

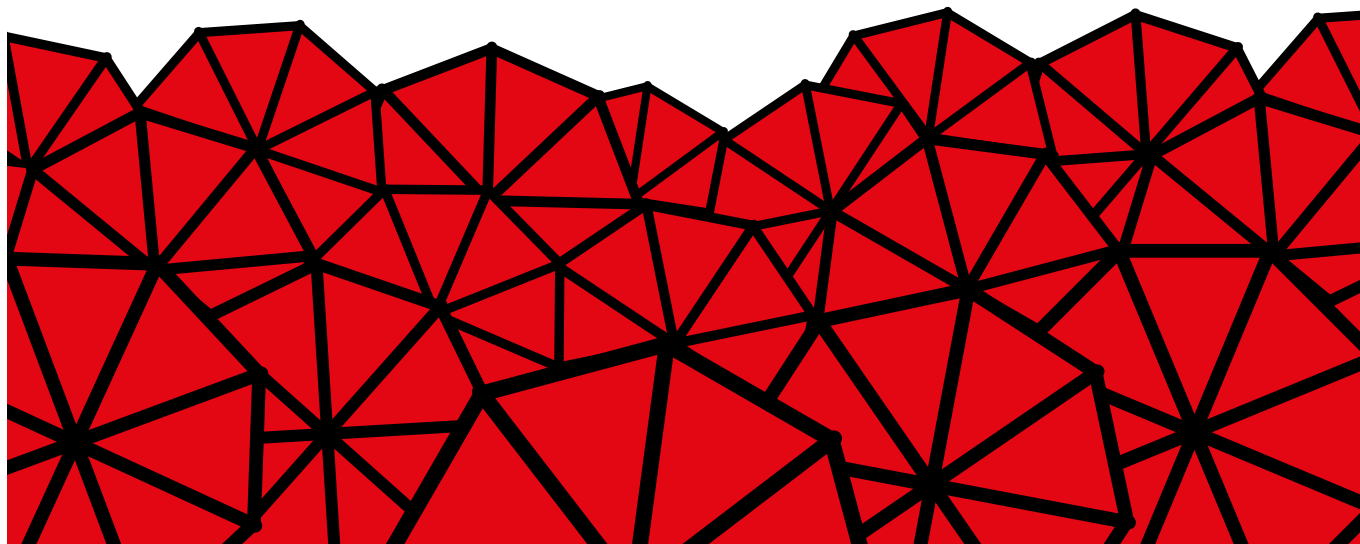


nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

POLICY BRIEF

Sex Workers and Travel Restrictions



Sex Workers and Travel Restrictions

“Every border crossing is somewhat dangerous ... Travelling to countries where sex work is illegal, even for vacation, is risky. It does not matter if one goes for work or for personal reasons.”

BERUFSVERBAND EROTISCHE UND SEXUELLE DIENSTLEISTUNGEN E. V., GERMANY

Introduction

Sex workers’ right to move and migrate is often impeded. They are subject to arbitrary questioning and decision-making by officials. They are often refused entry at borders, as border control officers assume they will violate visa conditions by engaging in sex work or that they are victims of human trafficking. Visa decisions are made with extreme bias against sex workers. Immigration control also impacts sex workers after they enter a country: transgender sex workers, sex workers of colour, and sex workers from the Global South are subjected to surveillance and

Travel restrictions stop sex workers from being involved in intergovernmental and international processes and impede sex workers’ meaningful involvement in policy discussions directly that directly affect their health and well-being.

discriminatory immigration checks, and they may be threatened with deportation even once they have crossed the border.¹ If a visa is refused or revoked even once, it can make it difficult for sex workers to travel internationally in the future. Some sex workers avoid travel because they are afraid of being denied entry, deported or of being identified as a sex worker.

Measures that restrict sex workers’ movement and so-called ‘anti-trafficking’ measures are connected. Sex work and trafficking are often conflated in law, policy and practice, including

in border control and policing. Most of the discussion on trafficking in international policy spaces has ignored the impact of anti-trafficking laws and policies on sex workers’ mobility.

