹³ Justine N Stefanelli, 'GCM Indicators: Objective 13: Use immigration detention only as a measure of last resort and work towards alternatives' (Refugee Law Initiative Blog, 20 February 2019) <https://rli.blogs.sas.ac.uk/2019/02/20/gcm-indicators-objective-13-use-immigration-detention-only-as-a-measure-of-last-resort-and-work-towards-alternatives/>, accessed 18 April 2026. See also Justine N Stefanelli, 'GCM Commentary: Objective 13: Use immigration detention only as a measure of last resort and work towards alternatives' (Refugee Law Initiative Blog, 27 September 2018) <https://rli.blogs.sas.ac.uk/2018/09/27/gcm-commentary-objective-13/>, accessed 18 April 2026.

¹⁴ Vrije Universiteit Amsterdam, 'Global Migration Governance' <https://research.vu.nl/en/courses/global-migration-governance-6/> accessed 18 April 2026. As part of the course, students participated in a series of IMRF simulation exercises, including the drafting of State voluntary review reports and civil society shadow reports, simulations of negotiations, multi-stakeholder hearings and drafting of a progress declaration.

drawing on a selection of credible and relevant sources, including governments reports, publications by international organizations, civil society reports, and relevant academic literature.¹⁵ The course instructors¹⁶ acted as supervisors and editors, providing guidance, feedback, and ensuring the overall coherence of the report.

The remainder of this report is structured as follows. Section 2 examines the implementation of Objectives 6 and 13 in Canada, while section 3 provides a similar analysis for Portugal. Both sections identify key progress and challenges in relation to the commitments and actions under these objectives. Section 4 sets out the main conclusions and key recommendations.

2. Implementation of the GCM in Canada: Progress and gaps

This section examines the extent to which Canadian policy and practice align with the commitments and actions set out under Objectives 6 and 13. Overall, while Canada has developed policy frameworks on labour protection and alternatives to detention, current practice does not effectively protect migrant rights.

2.1. Objective 6: Fair and ethical recruitment and decent work

At the outset, it should be recalled that Objective 6(a) calls upon States to ratify international instruments related to labour migration. Canada has demonstrated sustained engagement with international labour standards through the ratification of numerous conventions of the International Labour Organization (ILO), including nine of the ten Fundamental Conventions, three Governance Conventions, and twenty-six Technical Conventions.¹⁷ However, Canada has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).¹⁸

With respect to Objective 6(b), inviting States to build on existing bilateral and regional platforms to share best practices in labour mobility, reference can be made to the Seasonal Agricultural Worker Program (SAWP), which is based on bilateral agreements with countries

¹⁵ When collecting and selecting sources, particular attention was paid to the authorship and date to ensure reliability and accuracy, distinguishing between state and non-state perspectives, with the analysis limited to sources published after 2022, the year of the first IMRF. At the time of writing, neither Canada nor Portugal had submitted their national voluntary review reports for the second IMRF. See United Nations Network on Migration, 'IMRF 2026 Progress Reports' <https://migrationnetwork.un.org/imrf-2026-progress-reports>, accessed 18 April 2026.

¹⁶ Younous Arbaoui and Inga Broerse, members of the Amsterdam Centre for Migration and Refugee Law, <https://vu.nl/en/about-vu/research-institutes/amsterdam-centre-for-migration-and-refugee-law>.

¹⁷ International Labour Organization, 'Canada–ILO Cooperation' (June 2023) <https://www.ilo.org/publications/canada-ilo-cooperation-june-2023> accessed 18 April 2026.

¹⁸ UN General Assembly resolution 45/158.

such as Mexico and Caribbean countries.¹⁹ However, these agreements do not effectively ensure full respect for the human and labour rights of migrant workers. In particular, the SAWP restricts participation to specific nationalities, contributing to the concentration of racialized workers in precarious sectors and reinforcing patterns of unequal treatment.²⁰

As regards Objective 6(c), encouraging States to strengthen the regulation of recruitment agencies, the Canadian recruitment policy requires employers to ensure that no recruitment fees are charged or recovered from temporary migrant workers.²¹ However, Amnesty reported that migrant workers continue to incur substantial recruitment-related debts.²²

Turning to Objective 6(d) that emphasizes the need to ensure that migrant workers are adequately informed of their rights and obligations in a language they understand, Amnesty reported that many workers were not given a copy of their contract before departure, or only received it at the airport.²³ Other workers indicated that work contracts were provided in languages they could not understand, or that they were asked to sign documents without comprehension of their content.²⁴ Amnesty also highlights that language barriers and lack of accessible information significantly affect workers' ability to understand their rights and navigate complaint systems.²⁵

In relation to Objective 6(f), recommending States to increase the capacity of labour inspectors, Amnesty's findings indicate that Canada's mechanisms for enforcing labour, health and safety standards are largely inadequate.²⁶ Canada's enforcement system is reactive, compartmentalized, inaccessible, and 'not designed to protect individuals with precarious status'.²⁷ Specifically, labour inspections are 'not fit for purpose' and have largely failed to protect workers.²⁸ Migrant workers, particularly those on tied visas, face structural

¹⁹ Amnesty International, '*Canada Has Destroyed Me*': Labour Exploitation of Migrant Workers in Canada (Amnesty International 2025) <https://www.amnesty.org/en/documents/amr20/8807/2025/en/> accessed 18 April 2026, 8, 26 (hereafter: Amnesty 2025).

