

Chapter III

International migration policies

Given the current high visibility of issues related to international migration, it is perhaps surprising to note that migration has not always featured so prominently in national and international agendas. When the United Nations began monitoring government views and policies on population in 1976, international migration had not been a topic of major concern for most Governments. Quinquennial inquiries and periodic assessments by the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat reveal noticeable shifts in government policies since 1976. Substantial changes in government perceptions of migration trends took place in the second half of the 1970s and the early 1980s, as Governments' concerns with the demographic, economic, social and political consequences of immigration grew. While in 1976, only 7 per cent of Governments had viewed immigration levels as too high, the proportion had risen to 20 per cent in 1986 (table III.1). In 2003, the proportion of Governments that viewed the level of immigration as too high was 21 per cent worldwide.

All Governments have the right to determine whom it admits into its jurisdiction and on what basis. While States are obligated to accept their own citizens, the admittance of non-citizens is the prerogative of individual Governments. To ensure its sovereignty, every State has introduced policies and procedures to determine who enters its territory and to monitor and control those who do enter. Some policies and procedures are more effective than others, and the extent to which these measures are implemented depends on such factors as the State's perceived need to protect its borders, financial constraints and human resources. Some countries have formulated explicit policies to vary the flow and/or composition of immigrants and emigrants. These are pursued by Governments to various degrees and are implemented in line with national objectives and political will.

The present chapter, which focuses on national migration policies, describes the salient features of historical and recent immigration and emigration policies. Regional and international initiatives adopted by individual countries, such as the instruments of the European Union (EU) and the North American Free Trade Agreement (NAFTA), are discussed in chapter VIII on international cooperation. A major characteristic of United Nations international population conferences during the past three decades has been the emphasis placed on the monitoring of the implementation of their goals and recommendations. Accordingly, data on migration policies are often presented for the years 1976, 1986 and 1996 in this chapter—that is to say, for the two years following the convening of the population conferences at Bucharest, Mexico City and Cairo, respectively—as well as for 2003.

During the last quarter of the twentieth century, the proportion of Governments that viewed immigration as too high increased from 7 to 21 per cent

Table III.1.

Government views on the level of immigration, by country's level of development and major areas, 1976, 1986, 1996 and 2003

Year	Number of countries				Percentage			
	Too low	Satisfactory	Too high	Total	Too low	Satisfactory	Too high	Total
By level of development								
World								
1976	11	129	10	150	7	86	7	100
1986	6	125	33	164	4	76	20	100
1996	4	148	41	193	2	77	21	100
2003	9	145	40	194	5	75	21	100
More developed regions								
1976	1	27	6	34	3	79	18	100
1986	0	26	8	34	0	76	24	100
1996	1	31	16	48	2	65	33	100
2003	5	32	11	48	10	67	23	100
Less developed regions								
1976	10	102	4	116	9	88	3	100
1986	6	99	25	130	5	76	19	100
1996	3	117	25	145	2	81	17	100
2003	4	113	29	146	3	77	20	100
Least developed countries								
1976	2	39	1	42	5	93	2	100
1986	1	40	7	48	2	83	15	100
1996	0	41	8	49	0	84	16	100
2003	0	44	5	49	0	90	10	100
By major Area								
Africa								
1976	5	41	2	48	10	85	4	100
1986	1	39	11	51	2	76	22	100
1996	0	46	7	53	0	87	13	100
2003	1	45	7	53	2	85	13	100
Asia								
1976	4	32	1	37	11	86	3	100
1986	1	30	7	38	3	79	18	100
1996	1	35	10	46	2	76	22	100
2003	1	31	15	46	2	66	32	100
Europe								
1976	0	24	5	29	0	83	17	100
1986	0	22	7	29	0	76	24	100
1996	0	27	16	43	0	63	37	100
2003	4	29	10	43	9	67	23	100
Latin America and the Caribbean								
1976	1	25	1	27	4	93	4	100
1986	4	23	6	33	12	70	18	100
1996	2	26	5	33	6	79	15	100
2003	1	28	4	33	3	85	12	100

Table III.1 (cont'd)

Year	Number of countries				Percentage			
	Too low	Satisfactory	Too high	Total	Too low	Satisfactory	Too high	Total
Northern America								
1976	0	2	0	2	0	100	0	100
1986	0	1	1	2	0	50	50	100
1996	0	2	0	2	0	100	0	100
2003	1	1	0	2	50	50	0	100
Oceania								
1976	1	5	1	7	14	71	14	100
1986	0	10	1	11	0	91	9	100
1996	1	12	3	16	6	75	19	100
2003	1	11	4	16	6	69	25	100

Source: *World Population Policies, 2003* (United Nations publication, Sales No. E.04.XIII.3).

Historical trends in immigration policies

Countries differ in their provisions for admitting individuals and allowing them to remain. These provisions have evolved over time, as the needs of receiving countries changed. Economic, political, social and demographic factors largely mould national immigration policies. Factors explaining migratory flows, why countries accept migrants and the consequences for countries of origin are discussed in chapter IV. Over the last three decades, the number of countries hosting migrants has grown significantly and those countries now include countries of permanent migration, labour recruitment countries and an increasing number of developing countries.

Most migrants have sought entry into developed countries where distinctive immigration regimes have been established—countries of permanent migration, labour recruitment States and those countries that have been transformed from countries of origin to those of destination (Freeman, 2003). Provisions under the 1951 Convention relating to the Status of Refugees (United Nations, 1954) for asylum and refugees constitute another legal regime discussed in chapter VIII. Significant shifts in immigration policies occurred at major historical junctions, such as the Second World War and the 1973 oil crisis (Schindlmayr, 2003).

Countries of permanent migration

In the immediate post-Second World War period, migration meant permanent settlement, or a long-term absence away from the country of origin. Travel was time-consuming and expensive. As a result, residence abroad tended to be longer-term or permanent. The traditional countries of permanent immigration - Australia, Canada, New Zealand and the United States of America - had policies that assumed as well as facilitated the long-term stay of migrants, and were largely focused on attracting European settlers. Indeed, Europe was the major source of migrants to other parts of the world after the Second World War,

these often being encouraged by settlement schemes. The beginning of the decline in the number of Europeans migrating in the late 1950s, combined with criticism of their migration policies favouring Caucasians, resulted in the altering of their policies by this group of countries to allow migration from other regions. For example, Canada's immigration regulations of 1962 prohibited discrimination based on race, religion and origin. It introduced a point system based on current needs in 1967. The United States abolished its Quota System in 1965, which had given preference to migrants of European origin, and established global criteria based on skills and family ties. Australia removed a number of restrictions with respect to non-Caucasian immigrants in 1966 and abandoned its long-standing "White Australia Policy" in 1973 (Appleyard, 1977), while New Zealand liberalized its policies in 1978. Their shifting of the emphasis of their migration policies in favour of non-discriminatory practices substantially altered the composition of migrant flows to these countries, and the ethnic make-up of the population.

During the 1960s, the traditional countries of immigration dropped their European preference policies and began to welcome migrants from all countries equally

With the change in the criteria for admission, these countries began stressing family ties, language proficiency, educational qualifications, job skills and other attributes. Australia established a Numerical Assessment System in 1979 to place migrants in four groups. This was expanded to five groups in 1982—family reunification, needed labour and business skills, independent (individuals with useful skills not in demand), refugees, and special eligibility. In that same year, Australia halted its assisted immigration programme. The point system remains the basis for selecting permanent migrants in Australia, Canada and New Zealand, although the criteria for point allocation are reviewed and altered on a regular basis. Increasingly, these countries view migrant skills as a primary criterion for both permanent and temporary migration (see below). In the United States, the Immigration Act (1990) raised the number of permanent migrants allowed to enter the country. Based on criteria that emphasized family reunification, the goal was also to increase the skills and education levels of migrants. The annual number of permanent migrants rose to 675,000 from 1995 onward.

Labour recruitment states

Many countries have accepted, and continue to accept, migrant workers on a largely temporary basis. In France and Switzerland, for example, the practice of recruiting workers dates back to the nineteenth century. The central premise of temporary migration policies is that workers remain while jobs are available and leave when those jobs are no longer available (Hansen, 2003). Historically, it was low-skilled workers who were sought but, increasingly, individuals with a wider range of skill levels have been recruited.