Barriers to sex workers’ mobility make it harder for them to engage with politics and civil issues and impede their right to associate and organise. Sex workers around the world organise collectively to advocate for their human, health, and labour rights. As a key population, sex workers are also actively engaged in international advocacy for rights-based approaches to HIV prevention and treatment. Travel restrictions stop sex workers from being involved in intergovernmental and international processes and impede sex workers’ meaningful involvement in policy discussions directly that directly affect their health and well-being.

¹ Nora Butler Burke, “Double Punishment: Immigration Penalty and Migrant Trans Women Who Sell Sex” in Red Light Labour, ed. Elya M. Durisin et al. (Vancouver: UBC Press, 2018).

International Policy Framework

The right to move and migrate is protected under several international human rights instruments. Article 13 of the Universal Declaration of Human Rights (UDHR)², ratified by all UN member states, includes the right to freedom of movement and a person's right to leave and return to their home country. Additionally, the Declaration on the

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Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms³ reaffirms the importance of all human rights and fundamental freedoms including – as noted in Article 1 and 5 – the right to meet and assemble, and to communicate with and participate in non-governmental and intergovernmental organisations and groups at the national and international level. Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women⁴ (CEDAW)

prohibits restrictions and exclusions made based on sex that impede equality of human rights and fundamental freedoms, including the right to move and migrate. Further, CEDAW's General Recommendation 26 on women migrant workers calls for states to "repeal outright bans and discriminatory restrictions on women's immigration."⁵

Entry Denied: Barriers to Sex Workers' Movement and Migration – an overview

The ways in which sex workers can travel and work legally are becoming increasingly restricted as countries attempt to bring their laws into line with international policy that conflates sex work with trafficking. In countries where sex work is decriminalised or regulated (e.g. New Zealand, Germany, the Netherlands), often only permanent residents can obtain work permits for sex work. For temporary migrants, administrative procedures make obtaining a permit extremely difficult. In other countries open work visas have been changed to prohibit visa-holders from engaging in sex work.⁶ Where sex work-related visa categories (e.g. entertainment) still exist, they are subject to high levels of scrutiny.⁷ Even where sex workers are not explicitly prohibited from entering a country, the assumption that they will engage in sex work often prevents them from obtaining tourist, student, foreign worker or other categories of visas for which they may be eligible.

Being a sex worker creates barriers to accessing a passport or residence permit.

"...In Congo we cannot officially claim the profession of sex work; [if we show we are sex workers it will be] prison, rejection, or expulsion. And so, if someone asks for a visa or a passport in Congo and that the person [stated] sex work as a profession, the application and visa and passport has always been rejected."

FERAPAD, DEMOCRATIC REPUBLIC OF CONGO (DRC)

2 UN General Assembly, 1948, [Universal Declaration of Human Rights](#).

3 UN General Assembly, 1999, [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms](#).

4 UN General Assembly, 1979, [Convention on the Elimination of All Forms of Discrimination Against Women](#).

5 Committee on the Elimination of Discrimination Against Women, 2008, [General recommendations No. 26 on women migrant workers](#).

6 "Temporary Foreign Worker Program and International Mobility Program: Protecting Workers from Abuse and Exploitation," Government of Canada.

7 "Sex Trade Thrives in Cyprus Despite Visa Reforms," EUBusiness.

“Sex work is legal in Germany, though sex work is occasionally still seen as an ‘unwanted’ job. So, for sex workers it is way harder to get (permanent) resident status for people from outside Schengen area or the E.U.”