²⁰ *ibid* 8, 59-62.

²¹ Employment and Social Development Canada, '*Hire a temporary worker through the Seasonal Agricultural Worker Program: Requirements*' (Government of Canada) <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/requirements.html> accessed 16 April 2026.

²² Amnesty 2025 (n 19), 49, 51 and 57.

²³ *ibid* 51.

²⁴ *ibid* 51.

²⁵ *ibid* 51-52.

²⁶ *ibid* 52.

²⁷ *ibid* 9 and 46-49.

²⁸ *ibid* 54-58.

barriers that prevent them from reporting abuses, including fear of reprisals, dismissal, and repatriation.²⁹

Also, Canadian labour policy is misaligned with Objective 6(g), especially in its limited facilitation of workers' ability to change employers. Migrant workers are granted tied visas that bind them to a single employer, who controls both their employment and migration status.³⁰ This creates a high degree of dependency and increases their vulnerability to exploitation. Workers are unable to leave their employment or change employers without risking loss of migration status.³¹ They face threats of dismissal, reprisals, and deportation if they attempt to challenge abusive working conditions.³² The tied visa system is a root cause of systemic labour exploitation, as it entrenches unequal power relations and limits workers' access to rights.³³ In this sense, the United Nations Rapporteur on Contemporary Forms of Slavery emphasised that Canada's labour migration policies are a 'breeding ground for contemporary forms of slavery' and that 'the structural precarity for temporary foreign workers would be mitigated by systematically providing workers with a pathway to permanent residence'.³⁴

Additionally, Objective 6(h) is not effectively implemented, particularly with regard to the prohibition of the confiscation or non-consensual retention of migrants' work contracts and identity documents. In some cases, employers retained workers' documents, justifying this practice as a measure to 'protect' them.³⁵ Amnesty documented a case in which both the employer and recruiter exercised extensive control over the worker's personal and financial

²⁹ *ibid* 48-49.

³⁰ *ibid* 7, 12 and 19.

³¹ *ibid* 7 and 44.

³² *ibid* 48-49.

³³ *ibid* 8, 19-20 and 47. See also United Food and Commercial Workers Canada (UFCWC), 'United Food and Commercial Workers Responds to New Senate Report on Migrant Work' (24 May 2024) https://ufcw.ca/index.php?option=com_content&view=article&id=33658:senate-report-response&catid=10407:directions-24-21&Itemid=6&lang=en accessed 16 April 2026; Canadian Labour Congress (CLC), 'Migrant workers in Canada deserve access to permanent residency and citizenship' (18 December 2024) <https://canadianlabour.ca/migrant-workers-in-canada-deserve-access-to-permanent-residency-and-citizenship/>, accessed 16 April 2026.

³⁴ United Nations Human Rights Council, *Visit to Canada: Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences* (22 July 2024) UN Doc A/HRC/57/46/Add.1 <https://documents.un.org/doc/undoc/gen/g24/120/97/pdf/g2412097.pdf> accessed 18 April 2026, [22], [38]. See also Migrant Workers Alliance for Change, 'Migrant Workers Welcome UN Slavery Rapporteur Call for Permanent Resident Status for All' (6 September 2023) <https://migrantworkersalliance.org/presstype/canada/> accessed 16 April 2026.

³⁵ Amnesty 2025 (n 19), 42-43.

autonomy, including access to her bank account.³⁶ In another case, the employer confiscated the worker's personal mobile phone to prevent evidence of abuse.³⁷

Furthermore, while Canadian law formally guarantees migrant workers' rights and labour protections equivalent to those of national workers, many foreign workers with tied visas are unable to fully exercise their rights.³⁸ This falls short of Objective 6(i) that requires States to guarantee migrant workers the same labour rights and protections as other workers. Tied visas make them dependent on their employers for fair working conditions and for the effective enjoyment of rights, including access to adequate housing, healthcare, and social security.³⁹ Documented human rights violations encompass wage theft, excessive working hours, intrusive surveillance, lack of privacy, inadequate housing conditions, racist abuse and gender-based violence.⁴⁰ Amnesty identified numerous instances of racist and xenophobic psychological abuse, alongside cases of physical assault and situations placing workers at risk.⁴¹ These abuses reflect a broader context in which migrant workers are dehumanized and discriminated against, and where racialized labour is systematically exploited, with workers treated as disposable at the will of their employers.⁴²

Notably, legal restrictions on the collective bargaining rights of agricultural workers contribute to structural vulnerability, increasing the risk of human rights abuses while impeding access to complaint mechanisms.⁴³ This practice does not comply with Objective 6(i) recommending States to ensure the freedom of peaceful assembly and association.

