



75th session of the Sixth Committee

Expulsion of Aliens

(Agenda item 82)

Statement by Portugal – Mr. Sergio Carvalho (Legal Adviser)

Mr. Chairman,

From the point of view of Portugal, the expulsion of aliens is a subject of great practical relevance, not only from the point of view of Human Rights, but also due to its potential impact in interstate relations.

As stated before in this Committee, Portugal considers that the 2014 Draft Articles prepared by the International Law Commission are a good framework for the protection and respect of individual rights in situations of expulsion, striking a good balance between said rights and the sovereignty of the expelling State.

Portugal believes that, for the time being, the draft articles are and should remain an overview of already existing legal norms and that they provide a general guide of law on the expulsion of aliens.

Mr. Chairman,

In the 72nd Session, Portugal called for the Sixth Committee to better assess the influence of the Draft Articles on State practice. I would like to share a recent example of State practice by Portugal with regards to the human rights of aliens during the coronavirus disease (COVID-19) pandemic.



As indicated by the Portuguese Prime Minister in his address to the 75th General Assembly this year, in light of the pandemic Portugal extended access to its National Health Service to all migrants and refugees, regardless of their status or legal situation.

Indeed, approximately 130 000 aliens with pending proceedings on immigration or asylum-seeking before Portuguese authorities by the date on which a State of Emergency was declared in Portugal have been granted temporary residence status. The implementation of this measure has been extended once (to last to the end of this October) and the Portuguese Government is considering extending it to 2021.

In addition to avoiding certain cases of expulsions, this measure recognises aliens as vulnerable persons and ensures that they enjoy equal rights to health, social support, employment and housing as Portuguese nationals during a particularly difficult time for public health.

We believe this type of provisional, pragmatic and humane measures to be in accordance with the spirit of the Draft Articles.

Portugal encourages Member States to find creative solutions within their domestic legal framework to uphold the safety and human dignity of aliens in their territory during this very trying pandemic challenge.

Thank you , Mr. Chairman.