BERUFSVERBAND EROTISCHE UND SEXUELLE DIENSTLEISTUNGEN E. V., GERMANY

Being a sex worker or being suspected of being a sex worker is often enough to be denied a visa or entry at a border crossing. For example, in Singapore, migrant sex workers are prohibited from entry;⁸ and, until recently in Thailand, the passports of foreign sex workers arrested during brothel raids were stamped with a message saying they were arrested for prostitution.⁹

“[S]ex workers are refused visas and entry into Australia when their plans to sex work or previous sex work history is discovered by immigration officials in their country of origin and/or Australia. Over the last decade Scarlet Alliance have done extensive advocacy with Embassies abroad in partnership with local sex worker organisations...In the absence of a criminal record, this should not be grounds for visa refusal; however reports were received that this was repeatedly occurring. This was creating a situation where sex workers felt the only way to get a visa was through the use of often very costly third parties....”

SCARLET ALLIANCE, AUSTRALIA

Some countries, including the USA and Japan, explicitly prohibit the entry of sex workers. In the USA those who have a history of drug use or sex work in the past ten years are ineligible for visas. They must be

granted a waiver before entry into the country. Obtaining a ‘waiver of inadmissibility’ is a long, difficult and costly process (\$930USD, or \$585 for individuals in Canada or Mexico). It involves a complicated application and can take up to a year.¹⁰ Even with a waiver, travellers can still be questioned upon arrival and denied entry.

Some countries, including the USA and Japan, explicitly prohibit the entry of sex workers.

Not surprisingly, some sex workers choose to avoid travelling to these countries. Migrant sex workers also report fearing that if they are refused a visa for entry to the USA, they may lose their host-country visa.

“I’ve crossed the US border lots of times, and I was driving there with some friends for a baby shower... As soon as we got to the border... the guard...asked for my phone and the phones of the others I was with... I was sent to secondary inspection, and the guard kept asking me about my [straight] job and if I had other sources of income. They took me into another room and asked me about my [sex] work web site; I’m not sure how they found out about my work identity; I was flagged before I even got to the border. I was interviewed for four and a half hours. I had to sign a transcript of the interview and I was banned from the USA for at least five years; they told me it could turn into a ten-year or lifetime ban. I was escorted back to Canada with four armed guards. It was traumatising, invasive, and humiliating.”

SEX WORKER, CANADA

“[We have] received multiple reports of workers being detained, interrogated and threatened with deportation when attempting to enter the USA...”

RESOURCING HEALTH AND EDUCATION IN THE SEX INDUSTRY, AUSTRALIA

8 “Current Situation in Singapore,” Project X.

9 Pravit Rojanaphruk, “Activists Hail Police’s New ‘Humane’ Protocols on Sex Workers,” Khaosod English, 8 August 2019.

10 “Instructions for Application for Advance Permission to Enter as a Nonimmigrant,” U.S. Citizenship and Immigration Services.

It is clear from the examples above that sex workers are unwanted visitors in the countries they wish to enter. The intersection of criminal and immigration laws imposes substantial limitations on sex workers' movement that violate their human rights as outlined in human rights instruments. Sex workers are affected by restrictions on migration generally, and they are also affected by policies and practices that ostensibly target human trafficking, illegal workers or 'undesirables'. These restrictions disproportionately affect the most marginalised sex workers. This prevents them from participating in advocacy on an international level – where their voices are most needed.

Intersecting Barriers

Sex workers also face multiple, intersecting barriers to freedom of movement. Discrimination against individuals from low-income, Global South countries in immigration laws is widespread. Sex workers travelling from Global South to Global North and regionally within Global South countries face difficult visa requirements and may be refused at the border even with a visa.

“Migrants from poorer countries have extremely limited access to Australia’s visa framework. Migrant sex workers from these countries are ineligible to apply for visas that enable work rights, such as the Working Holiday Visa.... Although most migrant sex workers in Australia come from Asia, only 8 Asian countries’ passport holders are eligible to apply for these visas and no Pacific countries. Further, if you have ever had a visa refused or cancelled while in Australia you are ineligible for these visas.”