Finally, Amnesty's findings reveal that Canada's labour migration system does not adequately integrate gender-responsive protections in practice, particularly for women in lower-skilled sectors such as domestic work. Amnesty documented cases of severe abuse, including sexual exploitation, within recruitment and employment processes.⁴⁴ This practice is inconsistent with Objective 6(k) urging States to integrate the specific needs of women into labour frameworks and to adopt effective measures against gender-based violence.

³⁶ *ibid* 43.

³⁷ *ibid* 43.

³⁸ *ibid* 7-8.

³⁹ *ibid*

⁴⁰ *ibid* 30. See also UFCWC 2024 (n 33), CLC (n 33) and Migrant Workers Alliance for Change, 'Migrant Workers Welcome UN Slavery Rapporteur Call for Permanent Resident Status for All' (6 September 2023) <https://migrantworkersalliance.org/presstype/canada/> accessed 19 April 2026.

⁴¹ Amnesty 2025 (n 19), 40-41.

⁴² *ibid* 30.

⁴³ *ibid* 50-51.

⁴⁴ *ibid* 41-42 and 62-63.

2.2. Objective 13: Immigration detention and alternatives

The Canadian Alternatives to Detention programme (ATD) constitutes a key tool in supporting the country's commitment to using detention as a measure of last resort.⁴⁵ However, while the end of immigration detention in provincial jails was welcomed,⁴⁶ the UN Working Group on Arbitrary Detention (WGAD), Amnesty and the Global Detention Project (GDP) warn against Canada's plan to use federal prisons for the detention of individuals based solely on their migration status.⁴⁷ Moreover, detention for identification purposes is still frequently used.⁴⁸ This situation falls to meet the standards set out in Objective 13(a), particularly regarding the use of non-custodial measures.

Importantly, in 2024, the UN WGAD identified deficiencies in official oversight.⁴⁹ Decisions affecting individuals' liberty are left to the discretion of the Canada Border Services Agency (CBSA), which remains the only enforcement agency without independent oversight.⁵⁰ Moreover, there is no legal or regulatory framework that governs the conditions under which individuals may be transferred between those locations.⁵¹ Also, the UN WGAD has found that the absence of a maximum time limit for immigration detention increases the risk of arbitrariness, with migrants often detained for prolonged periods, sometimes lasting months

⁴⁵ CBSA, 'Alternatives to Detention' (3 October 2025) <https://www.cbsa-asfc.gc.ca/security-securite/atd-srd-eng.html> accessed 17 April 2026.

⁴⁶ Amnesty International Canada, 'Human Rights Win: Immigration Detention Ends in Provincial Jails across Canada' (19 September 2025) <https://amnesty.ca/features/immigration-detention-ends-in-provincial-jails-canada/> accessed 17 April 2026. (Amnesty 2025-a)

⁴⁷ OHCHR, 'Canada: Positive practices but serious concerns regarding detention of marginalized groups persist, say UN experts' (24 May 2024) <https://www.ohchr.org/en/press-releases/2024/05/canada-positive-practices-serious-concerns-regarding-detention-marginalized> accessed 17 April 2026; Global Detention Project, 'UN Agency Adds Voice to Growing Global Clamour Over Canada's Immigration Detention Practices' (29 May 2024) <https://www.globaldetentionproject.org/un-agency-adds-voice-to-growing-global-clamour-over-canadas-immigration-detention-practices> accessed 17 April 2026 (hereafter: GDP 2024). See also Amnesty International Canada, 'Transferts interprovinciaux de personnes en détention migratoire et demande renouvelée d'investissement dans des alternatives à la détention et de fin d'utilisation des prisons pour la détention migratoire' (2023) <https://amnistie.ca/sinformer/2023/canada/transferts-interprovinciaux-de-personnes-en-detention-migratoire-et-demande> accessed 17 April 2026, (hereafter: Amnesty 2023).

⁴⁸ Camille Lefebvre and Silviana Cocan, 'National Policies on Immigration Detention and the Global Compacts: A Comparative Analysis of Canada and France' (Oxford Law Blogs, 17 September 2024) <https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2024/09/national-policies-immigration-detention-and-global> accessed 17 April 2026.

⁴⁹ OHCHR 2024 (n 47).

⁵⁰ Amnesty 2023 (n 47).