Post-Second World War labour migration into Northern and Western Europe began in the 1950s

As their economies improved in the 1950s, many European countries began to recruit migrants on a temporary basis to meet the increased demand for labour. European Governments encouraged the migration of workers from countries around the Mediterranean basin, and to this end, concluded labour agreements with Turkey and North African and Southern European States. They attracted overwhelmingly low-skilled men to perform jobs that locals increasingly disdained. As Governments were convinced that workers would return to their home countries once jobs were no longer available, these programmes were largely market-driven with minimal government involvement. France and the United Kingdom of Great Britain and Northern Ireland attracted a significant number of workers from their former colonies.

The economic turmoil that followed the oil shocks of the 1970s brought about a tightening of the previously rather relaxed immigration controls that had characterized the post-war period. The change in policy resulted in a major decline in the number of migrant workers admitted to countries with developed market economies (Appleyard, 1977) and signaled a new era in the formulation of migration policies with many European countries seeking to stabilize their foreign populations. In most of the labour-importing countries of Northern and Western Europe, the recruitment of migrant labour practically ceased. Governments unsuccessfully attempted to discourage family reunification and to promote repatriation. With a view to protecting the domestic labour market in the context of rapidly growing unemployment, Germany, for example, provided incentives for migrant workers to return to their home country. These programmes had limited success (Stalker, 2002), although the overall number of at least temporary returnees was on the order of several hundred thousand. A gradual improvement in productivity and competitiveness, along with an economic revival in the 1980s, induced most Western European countries to resume recruiting foreign labour, albeit on a smaller scale.

By the 1990s, labour migration to Europe had come increasingly to reflect former colonial links such as those of Latin America to Spain and Portugal. With increasing European integration, immigrant flows in the 1990s also included a mix of relatively high-income professionals from within EU, contract workers from Eastern Europe and unskilled migrant workers from Northern Africa and Asia.

In Asia, during the 1970s, new migration patterns emerged. Labour migration into Western Asia surged in the 1970s, then declined around 1990. In the 1970s, some countries began importing labour for the first time. Following a jump in oil prices, ambitious projects were launched to construct basic infrastructure and develop modern services in the oil-exporting countries of Western Asia. The small size of the national populations, the low rates of female participation in the labour force, the low status of manual labour and a reluctance to work in the private sector made it very difficult to meet the increased demand for labour. Therefore, the oil-producing countries of the Persian Gulf region became the main destination for migrant workers from other Arab countries and from Asia. By the late 1980s, there were some 6 million migrant workers in Western Asia. The outbreak of the Gulf war in August 1990 led to a sharp reduction in their numbers, with an ensuing harmful effect on their countries of origin. As many as 2 million migrants returned to their countries of origin immediately before and after the war.

As the demand for migrant labour in Western Asia slackened, labour recruitment shifted to the rapidly growing economies of Japan, the Republic of Korea and the newly industrialized countries of South-eastern Asia. These Governments favoured labour-import contracts with recruitment agencies, whether public or private, because of the greater ease in managing and monitoring agencies than individual migrants. Like much of Europe, Japan and the Republic of Korea legally admitted only migrants with professional skills that were in demand. By contrast, the booming economies of Brunei Darussalam, China, Hong Kong Special Administrative Region (SAR) of China, Malaysia, Singapore and Thailand in the 1990s experienced both skilled and unskilled labour shortages.

The scale and patterns of international labour migration in Asia have become increasingly complex. Investments by multinational companies throughout Asia have been accompanied by significant flows of skilled labour from both Western and Asian countries (United Nations, 2003a). While a few countries can be characterized as either net labour-importing or net labour-exporting, a growing number of Asian countries—for example,

From the mid-1970s on, labour migration into Europe was increasingly limited

In the 1990s, European labour migration increasingly reflected former colonial ties

In the 1990s, labour migration demand shifted towards East Asia

India, Malaysia, the Republic of Korea, Singapore and Thailand—are both. Although bilateral agreements exist between some countries of origin and some countries of destination in the Gulf region, these agreements have little impact on the conditions migrant workers face in the host country. Migrant workers in Western Asia are typically recruited under a guest-worker scheme that limits their rights. Recruitment and placement firms that until recently arranged most labour migration in Asia have not been responsible for dealing with the exploitative or abusive situations faced by some migrants. Usually hired on one-year contracts with the possibility of extension, migrant workers are not permitted to change employers, and only certain categories of workers are allowed to bring their families. This particularly affects women who often perform domestic tasks such as cleaning, sewing and caregiving. In some cases, the fact that their documentation is taken away by the sponsor potentially subjects them to penalties in the host countries. Legislation in some countries permits domestic workers to be transferred from one sponsor to another, subjecting migrants to different terms and conditions than those agreed upon—at times to their detriment (United Nations, 2004f).

In Africa, some countries have in the past sought to attract migrants. For example, Côte d'Ivoire encouraged migration from neighbouring countries to work on agricultural plantations well into the 1990s. Gabon recruited migrants from neighbouring countries and Europe for work mainly in the petroleum sector, while Botswana drew numerous skilled migrants after modifying immigration laws in the 1990s (International Organization for Migration and United Nations, 2000). Embracing the concept of pan-African unity, the Libyan Arab Jamahiriya admitted over 1 million migrants during the 1990s, although the policy has now largely been abandoned. As the continent's economic giant, South Africa has drawn and continues to draw many migrants, while also being a significant exporter of skilled migrants (see below). Labour migration to South Africa increased substantially with the elimination of severe penalties against undocumented migrants following the abolition of apartheid in 1994. This took place despite amendments to the Aliens Control Act in 1995 that continued to place tight controls on immigration (International Organization for Migration, 2001). South Africa now admits mostly temporary migrants, but appears to tolerate a large number of undocumented migrants. The 2002 Immigration Act sets out various provisions and conditions for labour migration to the country, creating a quota system for work permits that focuses on skilled labour and new immigration tribunals.

In Latin America, several countries—most notably Argentina, Brazil, Chile, Venezuela and Uruguay—had attracted millions of migrants from Europe in the past. In recent decades, migration policies have tended to focus on improving the capacity of Governments to regulate and control their borders through bilateral and regional agreements, as discussed in chapter VIII. These agreements also enabled nationals of signatory countries to work in any of the other signatory countries. To manage migration, a number of countries (for example, Argentina, Costa, Rica and Venezuela) have also tried to cope with significant movements of undocumented migrants by implementing unilateral measures such as regularization programmes. These countries have some of the highest proportions of foreign-born population in Central and South America.

South Africa has a large stock of undocumented immigrants

Current trends in immigration policies

Analysis of immigration policy can usefully be organized around eight leading issues: overall immigration levels, skilled workers, unskilled workers, family reunification, integration of non-nationals, the undocumented, regionalization of policies, and migration and trade.

Overall immigration levels

The first and most basic issue is the overall level of immigration. Most countries do not report policies designed to change migration from its present levels. At the same time, the overall trend during the last quarter of the twentieth century had been for a declining proportion of countries to report their immigration policy as one of “no intervention” or one of maintaining the prevailing level. However, there was an upturn in the proportion seeking to maintain/not intervene in the first years of the twenty-first century. In addition, as of 2003, some one third of countries in both the developed and developing regions wanted to lower immigration. This contrasts with 1976 when few Governments had explicit policies to modify migration flows; 7 per cent had a policy to lower immigration, while another 7 per cent had a policy to raise immigration (table III.2, fig. III.1).

However, the proportion of more developed countries that aim to lower immigration has declined since 1986, owing in part to labour shortages in certain sectors, an expanding global economy and long-term trends in population ageing. By 2003, four developed countries had policies to raise immigration levels in line with national needs, namely, Canada, the Czech Republic, Ukraine and the United Kingdom. By comparison, in the less developed regions the proportion of countries wanting to lower immigration had risen from 3 per cent in 1976 to 34 per cent in 1996 and remained at that level in 2003. Over the same period, the proportion of countries in the less developed regions wanting to raise immigration declined from 9 per cent in 1976 to 5 per cent in 1996 and to 4 per cent in 2003.

The receptiveness of countries to new immigrants is, at least in part, a reflection of previous migration trends and the public expectation of further immigration. Disaggregating the data on migration policies by size of the migrant stock indicates that the propensity to lower immigration is greatest among countries whose proportion of this migrant stock falls into the intermediate range, that is to say, of from 1 to 4.9 per cent of the total population (fig. III.2). Among these 70 countries, some 40 per cent wish to lower immigration. On the other hand, a majority of the countries where the proportion of the migrant stock is 5 per cent or more of the total population report that they want to lower immigration or keep it at its current level.