SCARLETT ALLIANCE, AUSTRALIA

Violations of the right to freedom of movement often disproportionately affect women. Poor women from the Global South are the focus of

...border officials often focus on women from certain ethnic and national backgrounds based on stereotypes. They are frequently profiled as sex workers and targeted for additional screening at borders.

increasing xenophobic concern about illegal employment, border security, and 'trafficking', and increasingly restrictive immigration policy limits their freedom of movement. Some countries have occupation-specific or total bans on women's migration and women may need permission from their spouse or family to travel.¹¹ In destination countries, border officials often focus on women from certain ethnic and national backgrounds based on stereotypes. They are frequently profiled as sex workers and targeted for additional screening at borders. Even where women are permitted to travel without visas, women from

certain countries may be refused entry due to racialised assumptions that they might be victims of trafficking.¹²

“Immigration New Zealand admitted in late 2018 that they had been racially profiling entrants at the border and questioned those they suspected of entering the country to become sex workers or otherwise breach their visa. Immigration claimed they stopped this shortly after it being announced by the media. Most of the people affected, both by the law and the racial profiling, have been from Asia, particularly China. However, there have also been significant numbers from South America who have been stopped at the border and denied entry recently. There have been very few from Europe or North America who have been affected by these as far as NZPC is aware.”

NEW ZEALAND PROSTITUTES' COLLECTIVE, NEW ZEALAND

11 Committee on the Elimination of Discrimination Against Women, 2008, General recommendations No. 26 on women migrant workers.

12 "Analysis," Brothel Keepers.

Transgender sex workers are also frequently denied entry at borders. Several transgender sex workers reported that, if their gender identity does not match the gender on their passport, entry is denied:

“Gender identity not matching the gender marker on one’s identity card or passport is one of the way[s] for certain countries to send [transgender sex workers] back without other valid reasons and sometimes without prior notice.”

PROJECT X, SINGAPORE

“[We encounter] barriers to access in obtaining a visa to the United States, because we identify as an organisation that defends the rights of transgender sex workers.”

ASOCIACIÓN CIVIL ÁNGEL AZUL, PERU

Sex workers who use drugs face additional barriers to travel; as with sex workers, people who have used drugs must obtain a visa waiver to enter certain countries. To obtain a visa waiver for entry to the USA, drug users must include evidence of ‘treatment/rehabilitation’, such as drug tests and a verifiable history documenting their ‘treatment’ efforts and plans for continuing care if permitted entry into the USA.¹³

“Sex workers are afraid to become participants in [drug] substitution therapy programs because they will immediately be registered [as a drug user by the authorities], which can seriously complicate their movement both within the country and abroad.”

PUBLIC MOVEMENT “FAITH, HOPE, LOVE”, UKRAINE

Most visa forms include questions about criminal history, employment, educational background, marital status, financial resources, and previous refusal of a visa or other problems with immigration. Having a criminal record can make travel very difficult; Canada, the USA, New Zealand and Australia have strict rules that prevent individuals with almost all criminal convictions from entering the country. Most Global North countries impose some restrictions on entry to those with criminal records.

“If a person has been convicted of a sex work-related charge in another country, this may show up in their visa application and as a result their visa may be refused, or their entry denied even if a visa has been issued. However, Immigration New Zealand says this is not automatic.”

NEW ZEALAND PROSTITUTES’ COLLECTIVE, NEW ZEALAND

In 2019, around 48 countries and territories impose some form of HIV-related travel restriction.

Sex workers living with HIV are affected by additional travel restrictions. In 2019, around 48 countries and territories impose some form of HIV-related travel restriction.¹⁴

The negative impact on sex workers of these intersecting barriers to the right to movement and migration cannot be overstated. Significant

numbers of sex workers are denied the right to travel due to their gender, nationality, history of drug use, financial resources or health status.

¹³ “Waiver of Inadmissibility: Applying for Advance Permission to Enter the U.S. as a Non-Immigrant,” U.S. Customs and Border Protection.