⁵¹ *ibid*

or even years.⁵² This situation is at odds with Objective 13(a), (c), and (f), notably regarding effective monitoring, safeguards against arbitrariness, and time limits on detention.

Regarding detention conditions, the CBSA indicates that detention standards incorporate principles aimed at improving detainees' well-being, including reducing the institutional character of detention facilities.⁵³ The CBSA commits to enhancing detainee well-being by ensuring safe, secure and humane detention conditions, alongside improved access to medical and mental health services. This includes measures to limit the detention of individuals with mental health conditions and strengthen access to essential healthcare.⁵⁴ Nevertheless, recent research found that conditions in detention facilities are inadequate.⁵⁵ Many migrant detainees are held in jails, including high-security facilities, where they face restrictive conditions.⁵⁶ The GDP states that 'immigration detainees encounter difficulties accessing services, face restrictions on outdoor access—amounting to a mere half an hour daily.'⁵⁷ Amnesty reported that the conditions experienced by individuals in immigration detention are extremely concerning.⁵⁸ This practice is not fully in line with Objective 13(c) and (f), especially with regard to the prohibition of detention as a deterrent and safeguards for migrants' well-being.

Furthermore, under the National Immigration Detention Framework (NIDF), detention standards include the provision of translation and legal support services, and placement decisions are subject to review every two months.⁵⁹ Migrants have the right to an independent hearing to review the reasons for their detention.⁶⁰ The CBSA indicates that detention standards incorporate principles aiming to ensure access to translation and legal support services, providing space for NGOs on-site, allowing greater freedom of movement within facilities, and easing contact with family and friends through visits.⁶¹ By contrast, the GDP states that 'immigration detainees lack information about their rights and have limited

⁵² OHCHR 2024 (n 47).

⁵³ CBSA, 'National Immigration Detention Framework' (18 June 2025) <https://www.cbsa-asfc.gc.ca/security-securite/detent/nidf-cndi-eng.html> accessed 17 April 2026, (hereafter: CBSA 2025)

⁵⁴ *ibid*

⁵⁵ Lefebvre and Cocan 2024 (n 48).

⁵⁶ GDP 2024 (n 47).

⁵⁷ *ibid*

⁵⁸ Amnesty 2023 (n 47).

⁵⁹ CBSA 2025 (n 53).

⁶⁰ Immigration and Refugee Board of Canada, 'Detention review hearings' <https://www.irb-cisr.gc.ca/en/hearings-reviews/Pages/detention.aspx>, accessed 17 April 2026.

⁶¹ CBSA, 'National Immigration Detention Framework' (18 June 2025) <https://www.cbsa-asfc.gc.ca/security-securite/detent/nidf-cndi-eng.html> accessed 17 April 2026.

contact with their families.⁶² In addition, Amnesty calls for legal aid to be included among funded support services.⁶³ Taken together, current practice is inconsistent with Objective 13(d), in relation to ensuring effective access to legal assistance and information. It also does not fully align with Objective 13(e) that requires that migrants be able to effectively exercise their rights, including communication with family members.

Finally, Canadian policy incorporates several explicit safeguards for children in the context of immigration detention. The National Directive for the Detention or Housing of Minors establishes that detention must be used only as a measure of last resort, applied for the shortest possible period, and only after alternatives to detention have been considered. It further emphasizes that decisions must be guided by the best interests of the child and give due weight to family unity.⁶⁴ The NIDF similarly provides that children may be detained or housed only as a measure of last resort and that decisions regarding whether a minor may be housed with a detained parent are primarily based on the parent's request and the child's level of dependency.⁶⁵ Nevertheless, recent research indicates that children are also held in closed detention facilities, in disregard of the principle of the best interest of the child.⁶⁶ This practice deviates from Objective 13(h) that calls on States to work towards ending child detention in the context of migration.

3. Implementation of the GCM in Portugal: Progress and gaps

This section examines the extent to which Portugal's policy and practice align with the commitments and actions set out under Objective 6 and 13. Overall, while Portugal demonstrates a relatively strong and progressive legal and policy framework aligned with these Objectives, significant gaps in implementation persist, particularly affecting vulnerable groups and undermining the effective protection of migrant rights in practice.

3.1. Objective 6: Fair and ethical recruitment and decent work

Objective 6 GCM calls on states to facilitate fair and ethical recruitment and to ensure decent work for migrant workers. Portugal has adopted a number of legislative and policy measures that suggest a strong formal commitment to these principles. However, important

⁶² GDP 2024 (n 47).

⁶³ Amnesty 2023 (n 47).

⁶⁴ *ibid*

⁶⁵ CBSA 2025 (n 53).

⁶⁶ Lefebvre and Cocan 2024 (n 48).

implementation gaps and recent policy developments raise questions about the extent to which these commitments translate into effective protection in practice.

