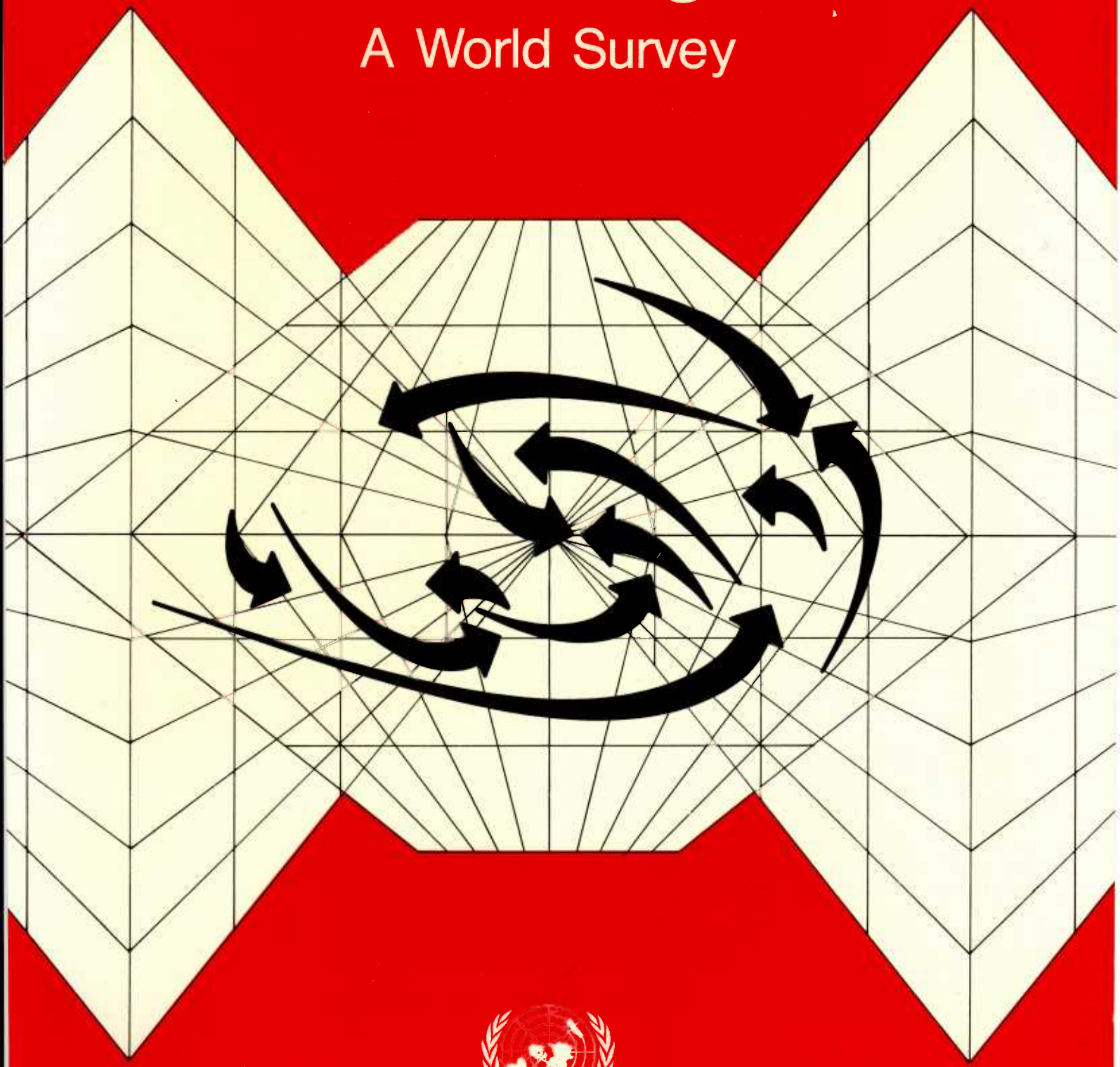
International Migration Policies and Programmes:

A World Survey



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Department of International Economic and Social Affairs
POPULATION STUDIES, No. 80

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A World Survey

United Nations
New York, 1982

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The term "country" as used in the text and tables of this publication also refers, as appropriate, to territories or areas.

The designations "developed" and "developing" economies are intended for statistical convenience and do not necessarily express a judgement about the stage reached by a particular country or area in the development process.

The designations of world regions used throughout this report have been taken from United Nations, *Selected World Demographic and Population Policy Indicators, 1978* (New York, 1979).

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PREFACE

The present study is the first attempt by the Population Division of the Department of International Economic and Social Affairs to present a survey of international migration policies and programmes in the various regions of the world. The study follows upon a previous publication by the Population Division: *Trends and characteristics of international migration since 1950*[1] which, as the title suggests, focused essentially on international migration trends during the period 1950–1974.

For many years, demographic aspects of international migration have been analysed by the Population Division as part of its work programme and endorsed by the Population Commission and the Economic and Social Council. The great significance of contemporary international migration was particularly emphasized by the Commission at its nineteenth session in January 1977.[2]

In a still broader forum, the increased concern of Governments with the question of international migration was noted by the 1974 World Population Conference. The World Population Plan of Action that was adopted by the Conference contained a number of specific recommendations concerning international migration.[3] For example, it was urged that Governments and international organizations should generally facilitate voluntary international movement, except those based on racial considerations that would be to the detriment of indigenous populations. Governments that considered international migration to be important to their countries were urged to conduct appropriate bilateral or multilateral consultations in order to harmonize, to the extent possible, the interests of sending and receiving nations, as well as those of the migrants themselves. It was also recommended that international organizations make available upon request technical and financial assistance to facilitate the settlement of people in countries of immigration.

A set of recommendations have also been made concerning the protection of migrant workers, their working conditions and their welfare. The Economic and Social Council recognized the importance of these recommendations when it adopted resolution 1926 (LVIII) of 6 May 1975 on the welfare of migrant workers and their families. In that resolution, the Council also stressed the need for concerted action among Governments and for co-ordination among intergovernmental organizations, specialized agencies and organs of the United Nations system in dealing with the question of international migration.

Most recently, during 1981, the United Nations General Assembly has been in the process of drafting an international convention on the protection of the rights of all migrant workers and their families.

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[1] *Trends and characteristics of international migration since 1950* (United Nations publication, Sales No. E.78.XIII.5).

[2] See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 4* (E/5913).

[3] *Report of the United Nations World Population Conference, Bucharest, 19–30 August 1974* (United Nations publication, Sales No. E.75.XIII.3), chap. I.

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INTRODUCTION

Current international migration departs from historical patterns in a number of respects. Whereas past movements usually involved permanent settlers who moved from Europe to the Americas and Oceania, contemporary movements constitute not settlers, but largely a "south-north" flow of workers. A relatively small number of countries with a tradition of accepting permanent immigrants—chiefly Canada, the United States of America, Australia and New Zealand—continue to accept permanent settlers, although these countries are moving in the direction of increasingly restrictive policies, a topic that is discussed in chapter I, Permanent immigration/emigration. The salient point is that the number of places throughout the world for permanent immigrants has basically stabilized and may well decline in future years.

In addition to these traditional countries of immigration, a small number of countries in other regions—particularly in Latin America—seek permanent immigrants on a selective basis, either as a means of settling under-populated regions or of bringing in needed expertise or skills. Few Governments of these countries have been able to attract the quantity and quality of immigrants they desire since their ideal immigrant is more likely to be attracted to the developed or capital-rich countries.

At the same time, few countries explicitly encourage emigration, and those that promote emigration on a permanent basis do so in a number of rather specific circumstances, which are also discussed in chapter I.

Chapter II, Labour migration: developed countries, examines the situation in Western Europe—the former chief destination for labour migrants—where the closing of the door to large-scale migration of foreign manpower remains the policy in force. Migration to these countries is now increasingly mature and consists largely of dependants admitted for family reunification purposes, although these wives and children are also entering the labour market.

While Western Europe's foreign workers have now become entrenched as a structural element of the labour market in most of the receiving countries, their economic integration has not been paralleled by their social integration in the host societies. This is a serious issue that still confronts most of the former countries of immigration in Western Europe, and one that is discussed at length in chapter II.

In chapter III, Labour migration: developing countries, there is an overview of labour migration policies in Africa, Asia and Latin America, although the major emphasis is on the Middle East, where in recent years there have been massive inflows of temporary workers, initially from neighbouring Arab countries. As a means of keeping their expatriate populations at a political and culturally tolerable level and of enforcing the rotation process, the labour-importing countries have increasingly turned to labour from various Asian countries that enters the Middle East labour market through national and third-country contracting firms which bring in labour for their projects, settle them in work camps apart from the local population, and repatriate them *en masse*.

In spite of the increasing emphasis on enclave projects and on enforced rotation, most of the capital-rich countries in the Middle East have large foreign populations as a result of past *laissez faire* policies. While the various European countries have made slow but steady progress towards integrating their foreign populations, allowing family immigration and gradually extending social programmes and political rights, the developing countries in the Middle East would appear to be moving in a different direction, severely restricting family immigration and making virtually no effort to extend economic and social benefits, let alone political rights.

In a context of a slowdown in world economic growth, a limited number of places for permanent immigration, the ending of the recruitment of foreign manpower in Western Europe, and growing restrictions on foreign workers in the Middle East, there has been a rise in illegal migration in all world regions, a topic that is discussed in chapter IV, Illegal migration. Indeed, in some regions of the world, particularly in Africa and Latin America, illegal migration is the dominant type of migration. Even in some economically advanced countries illegal migration serves the purpose of a *de facto* guest-worker system. Receiving Governments can choose to ignore the presence of illegal workers in times of economic expansion and then suddenly tighten restrictions during an economic downturn. Although the major burden falls on the workers themselves, who suffer violations of their civil and human rights, the receiving countries are faced with growing problems. Even countries with accurate data-gathering systems have little idea of the actual number of illegals, to what extent they use basic services, whether or not they displace native workers, depress wages, and so forth.

Even in the absence of hard data on illegal flows, there is a tendency for a large number of Governments to be moving in the direction of stricter controls over illegal migration. For the most part, these actions are being taken unilaterally by receiving countries. There have been some attempts by groups of receiving countries to work in concert, but there is less evidence of effective formal co-operation on this issue between sending and receiving countries.

The final chapter, chapter V, Refugees, deals with refugees who are becoming an increasingly important component of international migration flows and are, in

a sense, competing with more traditional migrants for a limited number of places in the major countries of resettlement.

Refugee movements have been occurring in Africa on a massive scale. Relatively few African refugees have been settled outside the region, a situation that is unlikely to change in the foreseeable future. Whereas many host Governments in Africa have recognized that refugees constitute a potentially active labour force and have planned and implemented refugee programmes within the context of national and regional development strategies, large numbers of Asian refugees have been resettled outside the region. This process has been slowing down, however, and there have been actual or proposed reductions in several of the major countries of resettlement. Refugee movements in Latin America, which formerly involved mainly political refugees, who were highly skilled and middle class, now typically consist of large-scale movements.

While some refugees will continue to be admitted on a highly selective basis in the developed countries, the majority of refugees will remain in the regions from which they come, requiring massive and continuing assistance.

The present study has been organized in the following manner. There are five major chapters, each of which consists of an introduction and a regional overview. The introductory section consists, in turn, of five subsections—a brief historical note, a description of the major trends, a presentation of general issues relevant to the main topic, a discussion of the major policy responses, and, finally, a brief discussion of the main types of institutional arrangements that deal with that particular aspect of international migration. The regional overview presents in greater depth a discussion of policies adopted in individual countries within the 24 subregions that are commonly used in publications prepared by the Population Division.

The study represents the situation as assessed in 1980/81, since research began in the spring of 1980 and the study was completed in the fall of 1981. The chapter on refugees was the first to be completed; although it has been updated on several occasions, it basically reflects the situation at the end of 1980.

While the study has attempted to give equal coverage to all world regions, this has not always been possible, due to limited information on policies for certain countries, particularly in sub-Saharan Africa and Oceania. Moreover, while all of the five chapters contain a regional overview that is more or less comprehensive for that particular topic, the introductory section of each of the chapters tends to focus more on a certain region, usually for reasons that are fairly clear. In the chapter on permanent immigration, for example, the emphasis is on the policies of the four traditional immigration countries (Canada, the United States of America, Australia and New Zealand), while the chapter on labour migration in the developed countries focuses, as would be expected, on the labour-importing countries of Western Europe. Although the chapter on labour migration in the developing countries deals in the regional overview with policies in all world regions, the introduction focuses mainly on the situation in the Middle East, since this is the region that has experienced recent massive inflows, and since it is assumed that the "project package" approach to manpower export that is being developed there may become increasingly important in other regions in future years. Similarly, the introductory section of the chapter on illegal migration frequently cites the case of Mexico and the United States, not only because it is the largest illegal movement but also and chiefly, because it is the most widely documented. Finally, the chapter on refugees gives greater emphasis to African countries, in view of the fact that refugee movements on that continent have been neglected until fairly recently.

The organization of the study into five separate categories does not reflect any inherent bias. Indeed, one of the themes running throughout the study is that distinctions between various types of international movements are becoming increasingly blurred. For example, the labour migration policies of the major receiving countries of Western Europe were conceived as mere recruitment policies, although they were transformed into *de facto* immigration policies over time, since many of the workers eventually became immigrants. Similarly, illegal migrants may be *de facto* temporary workers or even quasi-immigrants. Refugees increasingly compete for permanent immigration places, while there are growing numbers of economic migrants that are quasi-refugees. Indeed, categoric distinctions are more a reflection of administrative practices than of economic and social realities, although they are useful for purposes of analysis.

A final word must be said on the list of selected sources at the end of each of the chapters. In addition to the information references cited in the chapters, the selected sources include background material consulted by the author and suggestions for further reading. The titles of some of the newspaper and journal articles may imply certain value judgements. These are the views of their respective authors and do not in any sense reflect the views of the United Nations.

Chapter I

PERMANENT IMMIGRATION/EMIGRATION

INTRODUCTION

There has been a major shift in the direction of world migration in the past half century. Between 1845 and 1924 about 50 million migrants, mainly Europeans, settled permanently in the western hemisphere. In the past several decades the flows have changed definitively and are now of a "north-south" type, with a majority of immigrants coming from Asia, Africa and Latin America. Although their preferred destinations are still the developed countries, the trend in permanent migration is towards stabilization or decline in the rate of movement into the developed countries, both from other developed countries and from developing countries.

A change has occurred not only in the direction but also in the composition of the flows. Whereas past international migration usually involved permanent settlers—initially single males, followed by family groups—there are now fewer immigrant places available.

The present chapter will focus chiefly on the policies of the traditional immigration countries, Australia, Canada, New Zealand and the United States of America, that have had a history of accepting migrants for long-term resettlement and that continue to accept permanent immigrants, though they are moving in the direction of increasingly restrictive policies. It will also deal with a number of somewhat special cases, involving countries that continue to accept permanent settlers for various specific purposes (e.g., Israel, a number of countries in Latin America etc.).

In the final part of the regional overview, there is a brief discussion of the policies of the small number of countries that promote permanent emigration, again, in a number of rather specific circumstances.

TRENDS

The following section will briefly discuss recent trends in the traditional receiving countries.

The two large countries of northern America, the United States of America and Canada, have during most of their history been net receivers of substantial numbers of long-term immigrants. They have continued this role during the most recent years, although some important changes have occurred in the pattern and level of migration. Neither of the countries has directly gathered information on emigration. The comments which follow therefore refer to recently recorded immigration.

There has been little change in the level of immigration to the United States during the most recent years. There was a slight increase in the number of persons admitted for permanent residence between 1975 and 1976 but it was well within the range of year-to-year fluctuations during the past decade. In all, just slightly fewer than 400,000 permanent immigrants were admitted each year. If other long-term immigrants—persons admitted as students, exchange visitors and so forth—are added, the documented number entering annually comes to just less than 600,000. Approximately 5 per cent of the population of the United States is foreign-born.

The chief regions from which immigrants come to the United States are Asia and Latin America. Less than 20 per cent of all immigrants entering during 1975 or 1976 were born in Europe. Some 38 per cent were from Asia, 6 per cent were from South America and some 34 per cent were from Mexico, Central America and the Caribbean. The single country from which the largest number of documented immigrants came to the United States was Mexico, which in 1976 was the country of origin of nearly 15 per cent of all documented immigrants. Nearly 10 per cent of the immigrants came from the Philippines, and very large numbers also came from the Republic of Korea and Cuba. Recent changes in immigration legislation, imposing a system of country limitations on the western hemisphere to conform with that already existing for the eastern hemisphere is expected to reduce the amount of variation between countries. In general, the United States exhibits considerable stability in current patterns of documented immigration.

The population of Canada has been more heavily influenced by immigration than that of the United States. Around 15 per cent of the population is foreign-born. The annual inflow of immigrants has changed quite substantially, however, during recent years. In 1974 some 218,000 immigrants entered Canada. The number has been declining steadily since 1974, having dropped to 188,000 in 1975, 149,000 in 1976 and to 115,000 in 1977. There may well be further declines since the Government has recommended that gross immigration for 1979 be set at the level of 100,000.

The majority of all immigrants into Canada come from countries of Africa, Asia, Latin America and the Caribbean. In 1977, about 36 per cent of all immigrants came from Europe, 27 per cent were from Asia and some 18 per cent came from Latin America and the Caribbean. The single country from which the largest number of immigrants came was the United Kingdom; in 1977, just a little less than 20 per cent of all immigrants came from that country. The next most important country was the United States, which contributed

11 per cent of the immigration. Other individual countries with substantial numbers of immigrants to Canada were Jamaica, the Philippines, India and Portugal.

The two largest countries in Oceania, Australia and New Zealand, share with the United States and Canada the traditional role of receivers of permanent immigrants. Australia is distinguished by the fact that the foreign-born make up some 20 per cent of the population of the country.

The annual flow of migrants into the country had reached an interim peak in the fiscal year 1974, when the arrival of just over 200,000 permanent and long-term migrants was recorded. The flow then declined in fiscal year 1976 when the number of migrants was around 135,000, but it rose again in the year ending in June 1977 to 156,000 arrivals.

During recent years, the great majority of all long-term and permanent immigrants to Australia came from countries of the British Commonwealth. For the year ending in June 1976, they comprised some 74 per cent of the total number of immigrants. The countries contributing the largest number were the United Kingdom and its colonies. However, it should be noted that migration from the United Kingdom has been falling steadily for nearly a decade and that Australian immigration is currently drawing from an increasingly wider range of countries. It appears likely that such a trend will continue.

For the years 1980 and 1981, for the first time in almost 200 years, new settlers from Asia and Oceania outnumbered Irish and United Kingdom nationals, Australia's traditional source of immigrants. A reversal of this trend is expected, with Irish and United Kingdom nationals once again becoming Australia's major immigrant sources. In addition to the decline in the number of Asian refugees, the reversal of the trend towards Asian dominance is probably an outcome of the Government's Numerical Multifactor Assessment System (NUMAS).

New Zealand, like Canada, has about one fifth of its population of immigrant origin. However, immigration has been declining during recent years. There were nearly 70,000 immigrants in 1974, but the number was reduced to about 37,000 in the year ending March 1977. Indeed, during that year permanent and long-term emigrants outnumbered permanent and long-term immigrants, so that the country experienced a net loss of about 19,000. Australia continues to be the most important country with which New Zealand exchanges migrants. In 1977, 36 per cent of the immigrants and 50 per cent of the emigrants were exchanged with Australia. The next most important country was the United Kingdom, which supplied 24 per cent of the immigrants and accepted about 24 per cent of the emigrants. The net outflow from New Zealand to Australia and the United Kingdom in 1977 accounted for just about all of the total net loss.

Some general considerations

Applicants for permanent immigration status seek resettlement for a variety of economic and social reasons: they may face economic or social rigidity in their country of origin that operates against upward mobility or individual potential; or they may be motivated simply by the higher standard of living, or by a desire to join relatives in the country of destination.

More than any other type of international movement, the volume and composition of permanent immigration flows are less reflective of push factors in the sending countries or of pull factors operating in the receiving countries than they are of the specific needs and criteria of the receiving countries. In other words, the question is not why migrants are motivated to resettle permanently in another country, but why, and on what basis, certain countries agree to accept permanent immigration.

The vast transfers of population from Europe to the western hemisphere that took place during the nineteenth and early twentieth centuries were to a large extent spontaneous. Eventually, a number of Latin American countries adopted explicit pro-immigration policies designed to increase population size and settle sparsely populated regions. In other regions of the world there have also been instances of countries seeking immigration to achieve certain demographic objectives. France, for example, adopted (but never really implemented) a pro-immigration policy to compensate for declining fertility after the Second World War. At various times, Australia and New Zealand have also desired immigration to stimulate population growth.

At present, there are very few countries in any region of the world that desire immigration for demographic reasons.[1] The countries that desire to stimulate immigration to achieve a larger population size or more rapid growth sometimes do so for reasons that are related to national security and to the maintenance of national identity (e.g., Israel), or when concern arises over the fact that contiguous countries are larger and have more rapid population growth (e.g., Argentina). (It is interesting to note that both of these countries have experienced recent large-scale emigration, as well as lower immigration, indicating that the trend has diverged significantly from their pro-immigration policies.)

A number of countries also desire to utilize immigration as a means of achieving a desired population distribution. Canada, for example, would like to use immigration as a means of achieving a more rational distribution of population, although it has acknowledged that "few means exist at present to steer immigrants against prevailing population currents, and these are limited in their effectiveness".[2] Argentina would also like to channel immigrants to sparsely populated regions, although it has not been generally

[1] It is interesting to note that demographic factors may be more likely to play a role in shaping a Government's emigration policy than its immigration policy. Most of the small number of countries that have encouraged permanent emigration (e.g., Rwanda, El Salvador) do so for demographic reasons.

[2] Canada, Office of the Minister of Manpower and Immigration, *Highlights from the Green Paper on Immigration and Population, 1975*, p. 6.

successful in doing so and has turned to using refugees in lieu of immigrants.

Rather than as a means of achieving demographic objectives, the traditional immigration countries consider immigration to be essentially a question of "fine tuning", since they admit persons who possess skills or other qualities that will enable them to make a contribution to their new society. Immigration is also seen as a response to humanitarian concerns, since family reunification and the admission of refugees are generally favoured.

Major policy responses

The following discussion of the policies of the major immigration countries will focus chiefly on recruitment, the first part of the migratory chain, rather than on integration, since most receiving countries accept immigrants according to criteria that they believe will facilitate the subsequent integration and assimilation of the immigrants into the host society.

For purposes of clarity, the issues will be examined in reference to the key questions that frame the immigration policies of the major receiving countries: How many? From where? By what specific criteria?

Numerical targets or quotas have become increasingly important in recent years, as recipient countries exhibit growing concern over domestic "absorptive capacity".

Australia has generally been in a better position to determine targets than have the other major receiving countries, since it keeps emigration as well as immigration statistics and can thus determine the numbers needed to achieve net levels of immigration that are compatible with national goals. As a means of adding a measure of stability to immigration, and providing a more reliable basis for planning, Australian immigration policy has set annual targets, beginning with the period 1978/79 to 1980/81. For the period 1980/81, the total settler immigration of some 90,000 was divided into four components: family reunion, about 25,000; net migration gain from New Zealand, about 22,000; general eligibility, about 23,000; and refugee immigration, about 20,000.[3] Australia can substantially lift its intake of any one category only by lifting its total settler intake or by expanding one category at the expense of the other categories.

Canada also determines annual immigration targets, which are increased, maintained or decreased each year, depending on economic conditions. The Government recommended, for example, as stated above, that gross immigration for 1979 be set at a level of 100,000.

The Government of New Zealand has generally viewed immigration on a short-term basis as a means of adjusting the supply of labour to the demand for labour. Immigration targets, which have aimed at a net intake of some 5,000 persons in recent years, have been set with an immediate problem in mind and altered as soon as there was a change in the circumstances on which they were based.[4]

The United States is somewhat different from the other immigration countries, in that no other nation appears to have adopted numerical limits as a migration control mechanism, something that has been a feature of United States immigration policy since 1921. The United States system relies on the utilization of numerical limits—a world-wide ceiling of 270,000 (excluding refugees), and a per country limit of 20,000—that are largely based on precedent rather than on any recent assessment of national needs.[5] The over-all ceiling—which, as previously noted, does not apply to refugees—remains fixed, regardless of changing international circumstances.

With regard to the source countries of current immigration, the intention of legislative reform over the past 15 years in all of the major immigration countries has tended towards "non-discriminatory" and "universalist" immigration policies,[6] favouring a plural mix of immigrants and refugees from diverse ethnic, political, national and racial groups.

Canada adopted a more universalist policy in 1962, with the issuance of new immigration regulations that placed primary emphasis on education, training and skills as the main conditions of admissibility, regardless of the country of origin of the applicant.

The United States' Immigration Act of 1965, which was a watershed in the history of its immigration policy, ended a 44-year policy of using national origin as the major criterion for admitting immigrants.[7] The United States Immigration and Nationality Act Amendments of 1978, which combined the ceilings for both hemispheres into a world-wide total of 290,000, was viewed as the final step in a lengthy process to make United States law equitable towards all peoples.

In 1972 Australia adopted an immigration policy based on "the avoidance of discrimination on any grounds of race, colour of skin, or nationality". Similarly, one of the objectives of New Zealand's 1974 immigration policy was to remove elements of immigration policy that might be regarded as discriminatory.

In spite of the widespread adoption of "universalist" policies, no immigration policy is a *tabula rasa*. The immigration policies of many countries contain certain

[3] Charles Price, "Immigration policies and refugees in Australia", *International Migration Review*, vol. XV, Nos. 53/54 (Spring/Summer 1981), p. 107.

[4] Ruth S. J. Farmer, "International migration", *The Population of New Zealand: Interdisciplinary Perspectives*, R. J. Warwick Neville and C. James O'Neill, eds. (Auckland, Longman Paul, 1979), p. 51.

[5] United States of America, Departments of Justice, Labor and State, *Interagency Task Force on Immigration Policy:* Staff Report (March 1979), p. 328.

[6] "Non-discrimination" and "universality" are basically synonymous, and mean that every person seeking to become an immigrant is assessed against exactly the same standards, regardless of race, religion or country of origin.

[7] The United States established quotas to regulate the flow of immigrants according to their national origin in 1921, a policy that was intended to "preserve the national character of the United States". The Immigration Act of 1952, which remains the basis of the United States immigration policy, retained the quotas, although they were rationalized on the basis of cultural and historical ties to the United States, rather than on the basis of genetic arguments.

inherent, and sometimes explicit, biases favouring migrants from certain countries who perhaps have special ties to the receiving country, who manifest patterns of migration awarded under the system adopted, or who possess skills and other desired characteristics that are more likely to be acquired in certain sending countries.

For example, although domestic concerns predominate in shaping policy, foreign relations are another important factor. Australia allocates nearly a quarter of total immigrant places to nationals of New Zealand. Similarly, after years of debate, the United States is considering doubling the admissions quota for Mexican nationals.[8]

Under the points systems adopted in many countries, knowledge of certain languages (chiefly English and French) leads to a better chance of admission and hence tends to favour applicants from countries where those languages are spoken. So, too, emphasis on family reunification frequently produces a chain reaction, or snowballing effect which goes beyond the family that initiated the immigration process, and which benefits countries where migration involves the movement of large family units. Emphasis on sponsorship by relatives also favours immigrants from countries that have the largest (recently arrived) populations within the receiving country.

Finally, regardless of the impartiality or non-discriminatory nature of immigration statutes, the overriding consideration is whether the applicant is capable of becoming successfully established, a criterion that virtually excludes the poor and the unskilled.

Looking at the specific criteria adopted to admit immigrants:

Most nations typically decide, either by statute or administrative fiat, what kinds of persons will be admitted, setting criteria according to such factors as age, linguistic skills, occupation, relationships to the country or its residents, refugee status etc. Adjustments in the size of the total influx are usually made by broadening or narrowing the definitions of those who may be admitted, adjustments are also made by expanding or contracting the inducements offered to prospective immigrants, or by simplifying or complicating the screening processes.[9]

The policies of most countries list classes of persons who are prohibited entry (i.e., persons with contagious diseases, criminals, the insane, persons likely to become public charges, or who represent a threat to national security etc.). In addition to classes of excludable aliens, most countries have established various mechanisms—the issuance of visas, the examination of visas at ports of entry, as well as exclusion orders, deportation, and so forth—to regulate, or deter, the entry of non-citizens.[10]

All of the traditional immigration countries, as well as France and the United Kingdom, require that prospective immigrants obtain visas overseas before entering their countries. In addition, the United States, Canada, Australia, New Zealand and the United Kingdom require further questioning upon arrival, while Australia requires an entry permit. All of the above countries also have authority to prevent the entry of persons arriving at their borders—even those with visas—and to deport those who enter without visas or in other ways violate immigration laws.

In addition to stipulating who should be kept out, most of the major immigration countries use their immigration laws and regulations to favour or facilitate the entry and settlement of certain selected groups such as family members.

Family reunification, rather than labour force needs, has been the cornerstone of the United States immigration policy. The United States receives two types of relatives and allows those with closest ties to enter without numerical limits. Other relatives who qualify under the family preference category may enter under specified numerical limits. Of the six preferences which define, limit and rank those eligible for the 270,000 numerically limited visas available, four, comprising more than 70 per cent of total visas, are reserved for close relatives of United States citizens and permanent residents. The major arguments for maintaining heavy emphasis on family reunion have been humanitarian concern and the fact that family ties provide a good basis for the integration of new immigrants into society. (Over the years, the law has produced a mix of immigrants that roughly mirrors the age, sex, marital status and education of the native population; although this mix is accidental, many sectors of public opinion consider it to be favourable.[11])

Under the Canadian system, priority is given to members of the family class and refugees over other types of immigrants.[12]

Australia has relaxed criteria for the entry of family members and permits the concessional entry of certain family members who are not in the dependent relative category. New Zealand also gives preference to the reunification of families.

Most of the major immigration countries also consider that immigration policy must respond to the needs of the domestic labour market.

In Australia, labour force considerations are paramount in the admission of immigrants. Applicants are first screened against a group of economic and employment factors and, if successful, are interviewed and screened against a series of personal and settlement factors.

Canada maintains a high degree of selectivity in the recruitment of immigrants for the labour force. The Government noted that its "points system" for selecting immigrants had been readjusted to enhance their employment prospects; moreover, selection procedures were kept under constant review "to ensure the

[8] "U.S. immigration panel near an agreement on new policy goals", *The New York Times*, 28 May 1981.

[9] United States of America, Departments of Justice, Labor and State, *Interagency Task Force on Immigration Policy . . .*, p. 344.

[10] *Ibid.*, p. 330.

[11] *Ibid.*, p. 472.

[12] Canada does not rank the preference of relatives, as does the United States, where relatives are ranked in terms of their position in the family.

most effective linkage possible between Canada's immigration and manpower policies".[13]

It is noteworthy that both Canada and Australia, as well as New Zealand, partially determine a relative's ability to enter on his occupational status, in contrast to the United States, which gives no weight to occupation as a factor in the admission of relatives.

The United States has two worker preference categories: the third (reserved for members of the professions of exceptional ability) and the sixth (reserved for skilled and unskilled workers in short supply in the United States). Admission under the worker preference categories is highly selective, however, and does not serve to open immigration to a broad range of persons in the countries of origin.[14] Moreover, the Government's protective manpower policy essentially prevents use of these categories by anyone who is not already present in the United States, or who does not have close contacts with the country.

Briefly discussing integration policies and measures in the major receiving countries:

Policies governing entry and settlement are generally based on the premise that immigrants should, and will, integrate easily into the host societies. As previously noted, the admissions process itself is seen as fostering integration, since immigrants are selected according to qualities—linguistic skills, education, job skills etc.—that are perceived as contributing to their subsequent adjustment. Sponsorship by relatives, for periods of up to 10 years in certain countries, is an additional means of fostering integration.

As a further means of selecting skilled immigrants, entrepreneurs and others who will integrate easily into the host society, promotional activity, including advertising, has been carried out by a number of receiving countries, e.g., Argentina, Australia and the Republic of South Africa. Moreover, Australia, Canada and South Africa have provided direct assistance with passage costs to encourage migrants who have the appropriate training and skills.

Some assistance is provided to promote the adjustment of newly arrived immigrants. Australia has a well-established network of councils and committees in the area of settlement services. In Canada, responsibility for the welfare and settlement of immigrants (and refugees) is shared between the Canada Employment and Immigration Commission, the Department of the Secretary of State, and the provinces.

The United States has a somewhat different policy. With the exception of the citizenship education programmes of the Immigration and Naturalization Service (of the Department of Justice), neither the Federal Government nor the state governments provide services exclusively for immigrants, except in special cases such as those involving refugees. Practical assistance for immigrants (and refugees) is offered by a network of voluntary organizations.

On the issue of citizenship:

According to the latest (1973) amendment to Australia's Citizenship Act, all persons may apply for citizenship after two and a half years' residence in Australia and may be granted citizenship provided the applicant has resided in Australia for at least three years, is of good character, has an adequate knowledge of English etc. (The opposition party, if returned to power, would promote an amendment reducing the residence period to 12 months and dropping the language requirement.[15])

In Canada, applicants must be 18 years of age, must have lived in Canada for a total of three years, and must speak either English or French well enough to be understood in the community.[16] Under United States law, five years is the requisite waiting period. An applicant must be 18 years of age and have a good command of English.

Institutional arrangements

The major immigration countries have had a number of institutional changes in recent years, following thorough reviews of their immigration policies which involved significant public participation and consultation.

Canada conducted a comprehensive review, soliciting the views of national organizations and provincial governments in some 50 public hearings, and preparing a Green Paper that analysed both immediate and long-term policy problems. Canada's Green Paper was followed by the creation of a Special Joint Committee of the Senate and House of Commons on Immigration Policy, which issued a report to Parliament, recommending the modification of immigration laws and suggesting the broad guidelines for future immigration policy.

In response to growing concern over national immigration policies, the United States Congress, in 1980, established a Select Commission on Immigration and Refugee Policy in order to undertake the first comprehensive assessment of United States immigration policies by a Congressional-Presidential Commission since 1911.

The Select Commission conducted 12 public hearings during 1979/80 in cities throughout the country. As one expert noted, the political functions of the Commission were to provide a mechanism for sorting out and testing public support for various positions and to determine the strength of different advocacy groups.[17]

Following the change of administration in 1981, a

[13] Canada, Office of the Minister of Manpower and Immigration, *Highlights from the Green Paper . . .*, p. 10.

[14] The third and sixth preferences account for only 20 per cent of the visas allocated world-wide by the United States; since they are used not only for the qualified workers but also for their dependants, fewer than 29,000 visas go to the workers themselves.

[15] Freda Hawkins, "Immigration law and management in the major receiving countries outside the Arab region", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.9), p. 12.

[16] *Ibid.*, pp. 22–23.

[17] Charles B. Keely, "The development of United States immigration policy since 1965", *Journal of International Affairs*, vol. 33, No. 3 (Fall/Winter 1979), p. 263.

new institution—a Task Force on Immigration and Refugee Policy—was established, which prepared a legislative package containing some, but not all, of the proposals put forth by the Select Commission, and containing a number of new initiatives.

Australia went through a similar process, beginning in 1976, with the preparation of a Green Paper on Immigration Policies and Australia's Population. Reactions were solicited from the state governments, the issues were discussed at various conferences, and submissions were received from numerous private groups.

Similarly, at the time of the World Population Conference in 1974, the Government of New Zealand invited submissions from the public dealing with population issues; 87 such submissions were received on the effects of immigration.

On occasion, Governments have entered into bilateral agreements to facilitate permanent immigration, e.g., those of Australia and New Zealand, Venezuela and Portugal, certain Latin American countries and the Republic of Korea.

Generally, however, they have worked through the channels of the Inter-Governmental Committee for Migration (ICM).[18] The Inter-Governmental Committee for Migration is the only operational intergovernmental organization that assists permanent immigrants. The ICM has been particularly active in Latin America, one of the regions most receptive to permanent immigration, where it has carried out its Selective Migration, Return of Talent and Intra-American Migration programmes. The ICM has channelled a total of some 25,000 skilled immigrants to various Latin American countries during the years 1964–1979, some 8,400 of them during 1976–1979. In recent years, however, it has gradually shifted its main focus from European settlers to refugees.[19]

REGIONAL OVERVIEW: IMMIGRATION

Africa

Whereas migration and large-scale refugee movements have characterized migration in Africa, few African Governments have sought or accepted immigrants for permanent settlement, although it must be noted that some refugee settlements have turned into *de facto* permanent settlements, while there have been instances of mass naturalizations of refugee populations.

The one country in the region that desires permanent, although selective, immigration is the Republic of South Africa. With its economy in a boom period, South Africa not only requires a continuing inflow of unskilled workers but also desires increased immigration of skilled personnel. In early 1980 the Government announced a new policy designed to compensate for a shortage of artisans, one which involved easing restrictions on overseas recruiting and assisting employers who were seeking workers abroad. According to the 1980 policy, which represented a reversal of previous government policy, artisans are allowed to enter South Africa without firm job offers. The Government expected to streamline immigration procedures and begin an overseas advertising campaign to attract skilled workers. In addition, the allowance made towards the costs of the passage of approved immigrants was increased to 80 per cent as of April 1980.

Asia

Intra-continental migration of Asians during the nineteenth century and much of the twentieth century involved several million Chinese nationals, who went to all parts of eastern South Asia, although there is currently very little immigration for permanent settlement in the Asian region.

There have recently been a number of changes in naturalization laws that affect some minority populations.

In 1981 Japan proposed changes in its immigration law that would grant permanent residence to some 280,000 nationals of the Republic of Korea who have resided in Japan for more than 30 years, but who have been required to reapply for permission to remain in Japan every three years.

Similarly, as of late 1979, the Indonesian Government was considering a plan for the mass naturalization of its Chinese alien residents. Some 850,000 persons were expected to take advantage of the plan.

Western South Asia (non-Arab country)

Although Israel remains one of the few countries at world level that desires increased immigration, the trend has run counter to the Government's policies. According to a 1980 report of the Knesset Immigration Committee, some 2,000 Israelis were emigrating per month, chiefly to the United States of America.[20] The Government has offered financial incentives to persuade emigrants to return, although this policy has been generally unsuccessful.

In addition to a rise in the emigration of Israeli nationals, there has been a decline in the number of Jews immigrating to Israel under the provisions of the Law of Return, by which any person of the Jewish faith may freely immigrate to Israel. Although Israel has received significant numbers of Soviet Jews in recent years, the percentage of this group choosing to settle in other countries is now more than 65.

Latin America

During the period of massive immigration to Latin America, from the turn of the century to the end of the Second World War, most Governments in the Latin

[18] The Inter-Governmental Committee for Migration (ICM) was, until 1980, known as the Inter-Governmental Committee for European Migration (ICEM).

[19] In 1981 Brazil withdrew from ICM, citing that organization's increasing involvement with the settlement of Asian refugees rather than European settlers.

[20] Although the data remain uncertain, estimates of the total number of Israelis living in the United States range from 350,000 to 500,000.

American region favoured large-scale immigration, viewing it as a means of accelerating population growth and of settling vast under-populated regions.

Latin America eventually ceased to be a major receiving region for European migrants and, by the 1960s, a majority of countries in Latin America were experiencing rapid population growth, primarily as a result of natural increase. With few exceptions,[21] therefore, the focus of most Latin American immigration policies shifted from broad demographic objectives to the promotion of selective immigration, which was often seen as a means of upgrading the human capital stock of the receiving countries.

Two important points must be made in relation to international migration policies in Latin America. First, although most countries in the region desire selective immigration (and at least two of them desire such immigration on a fairly large scale), few Governments have been able to attract the desired quantity and quality of immigrants since their ideal immigrant is more likely to be attracted to a developed country or a capital-rich developing country. Secondly, while the official policies of most Latin American Governments favour selective permanent immigration, there is substantial and continuing intra-regional migration—typically illegal and involving unskilled and semi-skilled workers—that eventually becomes permanent. The following brief overview will deal only with policies to promote legal permanent settlement.

Middle America

A number of countries in Middle America have selective immigration policies designed to attract skilled technicians, retirees with capital etc. During the 1970s, for example, Costa Rica encouraged the immigration of retired citizens of the United States by means of various tax incentives. Mexico also accepts retired United States citizens for permanent residence.

Honduras, which enacted a Law on Population and Migration Policy in 1971, has long sought to attract skilled immigrants to contribute to the country's economic development.[22] The major immigration it has received to date, however, has been that of illegal migrants and, more recently, refugees from neighbouring Latin American countries.

In late 1979 Nicaragua submitted a formal request to ICM to assist in its efforts at national reconstruction, by providing qualified specialists, middle-level technicians, and skilled workers in such fields as planning and development, education, health, agriculture and administration of State-owned enterprises. Preference was to be given to Nicaraguan nationals who had left the country and wished to return, with second priority to other Latin American nationals and third to highly qualified European workers.[23]

Panama has also received some selective immigration, chiefly of agricultural colonists, through the assistance of ICM.

Temperate South America

Although Argentina continues to be one of the destinations for Latin American migrants, the Government desires increased immigration, since it recognizes that, in spite of a policy of pro-fertility incentives, it will not be able to achieve a rate of natural increase comparable to that of other Latin American countries.

In the past century, immigration played an important role in Argentina's growth, but it has been important in the present century as well. The Government's triennial plan for 1974–1977, which was drafted during President Juan Perón's second administration, noted that immigration constituted the most rapid and effective means of bringing about an increase in the quality and the quantity of the country's human resources.