¹⁴ Joint United Nations Programme on HIV/AIDS, United Nations Development Fund, 2010, “Still Not Welcome: HIV—Related Travel Restrictions,” 3.

Barriers Throughout the Process

Denial of the right to travel can occur at any stage during the travel process: during the application for identification or passports, at an embassy, while being processed by home country immigration officials, while interacting with airline staff, and while being processed by destination country immigration officials. The absence of an outcry over this systemic violation of human rights speaks to the profound disconnect between fear about human trafficking and border security, and the impact these systems have on sex workers' lives.

Barriers Before Travel

Many sex workers encounter barriers to travel and migration long before arriving at a physical border crossing. Obtaining a passport can be difficult due to cost, distance from consular services, political instability, and application documentation requirements.

“To apply for a passport in general requires a national ID card, household list and amount of 35,000 MMK [€21] and \$30 USD for official processing cost. For sex workers who do not have a national ID card and household list is not possible [to obtain] a passport ... For international travel, the embassy requires a bank statement showing over \$3000 USD.”

AYE MYANMAR ASSOCIATION, MYANMAR

Even if sex workers have identification and passports, the visa process can be difficult, expensive, and require extensive planning. Sex workers in Global South countries face long visa processing times, embassy

locations that are hundreds or thousands of kilometres away, and visa requirements that discriminate against sex workers. Proof of financial resources and proof of ties to their home country are often difficult for sex workers to provide, due to criminalisation, social exclusion and discrimination from landlords and banks. Many sex workers lack common evidence of ties to their home country, such as property ownership, formal employment, and money in a bank account. While limited funds are grounds for refusal, money from informal work or loans

can also result in refusal – immigration authorities sometimes suspect adequate funds are from illegal sources of income.

“A friend had [brought all the documents] and had even put over \$1200 into her account believing that it would help but they had refused even with all the evidence and the means.”

UMANDE, DEMOCRATIC REPUBLIC OF CONGO

As countries increasingly share information with each other, one visa refusal can become the source of future refusals. Being denied a US or Schengen visa can result in serious challenges to ever obtaining for Europe or the USA, as well as many other countries.

Proof of financial resources and proof of ties to their home country are often difficult for sex workers to provide, due to criminalisation, social exclusion and discrimination...

Sex workers also often face discrimination from embassy officials; staff sometimes treat sex workers disrespectfully and discriminate against them when making visa decisions. A sex worker from the DRC recounted her experience during an interview for a visa to attend and present a shadow report at a CEDAW session in Switzerland:

“The [embassy official’s welcome] was peppered with unkind words like “the great ladies of the United Nations, did you find customers in Kinshasa? But, also questions of the interrogative kind, going so far as to [ask us to] recite the names and dates of birth of our children, to say where the father of these children is? ... Each of us was interviewed for at least 1-hour page by page and detail by detail.”

SEX WORKER, DRC

Similarly, Empower Foundation, Thailand, reported that when members of their community have applied for visas to visit their male companions (e.g., boyfriend, partner) in wealthier countries, embassy officials asked intrusive and inappropriate questions about the nature of their relationships. In one instance, a sex worker was asked what colour underwear her boyfriend was wearing.

Barriers on Departure

Even if a visa is granted, home country immigration and airline staff can prevent sex workers from leaving their country for arbitrary reasons. Home country immigration may ask for bank statements showing funds to cover the costs of travel and/or proof of employment. Empower Foundation reports that members of their community have

been arbitrarily turned away by Thai immigration officials even after a visa has been granted for looking “too young and innocent to travel.”

They say this reflects a patriarchal culture and a desire to protect ‘their women’ and the country’s ‘reputation’.