Portugal's legal and regulatory framework reflects several elements consistent with Objective 6. The country has strengthened labour protections by reinforcing anti-discrimination provisions and decent-work standards in its labour code. Migrant workers benefit from relatively flexible residence permits, which are valid for two years and renewable for three-year periods.⁶⁷ Crucially, these permits are not tied to a single employer, allowing workers to change jobs or sectors without reapplying: an important safeguard against dependency and exploitation.⁶⁸

Furthermore, Portugal has made administrative processes for obtaining and renewing permits generally accessible, reducing bureaucratic barriers to formal employment.⁶⁹ The Portuguese government has strengthened enforcement by conducting targeted labour inspections, particularly in high-risk sectors such as agriculture.⁷⁰ The Authority for Working Conditions has conducted national campaigns to combat undeclared work and has collaborated with border authorities to address labour exploitation. Information campaigns, including multilingual leaflets, aim to improve awareness of labour rights.⁷¹ Moreover, migrant workers can exercise their labour rights through established complaints mechanisms.⁷² Legislative amendments have further sought to reduce job insecurity among vulnerable groups, including migrants.⁷³

Despite this robust framework, significant challenges may undermine effective alignment with Objective 6. Portugal continues to leave irregular migrant workers particularly vulnerable to exploitation, as reported by civil society organizations. While complaint mechanisms

⁶⁷ Portal de serviços públicos da República Portuguesa, 'Migrants: Visa and permits to enter and live in Portugal' (Gov.pt) <https://www2.gov.pt/en/migrantes-viver-e-trabalhar-em-portugal/migrantes-vistos-e-autorizacoes-para-entrar-e-viver-em-portugal#:~:text=The%20temporary%20residence%20permit%20is,renewal%20of%20the%20residence%20permit.,> accessed 16 April 2026.

⁶⁸ Claudio Barreiros, 'Portugal Work Visas Without Employer Sponsorship' (*Jobbatical*, 12 February 2026) <https://www.jobbatical.com/immigration/portugal-relocate-work-without-employer-sponsorship-options>.

⁶⁹ Lilana Keith and Carmen Díaz-Bertrana, 'Labour Migration Policies Case Study Series Portugal' (*PICUM*, 2022) https://picum.org/wp-content/uploads/2023/08/Labour-migration-policies_Case-study-series_Portugal_EN.pdf, accessed 16 April 2026.

⁷⁰ International Organization for Migration (IOM), 'IRIS: Ethical Recruitment in Portugal' (*IOM Lisbon*, 2023) <https://iris.iom.int>, accessed 9 October 2025.

⁷¹ ECOSOC, 'Committee on Economic, Social and Cultural Rights, Summary record of the 8th meeting' (March 2023), <https://dcjri.ministeriopublico.pt/sites/default/files/documentos/pdf/cescr-5rel-sr1.pdf>, para. 45, accessed 16 April 2026.

⁷² Keith and Díaz-Bertrana (n 69).

⁷³ ECOSOC 2023 (n 71) para. 54.

formally exist, their effectiveness is limited by the absence of safeguards against employer retaliation.⁷⁴ In addition, the involvement of immigration authorities in labour inspections may deter migrants from reporting abuses, weakening the “firewall” principle intended to separate labour rights enforcement from immigration control.⁷⁵

Structural issues further constrain implementation. These include widespread undeclared work, complex subcontracting arrangements that obscure employer responsibility, uneven enforcement across regions, and administrative delays in regularizing migrant status.⁷⁶ Together, these factors reduce access to formal labour protections and limit the practical impact of existing policies.

Recent policy changes also raise concerns. Portugal has discontinued a mechanism that previously allowed irregular migrants to remain while applying for work permits, a decision that may increase precarity and discourage regularization. Although framed by the government as in alignment with EU regulations, this shift risks undermining access to decent work and heightening exposure to exploitation.⁷⁷

Finally, Portugal has not ratified the ICRMW. In 2023, the government explained that, like other EU Member States, it had not ratified the Convention because certain obligations fall under EU competence; that many provisions of the Convention are already implemented in domestic law; and that Portugal’s National Plan for implementing the GCM includes measures aligned with the Convention’s standards.⁷⁸ While these arguments reflect broader trends among EU Member States, non-ratification limits access to international monitoring and accountability mechanisms. Ratification could strengthen the protection framework and reinforce Portugal’s commitments under the GCM.⁷⁹

⁷⁴ Clare Fox-Ruhs and Martin Ruhs, ‘The Fundamental Rights of Irregular Migrant Workers in the EU Understanding and Reducing Protection Gaps Policy Department for Citizens’ Rights and Constitutional Affairs Directorate-General for Internal Policies PE’ (July 2022) [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/702670/IPOL_STU\(2022\)702670_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/702670/IPOL_STU(2022)702670_EN.pdf), accessed 16 April 2026.