Skilled worker migration

The second immigration policy issue is the widespread promotion of the immigration of skilled workers. Increasing restrictiveness towards overall migration in receiving countries reflects an evolution towards greater selectiveness, favouring the admission of migrants who meet specific labour needs such as those in science and technology, those with skills considered in short supply and those with capital to invest. By means either of preferential

More than one third of countries report policies designed to change migration from its current level

Table III.2.

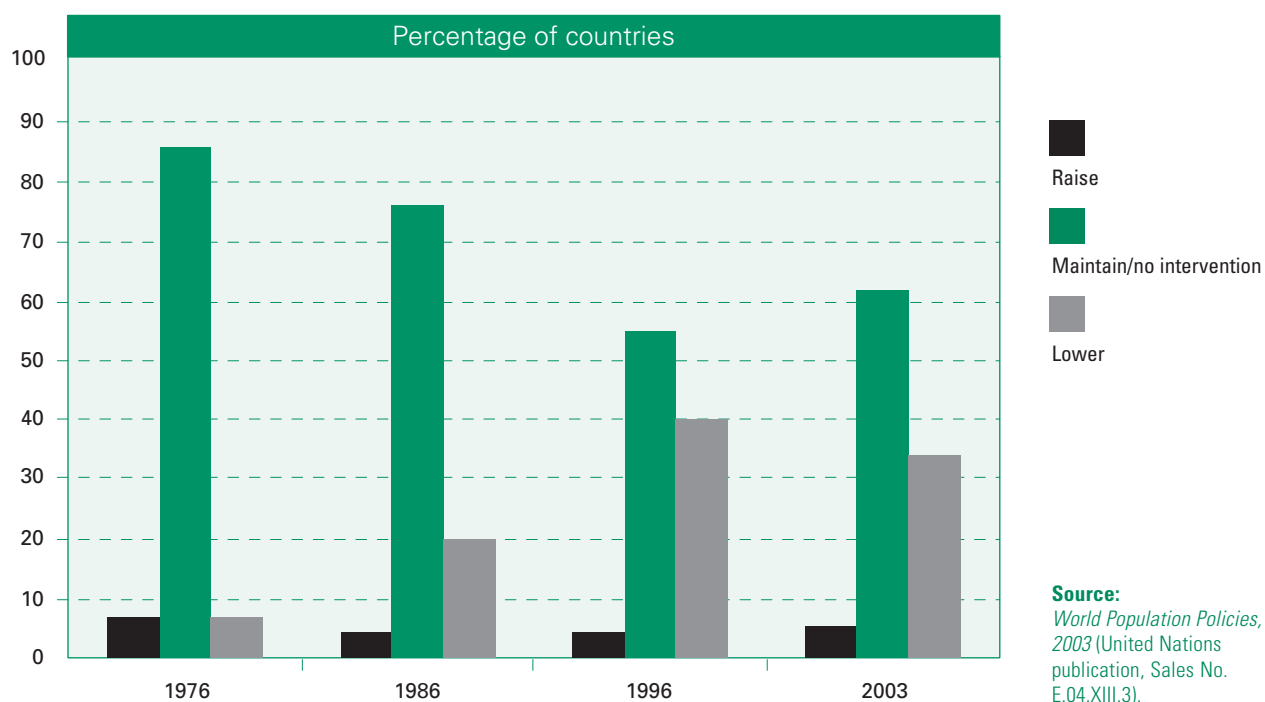
**Government policies on immigration, by country's level
of development and major areas, 1976, 1986, 1996 and 2003**

Year	Number of countries				Percentage			
	Raise	Maintain/no intervention	Lower	Total	Raise	Maintain/no intervention	Lower	Total
By level of development								
World								
1976	11	129	10	150	7	86	7	100
1986	6	125	33	164	4	76	20	100
1996	8	107	78	193	4	55	40	100
2003	10	119	65	194	5	62	34	100
More developed regions								
1976	1	27	6	34	3	79	18	100
1986	0	21	13	34	0	62	38	100
1996	1	18	29	48	2	37	60	100
2003	4	28	16	48	8	58	33	100
Less developed regions								
1976	10	102	4	116	9	88	3	100
1986	6	104	20	130	5	80	15	100
1996	7	89	49	145	5	61	34	100
2003	6	91	49	146	4	63	34	100
Least developed countries								
1976	2	39	1	42	5	93	2	100
1986	1	43	4	48	2	90	8	100
1996	1	35	13	49	2	72	27	100
2003	1	37	11	49	2	75	22	100
By major area								
Africa								
1976	5	41	2	48	10	85	4	100
1986	1	41	9	51	2	80	18	100
1996	2	35	16	53	4	66	30	100
2003	2	38	13	53	4	72	25	100
Asia								
1976	4	32	1	37	11	86	3	100
1986	1	30	7	38	3	79	18	100
1996	2	23	21	46	4	50	46	100
2003	2	22	23	46	4	47	49	100
Europe								
1976	0	24	5	29	0	83	17	100
1986	0	16	13	29	0	55	45	100
1996	0	15	28	43	0	35	65	100
2003	3	24	16	43	7	56	37	100
Latin America and the Caribbean								
1976	1	25	1	27	4	93	4	100
1986	4	25	4	33	12	76	12	100
1996	3	20	10	33	9	60	30	100
2003	1	23	9	33	3	70	27	100

Table III.2 (cont'd)								
Year	Number of countries				Percentage			
	Raise	Maintain/no intervention	Lower	Total	Raise	Maintain/no intervention	Lower	Total
Northern America								
1976	0	2	0	2	0	100	0	100
1986	0	2	0	2	0	100	0	100
1996	0	1	1	2	0	50	50	100
2003	1	1	0	2	50	50	0	100
Oceania								
1976	1	5	1	7	14	71	14	100
1986	0	11	0	11	0	100	0	100
1996	1	13	2	16	6	81	12	100
2003	1	11	4	16	6	69	25	100

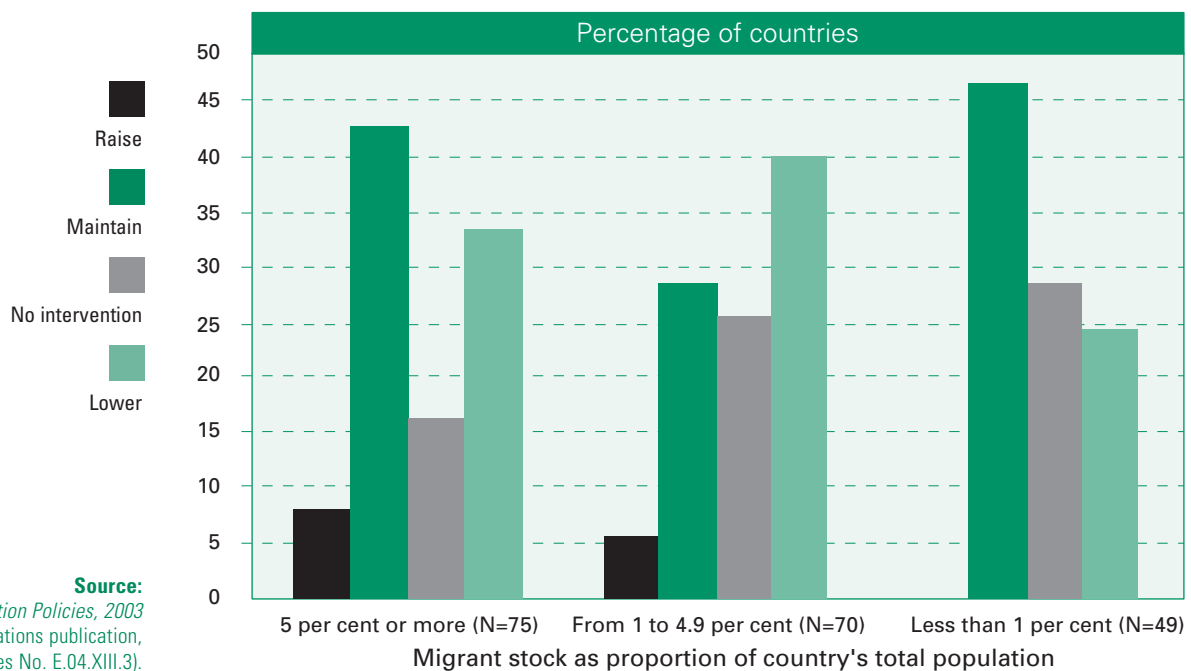
Source: *World Population Policies, 2003* (United Nations publication, Sales No. E.04.XIII.3).