After a sex worker has passed through home country immigration, airline staff and even fellow

travellers may tell border officials or police they suspect someone is a victim of trafficking. Empower Foundation reports that “airline staff do the job of immigration officials”. A 2018 case study describes a passenger at the Flesland Airport in Norway who observed a “suspicious” interaction between a woman and her male companion. They notified flight staff who alerted border security.¹⁵

Barriers on Arrival

Sex workers travel knowing that they are considered ‘undesirable’ visitors and that border officials are looking for reasons to turn them away. Being questioned on arrival is frequently part of the travel process, and language barriers can be a source of stress for sex workers during interviews. Immigration officials use flight manifests to profile women of certain nationalities and travelling from particular countries. Border officials may ask questions about any of the following: criminal convictions, prior arrests, prior problems with immigration authorities, occupation, purpose of visit, and, in some cases, email and social media accounts. They may search sex workers’ computer, phones and luggage. Searching sex workers’ belongings is a common practice.

Even if a visa is granted, home country immigration and airline staff can prevent sex workers from leaving their country...

15 Synnøve Jahnsen et al., “Leaving No Stone Unturned: The Borders and Orders of Transnational Prostitution,” *British Journal of Criminology*, 58 (2018), 255–272.

“One sex worker encountered a bad experience when she enter US. Her phone was seized to check on her text messages – to see if her boyfriend is paying her cash to enter the country. On top of that, her luggage was also checked for items such as sexy lingeries, sex toys, poppers, to suggest that she is going to do sex work.”

PROJECT X, SINGAPORE

“Many sex workers have been detained when leaving or returning to the USA and harassed over...adult material or products like sex toys, BDSM gear or lingerie [in their luggage]... One of our members was detained for more than 12 hours at an airport...by ICE and DEA officials. She was eventually let go but was never able to retrieve her luggage.”

SWOP-BEHIND-BARS, USA

Sex workers report that immigration officials will often ask for access to their cell phones and social media accounts to look for evidence of sex work. This could include searching text messages and online

profiles, and reverse-photo searches to look for advertisements. For instance, while travelling for an internship in Australia, a transgender sex worker and activist from the USA had her tourist visa cancelled after immigration officials found her advertisements online.¹⁶ Sex workers in Australia are concerned that their registration data, which is accessible by the department of immigration, will be shared with authorities in other countries.

Sex workers report that immigration officials will often ask for access to their cell phones and social media accounts to look for evidence of sex work.

“We are aware of sex workers who have been arrested and deported upon entry into the United States. We are certain that the data obtained by the seizure of registration information (e.g. passport, ID) provided by sex workers [to access online advertising] is being used to cross-match data at the time of crossing the US border.”

OTRAS, SPAIN

Sex workers who are travelling together may be separated from each other, detained, and interrogated about the purpose of their travel and their traveling companions. Empower Foundation reported that three sex workers travelling from Thailand to Canada for a meeting were questioned for several hours; immigration officials suspected one woman was trafficking the other two women.

“Among many other questions [immigration officials ask], one will be about employment history and [evidence of] bank transaction/balance. This gives sex workers reasons to believe that they are profiled as they enter the country for sex work if they don’t have valid monthly income from a company.”

PROJECT X, SINGAPORE

The barriers to mobility that individual sex workers face vary. The passport a sex worker holds, their race and gender identity, access to financial resources and credit, and proof of employment greatly influence the barriers that sex workers face in moving and migrating.

¹⁶ “Deported US Transgender Woman Monica Jones Allegedly Advertised Sexual Services, Court Documents Show,” ABC News, 12 December 2014.

Reduced Access to Intergovernmental and International Civil Society Spaces

“Institutional knowledge is dominant and sex workers voices must be present – it’s critical, vital. There’s a power imbalance that must be addressed.”

BUTTERFLY, CANADA

Barriers to travel for advocacy work include both difficulty crossing borders (...) and the burden on small, resource-poor organisations...

Travel restrictions stop sex workers from being meaningfully involved in intergovernmental and international processes. Barriers to travel for advocacy work include both difficulty crossing borders (due to various obstacles like limited access to visas, passports, financial resources, etc.) and the burden on small, resource-poor organisations to meet demands that exceed their capacity.