⁷⁵ Keith and Díaz-Bertrana (n 69).

⁷⁶ European Labour Authority, *Report on Seasonal and Migrant Workers in the EU 2023* (ELA, August 2025) <https://www.ela.europa.eu/en/publications/national-cross-border-digital-tools-and-services-field-eu-social-security-coordination>, accessed 9 October 2025.

⁷⁷ Infomigrants, ‘Portugal tightens migrant labor law amid populist pressure’, <https://www.infomigrants.net/en/post/60312/portugal-tightens-migrant-labor-law-amid-populist-pressure>, accessed 16 April 2026.

⁷⁸ ECOSOC 2023 (n 71) para. 53.

⁷⁹ ECOSOC 2023 (n 71) para. 55.

3.2. Objective 13: Immigration detention and alternatives

Objective 13 GCM calls on states to use immigration detention only as a measure of last resort, ensure that it is lawful, necessary, and proportionate, and to prioritize alternatives to detention: especially for children and other vulnerable groups.

Portugal's legal framework formally reflects these principles. National legislation requires an individual assessment prior to the detention of migrants, including consideration of less restrictive alternatives such as reporting obligations or electronic monitoring.⁸⁰ In addition, the IOM Portugal, in partnership with the Portuguese Immigration and Border Service (SEF), has implemented the project "Mainstreaming Human Rights in Administrative Detention Centres."⁸¹ This initiative aims to improve detention conditions and promote the use of alternatives to detention in line with international and regional human rights standards. These measures demonstrate a clear policy commitment to aligning with Objective 13, particularly in emphasizing detention as a last resort and strengthening rights-based approaches.

Despite this formal alignment, significant challenges persist in practice. Portuguese authorities and courts rarely conduct the required individual assessments, with detention often applied as a default measure based on an assumed risk of absconding.⁸² This practice contradicts the requirement that detention be exceptional, necessary, and proportionate.

Concerns have also been raised regarding the duration and conditions of detention. In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination (CERD) recommended that Portugal ensure detention is reasonable and appropriate in length, and that conditions in reception and detention facilities meet international human rights standards. Reports indicate that these standards are not consistently met.⁸³

Particularly critical is the continuation by Portugal of detention of children, including unaccompanied minors, despite legal provisions limiting such practices to exceptional circumstances.⁸⁴ In reality, children are still placed in immigration detention facilities that

⁸⁰ Asylum Information Database, European Council on Refugees and Exiles, 'Alternatives to Detention Portugal', <https://asylumineurope.org/reports/country/portugal/detention-asylum-seekers/legal-framework-detention/alternatives-detention/>, accessed 16 April 2026.

⁸¹ IOM Portugal, 'Mainstreaming Human Rights in Detention Centers', <https://portugal.iom.int/mainstreaming-human-rights-detention-centers>, accessed 16 April 2026.

⁸² Asylum Information Database, European Council on Refugees and Exiles, 'Alternatives to Detention Portugal' (n 80).

⁸³ Committee on the Elimination of Racial Discrimination, *Concluding Observations on the combined eighteenth and nineteenth periodic reports of Portugal*, CERD/C/PRT/CO/18-19, 28 April 2023, available [here](#) par.34, c), d), and e).

⁸⁴ Global Detention Project, 'Portugal', <https://www.globaldetentionproject.org/countries/europe/portugal>, accessed 16 April 2026.

often lack adequate safeguards, including access to education, appropriate accommodation, and psychosocial support.⁸⁵ At border points and transit zones, children may be held for extended periods in overcrowded or poorly equipped facilities, sometimes separated from family members or placed in adult settings.⁸⁶ These practices raise serious concerns regarding compliance with Objective 13, which explicitly prioritizes non-custodial solutions and the best interests of the child.

4. Conclusions and recommendations

This report assessed the implementation of Objectives 6 and 13 of the GCM in Canada and Portugal. This section presents the main conclusions and key recommendations.

4.1. Canada

Canada shows formal alignment with Objective 6 through its legal and policy frameworks. However, significant gaps persist in practice. The non-ratification of the ICRMW, the use of tied work permits, and shortcomings in enforcement mechanisms increase the risk of exploitation. Despite existing safeguards, migrant workers do not fully enjoy equal labour rights, and barriers to accessing remedies remain, particularly for those in precarious situations. In light of these findings, the following recommendations are proposed:

- Ratify the ICRMW to strengthen alignment with international migrant workers' rights standards.
- Provide migrant workers with open work permits enabling them to change employers to prevent labour exploitation.
- Strengthen labour inspections and establishing effective complaint mechanisms.
- Enforce a strict prohibition on the charging of recruitment fees to migrant workers.
- Ensure timely access to work contracts in a language understood by workers.
- Enforce prohibitions on document retention and impose penalties for non-compliance by employers and recruiters.
- Ensure equal labour rights in practice, including access to collective bargaining for all migrant workers.
- Adopt gender-responsive measures, including targeted protections and reporting mechanisms for women.

