



nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

Sex Workers
and Travel
Restrictions





Introduction

Discriminatory travel restrictions make it difficult for sex workers to move and migrate. Sex workers are refused visas because of their work. They experience discrimination from embassy and immigration officials. They are detained and refused entry at borders.

Barriers to sex workers' movement create significant stress for sex worker organisations. They also impede sex workers' right to associate and organise at the international level, stopping them from meaningfully participating in discussions about their lives.

International Policy Framework

Sex workers' right to move and migrate are protected by several international human rights instruments. Article 13 of the Universal Declaration of Human Rights (UDHR) protects individuals' right to freedom of movement and to leave and return from their home country. The UDHR is ratified by all UN Member States. The UN General Assembly has also affirmed individuals' right to meet and assemble at the international level to promote human rights. CEDAW General Recommendation 26 on Women Migrant Workers calls on countries to eliminate "bans and discriminatory restrictions on women's immigration."

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

The conflation of sex work and trafficking has increased the discrimination and scrutiny that sex workers face during the travel process and decreased channels through which sex workers can travel and work legally.

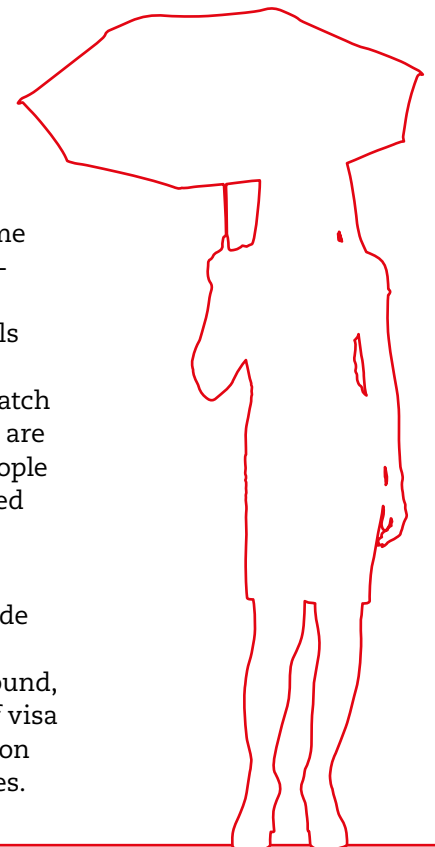
Some countries, including the USA and Japan, explicitly prohibit sex workers from entry. In other countries, the assumption that sex workers are travelling to engage in sex work prevents them from obtaining residency permits or tourist, student, foreign worker or other categories of visas. One visa refusal can become the source of future denials.

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Intersecting Barriers

Sex workers' ability to travel is also impacted by nationality, gender, income, drug use, criminal history, and HIV status. Sex workers from Global South countries often face time-consuming visa application processes. Women and transgender individuals from Global South countries are often profiled as sex workers and targeted for additional screening at border crossings. Some countries also impose occupation-specific or total bans on women's migration. Transgender individuals face barriers when the gender on their travel document does not match their gender identity. Sex workers are also affected by travel bans on people living with HIV. In 2019, HIV-related travel restrictions existed in 48 countries and territories.

In addition, most visa forms include questions about criminal history, employment, educational background, marital status, previous refusal of visa or other problems with immigration authorities, and financial resources.





Barriers Throughout the Process

Sex workers encounter barriers throughout the travel process.

Barriers Before Travel

Obtaining a passport can be difficult due to cost, distance from consular services, political instability, and application documentation requirements. Sex workers from the Global South encounter lengthy visa processing times, embassy locations that are hundreds or thousands of kilometres away, as well as visa requirements that discriminate against sex workers (e.g. proof of ties to home country or of financial resources).

Sex workers face discrimination from embassy officials; staff sometimes treat sex workers with disrespect, ask invasive, personal questions, and discriminate against them when making visa decisions.