“[Travel restrictions] prevent sex workers ... from being able to organise themselves beyond their borders, to participate in meetings and to advocate.”

AFAZ, TOGO

For example, in 2012 sex workers were unable to participate in the International AIDS Conference held in the USA due to travel restrictions.¹⁷ NSWP members, particularly those from Global South countries, described a variety of other instances where travel restrictions have prevented sex workers from accessing international events and conferences.

“[A] visa for [known] sex workers from my country has never been granted, even to participate in a conference in the [African] region... I was once detained for presenting ASWA’s invitation to the Nairobi Airport; since then I have not been presenting this letter of invitation despite my many travels. As far as the visa for Europe is concerned, the Schengen visa is granted to the activists who have all the documents, a wanton silence is observed. Often we present another invitation and not [from sex worker organisations], in the case of an invitation in Europe.”

HODAS, DRC

“A sex worker who showed herself to be a leader, with our support, [participated in] the city coordination council on HIV/AIDS. [She was sent to Europe] on the recommendations of an HIV-service NGO. She asked for help in obtaining her passport, but the city hall refused to help her. As a result, only representatives of the mayor’s office went to [participate in the European project.]”

PUBLIC MOVEMENT “FAITH, HOPE, LOVE”, UKRAINE

¹⁷ “U.S. Ban Unites Global Sex Workers at Indian Festival,” Reuters.

“To obtain the visa, we had to make an appointment at the Belgium Embassy [in Rwanda]. [When we arrived,] they told us that they do not deal with those visas here but that we have to go to Kinshasa to the Embassy of Switzerland. Four days later we arrived in Kinshasa, and to our surprise, our visa application was rejected without even talking with us. We called our contact from UNAIDS and he was able to intervene and advocate for us so we could participate in the 73rd Session of CEDAW where we were invited. Our request for a hearing was denied. An official from UN Women called to the Embassy of Switzerland, that’s how we got an appointment to submit our visa application... One week after we returned, we were informed our visa had been denied because there was not enough proof we would not return to DR.”

SEX WORKER, DRC

These examples highlight the barriers that sex workers face in attempting to access intergovernmental and international civil society spaces, and how they can be excluded from meaningful involvement in issues affecting their work and lives. The most marginalised groups of sex workers, who have the fewest resources to navigate travel restrictions successfully, are those whose voices are needed most in such spaces.

Psychological Impacts of Travel Restrictions

For sex workers and sex worker-led organisations, navigating a system that is designed to exclude sex workers is a huge burden. Travel restrictions create a high level of stress for communities who are criminalised and already face marginalisation, violence, and exclusion.

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Empower Foundation, Thailand, explained that to travel abroad to events and meetings “is absolutely exhausting; we are a resource-poor organisation, there are language barriers.” Butterfly, Canada, described the process of arranging international travel for sex workers to engage in advocacy as highly stressful and filled with worry: “What identity will sex workers’ present (caregiver, member of labour union); how do we obtain the correct documents and arrange for translation

services; how do we help prepare sex workers for travel and the questions they will [be] asked?” OTRAS, Spain, said that being deported for sex work is “devastating both economically and psychologically.”

Sex workers are very aware that to obtain passports, visas, or to be allowed into a foreign country, they must carefully conceal their work. Sex workers must decide between the risk of admitting that they are a current or former sex worker and that of providing inaccurate information to authorities – both may place sex workers in conflict with the law. Sex workers widely report that they have little choice but to provide misleading information when filling out applications for visas and when crossing borders. According to Asociación Civil Ángel Azul, Peru, “[m]ostly [sex workers] have to lie in not saying that we are sex workers to be able to leave the country”. In Germany, when applying for permanent residence or a work permit, applicants who are migrant sex workers often claim to work in a different industry.

“Sex workers applying for work permit or permanent residency mostly [conceal that they are sex workers], claiming to work in a different industry. [Though] lying to the ‘Ausländerbehörde’ is a crime and will [result] in deportation, if detected.”

