

**TENTH COORDINATION MEETING ON
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**COOPERATION ON MIGRATION AND GLOBAL TRAVEL SECURITY
THROUGH PUBLIC ADMINISTRATION REFORMS¹**

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¹ The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

As the migration and development agenda within the United Nations has moved forward, there has been increasing discussion among academics and policy analysts alike over the possible development of a migration regime and calls for establishing a World Migration Organization within the UN system. Putting the international refugee regime aside, there is little in the way of international cooperation on international migration at the global level--no international migration regime. Moreover, an international migration regime is unlikely to form largely because major migration destination states have no reason to make multilateral commitments to keeping their labor markets open when migrant labor is readily available on a unilateral basis; they see little value in reciprocity of labor market access; and, not surprisingly, they are not providing the necessary leadership. The Global Mobility Regimes volume considers "global mobility" as an alternative concept to "international migration," and the contributors examine a set of interacting global mobility regimes: the established international refugee regime; a latent but strengthening international travel regime; and a nonexistent but potential international labor migration regime. Global mobility refers to movements of people across international borders for any length of time or purpose and there are probably more than 2 billion border crossings every year--ten times more than the world's estimated 214 million international migrants, defined as those living outside of their country of birth or nationality for more than one year.

Global mobility is a more all-inclusive category for understanding the dynamics of international migration that also widens the scope of regime analysis to include international cooperation on international travel. Historically, international cooperation on international travel reaches back to the League of Nations, has enabled billions of border crossings, and has maintained flows of international travel even during wars and major international political conflicts. While largely taken for granted over the years, cooperation on international travel has intensified in the wake of September 11, 2001 al Qaeda attacks on the United States with more international organizations becoming involved, more international initiatives being launched, more international agreements being signed, and more new technologies being adopted, transforming the practices of international travel regulation and, in turn, requiring even more international standard setting and technical cooperation. Given that increasing international travel is a growing border security concern that engenders a different set of state interests, particularly among the United States, European Union (EU) member states, and other migration destination countries, the political constraints and opportunities for international cooperation on travel are substantively different than international cooperation on migration. The increasing intensity of this cooperation furthers the establishment of an international travel regime at the global level, joining the well-established international refugee regime. An international labor migration regime does not exist but has a potential that may be realized through linkage with the travel and refugee regimes.

Counterfeit travel documents and fraudulently acquired genuine passports have become one of the central challenges posed to states attempting to secure international travel and a subject of increasing international cooperation. Such counterfeit and fraudulent documents have long been used by human smugglers to move people across international borders illegally. Several of the al Qaeda hijackers who attacked the United States travelled on fraudulently altered passports leading the 9/11 Commission to conclude that terrorists need to travel "to meet, train, plan, case targets, and gain access to attack" and that "for terrorists, travel documents are as important as weapons." United Nations member states responded with the UN Convention on Transnational Organized Crime's "Protocol against Migrant Smuggling," which calls on states to ensure the integrity of their travel documents upon which other states depend to establish the identity of international travelers and migrants. UN Security Council Resolution 1373 (2001) requires states to combat terrorist travel through measures to prevent travel document fraud. Member States of the International Civil Aviation Organization (ICAO) agreed to issue passports with biometrics on Radio Frequency Identification (RFID) chips.

States may add security features to passports but application processes may not be that secure. Fraudulently acquired birth certificates or counterfeit birth certificates serve as “breeder documents” used to obtain genuine documents such as passports as well as to commit identity fraud to obtain social benefits and commit crimes such as tax evasion and money laundering. For example, in the United States, there are over 6,000 government agencies (state, country and local) that are authorized to issue official copies of birth certificates with varying degrees of identification requirements for applicants, if identification is required at all. In 2009, the U.S. Government Accountability Office (GAO) conducted an undercover investigation in which an investigator used counterfeit birth certificates, counterfeit drivers’ licenses and fraudulently acquired identification documents to apply for passports under assumed identities. The investigator successfully acquired four genuine US passports in four different assumed identities then used one of these passports to check in for a flight, get a boarding pass and pass through aviation security check points.

If identity and travel documentation systems of the United States and other economically developed states are so susceptible to fraud and counterfeit, what are we to expect of less-developed countries? Kamal Sadiq’s work indicates that in many parts of the world, where the registration of births is far from systematic, national identification systems are weak or nonexistent and bureaucracies are corrupt, a person’s possession of a passport may be more indicative of his or her illegal status than citizenship. For migrant source countries, participation in and compliance with the security dimensions of the international travel regime would involve the practical implementation of international norms on document security and biometrics, information exchange, and international cooperation among border control authorities and law enforcement agencies, which may be prohibitively expensive and administratively very difficult, especially given the state of birth certificate and passport issuance in many of these countries. As currently pursued by the United States and the EU, the global border security cooperation envisioned makes heroic assumptions regarding the identity documentation of much of the world’s population. Moreover, internet-enabled international information exchanges rely on a state’s capacity to collect, store, and retrieve required data. Finally, the international cooperation on border control and law enforcement required for an international travel regime may involve source and transit countries’ acceptance of U.S. and/or EU border control officers in their airports and seaports and that may be considered by many domestic political actors as an intolerable infringement of state sovereignty. Hence, it may be politically difficult for many migrant source countries in the developing world to agree to security cooperation within the international travel regime. Even if such agreement is reached, implementation may be just as, if not even more, difficult to achieve.