Argentina's delegation at the World Population Conference similarly advocated the wide and generous opening up of our fatherland to all men of good faith who desire to collaborate in the process of national reconstruction and liberation. Although the Government then hoped to attract as many as 5 million overseas migrants and conceived of a number of ambitious schemes to promote their settlement (the building of new towns, the establishment of experimental farms in underdeveloped areas etc.), the majority of these projects were never implemented.[24] The Government's 1978 population policy noted a goal of "sensibly" increasing foreign immigration, thus indicating a subtle shift. The policy reiterated the need to identify certain strategic areas for settling immigrants, as well as the need to attract skilled immigrants and those with capital, and to link immigration with employment-creation policies.[25]

The Government has made a particular effort in recent years to attract European farmers. With assistance from ICM, the Government established a working group in 1979 to gather information on opportunities for European migrants in Argentina, as well as a Training and Orientation Centre to familiarize European migrants with Argentine farming methods and techniques.[26]

The numbers of Europeans who have been attracted by these measures have been very small, however, and Argentina's major immigration has been the long-standing and continuous flow (largely illegal) from neighbouring Latin American countries.

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[21] Two countries in Latin America, Argentina and Bolivia, are among the few remaining States at world level that desire to attract significant numbers of immigrants for permanent settlement as a means of increasing their population size.

[22] Susana Torrado, "International migration policies in Latin America", *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 431.

[23] Inter-Governmental Committee for European Migration, *ICEM: Review of Achievements* (Geneva, 1980), p. 15.

[24] *Population Policy Compendium: Argentina*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (January 1979).

[25] Argentina, Comisión Nacional de Política Demográfico, *Objetivos y Politicas Nacionales de Población* (Buenos Aires, 1977).

[26] *ICEM: Review of Achievements*, p. 15.

In a new development, for the first time in 150 years, the number of persons emigrating from Argentina far exceeds the number entering. During 1980/81 as many as 2 million persons, from a broad cross-section of Argentine society, were reported to have emigrated or to have enquired about emigration opportunities at the consulates of such countries as the United States, Canada, Australia, Spain and France.[27]

Chile has a selective immigration policy of sorts. The Government reported in its 1979 population policy that it would encourage colonization of underpopulated areas, although it emphasized that "foreign immigrants who want to colonize these regions shall be admitted by family groups, not *en masse*".[28] Chile is reported to have refused offers in recent years from the Government of Japan and the former (pre-Independence) Government of Zimbabwe to engage in planned immigration schemes, largely as a result of political opposition from local groups.

While public sentiment in Uruguay has long supported immigration as a means of achieving a larger population size, for reasons of national security and so forth, the actual trend has diverged sharply from the desired trend. During the period 1963–1975 the country lost some 220,000 persons through emigration, representing an estimated 9–11 per cent of the country's total population.[29]

Tropical South America

Although the volume of immigration has not been large, the Government of Bolivia has long considered that the resettlement of selected foreign colonists would stimulate the development of sparsely populated regions. In its reply to the First United Nations Population Inquiry in 1963, for example, the Government reported that colonies of Mennonites, Japanese, Italians and Chinese had adapted well to conditions in Bolivia and had cultivated five times more land than had Bolivian colonists.

Since the publication of preliminary results of its 1976 census, Bolivia has stated the intention of attracting immigrants as a means of achieving a larger population size. In a 1977 report to ICEM, the Government emphasized that the country's population size of some 5 million inhabitants was "out of proportion with the large size and fertility of the country" and that the country's tropical and sub-tropical zones, with their vast resources, were underpopulated.[30] The Government noted that it had commenced a number of pilot settlement projects for the primary purpose of attracting permanent immigrants.

Bolivia also established a National Immigration Council in 1976 and formulated an "open door policy", under which several categories of immigrants (spontaneous, directed and selective) were granted benefits, ranging from free grants of land to duty-free imports of machinery and tools to promote their settlement in Bolivia.

During the late 1970s, the Government expressed a desire to attract some 150,000 immigrants of European stock from various countries in southern Africa. The only accord that Bolivia has signed to date was with the Government of El Salvador in 1978 and this accord was never implemented. Reports have circulated, however, that some colonists from southern Africa may have entered Bolivia in recent years with European passports.

Ecuador's international migration policy also favours selective immigration, as well as the repatriation of qualified Ecuadorean nationals. The Government recruits qualified migrants through its overseas consular offices and recently concluded an agreement with ICM to recruit technicians and other qualified personnel.[31]

Guyana has long desired large-scale immigration to "open up the interior". The Government proposed five major colonization schemes between 1919 and 1948,[32] none of which was effectively implemented, and continues to seek increased immigration, chiefly of repatriated Guyanese nationals and of migrants from CARICOM countries.

Paraguay has a long history of agricultural colonization schemes involving Mennonites, Japanese, Koreans, Brazilians, Lebanese and South Africans, who have been settled in agricultural colonies spread throughout the country. Paraguay's 1974 immigration law favours immigration as a means of increasing the population and acquiring needed manpower. Once again, the Government's emphasis is on the selective immigration of foreigners "whose technical knowledge and expertise are indispensable for current or future economic development programmes".[33]

Venezuela remains the major receiving country in the Latin American region (although the Government actually desires to reduce immigration). While Venezuela has long been the preferred destination for Colombian migrants, its labour market has expanded in recent years to attract migrants of all skill levels—from Argentina, Colombia, the Dominican Republic, Peru and Uruguay, as well as from Portugal, Spain and a number of other countries. In spite of official concern over the continuing influx, the Government is attempting to stimulate selective immigration. In November 1975 a Selective Immigration Programme was created by Presidential decision, while an Opera-

[27] "Emigration becomes a problem in Argentina", *The New York Times*, 25 October 1981.

[28] *Population Policy Compendium: Chile*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (March 1981).

[29] José Luis Petrocelli, "Consequences of Uruguayan emigration: research note", *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 521.

[30] *Population Policy Compendium: Bolivia*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (January 1979).

[31] *Population Policy Compendium: Ecuador*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (September 1980).

[32] James W. Vining, "Grandiose schemes for foreign colonization in Guyana: a survey of their origin, provisions and abandonment", *Caribbean Quarterly*, vol. 24, Nos. 1 and 2 (March–June 1978).

[33] Susana Torrado, "International migration policies in Latin America", *loc. cit.*, p. 432.

tional Agreement was signed with ICEM in 1976, and one with Portugal in 1978.[34]

Venezuela has created an elaborate institutional structure to implement its immigration policy. The National Council on Human Resources is a planning and consulting body in charge of the planning, orientation and control of selective immigration through the Tripartite Selective Immigration Committee, a body that obtains information on immigration cases for inclusion in a data bank.[35] In addition, the Programme on Human Resources, which is assisted by ICM, functions as the operational arm of the selective immigration process.

Northern America

Historically, Canada has had a rather open immigration policy, although the Government has exhibited signs of change. In its 1978 reply to the Fourth United Nations Inquiry on Population, Canada reported that its immigration policy had evolved from an emphasis on absorptive capacity to an emphasis on economic development needs and, more recently, to an emphasis on humanitarian considerations such as family reunification and increased admissions of refugees.[36] These policy changes are embodied in Canada's 1977 Immigration Act, which was the outcome of a three-year government study on the future direction of Canadian immigration policy. The Act, together with a companion Act that created a Commission on Employment and Immigration, represented a new direction in Canada's immigration policy, and was also designed to bring about a more integrated approach to the planning and administration of employment and immigration programmes.

One innovation of Canada's 1977 Act is that admission is made easier for prospective immigrants who are prepared to live in a designated community (for example, in one of the country's smaller, less developed towns) for a period of up to six months. However, the major innovation is that the Government will determine annual immigration quotas. As noted in the reply to the Fourth United Nations Inquiry: "the flow may be increased, maintained or decreased each year, depending on economic conditions". Basically, the procedures set up in the Immigration Act facilitate the use of immigration as a "central variable in a national population policy", a recommendation of the Special Joint Committee that studied the issue.[37] Although the impact of the Act and its effectiveness as a tool for economic and demographic planning remain uncertain, what is clear is that a country that has long been an important immigration country has now adopted a more restrictive policy.

Canada's Immigration Act sets forth three basic classes of admissible immigrants: (1) the family class; (2) Convention refugees; and (3) the independent and other immigrants who apply on their own initiative, including assisted relatives, retirees, entrepreneurs and the self-employed.[38]

Briefly explaining the specific criteria for admission: applicants are assessed only according to factors that relate to their ability to settle successfully in Canada; a self-employed applicant, for example, is not assessed on occupational demand or on arranged employment factors.[39]

Up to 15 points are awarded for specific vocational preparation in the migrant's occupation, and up to 15 points for occupational demand (in the occupation that the applicant is prepared to follow in Canada). Up to 12 points are awarded for education, one point for each year of primary and secondary education completed. Ten points are awarded if the person has arranged employment in Canada (providing that the employment of that person would not interfere with the job opportunities of Canadian citizens or permanent residents), or if he is qualified for and prepared to work in a designated occupation. Finally, up to 8 points are awarded for experience in the migrant's occupation.[40]

With respect to personal factors, up to 10 points are awarded on the basis of an interview to determine the suitability of the applicant (and his or her dependants) to establish themselves successfully in Canada. Another 10 points are awarded to a person who is 18 to 35 years of age (with a point subtracted for each year over 35) and up to 10 points for written and spoken ability in English and/or French. An additional 5 points are awarded to a person who could be admitted under the "assisted relative category", if it can be determined that the relative would be willing to help the migrant become established in Canada. Finally, as previously noted, 5 points are awarded to a person who intends to proceed to an area "designated as having a sustained and general need for people at various levels in the employment strata, and the necessary services to accommodate population growth". Five points are subtracted if a person intends to proceed to an area designated as not having such a need, or that is lacking the necessary services.[41]

Canada has had three different departments or agencies responsible for immigration during the post-war period, the most recent of which, the Canada Employment and Immigration Commission, was established in 1977. The Government has also established a Canada Employment and Immigration Advisory Council.

United States immigration law does not contain a listing of specific policy objectives. In contrast to the

[34] International Labour Office, *Migrant Workers: Summary of Reports on Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151* (Geneva, 1980), p. 49.

[35] Saskia Sassen-Koob, "Economic growth and immigration in Venezuela", *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 470.

[36] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. Population Policies* (United Nations publication, Sales No. E.79.XIII.5), p. 58.

[37] *Ibid.*

[38] Freda Hawkins, "Immigration law and management in the major receiving countries outside the Arab region", . . ., appendix I, p. ii.

[39] Refugees are assessed against the various criteria enumerated above but do not receive a point rating.

[40] Freda Hawkins, "Immigration law and management in the major receiving countries outside the Arab region", . . ., appendix I, p. iv.

[41] *Ibid.*

other major receiving countries, the continued acceptance of immigrants by the United States is based more on precedent and on national tradition than on any recognized economic or demographic needs.[42]

Moreover, unlike the other traditional immigration countries, the United States does not intentionally construct and utilize its immigration policy to accomplish "socially desirable national goals". The social benefits which accrue from the immigration and settlement of immigrants with family ties in the United States, although generally favourable, are basically an unplanned and unregulated result of the existing system.[43]

Persons who desire to immigrate to the United States are divided into three general categories: those in the first category, who may enter without any restrictions on numbers, include spouses and minor unmarried children of a United States citizen and the parent of a citizen who is over 21; permanent residents returning to the United States after a temporary residence abroad; practising ministers of religion with their spouses and children; and certain present and former employees of the United States Government with their spouses and children.[44] Those in the second category are restricted by the mandatory annual world ceiling of 270,000 with a limit of 20,000 per annum from each independent country and 600 from a dependent territory.[45] The third category consists of refugees.

Based as a rule on relationships to persons in the United States (e.g., relatives or employers), immigrants in the second category are accorded a favoured "preference"[46] status. Under the United States' current preference system, the first preference category (not more than 20 per cent of visas issued) includes unmarried sons and daughters of United States citizens and their children; the second (20 per cent plus any not required for first preference) includes spouses, unmarried sons and daughters of permanent resident aliens and their children; the third (not more than 10 per cent) includes "members of the professions of exceptional ability in the sciences or arts" and their spouses and children; the fourth (10 per cent plus any not required for the first three preferences) includes married sons and daughters of United States citizens and their spouses and children; the fifth (24 per cent plus any not required for the first four preferences) includes brothers and sisters of adult United States citizens and their spouses and children; the sixth (not more than 10 per cent) includes workers in skilled or unskilled occupations in which labourers are in short supply in the United States and their spouses and children.[47] Refugees, who were long treated as a seventh preference category, were formally recognized as a separate group in the Refugee Act of 1980.

Briefly examining some of the major issues considered by the Select Commission on Immigration and Refugee Policy and the changes proposed:

The need for a ceiling—even a partial one exempting immediate family members and refugees—has been a virtually unchallenged policy position.[48] The Select Commission did recommend a moderate rise in the basic ceiling for legal immigration, however, on the theory that there would ultimately be a net decrease in the flow of immigrants if illegal immigration could be sharply curtailed; the 270,000 ceiling remains in force, however, at present.

In place of an annual limit on immigration from each country, the Commission considered the possibility of a world-wide ceiling for total immigration over a three to five-year period. In the end, however, the Commission retained the country ceilings on the grounds that they would be a means to better meet the goals of independent migration.[49]

Another important issue has been the relative weight that should be given to family members *versus* independent applicants. Some critics have argued that the United States should admit greater numbers of "seed immigrants"—i.e., persons having no family or other ties to the country. In general, however, the suggestion of playing down family reunification for labour force needs has found little support.[50] The Select Commission generally opted for maintaining the emphasis on family *versus* worker migration, although there were suggestions in the final report that some 100,000 visas be made available for the independent category. (This would represent a family-to-job-related preference distribution of about 2.5 to 1 as compared with the current ratio of about 4 to 1.)

On the issue of family reunion criteria, the Commission recommended retaining the fifth preference (for brothers and sisters) and somewhat extending family preferences.[51]

The current Administration is still working on its immigration policy. Among the proposals that have been put forth is one for doubling the quota for legal immigration from Mexico and Canada, which is now 20,000 per country. (Since Canada does not use all of its current allotment, the effective ceiling for Mexico could rise to 60,000 or even 70,000 because Mexicans could use the visas unclaimed by Canadians.)[52] This

[42] United States of America, Departments of Justice, Labor and State, *Interagency Task Force on Immigration Policy*, . . . , p. 328.

[43] *Ibid.*, p. 472.

[44] Although the number of immigrants admitted in the unrestricted category is theoretically unlimited, only a little over 100,000 have been admitted in recent years.

[45] Not every country can use the 20,000 places, although a few countries (China, India, Italy, Mexico, the Philippines and the Republic of Korea) have reached or approached the limits.

[46] Some preferences, particularly the first and fourth, have been underutilized.

[47] Freda Hawkins, "Immigration law and management in the major receiving countries outside the Arab region", . . . , appendix I, p. i.

[48] Charles B. Keely, "Current status of United States immigration and refugee policy" (mimeo.) (July 1981), p. 12.

[49] United States of America, *U.S. Immigration Policy and the National Interest: The Final Report and Recommendations of the Select Commission on Immigration and Refugee Policy with Supplemental Views by Commissioners to the Congress and President of the United States* (1 March, 1981), p. 141.

[50] Charles B. Keely, "Current status of United States immigration and refugee policy", p. 13.

[51] *Ibid.*, p. 14.

[52] "White House asks a law to bar jobs for illegal aliens", *The New York Times*, 31 July 1981.

raises an interesting issue that has been under discussion for a number of years. Critics have argued that, since 1965, the United States has moved gradually to a universalist system, which was fully attained only in October 1978. To suddenly reverse this policy by giving Mexico preferential treatment, as the critics have argued, could cause other major source countries of immigration to claim special consideration regarding immigration matters, based on their historical, economic and political ties to the United States.[53]

In contrast to the recommendations of the Select Commission, the Task Force that was appointed in 1981 recommended eliminating the fifth preference (for brothers and sisters), thus leaving the issue still in doubt.[54] There was basic agreement in most other areas. Both the Select Commission and the Task Force, for example, recommended allocating 100,000 extra visas per year for a five-year period in order to clear up current visa backlogs.

Oceania

In 1978 Australia announced a new immigration policy that was expected to attract some 210,000 immigrants during the following three years. In its reply to the Fourth Population Inquiry, the Government reported that it had conducted a comprehensive review of long-term population trends and immigration policies and, in response to a situation of below replacement fertility and declining immigration levels, it had adopted a population policy "which includes a component of population increase through immigration".[55] In explaining the factors that led to its policy shift, the Government noted that the country's immigration policies had been tightly defined since 1974 and some sectors of public opinion considered it anomalous that Australia, a nation built on continuing immigration, had so markedly changed its course. It was against this background that the Australia Population and Immigration Council prepared a Green Paper on immigration policies in 1976, which eventually resulted in the Government's current policy.

The Government's international migration policy continues to be based on the premise that migration to Australia should be for permanent settlement (the Government noted that "the guest worker flow, until recently popular in the industrialized countries of Western Europe, will not be adopted in Australia").[56]

The policy is a flexible one. As a means of maintaining a steady rate of immigration, and to provide a reliable basis for planning in the private and public sectors, the Government reported that it would implement a "triennial rolling immigration programme", commencing with the period 1978/79 to 1980/81. Such a rolling programme approach would allow for flexibility on an annual basis; programmes would be monitored continuously and "there will remain the flexibility necessary to vary the composition of the migrant intake to meet particular demands".[57]

In the Government's present policy, the former tight criteria for the entry of family members have been somewhat relaxed, as have the previous narrow occupational controls for all migrants other than immediate family members, refugees and those entering under Australia's arrangement with New Zealand. Basically, as the Government noted, it felt "the need to devise a policy that would make it easier for family members to qualify for admission, without bringing about a migrant intake heavily biased towards the unskilled".[58]

Australia's new approach to migrant selection is based on numerical weightings of "factors considered to be indicators of capacity to settle successfully in Australia. Applicants are screened against a group of economic and what the Government terms 'personal and settlement' factors, in order to ensure that the migrant intake remains consistent with Australia's absorptive capacity, and that those who are accepted have the ability to settle successfully".[59]

All applicants for migrant entry, with the exception of refugees, are assessed under NUMAS. Each applicant, including family members over 16 years of age, must obtain a minimum number of points, although spouses, dependent children and aged parents of persons already residing in Australia do not have to obtain a minimum number of points in either the economic or personal settlement factors. Other relatives of Australian residents who are eligible under a special family reunion policy are not generally required to attain a minimum number of points on the economic factors, although they must show that they will not become a charge on public funds and are required to gain a minimum of 25 points on personal and settlement factors.[60]

Independent applicants (i.e., those without any family ties) are generally required to attain a minimum of 30 points on both the economic and personal/settlement factors, although their dependants are assessed under personal/settlement factors only. Applicants eligible as entrepreneurs or self-supporting retirees are not required to attain a minimum number of points under economic factors, although they must attain a minimum of 30 points under personal/settlement factors.[61]

In the economic category, out of a possible total of 50 points, the greatest number of points (14) are awarded for a skill that is in demand in Australia. Skills that are recognized in Australia (if not in greatest demand) or "transferable assets to assist in settlement" are each awarded 6 points, while "pre-arranged em-

[53] United States of America, Departments of Justice, Labor and State, *Interagency Task Force in Immigration Policy*, . . . , p. 291.

[54] Charles B. Keely, "Current status of United States immigration and refugee policy", p. 15.

[55] *World Population Trends and Policies: 1979 Monitoring Report, Vol. I*. . . ., p. 59.

[56] The Hon. M. J. R. Mackellar, M. P., *Australia's Immigration Policy* (Canberra, Australian Government Publishing Service, 1978), p. 3.

[57] *World Population Trends and Policies: 1979 Monitoring Report, vol. II*. . . ., p. 59.

[58] The Hon. M. J. R. Mackellar, M. P., *Australia's Immigration Policy*, . . ., p. 4.

[59] *Ibid.*, p. 6.

[60] Freda Hawkins, "Immigration law and management in the major receiving countries outside the Arab region", . . ., appendix I, p. v.

[61] *Ibid.*, appendix I, p. v.

ployment" and "economic viability" are each awarded 5. Finally, age may be awarded up to 4 points, competence in English is given 3 points and "ability to communicate in proposed employment" is awarded 2.[62]

Looking at personal and settlement factors (where, once again, 50 is the highest possible score) the following four categories: "preparedness for migration"; "initiative, self-reliance and independence"; "adaptability"; and being "sponsored or nominated" are each awarded 6 points. Competence in English, "responsiveness" and "presentation" are given 5 points; education and literacy are awarded up to 5, while family unity is awarded 3.[63]

As a result of increasing unemployment among the unskilled, and public pressure to limit the entry of persons in unskilled categories, Australia is seeking more prospective immigrants with business and technical skills, from countries such as the United States.

Under a revised immigration policy due to go into effect in April 1982, immigration will be limited to persons who have one of three requirements: close family ties in Australia, a skill that will benefit the country, or the experience and assets to start a "viable business venture".[64]

With respect to institutional arrangements, Australia's Labour Government (1972–1975) merged the Department of Immigration with the Department of Labour and established a Population and Immigration Council in 1975, which remains the country's major consultative body on immigration matters. The subsequent Government reassembled the former Department of Immigration (naming it the Department of Immigration Affairs), created two new advisory councils, the Australian Ethnic Affairs Council (AEAC) and the Australian Refugee Advisory Council (ARAC), and established the new selection mechanism, the Numerical Multifactor Assessment System (NUMAS), which has been discussed above.

Migration has played a historically significant role in New Zealand's population growth. Whereas natural increase continued to account for more than half of the country's total increase, by the early 1970s a rapidly declining birth rate, combined with record levels of immigration, had the effect of reversing the traditional dominance of natural increase. This situation led the Government to introduce unprecedented controls on the immigration of Commonwealth citizens. Subsequently, an increasing acceptance in New Zealand of low and eventually stationary population growth created pressure for a further reduction in immigration levels, an attitude that contributed to acceptance of the Government's current restrictive immigration policy.[65]

In 1975 a report of the Inter-departmental Committee on Population Growth reiterated support for a policy of less, rather than more, growth through immigration, as a means of keeping New Zealand's options open for the future.[66] New Zealand's policy of maintaining its moderate level of immigration, which has been in effect since early 1976, aims for an annual net immigration of only some 5,000 persons. The Government's reply to the Fourth United Nations Population Inquiry stated that "migration is currently limited to specific occupation groups whose skills are in demand, and to humanitarian causes such as refugees and family reunification. This is a reflection of the current economic situation in New Zealand and the consequent level of unemployment of citizens and permanent residents".[67]

Entry criteria for immigrants relate to the skills and qualifications, good health and character, age (from 18 to 45), family size (not more than four dependent children) and their ability to settle satisfactorily in the community.[68] Special provisions are made for the reunion of immediate family members, for immigration from the South Pacific and for refugee admissions.

In recent years, New Zealand has had high emigration, a phenomenon that has been partly linked with fluctuating export prices. In 1978, for example, there was a net loss of some 27,000 persons—in a country that registered a gain of 26,000 as late as 1973. Among the various consequences of this trend, the free transfer of emigrants' assets to their new countries of residence has affected New Zealand's balance of payments, causing emigration to become a source of serious concern.[69] As a result, minor changes were made in New Zealand's immigration policy in 1979. The Government now considers the applications of persons who do not have a specific skill in demand but who have sufficient capital and expertise in the entrepreneurial field to qualify for permanent residence.

In 1975 New Zealand's Task Force on Economic and Social Planning recommended the establishment of a population and immigration advisory council similar to the one established in Australia. Instead, a Working Party of the New Zealand Planning Council was established in 1977 to deal with population matters; this body, in turn, was replaced by a Steering Committee of the Planning Council on Population, Employment and Migration.[70]

Europe

Over the course of the past three decades, Western Europe has been one of the regions of the world with the highest levels of immigration. While the receiving countries believed that they were importing temporary labour, the halt in immigration after 1973 caused many workers to remain; moreover, the stopping of immigration accelerated the reunification of families which, in 1980, represented 70 per cent of total immigration.

In spite of the fact that primary immigration to the United Kingdom began to be restricted more than a

[62] *Ibid.*, appendix I, p. vi.

[63] *Ibid.*, appendix I, p. vii.

[64] "Australia, under new policy, is seeking skilled Americans", *The New York Times*, 2 November 1981.

[65] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. . . .*, p. 59.

[66] Ruth S. J. Farmer, "*International migration*", *loc. cit.*, p. 52.

[67] *World Population Trends and Policies: 1979 Monitoring Report, vol. II*, p. 59.

[68] Ruth S. J. Farmer, "International migration", *op. cit.*, p. 52.

[69] Erhard Haubold, "Rising emigration from New Zealand", *Swiss Review of World Affairs* (February 1979), p. 12.

[70] Ruth S. J. Farmer, "International migration", *loc. cit.*, p. 56.

decade ago and has now all but stopped, and that the country experiences a net outflow of 5,500 emigrants per year, there have been recent changes in immigration policy, which respond more to political, cultural and ethnic concerns than to concern over the volume of immigration.

The Government's current policy is aimed at curbing future immigration from Commonwealth countries. Legislation that was proposed in late 1979 would restrict most future immigration to the wives and children of male heads of families who were already legally settled in the United Kingdom. Such a policy change could achieve a reduction of perhaps 3,000 to 5,000 in annual immigration into the country, out of total immigration of some 70,000.

The Government has for many years been moving in the direction of formulating a more restrictive immigration policy. The previous Labour Government imposed tighter controls on husbands and male fiancés, granted fewer work permits, and began a more stringent processing of applicants in countries of origin—measures that resulted in a decline in new arrivals. In 1978, for example, only 11,776 males settled in the United Kingdom from New Commonwealth countries and Pakistan, compared with 16,614 in 1975.[71]

The measures initially proposed by the present Government included a total refusal of entry to male spouses[72]—chiefly as a means of curbing abuses arising from marriage of convenience—a more severe limit on entry of parents, grandparents and children over 18, and an end to allowing permanent settlement to those who had worked in the United Kingdom for four years or more. The Government also stated its intention of preparing a register of immigrants' dependants in the countries of origin.

The new immigration rules also restricted the immigration category for household help to citizens of Western European countries, required a capital sum of £100,000 for a foreigner establishing a business, and required independently wealthy immigrants to demonstrate "close connexions" to the United Kingdom.

A Government White Paper, published on 30 July 1980, proposed the establishment of three classes of citizenship: the largest would be that of British citizens (57 million). The next tier would be citizens of British Dependent Territories, while the third tier would be British overseas citizens. The long-term goal of the plan was to restrict the right of abode in the United Kingdom exclusively to those holding the newly defined British citizenship.

The Federal Republic of Germany has reiterated on numerous occasions that it is not an immigration country (nor has it had a tradition of assimilation). Although foreign workers were expected to be rotated periodically as a result of the interplay of their return orientation and market forces, the 1973 ban on immigration led large numbers of them to remain on a permanent basis.

Switzerland likewise has never seen itself as a land of immigration and, on several occasions, has considered expelling the foreign population (a step that has been defeated in successive referenda).

France, on the other hand, has long considered itself to be an immigration country and has a tradition of assimilation. Following the Second World War, several government commissions recommended massive immigration as part of a long-term manpower and population strategy. The official pro-immigration policy of the post-war years was never fully implemented, however, due partly to a lack of co-ordination between the various ministries involved with immigration matters. When large-scale immigration did take place during the 1960s, most of the migrants were not introduced through the channels of the official immigration programme and therefore did not come as permanent residents, but only as temporary workers, as in the case of Switzerland and the Federal Republic of Germany.

Clearly, except for the case of France, the immigration policies adopted by the major immigration countries were meant to be mere recruiting policies. Ironically, however, the end result was more or less the same. Indeed, Tapinos argues that what actually distinguished one European country from another was the time lag between phases, rather than a fundamental difference between a policy that excluded family immigration (e.g., in the Federal Republic of Germany and Switzerland) and one that permitted family immigration (e.g., in France).[73]

By 1980, 77 per cent of the 893,000 foreigners in Switzerland held permanent residence permits; moreover, 82 per cent of the registered foreigners had been in Switzerland for more than six years. In the Federal Republic of Germany, as of 1980, 66.7 per cent of foreigners had been in the country for more than six years, while of 700,000 Algerians residing in France as of 1 January 1980, 38 per cent had a 10-year certificate of residence.[74] From the above figures it is evident that, although most of the Governments did not desire permanent immigration, their foreign worker policies were so profoundly modified over the years that in the end they were translated into *de facto*, but unacknowledged, immigration policies.

The process is by no means ended, of course, since all of the former receiving countries continue to allow family immigration. Indeed, in the Federal Republic of Germany, immigration for family reunion represented 70 per cent of total immigration as of 1980. Similarly, some 15,000–18,000 persons have entered Switzerland

[71] During the same period, immigration from Australia, Canada, (pre-Independence) Zimbabwe, and the Republic of South Africa actually increased.

[72] Opponents of this measure argued that EEC women with foreign-born husbands, who, under the freedom of movement provisions, have the right to work and reside in the United Kingdom, would have had greater rights than a British woman, whose husband or fiancé could be denied admission. Acknowledging this argument, the modified rules give right of entry to the husband or fiancé of a woman who was born in the United Kingdom (or whose parents were born there).

[73] Georges P. Tapinos, "European migration patterns: economic linkages and policy experiences", paper presented at the Workshop on Immigration and Refugee Issues, sponsored by the Ford and Rockefeller Foundations, Racine, Wisconsin, 17–20 August 1981, p. 2.

[74] *Ibid.*, pp. 11–12.

each year since 1974 under the policy of family reunification.[75] These countries will continue to receive immigration under the guise of family immigration for some years to come.

Of course, there are major differences between the *de facto*, but basically unplanned, immigration policies of the Western European countries and those of the traditional immigration countries. The former make no pretence of achieving "universality", since the immigrants come chiefly from the former sending countries of the Mediterranean "south". Family reunion is by far the most important, if not the only, admissions criterion. Moreover, Western Europe's immigrants are more likely to remain non-citizens (although this picture seems to be gradually changing, as more receiving countries grant non-citizens political rights).

Regional overview: emigration

The following section will briefly examine the topic of permanent emigration. A number of Governments have formulated policies to discourage emigration, particularly of professionals and other highly trained personnel. However, few Governments in any world region have explicit policies to encourage permanent emigration. Interestingly, those Governments that have formulated policies to promote permanent emigration often have done so for various demographic reasons: e.g., to reduce population growth (and thereby relieve unemployment); or to alleviate congestion in densely populated regions.

Two important points must be made in discussing permanent emigration. First, a growing number of developing countries encourage temporary worker emigration rather than permanent emigration, since their Governments are interested in capturing remittances. (The consumption, savings and remittance habits of permanent and temporary emigrants are usually very different, since they are affected by such factors as length of stay and whether the migrant's dependants are in the host or home country.) Secondly, a number of countries that experience a significant amount of permanent emigration do so either because there is some leakage into permanence of temporary migrants or because of implicit emigration policies. Since the topic of permanent emigration is a sensitive one, the following brief discussion will focus mainly on countries that have explicit policies to promote permanent emigration.

Africa

Few African Governments desire to promote the emigration of their nationals, although a number of countries that have had significant emigration desire to maintain the rate. These include Comoros, Malawi, Mauritius and Mozambique in East Africa; Angola and Chad in Middle Africa; Egypt, Morocco and Tunisia in northern Africa; Lesotho and Swaziland in southern Africa; and Cape Verde, Mali, Mauritania and Senegal in West Africa.[76]

One country, Rwanda, has had insignificant emigration but desires to increase the flow, as a means of reducing "demographic pressure on the land" and of improving the "well-being of the country's population". In its reply to the Fourth Inquiry on Population, the Government reported that it was exploring the possibility of accords with potential receiving countries.[77] Currently, however, the obstacles to any such mass emigration from Rwanda would appear to be great.

Asia

Two Asian countries have explicit policies to promote the emigration of their nationals. The first of these countries, Pakistan, has long sent skilled and unskilled migrants to such destinations as Canada, the United Kingdom and the United States and, in recent years, has been sending increasing numbers of semi-skilled and skilled labourers to the Persian Gulf. The second is the Republic of Korea, a country that has made a concerted effort to export project packages—which include skilled labour—to Middle Eastern markets. In addition to its policy of promoting labour migration, the Government reported in its reply to the Fourth United Nations Inquiry on Population, that it also desires to encourage permanent emigration and has "frequent contacts with Latin American government officials".[78] The Government further reported that some 50,000 Korean nationals were expected to emigrate per annum after 1978, as a result of a simplification of emigration procedures and the conclusion of various bilateral accords.[79]

Western South Asia (Arab countries)

Although interregional labour flows in Western South Asia often resulted in permanent settlement during the 1950s and 1960s, the situation has changed significantly in recent years. Most workers from countries within the region are required to obtain visas and work permits for employment in other Arab countries and to return to their countries of origin upon completion of a project. Moreover, Asian workers—whose repatriation can be more closely supervised—are gradually displacing workers from within the region.

Two countries in the region, Jordan and the Syrian Arab Republic, have had implicit policies over the years to promote the emigration of their nationals, although their Governments have not formulated any explicit policies in this regard.

Western South Asia (non-Arab countries)

In Western South Asia, Turkey, which has high fertility and a high rate of population growth, has long encouraged both temporary and permanent emigration. As a result of the virtual closing of the Western European labour market to Turkish workers, the Government's desire to increase emigration is unlikely to be fulfilled, at least in the foreseeable future.

[75] *Ibid.*, p. 23.

[76] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. . . .*, p. 61.

[77] *Ibid.*

[78] *Ibid.*, p. 62.

[79] *Ibid.*

Latin America

As noted in the preceding section, a majority of Latin American countries clearly desire immigration rather than emigration. Indeed, of the 14 Latin American countries with significant emigration, a majority—10—consider it to be too high. In its reply to the Fourth Inquiry, for example, Colombia, which has long had substantial emigration towards neighbouring Venezuela and the United States, reported that it had formulated a policy designed in the long term to reduce emigration and, in the short and medium term, to rationalize the "exodus of population".[80] The Dominican Republic, another major emigration country reported that, although some sectors of public opinion considered emigration to be beneficial—largely because it had contributed to a desired reduction in population growth—the Government considered that the level should be reduced.[81] Ecuador and Guyana similarly reported that emigration constrained the achievement of their development objectives.

There are only three countries in the Latin American region that have significant emigration that consider it to be acceptable. One of these countries, El Salvador,[82] which has high population density and a high rate of population growth, began exploring the possibility of concluding bilateral accords (with such countries as Bolivia and Saudi Arabia) to promote the emigration of its nationals, a policy that was suspended as a result of the country's current uncertain political situation.[83] Haiti constitutes a somewhat ambiguous case. While it does not explicitly promote emigration, it has acknowledged that it derives substantial revenue from the issuance of exit visas and that remittances from Haitians living abroad are an important source of revenue.[84]

Europe

It is interesting to note that two European countries (out of a total of only six countries at world level) have explicit policies to encourage the emigration of their nationals.

One of those countries, the Netherlands, has low fertility and a low rate of population growth, but is densely populated. In its reply to the Fourth Inquiry, the Government reported that, for demographic as well as socio-economic reasons, it pursued an active emigration policy. Measures are taken to facilitate "the movement of nationals who, on their own accord, have decided to settle in another country."[85] Among these measures are the provision of financial assistance towards transportation costs and follow-up services by Netherlands representatives in the receiving countries. It is important to note that the Netherlands constitutes something of a special case, and its current policy must be understood in the context of problems that arose from its former status as a colonial Power. In recent years, the country absorbed more than half a million refugees (some 400,000 from Indonesia, 30,000 from the Mollucans and 130,000 from Suriname), an influx that was proportionately greater, for example, than the movement of Commonwealth citizens to the United Kingdom.

Portugal, the second European country that desires to increase emigration, has long considered outmigration to be a partial remedy for unemployment. In recent years, its policy position has been affected by factors that arose from its former colonial status, as in the case of the Netherlands. Following the return of some 1 million persons from its former colonies of Angola and Mozambique, Portugal experienced unemployment of about 25 per cent. As a result, the Government has encouraged the departure both of displaced persons and of unemployed Portuguese nationals who desire to emigrate.[86] Emphasis has been placed on selective emigration to Latin America, and especially to Venezuela.

The countries of Eastern Europe and the Soviet Union present something of a special case.

Apart from the mutual transfer of specialized labour, the Governments of the Eastern European countries have adopted a considerable range of policies affecting emigration. On the one hand, Hungary has adopted fairly flexible emigration and travel regulations. It is estimated that some 90 per cent of all applicants are granted permission to emigrate. Most cases involve family reunification and, despite laws restricting emigration to persons over age 55, a large degree of tolerance has been practised. At the other extreme, the German Democratic Republic has made efforts to limit emigration, as shown by a wide variety of travel restrictions, as well as by efforts to build a strong sense of national identity. Family reunification, however, is a common motivation for the average annual emigration of some 10,000 nationals of the German Democratic Republic to the Federal Republic of Germany.

The Soviet Government strictly controls entrance into and exit from the USSR, making family reunion the only justification for emigration, and retaining the prerogative of identifying appropriate family members.

Currently, the Soviet Government permits only three ethnic groups to emigrate in any large numbers: Jews, Germans and Armenians, the first two of which have a homeland outside the Soviet Union. The emigration of Soviet Jews reached a record level of 50,461 in 1979. Soviet Jews continued to emigrate in the first few months of 1980 at about the same rate as in late 1979, although the flow subsequently began to taper off. Within the first nine months of 1980, emigration fell 61 per cent from the 1979 level. (The number of Soviet Jews refused exist visas increased from 780 known families at the end of 1976 to 1,093 families at the end of 1979.)

[80] *Ibid.*

[81] *Ibid.*

[82] The other Latin American countries are Barbados and Grenada.

[83] *Population Policy Compendium: El Salvador*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (September 1979).

[84] *Population Policy Compendium: Haiti*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (August 1980).

[85] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. . . .*, p. 61.

[86] *Ibid.*

As a matter of official procedure, emigration visas usually list Israel as the country of destination, although the proportion of those actually going to Israel has been declining, to 40–50 per cent or less, with more Soviet emigrants preferring to go to the United States of America.

Recently, there has been a tightening of the regulations that govern emigration. It is reported that, in the Ukrainian SSR, visa offices consider applications to emigrate only when the invitation has been received from a "direct relative", a requirement that is interpreted to mean only parents or children. In the USSR, on the other hand, the required invitation may be approved if received from a brother or sister.

Conclusion

From the preceding discussion it is clear that there are a small number of places for permanent immigrants at world level. In recent years, the four traditional immigration countries have accepted a total of less than 1 million immigrants (as noted in the preceding brief discussion on trends, annual gross immigration to the United States has been around 600,000;[87] to Canada, 100,000; to Australia, 90,000, and to New Zealand, 40,000–70,000). A number of Western European countries once again have positive immigration balances, chiefly as a result of family immigration, although the total flows are small.

A number of Latin American countries, as well as a few countries in other regions such as Israel and the Republic of South Africa, admit permanent immigrants under their selective immigration policies. The flows have been smaller than desired, however, since the target group of skilled immigrants sometimes prefer to migrate to the developed countries. Moreover, two of the countries that have traditionally had pro-immigration policies, Israel and Argentina, have recently experienced large-scale undesired emigration, due largely to domestic economic problems.

As previously discussed in the present chapter, the strong emphasis on family ties and needed skills in the immigration policies of all of the traditional receiving countries leave out the vast majority of prospective migrants, and is likely to result in larger illegal movements in future years. The United States of America, with the largest undocumented population in the world, provides an example of how immigration restrictions can lead inadvertently to illegal immigration. As previously discussed, a prospective immigrant to the United States must come under three separate quotas: he must not only be within the quota for the preference under which he qualifies but also within both the 20,000 country limit and the 270,000 worldwide ceiling for numerically limited visas. This treble layer of restrictions translates into the fact that a country such as Colombia, which is one of the major Latin American sources of undocumented migrants in the United States, has managed to send only some 5,000 legal migrants annually in recent years.[88] Backlogs pose another problem. In the Philippines, a country where migration often involves large family units, there is an estimated 10-year wait for brothers and sisters to obtain fifth preference visas,[89] leading many prospective immigrants to circumvent the legal process.

An additional important consequence is that refugees are increasingly competing for the small number of immigration openings throughout the world. In a number of countries this competition is direct. In Australia, for example, once an annual immigration quota is determined, any one category, such as refugees, may be increased only at the expense of one of the three other major categories. In a country such as the United States, the competition is somewhat less direct, since refugee admissions, which are determined annually, are not included in the world-wide ceiling; nevertheless, numerical competition is a factor, since the arrival of large numbers of Latin American refugees (from Cuba and Haiti) during 1980 was followed by a reduction in legal admissions for Latin American countries during fiscal year 1981.

Aside from the question of numbers, there are other factors that may operate in favour of refugees. In addition to immigration for family reunion, which is a fundamental tenet of the policies of all of the traditional immigration countries, most of these countries are culturally plural societies that welcome a certain proportion of "seed" or independent immigrants, who are somehow associated with renewed cultural vitality. Accepting refugees of different cultural and ethnic backgrounds not only accomplishes the former goal but also helps the recipient countries to fulfil their humanitarian obligations. When the refugees possess needed skills, as in the case of many of the early refugee arrivals from Indochina, who were highly skilled, the coincidence is even more fortuitous.