Figure III.1.
Government policies on immigration, 1976, 1986, 1996 and 2003



categories as in the United States, or of point systems as in Australia and Canada, by the early 1990s, countries of permanent immigration had enacted legislation placing greater emphasis on migrant skills. The recruitment of foreign labour based on skills has had a significant impact on the origin and nature of overall migration flows. Under the current preference system, new immigrants to the United States are more likely to come from Asia and Europe, while in Australia and Canada, the numerical weight attached to factors such as

Figure III.2.
**Government policies on immigration
 by size of countries' immigrant stock, 2003**



Countries of immigration tend increasingly to favour more highly skilled migrants

education, training, occupation and language skills has reduced the proportion of immigrants dependent on family relationships.

Labour migration has become increasingly complex, as the skills that migrants bring with them increasingly determine the likelihood of their being admitted in receiving countries. Provisions for skilled workers differ significantly between countries of permanent settlement and labour-importing developed countries. In countries of permanent migration, skilled workers are usually granted only temporary residence, while in labour-importing developed countries, they are frequently contracted for a period that may significantly exceed the length of time granted for other types of work. Some two dozen countries have policies in place favouring the migration of skilled workers (United Nations, 2003c). Although most migrants to the United States continue to enter under family reunification provisions, a significant number of highly skilled migrants are being admitted on renewable three-year visas (H1-B visas). In 2001, nearly half of immigrants on H1-B visas were working in information technology (IT) and were from India (Martin and Midgley, 2003). In 2003, the quota for these visas was set at 195,000. Several countries also focus on attracting international students and upon their graduation, offer them preferential treatment: they may remain either permanently or for an extended period. In Australia, for example, more than 50 per cent of successful applicants under the skilled migration programme had been students in that country (Maiden, 2004).

Significant labour shortfalls in a number of sectors due to skill shortages, population ageing and population decline have fuelled an increase in the intake of migrant workers in most European countries, albeit an intake that is limited to highly skilled workers and is typically effected on a temporary basis. Examples of responses to these shortfalls include the 2000 "Green Card" initiative for IT specialists in Germany, the

2002 Highly Skilled Migrant Programme in the United Kingdom and the Czech pilot project for skilled migrants launched in December 2002. A recent report by the Commission of the European Communities (2003) noted that “sustained immigration flows are increasingly likely and necessary”.

Low-skilled migration

The third issue is the recruitment of low-skilled workers. Although receiving countries have emphasized the need to attract highly skilled workers, population ageing and rising job expectations are also producing labour shortages in such low-skilled fields as agriculture, construction and domestic services. The educational attainment of migrants in Western Europe and North America is lower than that of the native population, while in Southern Europe, migrants tend to be better educated (United Nations, 2003c). A Transatlantic Round-table on Low-Skilled Migration in the Twenty-first Century: Prospects and Policies, held in Brussels on 16 and 17 June 2003 and attended by Governments and international organizations, concluded that greater priority should be given to low-skilled migration (Lowell and Kemper, 2004).

Several countries have responded to these labour supply gaps by tolerating undocumented migration and visa overstayers, although this is not often widely acknowledged by Governments. Others countries, for example, those in Southern Europe, have signed bilateral agreements with Poland, Romania and Ukraine to recruit foreign workers, while Germany, Switzerland and the United States offer visas for seasonal workers (SOPEMI (Continuous Reporting System on Migration), 2004). Some countries, including Australia, Canada, New Zealand, the United Kingdom and the United States also offer working holiday schemes, giving young people from abroad the opportunity to work and travel in these countries.

At the same time, many countries continue to tolerate low-skilled—and often undocumented—immigrants to meet labour-force needs

Family reunification

The fourth issue is the promotion of family reunification. For a number of countries, family migration or family reunification is the predominant mode of legal entry. Most migrant-receiving countries have some basic provision for family reunification, which allows individuals to join family members already in the country. Not only are such provisions viewed as being consistent with the values of liberal democracy, but they are also an effective mechanism for encouraging migrants to adapt to their new society. Although no international instrument universally establishes family reunification as a right, article 16 (3) of the Universal Declaration of Human Rights (1948) (General Assembly resolution 217 A (III)) states that families are entitled to protection by society and the State. At the same time, family reunification is not universally accepted. Many contract labour arrangements preclude admission of family members. In many labour-importing countries, widespread debate has focused on the cost of providing migrants' dependants with health, education and welfare benefits.

There are many variations in the definition of the family, criteria for eligibility and rights accorded to migrants entering a country under family reunification procedures. Generally, family reunification provisions apply to spouses and unmarried dependent minors. However, there is no consensus on the age of children. Polygamous unions may be

Most countries of immigration accept some migrants on the grounds of family reunification; some countries give it strong preference

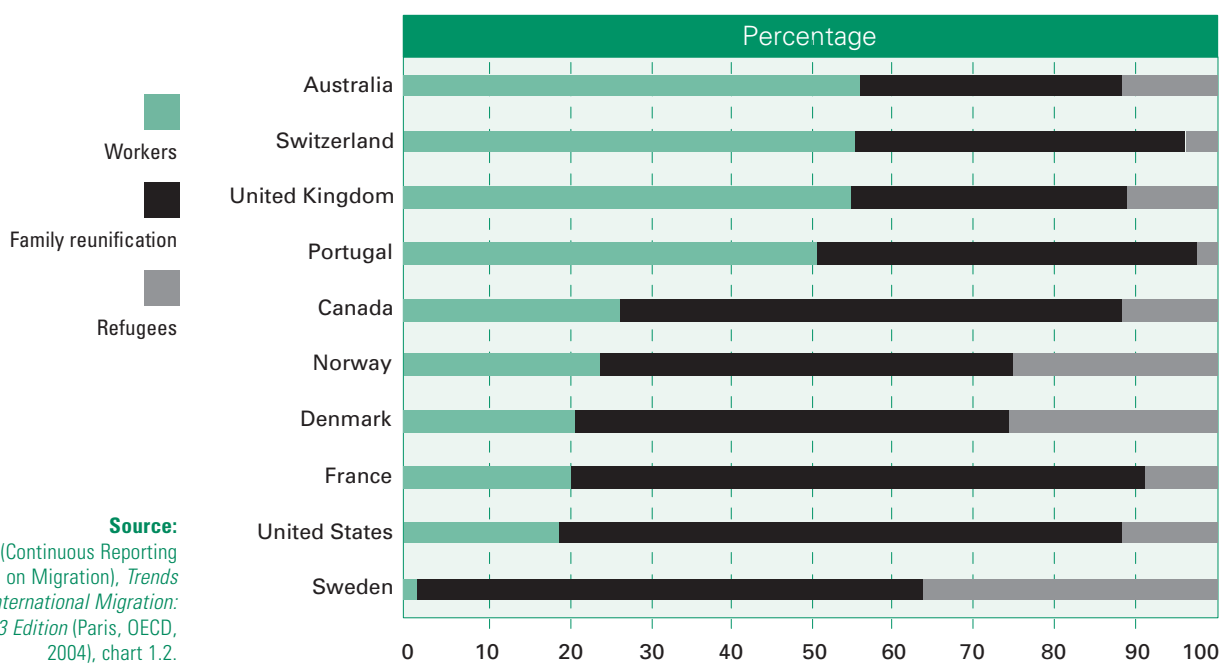
ruled out, while unmarried partners can qualify for reunification under certain conditions in an increasing number of countries. In some countries, parents, brothers, sisters and other relatives may also qualify under conditions of dependency, age and sponsorship. Patterns of family reunification often follow male-dominated migration. In some countries, it is difficult or impossible for women to bring their husbands and children (United Nations, 2004f).

Although labour migration into developed countries has been limited for over 25 years, the foreign labour force has significantly increased during this period. This apparent paradox stems from the fact that large numbers of foreign workers have been entering the host country as family members, who are now responsible for the greatest share of migration flows in countries members of the Organization for Economic Cooperation and Development (fig. III.3). Since the 1980s, family reunification has become a major reason for immigration in a significant number of countries, particularly in Europe. In OECD countries as a whole, migration for family reunification accounts for the largest share of migrant intake, in large part as a consequence of the restrictions imposed on labour migration in the mid-1970s. Along with asylum, family reunion has become the main legal justification for migration.

