

CJI/RES.131 (LXXI-O/07)

**THE LEGAL STATUS OF MIGRANT WORKERS AND
THEIR FAMILIES IN INTERNATIONAL LAW**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

BEARING IN MIND resolution CJI/RES.127 (LXX-O/07), entitled “The Legal Status of Migrant Workers and their Families in International Law” approved during the 70th regular session of the Inter-American Juridical Committee held in San Salvador, El Salvador, in March 2007;

TAKING INTO ACCOUNT that, during the 71st regular session in August 2007, Dr. Jorge Palacios Treviño presented the preliminary document CJI/doc. 266/07 “The Legal Status of Migrant Workers and their Families in International Law” in which he makes reference to the human rights to which migrant workers and their families are entitled, as a minimum, independently of immigration status, in all situation of mobility, that is, at all stages in the migratory process, from their departure to their return, with the intermediary stages of transit through third party countries, during the period of employment and their integration in the country of destination, and that when identifying these rights, the principal sources used were the Universal Declaration of Human Rights and the Third Chapter of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, approved in New York in 1990;

CONSIDERING that Dr. Ana Elizabeth Villalta Vizcarra presented the document CJI/doc. 269/09 on the contribution of the Inter-American system to the progressive development of the “The Legal Status of Migrant Workers and their Families in International Law”, based on the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families, the special report of the Inter-American Commission of Human Rights on the topic and the jurisprudence issued by the Inter-American Court of Human Rights in order to protect the human rights of the migrant workers through Advisory Opinions OC-16 (1999) and OC-18 (2003),

RESOLVES:

1. To take note with satisfaction of the reports CJI/doc.266/07, “The Legal Status of Migrant Workers and their Families in International Law”, presented by Dr. Jorge Palacios Treviño, and CJI/doc.269/09 “The Legal Status of Migrant Workers and their Families in International Law”, presented by Dr. Elizabeth Villalta Vizcarra.
2. To request the co-rapporteurs, Drs. Jorge Palacios, Ana Elizabeth Villalta and Ricardo Seitenfus to present a consolidated report before the next regular session of the Inter-American Juridical Committee, to be forwarded to the Committee Secretariat.
3. To accept the proposal of the co-rapporteurs to prepare a draft brochure or handbook that delineates the rights of migrant workers and their families, based on international law, with the objective of allowing migrants to demand compliance therewith.

This resolution was unanimously approved at the session held on August 9, 2007, in the presence of the following members: Drs. Jean-Paul Hubert, Hyacinth Evadne Lindsay, Eduardo Vio Grossi, Ricardo Seitenfus, Freddy Castillo Castellanos, Jorge Palacios Treviño, Antonio Fidel Pérez, Mauricio Herdocia Sacasa, Jaime Aparicio and Ana Elizabeth Villalta Vizcarra.

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