⁸⁵ Asylum Information Database, European Council on Refugees and Exiles, 'Conditions in detention facilities Portugal', <https://asylumineurope.org/reports/country/portugal/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>, accessed 16 April 2026.

⁸⁶ JRS Europe, 'Issue no.7 Portugal', <https://jrseurope.org/wp-content/uploads/sites/19/2024/04/Detention-Under-the-Spotlight-Portugal-2.pdf>, accessed 16 April 2026.

In relation to Objective 13 of the GCM, Canada demonstrates a formal commitment through the development of alternatives to detention. However, significant gaps persist in practice. The continued use of detention, including in prison settings, the absence of independent oversight and time limits, and inadequate detention conditions raise serious concerns. In addition, the continued detention of children further undermines effective implementation. In light of these shortcomings, the following recommendations are proposed:

- Limit detention strictly to a measure of last resort, prioritising alternatives, including for identification purposes.
- Prohibit the use of prisons for immigration detention and ensure all detention is non-punitive in nature.
- Introduce independent oversight of immigration detention.
- Set a maximum time limit for detention to prevent arbitrariness and prolonged deprivation of liberty.
- End the detention of migrant children.

4.2. Portugal

Portugal demonstrates partial alignment with Objective 6 of the GCM, particularly at the level of legal frameworks and stated policy commitments. However, enforcement deficits, structural labour market challenges, and recent restrictive policy shifts hinder full implementation. To strengthen alignment with Objective 6, policy efforts should prioritize:

- Ratify the ICRMW to strengthen alignment with international migrant workers' rights standards.
- Enhance the effectiveness and accessibility of complaint mechanisms, including protections against retaliation.
- Ensure a clear separation between labour inspections and immigration enforcement.
- Address structural drivers of exploitation, such as subcontracting chains and undeclared work.
- Streamline administrative processes for regularization.

Bridging the gap between formal commitments and practical outcomes will be essential for ensuring that migrant workers in Portugal can fully access decent work and labour rights in line with GCM standards.

Portugal has established a legal and institutional framework broadly consistent with Objective 13 of the GCM. However, persistent discrepancies between policy and practice undermine full compliance. The routine use of detention, limited application of individual assessments, and ongoing detention of children in substandard conditions indicate that detention is not consistently applied as a last resort. To strengthen alignment with Objective 13, policy efforts should prioritize:

- Strengthen the implementation of mandatory individual assessments to ensure detention is applied as last resort.
- Expand and operationalizing alternatives to detention in practice, not only in policy.
- End the detention of children and ensure child-sensitive reception conditions in line with international standards.
- Improve oversight and conditions in detention facilities to meet human rights obligations.

Addressing these gaps is essential for Portugal to fully align its practices with its commitments under Objective 13 GCM.

Annex: Full text of Objective 6 and 13 of the GCM

Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

22. We commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination.

To realize this commitment, we will draw from the following actions:

(a) Promote signature and ratification of, accession to and implementation of relevant international instruments related to international labour migration, labour rights, decent work and forced labour;

(b) Build upon the work of existing bilateral, subregional and regional platforms that have overcome obstacles and identified best practices in labour mobility, by facilitating cross-regional dialogue to share this knowledge, and to promote full respect for the human and labour rights of migrant workers at all skills levels, including migrant domestic workers;

(c) Improve regulations on public and private recruitment agencies in order to align them with international guidelines and best practices, and prohibit recruiters and employers from charging or shifting recruitment fees or related costs to migrant workers in order to prevent debt bondage, exploitation and forced labour, including by establishing mandatory, enforceable mechanisms for effective regulation and monitoring of the recruitment industry;

(d) Establish partnerships with all relevant stakeholders, including employers, migrant workers' organizations and trade unions, to ensure that migrant workers are provided with written contracts and are made aware of the provisions therein, the regulations relating to international labour recruitment and employment in the country of destination, and their rights and obligations, as well as of how to access effective complaint and redress mechanisms, in a language they understand;

(e) Enact and implement national laws that sanction human and labour rights violations, especially in cases of forced and child labour, and cooperate with the private sector, including employers, recruiters, subcontractors and suppliers, to build partnerships that promote conditions for decent work, prevent abuse and exploitation, and ensure that the roles and responsibilities within the recruitment and employment processes are clearly outlined, thereby enhancing supply chain transparency;