In recent decades, family reunification has increasingly replaced labour migration as grounds for entry

As countries experience labour shortfalls, the need for migrants grows. However, resorting to temporary migration can and often does have unintended consequences. Basing his observations on the European experience, Hansen (2003) notes that migration of young men in the 1950s and 1960s eventually led to family reunification in the host country. Thus, what had been intended as temporary migration resulted in permanent migration. A study of temporary foreign worker programmes in six countries (Ruhs, 2003) identified five unintended outcomes associated with such programmes:

Figure III.3.
Long-term immigration flows into selected OECD countries by main categories, 2001



Source:
SOPEMI (Continuous Reporting System on Migration), *Trends in International Migration: 2003 Edition* (Paris, OECD, 2004), chart 1.2.

(a) the establishment of “immigrant sectors” in the receiving country’s labour market; (b) the vulnerability of migrant workers to exploitation in recruitment for employment; (c) an increase in immigrant numbers and a greater-than-expected length of stay; (d) the opposition to migration by native workers; and (e) an increase in undocumented migration.

Not considering themselves countries of immigration (Stalker, 2002), several countries in Western Europe had halted labour recruitment, as a means of achieving zero immigration (Kasasa, 2001; Commission for the European Communities, 2003). Thus, the surge in immigration for family reunification during the 1990s took many Governments by surprise. It was only during the second half of the 1990s that the issue of migration for family reunification was formally addressed. High levels of migration for family reunification remain a contentious issue in many European countries. Most migrants to Canada, Denmark, France, Norway, Sweden and the United States are now admitted on family reunification grounds (fig. III.3).

The significance of immigration for family reunification has led several European countries to recognize family reunification as a human right. Belgium, France, Germany, Italy, the Netherlands and Spain amended their legislation in this regard in the second half of the 1990s. The Council of Europe passed six recommendations and adopted two recommendations on the right to family reunification. Within the borders of EU, the right to family reunification for European citizens has been in effect since 1998.

In all countries, family members who pose a possible threat to public order or national security are not admitted. However, the thoroughness of verification can vary among countries. A few countries require documentary evidence of the absence of a criminal record, while others check only for selected offences. There has been discussion on whether a different set of rules should apply to refugees who cannot provide the necessary documentation or may have been sentenced under criminal law.

In some countries, family members are not eligible if they have medical conditions that either endanger public health or burden the existing welfare system. At the end of the 1980s, for example, some countries denied entry to migrants with HIV/AIDS in the hope of containing the spread of the disease. Today, some 60 countries impose mandatory testing, including China, the Russian Federation and the United States. While most of these countries impose testing only on those who want to remain in the country, some countries demand testing for short-term visitors as well. Other possible grounds for exclusion include disability, previous criminal conviction, age and ill health.

While family reunification ensures the integrity of the family unit and constitutes a human right, it is a type of migration that is difficult to manage. It is open to potential abuse through sham marriages that use family reunification provisions as a means of trafficking. Such abuses have led some countries to place conditions on immigration of spouses.

In some European countries, immigration for family reunification is recognized as a human right

Integration of non-nationals

The fifth immigration policy issue is the integration of non-nationals. To facilitate migration, receiving countries are increasingly adopting policies that focus on the integration of migrants. In 2003, 61 countries reported that they had programmes to integrate non-nationals (United Nations, 2004e). Such programmes are more commonly found in more-developed countries. While assimilation has been the accepted means of integration, many developed countries now recognize and promote the benefits that diversity brings to their society. To ensure that minimal human rights standards are respected, many countries have

adopted non-discrimination provisions to protect religious freedom and the use of other languages. These protections are also applicable to migrants in most instances. Generally speaking, countries that encourage immigration have substantial integration policies including naturalization, while those that have a restrictive view of immigration are less inclusive in their approach (Lynch and Simon, 2003).

In most countries, non-citizens do not enjoy the same basic rights as are enjoyed by citizens

In most countries, non-citizens do not enjoy the same basic rights as are enjoyed by citizens; thus they are prevented from participating fully in the civil and political life of the country in which they live. In addition, they are often not able to receive social welfare benefits. Only upon becoming a citizen do migrants fully share the same responsibilities and enjoy the same privileges as nationals. Most Governments have historically not regarded themselves as receiving countries and have had long-established policies to discourage non-citizens from seeking permanent residence and eventual citizenship. To rectify this situation, Germany, Ireland, and Latvia have recently streamlined their citizenship laws to facilitate the naturalization process, thereby strengthening migrants' sense of belonging and enabling their participation in political activities.

Increasing levels of migration have induced a growing number of countries of origin to offer dual citizenship. Such provisions reflect migrants' loyalties, and enable countries to benefit from their diaspora (Martin and Aleinikoff, 2002). Most OECD countries recognize dual citizenship, allowing migrants to continue maintaining links with their country of origin as well as contribute to their adopted society. Australia, Colombia, the Dominican Republic, India, Mexico and the Philippines have adopted dual citizenship provisions, enabling their citizens to maintain their sense of identity while abroad and to foster socio-economic development in the country of origin. Some countries have changed their legal provisions with respect to granting citizenship to immigrant children so as to enable them to hold the citizenship of both their parents' country and their birth country. However, in some countries, female migrants are discriminated against in this regard, with the father's citizenship, and not the mother's, determining that of the child.

Lack of human rights protection may make migrants vulnerable in their adopted country. Women all too frequently suffer in such circumstances. Victims of domestic violence, for example, often feel that they need to remain with the abuser to avoid deportation (United Nations, 2004f).

Undocumented migration

Reducing undocumented migration (including trafficking/smuggling) is the sixth issue of immigration policy of concern to most receiving countries. Undocumented migrants are those who have either entered a country without proper authorization or stayed beyond the legal time period (for example, students, tourists, temporary workers). The upward trend in undocumented migration reflects, among other things, the increasingly restrictive admission policies in receiving countries, increasing population displacement within sending countries, and the relaxation of emigration controls in Eastern Europe and the successor States of the former Union of Soviet Socialist Republics.

Undocumented migration is increasing and is a major concern in almost all receiving countries

Developed countries have generally pursued a law-and-order approach to dealing with the inflow of undocumented migration, largely because of the transnational nature of undocumented immigration and the smuggling syndicates that support them. Undocumented migration frequently occurs through smuggling and trafficking an illegal business worth an estimated 10 billion dollars annually and serving nearly half of all

undocumented migrants (International Organization for Migration, 2003c). Practitioners of trafficking range from small-scale operators who provide transport across borders to, increasingly, international criminal networks that provide an entire range of services, including bogus documentation, transportation and assistance in crossing borders, and residence and illegal employment in receiving countries. Countries are often concerned about associated criminal activities including drug trafficking, illegal arms trading and terrorism (International Migration Policy Programme, 2000).

A major development has been the criminalization of smuggling which, until recently, was not considered a crime in many countries. Trafficked women frequently find themselves trapped: forced into prostitution, marriage, domestic work, work in sweatshops and other forms of exploitation. Increasingly, sanctions also target any third person who assists undocumented migrants. A growing number of receiving countries have negotiated readmission agreements with countries of origin, obliging them to readmit their nationals who lack proper documentation in order to facilitate their expulsion. Recent examples include agreements between Germany and Albania, and between Spain and Mauritania (SOPEMI (Continuous Reporting System on Migration), 2004).

Efforts to counter undocumented migration have also included bilateral agreements between transit and receiving countries. Owing to their geographical location, transit countries such as those of the Maghreb, Caribbean island States, Estonia, Mexico and Turkey, which serve as a bridge between the main origin and destination countries, have had to strengthen procedures to stem the flow of undocumented migrants across their borders. The agreements between Morocco and Tunisia and some of the EU member States, for example, require these two Maghreb countries to readmit foreigners who, having transited through them, and were residing in EU without authorization (SOPEMI (Continuous Reporting System on Migration), 2004). Morocco, which had had an agreement with Spain since 1992 to readmit its own nationals and persons who had transited through Morocco before entering Spain, temporarily suspended the programme in 2003 (SOPEMI (Continuous Reporting System on Migration), 2004). The programme resumed in 2004.

Since the mid-1990s, most OECD countries, as well as some developing countries, have either introduced new sanctions or increased the penalties for undocumented migrants, smugglers and those employing them. For example, the United Kingdom Asylum and Immigration Act (1996) made it an offence for employers to employ an individual without a work permit, while the United States Immigration in the National Interest Act (1995) outlined penalties for traffickers and contained provisions on carrier liability (International Organization for Migration, 1996). Similarly, the South African Immigration Act (2002) prohibits employing those without a work permit and places the onus on employers not to engage unauthorized individuals.