A number of developing countries have also turned to refugees in lieu of immigrants, although for somewhat different reasons. As previously noted, Argentina, in its desire for immigrants to settle its sparsely populated regions, has experimented with using refugees from Indochina, who are legally prohibited from migrating to an urban area for at least five years. In another instance, Guyana, a country that has unsuccessfully sought immigrants for more than a century to settle its remote interior, attempted to attract large numbers of Hmong refugees from Laos (although the project subsequently failed to materialize). Of course, in cases involving a developing country as the recipient country, considerable outside financing would be required, a factor that probably reduces the likelihood of future large-scale population transfers of this type.

In conclusion, the fact remains that the possibilities for permanent immigration remain very restricted in all world regions. In the foreseeable future there is unlikely to be any country that will throw open its doors to large-scale unrestricted immigration. On the contrary, the policies of even the traditional immigration countries, though unmarked by radical shifts in posture, have been characterized by constant change in the direction of greater restrictions.

[87] The United States figure does not include refugees.

[88] United States of America, Departments of Justice, Labor and State, *Interagency Task Force on Immigration Policy, . . .*, p. 474.

[89] *Ibid.*, p. 145.

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Chapter II

LABOUR MIGRATION: DEVELOPED COUNTRIES

INTRODUCTION

Even before the First World War, a number of Western European countries were importing foreign workers to fill jobs for which they could not find local manpower. A census taken in Germany in 1907 recorded 800,000 foreign workers, while, as early as 1886, France had more than 1.1 million. In Switzerland, where, in 1910, nearly 15 per cent of the population consisted of migrant workers, immigration was not even controlled until the early 1960s.[1]

Following the Second World War, there was a gradual shift in the policies of most European countries towards the regulation of migration strictly as an aspect of manpower. Patterns of migration changed significantly following the establishment of the European Economic Community. One of the means of achieving European unification, as envisaged in the Treaty of Rome of 1957, was the development of explicit legal instruments designed to encourage intra-European movement of labour. As a result of this policy, countries of the Mediterranean basin that had been sending migrants to various overseas destinations began supplying labour to northern and Western Europe under various manpower agreements. By 1964 full internal freedom of movement was achieved for workers from EEC member States. These freedom-of-movement regulations actually had only a limited impact upon the movement of workers from member States, however, since the Community as a whole, with the exception of Italy, was consistently short of manpower.[2]

Of perhaps greater significance than the over-all freedom-of-movement provision was the 1964 regulation granting member States the right to seek workers from non-Community countries. This policy had major repercussions. In less than a decade, the receiving countries imported more than 30 million foreign workers, chiefly from the poorer countries of the Mediterranean basin.

TRENDS

By 1973 more than 6.6 million foreign workers were employed in Western Europe, representing possibly one seventh of the total labour force. Some 73.0 per cent of these workers came from countries outside the Community, in contrast to the situation in 1959, when third-country migrant workers accounted for only 51.9 per cent of total migrant workers in the then six-member EEC.[3]

Migration patterns that had been building for nearly two decades were disrupted after 1973,[4] when economic recession and the oil crisis brought a halt to migration to the major receiving countries. During 1974 and 1975 about 600,000 workers returned to the principal sending countries, though this was a far smaller return movement than had been anticipated. Moreover, since re-emigration was effectively blocked, many foreigners who might otherwise have returned to their home countries decided to remain in the receiving countries and to send for their dependants.

To summarize the trend since 1973–1974, there have been extreme reductions in certain traditional flows of workers. Clearly, however, the interruption in the recruitment of new foreign workers has not meant a complete stoppage. Although entries of workers progressively decreased in a majority of countries, the foreign worker populations actually declined only in Austria, the Federal Republic of Germany and Switzerland; in France and Belgium the number of foreign labourers remained stable, while in the Netherlands and Sweden it actually increased.

There is still a sizable stock of foreign workers in the former immigration countries, which continues to account for a significant proportion of the labour force, as of 1978 ranging from a high of 33.4 per cent in Luxembourg to 17.3 per cent in Switzerland, 7.6 per cent in the Federal Republic of Germany and Belgium, 7.3 per cent in France, 5.8 per cent in Austria, 5.3 per cent in Sweden and 4.0 per cent in the Netherlands. Moreover, emigrant workers still account for a significant proportion of the total labour force in many of the former sending countries, ranging, again, as of 1978, from 11.4 per cent in Portugal to 9.9 per cent in Yugoslavia, 5.5 per cent in Greece, 4.9 per cent in Finland, 4.8 per cent in Spain, 4.2 per cent in Turkey and 3.9 per cent in Italy.[5]

In addition to movement inside zones of free movement, such as EEC and the Nordic Common Market, family reunion has tended to increase, large numbers

[1] Jonathan Power, *Migrant Workers in Western Europe and the United States* (New York, Pergamon Press, 1979), p. 12.

[2] Ray C. Rist, "The European Economic Community (EEC) and manpower migrations: policies and prospects", *Journal of International Affairs*, vol. 33, No. 2 (Fall/Winter 1979), p. 210.

[3] Council of Europe, "Note by the Commission of the European Communities on its activities concerning themes of the conference", paper presented at the Conference of European Ministers Responsible for Migration Affairs, Strasbourg, 6–8 May 1980, p. 16.

[4] European labour markets began to deteriorate in the late 1960s and Governments became increasingly aware of the problems involved in trying to absorb a continuing flow of migrants. Many of them contemplated policy changes well before 1973.

[5] A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", *International Migration Review*, vol. XIV, No. 4 (Winter 1980), p. 542.

of refugees have arrived in various European countries, and even at the worker level there has been a minimum constant flow of several tens of thousands of persons per annum. This situation is not likely to change dramatically, since immigrant workers are not just a temporary expedient but have become essential to the further expansion of the economy in many of the former immigration countries; moreover, large-scale repatriation is not considered to be a viable policy option, particularly for the former emigration countries.

Of course, the composition of the migrant population, as well as the size of stocks and flows, is an important factor. Of particular importance is the fact that migrants under 25 years of age represent a proportion of the migrant population which varies between nearly 40 per cent and nearly 50 per cent in the chief immigration countries, a phenomenon which will have widening effects on the host cultures and societies, as well as on the composition of the labour force, and the like.

MIGRANTS UNDER 25 YEARS OF AGE AS A PROPORTION OF TOTAL FOREIGN WORKER POPULATION[a]

Country	*Percentage*
Federal Republic of Germany	37.9
Switzerland	38.9
France	40.2
Netherlands	40.2
Luxembourg	43.4
Sweden	45.0
Belgium	49.8

Source: A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", p. 560.
[a] As of 1978.

An additional factor is the significant part played by migrants in the natural increase of the major receiving countries. In Switzerland, for example, births to foreign parents represented 25 per cent of the total births from 1965 to 1977. In France, the order of magnitude was about 10 to 12 per cent, while in the Federal Republic of Germany it was 15 to 16 per cent.[6] Clearly, the foreign population will be one of the major sources of labour force replenishment in most of the former receiving countries.

SOME GENERAL CONSIDERATIONS

International migration is often seen in theoretical terms as resulting from some kind of imbalance—typically economic—between the receiving and the sending country. Neo-classical economics postulates that international migration narrows the gap between the sending and receiving countries through a variety of mechanisms, resulting in desired benefits for both. In the case of migration from the European "south" to the "north" during the 1960s and early 1970s, it was assumed that the receiving country would have growth with lower inflation, increased labour force mobility and lower unit labour costs, as well as a rise in output *per capita* by indigenous workers.[7] The receiving country was also to benefit by receiving the labour of the migrant without having to make the costly social infrastructure investments that would have been necessary if the worker were a permanent resident. At the same time, the sending country was expected to benefit by exporting a proportion of its unemployment, having its nationals trained by the host country, and receiving the benefits of millions of dollars in remittances.[8] Moreover, after a certain period of time, the sending country was to benefit from a labour force with greater skills. Finally, the individual migrant was expected to benefit by receiving training in the host country, earning good wages, and being able to return home with skills that could contribute to development in his home country.

During the period of heavy immigration of foreign workers from the "south" countries of the Mediterranean basin to the industrial "north", such beliefs were widely held by both the sending and receiving Governments. The desirability—indeed, the very rationality—of the flows was expected to result in the "rotation principle", whereby the interplay of market forces and the migrants' return orientation would lead to eventual repatriation. It was assumed that workers from the "south" countries would come "north" for a period of three to five years, gain skills and earn sufficient income so that they would then return with upgraded skills and some capital to invest in the country of origin.

As previously noted, labour markets began to deteriorate in the major receiving countries during the late 1960s and the Governments of those countries halted large-scale immigration. Whereas the system had functioned relatively well as long as the borders remained open,[9] following the halt in immigration, the social and economic costs of migration—and particularly the unintended ones—became increasingly apparent. The receiving countries not only were faced with dependence on foreign labour in certain occupations but also experienced increased demands on social services and serious social tensions as a result of the concentration of migrants in urban areas.

The sending countries initially experienced a loss of social investment in education, as well as the loss of many of their best-trained workers. They subsequently faced the uncertainty of continued inflows of remittances, a factor that fundamentally affected their development plans, while they experienced growing social tensions due to raised expectations of the returning migrants.[10] On the economic front, many of the sending countries were faced with a worsening balance of payments, as a result of demonstration effects on

[6] Georges P. Tapinos, "European migration patterns: economic linkages and policy experiences", paper presented at the Workshop on Immigration and Refugee Issues, sponsored by the Ford and Rockefeller Foundations, Racine, Wisconsin, 17–20 August 1981, p. 23.

[7] Ray C. Rist, "The European Economic Community (EEC) and manpower migrations: policies and prospects", . . . p. 202.

[8] *Ibid.*

[9] Georges P. Tapinos, "European migration patterns: economic linkages and policy experiences", . . ., p. 11.

[10] Charles P. Kindelberger, "Migration growth and development", *OECD Observer*, No. 93 (July 1978), p. 26.

consumption patterns, as well as inflation generated by remittances.[11]

In recent years, Governments of both sending and receiving countries have had to formulate a broad range of policies to deal with the economic, social and political impacts of what had been assumed to be a situation in which there would be no losers.

Major policy responses

Although the following section will deal largely with integration issues, which are the focus of the current policy of most of the former immigration countries, a brief word must be said on their earlier recruitment policies.

The chief labour-importing countries generally let private enterprise decide whether or not to request foreign labour, leaving it to the Governments to keep the entries within certain limits.[12] In France, the Government played a somewhat more active role, although many workers, particularly those from Algeria, entered outside the official channels (with the encouragement of private employers). In the Federal Republic of Germany and Switzerland, however, the Governments played a somewhat secondary role and the level of admissions nearly always reflected the needs of the firms.[13] As Tapinos notes, this system of regulating the entry and length of stay of migrant workers functioned as long as the borders remained open,[14] although it changed fundamentally after the 1973 immigration halt; thereafter, what were essentially recruitment policies turned into *de facto* immigration policies, while the actions of private firms resulted in widening social problems which had to be resolved by governmental intervention.

Labour migration policies are no longer chiefly designed to organize migratory flows, as they were in the past, but rather to manage the large pool of foreign manpower in the receiving countries, and to avoid the economic and social problems that sudden large-scale returns would create in the former sending countries. In other words, policy interventions now focus largely on the last stage of the "migratory chain", when the migrant is faced with the options of repatriation, assimilation or integration, each of which will be discussed below.

Repatriation

It was widely believed around 1975 that the return of migrant workers would take place on a massive scale, but this did not in fact occur. A number of countries offered incentives to encourage workers to return, although these had limited success, and large-scale forced repatriation would have been politically difficult and morally unfeasible. A certain amount of repatriation did occur, both of a voluntary nature and as a result of government policies. From rather rough estimates, it has been assumed that about 1.5 million workers (from OECD countries) returned to their home countries after 1974.[15] Migrants from Italy, Spain and Greece were repatriated at a fairly high rate, since improved economic conditions in those countries had narrowed the gap between the workers' prospects at home and those abroad. Migrants from Portugal and Turkey were repatriated at a much lower rate, since unemployment remained high in those countries, providing little incentive to return.

Virtually all of the former immigration countries have policies at present to encourage the return of migrant workers. Alleviating unemployment among national workers continues to be part of the rationale for encouraging return migration. Of course, the debate continues over whether increased departures translate into more jobs for native workers. In the case of France, the evidence appears to show that any reduction in foreign labour would be of little benefit to French job-seekers. Indeed, a survey conducted in the Départements of l'Oise and le Haut-Rhin during October–December 1979 and January–April 1980 (which involved about 11 per cent of the total number of workers repatriated under the official programme of assisted return) found that out of 2,329 jobs that were vacated, only one in three was subsequently filled by a French national. One third were found to have been occupied by other foreigners, and another third were eliminated; in the manual worker category, replacement by foreigners was even higher: 62.5 as opposed to 37.5 per cent.[16] Admittedly, there is the complicating factor that national workers may be reluctant to replace foreign workers, since jobs associated with foreign workers often acquire a socially undesirable, low status connotation.[17]

The debate centres not only on whether reducing jobs held by foreign workers releases jobs for nationals but also on whether such measures are actually effective in bringing about repatriation. Preliminary studies conducted in France to assess the results of measures to promote voluntary return have concluded that they were less an incentive than a supportive action. In other words, the availability of assistance did not bring about a return when socio-economic influences counter-indicated such a decision; however, such aid may have precipitated action on a decision that had already been taken in theory.

Governments have employed various measures, sometimes successively and sometimes simultaneously, to encourage repatriation, although these measures generally have had limited results. Financial inducements are among the chief measures that have been employed. France was the innovator in this direction, introducing a scheme of repatriation allowances in 1977 that entitled unemployed workers—and, later, workers who had been employed for at least five years—to apply for a return grant. The grant, which amounted to the not negligible sum of

[11] *Ibid.*

[12] Georges P. Tapinos, "European migration patterns: economic linkages and policy experiences", . . ., p. 10.

[13] *Ibid.*

[14] *Ibid.*, p. 11.

[15] A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 545.

[16] *Le Monde*, 26 July 1980.

[17] France has mounted a public relations campaign to counter such attitudes and to elevate the status of manual work, although there have been limited results to date.

10,000 francs, was conditional upon the return of the applicant's entire family to their country of origin, and was linked to an understanding that the migrant would not return to France for professional purposes. The results fell far short of what the Government had anticipated. By 1980 some 39,000 applications, affecting some 76,000 persons, had been accepted, out of a total foreign population of 3.4 million, as of 1975.[18] The use of repatriation grants was formally suspended on 25 November 1981.[19]

Vocational training with a view to return—appropriately termed "repatriation training"—is another measure that has been used to encourage return migration. The training, which is provided by the Government of the receiving country, has the aim of bringing about migrant workers' productive resettlement in their countries of origin. The Federal Republic of Germany has entered into several such agreements in the past decade, the most recent of which was concluded with Greece in 1980. Similar programmes were developed in France beginning around 1974 and were subsequently expanded, although they were officially suspended as of 28 November 1981.

Economic development aid, particularly for employment-creation in the less developed regions of the sending countries, is another of the measures designed to promote repatriation. The REMPLOD project (1977), which was financed by the Netherlands and implemented in Yugoslavia, and is perhaps the best-known example of this approach, led to the contribution of 6 million guilders to a job-creation fund to promote the employment of repatriated workers.[20] A related approach has involved the investment of migrants' savings in productive activities such as co-operatives or workers' companies, which are set up initially by immigrant workers in the receiving countries and then transferred to the countries of origin upon the workers' return. Perhaps the best-known example of this approach is the Turkish Workers' Companies, which are owned entirely by Turkish workers and assisted by the Federal Republic of Germany, in the belief that these companies could simultaneously attract savings, create jobs in the country of origin, and facilitate the workers' reintegration into their home economies upon return.[21]

The 1980 Franco-Algerian Accord, which was considered by France to be a model agreement, combined elements of all of these approaches, involving a monetary stipend (half of which was to go to the migrant and half to the Government) and a repatriation training component, and provided for the creation of small and medium-sized industries for merchants and artisans returning to Algeria, as well as for repayable resettlement loans for Algerian tradesmen working in France.

In negotiating with the former immigration countries for new relationships, the emigration countries have been trying to obtain fair compensation and to have clear lines defined for the future. Several of the countries that are probably the least capable of repatriating their emigrant labour force have adopted the position that the renewal of work and residence permits of their emigrant workers is a pre-condition for investment by the host country. This position was adopted by Algeria, for example, in awarding contracts to French firms engaged in housing construction and in the exploitation of natural gas. Portugal acted in a similar fashion when considering whether to allow a French firm to expand automobile assembly production in Portugal. In spite of these and similar efforts, the emigration countries have generally lacked the political bargaining power to play more than a passive role in determining the level of return migration.

In the final analysis, while the nature and level of return migration have been determined by policies adopted in the receiving countries, the decision to return definitively is essentially a personal one taken by the individual or individuals concerned.[22] It has been increasingly shown that migration is a dynamic self-feeding process which is difficult to reverse, particularly when the migrants have contact with an industrialized consumer society. The ensuing confrontation between different cultures, ways of life and value systems (one dominant and the other devalued) often results in changed aspirations and attitudes which make it difficult or even impossible for the migrants to return.[23] This tendency to remain, combined with the fact that most of the host Governments would have found it politically difficult and morally unjustifiable systematically to deport large numbers of foreigners, or to bar family reunification, has led to the presence of large foreign populations in most of the immigration countries, which have been steadily expanding through family reunion and natural increase.

It is now clear that a majority of migrant workers will remain semi-permanently for very long periods or settle permanently in the host countries. Hence the policy options are largely reduced to those of assimilation or integration.

Assimilation

Assimilation has occurred to some extent in all of the former immigration countries, either by means of mixed marriages or through naturalization.[24] There now seems to be an over-all decline in the numbers of mixed marriages due to a combination of factors, such as family reunification, the trend towards stabilization of the foreign population, and growing official en-

[18] *SOPEMI* (Système d'observation permanente des migrations) (Paris, Organisation for Economic Co-operation and Development, 1980).

[19] *Le Monde*, 30 November 1981.

[20] A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 545.

[21] Gurushri Swamy, *International Migrant Workers' Remittances: Issues and Prospects*, World Bank Staff Working Paper No. 481 (August 1981), p. 25.

[22] Carlienne Kennedy-Brenner, *Foreign Workers and Immigration Policy: the Case of France* (Paris, Development Centre of the Organisation for Economic Co-operation and Development, 1979), p. 91.

[23] *Ibid.*, p. 86.

[24] Assimilation may be defined as the process whereby foreigners adopt the characteristics and customs of the inhabitants of the host country and give up their own native way of life, eventually becoming part of the indigenous population (A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 548).

couragement for migrants to retain their cultural identity.[25]

Naturalizations have generally remained stable at a fairly low level in all countries except Sweden, where there has been an average of 23,000 naturalizations per annum in recent years. A number of countries have simplified procedures for the foreign spouse, or have adopted different (or more flexible) procedures for foreign children. Belgium's *option de patrie* and France's policy of acquiring nationality by declaration are examples of this approach. Other countries have reduced the minimum residence condition for the submission of applications, and reduced or abolished the waiting period between becoming naturalized and acquiring full rights of citizenship.[26]

Integration

A majority of migrants do not make a clear-cut decision in favour of either repatriation or assimilation, however, and tend to extend their period of residence, sometimes harbouring the hope of eventual return. (Indeed, research conducted in the Federal Republic of Germany concluded that the cut-off point in planning for permanent residence seemed to be about 17 years.) As a result, the immigration countries have gradually come to accept integration as the only practical policy for a large segment of the foreign population.[27]

During the 1960s few efforts were made at integrating migrants, who were generally kept apart from the native population, often housed in barracks-like conditions, restricted in their geographical and occupational mobility, and denied access to social welfare services.

Governments began making efforts to improve the integration of foreigners at the time that they started to curb immigration. Since the early 1970s, integration measures have been adopted in an incremental fashion in most of the receiving countries. As Rist notes, this was perhaps to be anticipated, since the issue of integration surfaced only after the workers had been present for a sufficient period of time to demonstrate that, in the absence of direct intervention, integration was not in fact occurring.[28]

To cite only a few areas of progress: restrictions on geographical mobility were eased in the Federal Republic of Germany. Family reunification is another area where progress has been made. Whereas family reunion was once considered a policy variable, and making reunification difficult was expected to motivate workers to return,[29] regulations have been gradually liberalized. Not only has family immigration remained fairly easy in a majority of countries but also regulations governing the access of family members to the labour market have been relaxed or abolished, even in a country such as the Federal Republic of Germany where wives and dependants were previously barred from working.[30] Indeed, as the 1980 *SOPEMI* report noted, the loosening up of labour market restrictions with respect to young people is a characteristic aspect of current immigration policies. policies.

To sum up, the present trend is for Governments to integrate and incorporate foreign labour into the labour market, rather than to reject it, and to create stable migrant worker populations committed to long-term residency. While there have been numerous and detailed provisions reducing the possibilities of discrimination against migrants, ranging from model contracts of employment to housing schemes, serious management problems remain. For a number of well-known reasons, such as low school attendance, poorly paid employment, socially low rating of the migrants' occupations etc., the majority of migrant workers continue to belong to disadvantaged groups. The difficulties encountered by many of the second-generation migrants include language and socio-cultural adjustment problems, lack of educational opportunities and suitable vocational training, division between two cultures, alienation from the civic and political life of the country in which they were born, and uncertainty as to where their future lies. Indeed, in many countries, an entire generation of youth has been growing up with hyphenated identities (Turkish-German and the like) in countries that do not even have these concepts as part of their cultural framework.[31]

Whereas recent policies aimed at this target group have focused on social rights, the area of political rights will probably be the last to be resolved. Foreign workers have no political rights at the national level in any of the receiving countries, although they have political rights at the local level in several countries.

In Denmark, nationals from the other Nordic countries have had the right since 1978 to vote and to be elected after three years' residence, while migrant workers in Sweden have had the right to vote and seek election in municipal, county and church elections since 1973. Foreigners have had political rights in the Swiss Canton of Neuchâtel since 1849 and, more recently, in the Canton of Jura. Belgium has taken steps towards giving foreign workers greater representation and participation in government; a bill before Parliament in 1979 would give foreign workers the right to vote in municipal elections, since the "immigrants' local consultative councils" are now considered to be

[25] *SOPEMI* (1980), p. 33.

[26] A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 552.

[27] Integration may be defined as the process whereby foreigners adjust, although not unilaterally, to living conditions in the host country. Nationals and foreigners adjust their behaviour and attitudes to one another, implying an effort on the part of nationals of the host country to understand what is different and the right of foreigners to distinctive cultural features (A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 548).

[28] Ray C. Rist, "The European Economic Community (EEC) and manpower migrations . . .", p. 209.

[29] W. R. Böhning, "Temporary or permanent: that is the question", paper presented at the World Peace Foundation Conference on Temporary Labor Migration in Europe, held at Elkridge, Maryland, 12–14 June 1980, p. 4.

[30] The Federal Republic began to ban the hiring of wives and children as of 1974; the policy was relaxed in 1979.

[31] Ray C. Rist, "Migration and marginality: guestworkers in Germany and France", *Daedalus*, p. 105.

inadequate for effective participation in the political process.[32]

Briefly discussing the policies of the sending countries:

The labour-exporting countries, as previously noted, have generally been cast in the role of passive participants rather than active decision-makers in relation to the migration of their nationals to seek employment. While these countries signed a large number of bilateral agreements on recruitment and employment procedures, only a small proportion of emigrants went through official channels such as the public employment services or other agencies. In 1973, for example, out of the 500,000 emigrants from the major Mediterranean sending countries, less than one third received any assistance from official agencies before emigration.[33]

More significantly, the decision to halt migration after 1973—which had, and will continue to have, profound effects on the sending countries—was a unilateral decision that was made by the immigration countries. As Kindelberger succinctly notes:

> "Restrictions on migratory flows have the effect of distorting both the optimal economic allocation of labour and the international distribution of income. Quite apart from considerations of efficiency, basic standards of international equity give rise to concern about a unilateral decision, the costs of which are borne not by the decision-maker but by someone else. It is precisely this kind of situation which international cooperation is designed to prevent, and the unilateral imposition of restrictions represents a breakdown in this cooperation."[34]

While the sending countries had little influence on the selection process, or on the decision to halt immigration, they had equally little influence on the level and pace of return migration which, as previously noted, has been more a function of individual decision-making and of the policies of the receiving countries than of the needs and desires of the sending countries.

The sending countries have participated to some extent in programmes designed to promote the reinsertion of returning workers in their countries of origin. This is an important issue, since it is obvious that economic development cannot take place as a result of the return of a disorganized mass of unskilled labour. As previously discussed, a number of receiving countries have assisted the labour-exporting countries in setting up training programmes for returning migrants—partly as a means of encouraging their return—although these have not generally been successful. Even if the return migrants are trained abroad, many of the labour-exporting countries are unable to absorb more than small numbers of skilled technicians and managers since one of their basic problems remains the lack of employment-creating investments.

The sending countries have been particularly active in attempts to capture remittances and have utilized a number of incentive schemes. Greek seamen and workers have been able to hold foreign currency accounts since 1968 (balances on these accounts were freely convertible into foreign exchange as long as the holder worked abroad and for three to five years thereafter). In Yugoslavia it was possible as early as 1959 to obtain authorization to open a foreign currency account; among other things, holders of these foreign currency accounts were given preference in importing consumer durables and obtaining loans.[35]

In Turkey, workers have been able to open foreign exchange accounts since about 1969. The Government has also offered premium exchange rates for workers' remittances, as well as special privileges on the import of both consumer goods and machinery.[36]

As a result of such practices, remittances increased dramatically during the years of active emigration (and still account for a significant proportion of the balance of payments in many of the sending countries). For example, remittances grew by 9–11 per cent per annum during 1960–1979 for the traditional labour exporters, Italy and Greece, and by more than 15 per cent for Yugoslavia, Turkey and Portugal. In these latter countries, the percentage of remittances to exports was 42.5 per cent, 76.7 per cent and 68.9 per cent, respectively (during 1978–1979).[37]

With respect to the utilization of remittances, Yugoslavia's experience as the only centrally planned country that permits its nationals to work abroad[38] illustrates some of the problems of investing private remittances where the scope for private investment is limited because of official policy.[39] For one thing, the limited investment outlets in Yugoslavia were quickly saturated. One World Bank study notes, for example, that the very success of private road haulage led to subsequent restrictions in order to protect socialized transportation. A similar problem occurred with the investment of migrants' remittances in small farms (that were subject to a ceiling of 10 hectares) since it resulted in an uneconomic over-mechanization.[40]

Turkey was the first labour-exporting country to attempt to use migrants' remittances for productive investment. As early as 1963, "Village Development Co-operatives" were formed and financed by workers

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[32] "Voix des migrants et voies politiques", *Hommes et migrations*, No. 998 (15 October 1980), p. 5.

[33] Organisation for Economic Co-operation and Development, *The Migratory Chain* (Paris 1978), p. 31.

[34] Charles P. Kindeberger, "Migration, growth and development", . . ., p. 24.

[35] Gurushri Swamy, *International Migrant Workers' Remittances:* . . ., p. 23.

[36] *Ibid.*, p. 24.

[37] *Ibid.*, p. 10.

[38] One study by the International Labour Office has noted that little attention has been given to the case of Yugoslavia, which is unique in that it has involved migration from a country with a centrally planned economy to countries with developed market economies, and sometimes a return to the centrally planned economy. While this process has had various consequences at the macro level (such as in regard to the use of remittances, which is cited below), it perhaps has had more effect at the micro-sociological level: i.e., on the ability to plan, on the organization of daily living in an unfamiliar social system etc. (C. Bock and F. Tiedt, "Survey of Yugoslavia households in the Federal Republic of Germany" (ILO doc. WEP 2-26/WP.33E, June 1979), p. 5).

[39] "Use of migrants' remittances in labor-exporting countries", *Finance and Development* (June 1980), p. 38.

[40] *Ibid.*

abroad. These schemes were not generally successful, particularly since a number of the co-operatives were founded solely for the purpose of emigration.[41]

A somewhat more successful scheme involved the development of companies owned by Turkish workers in the Federal Republic of Germany (which was previously cited as an example of one of the measures designed to encourage repatriation).

There is no consensus as to whether Turkish workers' companies represent a failure or a success.[42] Some critics have cited the high failure rate of these companies, while others consider them to represent an entrepreneurial initiative whose potential is far from fully realized.[43] In any event, they represent only a small proportion of total remittances, since the initial capital investment was $7.3 million, out of close to $1.2 billion in remittances.[44]

Institutional arrangements

As the migrant population has matured in the former immigration countries, Governments have been faced with establishing institutional arrangements to promote their integration, a task involving far more complex economic, social and political questions than that of organizing migratory flows.

A recent trend in several countries has been the establishment of high-level co-ordinating institutions or government posts to deal with integration matters. France, for example, established a high-level Culture and Immigration Commission, which is composed of French nationals and immigrants who are members of the most representative nationalities. In late 1975 the Federal Republic of Germany appointed a Commissioner for the Integration of Migrants, who works with the co-ordinating group on foreign workers within the Ministry of Labour and Social Affairs in developing integration policies. The Netherlands also recently established a special department for interministerial co-ordination of minority policies within the Ministry for Home Affairs.

In the area of workers' participation, a number of countries have also established special machinery to deal with migrant workers. For example, the French General Confederation of Labour (CGT) established a National Immigrant Manpower Committee to deal with the specific demands of migrant workers.[45] The Federal Republic of Germany established separate offices for the various nationalities in a special department of the German Confederation of Trade Unions (DGB). Similarly, the Swedish Confederation of Trade Unions (LO) established both a council responsible for immigrant questions and an advisory board made up of immigrants holding union office at the local level.

A number of Governments have also engaged in bilateral and multilateral trade union co-operation. For example, the German Confederation of Trade Unions and the Confederation of Yugoslav Trade Unions established a joint standing committee to advise and make recommendations to the two organizations, while a similar body was established jointly by DGB and the Confederation of Turkish Labour Unions.[46]

In recent years, a number of international bodies based in Western Europe have made a major contribution to the integration of migrants. To cite only a few examples:

Since issuing its Action Programme for Migrant Workers and their Families in 1976, EEC has focused on enhancing the free movement of EEC workers and their families and on finding ways of gradually eliminating unjustifiable limitations on their rights, as well as on improving the position of workers and their families. In concrete terms, the Commission has formulated proposals and, in many cases, measures concerning occupational training, housing, social services, health and welfare, education, information, and civil and political rights.[47] The Commission has also focused on the problems of second-generation migrants, issuing directives, promoting research and the exchange of information, and implementing various pilot schemes.

In the cultural sphere, the Commission has encouraged bilateral efforts to maintain migrants' contacts with their countries of origin, through newspapers produced within the member States and other communications programmes, teaching of the native language and culture, and large numbers of social and cultural centres.

The Council of Europe, through its Steering Committee on Intra-European Migration (COMG), has sponsored projects dealing with language and vocational training, equivalency of professional and technical qualifications, occupational safety, equal treatment, Europa Centres and model work contracts. It has also formulated projects dealing with the problems of family reunion, low-cost housing, education of migrant workers' children, and social services for migrant workers, and sponsored the European Convention on the Legal Status of Migrant Workers. Additional activities have been undertaken by the Council of Europe's Council for Cultural Co-operation (CDCC), and by the Conference of Local and Regional Authorities for Europe.[48]

The OECD currently supports the concept of "concertization", which advises Governments of sending and receiving countries to act in concert before making

[41] Gurushri Swamy, *International Migrant Workers' Remittances: . . .*, p. 25.

[42] The exact number of Turkish workers' companies is unclear. By 1980 the number of operational companies may have grown to about 100. (Stephen Adler, "A Turkish conundrum: emigration, politics and development, 1961–1980" (ILO doc. WEP 2–26/WP.52), p. 64.)

[43] Stephen Adler, "A Turkish conundrum: emigration, politics and development, 1961–1980" . . ., p. 62.

[44] Gurushri Swamy, *International Migrant Workers' Remittances: . . .*, p. 26.

[45] George Minet, "Spectators or participants? Immigrants and industrial relations in Western Europe", *International Labour Review*, vol. 117, No. 1 (January–February 1978), p. 27.

[46] *Ibid.*, p. 28.

[47] Council of Europe, "Note by the Commission of the European Communities on its activities concerning the themes of the Conference", paper presented at the Conference of European Ministers Responsible for Migration Affairs, Strasbourg, 6–8 May 1980.

[48] Council of Europe, "Intergovernmental activities undertaken by the Council of Europe in favour of migrant workers", paper presented at the Conference of European Ministers Responsible for Migration Affairs, Strasbourg, 6–8 May 1980.

important decisions. It has also developed "model machinery", consisting of a catalogue of measures that Governments may utilize either as a whole or in part, while its major emphasis is on organizing all links of the migratory chain, from recruitment to the final link, which involves either integration into the host country or resettlement in the home country. Towards this end, OECD has been promoting a series of experimental employment-creation schemes in areas of high emigration.

The Inter-Governmental Committee for Migration (ICM) has served as an international forum for the exchange of information and co-ordination of migration programmes, and since 1974 has promoted seminars on the adaptation and integration of permanent immigrants.[49]

The International Labour Organisation (ILO), which seeks to promote equality of opportunity and treatment of immigrants and to promote concerted and mutually beneficial migration policies, engages in surveys and research to promote more extensive knowledge of migration and its consequences, as well as of migration policies; standard-setting activities such as adoption by the International Labour Conference of conventions and recommendations; technical co-operation promoting the training of officials, as well as the establishment and improvement of adequate institutional machinery.[50]

Although the ILO has developed international standards for the protection of migrant workers and their families, the United Nations General Assembly felt that an international convention should be drafted—since protection of migrant workers involved action beyond the specialized field of competence of any one agency. Hence, a Working Group open to all Member States was established under General Assembly resolution 34/172 of 17 December 1979 to elaborate an international convention in this field.

Regional overview

Northern Europe

In the Nordic countries, where manpower movements are regulated by the provisions of the Nordic Common Market Agreement of 1953, there is a long-standing tradition of co-operation and even of joint research on matters affecting migrants.

Sweden has been the primary receiving country. The number of foreigners registered in Sweden at the end of 1979 was 42,100, the same as in the preceding year. Sweden's immigration balance has been strongly positive, however, and "losses" of foreigners are largely due to their acquisition of Swedish citizenship. Sweden's labour migration policy requires that all non-Nordic entrants be in possession of residence permits and, if appropriate, work permits before arrival in Sweden. Only about 20 per cent of foreign workers have complied with this provision, however, and the majority have been "exceptionally" admitted.[51] Although Finns are allowed free movement, there has been concern among Swedish authorities at the increasing proportion of Finnish immigration that is not channelled through the employment services of the two countries. As a corrective measure, the Swedish Labour Market Board issued new guidelines in 1979 governing the placement of Finnish applicants, giving priority (after local unemployed workers) to workers who had registered with the Finnish Employment Service.

Sweden is widely considered to have one of the world's most liberal and comprehensive immigration policies. The Government established the guidelines of Sweden's immigrant and minority policy in 1975. Among its provisions were 240 hours' paid leave for immigrants studying Swedish, and the right of persons with three years' residence to participate in municipal, county and church elections and to be elected to public office.[52]

The Government's policy is based upon the treble objectives of equality, freedom of choice and partnership. According to government statements, equality means that immigrants have the same rights and obligations as Swedish nationals and have the opportunity of retaining their own language and culture. Freedom of choice implies that members of linguistic minorities may determine for themselves the extent to which they retain and develop their original cultural and linguistic identity. Partnership means that co-operation between immigrant and minority groups and Swedish nationals should be broadened, and that measures should be taken to increase the participation of these groups in trade union activities and political life.[53]

During the 1970s, Denmark received an average annual flow of some 3,000–4,000 workers from Sweden and some 2,000–3,000 from Norway and sent about an equal number. In addition to these Nordic citizens, who are allowed to work in Denmark without restriction, Denmark, which joined the EEC in 1973, also receives workers from the various member countries.

In practice, a labour recruitment ban has been in force in Denmark nearly continuously since 1970, and work permits are granted only in the case of family reunion, for some designated occupations, and to *bona fide* refugees.[54]

Denmark's foreign workers are accorded equality of treatment with Danish nationals with regard to wages, working conditions, unemployment insurance, and all forms of social and health care services. Workers are entitled to attend 110 hours of free language-training courses, while foreign children have a right to general education, including introductory bilingual classes in areas with a heavy concentration of foreigners.[55] For-

[49] "Note by ICEM on its activities concerning the themes of the Conference", paper presented at the Conference of European Ministers Responsible for Migration Affairs, Strasbourg, 6–8 May 1980.

[50] "Note on ILO's activities in the field of migration", paper presented at the Conference of European Ministers Responsible for Migration Affairs, Strasbourg, 6–8 May 1980.

[51] *SOPEMI* (1979), p. 43.

[52] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 112.

[53] *Ibid.*, p. 113.

[54] Daniel Kubat, *The Politics of Migration Policies* (New York, Center for Migration Studies, 1979), p. 179.

[55] *Ibid.*, p. 181.

eign workers have the same rights as Danish nationals in the country's trade unions while workers from other Nordic countries have had regional and municipal voting rights since 1978.[56]

Norway has been a somewhat marginal labour importer. Restrictions on immigration have been in effect since 1973, although there has been a slight annual net influx in recent years. The Government has a liberal policy for the reunification of families, although it has acknowledged that housing shortages have been a constraint on family reunion. Another restriction lies in the 1975 requirement that there must be a marked and documented need on the labour market before a first-time permit may be granted.

Norway has instituted a comprehensive series of measures to ensure that foreign workers enjoy the widest possible equality of status with Norwegian nationals, although the Government has acknowledged that "extensive formal equality of status has not been sufficient to ensure equal conditions in practice".[57] To facilitate integration, immigrants are offered free instruction in Norwegian. An agreement between the Confederation of Trade Unions and the Norwegian Employers' Confederation allows migrant workers to take two Norwegian lessons a week during paid working hours, while instruction in the mother tongue, along with special instruction in the Norwegian language, is offered to children of compulsory school age. In addition, informal meetings are arranged for migrant women to help acquaint them with their new environment and to allow them to develop their own language and culture. Television and radio programmes for immigrants are also produced, while the Ministry of Local Government and Labour has initiated cooperation with Oslo Municipality to establish a religious centre for Muslims.[58]

Although Finland is primarily an emigration country, outward movement has decreased steadily in recent years, while inward movement has remained virtually stable. Net emigration was about 10,000 in 1976 and 1977, 7,200 in 1978 and 6,000 in 1979. This trend may be explained by improved economic conditions in Finland, shown by a rise of 6.5 per cent in GNP during 1979, with the expectation of continued, if perhaps slower, growth and a decrease in unemployment.[59]

During the early months of 1980 capital flows between Finland and Sweden were in balance for the first time and there was a marked increase in return migration from Sweden, the country that has been the primary destination for Finnish migrants since the Nordic Common Market was established.

The integration of foreign workers is not a major issue facing Finland, since foreigners comprise only 0.26 per cent of the total population. In principle, nationals of other Nordic countries enjoy equality of treatment, which applies to various aspects of social security.

The United Kingdom, although experiencing significant emigration as well as immigration, has been essentially marginal to intra-European labour migration flows. A work permit scheme has been in force since January 1973 and requires that foreign nationals (except those from EEC member States) and Commonwealth citizens have a work permit for a specified job with a named employer. Although the 1973 regulation required that migrants possess certain skills, the Department of Employment announced changes in January 1980 to protect both resident workers and workers from EEC countries. Work permits are now given only to overseas workers with professional qualifications and to those with a high degree of skill or experience.[60]

Entry is normally granted for up to 12 months. Thereafter, a worker is permitted to remain, provided that he remain in approved employment. A worker may be joined by his wife and children under 18 years of age after a 12-month waiting period, provided that he be able to support and accommodate them without recourse to public funds. The freedom of wives and children to take up employment is normally not restricted. After a four-year period in approved employment, a worker may be considered for an indefinite stay.

As for integration measures, migrant workers who are EEC nationals may apply for training under the training opportunities schemes. Applications are not accepted from non-EEC nationals whose stay is subject to time restrictions; the only exceptions are male refugees and non-EEC nationals who are newly married to women settled in the United Kingdom. With respect to language training, a Government-sponsored training programme for ethnic minorities has a target of training some 50,000 employees by 1987, together with complementary training for supervisors and management.[61]

Children of foreign workers have the same right of access to schools as United Kingdom nationals. The Government has sponsored a series of research projects to explore the need for mother tongue teaching and its implications for the educational system.

Western Europe

Austria's population has declined slowly in recent years, as a result of a deficit of births and a reduction in the stock of foreign workers. Entry policy continues to be based largely on labour market considerations, with foreign workers being recruited on an annual basis for specified employment. The number of work permits issued in 1979 represented a slight rise over the number issued in 1978, which was the smallest in a decade.

Although there have been no legal changes in Austria's international migration policy since 1976, a number of amendments to the Act of 1976 have been under consideration. Basically, these amendments would more closely define the terms on which local labour market authorities can refuse to issue or renew

[56] "Voix des migrants et voies politiques", *loc. cit.*, p. 5.
[57] *Ibid.*, p. 88.
[58] *Ibid.*, p. 92.
[59] *SOPEMI* (1980), p. 104.
[60] "United Kingdom: immigration rules change: EOC claims discrimination", *Social and Labour Bulletin*, No. 1 (1980), p. 112.
[61] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 128.

a work permit. As the *SOPEMI* correspondent noted: "the effect of these modifications will be to give more weight to the personal circumstances of the applicant and to restrict the use of vague appeals to the general economic interest".[62] Since most foreign workers in Austria are employed on yearly permits, and less than a quarter of them are accompanied by their families, problems in relation to the integration of foreign workers have been less severe than in other Western European countries.