BERUFSVERBAND EROTISCHE UND SEXUELLE DIENSTLEISTUNGEN E. V., GERMANY

“Sex workers have no choice but to hide their professional identity. They are tradespersons, unemployed, housewife, and many others to have access to documents. And further, even to have a house... or to rent a [home] in the destination countries they are supposed to hide their professional identity to avoid being evicted.”

FERAPAD, DRC

“Some migrant sex workers in New Zealand tour the country, moving from centre to centre, making it less likely they will be found by Immigration. Some of them also undertake tourist activities and retain photographs, receipts, etc., in order to prove to Immigration they are actually tourists visiting the country.”

NEW ZEALAND PROSTITUTES’ COLLECTIVE, NEW ZEALAND

Transgender sex workers face additional challenges. Transgender sex workers may have to conceal their gender identity if it does not match the gender on their passport, and stigma against transgender persons can make travel more difficult:

“For the mere fact of being trans women, we are associated with sex work, crime or substance use; as a result, we are stopped over and over again in [security areas and checkpoints] to be reviewed more meticulously, this situation being an attitude of discrimination.”

ASOCIACIÓN CIVIL ÁNGEL AZUL, PERU

Conclusion

Sex workers’ right to move and migrate is often violated. Immigration law is used to impede sex workers’ movement and migration in ways that are often sexist, transphobic, racist, and xenophobic. Sex workers face discrimination in obtaining identity documents, passports, and visas. They are refused entry at borders because they are suspected of being illegal workers, victims of human trafficking, or seen as ‘undesirable’. They are subject to arbitrary questioning and decision-making by immigration officers. Concerns over human trafficking are used to legitimise increasing surveillance and targeting of sex workers, particularly women from the Global South.

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NSWP strongly urges states, international organisations, international civil society and those involved in policy decisions about sex work and migration to take the violation of sex workers' human right to move and migrate seriously.

Travel restrictions faced by sex workers impede sex workers' civil and political engagement and right to organise, while disrupting their right to migrate and travel for family, work, and study purposes, or for tourism. They face refusal at border crossings, economic discrimination, and difficult visa/pre-travel clearance requirements – these barriers limit their access to intergovernmental and international civil society spaces and their meaningful involvement in policy discussions directly affecting their health and well-being. The significant negative impact on sex workers' right to move and migrate and the right to organise cannot be overstated. NSWP strongly urges states, international organisations, international civil society and those involved in policy decisions about sex work and migration to take the violation of sex workers' human right to move and migrate seriously.

Recommendations

- 1 Decriminalise all aspects of sex work.**
- 2 Remove immigration provisions that deny entry based on HIV-, drug use, and involvement in sex work.**
- 3 Provide sex workers with access to safe, legal, and equitable channels for migration and travel.**
- 4 Support the development of accessible and transparent administrative procedures for obtaining visas, passports, and other forms of identification, including expedited application processes for applicants travelling for advocacy purposes and those who have to travel to a neighbouring country to apply for a visa.**
- 5 Review migration restrictions for compliance with human rights standards and ensure sex workers' human rights are respected and protected.**
- 6 International organisations and the UN must ensure that travel barriers do not prevent sex workers and other marginalised groups from attending international civil society meetings that affect their lives and work. They must consider host country travel restrictions when selecting meeting locations and actively assist individuals who are impacted by these restrictions to overcome barriers to travel.**
- 7 Work to improve rights protections for migrants and migrant workers.**

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Policy briefs are the result of desk research and a global e-consultation with NSWP member organisations, including gathering in-depth information from some members.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



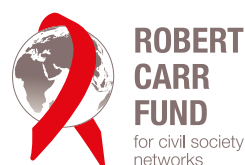
Global Network of Sex Work Projects

Promoting Health and Human Rights

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NSWP is an alliance partner of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: www.hivgaps.org for more information.