In recent years, large numbers of undocumented migrants are believed to have entered countries using bogus documents—counterfeit or altered documents, as well as forged unissued passports stolen from consular facilities. To combat this problem, countries have introduced counterfeit-proof visa stamps, passports with enhanced security features, and machine-readable travel documents, reflecting a technology that is believed to offer strong safeguards against tampering with official travel documents. Other innovations include microchips with which to store biometric data such as fingerprints and iris images in passports. Eurodac, the first European automated fingerprint identification system, was launched in early 2003 to register the fingerprints of asylum-seekers and certain categories of illegal immigrants arriving in the member States of EU, Iceland and Norway.

Smuggling and trafficking of international migrants are estimated to have become a 10 billion dollar-a-year industry

Measures to combat undocumented migration include bilateral agreements between countries of origin, countries of destination and countries of transit

Other measures to control undocumented migration include increased penalties, the use of counterfeit-proof documents...

... and information campaigns

Information campaigns, aimed at deterring undocumented migrants, have been launched by major receiving countries in both source and transit countries. The United States, for example, conducted information campaigns to dissuade potential undocumented migrants by warning them of the dangers involved in crossing the Rio Grande and the deserts in the South-west. Similarly, in 2002 the Government of New Zealand began distributing pamphlets in Indonesian ports and towns, warning of the hazards involved in attempting to reach New Zealand by boat. Such campaigns are generally limited in their effectiveness and have largely been futile in deterring people (International Organization for Migration, Office of Programme Evaluation, 1999). Information is considered particularly important in the case of trafficking in women for sexual exploitation. In this context, there is evidence that information about the situation in the receiving countries can have a considerable impact with respect to deterring trafficking in women and also on the migration of women generally. Other measures adopted have included carrier sanctions, increased patrols of territorial waters, and heightened border controls, as well as sanctions against undocumented migrants, smugglers and employers.

Although many countries have recently enacted measures restricting the entry of undocumented migrants, other countries have largely ignored the problem, most commonly those experiencing labour shortages in sectors such as agriculture and the service industries, where both the skills required and the wages are comparatively low. Despite the fact that it contravenes official policy, undocumented migration is at times tolerated by Governments because of labour shortages. For example, significant migration to Argentina from neighbouring countries occurred throughout the second half of the twentieth century, although employing visitors was illegal (Parrado and Cerrutti, 2003). Many undocumented migrants from neighboring countries such as Malawi have found and continue to find work in the mines of South Africa.

A substantial number of Governments have offered amnesties to regularize undocumented migrants (see chap. II and table III.3). For example, in 1986, the United States granted permanent residency under the Immigration Reform and Control Act (1986) to 2.7 million undocumented migrants who had entered the country before 1982. Similarly, in early 2004, the Government of Argentina introduced a programme to regularize the status of the estimated 750,000 undocumented workers in the country. There is some evidence to suggest that regularization programmes encourage additional undocumented migration (SOPEMI (continuous Reporting System on Migration, 2003).

Regional and subregional harmonization

The seventh issue is harmonization of immigration policies among Governments. The establishment of regional and subregional processes (including bilateral agreements), which exist in virtually all regions, has facilitated information exchange and improved regional cooperation.

Consultative processes have been established at the regional and international levels to stem the flow of undocumented migrants. These include the Puebla Process covering Canada, Central America, Mexico and the United States and the consultations being carried out as a follow-up to the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime to further strengthen ties across the Asia-Pacific region. In addition, two international protocols supplementing the United Nations Convention against Transnational Organized crime (General Assembly resolution 55/25,

Table III.3.

Regularization programmes for undocumented migrants

Country	Year or period
Argentina	2004
Belgium	2000
Costa Rica	2000
France	1981-1982
	1997-1998
Greece	1997-1998
	2001
Italy	1987-1988
	1990
	1996
	1998
	2002
Malaysia	1989
	1991
	1996-1997
Portugal	1992-1993
	1996
	2001
South Africa	1996
	2000
Spain	1985-1986
	1991
	1996
	2000
	2001
Switzerland	2000
Thailand	1999-2000
United States of America	1986
	1997-1998
	2000
	2004 (proposed)
Venezuela	2004

Sources: SOPEMI (Continuous Reporting System on Migration), *Trends in International Migration: 2003 Edition* (Paris, OECD, 2004); and Population Policy Data Bank maintained by the Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat.

annex I), namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air (Assembly resolution 55/25, annex III), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Assembly resolution 55/25, annex II), recently came into force. These and other initiatives are discussed further in chapter VIII.

Migration and trade

The adoption of the General Agreement on Trade in Services¹ under the General Agreement on Tariffs and Trade (1994), is the eighth issue. The agreement is discussed more fully in chapter VIII.

Changing approaches to migration since September 2001

In the wake of the events of 11 September 2001, many countries are according high priority to the monitoring of those entering their jurisdiction. Increased emphasis is placed on scrutinizing the background of visa applicants for security reasons. Concerned by the threat of international terrorism, Governments have extended their legal competencies. The Anti-terrorism, Crime and Security Act (2001) in the United Kingdom, for example, extended government provisions to cover detaining suspected terrorists and allowing fingerprints to be retained for up to 10 years so as to avoid the possibility of the assumption of multiple identities. The USA Patriot Act (2001) gave additional resources for United States border controls and inspection activities, and allows for the detainment of foreigners without charge, while the Enhanced Border Security and Visa Entry Reform Act (2002) tightens screening and allows the tracking of foreigners in the United States. In addition, there is now greater intelligence-sharing on suspected individuals among countries, as well as enhanced cooperation in the field of border control (SOPEMI (Continuous Reporting System on Migration), 2004).

Many Governments have introduced more stringent requirements for granting visas in the aftermath of 11 September, 2001, and some have (re)imposed visa requirements for nationals of countries that consistently produced undocumented migrants. The measures introduced by the United States (box III.1) are among the most stringent. Many other countries or areas are following suit. Countries that use body-recognition technology, or biometrics, to enhance security procedures, include Hong Kong Special Administrative Region (SAR) of China, Oman and Singapore. Several countries have tightened their visa-issuing procedures and enhanced their vigilance at border entry points. Electronic screening systems of airline passengers entering countries are being introduced by a number of countries, such as New Zealand and the United States. In early 2004, EU

National security has become a leading concern of immigration policy

Box III.1

United States of America: post-9/11 and immigration

In the aftermath of 11 September 2001, the United States of America has been a leader in the introduction of new measures to monitor and control those entering the country. These measures have included tightening the entry requirements for visitors; the creation of the Department of Homeland Security; and enhanced policing of the foreign-born in the United States. Visa applicants face increased background checks and interviews.

From January 2004, the United States began scanning individuals at airports under its US-VISIT Program. All foreigners entering the United States through airports and seaports would have their photograph and fingerprints taken, except for citizens from 27 "low-risk" countries (Visa Waiver Program). The Government announced in April 2004 that the US Visit Program would be extended to those remaining countries no later than 30 September 2004. Only diplomats and travellers from Canada and Mexico will be exempted.

In addition, an agreement was concluded in December 2003, whereby passenger data including credit card details of passengers departing from EU to enter the United States would be given to United States authorities. Eventually, all carriers are expected to disclose passenger records.

announced plans to require airlines to submit passenger data to the EU authorities. Further legislation designed to restrict the number of refugees, asylum-seekers and undocumented migrants is currently awaiting final approval by a number of Governments. Governments maintain that this is necessary to protect their countries, but critics argue that such legislation may do little to enhance security, while imposing undue financial costs on international trade and investment (Santangelo Group, 2004), deterring foreign students and constituting a breach of civil liberties and fundamental human rights.

Emigration Policies

Both developed and developing countries exhibit similar views and policies concerning emigration. Despite the significant increase in the number of migrants, the proportion of countries wanting to lower emigration has remained steady at about one quarter since the 1980s. In 2003, some three fourths of countries, whether developed or developing, viewed their level of emigration as satisfactory (see table III.4) and one country in four had policies aimed at lowering emigration (see table III.5). Only 6 per cent of countries aimed to raise their level of emigration. The proportion of developing countries that viewed their level of emigration as too high increased steadily from the 1970s to the mid-1990s, peaking at 30 per cent in 1996. However, since then that proportion has dropped off, to 23 per cent.

Emigration creates both opportunities and difficulties for developing countries. For most countries of origin, worker remittances are an important source of foreign exchange earnings, and for some countries, the predominate source of income. At the global level, worker remittances now exceed official development assistance (ODA). On the other hand, the loss of skilled manpower—or the brain drain—places strains in critical areas and may hinder the development process. By the 1970s, several developing countries had been grappling with the consequences of the substantial migration of their nationals to developed countries. In any case, as of 2003, more than two thirds of developing countries either did not intervene with respect to emigration or aimed to maintain the current level of emigration (table III.5).