Belgium reveals the classic family reunion picture: a rise in the number of total entries, and a decline in the numbers of workers' entries and in total departures. Belgium had more entries and fewer departures in 1979 than in 1978, so that the balance was not only positive but more than double that for the previous year. The *SOPEMI* correspondent noted, however, that "this could . . . be regarded as a reversal of the trend if the pattern over the past few years . . . was not in itself a warning against premature assumptions".[63]

Although the Government has not limited immigration for the purpose of family reunion, the Royal Decree of 5 October 1979 tightened up requirements for granting an "A"-class work permit—a permit that is permanent and enables its holder to seek employment in any sector of the economy—to members of the families of immigrant workers.[64] In spite of these new restrictions, Belgium concluded a bilateral agreement with Portugal in 1979 that contained a number of entirely new provisions: family reunion after one month, employment rights of members of the worker's family, the setting up of associations for Portuguese immigrants, and co-operation on vocational training activities that take into account an eventual return to Portugal.[65]

Although small in absolute numbers, Luxembourg's foreign worker population is large in relation to its total population size. As of 1977 the foreigners represented 24.1 per cent of the total population, while foreign workers (including frontier workers) constituted 33.4 per cent of the total labour force.[66]

Work permits are issued subject to the "state, trend or organization of the employment market"[67] and the criteria for the employment of migrant workers' families are the same as those applicable to the migrant workers themselves.

The Government reports that social policy, which is formulated in close co-operation with the employers and the workers, is applicable without distinction to national and foreign workers. An immigration service, assisted by the National Immigration Board, is responsible for taking care of any problems of a social nature that may arise for migrant workers.[68]

[62] *SOPEMI* (1980), p. 92.
[63] *Ibid.*, p. 10.
[64] *Ibid.*, p. 93.
[65] "Portugal-Belgium: bilateral agreement results in improved conditions for Portuguese workers", *Social and Labour Bulletin*, No. 2 (1979), p. 206.
[66] A. Lebon and G. Falchi, "New developments in intra-European migration since 1974", . . ., p. 542.
[67] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 62.
[68] *Ibid.*

The Netherlands at present has a slight migration surplus, as a result of a policy that permits reunion of the families of foreign workers. Both inward and outward movements increased slightly in 1979, resulting in a balance of 16,100, identical to that of 1978. In the beginning of 1979, the country's new Act on the employment of foreign workers took effect. Under the Act, no employer may hire a foreign worker without a work permit issued by the Ministry of Social Affairs. No work permit is required for foreigners with a residence permit, citizens of EEC countries and migrant workers who have been legitimately employed in the Netherlands for more than three years and who have a permanent work permit.[69] Applications for a work permit are to be submitted jointly by the employer and the worker, and one of the Act's major innovations is that the permit is issued in the name of the employer, who is penalized in cases of infringement under the Economic Offences Act. To restrict future entry of foreign workers, the Act also introduces the concept of "permit quotas", i.e., the maximum number of work permits that may be issued simultaneously in any enterprise.[70]

The holder of a permanent work permit is regarded as a full participant in the Netherlands labour market, and legislation concerning contracts of employment, wages and other conditions of employment applies equally for Netherlands nationals and foreigners. The Government has acknowledged that, although foreign workers can use social services to the same extent as nationals, they are at a practical disadvantage due to inadequate command of the Dutch language and cultural differences. As a result, foreign workers receive assistance from social workers who are employed by the regional foundations for foreign workers. To assist the children of migrant workers, who are subject to the Compulsory Education Act, the Ministry of Education and Sciences finances special educational aids and additional teachers to enable them to learn the Dutch language as rapidly as possible.

The Government is currently moving closer to the establishment of a comprehensive policy towards foreign workers and their dependants, as well as towards refugees and immigrants from various parts of the former Netherlands empire. As a first step, the Government set up a special department in 1979 for interministerial co-ordination of policies on minorities within the Ministry for Home Affairs. As the *SOPEMI* correspondent noted, "the proposed policy orientation is based on the assumption that most members of the minority groups will stay in the Netherlands and that positive action in their favour is necessary to ensure satisfactory integration".[71]

During the 1950s and 1960s, France had a liberal immigration policy, under which tens of thousands of workers came to France each year, found work, and regularized their status. During the late 1960s, follow-

[69] The period after which foreign workers will receive the same rights as Netherlands nationals was reduced from five to three years in 1979.
[70] "Netherlands: new Act on the employment of migrant workers", *Social and Labour Bulletin*, No. 3 (1979), p. 313.
[71] *SOPEMI* (1980), p. 99.

ing a crisis in the economy, the Government attempted to reduce the number of labour migrants entering France as a means of protecting the national labour force. Subsequently, after 1973, the Government attempted to halt all migration for employment and to encourage the repatriation of foreign workers.

During the period 1974–1977 the Government introduced a series of measures that were designed to reduce both stocks and flows of foreign workers. These measures, which included imposing a three-year ban on immigration, terminating the issuance of work permits, extending return assistance to all workers who had resided in France for a five-year period, suspending family immigration, and offering a cash bonus to foreign workers who agreed to return to their countries of origin, were repealed as unconstitutional in 1978 by the Council of State.[72] In 1979, the Government approved a new series of immigration measures that were geared to reducing France's foreign population by about 150,000 persons per annum. This was to be achieved by not automatically renewing existing permits, something that the Government had done almost universally since 1974.

In spite of efforts by the French Government to reduce the Algerian foreign worker population, and Algeria's official policy that called for the repatriation of emigrant workers, the sheer size of the Algerian population residing in France and the two countries' historical "special relationship" made the problem difficult to resolve.[73] Following a series of bilateral discussions, the two Governments agreed that the certificates of the 280,000 persons who had arrived before 1 July 1962 would be renewed for a 10-year period. Some 400,000 other Algerians, whose permits were due to expire between 1 October 1980 and 31 December 1983, obtained an extension for a period of three years and three months.

At the same time, the Government maintained its policy of encouraging repatriation of Algerians and other foreign workers by means of financial assistance and repatriation training. The Franco-Algerian accord, which was in principle voluntary, aimed at repatriating some 35,000 Algerians between October 1980 and December 1983, at a median cost of F 12,800 per voluntary departure, half of which was to go to the migrant and half to the Algerian Government. With respect to the training component, some 12,000 Algerians were to be trained each year for a period of from two to 12 months, depending on the worker's trade. Training was to have taken place in identical centres in either France or Algeria. The Franco-Algerian accord was officially suspended as of 28 November 1981.

Summarizing the regulations that have governed the admission and "regularization" of foreign workers and their families in recent years: according to France's law of 10 January 1980 on the admission of aliens, the right of entry "could be refused to any alien whose presence would constitute a threat to law and order".[74] In addition to the usual requirements regarding documents and visas, aliens were required to provide guarantees of repatriation and the necessary authorization if they intended to engage in a professional activity. These provisions did not apply in cases involving family reunification, or in the case of persons capable of rendering "important services" to France.

Families have continued to be admitted under provisions of a decree of 26 April 1976 that gives them right of access to the labour market. In the case of permanent (as opposed to seasonal) workers, the *Code de travail*, which stipulates that the "present and future employment situation in the region and profession concerned must be taken into account when a work permit is issued", has been applied in recent years. As the *SOPEMI* correspondent reported, reflecting the employment trend in 1979, the number of workers admitted was limited fairly strictly. The 9,225 foreign nationals who obtained a work permit (1,006 new entries and 8,219 regularized) were mainly highly qualified personnel or special hardship cases (5,188 nationals from South-East Asian countries, for example, were among those regularized).[75]

France had an estimated stock of some 3.7 million foreigners as of 1979. (Annual statistics are based on the number of foreigners holding valid residence permits and do not show foreigners who have returned home, with the exception of those doing so under the official repatriation assistance scheme; the figures therefore may be overestimated).

The Government plans to base future growth of the labour force on the population now resident in the country. Towards this end, family members have been given freer access to the labour market. The list of persons not prohibited from working was extended as of 10 June 1980 and a more liberal attitude was recommended with regard to certain family members whose employment could theoretically be prohibited. The *SOPEMI* correspondent noted, "it seems to be clearly intended, at least administratively, to place the worker and the members of his family in the same situation, as far as work permits are concerned".[76]

Migrant workers enjoy equality of treatment with French nationals as regards placement, vocational training, security of employment, advancement, retraining, conditions of work, trade union rights, and conditions of life. The public authorities have taken special measures to provide immigrants with housing, while migrant workers and their families are covered by all the social services under ordinary law under the same conditions as the French population.

Literacy courses designed for adults consist of lessons in written and oral French and, in some cases, elementary arithmetic. In addition to initiation classes for children who have no knowledge of the French language, there has been increasing emphasis on

[72] "France: certain measures applicable to foreign workers repealed", *Social and Labour Bulletin*, No. 1 (1979) p. 102.

[73] Mark J. Miller, "Reluctant partnership: foreign workers in Franco-Algerian relations, 1962–1979", *Journal of International Affairs*, vol. 33, No. 3 (Fall/Winter 1979), p. 219.

[74] "France: new law on aliens—decision of the Constitutional Council: entry and residence", *Social and Labour Bulletin*, No. 1 (1980), p. 106.

[75] *SOPEMI* (1980), p. 14.

[76] *Ibid.*, p. 95.

keeping the child in contact with his language and culture of origin. Such classes, which are optional, are given under bilateral agreements concluded between the ministries of education of the countries concerned.[77] The Government's recent emphasis has been on "pre-training", which has the aim of preparing young persons to follow a subsequent vocational training course. Another recent initiative was the establishment of a Culture and Immigration Commission. Composed of representatives from the Maghreb countries, as well as from Spain, Portugal, Yugoslavia, Turkey, and certain countries in French-speaking Africa, the Commission was established to advise the authorities on cultural and social policy options in the next five years; its first report was made public in June 1980.[78]

In recent years, the labour migration policies of the Federal Republic of Germany have emphasized what the Government terms "stabilization", as a means of restructuring the productive apparatus and the labour market. Basically, this entails limiting new entries, maintaining the 1973 ban on the recruitment of foreign workers from non-EEC countries, and refusing to admit seasonal workers, as a means of promoting successful integration and job security for foreign workers already resident in the Federal Republic.[79]

A group that has been particularly affected by this "stabilization" process is Turkish nationals, who had been able to work in the Federal Republic without visas. A gradual process of restriction led to only 1,000 work permits being issued in 1979, causing thousands of Turks to stay on illegally. Following the Government's decision to require visas for Turkish nationals as of 1 October 1980, some 40,000 Turks asked for asylum in the first quarter of 1980, usually after entering the Federal Republic from the German Democratic Republic.[80]

In spite of its increasing restrictions on Turkish workers, the trickle of foreigners into the Federal Republic has widened into a stream. There was a 27.6 per cent rise in the inflow of foreigners during 1979 (and a 58.8 per cent rise among workers from non-EEC countries). The similar rise in the general migration balance may be attributed to the large number of foreign workers being joined by their dependants, a movement that was influenced by the relatively favourable employment situation and improved access to the labour market for family workers.[81]

The stock as well as the flow of foreigners has also been increasing. In spite of the Federal Republic's policy of gradual but continuous rotation, and its close monitoring of the migration process through 500–600 labour-recruiting offices, a large stock of foreign workers remained after the 1973 immigration ban.

During 1978–1979, the foreign resident population increased by 4.1 per cent, while the percentage of foreigners in the population rose from 6.5 to 6.8 per cent, the highest figures ever, both in absolute terms and as a percentage.

The Federal Republic's policies towards migrant workers and their families have evolved considerably in recent years. Initially, the Government formulated a set of *ad hoc* policies that were sometimes contradictory. For example, although the Government's policy stressed family reunification, some two years after the ban on immigration, work permits were denied to children or spouses who had immigrated after 1 December 1974, a measure that hindered family immigration.[82] An additional disincentive was the Government's children's allowance programme, which was structured so as to reward workers who left their children in their country of origin.

The Federal Republic's policies began to change gradually when it became evident that many of the foreigners were in the country to stay. According to the results of a study conducted by the Government over a four-year period, 70 per cent of the foreigners interviewed said that they had planned to stay for a maximum of five years, although three quarters had already stayed longer than their intended stay at the time of the interview. Summing up the years actually spent in the Federal Republic, plus the intended future duration of stay, the total period for 71 per cent came to over the 10-year mark, for 20 per cent between 15 and 20 years, and for another 20 per cent beyond the 20-year mark.[83] The study concluded that, in view of the intention to stay longer than planned and the difficulties of reintegration in the countries of origin, at least 40 per cent of the Federal Republic's stock of "guest workers" could be expected to settle permanently. Since this estimate related to persons over 18 years of age, it was clear that the proportion would be even higher if the total foreign population were included.

The Government is now concerned not only with the short term—in which it is working to improve the legal status of foreign workers through guaranteed work permits after a stay of several years—but also with the medium and long term. As reported in a recent government study, in the medium term it will seek a complete equalization of the legal status of foreigners with that of German nationals. In the long term, its aim will be to achieve a balance between the interests of the country's various population groups by giving foreigners the opportunity to organize effectively as interest groups in the social, occupational and political spheres.[84]

In specific terms, the Government adopted a programme on 19 March 1980 that will focus on equality of opportunity for young persons in education and employment. As the *SOPEMI* correspondent noted, "the Federal Government has insisted that integration policy must not alienate the second and third generation of migrants from their own culture, and educational

[77] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 49.
[78] *SOPEMI* (1980), p. 95.
[79] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 51.
[80] *The New York Times* 5 November 1980.
[81] *SOPEMI* (1980), p. 20.
[82] Ray C. Rist, "Migration and marginality: guestworkers in Germany and France", . . ., p. 100.
[83] "Federal Republic of Germany: comprehensive research report on 'guest workers'", *Social and Labour Bulletin*, No. 1 (1980), p. 109.
[84] *Ibid.*, p. 110.

measures for foreign children should be placed in the context of the cultural background of their families (e.g., through an adequate number of classes is the mother tongue under the supervision of the school authorities and the opportunity to choose their mother tongue instead of one of the obligatory foreign languages)".[85]

According to the report of the *SOPEMI* correspondent, additional measures to be taken in the coming years will involve increasing the rate of attendance and completion of pre-school and subsequent education and of vocational training, by means of pilot projects subsidized by the Federal Government and pre-vocational courses for young foreigners who do not have educational certificates.[86]

A major change has been the Federal Republic's liberalization of its policy regarding access of wives and children to the labour market. Whereas the practice of allowing spouses and unmarried minor children to join the family (usually after one year's residence) has been retained, a new rule on waiting time for the granting of work permits to family members—involving a minimum stay in the Federal Republic of two years for children and four (or in special circumstances three) years for spouses—became effective on 1 April 1979. Between April 1979 and June 1980, a total of 22,330 family members (10,483 children and 11,847 spouses) gained access to the labour market under this new arrangement.[87]

In addition to this provision, young people with five years' residence in the Federal Republic and with one parent who has been employed in the Federal Republic for at least five years have a legal claim to a work permit that is not subject to the rule of granting priority to nationals of the Federal Republic and of other EEC member States. Following a decision of the Federal Government of 19 March 1980, this legal claim was extended to training applicants, young persons who had completed school or vocational training, or those who had participated in a 10-month pre-vocational training course.[88]

The major initiatives with respect to the granting of political rights have occurred at the local level. In 1979, for example, the Mayor of West Berlin advocated giving foreigners municipal voting rights, and allowing them to seek positions in administration and industry that were reserved for German nationals. One important step that has been taken at the national level involves easing conditions for naturalization for second- and third-generation migrants, for whom a legal claim to naturalization is, under certain conditions, to be granted from age 18.

For a number of years, the Government has participated in training schemes linked to repatriation. In 1971, even before the immigration ban, a protocol was signed with Turkey for the reintegration of migrant workers into the economic life of that country. Although some 56 workers received training under the programme, interest in the programme began to wane.[89] A subsequent 1976 agreement between Croatia and Baden Wüortemburg provided for the training of 50 unemployed Yugoslav workers, with the training expenses to be borne by the Federal Republic partner, and the Yugoslav partner having the responsibility of finding employment.

The Federal Republic's current policy position is that integration policy should not discourage foreign workers from returning to their home countries, and that assistance for vocational reintegration in the framework of development planning and promotion of investments by foreign workers in their country of origin should be expanded.[90]

The Government's most recent initiative along these lines was a convention signed in May 1980 with the Greek Ministry of Co-ordination for the vocational training of professional staff, technicians and other workers who wanted to return to Greece. The projects were to be financed 70–30 per cent by the respective Governments.[91]

As a result of its immigration policy, Switzerland's economy has benefited from a highly elastic labour supply, while avoiding any conditions of a common labour market or of economic integration. In recent years, however, largely as a result of public opinion, Switzerland's labour migration policy has aimed at reducing flows, no matter what the employer's needs for labour may be.[92] The country's over-all policy remains governed by the Ordonnance of the Federal Council, which states that the number of foreigners holding establishing or annual residence permits and engaged in gainful activity should be gradually lowered so as to maintain a reasonable balance between the Swiss and foreign populations. The measures governing the admission of foreign workers, which are reviewed annually, are based on the principle of priority for indigenous workers, with the latter term covering not only Swiss workers but also foreign workers holding a residence permit.

Looking at the trend, however, it is clear that the general inward movement of foreigners to Switzerland has increased, confirming the fact that 1976 was the low point of the curve. During 1979, some 56,800 foreigners entered Switzerland with residence permits, of whom 8,517 were "established" (by reason of having previously resided in Switzerland). On the other hand, some 55,800 resident foreigners left Switzerland, resulting in a net positive balance of some 1,000 persons.[93] (Although this was the first positive balance in a six-year period, Switzerland's policy over the years has been conducive to a high rate of gross immigration that has been effectively offset by massive repatriation, leaving a low net immigration level.)

As the *SOPEMI* correspondant noted, more distant

[85] *SOPEMI* (1980), p. 97.
[86] *Ibid.*, p. 98.
[87] *Ibid.*, p. 97.
[88] *Ibid.*, p. 98.

[89] Organisation for Economic Co-operation and Development, *The Migratory Chain* (Paris, 1978), p. 37.
[90] *SOPEMI* (1980), p. 97.
[91] *Ibid.*, p. 98.
[92] D. Maillat, C. Jeanrenaud and J. Ph. Widmer, "Reactions of Swiss employers to the immigration freeze", *International Labour Review*, vol. 117, No. 6 (November–December 1978), p. 733.
[93] *SOPEMI* (1980), p. 29.

sources are becoming important in immigration flows to Switzerland and there has been a significant loss of Spaniards, which had been one of the most important foreign groups.[94] Although seasonal and frontier workers constitute a significant proportion of immigration to Switzerland, the ratio of "established" to annuals has continued to change in favour of the former: 76–24 in 1979, compared with 74–26 in 1978 and 71–29 in 1977.[95]

Although the figures indicate that the resident foreign population declined from 14.9 per cent of the total population in 1978 to 14.3 per cent in 1979, this was due largely to changes in national status that resulted from Switzerland's 1978 policy on the attribution of Swiss nationality. (As of 1 January 1978, the child of a native-born Swiss woman and her foreign husband acquired Swiss nationality, provided only that the parents were domiciled in Switzerland at the time of the birth).

With respect to the integration of Switzerland's resident foreign population, the Government has left the matter largely to local authorities and private employers. As the Government reported to the ILO, "it is the duty of the competent authorities of the employment market to ensure that foreign workers are placed on an equal footing with Swiss workers.[96] The Government has concluded bilateral social security agreements with a number of European countries, which guarantee equal treatment to nationals of these countries. It acknowledged, however, that there are no such bilateral agreements with developing countries, and "where no bilateral social security agreement is applicable, aliens do not enjoy equality of treatment with nationals".[97]

Education is largely within the competence of Switzerland's cantons and communes. The Confederation can only make recommendations, although it has encouraged the cantons to include courses for the children of the migrant workers in their school curricula.

At the instigation of a number of religious groups, Switzerland held a national referendum on 5 April 1981 on a proposed constitutional amendment which would have removed virtually all constraints on foreign workers. The amendment, which was rejected by a ratio of 5 to 1 and was opposed by both the Government and Parliament, would have assured foreign workers the right to remain in Switzerland even if they were no longer needed on the labour market. It also would have assured foreign workers full social security coverage, the right to be joined by their families, and freedom to change jobs and places of residence.[98] Whereas changes of employment, occupation and cantons have been authorized in principle after one year's residence in Switzerland, they have been dependent in practice upon the situation of the indigenous labour market.

[94] *Ibid.*, p. 30.
[95] *Ibid.*, p. 29.
[96] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 115.
[97] *Ibid.*, p. 116.
[98] *Tribune de Genève*, 1 April 1981.

The main beneficiaries of the rejected amendment would have been Switzerland's some 110,000 seasonal workers. At present, seasonal workers must be employed for four nine-month periods, or 36 months in all, in four consecutive years before they can qualify for a year-round residence permit that is renewable annually. Even then, the holder of an annual work permit must wait 15 months before he can be joined by his family, and 10 years before he can become a foreign resident.[99]

Although there was clear opposition both in government and private circles to the liberalized controls proposed under the 1981 amendment, the Government did submit a bill to Parliament that would benefit seasonal workers by making it less difficult for them to obtain annual work permits and to be joined by their dependants.[100]

Although the dichotomy between receiving and sending countries is becoming somewhat blurred, since countries that were traditionally considered to be suppliers of manpower, such as Italy and Greece, are now importing labour, the traditional emigration countries have also become progressively differentiated. For example, Italy is part of the EEC free-movement system, and Greece was recently admitted. Greece and Spain were already experiencing a decline in emigration before the ban was imposed in the receiving countries. In Portugal the number of returnees has not yet proved to be significant. Yugoslavia continues to have substantial underemployment and high migratory potential, while Turkey, for both demographic and economic reasons, is a large potential source of manpower. Migratory pressure in the latter two countries is not decreasing, yet, to all extents and purposes, possibilities for export of labour abroad have been halted.

Southern Europe

Italy is the country that has made the most extensive use of the EEC freedom-of-movement provisions for the exportation of its surplus workers. Since 1973 Italy has had a positive migration balance, reflecting an excess of return migrants over emigrants. The balance in 1979 was the lowest since 1973, however, probably because the decline in departures registered in recent years has ultimately influenced the volume of repatriation. However, Italy's positive net migration balance conceals a considerable outward flow of migrant workers that seems to have increased in recent years.[101] Italy now sends a significant volume of emigrants to new destinations in Africa, Asia and Latin America, partly as a result of growing activity of Italian firms in these regions.

At the same time, Italy is at present a host country for some 400,000 migrant workers, a majority of whom are undocumented, from a wide range of sending countries (including Greece, Yugoslavia, Spain, Portugal, Tunisia, Egypt, Turkey, Algeria, Somalia,

[99] *Ibid.*
[100] *Ibid.*
[101] *SOPEMI* (1980), p. 113.

the Libyan Arab Jamahiriya and Ethiopia).[102] In 1980, because of reasons of public security, the Government announced strict controls on foreigners living and working in Italy.

Italy has had a policy for the linguistic and cultural development of its nationals abroad since 1971, the purpose of which is to assist the social integration of Italians into the host country, maintain linguistic and cultural links with Italy and encourage vocational training.[103] Although Italy has maintained a network of schools abroad (in Latin America, for example), this network has not been extended to the Western European countries, in order to facilitate the integration of Italian-speaking children into the educational systems of the receiving countries.[104]

The over-all situation in Greece is similar to that of Italy. Greece has had a positive net migration balance in recent years, with the number of emigrants declining again in 1979 (by 23.7 per cent) to 11,050.[105] At the same time, there has been a return movement of former labour migrants, a trend that has been stimulated by higher economic growth rates and an improved employment situation.

In the past decade, Greece has turned into a marginal labour-importing country, attracting workers from various North African countries, particularly to fill low-ranking positions in its merchant fleet. Whereas there were as many as 40,000 of these workers as of 1977, the subsequent slowdown in Greece's economic development led to a reduction in their numbers. The number of permits issued to foreigners for all categories of work stood at a little more than 29,000 as of 1979.

Although Greece became an EEC member in 1981, EEC established a seven-year transition period in which to effect the gradual freedom of movement.

Spain has also received a continuing flow of return migrants, although large numbers of its nationals remain abroad. The number of Spaniards residing in other European countries was approximately 959,000 as of 1978, 477,700 of whom were in the active population.[106] In addition, some 1.7 million Spaniards were residents of non-European countries, primarily in the Americas.

The Spanish Government continues to promote "assisted emigration", which increased by about 14 per cent during 1978, with 35.2 per cent of the migrants going to Venezuela.[107] Recruitment is organized by the Spanish Emigration Institute which, among other tasks, assists migrants in transferring and repatriating funds.

Since 1976 Spain's Ministry of Education has had a division for education abroad, which co-ordinates all activities in relation to Spanish studies and teaching centres abroad. Its dependant body, the Migrants' Education Service, deals with the creation of public centres and other educational arrangements for Spaniards abroad.[108]

Portugal continues to experience a slight rise in emigration. The 20,622 emigrants who left Portugal during 1979 represented a 10.6 per cent rise over 1978, which in turn was a rise of 9.7 per cent over 1977. Movement to new destinations in Afrirca, Asia and the Middle East is continuing, and there has been a marked increase in the numbers of Portuguese migrants on fixed-term contracts in such oil-producing countries as Algeria, the Libyan Arab Jamahiriya and Iraq. This type of movement is favoured by the Government, since it relieves unemployment without permanently losing skills. The number of seasonal workers also continued to rise, reaching more than 9,000 by 1979.[109]

Portuguese emigration to certain traditional destinations such as France and the Federal Republic of Germany has shown a high proportion of females in recent years, indicating the importance of family reunion in movement towards these countries.

Portugal's official policy towards its workers abroad has changed dramatically since the 1974 revolution, and the basic rights of emigrants are now embodied in the Constitution. One of the principal aims of the Secretariat for Foreign Affairs and Emigration is to protect workers and their families abroad by ensuring them equality of opportunity and treatment with nationals of the host countries in respect to employment, housing, social security, education etc.[110]

In the cultural and educational field, the Government has had a programme since 1978 for the teaching of Portuguese to preschool children in host country regions with a heavy concentration of Portuguese children.[111]

During 1979 about 35,000 Yugoslav migrants took up employment in other European countries, while some 40,000 workers returned. The total number of Yugoslav citizens in European countries as of 1978 was nearly 1.1 million, of whom 695,000 were employed; there were an additional 348,000 Yugoslav migrants in various non-European countries, and another 13,000 workers employed abroad by Yugoslav construction enterprises.[112]

Although discussion on the subject has continued in national, regional and local political circles, few concrete programmes for employment of returned migrants have been implemented at any level.

During 1979 a new Act was prepared for the protection of Yugoslav citizens employed abroad, which came into force in early 1980. This Act, which determines conditions for the departure of migrant workers, procedures for ensuring their employment, and the protection and rights to which they are entitled while abroad, was complemented by a new social contract

[102] *Intercom* (July 1980).
[103] Council of Europe, Committee on Population and Refugees, "Report on second generation migrants", (Strasbourg, 1978), p. 27.
[104] *Ibid.*, p. 28.
[105] *SOPEMI* (1980), p. 109.
[106] *SOPEMI* (1979), p. 53.
[107] *Ibid.*, p. 52.
[108] Council of Europe, Committee on Population and Refugees, "Report on second generation migrants", . . ., p. 27.
[109] *SOPEMI* (1980), p. 117.
[110] Council of Europe Committee on Population and Refugees, "Report on second generation migrants", . . ., p. 26.
[111] *Ibid.*
[112] *SOPEMI* (1980), p. 123.

on the training and education of Yugoslav citizens abroad.[113]

Turkey has often been cited as an example of the theory that migratory labour leads to an increase rather than a decrease in existing inequality. While Turkey averaged an annual increase in GNP of nearly 7 per cent during 1968–1975, this growth was not transformed into a set of structural relations that decreased the need for migration. Employment grew by only 0.2–1.0 per cent, for example, causing a situation of endemic unemployment.

Turkey has received a steady flow of return migrants in recent years, numbering about 92,000 in 1978, although some 759,000 Turkish workers were living outside the country at the end of 1978.[114] Although the proportion of Turks residing in the Federal Republic of Germany was still about 70 per cent as of 1978, there were as many as 40,000 Turks in Saudi Arabia and 22,000 in the Libyan Arab Jamahiriya, as well as smaller numbers in other non-traditional receiving countries. As a result of high unemployment, generally unfavourable economic conditions, and a surplus of manpower of an estimated 2 million, pressure to emigrate is expected to persist.[115] Although Turkey is a potential future source of manpower, its membership in EEC is still uncertain since its economy is out of synchrony with those of the member States.

The Turkish Government has established a directorate to co-ordinate all activities connected with the education of migrants' children, and sends teachers abroad to a number of receiving countries. There are now nearly 2,000 Turkish teachers in the Federal Republic of Germany, for example, who give lessons on Turkish language and civilization in Federal Republic schools; in addition, Turkish cultural centres are being established in regions with a large Turkish population.[116]

Since the present chapter focuses largely on Europe, a brief word must be said on the labour migration policies of the Eastern European countries, as well as the USSR, about which there are little concrete data.

Eastern Europe

Although there is a growing number of labour exchanges between the various countries of the Council for Mutual Economic Assistance (CMEA), the Governments have emphasized that the workers involved are not "migrants for employment". Rather, the migrants are employed under the system of socialist economic integration in order to ensure collective participation in the exploitation of raw materials resources, in the construction of industrial plants, in international economic organizations and associations, and in joint undertakings and international scientific research collectives. As one Government noted, "the purpose of using foreign workers is not to give them employment (a matter which is easily settled at the national level), but the pooling and co-ordinated use of the productive resources of friendly countries. A distinction must be made between the temporary transfer of manpower from one country to another and migration for purposes of employment and the export of excess manpower which cannot be employed in the country of origin".[117]

Although there are no official statistics regarding labour migration in the Eastern European countries, it is known that a majority of foreign workers, chiefly from Poland, Czechoslovakia, Bulgaria and Romania, are employed in the German Democratic Republic, a country that also receives daily commuters from across the Polish border. As the Government reported to the ILO, "The German Democratic Republic maintains relations with a number of States involving co-operation between labour forces, on the basis of the principle of aid and the mutual interests of the countries concerned, with the special aim of intensifying the already extensive co-operation in the scientific and technical fields".[118]

The German Democratic Republic has concluded agreements with Hungary, Poland, Cuba, Mozambique and Angola. These agreements contain provisions with respect to equal rights of foreign workers with nationals; measures for the promotion of apprenticeship and the acquisition of skills; provisions for social and cultural assistance and sports facilities; and provisions to assure the workers decent accommodation in modern buildings at moderate rates.

Czechoslovakia receives the second largest number of foreign workers (after the German Democratic Republic), mainly from Poland and Yugoslavia. The Government reported to the ILO: "this is not migration in the usual sense of the term, but a form of economic co-operation between two socialist countries, primarily for the purpose of affording to foreign workers employed in Czechoslovakia for a limited period (normally not exceeding four years) the opportunity to acquire or improve vocational skills, with a view to enhancing their social status in their own countries".[119]

The employment of foreign workers in Czechoslovakia is regulated by means of a contract of employment between a foreign worker and a Czechoslovak enterprise. The principle whereby foreign workers have the same rights as Czechoslovak nationals guarantees them adequate living and working conditions. The Government further reported that, owing to the fact that foreign workers live far away from their families, special attention is paid to the standard of their accommodations, food, cultural facilities and physical education.[120]

Since 1972—with contracts extended up to 1975 and again up to 1980—Hungary has been sending some 3,000 technicians and engineers each year to work on two-to-three-year contracts in various industrial es-

[113] *Ibid.*, p. 125.
[114] *SOPEMI* (1979), p. 53.
[115] *SOPEMI* (1980), p. 121.
[116] Council of Europe, Committee on Population and Refugees, "Report on second generation migrants".
[117] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 127.
[118] *Ibid.*, p. 50.
[119] *Ibid.*, p. 32.
[120] *Ibid.*, p. 34.

tablishments in the German Democratic Republic. Hungary also receives smaller numbers of specialized workers from the German Democratic Republic and Romania.

The Government reported to the ILO that a foreign worker who wishes to work in Hungary and who is in possession of the statutory work permit has the same rights and duties as a wage-earner of Hungarian nationality. He enjoys equality of rights as regards remuneration, working hours, the age of admission to employment, the payment of contributions and social insurance.[121]

Poland has been sending large numbers of workers to Czechoslovakia and the German Democratic Republic, as well as to the Soviet Union, under different CMEA joint project obligations, while additional thousands of Polish nationals have commuted daily across the border to the German Democratic Republic in recent years.

Bulgaria also sends small numbers of specialists to other CMEA countries and has brought in Yugoslav construction workers on fixed-term contracts. Romania, which has sent specialists to the Soviet Union, Bulgaria and Hungary to work on joint CMEA projects, has received specialists from the German Democratic Republic, Czechoslovakia and the Soviet Union.

Union of Soviet Socialist Republics

As a participant in various joint projects of the Council for Mutual Economic Assistance, the Soviet Union has employed Bulgarians in more than 20 large industrial projects, as well as thousands of Polish workers and technicians, and smaller numbers of specialists from other CMEA countries. The Soviet Union has, in turn, sent between 500 and 1,000 workers and specialists each year to most of the Eastern European countries.[122]

The Government reports that, in addition to the increasing number of foreigners entering the USSR in recent years to settle, there has been an increase in the number of citizens of socialist countries who have come to the Soviet Union to work within the framework of international economic, scientific, technical and cultural co-operation. The Government has emphasized that these foreigners do not belong to the categories of persons covered by the international labour instruments relating to migrant workers, since they enter the USSR for a variety of purposes, but not for the main purpose of finding employment.[123]

As the Government has emphasized, within the CMEA framework, importance is attached to the coordination of national economic plans, the specialization of production and the transition to a co-operative system, international socialist trade, the granting of credit, technical assistance and scientific and technical co-operation, the joint execution of economic projects, and the collective exploitation of raw material resources etc., taking account, among other things, of the balance of human resources in each country, the occupational and skill structure of the active population, the possibility of mutual assistance by specialists and assistance in the training of qualified national supervisory personnel.[124]

According to the Government's report to the ILO, the work of foreigners is regulated by a large number of international legal instruments, including personnel regulations drawn up by the international economic organizations and the international scientists' collectives, and co-operation agreements in the fields of social security and legal assistance. The purpose of these various provisions is to offer workers a measure of compensation for long residence abroad, remoteness from the country of their birth, living in climatic conditions to which they are unaccustomed, differences in national character and surroundings and so forth.[125]

The Government reiterated that "the equality between Soviet workers and foreign workers employed on the territory of the USSR and the system of special advantages which they enjoy under international treaties and agreements entirely exclude the possibility of considering them as migrant workers".[126]

The Ukrainian SSR also reported to the ILO that "there are no migrants for employment as defined in the ILO instruments".[127] Some foreign citizens, mainly from socialist countries, work in undertakings and on construction jobs in the Republic. These foreign workers and specialists, whose stay may be quite lengthy, participate on the basis of international agreements with respect to the exploitation of natural resources, and construction and installation of various industrial units. However, these foreigners do not belong to the category of persons covered by the instruments since the purpose of their coming to the Ukrainian SSR is not to *find* work.

Similarly, the Byelorussian SSR reported no "migrants for employment" in the sense used in the ILO instruments. Some foreigners reside permanently in the Byelorussian SSR and enter into employment, although these persons come chiefly as a result of personal ties and contacts (marriage, joining relatives etc.) and are consequently not "migrants for employment".[128]

Other developed countries

A final brief word must be said on the labour migration policies of the developed countries in northern America and Oceania.

The four traditional immigration countries, Canada, the United States of America, Australia and New Zealand, have had some experience with temporary labour migration. Canada admits about 100,000 non-immigrants a year for temporary employment, usually

[121] *Ibid.*, p. 57.
[122] Amalendu Guha, "Intra-COMECON manpower migration", *International Migration Review*, vol. XVI, No. 2 (1978), p. 56.
[123] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 126.
[124] *Ibid.*, p. 127.
[125] *Ibid.*, p. 126.
[126] *Ibid.*, p. 127.
[127] *Ibid.*, p. 124.
[128] *Ibid.*, p. 21.

as agricultural or restaurant workers, for a period of up to 12 months.

During the period 1942–1964 the United States' *bracero* programme involved about 4.5 million temporary farm workers, chiefly from Mexico. Although the *bracero* programme was terminated in 1964, the United States' H-2 programme has admitted small numbers of temporary workers, chiefly for seasonal agricultural work; the programme admitted between 30,000 and 70,000 workers annually, almost all of them non-Mexican, during 1970–1977.[129]

The present Administration has proposed admitting 50,000 temporary workers from Mexico in each year of a two-year experimental programme, as part of a package of proposals designed to deal with illegal immigration.

Although the Australian Government has long maintained that "the guest-worker migration flow until recently popular in the industrialized countries of Western Europe will not be adopted for Australia",[130] some members of the Government have been discussing the possibility of importing temporary workers from Asian countries, such as the Republic of Korea.

In recent years New Zealand has made some use of temporary migrant labour, chiefly from Western Samoa, Tonga and other islands of the Pacific. The inflow reached a level of some 25,000 persons in 1975, but declined to less than 17,000 in the year ending March 1977.

It is important to note that the above programmes differ fundamentally from the "guest worker" programmes of the Western European countries and are much closer in nature to those countries' seasonal worker programmes in which workers are admitted for a limited period and expected to depart—or face enforced departure—when the period is over, and not as a result of "rotation principle", i.e., the interplay of the workers' assumed return orientation and market forces.

In Western Europe, the former immigration countries are now undergoing profound transformations, largely as a result of their past immigration policies. These Western European policies, which were meant to be mere recruiting policies, were designed to control the inflow of foreigners, rather than their stock or return flow, and the numbers present or returning were expected to be regulated by the interplay of market forces and the return orientation attributed to migrants. Of course, a major problem has been the *de facto* permanence of millions of "temporary" guest workers. The presence of these highly visible immigrant groups, inferior socially and economically to the national populations, has posed serious and continuing problems for policy makers in many of the Western European countries.

Whereas the policies governing the lives of foreign workers in most Western European countries were adopted in an *ad hoc* piecemeal fashion, the Governments of the receiving countries have gradually begun to offer foreign nationals, and particularly those of the second generation, a chance for more effective participation in the society and in the labour market. Of course, while progress has been achieved in many fields, legislation is sometimes ineffective. Moreover, a number of serious problems remain that are not easily resolved by legislation, such as hostility towards foreigners in countries that have little experience with permanent ethnic minorities.

Conclusion

In spite of efforts to promote the social integration of foreigners and their families, through the mass media and through programmes in schools, on the job, and in other places where foreigners come in contact with local inhabitants, social tensions persist. So, too, while progress has been made in the teaching of languages and in the preservation of national cultures, there is not even any clear consensus on what is a suitable balance between a policy for preserving the native culture and integration policies.

On the employment front: while migrants and their dependants now have freer access to the labour market, improved fringe benefits etc., controversial questions remain, such as whether a migrant worker should have equal access to employment in relation to a local worker, or whether he should acquire such equality gradually according to length of stay.

As previously noted, political rights and rights of citizenship are only gradually being achieved. Sweden and Denmark stand out in this regard, although the other receiving countries are facing growing demands for voting and eligibility rights from foreigners who have sometimes spent years in their adopted countries. In addition, there are increasing demands for improved propsects for naturalization, especially for migrants who were raised and educated in the host societies.

Industrial countries of western Europe may face manpower shortages in coming years. In view of such factors as unemployment and a political climate that is now generally opposed to the resumption of large-scale flows of foreign manpower, the present approach of most of the former immigration countries is to rely less on additional recruitment abroad and more on the intensive utilization of the increasing numbers of foreign dependants and second-generation youth. (In this sense, the "internal" mobility in the foreign labour market makes up for the former "external" mobility.) If additional workers are required, female participation rates might be increased in certain countries and refugee admissions are likely to continue.

Of course, the prospects of a resumption of flows, although on a much smaller scale than in the 1960s, cannot be overlooked. With smaller flows, migration could be organized more systematically to fit into target planning, taking into account the long-term interests of the sending countries and of the migrants themselves. In any event, future flows are not likely to be organized as they were in the past, since the most important lessons to be derived from the Western European experience are the advantages of com-

[129] Philip L. Martin and Marion F. Houstoun, "The future of international labor migration", *Journal of International Affairs*, vol. 33, No. 3, (Fall/Winter 1979), p. 318.

[130] Australia, *Australia's Immigration Policy* (Canberra, Government Publishing Service 1978).

prehensive planning over the formulation of labour migration policies on an *ad hoc* basis.

The likelihood is the Governments will continue developing and refining integration and repatriation policies. So, too, there probably will be continuing attempts at bilateral co-operation with respect to integration and repatriation, since there is now a widespread acknowledgement that the sending countries were not sufficiently involved in organizing and managing the previous flows, and certainly not in the decision to terminate them.

As noted in the present chapter, there have been impressive multilateral efforts to foster integration, although they have consisted largely of recommendations. In the final analysis, although there are a vast array of recommendations, conventions and pilot programmes, there is no standard solution to the problems experienced or generated by migrant workers. The issues will continue to be resolved by Governments on a unilateral basis until improved machinery for consultation between sending and receiving countries is developed.