(f) Strengthen the enforcement of fair and ethical recruitment and decent work norms and policies by enhancing the abilities of labour inspectors and other authorities to better monitor recruiters, employers and service providers in all sectors, ensuring that international human rights and labour law is observed to prevent all forms of exploitation, slavery, servitude and forced, compulsory or child labour;

- (g) Develop and strengthen labour migration and fair and ethical recruitment processes that allow migrants to change employers and modify the conditions or length of their stay with minimal administrative burden, while promoting greater opportunities for decent work and respect for international human rights and labour law;
- (h) Take measures that prohibit the confiscation or non-consensual retention of work contracts and travel or identity documents from migrants, in order to prevent abuse, all forms of exploitation, forced, compulsory and child labour, extortion and other situations of dependency, and to allow migrants to fully exercise their human rights;
- (i) Provide migrant workers engaged in remunerated and contractual labour with the same labour rights and protections extended to all workers in the respective sector, such as the rights to just and favourable conditions of work, to equal pay for work of equal value, to freedom of peaceful assembly and association, and to the highest attainable standard of physical and mental health, including through wage protection mechanisms, social dialogue and membership in trade unions;
- (j) Ensure that migrants working in the informal economy have safe access to effective reporting, complaint and redress mechanisms in cases of exploitation, abuse or violations of their rights in the workplace, in a manner that does not exacerbate vulnerabilities of migrants who denounce such incidents and allows them to participate in respective legal proceedings whether in the country of origin or the country of destination;
- (k) Review relevant national labour laws, employment policies and programmes to ensure that they include considerations of the specific needs and contributions of women migrant workers, especially in domestic work and lower skilled occupations, and adopt specific measures to prevent, report, address and provide effective remedy for all forms of exploitation and abuse, including sexual and gender-based violence, as a basis to promote gender-responsive labour mobility policies;
- (l) Develop and improve national policies and programmes relating to international labour mobility, including by taking into consideration relevant recommendations of the ILO General Principles and Operational Guidelines for Fair Recruitment, the United Nations Guiding Principles on Business and Human Rights²¹ and the IOM International Recruitment Integrity System (IRIS).

Objective 13: Use immigration detention only as a measure of last resort and work towards alternatives

29. We commit to ensure that any detention in the context of international migration follows due process, is non-arbitrary, is based on law, necessity, proportionality and individual assessments, is carried out by authorized officials and is for the shortest possible period of time, irrespective of whether detention occurs at the moment of entry, in transit or in proceedings of return, and regardless of the type of place where the detention occurs. We further commit to prioritize non-custodial alternatives to detention that are in line with

international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only.

To realize this commitment, we will draw from the following actions:

(a) Use existing relevant human rights mechanisms to improve independent monitoring of migrant detention, ensuring that it is a measure of last resort, that human rights violations do not occur, and that States promote, implement and expand alternatives to detention, favouring non-custodial measures and community-based care arrangements, especially in the case of families and children;

(b) Consolidate a comprehensive repository to disseminate best practices of human rights-based alternatives to detention in the context of international migration, including by facilitating regular exchanges and the development of initiatives based on successful practices among States, and between States and relevant stakeholders;

(c) Review and revise relevant legislation, policies and practices related to immigration detention to ensure that migrants are not detained arbitrarily, that decisions to detain are based on law, are proportionate, have a legitimate purpose, and are taken on an individual basis, in full compliance with due process and procedural safeguards, and that immigration detention is not promoted as a deterrent or used as a form of cruel, inhumane or degrading treatment of migrants, in accordance with international human rights law;

(d) Provide access to justice for all migrants in countries of transit and destination who are or may be subject to detention, including by facilitating access to free or affordable legal advice and assistance of a qualified and independent lawyer, as well as access to information and the right to regular review of a detention order;

(e) Ensure that all migrants in detention are informed about the reasons for their detention, in a language they understand, and facilitate the exercise of their rights, including to communicate with the respective consular or diplomatic missions without delay, legal representatives and family members, in accordance with international law and due process guarantees;

(f) Reduce the negative and potentially lasting effects of detention on migrants by guaranteeing due process and proportionality, that it is for the shortest period of time, that it safeguards physical and mental integrity, and that, at a minimum, access to food, basic health care, legal orientation and assistance, information and communication as well as adequate accommodation is granted, in accordance with international human rights law;

(g) Ensure that all governmental authorities and private actors duly charged with administering immigration detention do so in a way consistent with human rights and are trained on non-discrimination and the prevention of arbitrary arrest and detention in the context of international migration, and are held accountable for violations or abuses of human rights;

(h) Protect and respect the rights and best interests of the child at all times, regardless of migration status, by ensuring availability and accessibility of a viable range of alternatives to

detention in non-custodial contexts, favouring community based care arrangements, that ensure access to education and health care, and respect the right to family life and family unity, and by working to end the practice of child detention in the context of international migration.