In Oceania, the number of Governments viewing emigration as too high has been moving steadily upward, reaching 38 per cent in 2003. In contrast, in Africa, Asia and Latin America and the Caribbean, concerns with respect to high emigration eased during the second half of the 1990s and the beginning of the twenty-first century. The proportion of Latin American and Caribbean countries with policies to reduce emigration, for example, declined from 45 per cent in 1986 to 21 per cent in 2003 (table III.5), in part owing to the importance of migrant remittances.

Some developed countries are similarly suffering labour shortages in critical areas because of skilled emigration. Owing to greater employment opportunities and higher salaries in Canada and the United States, scientists, engineers, information technology experts and academics from developed countries have migrated to North America. Eastern European Governments have expressed concern over the potential loss of skilled talent because of the enlargement of EU in May 2004.

While emigration is an accepted right under international law, in practice, several States discriminate against women who wish to emigrate through, for example, preventing women from leaving without their guardian's consent or setting age limits that apply only to women. The fact that measures designed to protect women from exploitation may make it more difficult for them to go abroad legally, in turn encourages them to leave

The large majority of both developed and developing countries view their level of emigration as satisfactory

The brain drain remains a matter of concern in some countries

Table III.4.

Government views on the level of emigration, by country's level of development and major areas, 1976, 1986, 1996 and 2003

Year	Number of countries				Percentage			
	Too low	Satisfactory	Too high	Total	Too low	Satisfactory	Too high	Total
By level of development								
World								
1976	6	125	19	150	4	83	13	100
1986	9	124	31	164	5	76	19	100
1996	5	133	55	193	3	69	28	100
2003	7	142	45	194	4	73	23	100
More developed regions								
1976	1	28	5	34	3	82	15	100
1986	2	29	3	34	6	85	9	100
1996	1	35	12	48	2	73	25	100
2003	0	36	12	48	0	75	25	100
Less developed regions								
1976	5	97	14	116	4	84	12	100
1986	7	95	28	130	5	73	22	100
1996	4	98	43	145	3	68	30	100
2003	7	106	33	146	5	73	23	100
Least developed countries								
1976	0	39	3	42	0	93	7	100
1986	1	39	8	48	2	81	17	100
1996	1	37	11	49	2	76	22	100
2003	2	40	7	49	4	82	14	100
By major area								
Africa								
1976	1	44	3	48	2	92	6	100
1986	3	41	7	51	6	80	14	100
1996	2	40	11	53	4	75	21	100
2003	2	44	7	53	4	83	13	100
Asia								
1976	4	31	2	37	11	84	5	100
1986	3	28	7	38	8	74	18	100
1996	2	31	13	46	4	67	28	100
2003	5	31	11	47	11	66	23	100
Europe								
1976	1	23	5	29	3	79	17	100
1986	1	26	2	29	3	90	7	100
1996	1	31	11	43	2	72	26	100
2003	0	32	11	43	0	74	26	100
Latin America and the Caribbean								
1976	0	18	9	27	0	67	33	100
1986	2	17	14	33	6	52	42	100
1996	0	18	15	33	0	55	45	100
2003	0	23	10	33	0	70	30	100

Table III.4 (cont'd)								
Year	Number of countries				Percentage			
	Too low	Satisfactory	Too high	Total	Too low	Satisfactory	Too high	Total
Northern America								
1976	0	2	0	2	0	100	0	100
1986	0	2	0	2	0	100	0	100
1996	0	2	0	2	0	100	0	100
2003	0	2	0	2	0	100	0	100
Oceania								
1976	0	7	0	7	0	100	0	100
1986	0	10	1	11	0	91	9	100
1996	0	11	5	16	0	69	31	100
2003	0	10	6	16	0	62	38	100

Source: *World Population Policies, 2003* (United Nations publication, Sales No. E.04.XIII.3).

Table III.5.

Government policies on emigration, by country's level of development and major areas, 1976, 1986, 1996 and 2003

Year	Number of countries				Percentage			
	Raise	Maintain/no intervention	Lower	Total	Raise	Maintain/no intervention	Lower	Total
By level of development								
World								
1976	6	125	19	150	4	83	13	100
1986	8	120	36	164	5	73	22	100
1996	6	142	45	193	3	74	23	100
2003	11	137	46	194	6	71	24	100
More developed regions								
1976	1	28	5	34	3	82	15	100
1986	2	28	4	34	6	82	12	100
1996	1	35	12	48	2	73	25	100
2003	1	35	12	48	2	72	25	100
Less developed regions								
1976	5	97	14	116	4	84	12	100
1986	6	92	32	130	5	71	25	100
1996	5	107	33	145	3	74	23	100
2003	10	102	34	146	7	70	23	100
Least developed countries								
1976	0	39	3	42	0	93	7	100
1986	0	39	9	48	0	81	19	100
1996	1	39	9	49	2	79	18	100
2003	2	38	9	49	4	77	18	100

Table III.5 (cont'd)								
Year	Number of countries				Percentage			
	Raise	Maintain/no intervention	Lower	Total	Raise	Maintain/no intervention	Lower	Total
By major area								
Africa								
1976	1	44	3	48	2	92	6	100
1986	2	41	8	51	4	80	16	100
1996	2	42	9	53	4	79	17	100
2003	1	43	9	53	2	81	17	100
Asia								
1976	4	31	2	37	11	84	5	100
1986	5	25	8	38	13	66	21	100
1996	3	32	11	46	7	70	24	100
2003	8	24	15	47	17	51	32	100
Europe								
1976	1	23	5	29	3	79	17	100
1986	1	24	4	29	3	83	14	100
1996	1	30	12	43	2	70	28	100
2003	1	30	12	43	2	70	28	100
Latin America and the Caribbean								
1976	0	18	9	27	0	67	33	100
1986	0	18	15	33	0	55	45	100
1996	0	23	10	33	0	70	30	100
2003	1	25	7	33	3	76	21	100
Northern America								
1976	0	2	0	2	0	100	0	100
1986	0	2	0	2	0	100	0	100
1996	0	2	0	2	0	100	0	100
2003	0	2	0	2	0	100	0	100
Oceania								
1976	0	7	0	7	0	100	0	100
1986	0	10	1	11	0	91	9	100
1996	0	13	3	16	0	82	19	100
2003	0	13	3	16	0	82	19	100

Source: *World Population Policies, 2003* (United Nations publication, Sales No. E.04.XIII.3).

clandestinely, thus placing them at even greater risk of abuse (Boyd and Grieco, 2003; United Nations, 2004f).

In 2003, 11 countries reported having policies to increase emigration (United Nations, 2004e). Other Governments tolerate the departure of large numbers of their citizens, although concerns are often raised about the loss of talented and highly skilled human resources. Some countries have established government units to manage emigration flows, for example, the Bureau of Manpower, Employment and Training in Bangladesh and the Indian Office of the Protector of Emigrants (Castles, 2000). Several countries of emigration, including Mexico and the Philippines, have formulated policies to assist their citizens abroad, for

example, with respect to preventing abuse, and, inter alia, offer services to facilitate and reduce the costs of transferring remittances and provide assistance in cases of illness, abuse and death (box III.2). A number of countries of emigration have entered into bilateral agreements with receiving States to ensure minimum labour standards. However, the monitoring is left to consular officials who at times lack the resources to carry out all their activities. Others countries have policies to encourage migrants to remit and invest in their country of origin. These programmes have had mixed results (Waddington, 2003). Chile, Colombia, El Salvador, Mexico, Peru and Venezuela have recently initiated linkage programmes with their citizens abroad (International Organization for Migration, 2003c).

The sharp rise in emigration of skilled workers has prompted some countries to address the challenges posed by the brain drain through initiatives to encourage the return of skilled workers living abroad. Overall, 53 countries had policies and programmes in place in 2003 to encourage their nationals to return, down from 59 in 1996. Most were in the less developed regions, particularly Asia and Latin America and the Caribbean (United Nations, 2004e).