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Chapter III

LABOUR MIGRATION: DEVELOPING COUNTRIES

INTRODUCTION

Throughout the nineteenth and early twentieth centuries, the greatest proportion of international migration consisted of long-term and permanent migration, mainly from Europe to the western hemisphere. Large numbers of foreign workers also went to the various Western European countries, a movement that accelerated during the 1960s and was eventually halted around 1973.

With the exception of the labour system supplying workers to South African mines, which commenced in 1896 and drew labour from Mozambique, Lesotho, Botswana and Swaziland, there was little organized temporary labour migration, either to or among developing countries. There was seasonal, and generally circular, migration in various parts of sub-Saharan Africa—particularly in West Africa—and in Latin America, but this was generally spontaneous (and is still occurring, although it is increasingly being identified as undocumented migration and is subject to official intervention). There was also migration among the various Arab countries in the Middle East, but this was largely of a permanent nature.

With the rapid development of the oil-producing countries in the Middle East during the 1970s, there were massive flows of temporary labour into those countries, initially from neighbouring Arab countries and, increasingly, from Asian countries. In the present chapter, somewhat greater emphasis will be given in the introduction to the section on the Middle East, where labour migration has had far greater impacts on both the sending and receiving countries than had the earlier movements to Western Europe, which were discussed in the preceding chapter. Moreover, labour migration has probably been more crucial to development in the Middle East than in any other region.

The experience of developing countries in other regions with temporary labour migration will be discussed in the regional overview, as will be more detailed profiles of various countries in the Middle East.

TRENDS

In the Middle East, the pattern of labour migration has changed dramatically in recent decades. During the 1950s and 1960s, inter-Arab labour migration was largely of a long-term or permanent nature. Since the beginning of the 1970s, however, migration has consisted largely of temporary flows.

Although there are insufficient data on the volume, characteristics and timing of these flows, it is generally accepted that nearly 1.7 million foreign workers were employed in the eight major oil-exporting countries as of 1975, and some 2.7 million by 1980, representing a share of expatriates of more than 30 per cent of total employment in these eight countries.

While the level of migration rose substantially during 1975–1980, the composition also changed significantly. The period of massive out-migration from Arab supply States is now essentially over. Although the flows in each direction remain large, the net outflows are low and the stock of Arab migrants is probably stable.[1]

The majority of new labour migrants are from Asian countries. By 1980 Indians and Pakistanis accounted for some 23 per cent of the total immigrant labour market and are now a fairly permanent element. "Other Asians", consisting of migrants from such countries as Malaysia, the Philippines and the Republic of Korea, increased at an annual rate of 62 per cent during 1975–1980, and now account for some 6 per cent of the total immigrant labour market.[2]

Although most labour-importing countries in the Middle East now strongly discourage the immigration of dependants, these policies are relatively new and the effects of past immigration of family members can easily be seen. Indeed, in Saudi Arabia, Bahrain, the United Arab Emirates, Qatar and Oman the proportion of actively employed foreigners ranges from 50 to 55 per cent, indicating that 45 to 50 per cent of the foreign population consists of family members.[3]

In Africa south of the Sahara, there is every indication that international movements continue to be substantial, but there is no evidence to suggest that any major shifts in direction or magnitude have taken place during the most recent years. In West Africa, the predominant pattern continues to be one of movement from the interior towards the Atlantic Coast. Ivory Coast is the leading country of immigration; some 1.4 million, or over 20 per cent, of the population enumerated in the 1975 census were foreign nationals. Other countries in the region that have substantial proportions of foreign-born are Ghana, Senegal and the Gambia. In all, it is estimated that some 2.8 million persons from within the region are living in a country other than their own in West Africa. The major international flow in southern Africa continues to be the movement

[1] J. S. Birks and C. A. Sinclair, "The socio-economic determinants of intra-regional migration", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.29), p. 12.

[2] *Ibid.*, p. 11.

[3] Moussa Samha, "Migration trends and patterns within the ECWA region", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.4), p. 22.

of workers into the Republic of South Africa from nearby countries. There has been little change in the magnitude of the flow, which amounts to some 250,000 per year.

In Asia the most important movement is the large recent growth in the number of migrant workers and members of their families, who have moved from countries throughout Asia and elsewhere into the oil-producing nations of West Asia.

There is very little new information about patterns of migration in Latin America. The continuing pattern of migration appears to be a movement towards two or three chief receiving countries. The most notable is the United States of America; a second focus of emigration has been Argentina, which attracts substantial numbers of migrants from neighbouring countries of the southern cone and from Brazil. A third region of attraction is Venezuela, which draws substantial numbers of migrants from Colombia and, more recently, Ecuador.

Of course, a considerable amount of the migration between countries within Latin America is undocumented, since sending and receiving countries share a comparatively homogeneous culture and at least some of the countries welcome immigrants as a matter of policy.

Some general considerations

As noted in the preceding chapter, labour migration is generally undertaken because it is expected that benefits will accrue to both the receiving and the sending countries, as well as to the individual migrants.

The capital-rich countries of the Middle East have been able to achieve rapid development on a massive scale with the assistance of nearly 3 million foreign workers. This vast foreign presence has come to outstrip nationals in a number of countries[4] and is no longer perceived to be a benefit, due to present tensions and potentially greater future divisions in traditional Islamic societies. A majority of the receiving countries are now devising policies to control immigration flows and manage the stocks, and thereby reduce the social costs of immigration.

Labour migration has not been without its costs, of course, for the sending countries. Many of the labour-exporting countries experienced serious labour shortages, not only of skilled workers but also of unskilled. Egypt, for example, was faced with a severe shortage of skilled manpower during the mid 1970s, while Jordan and Yemen, which have been major labour exporters, were forced to import unskilled workers. In the latter country, which has often been cited as an example of the extreme effects of emigration, labour shortages were so acute that children were employed throughout the country.[5]

Labour migration has had other harmful effects for many of the sending countries. For one thing, the Governments of many labour-exporting countries have seen labour migration as a safety valve and have failed to give employment-creation the priority it deserved in their economic development strategies. Moreover, labour migration has adversely affected major sectors of the economies of many sending countries. The rural exodus that took place in many countries was often accompanied by a decline in traditional agriculture and a reduction in cultivated acreage. When the migrants returned, they settled in the towns and cities, contributing to overcrowding, inflating land values and housing prices in urban areas, and resulting in further rural decline.

There also have been various undesired social effects, such as altered patterns of consumption. Family life also has been affected. Large numbers of children have grown up without parental influence, while older children have sometimes returned with more money than their fathers, thereby upsetting traditional social hierarchies.

In assessing the impact of labour migration on the sending countries, a brief word must be said on remittances. The rate of growth in remittances in certain countries of the Middle East has been phenomenal in recent years. Remittances into Egypt, Yemen, Jordan and the Sudan have grown at over 30 per cent per annum since 1969. Remittances to Pakistan and Bangladesh grew at similar rates during 1972–1979, while India has registered a growth rate of about 20 per cent per annum since 1967. The labour-exporting countries of southern and West Africa have registered rates of growth in remittances ranging from 15 to 25 per cent per annum since 1967. While data on Latin American countries are particularly poor, it appears that there have been increases of about 20 per cent per

[4] As of 1975, migrant workers accounted for nearly 34 per cent of the labour force in Saudi Arabia, 38 per cent in the Libyan Arab Jamahiriya and 54 per cent in Oman; the proportion was over 70 per cent, however, in the Gulf States of Kuwait, the United Arab Emirates and Qatar.

[5] Tapinos provides an excellent summary of the direct and indirect effects of emigration on Yemen, where emigrant workers constituted about one third of the country's active population. The first consequence of emigration was to create a shortage of labour of adult ages, which had the effect of lowering the age bracket in which activity started. This, in turn, had the effect of reducing the duration of education and aggravating the shortage of skilled labour.

The exodus of workers also brought about a drop in agricultural production and a reduction in the cultivated acreage. Scarcity of labour brought about increases in the costs of labour. This had the effect of stimulating techniques of capital-intensive production, to the detriment of labour-intensive sectors, resulting in a decrease in employment demand. At the same time, remittances led to a development of imports, while exports did not increase at any noticeable pace.

Tapinos concludes: "having reached the end of the line, the country finds itself in a situation characterized by a barely higher, but certainly more fragile, economic level, a weaker economic infrastructure and, particularly, a greater dependence on other countries." While the example of Yemen does not constitute a type-case of the effects of migration that can be expected in other cases, it does show the risks incurred by a country that has been placed in a position of dependence by its migration. (Georges Tapinos, "The economic effects of intra-regional migration", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.21.) See also: Nader Fergany, "The affluent years are over—emigration and development in the Yemen Arab Republic", ILO doc. WEP 2–26/WP.50, September 1980); and Jon C. Swanson, "Some consequences of emigration for rural economic development in the Yemen Arab Republic", *Middle East Journal*, vol. 33, No. 1 (Winter 1979).

annum for Colombia and El Salvador since 1967 and of 13.5 per cent for Mexico.[6]

Although remittances constitute a substantial proportion and one of the most rapidly growing components of foreign exchange earnings for many developing countries,[7] such transfers generally have failed to contribute to development in the sending countries and have actually had a number of negative effects (e.g., contributing to inflation). It has been convincingly shown in a wide variety of national settings that large-scale transfers—and a positive balance of payments in a strict accounting sense—do not necessarily represent an unencumbered source of economic benefits. Most of the money that migrants have remitted to their home countries has been used to increase household consumption, the level of which has tended to draw closer to the level in the receiving countries.[8] The remainder of the migrants' savings usually has been devoted to financing some personal project such as buying land or a house. Typically, little or none of the migrants' savings has been invested in capital-generating activities. This has been and continues to be the case not only in the labour-exporting countries of Asia and the Middle East but also in the countries that supplied labour to Western Europe, such as Greece, Turkey and Yugoslavia.

Of course there have been exceptions. A country such as the Republic of Korea has benefited more from remittances than most labour-exporting countries, but this has largely been a result of such factors as the traditional saving behaviour of Korean migrants, the country's particular financial system, the level of development of its economy etc.[9]

There is obviously a need for the sending countries to place more of an emphasis on mechanisms to utilize remittances productively. However, given the growing trend towards "project packages", in which labour is rotated rapidly and wages are low, the sending countries and the individual migrants may benefit even less from emigration in the future.

Major policy responses

Until the decade of the 1970s, the capital-rich countries in the Middle East maintained a *laissez faire* position with respect to their labour shortages, allowing migrant workers from neighbouring Arab countries to enter with a minimum of control. However, as the demand for labour sharply increased due to the rapid development of their construction sectors, the capital-rich countries began to increase recruitment from both neighbouring Arab countries and such labour-exporting countries as India and Pakistan.

By the mid and late 1970s the receiving countries needed ever larger supplies of labour, which they found in a number of Asian countries. The preference for Asian labour was initiated essentially because the Arab supply States had no organized recruitment structures and could not mobilize labour rapidly, whereas the chief Asian suppliers utilized labour agents who identified and "tested" potential migrant workers in their country of origin, and then supplied them, for a commission. There were, however, other important reasons. During the same period, the host Governments were becoming increasingly concerned with keeping their expatriate populations at a politically and culturally tolerable level, and with enforcing the rotation process, since many of the migrants from various Arab countries, and a significant proportion of the earlier Asian migrants, from India and Pakistan, had stayed on permanently. Consequently, on the grounds of both maximizing economic efficiency and minimizing the social costs of immigration, the labour-importing countries began to recruit workers from eastern South Asia, who worked for competitive wages, were racially different (and thus easily distinguishable), and were repatriated when their contracts expired.

The Asian countries have generally entered the Middle East labour market through national and third-country contracting firms that have brought in labour for their projects, settled them in work camps and repatriated them *en masse*. The foreign firms which have obtained contracts in the region by bidding low have had to reduce their manpower costs as much as possible. They have therefore recruited labour from such Asian countries as India, Pakistan, the Philippines and Thailand, where it has often been found waiting, unemployed.[10] The cost of maintaining this labour has been fairly negligible; indeed, as previously noted, wages paid to immigrant workers have tended to progressively match those in their countries of origin. Moreover, the proliferation of manpower recruitment agencies in the labour-exporting countries has tended to depress further the level of pay offered to prospective migrants.[11]

Once the workers are transported to the host society, a typical project operates at high efficiency, with intensification of working hours, militarization of working discipline and rapid rotation of the labour force, typically every 18 months. The foreign workers are physically separated from the host societies in camps that actually have "no entry" signs and that

[6] The information in the above paragraph was obtained from a recent World Bank study, Gurushri Swamy, *International Migrant Workers' Remittances: Issues and Prospects*, World Bank Staff Working Paper No. 481 (August 1981), p. 12.

[7] According to the above-mentioned World Bank study, the percentages of remittances to exports was 88.0 for Egypt, 76.5 for Pakistan, 15.0 for India, 59.6 for Upper Volta, and 33.0 for Mali; for Democratic Yemen, Yemen and Jordan, remittances were practically the only source of foreign exchange earnings (Gurushri Swami, *op. cit.*, p. 10).

[8] Some countries, such as Jordan and Democratic Yemen, have experienced a falling marginal utility for money, as wealth has spread without concomitant development.

[9] Charles B. Keely, "Asian worker migration to the Middle East", Center for Policy Studies, Working Papers (New York, The Population Council, January 1980), p. 31.

[10] Gilbert Beauge and Makram Sader, "The pattern of employment, migration and labour in the Gulf countries", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.23), p. 17.

[11] Hafedh Chekir and Jean-Pierre Garson, "North African migration to the Arabian Gulf", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.12), p. 20.

workers are generally not allowed to leave.[12] All basic necessities, from housing to food, are provided by the employer, thus alleviating pressure on local infrastructure and resources and minimizing contact with the local population.

In spite of the increasing emphasis on enclave projects and enforced rotation, most of the capital-rich countries have large expatriate populations as a result of past *laissez faire* policies. A World Bank study of labour migration in the Middle East found that demographic settling—the process by which a migrant community composed almost entirely of single males of working age gradually transforms itself into a more normally structured population (in terms of age and sex)—has occurred more rapidly than planners had envisaged.[13] Moreover, this process has occurred in virtually all of the labour-importing countries, both among migrants from other Arab countries and among the Indians and Pakistanis who are now a fairly permanent element of the migration population in the Middle East.

As a means of keeping down the social costs of immigration, most of the receiving countries now restrict family immigration and make naturalization nearly impossible, thereby preventing the likelihood of either assimilation or integration.[14] Indeed, there is a virtual freeze at present on the immigration of family members, except for those of highly paid professionals, who are typically from developed countries and who also live in segregated compounds.

Assimilation is not really an option either, since it is difficult for expatriates to become a citizen of most of the capital-rich States. One reason that naturalization is blocked is that citizenship confers substantial benefits upon the holder, such as benefits derived from the redistribution of oil revenues, guaranteed employment, the right to 51 per cent partnership in all enterprises involving foreign capital, and others. Moreover, there are no minimum wage laws and no political rights for immigrants, since the receiving countries do not generally have representative forms of government.

The future of the large numbers of foreign workers who remain in the receiving countries remains uncertain. They are unlikely to be repatriated *en masse* in the immediate future. However, there are likely to be smaller increases in their incomes, stricter control over their spare-time activities, and an over-all deterioration of their current precarious economic and social situation.[15]

The policies of the labour-exporting countries focus largely on recruitment, although they cover a broad range of approaches, from the highly organized "project package" approach to simple manpower export. The former has probably reached its most advanced stage in the Republic of Korea, where the Government is involved in all stages of planning and execution of a particular project. A number of other Asian countries, among them the Philippines, are moving towards the Korean model and are developing new institutional arrangements to facilitate export of manpower.

Relatively little attention has been given to such questions as reintegration of returning workers, the maintenance of family bonds and cultural ties and so forth, although it is true that the migration streams are not yet very mature.[16]

The one area where the sending countries have developed active policies is in capturing and channelling remittances. According to a World Bank expert, the macro-economic policy framework in the labour-exporting countries has been generally adequate in inducing large flows of private remittances, as an alternative to their being spent or saved abroad.[17]

Briefly describing some of the major approaches:

A few Governments have made the repatriation of remittances compulsory. The Philippines, for example, requires construction workers and merchant seamen to remit 70 per cent of their earnings. Most countries have relied on incentives, however, rather than on controls to encourage remittances. A number of countries have adopted liberal transfer facilities. Egypt exempts returning migrants from any requirements, for example, while India allows return migrants to use their foreign currency balances for imports of equipment. Some countries, such as Algeria and Morocco, have maintained special rates of exchange for migrants' remittances. Convenient facilities for holding remittances in approved foreign currency accounts with banks in the country of origin are another incentive that has been widely adopted for attracting migrants' funds.[18]

While the sending countries have generally exhibited resourcefulness in designing policies to attract flows of remittances, they have given much less attention to the utilization of those remittances, which is the more crucial factor in determining their impact upon a country's growth and development.[19] Although the data are fragmentary, there is little evidence that the Governments of the sending countries have succeeded in channelling remittances into productive investment. On the contrary, most studies have shown that the single largest investment favoured by emigrants is urban real estate, agricultural land and housing.[20] As a recent World Bank study noted, "in the presence of such strong preferences for real assets that will appre-

[12] Gilbert Beauge and Makram Sader, "The pattern of employment, migration and labour in the Gulf countries", . . ., p. 19.

[13] World Bank, "Final report of research project on manpower and international labor migration in the Middle East and North Africa", quoted in Gurushri Swamy, *International Migrant Workers' Remittances: Issues and Prospects*, . . ., p. 132.

[14] Hafedh Chekir and Jean-Pierre Garson, "North African migration to the Arabian Gulf, . . ., p. 8.

[15] *Ibid.*, p. 20.

[16] The Republic of Korea has a policy for the maintenance of family ties, although it is chiefly designed to ensure the flow of remittances.

[17] Anand G. Chandavarkar, "Use of migrants' remittances in labour-exporting countries", *Finance and Development* (June 1980), p. 38.

[18] *Ibid.*, p. 37.

[19] *Ibid.*, p. 36.

[20] For example, a survey conducted in Kerala (in southern India) in 1977 found that land and buildings accounted for 75 per cent of the average value of assets in an emigrant household; another survey, in Pakistan, found that 66 per cent of non-consumption expenditures went into real estate and agricultural land (Gurushri Swamy, *International Migrant Workers' Remittances: Issues and Prospects*, . . ., pp. 40–41).

ciate with inflation and are relatively risk free, investment schemes may not be particularly popular".[21]

Institutional arrangements

The Governments of the major receiving countries in the Middle East are not directly involved in the recruitment process, generally allowing private firms to recruit their manpower where they find the best terms. Of course, Governments do exercise control in the sense that migrants may not be admitted without official work permits.

A number of countries in all regions of the world have concluded bilateral agreements for the exchange of labour, as will be seen in the regional overview.

Multilateral agreements have also been adopted in recent years. In West Africa, in July 1980, eight of the 16 ECOWAS countries ratified a protocol on the free movement of persons. One of the provisions of the protocol is that citizens of one ECOWAS country have the right to enter, reside and establish businesses in any other ECOWAS territory. This right is to be accomplished in three stages, taking a maximum period of 15 years from the date the protocol came into force. The first stage, which took immediate effect, enables a citizen of one country to establish a business in another country.

In southern Africa, the countries that supply labour to the Republic of South Africa are working in concert to improve the conditions of migrant workers and to adopt joint strategies for ending the subcontinental labour system. Towards this end, a Charter for the Rights of Migrants in Southern Africa was adopted at the Lusaka Conference in 1978. Certain interest groups have advocated the formation of a supplier-State cartel to control and internally redistribute levels of labour export between the supply States. At the Lusaka Conference, however, the delegations concluded that, in the conditions of labour supply now prevailing, such a cartel would be more a divisive than a unifying strategy.

In Latin America, the Andean Instrument on Labour Migration, which was ratified in 1975, represented an attempt by the Andean countries to control labour migration. The Instrument regulates the movement of workers between the signatories to fill jobs for which no local workers are available, and guarantees their protection. The Instrument also provides for migration offices to be established in each country in order to supervise all legal aspects of these movements, i.e., documents, labour contracts, compliance with labour laws, social security benefits and protection of the migrant upon repatriation.

In addition to such regional agreements, there are other multilateral conventions of a universal scope, such as ILO Conventions Nos. 97 and 117. It is interesting to note that a majority of the countries that have ratified these conventions are labour-supplying countries, whereas the conventions are directed towards the improvement of migrant labour conditions in the receiving countries.

[21] Gurushri Swamy, *op. cit.*, p. 41.

Regional overview

Eastern Africa

In recent years, the largest and most publicized population movements in Eastern Africa have involved refugees from the Ogaden conflict. In spite of the fact that Ethiopia and Somalia are among the least developed countries and have experienced serious refugee problems, these countries have sent some labour migrants to the Arabian Gulf. However, a majority of potential migrants in the Horn of Africa have been unable to make the required investment for visas and transportation costs. Moreover, they are often ill and under-nourished and thus unable to compete with Asian contract workers. Hence, the relatively small number of migrants from these countries in Middle East labour markets reflects more the low level of demand for their services than their numerical supply.[22]

A number of countries in Eastern Africa have developed protective labour migration policies. Under Madagascar's Labour Code, no foreign worker may take up employment without the Government's permission and without a contract endorsed by a labour inspector, a policy that is designed to prevent "an excessive and uncontrolled increase in the number of foreign workers". The written contract is to ensure to foreign workers protection under the law with respect to housing, travel costs etc. The Government reported to the ILO that migrant workers enjoy the same social advantages as nationals of Madagascar.[23]

In the island nation of Mauritius, work permits are issued only to immigrants with specific skills in fields where local manpower is not available. Moreover, one of the conditions attached to the issuance of a work permit is that the migrant worker train a local counterpart. Migrant workers legally residing in Mauritius are allowed to bring in family members, although dependants are not allowed to seek employment. Employers are responsible for providing the migrant workers with housing as well as educational and health facilities.

Mauritius also participates in temporary worker schemes, sending its nationals to Botswana, Nigeria and Zambia. The Government's Employment Service advertises vacancies in specific occupations, assists in the selection of emigrants and prepares them for their departure.[24]

Malawi, which in 1974 was the first supplier country to withdraw from the South African mine labour market, has attempted to re-enter that market in recent years. The country is currently restricted to fairly small quotas, however, because of adequate supplies from more proximate sources.[25]

Another of the former suppliers of labour migrants for South Africa's mines, Mozambique, had a signifi-

[22] J. S. Birks and C. A. Sinclair, "The socio-economic determinants of intra-regional migration", . . ., pp. 9–10.

[23] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 66.

[24] *Ibid.*, p. 72.

[25] Fion de Vletter, "Migrant labour conditions in South Africa: a case study in the gold mines" (ILO doc. WEP-2-26/WP.49, August 1980), p. 37.

cant fall-off in recruitment in recent years, as a result of both administrative problems and the Government's political position. Although the Government ideologically opposes the migrant labour system and is committed to absorbing potential migrants into its own economy, there have been increasing, unsanctioned flows of Mozambican workers to South Africa in recent years.[26]

Zimbabwe, on the other hand, has effectively ceased supplying migrants for the South African mines. Recruiting offices were closed in several Zimbabwean towns in recent years after a sharp decline in recruitment. This fall-off basically reflected the workers' hopes of improved employment opportunities within Zimbabwe following the installation of a majority Government and the introduction of a minimum wage. In the wake of a severe transportation crisis that resulted in part from the continuing emigration of skilled workers to the Republic of South Africa, Zimbabwe has been recruiting skilled craftsmen from India and Pakistan.[27]

The United Republic of Tanzania, which is both a labour importer and a labour exporter, regulates immigration by means of residence rather than work permits. The three classes of residence permits—Class A, Class B and Class C permits—are issued for a period not exceeding three years and may be renewed for a period not exceeding two years, so that the total period of validity may not exceed five years.[28]

Zambia has adopted a localization policy that is designed to facilitate the employment of nationals in responsible positions. In cases where Zambians are not sufficiently skilled to take over from expatriates, such positions are filled by aliens who must possess valid work permits. Normally, a work permit is issued for a limited time to an applicant who has skills that are in short supply. Migrant workers who are legally employed in Zambia are entitled to equal treatment in all aspects of employment. In addition, under the Industrial Relations Act, foreign workers have the right to form and to join trade unions and hold trade union office.[29]

Northern Africa

The Libyan Arab Jamahiriya remains the major labour-importing country in Northern Africa, although the situation has been gradually changing. No reliable figure can be found on how many foreigners work in that country, but the estimate runs close to 500,000, significantly below the numbers employed around 1977. The decline may be explained by the exodus of Egyptians, only 60,000 of whom remain out of a former community of some half a million.

The Government of the Libyan Arab Jamahiriya concluded various bilateral agreements over the years with Arab as well as non-Arab countries (e.g., Bulgaria, Romania and Yugoslavia), although it has shown a growing preference for Asian labour recruited in "project packages".[30] There was also some rechannelling of North African migration from Europe to the Libyan Arab Jamahiriya; this process is not a simple one, however, since it is doubtful that the North African migrants who now work in the Libyan Arab Jamahiriya are the same migrants who formerly worked in Western Europe.

While the Libyan Arab Jamahiriya has attracted significant numbers of technicians and skilled personnel from the developed countries, their numbers have declined in recent years under government pressure, in the form of tightened exchange controls, restrictions on the transfer of funds, stricter security procedures etc.

Algeria is a country that has experienced massive emigration for employment over the years, chiefly to France. Indeed, as of 1962 nearly 20 per cent of Algeria's adult male population was employed in France.

As a partner in a longstanding "special relationship" with France, Algeria was generally in a favoured position relative to the other Maghreb countries. For example, Algeria's "contingents", or manpower quotas, were guaranteed several years in advance. Moreover, the Algerian National Manpower Office (ONAMO) was allowed to select the candidates, which was not the case in the other Maghreb countries. Once in France, Algerian workers were allowed up to nine months to seek employment, and then up to five years as salaried workers.[31]

In spite of this special relationship, Algeria suspended all new emigration to France after 1973, as a result of attacks on some of its nationals in that country, although emigration of family members has continued.

Algeria now sends migrants to a number of new destinations in the Middle East. Although there is no question of renewing labour emigration to France, the Algerian Government strongly protested France's 1979 announcement that some 300,000 Algerian work permits would not be renewed. The Government subsequently urged France to extend work permits that were due to expire in 1980 by at least one year, thereby enabling Algeria to work out plans for the integration of returning migrants.

The 1980 Franco-Algerian Accord, which contains provisions for repatriation training, assistance for the creation of small and medium-sized industries in Algeria, repayable resettlement loans etc., is designed to facilitate the reinsertion of Algerian migrants. This will be a difficult task, since housing shortages and unemployment in Algeria remain severe. This situation was little changed by decades of remittances, which were largely viewed as subsidies to consumption and not channelled into development activities.[32]

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[26] *Ibid.*, p. 34.

[27] "Zimbabwe imports Indian craftsmen", *The New York Times*, 23 September 1981.

[28] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 121.

[29] *Ibid.*, p. 151.

[30] J. S. Birks and C. A. Sinclair, *International Migration and Development in the Arab Region* (Geneva, International Labour Office, 1980), p. 85.

[31] Stephen Adler, "Swallows' children—emigration and development in Algeria" (ILO doc. WEP 2-26/WP.46, May 1980), p. 88.

[32] *Ibid.*, p. 124.

Morocco was an important supplier of labour to France and other EEC countries for many years and established an Emigration Service as early as 1949. The country was severely affected by the closing of European labour markets to Moroccan workers after 1973. Moreover, the situation was made more difficult with the ending of intra-Maghreb employment opportunities (as a result of the Moroccan/Algerian dispute over the western Sahara).

The Government's present policy remains that of encouraging labour migration, both as a means of alleviating unemployment and as a major source of foreign exchange, and development plans, such as the 1973–1977 plan, include extensive references to the likely volume of future migration and its possible impact on unemployment.[33]

Although some Moroccan workers have found employment in the Libyan Arab Jamahiriya, there has not been any large-scale movement of Moroccan workers to the Middle East, due largely to their low levels of skills. An agreement was signed with Saudi Arabia for the transfer of up to 100,000 workers, but apparently it was not implemented.[34]

Remittances have become increasingly important to Morocco's balance of payments over the years. Morocco presents an interesting case, for in spite of return migration and reduced opportunities abroad for Moroccan workers, the Government has succeeded in increasing remittances through improved banking facilities and preferential exchange rates.[35]

Tunisia, in contrast to Algeria and Morocco, has a relatively short tradition of migration for employment and began exporting labour on a significant scale only after 1956. During the 1960s the Government officially encouraged migration for employment, through its Office des travailleurs tunisiens à l'étranger, which culminated in the departure of some 21,000 workers for France in 1973.[36]

Since the effective closing of European labour markets after 1973, Tunisia has officially discouraged migration for employment. There is some continuing seasonal migration to France, although Tunisia has a programme for the repatriation of its workers from that country.

In spite of the Government's policy of discouraging migration, an estimated 2 to 3 per cent of the Tunisian labour force is employed abroad, much of it illegally. The Libyan Arab Jamahiriya is the major destination, although large numbers of illegal Tunisian workers have been expelled from that country in recent years, partly as a result of deteriorating relations between the two countries. Although the expansion of employment opportunities in the Libyan Arab Jamahiriya—the future of which is uncertain—coincided with the closing of employment opportunities in France, there was not a simple rechannelling of returning migrants. Tunisian migrants in France tended to be more skilled, while those migrating to the Libyan Arab Jamahiriya tended to be farm workers who illegally crossed the Libyan-Tunisian border.[37]

Another Northern African country, Egypt, remains one of the major exporters of labour to the Arab world. The Government views emigration and temporary labour migration as a positive benefit to the economy, and Ministry of Planning officials estimate that the number of Egyptians working abroad will increase to approximately 1 million by 1986.[38] The Libyan Arab Jamahiriya and Saudi Arabia used to be the chief destinations for over two thirds of these Egyptian workers, although the number of Egyptians in the former country dropped off sharply after 1977. Other major recipients of Egyptian labour are Kuwait, Algeria, the United Arab Emirates, Yemen and, increasingly, Jordan, where there has been a process of replacement, in which Egyptians have been brought in to take the place of Jordanians who have migrated to countries in the Arabian Gulf.

In recent years Egypt has not had an official migration policy, although the Government has adopted various measures, including relaxed import regulations for return migrants and brokerage agencies, that undoubtedly stimulated emigration. The Government reported to the ILO that it was "endeavouring to formulate a global policy with respect to emigration and work abroad that makes the best possible use of human resources".[39]

The Emigration Department of the Ministry of Manpower and Vocational Training has the responsibility for all administrative measures related to labour migration and provides persons working abroad with information on such topics as working and living conditions in the receiving countries. A bill was also introduced establishing a Committee on Emigration and Work Abroad, which would be responsible for formulating policies within the framework of the national manpower policy, co-ordinating the activities of bodies concerned with questions of migration and work abroad, examining the facilities and advantages available to emigrants, and simplifying administrative measures. In cases of large-scale migration, the Government has relied on bilateral agreements such as those previously concluded with Qatar and the Sudan.[40]

With respect to the protection of workers, the Government has noted that "the State is responsible for the protection of its nationals who have emigrated or are working abroad; it ensures that national workers wishing to emigrate are not exploited". In countries where there is a large Egyptian labour force, the Emigration Department makes arrangements for their protection through the local embassy staff. Moreover, persons wishing to emigrate receive appropriate vo-

[33] J. Stace Birks and Clive Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy* (Washington, D.C., USAID, 1979), pp. 142–143.

[34] *Ibid.*, p. 144.

[35] *Ibid.*, p. 145.

[36] *Ibid.*, p. 129.

[37] *Ibid.*

[38] J. S. Birks and C. A. Sinclair, "Egypt: a frustrated labor exporter?", *Middle East Journal*, vol. 33, No. 3 (Summer 1979), p. 291.

[39] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 38.

[40] *Ibid.*

cational and linguistic training in order to prepare them for their new way of life and working conditions.[41]

The Government of the Sudan, partly as a result of concerns over unemployment, encouraged migration for employment beginning in the late 1960s. Although data on aggregate flows are uncertain, there was a fortyfold increase between 1971/72 and 1975/76 in the number of permits issued for employment abroad, chiefly in Saudi Arabia and the Libyan Arab Jamahiriya.[42]

In recent years, the Government has expressed increasing concern over its emigration trend for, although the total expatriate labour force amounts to only 1 per cent of the total domestic labour force, it represents about 15 per cent of labour employed in the modern sector.

The Sudan also experiences significant immigration, some of which may serve a replacement function. Immigration to the Sudan is governed by the Manpower Act of 1974, under which no labour permit may be granted to any alien unless there is no Sudanese capable of performing such work. The Government may allow the employment of groups of unskilled labourers from neighbouring countries for specified tasks. For posts requiring experience or skill, the employer must appoint a qualified Sudanese to be trained in the tasks performed by the alien.[43]

In practice, and in the light of its recent labour shortages, the Government's policy is actually somewhat more relaxed. Although it has been suggested that the Government will face growing labour shortages, there is evidence that replacement migration is already occurring. (In addition to a continuing flow of pilgrims, migrant workers from Chad, the United Republic of Cameroon and other West African countries have entered the Sudan over the years and may serve an increasingly important replacement function in the future.[44]) Egyptian professionals have also been entering the Sudan in growing numbers, in another example of replacement migration, while the Government has generously received large numbers of refugees, issuing work permits and, when possible, providing placement assistance (although vast numbers of the refugees are unskilled).

Experts have noted that the Sudan has been making very effective short-term use of the flow of remittances.[45] The Government adopted a number of creative schemes to attract remittances, which rose from less than $1 million in 1975/76 to an estimated $10 million by 1976/77. Among these were the "Land for Emigrants Scheme" which allowed an easy exchange of foreign (hard) currency for housing units in Khartoum. Another was the "Nil Value Customs Policy" by which an emigrant could obtain customs relief on imports equal to the value of a foreign currency account in the Bank of Sudan.[46]

Middle Africa

Although the United Republic of Cameroon has no national legislation specifically dealing with migrant workers, it allows its nationals to be recruited for work abroad, provided that their contracts are approved in advance by the Ministry of Labour. The United Republic of Cameroon signed a bilateral agreement with Gabon for the export of manpower in 1977.[47]

Although Gabon was formerly one of the major receiving countries for labour migrants, the Government has had a shift in policy in recent years. In the spring of 1980 the Minister of Labour noted that the presence of some 15,000 temporary foreign workers was draining the country of needed foreign exchange. Subsequently, some 9,000 Benin nationals were expelled from Gabon.[48]

Equatorial Guinea, which formerly employed large numbers of Nigerian workers, has renewed contacts with that country with a view to entering into new agreements on the import of manpower.[49]

Southern Africa

In southern Africa, as elsewhere throughout Africa, migrant labour has been a longstanding and pervasive feature. Peasant economies on the periphery of the South African mining centre have long been subject to land restrictions, taxation and statutory labour requirements that have drawn rural producers into the monetary economy. In most areas, rural decline has continued for more than a century, compelling workers to migrate more often and for longer periods.

South Africa's labour system, which is perhaps the most complex labour control system in the world, basically operates by means of restrictions on locational and occupational mobility, as well as on workers' rights.

Since 1968 all legal workers from "homelands" have been considered contract labourers, and compelled to return to their homelands every 11 months, where they can be re-employed only if the employer so indicates through the "call-in-card system".[50]

Although there has been some discussion in recent years of modifying the homelands policy, it still remains in place, and influx controls restricting the movement of workers from homelands to "prescribed" areas show signs of being even more strictly enforced (following the recommendations of the Reikert Commission).[51]

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[41] *Ibid.*

[42] J. Stace Birks and Clive Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy*, . . ., p. 59.

[43] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 110.

[44] J. Stace Birks and Clive Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy*, pp. 67–68.

[45] *Ibid.*, p. 72.

[46] *Ibid.*, p. 71.

[47] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 22.

[48] "Gabon-Benin: expulsions continue", *Africa Research Bulletin*, 15 August–14 September 1978, p. 4807.

[49] "Equatorial Guinea: problems of reconstruction", *Africa Research Bulletin*, 15 July–14 August 1980, p. 5607.

[50] Fion de Vletter, "Migrant labour conditions in South Africa: a case study in the gold mines", . . ., p. 5.

[51] *Ibid.*, p. 4.

Lesotho is the poorest and most vulnerable of the satellite countries, and the one that is most dependent on labour export, with a dependency that has been growing year by year. South African migrant recruitment was expected to remain stagnant at the 1979 level (152,000) during 1980, exacerbating Lesotho's unemployment problems.

The two other States, Botswana and Swaziland, are relatively small suppliers. Recruitment in Botswana has fallen steeply in recent years, from more than 40,000 in 1976 to 19,300 in 1979, due largely to a lower turnover of mine workers following the introduction of "early return" bonuses and re-employment guarantees.[52]

In spite of rising unemployment and a diminishing role as a labour exporter to South Africa, Botswana allows limited immigration, issuing work permits for jobs for which there are no qualified nationals. Permit-holders, who are usually professionals or persons with specialized skills, are expected to train a Botswana national during the period in which their permit is valid. The migrant worker is not allowed to change employment without authority of the Commissioner of Labour, and he may not stay in Botswana if he should lose his job.[53]

Western Africa

Ivory Coast has been the major receiving country in Western Africa, receiving migrants from Mali, Togo and Upper Volta, as well as from France. The number of foreigners enumerated in the 1975 census was 1.4 million, representing about 21 per cent of the country's total population, the highest proportion of foreign nationals in any country of Western Africa.[54]

Foreigners constitute about 35 per cent of the country's labour force. More than half of the wage-earners in the modern private sector are foreigners who come mainly from France. While Ivory Coast nationals are found in considerable numbers in the intermediate grades, they have tended to shun agricultural work and other low-level positions, which have been filled by nationals from other African countries. Indeed, in some plantation areas of Ivory Coast, foreign workers account for between one half and two thirds of the total labour force.

The chief sending country has been the Upper Volta, with which the Government of Ivory Coast concluded an agreement in 1960. Under this agreement, planters in Ivory Coast notified that country's national Manpower Office of their manpower requirements, which were then forwarded to the labour services in the Upper Volta. Each migrant was recruited on a renewable six-month contract and was guaranteed, at least in theory, food, wages and accommodations.[55] The authorities in Ivory Coast pay the Government of the Upper Volta a modest fee to cover its expenditure on lodging, medical examinations etc. of workers about to go abroad.

In its reply to the United Nations Fourth Inquiry on Population in 1978, the Government reported that it intended to adopt a policy of employing young Ivory Coast nationals in sectors of the economy that had been in the hands of foreign nationals. Moreover, it planned to seek the "ivorization" of unskilled manpower in the secondary and tertiary sectors, through such means as placing higher value on manual labour and aiding the settlement of young agricultural workers in communal villages.[56] If such a programme were carried out on a large scale, the requirements for foreign manpower would be significantly reduced. It may be assumed, however, that the movement of workers from the economically less advanced countries in the region, such as the Upper Volta, to the more advanced countries will continue for some time to come.

The Upper Volta, as noted above, sends its nationals not only to plantation areas in Ivory Coast, but also to Mali, Ghana (from which its nationals were previously expelled in 1960 and in 1969/70), and Gabon, to which migration was halted in 1977 but has recently resumed.

A national migration survey, which was conducted in the Upper Volta in 1974 and in 1975, confirmed that the country's longstanding emigration flows are highly circular in nature, with a majority of the predominantly male migrants returning to the Upper Volta following work abroad.

The survey contained an interesting opinion poll—conducted among both migrants and non-migrants—on the desirability of international migration and the Government's future role. A majority of respondents, in both urban and rural areas, believed that the Government should discourage emigration, since it represented a loss of manpower needed for development (and could accelerate in the future if it continued to be officially condoned); in addition, the respondents cited the mistreatment of their fellow nationals in the receiving countries and various adverse effects on family life. Given the fact that the Government might maintain its position of encouraging emigration, which was acknowledged by many of the respondents, there were various suggestions easing the situation by such means as assistance from the Government in obtaining travel documents, in finding employment once abroad, and in easing customs restrictions upon return. Moreover, many of the respondents from the country's urban areas urged the Government to conclude a greater number of bilateral agreements or conventions to improve conditions for nationals of the Upper Volta working abroad.[57]

In the Gambia, where the cultivation of groundnuts dates from the beginning of the nineteenth century, the

[52] "Mining recruitment slows", *Africa Research Bulletin*, 15 July–14 August 1980, p. 3602.

[53] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 18.

[54] K. O. Zachariah and others, *Demographic Aspects of Migration in West Africa*, vol. 2, World Bank Staff Working Paper No. 415 (1980), p. 21.

[55] Ambroise Songre, "Mass emigration from Upper Volta: the facts and implications", in *Employment in Africa: Some Critical Issues* (Geneva, International Labour Office, 1973), p. 203.

[56] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. Population Policies* (United Nations publication, Sales No. E.79.XIII.5), pp. 54–55.

[57] Sidiki Coulibaly, Joel Gregory and Victor Piché, *Les Migrations voltaiques, vol. I. Importance et ambivalence de la migration voltaique* (Ottawa, 1980), pp. 129–130.

