A Guide to
The Boston Principles on the Economic, Social and Cultural Rights of Noncitizens
(“The Boston Principles”)

What Are The Boston Principles?
The Boston Principles are 30 standards drawn from international human rights, humanitarian, and migration-related treaties, guidelines, and other statements of best practice as well as recommendations by U.S.-based civil society.

An early draft was launched at a gathering of lawyers, human rights and immigrants’ rights advocates, scholars, students, and community organizers held at Northeastern University School of Law, Boston, Massachusetts on October 14-15, 2010. The meeting was co-sponsored by the Program on Human Rights and the Global Economy (PHRGE), the Human Rights Interest Group of the American Society of International Law, and the Ford Foundation. After incorporating comments from meeting participants, a second draft was launched for public comment on December 10, 2010, International Human Rights Day.

What's In Them?
The Boston Principles reflect the combined views of the signers on how people under U.S. jurisdiction, including noncitizens, should be treated. They begin with the basic understanding that all human beings have human rights. Further, national governments, and the state and local authorities under their jurisdiction, have obligations to respect, protect, promote, and fulfill those human rights in civil, political, economic, social, and cultural areas of life.

The Principles use language from some international treaties and standards that are already legally-binding on the U.S.; other language is aspirational.

How Can We Use Them?
We hope that advocates at state, local, and community levels will draw on the Boston Principles to further human rights and social justice by:

- supporting human rights educational efforts in schools and communities;
- calling on local and state governments to adopt resolutions that pledge compliance with human rights standards;
- reforming or adopting legislation;
- holding federal, state, and local authorities accountable for compliance with international and domestic human rights standards;
- building awareness about human rights among communities, social networks, policymakers, lawmakers, judges, and ombudspersons.
The Boston Principles: A Summary

✓ **Equality and Non-discrimination**
All individuals, including noncitizens, have the right to equality and non-discrimination. The Boston Principles apply without discrimination of any kind, such as race, color, sex, sexual orientation, gender or gender identity, disability status, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, property, birth, or other status. Immigration laws, policy and enforcement must not be discriminatory in intent or effect. Measures taken for national security must be free of discrimination and must ensure that noncitizens are not subjected to racial, ethnic, or religious profiling or stereotyping. (Principles 1, 2 & 30)

✓ **The Rights to Recognition as a Person, Participation and to Equal Protection Under Law**
Every individual, including every noncitizen, has a right to be recognized as a person before the law. All individuals have the right to associate freely and to participate fully in public affairs and enjoy equal protection of the law. (Principles 3 & 4)

✓ **Rights in Immigration Proceedings and Enforcement Actions**
Immigration proceedings and enforcement actions must comply with internationally-recognized due process norms. Detention must be imposed only in accordance with such due process norms and must comply with internationally-recognized standards on human rights and human dignity. (Principle 5)

✓ **Access to Justice and Accountability for Violations**
All individuals, including noncitizens, who are subjected to human rights violations, have the right to adequate and effective remedies and protection from retaliation. They are entitled to have those responsible for the violation held accountable. (Principles 7 & 8)

✓ **The Right to an Adequate Standard of Living**
All individuals, including noncitizens, have the right to an adequate standard of living, including food, water, sanitation, clothing, housing, social security and humanitarian assistance. (Principles 9 & 21)

✓ **The Right to Access Public Benefits without Fear**
All individuals, including noncitizens, have the right to seek assistance from public agencies that provide benefits or assistance to the general public without inquiry as to immigration or citizenship status unless absolutely necessary to the provision of such services, and with assurance that such inquiries, where
necessary, will be kept strictly confidential. Government agencies have the obligation to ensure that appropriate and effective measures are taken to fulfill this right and to provide translation services for access to public benefits. (Principle 6)

- **The Right to Decent Work & to Just Conditions of Work**
  All individuals, including noncitizens, have the right to decent work, and all workers, regardless of work authorization status, have the right to just and favorable conditions of work and to full labor and employment rights (including, but not limited to, the right to organize, the right to form and join a trade union, the right to collective bargaining, and the right to fair wages) once an employment relationship has been initiated. (Principles 10, 11, 12, 13, 16)

- **Expulsion, Work Permits and Residency Authorization, and Equal Treatment in Unemployment**
  No noncitizen or family member should be expelled, deprived of a work permit or deprived of residence authorization solely on the grounds of temporary absence or failure to fulfill an obligation arising out of a work contract, nor in retaliation for the exercise of workers’ rights or for seeking the protection of other human rights. Noncitizen workers should be protected from retaliatory expulsion and should enjoy equal treatment with citizens with respect to legal protections and public benefits. (Principles 13, 15, 17, & 18)

- **The Right to Health**
  All individuals, including noncitizens, and including individuals detained on the basis of immigration status, have the right to enjoy the highest attainable standard of physical and mental health. This includes the right to health care and to the determinants of health, including the enjoyment of other human rights and fundamental freedoms as well as public health information and requirements. (Principle 20)

- **The Right to Education**
  All individuals, including noncitizens, have the right to education, and governmental authorities have the obligation to ensure that all children receive free, compulsory primary and secondary education. Higher education shall be made accessible to all. (Principle 19)

- **Family Life and Family Unity**
  Any state interest in expelling a noncitizen must be balanced against the interest of the individual and of the individual’s family to remain united. The best interest of the child must be given due consideration in any immigration proceeding that may result in the deportation of a child or parent. (Principles 22 & 23)
✓ **The Rights of Minorities and Indigenous Peoples**
The Boston Principles recognize the obligation of governmental authorities to eliminate discrimination against racial, ethnic, religious or linguistic minorities and discrimination against indigenous peoples in all its forms, including against noncitizens, and to guarantee the right of all individuals to equality before the law and enjoyment of all the rights recognized in the Principles. All individuals belonging to a minority or indigenous people have the right, in community with other members of the group, to enjoy their own culture, to profess and practice their own religion, and to use their own language. (Principle 24)

✓ **The Rights of Children**
Every child, regardless of citizenship or immigration status, has the right to a life free from all forms of violence, abuse, neglect and economic exploitation. Each child has the right from birth to a name, the right to acquire a nationality and the right to know and be cared for by the child's parents, the best interests of the child being paramount. (Principle 25)

✓ **The Rights of Women**
All women, including noncitizen women, have the right to equal protection of the law and freedom from discrimination and violence. (Principle 26)

✓ **The Rights of Persons with Disabilities**
Persons with disabilities, regardless of immigration status, have the right of access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. Persons with disabilities, including noncitizens, have the right to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others. Governmental authorities have the obligation to take appropriate and effective measures to ensure these rights. (Principle 27 & 28)

✓ **The Right to Seek Asylum and Humanitarian Assistance**
Noncitizens have the right to seek asylum and the right to be protected against forcible return to or resettlement in any place where the noncitizen's life, safety, liberty and/or health would be at risk. (Principle 29)

Rev. 02.13.11