The policies were motivated by a belief in their potential positive impact on the home country through the transfer of knowledge and technology, as well as through investments and trade. In some countries, policy makers have tried to tap into these feedback effects, in particular through diaspora networks and policies to attract return migration. For instance, the South African Network of Skills Abroad (SANSA), an active network with more than 2000 members, established by the Government's National Research Foundation, has a specific human resource development focus to match South African migrants with projects. Through its web site, Thailand's Reverse Brain Drain project (RBD) provides Thai migrants who want to invest in their country with information about investment incentives, business information and business opportunities. The Government of the Republic of Korea has been actively promoting contact between scientists and engineers abroad and

Box III.2

Filipinos abroad

The Philippines is one of the world's largest exporters of labour. About 8 per cent of the Filipino population is said to live abroad, providing benefits to their country in the form of remittances. Overseas Filipino workers (OFWs) are portrayed as unsung heroes and heroines, and the Government recognizes their achievements through an annual award ceremony (O'Neil, 2004).

The Government promotes temporary migration through regulated channels and encourages the return and reintegration of migrants. The Government permits Filipinos to leave the country officially only if they are recruited by a licensed recruiter or government agency, or have a contract approved by the Philippines Overseas Employment Administration (POEA). At pre-departure seminars, the Government offers services such as life insurance and pension plans, and medical insurance, to legal emigrants. These are paid for by the recruiting agencies. Consular officials offer assistance to Filipinos once they are abroad when required; and the Government sponsors tours by entertainers to promote continued ties with the Philippines (O'Neil, 2004).

The promotion of emigration has been a successful response to high unemployment. However, it is not without its problems. The Philippines, for example, faces critical shortages of medical professionals, for example (Choo, 2003). Moreover, the many Filipinos who live abroad as undocumented migrants work mostly in vulnerable areas, such as the domestic sector.

at home. It has subsidized and supported professional associations in Canada, China, Europe, Japan and the United States. Other examples of diaspora networks are the Chinese Scholars Abroad (CHISA), the Colombian network of scientists and research professionals (Red Caldas), the Silicon Valley Indian Professionals Association, and the Digital Diaspora Network-Africa for African entrepreneurs.

A wide range of policies to encourage the return of skilled migrants have been adopted by countries in all regions

The Governments of Uruguay and Argentina have created organizations and programmes whose main goal is to relink and involve national scientists and professors abroad with groups and development projects inside these two countries. In Argentina, for example, the National Council of Scientific and Technological Research (CONICET) has created the category of “Corresponding Member of the Scientific-Technological Research Degree”, through which citizens living abroad could be given honorary titles. These researchers or professors can be hired for short periods, or fully incorporated into a research career if they choose to return to Argentina.

Taiwan Province of China has induced many migrants to return with initiatives such as the creation of a venture capital industry and investments in research infrastructure. Returnees started more than half of the companies in the Hsinchu Science-based Industrial Park that now accounts for about 10 per cent of the gross national product (GNP) of Taiwan Province of China. The Government of the Republic of Korea launched a reintegration programme for return migrants. Within the first six months of the establishment of the programme, 4,000 workers were reported to be participating in the scheme. Similar programmes are also available in Mexico. In Uruguay and Argentina, the Governments have implemented policies to encourage the return of migrants through tax exemptions for the products brought back by the migrants. The Government of Uruguay, with support from the International Organization for Migration (IOM), created the National Commission for Repatriation which has supported the return of migrants, with special emphasis on scientists and professionals with ties to the academic world. In 1990, with the creation of the Sectoral Commission of Scientific Research (CSIC), several initiatives were established to reverse the brain drain, including a programme for the hiring of Uruguayan scientists and the economic support programme for returnees to facilitate their re-entry into the academic environment.

Return migration has been encouraged by several countries and the international community. For instance, since 1977, under a United Nations Development Programme (UNDP) programme entitled Transfer of Knowledge through Expatriate Nationals (TOKTEN), the work of highly skilled migrants in their country of origin is financed for a period of from 3 to 12 weeks. During this period, experts could work in the government, universities, or public and private enterprises. The programme pays for a round-trip airfare ticket and living expenses during the period of service.

To reduce the effects of the brain drain and facilitate return migration to Africa, IOM had set up the Return and Reintegration of Qualified African Nationals (RQAN) programme. From 1983 to 1999, the programme assisted in the return of more than 2,000 highly skilled migrants to 11 participating countries. An evaluation of the programme found that the return migrants contributed significantly to the financial growth of the organizations they were working with, through income-generation and cost-saving measures. Their positive contribution to the transfer of knowledge, technology and management skills was also demonstrated (African Centre for Technology Studies, 2002). In 2000, the Migration for Development in Africa (MIDA) programme was established as a follow-up to RQAN. The programme is a partnership among IOM, government authorities, the private sector and civil society in participating African home countries as well as

in the host countries. Its aim is to transfer vital skills and resources from nationals in the African diaspora to their countries to support development therein.

The fact that relatively few such programmes are successful probably explains the decline in the numbers of Governments with these programmes. Africa is particularly hampered by the migration of the skilled within the continent, usually to South Africa, as well as by their departure from Africa altogether. South Africa itself faces significant skill shortages owing to high emigration in areas such as academia, education, health care and information technology, as well as science and technology (SOPEMI (Continuous Reporting System on Migration), 2004; Wöcke and Klein, 2002). The United Kingdom agreed to staunch the flow of medical workers from South Africa to the United Kingdom, by halting the recruitment of such workers from South Africa. Rather than stem the flow of these workers, however, the impact of the agreement has been to redirect the outflow of these workers to Australia, the United States and other countries. The South African Government also uses the Internet to tap into the pool of skilled workers abroad. Similarly, the President of Nigeria actively exhorts skilled Nigerians to contribute to their country's development (Mutume, 2003).

In recent decades, Latin America and the Caribbean has become a significant region of emigration. The countries of the region are giving increased attention to the emigration of nationals and to their protection abroad. Some Caribbean States have in recent decades engaged in considerable efforts to encourage return migration and to ensure the rights of their citizens abroad (International Migration Policy Programme, 2003). For example, during the 1990s, Jamaica devised the Return of Talent Programme to facilitate the return of talented Jamaicans. Other Governments such as that of Grenada have implemented tax incentives to encourage nationals to return.

The Pacific island State of Niue, with a dwindling population of less than 1,600 people, has developed financial initiatives and job-creation schemes to encourage Niue nationals to return from neighbouring countries, chiefly New Zealand, with which it has a free association. The Government also recently invited Tongans and Samoans of Niue heritage to live on the island in order to bolster its population.

Conclusions

National and international issues related to migration such as brain drain and brain gain, remittances and undocumented movements have intersected with national concerns of low fertility and population ageing, unemployment, human rights and States rights, social integration, asylum, xenophobia, trafficking and national security. All together, these concerns have led to a re-examination of international migration policies and the potential benefits and disadvantages accruing therefrom to origin, destination and transit countries. As a result, over the past decades, the number of Governments adopting measures to manage migration has significantly increased. By 2003, one third of countries had policies in place to lower immigration, compared with just 7 per cent of countries in 1976. Since the mid-1970s, countries of both the more and the less developed regions have tended to pursue lower immigration; in both regions, one third of countries have policies to reduce immigration. Although countries are gradually imposing more restrictive immigration measures, a growing number of countries are simultaneously seeking to alleviate labour shortages by promoting the migration of certain categories of migrants, particularly the highly skilled. For many receiving countries, family reunification remains the foundation for accepting migrants.

Policies to reduce the brain drain are often ineffective

In 2003, 61 countries reported that programmes were in place for the integration of non-nationals, up from 52 countries in 1996. Policies for the integration of non-nationals are more prevalent in the receiving countries of the more developed regions than in those of the developing regions. International migration is increasingly being viewed as making an important contribution to the socio-economic development of countries of origin by, among other things, providing a major source of foreign exchange through remittances. Despite the increased volume of migration, the proportion of countries that aim to lower emigration has remained at about 1 in 4 since the mid-1980s. Moreover, countries have become less inclined to encourage the return of nationals living abroad. Instead, countries of origin tend increasingly to initiate links with those citizens.

Since the adoption of the Programme of Action of the International Conference on Population and Development (United Nations, 1995, chap. I, resolution 1, annex) in 1994, there has been growing recognition that international migration and development are inexorably linked and are of key relevance to the global agenda. It is becoming apparent that to reap the benefits and minimize the adverse consequences of international migration, greater international cooperation will be necessary. This requires the establishment of safe, orderly and rule-governed migration within a framework where States understand their obligations and protect the rights of migrants, and migrants recognize their rights and responsibilities, as well as respect national and international laws.

Notes

- 1 The full text is available from http://www.wto.org/english/tratop_e/sevv_e/gatsintr_e.htm (accessed 29 October 2004).