"strange farmers system" is one of the oldest labour movements in Western Africa. In accordance with contractual arrangements between the host farmer and the migrant, the "strange farmers" cultivate groundnuts between April and December, working for an agreed number of days for their employer and the remainder for themselves.[58]

Historically, Ghana experienced significant immigration from neighbouring countries in Western Africa. Following the enforcement of the Alien Compliance Order in 1969, whereby foreigners without valid residence permits were required to obtain such permits or leave the country, large numbers of expatriate workers were expelled (although it is likely that many of these migrants would have left eventually, as a result of the progressive decline of Ghana's economy). At present, there is little movement of foreign workers to Ghana; indeed, a World Bank report has suggested the possibility of large-scale emigration of Ghanaian nationals in the near future, as a result of acute economic problems within the country and the relatively faster growth of bordering countries on the east and west.[59]

In spite of the smallness of Liberia's immigration flows, the concentration of foreign workers in managerial, executive and technicals positions has had disproportionate impact on its economy. As is the case in the other Western African countries, many of Liberia's wholesale establishments and retail stores are operated by migrants of Lebanese or Indo-Pakistani origin.[60]

The Government of Nigeria has emphasized that immigration is widely accepted without discrimination in whatever form. To facilitate migration, schooling is provided for migrants and their dependants, and migrants also have access to recreation and welfare facilities.

There is little emigration for employment, although Nigerians may be recruited for employment outside the country by officially approved recruiters. Provisions are made for the migrants to be medically examined before departure, for them to be accompanied by members of their families, and for health facilities and repatriation to be provided at the employer's expense.[61]

Sierra Leone has received a significant flow of labour migrants from neighbouring Guinea, much of it illegal, as well as from other English-speaking countries: the Gambia, Ghana and Nigeria. In addition to these African migrants who are engaged mainly in petty trading and alluvial diamond mining, non-African migrants, chiefly Lebanese, Syrians and Pakistanis, essentially control of the country's wholesale and distributive trade, while a large number of Indian and Pakistani migrants are engaged in teaching.[62]

Sierra Leone reported to the ILO that the operation of the Immigration Quota System and the issuing of work permits was designed to discourage the entry of unskilled or unqualified persons into the country for purposes of employment.[63] The work permit system ensured the entry only of those persons seeking employment for which similarly qualified nationals were not available.

In Mali, no foreign worker may exercise a profession unless he possesses a written contract of employment endorsed by a competent authority. National legislation imposes no restriction on the right of migrants to be accompanied by, or joined by, family members who may be authorized to seek employment and who are entitled to attend schools. The provisions of the National Labour Code relating to wages, hours of work, paid leave, employment of women and children etc. apply to foreign workers as well as to nationals.[64]

Bilateral agreements have been concluded between France and Mali in such areas as employment and residence of wage-earners and their families, training and reinstatement of workers who have temporarily emigrated to France, and social security. On the issue of protection, the National Committee for Mali Workers is responsible for examining the problems of migrant workers and seeking solutions to them.[65]

In accordance with the Niger's policy of full employment and protection of the national labour force, the Government has drawn up a list of occupations that may not be held by foreign workers.[66] Generally, foreign workers are employed only when there are no citizens of the Niger available to fill the positions in question.

The Niger's National Manpower Service oversees the introduction and repatriation of foreign workers, the transfer of savings, the establishment of files and the issuance of work cards. The Government reported that two agreements to which it was signatory protected the movement of migrant workers within its territory and guaranteed their rights: the OCAM Convention on Social Security, at the multinational level and, at the bilateral level, the agreement on the exchange of manpower between the Niger and the Libyan Arab Jamahiriya.[67] In addition, a draft agreement on the exchange of manpower between Benin and the Niger was under consideration.

Senegal is both an immigration and emigration country, receiving migrants from the neighbouring Western African countries of Guinea Bissau, Guinea, the Gambia, Mauritania and Mali and sending migrants to the Gambia, Ivory Coast and France.

Although Togo was traditionally an emigration country, there has been a reversal of the flow in the past 10 years, with the return migrants consisting partly of persons previously employed in Ghana.

[58] K. C. Zachariah and others, *Demographic Aspects of Migration in West Africa*, vol. 1, World Bank Staff Working Paper No. 414 (1980), p. G.37.

[59] *Ibid.*, p. Gh. 32.

[60] *Ibid.*, p. L. 80.

[61] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 86.

[62] K. C. Zachariah, and others, *Demographic Aspects of Migration in West Africa*, vol. 1 . . ., p. S.L. 24.

[63] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 103.

[64] *Ibid.*, p. 68.

[65] *Ibid.*, p. 69.

[66] *Ibid.*, p. 83.

[67] *Ibid.*, p. 84.

East Asia

China has recently become involved in the export of manpower though on a limited scale and—as a centrally planned economy—for different reasons than the Asian countries with market economies that export labour. As the Government emphasized in a statement in *Beijing Review*, China's workers are not being sent abroad in order to ease unemployment, "since the [China Construction Engineering Corporation] only sends a few thousand abroad each year, and this would not have any impact on employment in a country with a population of nearly one billion inhabitants".[68] Moreover, the Government noted that most job seekers were recent school-leavers, whereas workers sent abroad were chiefly experienced engineers and technicians, as well as managers and skilled workers.

The Govenment also emphasized that the goals of its labour migration were: "(1) to make contributions to the construction of certain countries according to various bilateral agreements signed with China; (2) to enhance friendship between the people of China and those of other nations; (3) to exchange architectural knowledge with other countries and learn about their advanced experiences; and (4) to accumulate foreign exchange for national construction".[69]

As for the institutional aspects, the China Construction Engineering Corporation (CCEC) is the state enterprise established in 1957 to design and implement bilateral technical co-operation projects. As of 1978 it had completed 500 engineering projects in more than 50 countries, including Sri Lanka, Algeria, Guinea, Zaire, the Sudan, Somalia, the Syrian Arab Republic, Nepal, Mali and the United Republic of Tanzania. Beginning in 1979, CCEC decided that it would undertake complete projects, including surveying, designing and construction, or enter into joint contracts with foreign countries. It also decided to provide manpower and technical services, although the Government noted that, of 72 contracts signed as of September 1980, only eight were of the latter type.[70]

Another change in China's policy has been its willingness to enter into agreements with a number of countries with market economies. In August 1979 it signed an accord with an Italian-based construction firm for the export of Chinese manpower, while in early 1980 two Japanese firms agreed to hire teams of Chinese workers for highway and hospital construction projects in Iraq. The Construction Engineering Corporation has also signed a letter of intent with a United States company and several French and Italian firms for possible future projects in the Middle East.[71]

In instances where Chinese workers are sent abroad, their living and working conditions are closely supervised.

Generally, Chinese workers remain for less than two years in a foreign country, receiving on month's paid vacation every year and free transportation to China. While abroad, workers are not required to pay for their accommodations or medical services. They receive four to five times their normal wage in China, to cover expenses incurred abroad and those of family members in China. The typical 48-hour week is the same as in China, while persons employed in hot climates or in otherwise difficult situations receive health care subsidies.[72]

Other East Asia

The Republic of Korea is one of the major labour exporters to Middle East markets. More than 70,000 inhabitants of the Republic were estimated to be working in Saudi Arabia as of 1977, while Korean firms accounted for as many as one third of the construction firms operating in Kuwait.

Whereas the Government is not interested in manpower export *per se* and has taken steps to prohibit recruitment of construction workers by foreign firms, the Government is the chief architect of the highly organized "project package" approach to labour migration, which is part of its strategy of export sector development. The project package approach involves supplying complete projects from design through execution. The government contracting firms not only provide manpower trained in the use of western technology, including management and skilled through unskilled personnel, but also machinery and articles of consumption for workers' daily needs, thus minimizing contact with the local population of the receiving countries.[73] This fact, along with the systematic repatriation of workers who rarely stay for more than a year, and the Koreans' willingness to work for lower wages (as well as their reputed efficiency and submissiveness) has led to a growing demand for Korean workers throughout the Middle East.

The Korean Overseas Development Corporation (KODCO) deals with requests for Korean labour, overseas contract terms (with respect to wages, hours, accommodations, transportation etc.) and provides training and orientation for workers going overseas. The Ministry of Labour is directly responsible for licensing recruiters and reviewing contracts.[74]

The Government maintains close control over remittances, ensuring that overseas workers for Korean companies remit 80 per cent of wages earned abroad by having their employers deposit the money in foreign currency accounts in the Republic of Korea.

Interestingly, the Republic's policy of maintaining family ties is oriented, as Keely notes, not to the maintenance of the family as a goal but to family ties as a mechanism to generate remittances.[75]

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[68] "Does China export labour?", *Beijing Review*, No. 43 (1980 October 27), p. 122.

[69] *Ibid.*, pp. 22–23.

[70] *Population Policy Compendium: China*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (May 1981).

[71] "China sending workers to Mideast to ease foreign funds for imports" *The New York Times*, 17 July 1980.

[72] "Does China export labour?", *Beijing Review*, . . ., p. 23.

[73] Charles B. Keely, "*Asian worker migration to the Middle East*", . . ., p. 2.

[74] *Ibid.*, p. 18.

[75] *Ibid.*, p. 32.

Eastern South Asia

As a result of Singapore's successful industrialization programmes, the densely populated city-State has experienced labour shortages in the manufacturing sector in recent years. Manufacturing firms in Singapore formerly employed large numbers of Malaysian workers. Malaysia, however, has become increasingly industrialized and has ceased to be a major exporter of unskilled labour, causing Singapore to look to other solutions. The Government viewed the employment of foreign workers as a temporary measure and its planners have emphasized that advanced technology and an increase in female participation rates are better long-term solutions to Singapore's labour shortages. During the late 1970s, a number of manufacturing firms in Singapore raised their starting salaries by 10 to 20 per cent as a means of attracting local workers, while the Government imposed stricter controls on the employment of unskilled foreign workers from such countries as Thailand, Sri Lanka and Indonesia.[76] (The Government has also been reported to be considering certain revisions of its long-standing anti-natalist policies.)

The Government reports that "the Ministry of Labour conducts spot checks to ensure that foreign workers receive the same wages and fringe benefits as their local counterparts in the same company. Foreign workers are allowed to rent public low-cost housing, but in practice, employers generally provide accommodation to their foreign workers. Public recreational facilities are accessible to foreign workers on the same basis as citizen-workers. Employers and unions also provide recreational and welfare facilities on the same basis".[77]

While legislation exists to protect the employment rights of migrant workers, foreign women workers in Singapore have had to submit to a pregnancy test every six months, since local laws prohibit the marriage of foreign workers.[78]

Over the years, large number of Malaysians have sought employment in Singapore, where they have been drawn by higher wages. Fewer Malaysians have been leaving the country in search of employment in recent years; actually there are labour shortages in certain sectors such as forestry, and in certain regions Malaysia has begun to import labour, although its policy permits employment only in cases where there are no Malaysian nationals available.

Under Sarawak's Labour Ordinance, no person is permitted to employ a migrant worker uness he has obtained a licence from the Director of Labour. Recruitment is done by the employers themselves who can employ a worker for a specified period and in a specified place, occupation and industry. The employer is also required to repatriate the worker at the termination of the contract, something that must be done every two years for unaccompanied workers and every three for a worker accompanied by his family.[79] Sarawak's legislation also stipulates that employers must employ local workers to understudy the immigrant workers. Sabah's Employment Act (1968) is equally restrictive and stipulates that employers may employ non-citizens only if they have valid employment permits.[80]

With respect to the protection of migrant workers, Malaysia reported to the ILO that "an immigrant worker is entitled to all privileges and benefits in terms of medical attention and treatment, accommodation, water supply etc., to which a local worker is entitled under the Labour Ordinance".[81]

The Philippines has experienced significant emigration in recent decades, as shown by the estimated total of 1.3 million Filipinos residing abroad as of 1980.[82] These movements were largely of a permanent nature and directed towards the traditional receiving countries. Beginning in the early 1970s, labour migration became an option for Filipino workers and, in less than a decade, contract workers have come to constitute some 90 per cent of total migrants.[83]

Until 1974 recruitment of Filipino workers was the responsibility of the private sector. Since the promulgation of the Labour Code (1974) the Government has developed a highly organized system of labour recruitment which differs from the model of the Republic of Korea in that it supplies workers for foreign companies, as well as professionals and merchant seamen. The Government's major recruitment and supervisory agencies are the National Seamen's Board (NSB), which handles recruitment of merchant seamen; the Overseas Employment Development Board, which is in charge of government-to-government activities; and the Bureau of Employment Services, which supervises the activities of hundreds of private recruiting agencies.[84] Although the Philippine Government first saw labour export as a temporary measure, it now fully supports migration for employment. Agreements have been signed with some 25 countries. Schemes have been proposed to expand internal recruitment and training and to create pre-selected manpower pools that would ensure efficient delivery and send more workers in corporate "packages" than as individuals.[85]

With respect to protection of its workers, the Government has set minimum standards for overseas employment contracts, including free transport and the accepted on-site wage. The Government also established an Office of Emigrant Affairs to serve as liaison with migrant communities, provide welfare and cul-

[76] "Labour shortage threatens investment growth in Singapore", *Asia Research Bulletin* (31 December 1975), p. 512.

[77] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 104.

[78] "Labour shortage threatens investment growth in Singapore", *Asia Research Bulletin, . . .*, p. 513.

[79] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 66.

[80] *Ibid.*, p. 67.

[81] *Ibid.*, p. 66.

[82] M. Abella, *Export of Filipino Manpower*, Institute of Labor and Manpower Studies (Manila, Ministry of Labor, 1979), p. 1.

[83] C. W. Stahl, "Contract labour migration from the Philippines: trends and issues", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/CRP.5), p. 1.

[84] *Ibid.*, p. 2.

[85] "Technicans training up", *Manpower*, vol. II, No.1 (1978), p. 2.

tural services, and facilitate reintegration of migrants into the national mainstream.

It is somewhat difficult to assess the impact of such movement on Filipino society, since no information on the demographic characteristics of Filipino migrants has been compiled by the Ministry of Labor. Although data on flows are subject to some uncertainty, due to a significant level of illegal recruitment and to an absence of statistics on return migration, according to the Ministry of Labor the total recorded outflow between 1974 and June 1980 was 492,255 (268,714 "land-based"; 223,541 seamen), of which an estimated 70 per cent remain overseas.[86]

The primary destination has been the Middle East, where more than 80 per cent of Filipinos in the area are employed in Saudi Arabia. While the greatest demand has been for skilled manual workers, the range of occupations has been broadening to include significant numbers of professionals, including doctors, nurses, lawyers and engineers.

The Ministry of Labor and Employment has noted a dampening effect on unemployment at the national level, although this is probably due to a gradual replacement process since most migrant workers were employed at the time of their departure. Recent research has found that a number of industries are already beginning to experience shortages of skills in certain categories.[87]

Of course, the most important over-all economic benefit has been foreign exchange remittances of an estimated $1 billion. The Government currently requires seamen and construction workers to remit 70 percent of their monthly salaries and others to remit 30 per cent, although it has been considering changing its policy to require all overseas contract workers to send home 70 per cent of their salaries, a measure that could increase foreign exchange receipts to $2 billion per annum.

Thailand is another country in the subregion where the recruitment of labour migrants has increased significantly in recent years. Whereas the Labour Department recorded fewer than 1,000 Thais working abroad in 1975, their number is now estimated at 50,000.[88] Once confined largely to the construction field but now moving into various service industries, Thai workers are currently employed in Bahrain, Kuwait, Qatar, Dubai, the United Arab Emirates, Iraq and the Libyan Arab Jamahiriya as well as in nearby Singapore.

The Thai Government, which formerly left recruitment largely in the hands of private companies, is now becoming more involved. As of early 1980, 256 private firms were registered with the Labour Department to recruit workers for foreign markets. Of these companies, at least half were located outside Bangkok. Under current Thai law, all companies in the employment trade are required to register with the Labour Department (at a licensing fee of only $2). As a result of numerous abuses, no new employment agency licences have been issued since the start of 1979.[89] Another indication of official concern was the decision to establish Labour Department offices in Saudi Arabia and Iraq.

Remittances from Thai workers have become an important foreign exchange earner. Official statistics for 1978 indicate that overseas workers registered with the Labour Department sent home $20 million; estimates of all remittances (from both registered and unregistered workers) were of the order of $100 million.

Middle South Asia

The Government of Pakistan has long desired to increase emigration. During the 1950s and 1960s many Pakistanis emigrated to the United Kingdom, although in recent years they have been emigrating to countries in the Arabian Gulf. The Government has been taking a more active role in regulating the outflow of migrant workers. As the Government reported to the ILO: "Pakistan has a surplus of manpower and the Labour Attachés posted abroad inform the Bureau of Emigration about availability of jobs abroad. Measures as are conducive to legal emigration have been to utilise all possibilities of employment".[90]

Pakistanis are among the most sought-after migrants in the Middle East, largely as a result of their Islamic religion and technical training. The success of Pakistan's policy is shown by the fact that during 1979 close to 150,000 Pakistanis left for skilled and semi-skilled jobs in the Middle East. Estimates of the number of Pakistanis employed in the Middle East range from 500,000 to over a million. Unofficial "guesstimates" place the figure at well over 1 million. Pakistan has been gradually improving its recruitment mechanism. Under its Emigration Ordinance of 1979, the Government introduced measures for regulating the recruitment of Pakistanis who desire to leave the country to work abroad. The new regulations provide for the establishment of a Bureau of Emigration and Overseas Employment and stipulate that all overseas recruiting agents must apply for a licence.[91]

Just as it has established the most elaborate recruitment mechanism, so Pakistan has the most developed institutional structure for the protection of migrants. Training centres and orientation and briefing centres have been set up to guide and advise prospective emigrants and their dependants. In addition, under the 1979 Emigration Ordinance, the Director General for Emigration controls and regulates emigration and looks after the interest and welfare of emigrants. Protectors of Emigrants are also appointed to ensure that emigrants fully understand the terms and conditions of employment abroad as specified in the foreign service agreements; to inspect the conveyances carrying the departing and returning emigrants; and to aid and ad-

[86] "Exported . . . then exploited", *Far Eastern Economic Review* (26 September 1980).

[87] C. W. Stahl, "Contract labour migration from the Philippines: trends and issues", . . ., p. 7.

[88] "In Bangkok, a free-for-all", *Asiaweek* (18 January 1980), p. 44.

[89] *Ibid.*

[90] International Labour Office: *Migrant Workers: Summary of Reports* . . ., p. 95.

[91] "Pakistan: legislation protects overseas job seekers", *Social and Labour Bulletin*, No. 3, (March 1979).

vise emigrants when they leave or return to Pakistan.[92] Labour Attachés are also appointed to protect the welfare of the emigrants and to safeguard the interest of Pakistani workers in the various host countries, including settling disputes and negotiating with their employers.

The 150,000 Pakistani migrants who emigrated during 1979 and those who preceded them sent home $1.7 billion, compared with $2.2 billion earned by Pakistani exports.[93] The amount earned by Pakistan's migrant workers, many of whom returned home during the Iran-Iraq war, is usually remitted in dollars, which the central bank converts to rupees for the workers' dependants, retaining the foreign currency. Although there is no net income for the Government, the accumulation of foreign currency is critical in the light of Pakistan's large export bill and foreign debt.

However, despite the needed foreign reserves generated by Pakistanis working abroad the outflow has had some negative consequences. Emigration has created critical shortages of skilled and even semi-skilled workers; urbanization has been accelerated by emigration, since prospective emigrants migrate to Karachi or Islamabad before their departure; landlessness has also been accelerated, since many marginal farmers have sold their holdings to finance their trips. Although the intention of many migrants is to buy back or increase their holdings when they return, this has not been occurring and marginal farmers have been losing ground.

Although India has been developing project export to some degree, the Government has not emphasized project and manpower exports to the same extent as other countries in the subregion, partly because India is a continental economy and traditionally inward-looking.[94] Although the Indian Airport Authority and other public entities have been involved in overseas project work, a majority of Indians have been recruited by private companies, often those from third countries (such as Japan), which are actively involved in manpower recruitment. This situation may now be changing. India reported recently to the ILO that: "in view of the increasing demand for Indian workers abroad the Government is . . . considering introducing a regulated system of gratuitous recruitment through Indian recruiting agencies approved and registered by the Ministry of Labour".[95] It further noted that the Supreme Court of India had laid down certain temporary guidelines concerning emigration procedures, while the Government was also in the process of entering into bilateral agreements with some countries on the question of deployment of manpower.

Bangladesh entered the labour market in late 1975 and over the following three years 75,000 Bangladeshi workers had migrated to the Middle East. Unlike those countries that sell whole project packages, Bangladesh provides only manpower to Middle Eastern employers of third-country contractors in the Middle East. The Government expects this flow to continue, for it has included minimum quinquennial targets for overseas workers to the Middle East in its 20-year plan for 1980–2000.[96]

Sri Lanka is another country in the subregion that is sending temporary workers to an increasing number of destinations. More than 50,000 Sri Lankans were working along the Gulf during the late 1970s, with a majority in Saudi Arabia, Kuwait, the United Arab Emirates and Oman. Sri Lankans are also currently employed in the Federal Republic of Germany.

Sri Lanka is in the process of revising legislation relevant to the export of manpower. It recently reported to the ILO that "with regard to group migration of Sri Lankans, for employment, mainly to West Asia, the employment agencies in Sri Lanka are regulated by the Fee-Charging Employment Agencies Act. As the provisions of this legislation are not adequate to deal with matters connected with group migration, fresh legislation is being contemplated and it is expected that the necessary Bill will be presented to parliament shortly".[97]

The Government of Sri Lanka recently sent a study team abroad to examine the conditions of its migrant workers, and it may prepare relevant legislation. India, on the other hand, considers that its existing legislation is sufficient. It reported to the ILO that: "the Emigration Act, 1922 and the Rules framed thereunder provide adequate guarantees for emigrants for employment, covering such matters as the terms of employment, the journey and conditions for repatriation".[98]

Western South Asia (Arab countries)

Although most countries in the region have had vacillating immigration policies in recent years, an increasing number of Governments have adopted stricter policies to control the flows of migrants and limit the growth of migrant stocks.

There is a growing preference for Asian manpower from India and Pakistan and, more recently, from the Republic of Korea, Thailand and the Philippines, and for contractors who bring their workers with them, without encouraging them to remain. At the same time there has been stricter enforcement of residence and work permits and stricter control of clandestine immigrants. Finally, there has been a massive increase of expenditure on education and vocational training to accelerate the gradual replacement of expatriate workers with nationals.

Saudi Arabia remains the major country of employment in the Arab world. The Kingdom has a small indigenous work force—1.5 million in a country of perhaps 6 million—due to youthful age structure, a policy of restricting women to a limited number of

[92] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 94.

[93] "Pakistan's people are its main export", *The New York Times*, 6 October 1980.

[94] Charles W. Keely, "Asian worker migration to the Middle East", . . ., p. 3.

[95] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 57.

[96] Charles W. Keely, "Asian worker migration to the Middle East", . . ., p. 3.

[97] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 109.

[98] *Ibid.*

occupations, and to the fact that a majority of Saudi nationals work in the traditional economy as farmers, part-time taxi drivers, landlords, or as informal participants in the modern sector.[99] The labour supply has been further affected by the fact that the Government's own demand for Saudi labour restricts the supply to other sectors. The Government has been importing foreign labour since the 1950s to carry out its ambitious development plans. In the new five-year development plan, the Government projected that the foreign labour force would not decline for at least five years, since reductions in unskilled construction workers would be offset by increases in technicians. Although the proportion of foreign workers in the labour force has not approached that of neighbouring countries, the Government desires to reduce its dependence on foreign workers, partly because the Kingdom's spiritual values are perceived to be threatened by the presence of many non-Moslems in the labour force.

Accordingly, the Government's current five-year plan gives manpower development the "highest national priority". In addition, as a means of preventing any increase in the number of foreign workers in the Kingdom, the Government will expect companies bidding for contracts to demonstrate high labour productivity. Furthermore, all foreign companies are required to train citizens, in what is known as "Saudization", although progress to date has been uneven, particularly in the area of technical management.[100]

At present, with the exception of nationals of Democratic Yemen and Yemen, who are given four-year residence permits upon arrival, all foreign workers must have a Saudi sponsor. Workers may not change employers without obtaining a release from their previous employer, and then they must leave the country and reapply for a visa.[101]

During the summer of 1980 the Government took further steps towards constructing an edifice of controls around the foreigner. All but certain professional categories of foreign workers were prohibited from bringing their wives and children and many families already in the country were required to leave. An additional restriction is that, apart from certain Gulf nationals, no alien may own land.

In an additional move to control foreign workers, Saudi Arabia—where Arabs constituted a majority of the labour force as of 1975—has been relying less on Arab labour and looking towards importing manpower "packages" that enable it more closely to control and monitor foreign workers.

A technical co-operation agreement was signed with the Government of the Republic of Korea in 1975 and by 1977 there were more than 16,000 nationals of that country employed in Saudi Arabia,[102] as well as large numbers of workers from the Philippines, Indonesia, India and Pakistan.

Kuwait, the country with the largest population and greatest oil reserves among the Gulf States, has developed rapidly in recent years, largely through the employment of large numbers of Jordanians and Palestinians as well as Iraqis, Lebanese and Syrains. Kuwait is one of the few countries with formal legislation regulating the employment of immigrant workers. Act No. 38 of 1964 prohibits the creation of private profit-making placement services for the recruitment of foreign workers. The Act also contains provisions regarding the employment of women and adolescents, working conditions, the organization of work, the termination of employment relationships and compensation for employment injuries. The Government reported to the ILO, however, that its existing administrative and technical services were not capable of dealing with the departure, travel and reception of migrant workers due to their vast numbers and extreme mobility.[103]

In a further effort to monitor the employment of foreign workers, the Ministry of Social Affairs and Labour issued a decree in 1979, regulating work permits for foreigners employed in the private sector. Under the terms of the decree, an employer wishing to recruit a foreign worker must first apply to the Ministry for a permit and is subsequently responsible for repatriating the worker at the end of the contract.[104] Students and other immigrants, such as family members who are not seeking employment, must submit evidence of study or financial support when applying for a residence permit.[105]

Concerned by the fact that Kuwaitis constitute only 29 per cent of the total labour force, Kuwaiti nationalists have increasingly urged a policy of "Kuwaitization", by which nationals would eventually replace non-nationals in important occupations. Although a sensitive issue, and one that led to the dissolution of the Kuwaiti Parliament in 1976, "Kuwaitization" may be difficult to achieve given the extent of Kuwait's labour needs.[106]

The Government of Kuwait is particularly strict with respect to naturalization, granting it only after 15 years of uninterrupted residence, and to no more than 50 persons every year. For non-nationals, residence and work permits must be annually renewed and are subject to revocation without explanation or even prior notice.[107] Non-nationals are not allowed to organize

[99] J. S. Birks and C. A. Sinclair, "The Kingdom of Saudi Arabia and the Libyan Arab Jamahiriya: the key countries of employment", (ILO doc. WEP 2-26/W.P.39, May 1979), p. 4.

[100] "Foreigners run Saudi infrastructure", *The New York Times*, 29 December 1980.

[101] Nabeel A. Khoury, "The politics of intra-regional migration", paper presented at the Conference on International Migration in the Arab World, 11-16 May 1981 (E/ECWA/POP/CONF.4/WP.16), pp. 13-14.

[102] J. S. Birks and C. A. Sinclair, "The Kingdom of Saudi Arabia and the Libyan Arab Jamahiriya: the key countries of employment", . . ., p. 28.

[103] International Labour Office, *Migrant Workers: Summary of Reports* . . ., p. 59.

[104] International Labour Office, *Social and Labour Bulletin*, No. 4 (1979), p. 445.

[105] United Nations Economic Commission for Western Asia, *The Population Situation in the ECWA Region: Kuwait* (Beirut, 1980), p. 22.

[106] Nabeel A. Khoury, "The politics of intra-regional migration," . . ., p. 9.

[107] *Ibid.*, p. 13.

trade unions and are typically restricted to certain residential compounds.

Kuwait is the only labour-importing country in the Arab world to permit labour unions, and foreign workers may become union members if they have been in the same position for a five-year period, although they cannot hold union office. Although some free education is provided for the children of foreign workers, the percentage of non-nationals to nationals in Kuwaiti schools is fixed at 10 per cent.[108] In other respects, non-Kuwaitis receive none of the substantial benefits—subsidized housing, interest-free loans etc.—enjoyed by Kuwaiti nationals.

In the United Arab Emirates, where migrants make up 90 per cent of the active population, the Government desires to progressively reduce the foreign population. It intends to achieve this objective by adopting more labour-intensive technologies as well as by more direct measures. Since the late 1970s, unemployed foreign workers have found it difficult to renew their work permits—and hence their residence permits—and have been liable for deportation.[109] A 1980 law promulgated by the United Arab Emirates limits the period of stay of new immigrants to five years and forces migrant workers to leave at the end of their contracts, while it restricts the number of foreign workers.[110] (When the above legislation came into force in June 1980, an estimated 7,000 Indians faced immediate repatriation.)

Bahrain, a country where oil production commenced in 1933 and whose growth has been more gradual than that in some other countries of the region, has diversified out of oil production and has the intention of becoming a manufacturing and service centre.

Bahrain has not been able to afford the importation of foreign manpower on as large a scale as some of the other Arab countries. Although expatriate workers made up 40 per cent of the labour force as of 1975, the country has been less dependent on foreign labour than the more capital-rich countries. Bahrain has been relatively less able to compete for Arab labour and has employed growing numbers of Asian workers, whose share in the total immigrant population rose from 32 to 64 per cent between 1971 and 1977,[111] although the Government's official policy remains that of "Bahrainization", i.e., gradually replacing expatriate workers by Bahrain nationals.

Like other countries in the region, Bahrain has begun to impose stricter controls on the import of labour. Although the Ministry of Labour and Social Affairs has for some time required all new job-seekers, both nationals and non-nationals, to obtain work permits, it is only recently that this policy has been stringently observed.[112]

Qatar, a capital-rich State where oil production commenced in 1949, has relatively small reserves of oil in comparison with other oil-producing countries although they are nevertheless large in relation to the size of its population (67,900 in 1975).

Foreign workers made up over four fifths of the labour force in 1970 and in 1975. Whereas migrants in the public sector are virtually all Arabs, largely from Egypt, the private sector is dominated by non-Arabs, chiefly Indians, Pakistanis and other Asians.

The Ministry of Labour and Social Affairs is responsible for issuing work permits in the private sector. Like many other countries in the region, Qatar has a sponsorship system. A person desiring to work in Qatar may do so only if his sponsor has obtained permission from the Ministry. The worker, or his employer, must then obtain an entry visa and, upon entry, both work and residence permits, the former of which must be renewed each year.[113]

Unlike the two other desert countries, Saudi Arabia and the Libyan Arab Jamahiriya, Oman does not possess large amounts of oil, and production may end as soon as 1990.

Oman has been an exporter of migrant labour since the 1950s. Rural Omanis have migrated abroad for decades to find employment in Saudi Arabia or the United Arab Emirates, although their numbers, and consequently their remittances, have fallen off in recent years. This outward movement of Omani nationals has had serious disruptive effects on the rural economy of the country and particularly on its traditional, irrigated, agricultural system.[114] As Birks and Sinclair have noted, this has resulted in part from a fundamental change in Omani attitudes towards migration for employment. During the early years of Omani migration, migrants returned home when their labour was needed, participating in the harvest and maintaining their gardens. In recent years, migrants have ceased to participate in the local economy, regarding their employment abroad as their primary activity and periodic stays in Oman as leisure activity.[115]

Although Oman is a relatively small oil producer, it has become an important receiving country in recent years. Ironically, much of the labour is unskilled—particularly that of the migrants from India and Pakistan—and of a similar quality to that of the large numbers of Omani workers employed abroad, although about 52 per cent of those are employed in the modern sector. Although there are growing numbers of Asian labourers in Oman's rural areas, their presence has not alleviated labour shortages since they are usu-

[108] Fred Halliday, "Migration and the labour force in the oil producing states of the Middle East", *Development and Change*, No. 8 (1977), p. 283.

[109] United Nations Economic Commission for Western Asia, *The Population Situation in the ECWA Region: United Arab Emirates* (Beirut, 1980), p. 13.

[110] "The U.A.E. labor quake", *Monday Morning* (16 March 1980).

[111] J. S. Birks and C. A. Sinclair, *International Migration and Development in the Arab Region*, . . ., p. 74.

[112] J. S. Birks and C. A. Sinclair, "Nature and process of labour importing: the Arabian Gulf States of Kuwait, Bahrain, Qatar and the United Arab Emirates" (ILO doc. WEP 2-26/WP. 30 August 1978), p. 32.

[113] *Ibid*, p. 35.

[114] J. S. Birks and C. A. Sinclair, *Aspects of International Labour Migration in the Arab Near East: Implications for USAID Policy*, . . ., pp. 100-101.

[115] *Ibid.*, p. 98.

ally employed in service activities and not as farmers.[116]

In Oman's development plan for 1976–1980, the major emphasis is on growth of GNP, supported by policy of "Omanization", reducing the number of expatriate workers and replacing them by nationals.[117]

Iraq, which maintained an open-door policy with respect to all Arab migrants from the mid 1970s, imposed visa formalities in 1981 on a number of Arab countries, including Bahrain.[118]

For a number of years, the Government offered incentives, including subsidies and loans, to qualified Iraqis and other qualified Arabs who wished to work in Iraq.[119]

Iraq has attracted about 125,500 foreign workers in recent years, a relatively modest number in relation to its total population size. One expert has speculated, however, that Iraq—which has a manpower deficit of the order of 860,000—may become one of the major labour-importing countries over the next two decades.[120]

More Jordanians have been returning to Jordan than have been leaving in recent years. Jordan, like Egypt, has had a tradition of supplying expatriate labour within the Arab world. There are fewer Jordanians than Egyptians working abroad (due to Jordan's smaller population size) but their contribution to the Jordanian economy has been relatively greater. There has been an important and growing trend among qualified migrants towards taking up permanent residence in countries of their employment, a trend that has reflected the Government's liberal attitude towards emigration. The Government has maintained its policy of placing no restraints on the outflow of labour even though the economy began to suffer shortages both in skilled employment and in agriculture, where Egyptians have been employed as replacements to migrants.[121]

Remittances from Jordanian workers increased dramatically during the 1970s, and the Government attempted to use those funds productively by issuing "development bonds".[122] Remittances are likely to diminish in the future, however, due to the likely return of growing numbers of Jordanian workers (as a result of their displacement by Asian workers and the ending of large-scale employment in the construction sector), and to the increasing tendency for qualified migrants and their families to settle permanently abroad.

Another important sending country is the Syrian Arab Republic, a country with a history of permanent emigration of families rather than the more recent phenomenon of the temporary departure of males. Syrians have been drawn to Jordan in large numbers to serve as replacements in the labour force for Jordanians who have left, a movement which has been facilitated by the fact that Syrians employed in Jordan do not need visas. Since this movement has led to domestic labour shortages, the Syrian Government now has a policy of discouraging emigration. The departure of government employees has been effectively curtailed, since those who abandon their work without official approval are subject to serious penalties, including the confiscation of property.[123] However, skilled and semi-skilled manual workers, as well as the unskilled, continue to emigrate, since they have been less amenable to government control.[124]

Since the Syrian Arab Republic is on the periphery of the Arab labour market, and its wage rates are comparatively low, it will be difficult to attract replacement migrants, and labour shortages are likely to remain critical.[125]

Yemen has experienced massive emigration, both temporary and permanent, since the 1950s, and it is widely believed that migration abroad has been undertaken at least once, and probably several times, by every working male. There are no accurate data on the numbers of Yemenis abroad, however, and estimates have ranged from 1.2 million to 290,000, the latter being the number of persons recorded as absent in the 1975 census.[126]

The Government's policy has been essentially one of non-intervention, in part as a result of the lack of a developed planning system. Emigration has been largely stimulated by the policy of the chief receiving country, Saudi Arabia. Whereas northern Yemenis were previously allowed to enter freely, block visas, allowing the workers to enter for four-year periods, were required beginning in the late 1970s. At present, Yemenis remain the only foreign nationals in Saudi Arabia who are permitted to work without going through the Saudi visa-guarantor channel.[127]

Although remittances have been extremely important to the economy of Yemen, covering important balance-of-payments deficits and contributing nearly half of GNP, the Government has not established an active remittance utilization policy.[128] However, the Government's first five-year plan (1976/77–1980/81) did propose the establishment of a general union of

[116] J. S. Birks and C. A. Sinclair, *International Migration and Development in the Arab Region*, p. 60.

[117] John S. Birks and George A. Mackay, "Economic development and migrant labour movements from the Sultanate of Oman", *Orient*, Vol. 20, No. 2 (1979), p. 104.

[118] *Monday Morning* (5–11 January 1981).

[119] United Nations Economic Commission for Western Asia, *The population situation in the ECWA Region: Iraq* (Beirut, 1980) p. 20.

[120] Mousssa Samha, "Migration trends and patterns in the ECWA region", . . ., p. 25.

[121] J. S. Birks and C. S. Sinclair, *International Migration and Development in the Arab Region*, . . ., p. 50.

[122] J. S. Birks and C. S. Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy*, . . ., p. 81.

[123] United Nations Economic Commission for Western Asia, *The Population Situation in the ECWA Region: Syrian Arab Republic* (Beirut, 1980).

[124] J. S. Birks and C. A. Sinclair, *International Migration and Development in the Arab Region*, . . ., pp. 55–56.

[125] J. S. Birks and C. A. Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy*, . . ., p. 93.

[126] *Ibid.*, p. 114.

[127] Gilbert Beauge and Makram Sader, "The pattern of employment, migration and labour in the Gulf countries", . . ., p. 16.

[128] J. S. Birks and C. A. Sinclair, *Aspects of International Labor Migration in the Arab Near East: Implications for USAID Policy*, p. 124.

emigrants, as a means of encouraging the flow of emigrants' savings and channelling the savings to deposits or shares in emigrant-financed companies. The Government also reported its intention of circulating project proposals and encouraging emigrant financing of various projects in the agricultural, animal husbandry, tourism and extractive sectors. In a further effort to stimulate interest among expatriates, and to encourage their investments, the Government reported that it would provide emigrant workers with bulletins, papers, books and films "which remind them of their country".[129]

Although data on the labour force of Democratic Yemen are difficult to acquire, it is known that substantial numbers of its nationals have returned from Saudi Arabia in recent years, although the rate of return has possibly been declining. Emigration has been drastically curtailed in recent years as a result of a series of ordinances that have almost totally banned emigration.[130]

Prior to Lebanon's 1975 civil war, large numbers of unskilled workers from the Syrian Arab Republic and Egypt and from Lebanon's Palestinian population were employed in Lebanon, in industry, agriculture and the service sector. The war had far-reaching effects on this labour market, forcing the repatriation of much of this foreign labour (including more than 200,000 Syrian workers).

The flow has once again reversed and migrant workers are slowly returning to Lebanon.

The Government's present policy is to restrict immigration, other than in highly specialized categories. Foreigners other than artists are prohibited from seeking employment in Lebanon unless authorized by the Ministry of Labour and Social Affairs. That authorization must be obtained before entry and a work permit must be obtained upon arrival.[131]

The Caribbean

With the closing of many former avenues of permanent emigration from the Caribbean, there have been some attempts to set up temporary labour schemes, although these have been generally unsuccessful. Jamaica entered into an agreement with Venezuela, for example, in 1979 for the export of temporary workers, but the experiment ended in failure when both countries argued that the other had violated terms of the agreement.[132]

Whereas most Caribbean Governments oppose the employment of unskilled foreign workers, there are continuing illegal flows, although several Governments, notably those of the Bahamas and Trinidad and Tobago, have adopted stricter policies.

The Dominican Republic is the single Caribbean country with a comprehensive labour migration policy. The country sends temporary workers to Venezuela under an agreement with the Inter-Governmental Committee for European Migration, though it acknowledges that a greater number migrate illegally both to Venezuela and the United States, while it imports 9,000–12,000 seasonal workers per annum under a bilateral agreement with its neighbour Haiti.[133] The bilateral agreement guarantees full employment for the Haitian workers and equal pay, and contains provisions in regard to social security, shelter, transportation to the place of work, repatriation etc. As the Dominican Government noted in a report to the ILO: "During [the Haitians'] stay in the country, which is normally between five and six months a year, the living conditions of the workers correspond on the whole to those of the lower-income groups but are much better than their usual conditions".[134]

Although the exchange of temporary manpower brings in needed revenue to the Haitian Government, the workers themselves lose between 35 and 50 per cent of their accumulated earnings due to exchange controls at the frontier.[135] Moreover, the considerable illegal flows that accompany the seasonal worker programme have led to considerable abuses.

Middle America

The bulk of labour migration in Middle America, both of an intra-regional and extra-regional type, occurs illegally although there have been some recent attempts at organizing flows.

El Salvador formulated an international migration policy in 1978, one aspect of which involved the hiring of Salvadorian workers on fixed-term contracts for urban construction works in Saudi Arabia. The Government signed an agreement with a private consortium to send some 5,000 semi-skilled Salvadorian construction workers, although, as of late 1978, only 35 workers had actually been sent and subsequent events in El Salvador brought a halt to the programme.[136]

Mexico and Nicaragua have also been reported to be in various stages of negotiating labour agreements with Saudi Arabia, although there is no information on these agreements.[137]

Panama's labour migration policy stipulates that a foreign worker must obtain a work permit from the Ministry of Labour and Social Welfare as well as a temporary visitor's visa valid for a period of one year and renewable for five years, for both himself and his dependants.[138] However, a majority of the Panama-

[129] Yemen, Central Planning Organization, *The First Five-year Plan: 1976/77–1980/81* (Sanaa, 1977).

[130] United Nations Economic Commission for Western Asia, *The Population Situation in the ECWA Region: Democratic Yemen* (Beirut, 1979).

[131] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 59.

[132] Sergio Diaz-Briquets, "International migration within Latin America and the Caribbean" (mimeo.) (4 February 1980).

[133] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 36.