If U.S. and EU vital security interests are at stake in an international travel regime, and if cooperation on document security and law enforcement for securing international travel is linked to cooperation on international labor migration, perhaps a more all-encompassing General Agreement on Migration, Mobility and Security (GAMMS) could be negotiated. Such incorporation of a new labor migration regime into a package of global mobility regimes would require leadership of the United States in expanding legal immigration of migrant labor while at the same time enforcing employer sanctions to dry up demand for illegal migrant labor. It would require that those EU member states that have resisted opening their labor markets to immigrants to open their labor markets and agree to an EU framework for labor migration. In return, source countries in the developing world would agree to rapid implementation of ICAO travel document standards, automated information exchanges, and increasing international border control and law enforcement cooperation.

Trading labor market access for cooperation in combating terrorist travel may very well prove unworkable. Border security advocates in destination countries may argue that reducing terrorist mobility increases the security of all states and should not need to be tied to agreements on labor migration. In many developing countries, the threats of malnutrition and

disease overshadow concerns over border security, terrorist travel, and the prospect of truck bombs detonated in front of hotels that cater to foreigners. Origin state advocates for increasing opportunities for international labor migration may reject any linkage that “securitizes” migration and prefer to focus instead on convincing destination countries of the benefits of legal labor migration.

Nevertheless, there may be opportunities for international cooperation of a more narrow scope in certain areas where there is a convergence of interests between destination and origin states. One such point of convergence could be in the area of public administration reforms that reduce the cost and increase the security of passports as well as the vital records used in the passport application process. While the above discussion explains why high-quality passports issued through secure administrative processes are in the interest of destination states concerned with border security, if such passports are made affordable, they can also be in the interest of origin states that hope to facilitate the travel and migration of their nationals. A 2005 World Bank study of passport fees in 127 countries found that high costs of acquiring a passport have become a barrier to migration from many states. Passports cost more than \$100 in nine of the countries surveyed, with the most expensive fee of \$333 charged for a Turkish passport. High passport fees relative to the income of the applicants are even greater barriers to emigration. In 23 countries, passports cost more than 5 percent of annual per capita income with the highest cost being found in the Democratic Republic of Congo, where the \$150 passport fee represents 125 percent of annual per capita income. Moreover, lengthy application and administrative processes often become opportunities for corruption as unscrupulous officials charge extra fees for “express” service. The spread of such corrupt practices also presents opportunities for human smugglers to purchase genuine passports through fraudulent processes. If destination countries were to help finance administrative reforms to issue secure passports through shorter processing times and at lower costs to citizens, origin countries will be in a position to offer their citizens proper travel documents at affordable costs. Such international cooperation and development assistance would help all participating states combat human smugglers and document counterfeiters.

Similar international cooperation could emerge from the convergence of interests to improve the administration of vital records such as birth certificates, upon which passport application processes depend for applicant identification. Fraudulently acquired birth certificates or counterfeit birth certificates serve as “breeder documents” used to obtain genuine documents such as passports and to commit identity fraud to obtain social benefits and are increasingly considered a major security vulnerability among travel and migration destination states. In many migration origin countries in the developing world, systems for the registration of births and issuance of birth certificates are very weak. They are so weak that, according to a 2005 UNICEF report, worldwide an estimated 48 million children under the age of five were not registered at birth, thereby challenging the right to an identity as articulated in Article 7 of the Convention on the Rights of the Child and the 2002 General Assembly Resolution, “A World Fit for Children.” Those not fully registered and not provided with a birth certificate are “denied the right to a name and nationality, a situation that may also lead to barriers in accessing other rights including health care, education, or social assistance. Later in life, identity documents help protect children against early marriage, child labor, premature enlistment in the armed forces or, if accused of a crime, prosecution as an adult. Registration also enables the individual to access further identity documents, including a passport.”

Some countries, such as Mexico and India, have committed themselves to systematic registration of children using automated population registers and biometric ID cards. Mexico has developed an online population register dubbed “CURB,” which enables anyone with Internet access to check if he or she is properly registered. According to Mexico’s National Statistics, Geographic and Information Institute, in 2007 there were 2 million births in Mexico, out of which, it is estimated that 70% were registered during the first year, and the other 30% registered at different times. While the vast majority of infants are being

registered, Mexico's National Population Registry (RENAPO) estimated that approximately 7 million Mexicans lacked a birth certificate, mostly elderly women. Reasons range from ignorance of the importance of having a birth certificate, distance needed to travel to the nearest registry, fear of having their children taken away, not being married, parents lacking their own birth certificate, etc. Similarly, India has been pushing forward with two national ID projects: the National Population Register (NPR) undertaken by the Ministry of Home Affairs and a unique identification project that collects biometrics called "Aadhaar" of the Unique Identification Authority of India. Aadhaar may have already become the world's largest biometric database.

If destination countries were to help finance similar administrative reforms to enable origin countries to register all children and provide them proper birth certificates as well as strengthen vital records management systems and secure birth issuance processes, it would help reduce travel document fraud using breeder documents while at the same time helping origin countries to provide children their rights to identity, nationality, and corresponding social and educational benefits that all nationals of these states are entitled to receive.

Based on excerpts from:

Rey Koslowski, ed. *Global Mobility Regimes* (New York: Palgrave Macmillan, 2011)