Barriers on Departure

Home country immigration can prevent sex workers from leaving their country for arbitrary reasons. NSWP members have been asked for proof of financial resources and employment and denied the right to leave their country because they looked “too young and innocent.” Airline staff and fellow travellers may also assume a sex worker is a trafficking victim due to racist, sexist stereotypes and alert border officials or police.

Barriers on Arrival

Even with a visa, sex workers may still be detained and then denied entry at the border. Sex workers may be profiled for additional questioning prior to arrival at the border. They may be questioned about criminal convictions, prior arrests, prior problems with immigration authorities, occupation, purpose of visit, and fellow travellers. Sex workers’ computers, phones, social media accounts, emails, phone numbers and luggage may be searched. ‘Sexy’ clothing or text messages and advertising may be used as evidence of plans to engage in sex work and cited as grounds for refusal of entry.

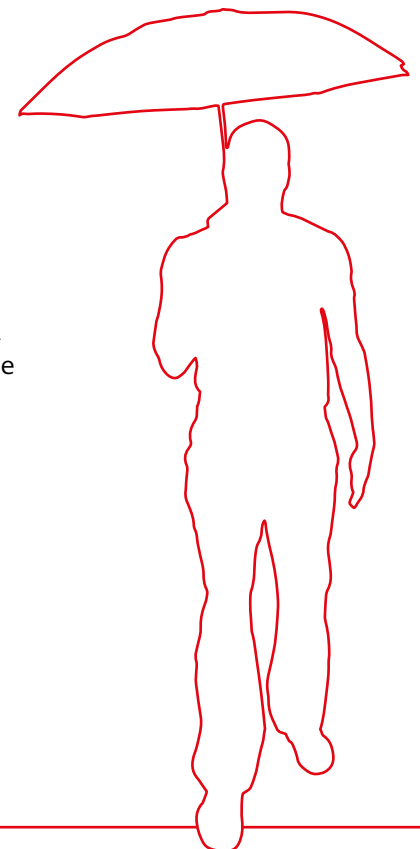
...staff sometimes treat sex workers with disrespect, ask invasive, personal questions, and discriminate against them when making visa decisions.

Reduced Access to Intergovernmental and International Civil Society Spaces

Travel restrictions prevent sex workers from accessing international civil society spaces. Many NSWP members have been unable to travel to UN meetings, International AIDS Conferences, and other events.

Psychological Impacts of Travel Restrictions

Travel restrictions create a high level of stress for communities who are criminalised and already face marginalisation, violence, and exclusion. Sex workers must choose between likely denial of the right to travel and providing misleading information to immigration and embassy officials.





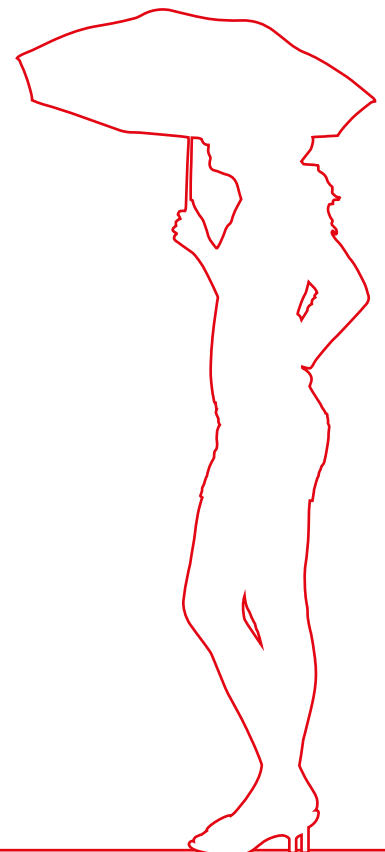
Conclusion

Travel restrictions faced by sex workers impede sex workers' civil and political engagement and right to organise. They make it difficult to migrate and travel for family, work, and study purposes, or for tourism. States, international organisations and international civil society must take this violation of sex workers' 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.

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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 Community Guides are the result of desk research and a global e-consultation, and aim to provide simple summaries of NSWSP's Policy Briefs, further detail and references can be found in the accompanying Policy Briefs.

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.



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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.