[134] *Ibid.*

[135] *Le Monde*, 5 August 1980.

[136] *Population Policy Compendium: El Salvador*, a joint publication of the Population Division of the Department of International Economic and Social Affairs of the United Nations and the United Nations Fund for Population Activities (September 1979).

[137] Sergio Diaz-Briquets, *International Migration within Latin America: A Review of the Available Evidence*, (Washington, D.C., Population Reference Bureau, April 1980).

[138] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 96.

nian migrant workers enter illegally from Colombia, circumventing the permit requirements.

Temperate South America

Although Argentina is chiefly interested in attracting permanent immigrants, it accepts some seasonal unskilled workers who are recruited under special collective contracts.

The maximum period during which a seasonal worker may stay in Argentina is nine months from the date of entry, although the National Directorate of Migration may authorize a stay of up to 18 months. Argentina has signed agreements with Chile (1971) and Bolivia (1978) to admit their nationals as seasonal workers.[139]

Uruguay has a generally liberal policy towards labour migrants, whether they enter the country legally or illegally. Foreign workers do not necessarily have to remain in their original employment for the purpose of obtaining a residence permit and they enjoy full equality with Uruguayan workers as regards guaranteed security of employment, finding new jobs etc.[140] Once a residence permit is granted it is automatically renewed on presentation of proof that the person concerned has not been absent from the country for more than three years.

Tropical South America

Colombia has a fairly innovative policy and is one of the first labour-sending countries to regard its labour migration policy as part of a broader scheme of socio-economic development. The policy aims at retaining migrants in their place of origin, meanwhile assisting those who do migrate in finding satisfactory employment both within and outside Colombia. Towards this end, the National Migration Service (SENALDE) continuously evaluates employment conditions in various regions of the country and channels workers to regions where there is labour demand.[141] In addition, five Border Offices for Employment and Labour Migration, which will assist return migrants in finding employment, have been established along Colombia's borders with Venezuela, Ecuador, Brazil and Peru.

Although Peru has received comparatively little immigration, in February 1979 the Government issued a new decree on the hiring of alien workers, the purpose of which was to safeguard the rights of migrant workers. Under the decree, nationals must account for all the staff employed in an enterprise during its first three years of operation and for 90 per cent thereafter. Employers hiring foreign workers must prepare and implement systematic plans for training nationals to replace foreign experts. The new decree also establishes a standing Committee on Labour Migration within the Ministry of Labour, which will review all applications for a labour contract with an alien and any applications for exceptions to the aliens' quota.[142]

[139] *Ibid.*, p. 3.

[140] *Ibid.*, p. 147.

[141] Lelio Mámora, "Labor migration policy in Colombia", *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 451.

[142] "Peru: legislative decree on alien workers", *Social and Labour Bulletin*, No. 3 (March 1979), p. 315.

Conclusion

In concluding the present chapter on labour migration in the developing countries, it might be useful to draw some parallels to the situation in the developed countries which was discussed in the preceding chapter.

One of the lessons to be learned from the European experience is that there is probably a limit to the number of foreign workers that a society will tolerate. Another is that recruitment policies may turn into *de facto* immigration policies, while decisions and actions of private firms may result in subsequent problems that must be resolved by governmental intervention. Finally, the European case has provided clear evidence that piecemeal, *ex post* policies do not work very well.

Although the situation is still in flux in the developing countries, and many labour migration streams are not very mature, it is already apparent that many of those countries, particularly in the Middle East which has had the largest and most rapidly growing immigration, have already been faced with problems similar to those in Europe. Social tensions and growing unease over the presence of large numbers of foreigners have already been more of an issue in the traditional Islamic societies of the Middle East than in Western Europe. The previous *laissez faire* recruitment policies of many of the developing countries (which, as in the case of Western Europe, reflected the needs of private interests) have resulted in the immigration of entire families who are now unwelcome minorities.

While the various European countries have made slow but steady progress towards integrating their foreign populations, allowing continuing family immigration and gradually extending social programmes and political rights, the developing countries in the Middle East would appear to be moving in a different direction, severely restricting family immigration and making virtually no effort to extend economic and social benefits let alone political rights.

Although it is still too early to forecast what the situation will be like in a number of years, it would appear that the "project package" approach, with its enforced rotation, competitive bidding that keeps wages low, segregated and highly disciplined work force etc., is in the ascendancy.

It is interesting to note that the increasing popularity of these project packages has already affected a number of former labour-exporting countries such as Egypt and the Mahgreb countries. Migrants from those countries now find it difficult to compete, since they demand wages that are not competitive with those accepted by Asian workers. Moreover, as a result of previous emigration to Western Europe (or at least a knowledge of conditions there), these migrants generally have higher expectations; they consider the issue of emigration to be not only a question of wages but also of the entire working and living environment, i.e., employer labour relations, cost of living, welfare and pension arrangements, contacts with the local population, leisure facilities and so forth.[143] This is

[143] Hafedh Chekir and Jean-Pierre Garson, "North African migration to the Arabian Gulf", . . ., p. 10.

another factor that increases the likelihood of Asian manpower becoming the norm in future years.

Of course, the restrictiveness of the project package approach may have other implications for the export of manpower in future years. One study describes the following scenario:

> ". . . if immigrants are no longer able to determine how long they will stay abroad and if the pay offered is close to that prevailing in their home countries, their surplus pay will be small and migrants will tend to maximize their savings while working abroad. On returning home to rejoin the ranks of the unemployed, however, their consumption is bound to fall to the mininum subsistence level, particularly if they remain unemployed for any length of time. Under these conditions, immigration can be characterized as a process of saving for deferred consumption. At best, emigrants will have avoided unemployment for a short period of time."[144]

Finally, although the outlook for increasing the migrant labour stocks in the Middle East in the short term (through 1985) may be somewhat better than in Europe during the same period, in the longer term the prospects are for substantially reduced levels of labour migration into this region as well.[145] Therefore, unless new poles of immigration develop, labour exporters will face an uncertain future.

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[144] *Ibid.*, p. 21.

[145] Gurushri Swamy, *International Migrant Workers' Remittances . . .*, p. 48.

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Chapter IV

ILLEGAL MIGRATION

INTRODUCTION

Illegal migration[1] is an important phenomenon in all the regions of the world. Generally, wherever there are laws restricting immigration, there is some illegal flow, although the volume may vary greatly from one country to another. In some countries there are small numbers of visa-abusers; in others, illegal migrants constitute the dominant alien work force. Trends are even harder to establish than illegal migrant stocks. There are few data on either past or present movements, which makes it impossible to give precise estimates of the growth of illegal migration. Impressionistic evidence has often led to exaggerated estimates. Nevertheless, there is a broad consensus—voiced in the media and in parliamentary debates in all the regions of the world—that there has been a marked increase in illegal migration. A number of general factors related to the modernization process offer a partial explanation. Modern communication networks, which have brought the relative attractiveness of life in the developed world to the attention of vast numbers of potential migrants, are one factor that has undoubtedly led to an increase in illegal migration. Improved transportation networks have also facilitated illegal flows. Although migrants continue to cross national borders on foot in many regions, particularly in Africa and Latin America, illegal migrants now travel by air, sea, road and rail, with passage sometimes assisted by traffickers in manpower.

There is also the broad political explanation that there are many more nation-States than there were in the past, and simply more national borders to be crossed. In part as a result of the slowdown in world economic growth, the traditional receiving countries have only a limited number of places for permanent legal immigrants, and the former labour-importing countries of Western Europe have virtually ended their recruitment of foreign manpower. Yet, there is a rising demand for immigration from prospective migrants in the developing world.

The present chapter consists of a brief general discussion of some of the causes and effects of illegal migration, and major policy interventions, followed by an overview of policies formulated to deal with illegal migration at the regional level. Although by no means comprehensive, the discussion provides evidence of the magnitude of the problem in all regions and indicates the range of policies adopted to deal with the phenomenon in selected countries.

TRENDS

The dominant illegal flows are from "south" to "north", from the developing countries of Asia, Africa and Latin America to the developed countries of Western Europe, northern America and Oceania, as well as to a number of developing countries that are "capital-rich" or that have transitional economies. In addition to medium- and long-range interregional flows, there are significant intra-regional illegal flows that are also of the "north-south" type, as well as movement between contiguous countries.

Comprehensive data on illegal migration stocks and flows are virtually non-existent. There are scattered lists of numbers of migrants apprehended (or deported) in certain countries, data on numbers of aliens who come forward during amnesties, occasional attempts to estimate stocks through indirect measurement techniques etc., all of which provide only a partial sketch of a very complex phenomenon.

Africa experiences intra-regional illegal flows of the border-crossing type, although there is a certain amount of illegal movement to Western Europe (from West Africa) and to the Middle East and southern Europe (from North Africa). Unfortunately, there are no reliable data either on stocks or flows of illegal migrants for any African country.

Illegal migration in Asia has been primarily intra-regional. The major flows have been from China to Hong Kong, where some 90,000 Chinese migrants were apprehended, for example, in 1979; from Malaysia to Singapore; and from Indonesia to Malaysia, where there are an estimated 100,000–300,000 illegal Indonesian workers.[2]

India and Pakistan, two of the major labour-exporting countries in the Asian region, have experienced problems with illegal emigration.

Undocumented migration in Latin America, which is the dominant type of international migration in the

[1] The terms commonly employed to describe persons who work or reside in a country in contravention of national laws are: undocumented workers, illegal immigrants or illegal migrants. (The *Population Multilingual Thesaurus* uses the second term.) As Teitlebaum notes, "none of these several terms is entirely appropriate. The term 'illegal' is offensive to some who believe it attributes blame to the victim, whereas the term 'undocumented' is considered to be a euphemism. The term 'immigrant' assumes permanence of settlement that may not occur, and the term 'migrant' has a connotation of non-permanence that may not be true". Michael S. Teitelbaum, "Right *verus* right: immigration and refugee policy in the United States", *Foreign Affairs*, (Fall 1980), p. 24. As a result of this ambiguity, the various terms will be used interchangeably throughout the present paper and imply no value judgement.

[2] "Malaysia's labour pains," *Far Eastern Economic Review* (23 October 1981).

region, also occurs across common borders, and has long been directed towards several traditional poles of attraction: Venezuela (which has an estimated 2 million illegal migrants, some 800,000 of whom are from Colombia) and Argentina (where estimates of the illegal migrant population range from a low of 580,000 to a high of 2.65 million) within the region, and the United States of America outside the region.

There is also significant illegal movement in the Caribbean region, where more than 60,000 Haitians were expelled in recent years from the Bahamas, and from which hundreds of thousands of Dominicans and Haitians have migrated without documentation to the United States. Middle America has significant intra-regional illegal flows, while it is widely known that the movement of undocumented Mexican workers to the United States is the world's largest illegal flow.[3]

Illegal flows in the Middle East are chiefly intra-regional, although also of the "north-south" type, from capital-rich to capital-poor countries. All of the labour-importing countries have large numbers of illegal foreign workers. Saudi Arabia, for example, regularized the status of some 100,000 migrants during a single amnesty in 1978. The current emphasis on "project packages" in the Middle East, with their stress on close supervision and enforced repatriation, reduces the possibility of staying on illegally, although many of the earlier Asian migrants in the Middle East (e.g. Indians and Pakistanis) have stayed on illegally.

Data on stocks and flows of illegal migrants are a little more precise for the developed countries. The United States' own estimates of the size of its illegal alien population range from a low of 4 million to a high of 12 million. Around 1976, it was estimated that perhaps one tenth of the foreign workers in the EEC, or some 600,000 persons, were illegal migrants. France alone estimated that it had a stock of some 300,000 illegal foreigners,[4] while a Rome-based research institute estimated that there were as many as 500,000 illegal foreigners in Italy.[5]

Australia legalized the status of some 10,000 illegal migrants in its latest amnesty, although it acknowledges the presence of a far larger illegal population.

Clearly, one of the greatest obstacles to formulating effective policies to deal with illegal migration is the complete absence of reliable data, resulting in the dilemma of waiting until more data become available or acting on the available poor data, with the risk of misguided policy choices.

Not only is the size of the illegal migrant population unknown, or based on conjecture, in a majority of countries, but there are no hard data on rate of growth, age and sex composition etc., making any estimate of effects on population change mere speculation. Optimally, one would like to know the numbers of illegal migrants in a country as well as the numbers that entered in recent years; where they are located, both geographically and in the labour market; the rate at which they return to their homeland and how many remain permanently. In addition, information about age, sex, education and job skills would greatly contribute to informed policy-making.

Some general considerations

It is extremely difficult to construct a typology of illegal migration, or to analyse its causes at the global level, due to the complexity of the issue and the diverse contexts in which it occurs. An "illegal migrant" may be a person who crosses a land border between ports of entry to seek employment in a country such as the United States; a worker who is recruited by an unauthorized agency to work in a Middle Eastern country; a migrant worker in a Western European country who loses his job and fails to report the fact to the authorities; a tourist in any number of countries who decides to remain in a country and seek employment; a student who decides to overstay his visa; or a worker in a Middle Eastern country who changes his sponsor or breaks his contract without authorization; he may even be a world-be refugee who is denied asylum or declared to be an economic migrant.

In a majority of instances, illegal migration is a rational process: when, for example, illegal migration is really a continuation of traditional migration in the context of new nation-States or relatively new international borders; when it is a substitute for, or functional equivalent of, a foreign worker programme; or, more generally, when the movement is sanctioned or ignored by the authorities of the receiving country and there is little fear of reprisal. In such instances, the "illegal" migrant's motivation is probably little different from that of a documented migrant. In other instances, where illegal migration is a means of circumventing strict barriers to authorized migration, and where it may involve great personal risk and/or severe penalties, the motivation may be quite different and the system of rationality may be put to its extreme.

Although differences in the economic, political and social contexts limit generalizations, certain features of illegal migration are more or less universal. There is general agreement that economic factors are paramount in inducing persons to migrate illegally. Although illegal flows are often from relatively poor countries to countries with high GNP *per capita*, a comparison of aggregate rates of economic growth yields only a superficial explanation. A highly skewed distribution of income within a sending country, and regional economic inequality may be important determinants of illegal flows.

It has been widely shown that the level of remuneration in sending and receiving countries strongly influences the decision to migrate illegally. To cite only a few well-known examples: a Mexican migrant working in the United States of America has a chance to earn in a day what he earns in a week in Mexico.[6] A sample of undocumented Colombian migrants deported from

[3] Mexico's estimates of this flow range from a low of 480,000 to a high of 1.22 million, while the United States' most reasonable estimates range from 4 million to 6 million.

[4] Although the Government estimated that there were 300,000 illegal migrants, a total of only 115,000 persons came forth during France's recent amnesty (which ended on 31 December 1981).

[5] *Intercom* (July 1980).

[6] Whereas the magnitude of the real wage differential between the United States and Mexico averages about 7 to 1 for unskilled jobs, it can average 13 to 1 for agricultural work.

Venezuela in the mid 1970s had been earning more than three times the minimum monthly wage in Colombia, a ratio that is probably not uncommon in other cases.

Another important economic factor appears to be competition for scarce jobs. Research indicates, however, that it is not merely a lack of jobs but of reasonably well-paid jobs that fuels migration. For example, Mexico's National Survey on Migration to the Northern Border and the United States (ENEFNEU), a massive three-year study of undocumented Mexican migrants who were deported from the United States, found that a majority of migrants had had their first job in Mexico, suggesting that migration to the United States was not the first work alternative chosen.[7]

Whereas pull factors, such as better employment opportunities and higher wages, in the receiving country are widely acknowledged, a factor that is sometimes overlooked is the active recruitment of low-paid illegal immigrant labour by private employers.[8] There is general agreement that smaller industrial and service firms, which cannot readily pass on their labour costs, are the major employers of illegal migrants. Many of those firms continue to be labour-intensive, since there is no available technology to increase labour productivity, or it is beyond their means, hence the tendency to import low-cost labour to replace or supplement the domestic labour force, particularly in the case of enterprises that cannot easily export themselves abroad.[9]

Of course, it is not only current economic factors but sometimes long-standing economic and historical ties that explain illegal flows. In the case of Mexico and the United States, for example, research has shown that the historical links of Mexico's rural poor to the United States may be stronger than their links to Mexican cities, since rural-to-urban migration within Mexico did not gain momentum until well after migration from Mexico to the south-western United States had become firmly institutionalized.

Family ties are an important factor. Efforts to reunite families may sometimes lead to illegal migration. In many Western European countires, long waiting periods or, in the case of seasonal workers, bans on bringing in a worker's family have led these dependants to migrate illegally. In the United States of America, where the aim of immigration policy is to unify families, a system of preferences that emphasizes the nuclear family has sometimes separated extended families and led to the development of illegal mechanisms to effect reunification.[10]

Other personal and idiosyncratic reasons may also be involved. Tourists or foreign students sometimes decide to overstay their visas, although this was not their original intention. Other persons decide to migrate illegally when visas are not available, or when they are frustrated by long waiting periods and official red tape. The list of Mexican nationals wishing to migrate legally to the United States contains about one million names, for example, and it takes an average of seven years to obtain a visa.

There is also the case of false asylum-seekers or of persons who are denied asylum and deported as illegal migrants. In the case of the former, persons who are primarily motivated by economic factors attempt unsuccessfully to take advantage of liberal asylum laws and incur illegal status, as in the case of Pakistani and Turkish asylum-seekers entering the Federal Republic of Germany via Eastern Europe. In the second instance, the relative weight of political and economic motives may be unclear, but the Government of the receiving country decides that the migrants are not eligible for refugee status and may be deported for being illegal entrants, as in the case of Haitians in the United States, a topic that will be discussed in the following chapter. Clearly, the variety of causes and over-all complexity of the illegal migration phenomenon contributes to the difficulty that Governments have faced in formulating appropriate policies.

Increasing concern in a number of receiving countries over the impact of illegal immigration has been linked to the perception that stocks and flows of aliens are increasing, that they are moving into areas of the economy where they are likely to compete with local workers, and that economic and demographic trends abroad promise additional immigration.[11]

In assessing the impact of illegal immigration, the two areas that have received the greatest attention—and have resulted in the least agreement among economists—are the depression of wages and working conditions and the displacement of native workers from their jobs. Some economists believe that a large supply of inexpensive foreign labour in a country is responsible for depressing wages and working conditions and weakening the trade unions, particularly in large urban areas. Illegal aliens are often preferred by employers, who find them to be hard-working and productive employees. Of course, they may also be sought because of their oft-cited docility, which really amounts to their objective vulnerability as a direct result of their having crossed a political border.[12] In addition, many foreign workers are willing to accept jobs that native workers reject. This combination of circumstances, in the view of certain economists, can result in a general reduction in wages, health and safety conditions, and various fringe bene-

[7] Jorge A. Bustamente and Gerónimo G. Martínez, "Undocumented immigration from Mexico: beyond borders but within systems", *Journal of International Affairs*, vol. 33, No. 3 (Fall/Winter 1979), p. 281.

[8] One recent study by Piore suggests labour recruitment as the central mechanism for initiating a migrant flow (Michael J. Piore, *Birds of Passage: Migrant Labor and Industrial Societies* (New York, Cambridge University Press, 1979).

[9] Alejandro Portes, "Toward a structural analysis of illegal (undocumented) immigration", *International Migration Review*, vol. XII, No. 4 (Winter 1978), p. 473.

[10] See, for example, Vivian Garrison and Carol I. Weiss, "Dominican family networks and United States immigration policy: a case study", *International Migration Review*, vol. XIII, No. 2 (Summer 1979).

[11] Philip L. Martin and Marian F. Houston, "The future of international labour migration", *Journal of International Affairs*, vol. 33, No. 3 (Fall/Winter 1979), p. 317.

[12] Alejandro Portes, "Toward a structural analysis of illegal (undocumented) immigration", . . ., p. 474.

fits. It is also argued that if native workers are underbid by foreign workers, job displacement occurs. Since illegal immigrants are generally unskilled, any displacement would be likely to have an impact on the low-wage labour market.

Those who support the dual labour market theory have criticized these arguments, maintaining that foreign workers neither depress wages nor displace native workers. According to the latter, depressed wages and working conditions are not the result of an influx of foreign workers but are the cause of this influx. The argument centres on the assumption that, as a by-product of industrialization, a group of jobs exists that is characterized by unstable conditions and low status and wages. These jobs are rejected by native workers and must be filled by other sources of labour. It is therefore argued that native workers are not displaced by foreign workers who fill these jobs, and that removing low-wage foreign labour or increasing the wages in low-paying jobs would probably not create employment for native workers. Small businesses and agricultural enterprises unable to pay higher wages might be forced to close, and some manufacturing firms might move to foreign countries where they could still find cheap labour.

Economists who reject the dual labour market theory argue that drying up the source of inexpensive and, particularly, illegal labour would force employers to pay higher wages and would make capital investment in mechanization more profitable. In this way, the jobs at the bottom could be eliminated without adverse consequences.

Unfortunately, there are insufficient empirical data to determine which of these theories is correct. Even in a country such as the United States, where the subject has been much researched, there is continuing disagreement. (One expert has noted that it is likely that something of all of these processes has taken place: a certain amount of filling in of undesirable jobs, some displacement (unlikely to have been either massive or negligible), and some decrease of the awards to labour, although no one has been able to estimate how much of each exists and under what conditions.[13]

There is equal uncertainty about the extent to which illegal migrants use—and, as is often alleged, overburden—social services, even though this topic has also received considerable attention from both scholars and government officials.

While the debate continues in the receiving countries on the economic and social costs of illegal migration, the focus in the sending countries has been gradually shifting from concern over human rights issues and violations to efforts to measure the impact of illegal migration on the sending society.

Mexico, which has a growing body of scientific data with which to measure the economic and social costs of emigration, has become something of a pioneer in this field. The three-year National Survey of Migration to the Northern Frontier and the United States, involving a sample size of 350,000, used the educational level of migrants as a measure of the cost to Mexico of emigration, and found that the migrants had a median education higher than the Mexican average: four years' schooling as opposed to the national average of 3.1 years, while some 14.4 per cent had seven or more years of education. In analysing these data, Bustamante pointed out that, while the illegal emigration of Mexican workers to the United States was not always a definitive leakage, it was nevertheless an outflow of human capital that was producing away from where it was generated, at no cost whatsover to the economy of the receiving country. Although it was not comparable to the levels involved in the "brain drain", it was "a drain of human capital and a kind of subsidy that has not been yet conceptualized in the balance of payments between the two countries".[14]

In regard to the balance of payments, a brief word must be said on the subject of remittances from illegal migrants: flows of remittances are difficult to measure in any instance, and clearly more so in the case of illegal migrants, who often remit funds outside official channels. Even where research has been conducted, the results have varied significantly. In the case of Mexicans in the United States, a study by North and Houston tentatively estimated that undocumented workers were remitting about $1.5 billion annually, while another expert (Cornelius) placed the amount at $2 billion. Studies undertaken by the Mexican Government have placed the amount at nearer to $300 million. Of course, regardless of the debate over the national figures, whether they be in the hundreds of millions or billions, the salient point is that remittances are often significant at the regional level, and in some areas provide essential support for increasing proportions of the population, and it is the regional dimension that helps explain the power of migration.

Whereas there is little agreement on the amount, or even the rough magnitude, of remittances from illegal migrants, there are likewise few data on the ways in which remittances are used. Studies in a wide variety of national settings have indicated that the overwhelming majority of migrants—whether legal or illegal—invest little or none of their income in capital-generating activities in their home communities, although there are exceptions. Diez-Canedo has found, for example, that a growing textile industry financed by remittances from illegal migrants has developed in one area of rural Jalisco, Mexico.[15]

Another effect of illegal migration, often overlooked, is the impact on the workers themselves. The unique situation of the unskilled illegal worker may lead to many forms of exploitation, as well as severe psychological stress. In the case of Mexico's undocumented migrants, Portes notes that the act of crossing a political border places the worker in a weaker posi-

[13] Charles B. Keely, "The development of United States immigration policy since 1965", *Journal of International Affairs*, vol. 33, No. 2 (Fall/Winter 1979), p. 260.

[14] Jorge A. Bustamante and Gerónimo G. Martínez, "Undocumented immigration from Mexico: beyond borders but with systems", . . ., p. 283.

[15] Juan Diez-Canedo, "Migration, return and development in Mexico", Doctoral dissertation, Massachusetts Institute of Technology, 1980.

tion than legal immigrants, since it formally confronts him with the enforcement apparatus of the receiving State. The worker's illegal status also prevents him from openly challenging working conditions and participating in collective bargaining, a situation that may be "appropriated" by employers in the form of a higher rate of profit.[16]

Major policy responses

Governments' perceptions of illegal migration and related policies vary greatly from one country to another and reflect both the broad range of national legislation and how it is applied in practice.

Policies sometimes vary according to the nature of the unauthorized migration: i.e., whether it consists of a technical violation of immigration law or a short overstay of temporary admission, or whether it consists of illegal entry or even forceful occupation of sovereign territory and defiance of authority. Some Governments apply uniform policies, however, regardless of the nature of the offence.

Policies vary, and, of course, change over time, in relation to the size and perceived characteristics of the illegal migrant population. A Government is likely to be more tolerant of the presence of a small number of visa-abusers, of migrants who possess needed skills, or of migrants who settle in an under-populated area that has manpower shortages, than of an influx of vast numbers of illegal migrants who duplicate the skills of the local population, or who settle in a densely populated area (where they are perceived to engage in criminal activities or to foment unrest).

Policies reflect not only the nature and characteristics of the illegal migrant population but also the political, economic and social conditions of the receiving country. A Government's perception of an illegal flow may change following an upsurge of nationalistic sentiment, in response to fears over national security, or following a war or other dispute with another country (which often leads to the explusion of nationals of that country). A policy change may also reflect economic conditions. Indeed, it is well known that in many countries of attraction, enforcement varies according to economic circumstances, with a lenient enforcement policy in times of economic prosperity and more vigorous enforcement during an economic downturn. Policies also reflect and change in response to perceived negative social and cultural impacts, such as rising crime, domestic violence, the undermining of traditional values etc.

Expulsion or deportation, which is the most extreme policy response, occurs in various circumstances. Some countries resort to expulsion only for certain categories of offences; other countries deport all persons who contravene immigration laws. In the United States of America, for example, all categories of illegal migrants, from persons who enter without inspection to those who overstay their visas, and including both adult newcomers and persons who entered illegally as children and were raised in the society, are subject to deportation.[17]

Of course, the conditions under which deportation occurs may vary widely. In many pluralist societies, illegal migrants have a right to a hearing before an immigration judge or other public official (although this right is often waived). In other societies, migrants are rounded up by the police and forcibly expelled.

At the opposite extreme, amnesties—and subsequent regularizations—have been declared in a number of countries, for varying motives and with varying success. Amnesties have sometimes been advocated on the grounds that to allow large numbers of persons to retain their illegal status would perpetuate a permanent underclass, subject to exploitation from various sources. Moreover, to deport persons who have lived in a country for extended periods and who have developed networks of interpersonal relations would be inhumane. Amnesties have also been announced for pragmatic reasons. In the United States, for example, it is widely believed that only by regularizing the status of undocumented migrants residing in the country can scarce personnel be deployed to prevent a future build-up of illegal migrants.

In many instances, amnesties have been an attempt to establish some control over ongoing illegal flows, or to force persons to bring their situation into alignment with the laws of the receiving country. Amnesties have been sometimes employed to encourage persons to come forward so that some type of census could be taken (and their status regularized). In other instances, amnesties have been essentially a pretext to round up and deport large numbers of undocumented migrants. Ultimately, amnesties are a means not only of controlling but also of reducing illegal flows.

Amnesties have frequently had lower response rates than had been anticipated. One reason for this is that the proportion that comes forth to register varies according to their perception of the likelihood of being deported and, most importantly, of their likelihood of being apprehended in the first instance. Another reason for low response rates may be technical and bureaucratic obstacles. Some of the features of Argentina's 1974 and 1976 amnesties provide an example: applicants had to present birth, good conduct and nationality certificates and, if married, their marriage certificate, along with information on their parents. Brazilian and Uruguayan nationals who had been residing in Argentina for less than three years had to return to their country of origin to obtain the required documentation in person. Once these formalities had been completed, the required documentation had to be notarized and presented to the authorities at regular intervals in order to obtain the residence permit on a continuing basis. An additional obstacle was a $40 fee (for workers with a minimum monthly wage of $45), which had to be deposited in a certain bank (of which the nearest branch was 100 kilometres from some migrant settlements). A further problem, and one that has been encountered in other amnesties, was verifying

[16] Alejandro Portes, "Toward a structural analysis of illegal (undocumented) immigration", . . ., p. 474.

[17] The United States returns over 95 per cent of violators who are apprehended.

the worker's length of residence since there was no official record of his employment.

Amnesties may also create difficulties for the receiving country. Premature announcement of an amnesty, for example, can serve as a powerful magnet for accelerated flows of new illegal migrants seeking to enter before enforcement is made effective.[18]

Between deportation and amnesty, a whole range of measures, both *ex ante* and *ex post*, have been employed. Certain Governments have introduced more stringent requirements for granting visas or have increased documentary controls. A number of countries focus chiefly on documentary control to ensure that immigrants do not violate the conditions of their admission or stay beyond the authorized time. Efforts at documentary control range all the way from non-counterfeitable documents to computerized data banks. New Zealand, for example, has introduced a computerized monitoring system to follow up temporary permit holders.

Border or frontier controls, which have been rather ineffective in countries with long land frontiers such as the United States have also been employed. Frontier controls have been similarly evaded in the smaller Western European countries, as shown by the growing emphasis on employer sanctions in most EEC countries.

A number of countries have concluded bilateral agreements for the purpose of introducing measures to prevent the departure of illegal migrants and to solve the problem of "fake tourists". France and Mauritius, for example, agreed upon a visa requirement following the detection of a growing number of irregular immigrants from the latter country. Other bilateral agreements, such as the one between Argentina and Bolivia, provide that the parties will take all the necessary measures to prevent illegal migration between the two countries.

Other countries have found, however, that strengthening frontier controls and co-operating with the major sending countries are not sufficient, and that such measures have to be supplemented by regulation of the labour market and/or action against those who employ illegal migrants. A safeguard against the employment of illegal immigrants employed in a growing number of countries is the work permit system, under which the worker must typically have a work permit or the employer must obtain authorization to employ a foreign worker. Supplementary measures include the requirement that the worker enter the country legally, or that the contract between the employer and worker not be made through an illegal intermediary or unauthorized recruitment agency.

Provisions requiring employers to provide the competent authorities with information on all foreign workers in their employ, as well as informing the authorities of the termination of the migrant worker's employment, are additional measures commonly used.

With respect to enforcement, a number of countries assign responsibility to a labour inspection service or other labour authorities to ensure that no migrant workers are employed illegally. In other countries periodic inspections of establishments known to employ illegal workers are carried out. Moreover, civil and penal sanctions, including large fines and imprisonment, are sometimes levied on employers of illegal migrants.

A number of Governments have expressed reservations in connexion with sanctions against employers. Australia, for example, has pointed out that such provisions usually contain no time limit. Thus, an employer could be liable for prosecution for employing a worker who had immigrated illegally many years before. The United Kingdom maintains that, since it does not have a national system of documentation such as the compulsory carrying of identity cards, employer sanctions are not legally justifiable. In order to prevent unfair treatment of employers, some countries require that the employer must have acted "knowingly" or "negligently" or have been a habitual employer of illegal workers.

Introducing, and ensuring the observance of, appropriate measures for the recruitment of migrant workers, their departure from the home country, and placement in employment in the country of immigration are widely considered to be among the best ways of preventing illegal movements of workers. Temporary worker programmes are sometimes advocated as a means of reducing illegal migration. The recruitment of a total of some 30 million foreign workers in the receiving countries of northern and Western Europe during the 1960s and 1970s undoubtedly contributed to these countries' lower rates of illegal migration, compared, for example, to the United States, although the large-scale employment opportunities in the former, combined with strict employer sanctions and mandatory identity cards, did not prevent some illegal migration.

The United States has been considering a temporary worker programme as a means of reducing illegal immigration. The type of programme envisaged would be of the true temporary worker type, closer to Europe's seasonal and frontier workers than to its former "guest workers", whose numbers and movement were expected to be controlled by the "rotation principle". Of course, there are other fundamental differences. The proposed temporary worker programme in the United States would be a way of responding to and establishing control over an ongoing illegal influx, and the programme would, in a sense, be made to conform to the illegal flow. Indeed, under the United States' latest two-tier amnesty proposal, undocumented migrants currently working in the country would have their status converted to that of temporary worker (although they could convert their status to permanent resident after a 10-year waiting period).

Institutional arrangements

A brief word must be said on institutional arrangements to curb illegal flows. At the national level, institutions that deal with illegal migrants are typically

[18] A recent example of this phenomenon occurred in France in 1981; Large numbers of Turkish and Pakistani migrants who had been residing illegally in the Federal Republic of Germany crossed the border into France following the announcement of its amnesty.

primitive ones, and often consist of the police or border authorities. Collaboration sometimes takes place on a regional basis. The Andean Instrument, originally concluded by Bolivia, Colombia, Ecuador, Peru and Venezuela, seeks, among other things, to overcome problems of illegal migration, and it provides for the introduction of sanctions against recruiters, intermediaries and employers of illegal migrants.

Multilateral action has also been taken in Africa, where the Organization of African Unity has established an *ad hoc* committee, composed of representatives of Algeria, Benin, Botswana, Tunisia, the Organization of African Trade Union Unity and the Pan-african Employer's Organisation, to draw up a model agreement on migrant workers with a view to enabling countries to limit illegal migration. A further example is the effort of EEC during the late 1970s to develop uniform legislation on illegal migration and related issues. (Although the debate reflected an important current of opinion regarding illegal migration in Europe, the non-binding directive which was the end-product of these debates was perhaps more a reflection of the broader political goals of EEC than of changes in the policies of individual countries.)

Generally, such multilateral efforts have a number of limitations. Whereas they may have some impact on intra-regional movements, they have had considerably less on long-distance flows, which have usually been dealt with on a bilateral basis. Most importantly, illegal migration is a sensitive area in which most countries continue to exercise considerable national sovereignty.

Regional overview

Africa

International migration in Africa has frequently been an extension of internal migration, with migrants crossing international boundaries without documentation, often in continguous border areas or in regions that were artificially separated by colonial boundaries. Although there are few data on such flows, and even less information on policies, a number of broad policy developments can be observed.

Clearly, a significant amount of illegal migration, both immigration and emigration, has arisen in connexion with the rapid growth of the capital-rich countries of North Africa and the Middle East. The Libyan Arab Jamahiriya is the chief labour-importing country in North Africa, as well as the chief country of attraction for illegal migrants. The Government has sometimes dealt rather severely with such movements, as when it forcibly expelled as many as 40,000 Tunisian migrants in 1971/72 and when it called out troops to close the Libyan-Tunisian border. While the Government's actions have sometimes been motivated by political factors, such as when it repatriated large numbers of Egyptians in 1977, economic factors, such as concern over increasing dependence on foreign workers, who sometimes duplicate the skills that nationals are capable of providing, have also played a role.[19]

Tunisia, as previously noted, has been the source of large numbers of illegal migrants, particularly in the wake of the Government's official policy of discouraging migration for employment. A majority of those who depart illegally are farmers from the southern part of the country who slip across the border into the Libyan Arab Jamahiriya.

Unlike the situation in Tunisia, which involves border crossings and short-distance flows, illegal departure from the Sudan has involved long-distance movement, as well as a "brain and skill drain", which had aroused growing concern in official circles. It has been estimated, for example, that as many as 70 per cent of the Sudanese labourers in Saudi Arabia during 1977/78 were employed on an illegal basis, in spite of the provision in Sudanese law that persons seeking work abroad should have a valid passport and register at the appropriate employment office.[20] The Sudan also is host to a significant illegal migrant population; some 900 illegal immigrants were arrested in October 1981 in an attempt to advert subversion.

In most of sub-Saharan Africa, national frontiers traditionally have been comparatively open. As Adepoju notes, migration across national boundaries, particularly in West Africa, was common prior to the attainment of political independence, and the subsequent consolidation of boundaries had a minimal impact, with migrants moving quite freely and unhindered by artificial "frontiers".[21] Although large-scale undocumented movements across national frontiers are still common to much of the region, the trend is towards increasing the limitations on international movements, in spite of the fact that economic and socio-political inducements to move across national boundaries continue to be quite strong.

Illegal migrants in Africa come from a variety of sources. To begin with, it is widely agreed that the number of officially recognized refugees is far below the total number of persons involved in such flows, and there may be at least as many undocumented persons who cross international frontiers to move away from intolerable political conditions as there are recognized refugees. In addition, there is a continuing amount of undocumented migration for economic reasons that is tolerated or even encouraged by the Governments of the receiving countries. Such flows are sometimes seasonal, most often for a period of several years, and sometimes last for a lifetime, although they rarely result in citizenship in the country of immigration. Finally, in many of the countries, there have been traditional migration flows of very long standing, such as the migration of religious pilgrims to Mecca from the Sahelian countries, which usually involved the pilgrims in an extended stay in the Sudan before they proceed on to Mecca. Traditionally, this migration was

[19] J. Birks and S. Sinclair, "The Kingdom of Saudi Arabia and the Libyan Arab Jamahiriya: the key countries of employment" (ILO doc. WEP 2–26/WP.39, May 1979), p. 49.

[20] International Labour Office, *Migrant Workers: Summary Reports . . .*, p. 110.

[21] Aderanti Adepoju, "Migration and socio-economic change in Africa", *International Social Science Journal*, vol. 31, No. 2 (1979), p. 210.

undocumented but not considered illegal. The migrants often spent several years travelling overland through several countries, with long stays for employment at various stages of the journely. Until recently, such movements were not only tolerated but to some extent welcomed by the receiving countries.

As a result of such migration over the years, there are large stocks of aliens in many of the African countries. Some of these communities have persisted for generations, usually without formal authorization, although in recent years many of these communities have found their status shifting from that of undocumented, but tolerated, to that of illegal. A widely discussed example, but one that was in no way unique, was the enforcement of the Alien Compliance Act in Ghana in 1969, which took the form of an administrative order by which aliens without a residence permit were given two weeks to obtain a permit or leave the country. A precise estimate of the numbers who departed does not exist, although the flow is estimated to have consisted of between 200,000 to 500,000 persons.

In addition to such *ad hoc* expulsions, African Governments have been making more extensive use of documentation and border controls to regulate international migration. Visas, as well as residence and employment permits for long-term visitors, are increasingly required of all persons entering a country and not just for overseas migrants, as in the past. Penalties for violation of such requirements are usually expulsion and, in some cases, fines or imprisonment. To cite only a few examples, Nigeria has indicated that frontier formalities have been increased in an attempt to control the number of illegal migrant workers entering the country. Zambia has adopted a similar policy: the Department of Immigration has taken such steps as scrutinizing aliens more closely at ports of entry; border patrols have been increased and the local police have been authorized to assist the Immigration Department in apprehending illegal migrant workers.[22]

One safeguard against the employment of illegal migrants that has been taken in a number of countries, including Botswana, Gabon, Mauritius, Rwanda, Sierra Leone, the Sudan and Tunisia, is the requirement that all workers obtain a permit.[23] In the case of Zambia, the employer must check on an immigrant's status before offering employment, and the permit must be obtained before the worker enters the country. In order to detect and suppress illegal employment, the United Republic of Tanzania requires that employers transmit information to immigration officers on all migrant workers in their employ. Botswana and the Niger have labour inspection services that are responsible for ensuring that no migrant workers are employed illegally, while in Mali this function is performed by the labour authorities.

South Africa, which has one of the world's most rigid labour systems, has tightened controls to prevent the employment of illegal migrant workers, following the recommendations of the Riekert Report. Before 1979, comparatively few workers used South Africa's system of labour bureaux but rather found work directly in urban areas by applying during an entitled 72-hour visiting period. Since 1979 the burden of influx control has been shifted to employers, penalties have been increased, and there have been crackdowns on illegal squatter settlements.[24]

A number of countries now apply strict penalties, such as imprisonment and expulsion. Nigeria reported to the ILO that when it came to the notice of the appropriate authorities that there were illegally employed migrant workers in the country, the case was investigated and offenders prosecuted in accordance with the Immigration Act of 1963, which provides that "no persons other than citizens of Nigeria shall take up employment in the country, except with the consent in writing of the Chief Federal Immigration Officer".[25]

Botswana's Immigration Act (1966) gives an immigration officer the power to detain anyone suspected of being an illegal entrant for a period not exceeding 14 days.[26] In addition, the Department of Labour undertakes labour inspections to ensure that no foreigners are employed illegally.

In mid 1979, Gabon announced that a census would be taken of all foreigners in the country, and those whose status was irregular would be immediately repatriated to their respective countries.

In its reply to the Fourth United Nations Population Inquiry (1978), Sierra Leone, which receives heavy illegal migration from neighbouring Guinea, reported that its policy called for the repatriation of all illegal immigrants, while Somalia reported that illegal migrants were imprisoned.[27]

Ivory Coast, a major pole of attraction for both legal and illegal workers, has had recent large-scale detentions of suspected illegal entrants.

East Asia

China

In recent years, growing numbers of Chinese nationals have entered Hong Kong illegally, where they have been drawn by higher wages and, occasionally, family ties. Since 1974, Hong Kong's policy has been to repatriate illegal immigrants the day after they are apprehended. By administrative convention, however, those who avoided detection long enough to reach a "base"—usually the house of a relative or friend—were allowed to stay. During the period 1976–1980 it is estimated that some 400,000 Chinese migrants "touched base" and stayed.[28]

[22] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 151.

[23] International Labour Office, *Migrant Workers: General Survey by the Committee of Experts on the Application of Conventions and Recommendations* (Geneva, 1980), p. 77.

[24] Fion de Vletter, "Migrant labour conditions in South Africa: a case study of the gold mines" (ILO doc. WEP 2–26/WP.49, August 1980), p. 5.

[25] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 6.

[26] *Ibid.*, p. 19.

[27] *World Population Trends and Policies: 1979 Monitoring Report, vol. II. Population Policies* (United Nations publication, Sales No. E.79.XIII.5), p. 64.

[28] *Far Eastern Economic Review* (17 July 1981).

In addition to this illegal flow, tens of thousands of Chinese nationals (some 70,000 in 1979) entered Hong Kong legally with permits from the Chinese Government that were valid for 3–12 months. The Hong Kong Government allowed nearly all of these persons to stay permanently in the Colony, where they were known as "overstayers".[29]

For a number of years, this situation was acceptable to both the Chinese and the Hong Kong administration. For the former, it was a source of hard currency; for the latter, it was a source of labour in an economy that was growing at a rate of 10 per cent per annum. By the late 1970s, however, the pressure of the large Indochinese refugee influx was beginning to be felt. (Unlike most other Asian countries, Hong Kong's refugees were allowed to work while awaiting resettlement.) This, and a combination of other factors, such as imported inflation and world trends towards protectionism, led to a gradual and then a firm tightening-up of Hong Kong's policy.

In 1979, a year in which some 90,000 Chinese nationals were arrested, the British Government began to exercise diplomatic pressure on China to curb illegal emigration, and the Chinese Government complied, instituting strict penalties, such as five years' hard labour for a first offence and, reportedly, execution for a third attempt.[30] The announcement of the stricter penalties, which came into effect in January 1980, caused illegal immigration to rise to a peak during December 1979, when some 15,000 persons were arrested.

In spite of such measures as increased border patrols and the construction of a high fence along both sides of the border, illegal migrants continued to leave China in significant numbers. As a result, in October 1980, Hong Kong changed its policy, cancelling the "touch-base" rule and banning employment of unregistered persons, with a penalty of $9,000 and a year's imprisonment for employers who did not comply.[31]

Illegal immigrants from China were given a 72-hour amnesty, during which they could register for identity cards. An estimated 6,000 Chinese from Macau, as well as some 700 Indians and Pakistanis, who were illegal residents of Hong Kong, were not included in the amnesty, nor had they previously qualified for the "touch-base" policy. When the latter group petitioned for an amnesty, the Government decided to hear appeals against deportation, considering such factors as length of stay and legitimate ties with the Colony.

South Asia

Eastern South Asia

In eastern South Asia, as in other regions of the world, illegal migration follows, or accompanies, legal flows.

This is nowhere more evident than in Singapore, which has drawn large numbers of legal and illegal foreign workers, particularly from Malaysia. For more than 20 years, Singapore has had legislation to curb illegal flows. Singapore's Immigration Act seeks "to detect, prevent and suppress illicit and clandestine movements of migrants into Singapore, either for employment or otherwise, and to act against organizers of illicit or clandestine movements".[32] Under the Employment Agency Rules (1958), no licensed agency is allowed to place non-citizens for work in Singapore, or recruit local citizens for work outside Singapore, without the written permission of the Commissioner for Labour. It is also illegal for any unlicensed agency to recruit either foreign or local citizens for work within or outside Singapore. The Government's concern over unregulated recruitment stems in part from the fact that it derives substantial revenue from taxing multinational enterprises that employ foreign workers in Singapore.

The other major illegal flows affecting eastern South Asia are outward ones, involving illegal employment in such regions as the Middle East. Typically, these movements occur with the complicity of illegal recruiters and other traffickers in manpower, due to the great distances and high transportation costs involved. Concern among affected Governments stems not only from violations of their nationals' human rights but also from the fact that they are less able to control remittances.

There has been a significant rise in the number of illegal recruiters in the Philippines, with the practice becoming so widespread that government television broadcasts warnings against unauthorized recruiters. In May 1980 the Government declared illegal recruitment to be an act of "economic sabotage" that was punishable by execution.[33] A Task Force on Illegal Recruitment was also established, although it was not entirely effective, since fewer than half of the cases are apparently reported.

Thailand has faced similar problems with illegal recruiters. In order to curb the numerous abuses committed by many of the 265 recruitment firms operating both within and outside the country, the Labour Department reported in early 1978 that it would issue no new licences to recruit for an indefinite period.[34]

In recent years, another important interregional flow has been that of Indonesian labourers to Malaysia. The large proportion of illegal migrants in the total flows were long ignored by the Malaysian authorities and encouraged by business interests. Indeed, labour-intensive industries, which have been faced with labour shortages, have been eager to attract Indonesian labourers, particularly since skilled local workers in such sectors as construction have been demanding higher wages.

In the construction industry in Johor Baru, which has had severe labour shortages due to the departure of many Malaysians for Singapore (where they find

[29] "China and Hong Kong: a border with two faces", *The Economist* (24 November 1979).

[30] *The New York Times*, 5 July 1980.

[31] "Hong Kong: thousands in a legal limbo", *Far Eastern Economic Review* (28 November 1980).

[32] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 105.

[33] "Exported . . . then exploited", *Far Eastern Economic Review* (26 September 1980).

[34] "In Bangkok, a free-for-all", *Asiaweek* (18 January 1980).

work in its construction boom at three times higher wages), some 70 per cent of the unskilled construction workers are illegal migrants from Indonesia. In addition, an estimated 20,000 Indonesians work on plantations and in logging camps, while the Federation of Malaysian Manufacturers estimates that over 60 per cent of its workers may be illegal migrants from Indonesia. The total number of illegal Indonesian migrants working in Malaysia has been estimated in the range of 100,000 to 300,000.[35]

Following an upsurge in crime in Johor Baru, where there are an estimated 100,000 illegal Indonesians out of a total population of 1.3 million, the Government adopted a stricter policy, arresting some 2,000 immigrants during 1980 and deporting about half that number. Although there has been some discussion of establishing a temporary worker programme, illegal migrants continue at present to be deported.

Middle South Asia

Middle South Asia has experienced some problems with illegal flows. With one of the highest *per capita* incomes in the region, Sri Lanka has attracted undetermined numbers of illegal immigrants. The Government has adopted strict controls and has established a Task Force on Illicit Immigration to prevent the entry of illegal migrants. In addition to surveillance of the northern coastal area, the police and the Department of Immigration carry out combing operations; illegal migrants who are detected are arrested and subsequently deported, and employers who harbour illegal immigrants are also prosecuted.[36]

Pakistan's chief problem has been illegal emigration. As in the case of the Philippines and Thailand, Pakistan is concerned with the potential loss of foreign exchange if remittances do not go through normal channels. As a result, penal sanctions were laid down in its 1979 Emigration Ordinance to check illegal emigration. Unlawful emigration is now subject to five years' imprisonment and/or a fine and seven years for a second offence, while unlawful recruitment is liable to up to 14 years' imprisonment or a fine, or both.[37]

While Indian law restricts illegal emigration, problems have arisen over the presence of millions of Bengalis which is claimed to be illegal. Over 40 per cent of the 19 million inhabitants of the State of Assam are Bengalis, and the Assamese maintain that at least 5 million of these are illegal aliens. Although the Assamese students who are leading the movement request that all "illegal" immigrants be expelled from the country, the Indian Government has rejected their demands.

Western South Asia

Arab countries

Long, open and uncontrolled borders have made clandestine migration for employment relatively easy in the region of the Economic Commission for Western Asia (ECWA) and have shaped the informal attitude of many Arabs towards migration. A factor that contributed to this attitude was a legal tradition that citizens of other Arab countries should enjoy special rights of entry. At present, however, only one country in the region, the Syrian Arab Republic, extends that right in blanket fashion to all other Arabs, permitting entry, residence and employment of Arabs from other countries with minimal requirements (although the Syrian Arab Republic is, of course, chiefly an exporter of labour). A few other countries in the region offer special privileges of entry to citizens of one or two neighbouring countries. Yemenis, for example, are eligible to receive four-year permits to reside in Saudi Arabia with minimal formality, and Kuwait has made it comparatively easy for Palestinians to obtain citizenship. For the most part, despite their common Arab-Islamic culture, the labour-importing countries do not grant any official preference to Arab migrants, and the few labour exchange agreements that exist have only been ratified by the labour-surplus countries in the Arab world.[38]

Moreover, Governments in the region have been developing an elaborate system of controls for their large and rapidly expanding migrant populations. One measure that has been adopted is the tightening up of controls over religious pilgrims to prevent their overstaying and entering the labour force. Another has been the development of elaborate safeguards, whereby a migrant worker now needs an entry visa, a residence permit, a work permit, and a sponsor in a majority of countries. The sponsorship system works as follows: although the Governments of the major labour-importing countries are not involved directly in recruitment, immigrants may not be admitted without official work permits. These are delivered to the sponsor, who then becomes responsible before the authorities for the workers he has recruited. On arrival in the country, immigrants are required to surrender their passports to their sponsors and may not change sponsors without the consent of the original sponsor. Immigrants whose contracts are not renewed are legally obliged to return to their country of origin unless they obtain another contract with a different sponsor. Immigrants who leave their sponsor without his authorization are considered "illegal", may not be employed by other sponsors and are pursued as fugitives by the police.[39]

The receiving countries' increasing emphasis on importing Asian manpower, particularly in "project packages" whereby the workers are repatriated at frequent intervals will, of course, be an additional means of controlling illegal flows.

Looking at the policies of a number of individual countries: In legislation approved in 1979, Kuwait requires that, upon the expiration or violation of a worker's contract, the employer must submit a request for

[35] "Malaysia's labour pains", *Far Eastern Economic Review* (23 October 1981).

[36] "Illicit immigration", *Sri Lanka Yearbook, 1977*.

[37] "Pakistan: legislation protects overseas job seekers", *Social and Labour Bulletin*, No. 3 (March 1979), p. 314.

[38] Hafedh Chekir and Jean-Pierre Garson, "North African migration to the Arabian Gulf", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.12), p. 5.

[39] *Ibid.*, p. 7.

the annulment of the worker's residence permit to the Ministry of Social Affairs and Labour. An additional copy that is endorsed by the border police as proof of the worker's departure must also be submitted, or the Government will suspend relations with the employer.[40]

In the spring of April 1981, the Government of Kuwait deported scores of foreign workers after the country experienced a wave of social and political crimes. The Government reported that the action was aimed at those who were "illegally residing in the country and for their failure to respect the hospitality accorded to them".

Saudi Arabia has received increasing numbers of illegal migrants over the years. The annual pilgrimage to Mecca—which involved an average flow of 70,000 migrants per annum during the years 1973–1978—has been a major source of illegal migrants and the Government has intensified expulsions following the annual pilgrimage period.[41] The Government's previous policies towards the import of manpower, which technically required, but did not enforce, permit requirements and which enabled certain groups, such as the Yemenis, to enter the country without passports or visas, inadvertently facilitated illegal movements.

Saudi Arabia has adopted stricter laws in recent years. In 1978 the Government attempted to legalize and formalize all employment and to bring about compliance with the law that required every migrant worker to have a sponsor. Following an amnesty in early 1978, during which migrants without sponsors and/or permits were allowed to register without penalty, an estimated 100,000 persons regularized their status and received residence and employment permits. No figures are available on the numbers that were eventually deported, although landlords and employers faced prosecution at the end of the amnesty period if they did not report any illegal aliens who were known to them.

Under Saudi Arabia's present labour law, no work permit is issued unless the applicant has entered the country legally and satisfied the conditions for residence prescribed by law, and unless he has a contract guaranteed by a Saudi Arabian employer (or a non-Saudi Arabian authorized to employ him in conformity with the laws on foreign investment). These efforts have not reduced illegal immigration, and in 1979 the Government was reported to be considering a computerized system to carry out checks of suspected illegal migrants, since uncontrolled immigration was perceived to be a threat to the Islamic basis of the Saudi régime.

The United Arab Emirates also became concerned that the large numbers of expatriates working in different parts of the Emirates had changed sponsors without proper registration, and the Government began tightening its visa regulations early in 1979. The Government warned that punishment could involve up to three months' imprisonment and a fine of DH 1,000, for both the violater and the employing company. In the following year, the Government further firmed its labour laws. Foreign workers—including some 400,000 Indians, Pakistanis and Bangladeshis—were given until June 1980 to regularize their papers and to comply with the requirement that they be sponsored by a citizen or a recognized company. All persons working for employers other than their original sponsor, or who had been sold sponsorship papers and subsequently found work on their own, were subject to expulsion, while workers without passports were liable to be jailed prior to deportation.

In mid 1980, Lebanon's Ministry of Labour requested that the Public Security Directorate decline to grant more than a 15-day residence permit to foreigners who entered Lebanon with a tourist visa, unless they had previously obtained a work permit. This was to prevent their "competing with the Lebanese labour force" by extending their residence permits to six months, one year or longer. The Ministry also requested that foreigners who were legally employed in Lebanon should not be accompanied by family members, bringing Lebanon's policy into line with those of other countries in the region.

Latin America

Traditionally, illegal migration between Latin American countries has attracted little attention. Much of the movement occurred in frontier regions that are physically and culturally undifferentiated, and Governments regarded such movements as natural phenomena. In recent years, illegal movements have increased, as a result of both widening disparities in the level and pace of economic growth and improvements in the transportation infrastructure. Although the flows are difficult to measure, they are known to be large, both by absolute standards and in proportion to the population and labour force of many of the countries involved.[42]

The policies of the chief receiving countries have differed widely, but appear to be gradually converging. The police are generally responsible for controlling immigration in most Latin American countries and work permits have seldom been required. While receiving countries have increasingly restricted the access of illegal migrants to the labour market, a majority of migrants continue to bypass frontier checks, leading a number of Governments to adopt stricter policies, for reasons that range from the displacement of native workers to concern over national security.

Caribbean

The population of the Caribbean has long been one of the most mobile in the western hemisphere. Although a significant amount of movement has been extra-Caribbean, a large interisland movement has also been part of the frame of reference of Caribbean people. Since migration from the Caribbean to the developed countries has slowed considerably in recent

[40] *Ibid.*, p. 33.
[41] *Ibid.*, p. 14.

[42] The total number of intra-continental migrants in 1975 is estimated to have been of the order of 5 million, of whom some 3 million were migrant workers, 400,000 were frontier workers, and the remainder were family members.

years, the main outlets for legal and illegal migration have been those Caribbean countries with greater opportunities for employment. This trend now appears to be changing, as the receiving countries adopt more restrictive policies.

Large numbers of Haitians entered the Bahamas illegally beginning in the early 1960s, many as a first step in stage migration to the United States of America. This situation began changing after 1978 when, in a context of high unemployment, and with 25 per cent of all births attributed to non-Bahamians, the Bahamas launched an intensive campaign to rid the islands of illegal migrants. Initially, the Government ordered the expulsion of some 20,000 illegal Haitians and then began a second campaign to expel an additional 30,000 to 40,000, setting a deadline of mid 1979 for their voluntary departure. Although large numbers of Haitians did depart, chiefly for the United States, an estimated 25,000 remained in the Bahamas. As a further measure, in October 1980 the Bahamian Government announced that all Haitians living in the country would be given 12 weeks in which to come forward for deportation, after which they would be prosecuted.[43]

Barbados, with its high population density, and Trinidad and Tobago, which, in spite of its new oil wealth, has a severe housing shortage, have become similarly strict on the issue of illegal immigration.

Whereas the receiving countries in the Caribbean region have become increasingly restrictive, the emigration countries, whose nationals migrate both within the region and to such destinations as Venezuela and the United States, have generally approved—or at least not acted to restrict—such flows. Haiti, for example, which by law requires emigration permits, has permitted both documented and undocumented emigration to proceed freely, since emigration has reduced pressure on limited resources and has been an important source of foreign exchange, contributing about 5 per cent of GNP in recent years.[44]

The Dominican Republic has acknowledged the impact of emigration in bringing about a desired reduction in population growth, as well as the positive effects of remittances on its balance of payments.[45] Illegal emigration from the Dominican Republic follows a somewhat different pattern from that of Haiti, since departure with documentation is generally the rule. As the Government reported to the ILO: "individuals or small groups of persons travel to North America or Venezuela as tourists and remain longer than authorized. The Dominican authorities and those of the countries referred to are adopting appropriate measures to discourage this practice and are taking legal proceedings against the guilty parties".[46]

[43] *The New York Times*, 18 January 1981.

[44] United States of America, "Haitian migration to the U.S.", *Department of State Bulletin*, vol. 80, No. 2041 (August 1980), p. 75.

[45] *Population Policy Compendium: Dominican Republic*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (September 1979).

[46] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 37.

The Dominican Republic also receives illegal immigrants, chiefly seasonal agricultural workers from Haiti who remain beyond the expiration of their work permits. This movement is generally tolerated, since the Haitians perform difficult work for considerably lower wages than nationals and serve as replacements for Dominicans who migrate to urban areas.

Middle America

Middle America has long been the site of significant intra-regional migration flows, which are predominantly illegal. Some flows occur in contiguous border areas, such as across the border between Colombia and Panama, which once formed a single national unit. Other flows are largely seasonal (and spontaneous), such as the migration of Guatemalans to harvest coffee and tobacco in southern Mexico, and of Nicaraguans to harvest cotton in Costa Rica. Since the predominant illegal flows have been from high-density to lower-density areas—from El Salvador, for example, to Honduras and Guatemala—population pressure has been assumed to be an important causal factor. The situation is now acknowledged to be considerably more complex. Durham, for example, in his 1979 study of the events leading to the war between El Salvador and Honduras, proposes that "competitive exclusion", or the process by which poor peasants are denied access to farm land, was more important than population growth of density in producing illegal migration from El Salvador to Honduras.[47]

Honduras is the one country in the region with an explicit policy to restrict illegal immigration. This policy, which has been in effect since 1971, is designed to maintain a balance at the regional level between the native and immigrant populations, establish strong national population clusters along the frontiers, and attract skilled immigrants.[48] It has met with little success, however, and the predominant flows are still those of unskilled agricultural workers (and refugees) from neighbouring countries.

Although much undocumented migration occurs within the region, outward flows have been increasing. Mexican nationals account for the greatest number of aliens who enter the United States of America without inspection, but a growing number of migrants from other Middle American countries, who have travelled thousands of miles through Mexico to the border, have been apprehended by United States authorities.

Mexico continues to be a major emigration country, with illegal emigration remaining a sensitive political issue for the Mexican Government. The present administration has acknowledged that the emigration of large numbers of undocumented workers to the United States is an important matter to be negotiated with that country. It has emphasized that the problem of emigration is closely related to that of unemployment and that Mexico does not currently have the capacity to

[47] William H. Durham, *Scarcity and Survival in Central America* (Stanford, California, Stanford University Press, 1979).

[48] Susana Torrado, "International migration policies in Latin America", *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 431.

resolve fully its unemployment problems, although increased assistance from the United States (through trade measures, for example) has been acknowledged to be a possible means of reducing the pressure on Mexican nationals to emigrate.[49]

Although hundreds of thousands of Mexican nationals leave the country legally as well as illegally each year, few formal attempts have as yet been made to secure their return. In recent years, the Government has been primarily concerned with the human rights aspects of emigration and has urged the adoption of bilateral accords to protect undocumented workers.

Beginning in 1977 the Government took an important step with its National Survey on Migration to the Northern Border and the United States. The first survey, which was conducted in November 1977, consisted of interviews with some 10,000 migrants at United States-Mexican border crossings, as they were returned to Mexico by the United States Border Control. Two similar surveys, in August 1978 and May 1979, covered 75,000 more Mexicans being deported from the United States. The principal study consisted of detailed interviews in 58,000 households in scientifically selected rural and urban municipalities around the country, which collected information on a total of 350,000 persons.[50] The three-year study concluded that the number of Mexicans living illegally in the United States was significantly below previous estimates: 480,000 to 1.22 million, depending on the season, figures that contrast sharply with United States' estimates of 4 million to 6 million. Confirming the assumed temporary character of most undocumented emigration from Mexico, the study found that a majority of migrants crossed the border with the intention of returning to Mexico within a few months.

Temperate South America

During the 1960s, following a period of rapid economic growth, as many as 1.5 million immigrants from neighbouring countries resided in Argentina, about 60 per cent of them illegally. This situation was tolerated by the Government and supported by private economic interests since these workers did not unionize, were not covered by labour legislation, and generally worked for lower wages.

Although Argentina's economic growth has slowed considerably in recent years, its attraction has not diminished for large numbers of undocumented migrants, and migration to Argentina from contiguous countries appears to be a general occurrence. The estimates vary widely, as can be seen from the following table, and must be viewed with caution.

ESTIMATED NUMBER OF IMMIGRANTS (INCLUDING LEGAL AND ILLEGAL) RESIDING IN ARGENTINA, IN THE 1970S, BY SELECTED COUNTRIES OF ORIGIN

Country of origin	*Census estimate (1970)*	*ILO estimate (1974)*	*Other estimates (1973–1979)*
Bolivia	101 000	500 000	178 000– 650 000
Brazil	48 600	70 000	77 000– 200 000
Chile	142 150	350 000	200 000– 700 000
Paraguay	230 050	600 000	470 000– 700 000
Uruguay	58 300	80 000	71 000– 400 000
TOTAL	580 100	1 600 000	996 000–2 650 000

Source: Laura Lippman and Sergio Diaz-Briquets, "Latin America and Caribbean migration: a regional view", *Intercom* (July 1981), p. 9.

In spite of the massive size of the illegal population within its borders, the Government has generally been tolerant of both legal and illegal flows, a position that is related to its desire to achieve a larger population size by means of large-scale immigration.

In an attempt to achieve a measure of control over its illegal migrant population, Argentina has granted amnesties on several occasions: in 1971, in 1974 (when it legalized the status of some 150,000 migrants) and again in 1976. For a variety of reasons, among them, lack of awareness of the possibilities offered, inability to produce required documentation etc., many undocumented migrants did not take advantage of the amnesties and were subsequently deported.

Argentina's periodic deportation of migrants has often been related to foreign policy issues, as when the Government deported large numbers of Chilean migrants following the Beagle Channel dispute.[51]

Chile receives seasonal and some permanent immigration, much of it illegal, in the northern region bordering Bolivia and Peru, a movement that involves migrants of indigenous Aymara stock. At the same time, Chile has a long history of illegal emigration from its poorer southern provinces, where there is high unemployment. Migration to Argentina from the depressed province of Magallanes, for example, has occurred on a massive scale and had resulted in as many as 300,000 Chileans working illegally in the wool industry of Patagonia. Whereas Chile has no policy to encourage the repatriation of these workers, the receiving countries have imposed restrictive policies

[49] *Population Policy Compendium: Mexico*, a joint publication of the Population Division of the United Nations Department of International Economic and Social Affairs and the United Nations Fund for Population Activities (January 1979).

[50] *The New York Times*, 13 October 1980.

[51] Sergio Diaz-Briquets, "International migration within Latin America and the Caribbean: a review of available evidence." (Mimeo.) (Washington, D.C., Population Reference Bureau, April 1980, p. 75).

from time to time, as in the wake of the abovementioned Beagle Channel controversy.

A similar situation occurred following the resumption and subsequent breakoff of diplomatic relations between Chile and Bolivia. Following the normalization of relations, thousands of Chileans migrated without documentation to Bolivia and Bolivians migrated to Chile. With the sudden rupture of diplomatic relations once again in 1978, many of the 15,000 Chileans in Bolivia were expelled.[52]

For a number of years, Uruguay, which lost an estimated 10 per cent of its total population through emigration during the 1970s, has been the source of large numbers of illegal migrants. Whereas significant numbers of Uruguayans emigrated legally to such distant destinations as Australia, ever larger numbers emigrated illegally to neighbouring Argentina, where they were easily assimilated, generally earning similar wages and occupying similar housing to that of Argentine nationals, in contrast to other national groups, such as Bolivians and Paraguayans, who have typically earned lower wages and lived in squatter settlements.

As a result of its loss of population from emigration, the Government of Uruguay is generally receptive to immigration. Although it imposed fines—but no civil or penal sanctions—on employers and persons who organize illegal immigration, the Government's policy towards the migrants themselves is fairly lenient. The Government reported to the ILO that "the principle of equality applies both to foreigners who have entered the country lawfully and to those who regularize their situation after entry".[53]

Tropical South America

The situation in Tropical South America is extremely complex. There is frequent undocumented migration between frontier regions of adjoining countries, although few data with which to measure flows. These movements are often tolerated by the receiving country, unless they pose a threat to cultural identity or national security.

Colombia, the principal source of illegal migrants, has been a net exporter of migrants for the past several decades, with its nationals emigrating in increasing numbers to Venezuela and Ecuador, as well as to Panama and the United States. According to research conducted under the auspices of the ILO in conjunction with Colombia's Ministry of Labour, there are as many as 800,000 Colombians in Venezuela, the majority of them residing there illegally. This situation has led to growing friction between the two Governments, with Colombia protesting the alleged violations of its nationals' human rights. A second problem is the continuing illegal exodus of skilled personnel, particularly physicians, mechanical engineers and other personnel in the construction field, and various intermediate-level technicans, who are drawn to neighbouring Venezuela by higher wages.

In responding to the first problem, the Government of Colombia intends to enforce the provisions of existing legislation, such as the Andean Instrument on Labour Migration. As a further measure, and in spite of its over-all policy to retain potential migrants in their place of origin, the Government has developed an innovative programme to assist persons who choose to migrate in finding satisfactory employment both within and outside Colombia. SENALDE, the National Employment Service of the Ministry of Labour, continuously evaluates employment conditions throughout the country, channelling workers to regions where labour is most in demand. In addition, five Border Offices for Employment and Labour Migration, which assist return migrants in obtaining employment in Colombia, have been established along its borders with Venezuela, Ecuador, Brazil and Peru.[54]

In dealing with the second major problem, that of the continuing illegal outflow of skilled personnel to Venezuela, SENALDE, which until recently was a regulatory rather than a recruitment agency, signed an accord with a Venezuelan firm (Contratos Generales de Industrias) to send 7,000 industrial workers to Venezuela.[55] The Government has acknowledged however, that a majority of workers will most likely continue to bypass official channels.

Venezuela has been the major recipient of illegal migrants in the entire Latin American region. Coming chiefly from Colombia, but also from many other Latin American countries, the estimated 2 million illegal migrants encompass a wide range of occupations and levels of skill: from undocumented agricultural workers who cross the border clandestinely by so-called green paths (*caminos verdes*) to highly skilled workers in Caracas who overstay their temporary visas or tourist permits.

After years of heavy uncontrolled immigration, and changing immigration policies that have followed the country's economic swings, Venezuela is structurally dependent on this foreign manpower. As a result of a growing movement within Venezuela to safeguard the national identity, and of pressure from the major sending countries to protect their nationals' basic rights, the Government decided to register all illegal migrants, as an initial step towards controlling the flows. Under the Government's 1980 Regulation for the Admission and Permanent Residence of Foreigners, all legal and illegal aliens who had entered the country before 25 May 1980 were required to register with the authorities.[56] Those undocumented aliens who complied with the statute were to receive preferential treatment when applying for a resident visa over those who failed to register, while migrants from Bolivia, Colombia, Ecuador and Peru, signatories of the Andean Pact, were supposed to be entitled to legalize their situation and obtain temporary identity cards if

[52] "The situation of migrant workers in the southern cone of Latin America", *Migration News*, No. 1 (1979).

[53] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 148.

[54] Lelio Mármora, "Labor migration policy in Colombia," *International Migration Review*, vol. XIII, No. 3 (Fall 1979), p. 447.

[55] "Exodo de Colombianos a Venezuela", *El Tiempo*, 23 May 1980.

[56] "Venezuela's two million illegals", *Intercom* (August 1980).

they were able to prove that they had been employed in Venezuela prior to 23 September 1978.

Implementation of the above regulations proceeded slowly, as a result of the Government's requirement of official proof of residence, rather than the employer's testimony. By 24 December 1980 some 350,000 illegal aliens, almost all Colombian nationals, had come forth to receive provisional identity cards. In the first week of January 1981, some 200 illegal migrants were deported; according to Venezuela's Foreign Minister, the repatriation was carried out "with the greatest respect for human rights".[57]

Brazil presents something of a different case, since new immigration restrictions have been imposed more as a result of political than of economic factors. A country with a lengthy coastline and common borders with seven Latin American countries, Brazil has received large numbers of illegal immigrants. The presence of these illegal settlers in sparsely populated frontier areas was largely condoned, and Brazilian nationals also settled illegally in frontier regions of Paraguay and Bolivia.

In the summer of 1980, however, chiefly in response to concern over the presence of political exiles from neighbouring Latin American countries, the Government drafted a strict new immigration law. Under the new law, any foreigner, whether or not in possession of a valid residence permit, may be expelled from Brazil for "harming national security or the political or social order", or merely if the authorities judge his or her presence "contrary to the national interest".[58] The hundreds of thousands of political refugees from such countries as Chile, Argentina, Paraguay and Uruguay were particularly threatened by the provision that foreigners in a clandestine or irregular situation could not legalize their stay.[59] As a means of enforcement, all foreign residents in Brazil were required to obtain a new registration card to replace the card then used for identification. Failure to carry the identity card at all times was to be punishable by a fine of about $700.[58]

Oceania

Australia

Along with the substantial flow of documented immigrant settlers, Australia has had some illegal migration, consisting largely of persons who entered with permission to remain temporarily but who overstayed their visas.

The Government of Australia announced an amnesty for illegal migrants in early 1976. Although a larger number were expected to come forth, some 8,600 persons identified themselves as illegal and applied to have their status regularized. Subsequently, more than 10,000 illegal immigrants applied for residence permits under a five-month amnesty declared in June 1980.[60]

Another procedure adopted by the Australian Government to reduce the number of illegal migrants has been to tighten up screening procedures that are used to determine who may enter. Steps have been taken to establish contact with individuals whose authorized period of stay is coming to an end, and to discourage them from overstaying. In addition, the Government has made it more difficult for persons who enter for a temporary stay for a specific purpose to change their status.

In recent years, there has been an increase in illegal immigration schemes, chiefly involving immigrants from China and the Republic of Korea who pay substantial sums to gain permanent residence in Australia. Although Australian legislation imposes penalties of a fine or imprisonment on persons who encourage or assist immigrants to enter without proper documentation or who overstay their visas, as well as on those who knowingly employ illegal immigrants, such legislation does not appear to be used extensively as one of the techniques for limiting illegal migration.

New Zealand

The 1970s were a period of unprecedented illegal immigration to New Zealand. The Government largely ignored the increasing number of overstayers until the onset of the 1970s recession.[61] During 1972–1974, there were numerous attempts to round up and deport illegal migrants. However, as a result of public protest, the Government granted an amnesty to some 2,000 Tongan overstayers who were given until specified dates to leave New Zealand without arrest and deportation. The deportation of overstayers continued to be carried out by the Government during 1975 and 1976.

At the request of various Pacific Island Governments, the Government of New Zealand opened an overstayers' register between April and June 1976 to allow illegal migrants to legalize their status. Although the large majority of the more than 4,600 overstayers who registered desired to remain, nearly 1,800 applications were declined (although, to ease possible problems in the sending countries, repatriation was carried out over a one-year period).

Following additional deportations and further protests, the overstayers' register was re-opened during December 1976–January 1977 and, using more liberal criteria, nearly 70 per cent of the nearly 900 who registered were allowed to stay.

Since October 1976 a computer has been used to check the departure of persons entering New Zealand on temporary permits, and since February 1978 an amendment to the Immigration Act has not only required work permits but also imposed employer sanctions.[62]

Northern America

Canada

Canada maintained a liberal policy of encouraging emigration during the 1960s, allowing students,

[57] "Venezuela starts deportations", *Intercom* (February 1981).

[58] "Brazil draws up harsh legislation to control aliens", *Business Latin America* (13 August 1980), p. 258.

[59] "Brazil: thousands of refugees threatened with expulsion under new law", *Latin American Weekly* (15 August 1980).

[60] "The week: Australia", *Far Eastern Economic Review* (5 December 1980).

[61] Ruth S.J. Farmer, "International migration", *The Population of New Zealand: Interdisciplinary Perspectives . . .*, p. 38.

[62] *Ibid.*, p. 39.

tourists and other short-term visitors to adjust their status from non-immigrant to landed immigrant. It also allowed all aliens facing deportation to appeal their cases before an Immigration Appeal Board.

By the early 1970s, large numbers of persons who had applied for Canadian visas overseas and had been rejected began arriving as tourists and attempting to remain. Meanwhile there was a backlog of some 12,700 deportation cases awaiting appeal.

At this point, the Canadian Government took a number of steps to regain control of immigration flows. As a means of eliminating the backlog of appeals, criteria for granting immigrant status were liberalized in what was known as "Project 80". Subsequently, new legislation—termed "Project 97"—drastically narrowed deportation appeals rights in the future and provided a 60-day period during which all illegal immigrants who had been in the country since before 30 November 1972 could apply for immigrant status.[63] Some 39,000 persons came forth, of whom an estimated 29,000 were subsequently granted immigrant status.

Canada's present Immigration Act provides for moderately stiff penalties against employers who knowingly employ persons who are living and working in Canada illegally.

United States of America

The United States of America has the world's largest stock of illegal migrants—estimated at 4 million to 6 million[64]—and an annual flow of perhaps 800,000, due to such factors as the country's high wage levels, its virtually unregulated labour market and its long open borders. The country's over-all immigration policy is based on numerical ceilings (270,000), per country limits (20,000), and preference limitations that strongly favour family reunification. The demand far exceeds the supply of visas; as of 1978, for example, some 790,000 persons were on lists at visa-issuing ports waiting to immigrate to the United States. As a result, vast numbers of aliens are frustrated by the United States immigration laws and attempt to violate these laws each year.[65]

The methods of violation are numerous and each has many variations. One common method is for the prospective immigrant to apply for a non-immigrant visa in lieu of an immigrant visa. Some persons create their own documentation to gain admission to the United States, although the principal method used to circumvent the system at ports of entry is misrepresentation of the alien's intended purpose of entering the United States. The greatest number—perhaps 60 per cent—of aliens attempt to circumvent the inspection process altogether by crossing the land border between ports of entry. In recent years, alien smuggling has become an increasingly common method of providing entry into the United States.

The United States experienced periods of substantial illegal migration earlier in this century, principally in the 1930s, the late 1940s and early 1950s. These episodes did not produce major demands for policies to deal with the illegal flows, however, since they were dealt with through existing law and enforcement practices. Beginning in the 1970s, the Government became concerned that illegal migration could no longer be controlled by existing law and practice, as it had been in the past, and it began to explore policy alternatives for regulating the flow of illegal migrants.

One such attempt was the Alien Adjustment and Employment Act of 1977, the aim of which was to adjust the status of undocumented aliens, who had resided continuously in the United States prior to 1 January 1970, to that of lawful permanent residents, and to create a new five-year temporary resident status for undocumented aliens who had resided in the United States since 1 January 1977.[66] The proposed two-tier adjustment of status, with the granting of a temporary status to the more recent and probably numerically larger group, would have enabled the authorities to reserve a decision on the status of this group until more precise data could be collected on their numbers, location, family size etc. (This legislation was allowed to expire in the United States Congress.)

The most recent initiative by the United States Government was the creation of a Select Commission on Immigration and Refugee Policy, which was given the mandate to study and evaluate existing laws and procedures governing immigration and to report to the President and Congress by March 1981. As a result of its research, the Commission concluded that there are from 3.3 million to 6 million illegal aliens in the United States, a majority of whom are employed taxpayers receiving "minimal welfare benefits" and who, in some instances, enable low-paying enterprises to compete successfully with foreign firms. To continue such individuals in their current illegal status, the Commission noted, would perpetuate this group as a "fugitive

[63] David S. North, "The Canadian experience with amnesty for aliens: what the United States can learn" (ILO doc. WEP 2-26/WP.43, October 1979), pp. 9–10.

[64] In 1975, following claims by the United States Commissioner of Immigration that there were 4 million–12 million illegal immigrants in the United States, the Immigration and Naturalization Service contracted with a private consulting firm to reduce the wide variance of the estimates. The estimates that were produced by means of a Delphi panel were 4.2 million to 11 million, with a mean of 8.2 million, figures that were widely criticized.

Subsequent estimation work on both the stock and the flow has resulted in what is probably more reliable information. One estimate (Lancaster and Scheuren, 1977), which developed out of a matching study by the Social Security Administration, was of about 3.9 million illegal migrants between the ages of 18 and 44 (with a range of 2.9 million to 5.7 million).

Another study (Robinson, 1979) analysed changes in age-specific death rates, reasoning that a spurious rise in death rates should result for young adult males in areas with a large group of illegal migrants; the study resulted in an estimate of 3 million–4 million white males, age 20–44, who were in the United States illegally as of 1975. From such estimates, it is now widely believed, at least among social scientists, that the numbers are smaller than had been previously estimated, although not as small as those estimated by the Government of Mexico. (Charles B. Keely, "The shadows of invisible people: estimating the number of illegal migrants", *American Demographics* (March 1980), pp. 24–39.)

[65] United States of America, Departments of Justice, Labor and State, *Interagency Task Force on Immigration Policy*: Staff Report (March 1979), p. 102.

[66] *The New York Times*, 9 August 1977.

underclass".[67] In recommending an amnesty for illegal aliens, the Commission acknowledged that legalization might encourage further unlawful immigration and might convince some aliens who otherwise would have returned home to remain in the United States; it none the less proposed the granting of permanent resident status to aliens who had resided in the United States for two or three years before the enabling legislation was passed. Aliens who were not eligible under these criteria would be given "conditional entrant status", leading to permanent residence after five years. After another five years, a permanent resident alien could petition to become a naturalized citizen. In a significant step, the Select Commission recommended issuing some type of identification card to all *bona fide* United States workers. The Commission opposed any significant expansion of the existing temporary worker programme (the H-2 programme) under which 20,000 to 30,000 aliens enter the country each year, emphasizing that no industry should depend on a constant supply of workers.

Following the change of administration in 1981, the Government began putting together the elements of a new policy designed to curb illegal immigration.[68]

In spite of the fact that the previous Administration's Select Commission recommended against such a step, the President asked the Congress to approve an experimental two-year temporary worker programme involving 50,000 Mexicans each year.

The Administration also requested a new law that would prohibit employers from knowingly hiring illegal migrants. The statute would impose employer sanctions—civil fines of $500 to $1,000 for each illegal worker hired[69]—and the Government could seek court injunctions against employers who showed a "pattern or practice" of hiring illegal workers.

The Administration also asked Congress to "recognize reality" and grant legal status to some of the estimated 3 million to 6 million illegal migrants living in the United States before 1 January 1980.[70] However, there were two highly restrictive conditions: all aliens except Haitians and Cubans would have to reside in the United States for 10 years[71] before attaining permanent residence status. During that period, they could not bring in their spouses or children under the age of 18. Moreover, while aliens waiting for legalization would pay income and other taxes, they would be ineligible for federal benefits.

In addition, the Administration asked Congress to allocate funds for new enforcement measures, including additional border patrol agents and detention centers, and to create an expedited procedure to determine whether illegal migrants should be expelled or given asylum.

[67] *The New York Times*, 8 December 1980.

[68] Although the new Administration predicted passage of its proposals by early 1983, large parts of the policy could be revised by the United States Congress.

[69] Critics have argued that, given the profitability of employing illegal migrants, $1,000 is too small a fine to serve as an effective disincentive.

[70] *The New York Times*, 31 July 1981.

[71] For Haitians and Cubans, the waiting period would be five years.

Subsequently, to deal with the specific problem of Haitian migrants, the Government began intercepting ships in international waters if they were suspected of carrying illegal migrants.[72] In an additional step, the Administration proposed a Bill in October 1981 that would grant the power to seal off entry ports in declared "immigration emergencies".[73]

Europe

Illegal immigration was a common phenomenon in much of Europe during the 1960s, with a number of Governments tolerating the phenomenon and allowing clandestine migrants to legalize their status. In France, for example, in 1968, 82 per cent of all new immigrant workers entered without documentation and subsequently had their position regularized.[74] Belgium had similar legalization procedures, at least for workers at a certain minimum salary level.

Following the "freeze" on immigration that occurred in most European countries after 1973, a majority of Governments adopted tighter controls, although these did little to stem the continuing flow of illegal migrants. At present, strict policies to deal with undocumented migration are nearly universal among States members of EEC. There has been a growing tendency, particularly in the countries that formerly received large numbers of guest workers, to impose stricter penalties on the employers of illegal migrants, although most continue to impose penalties on the workers themselves.

Northern Europe

Although the Nordic Common Market Agreement (1953) regulates the movement of labour between the Nordic countries, the Governments of Sweden and Finland have become concerned at the increasing proportion of spontaneous migration that is not channelled through the employment services of the two countries.

Although not a major receiving country, Denmark receives some illegal immigration and has adopted legislation requiring that employers reimburse the authorities for expenses incurred in relation to the illegal residence and expulsion of a worker.[75] Norway, which similarly receives a small volume of immigration, requires employers to report the employment of foreigners prior to their commencing work, so that their credentials can be checked. In addition, Norway reported to the ILO that "it is one of the police's ordinary tasks to track down illegal immigrants".[76]

The United Kingdom receives a certain amount of illegal immigration, chiefly from Commonwealth countries. Under an amnesty announced by the United Kingdom in 1974, Commonwealth citizens and citizens

[72] *The New York Times*, 31 September 1981.

[73] *The New York Times*, 21 October 1981.

[74] Jonathan Power, "The great debate on illegal immigration—Europe and the USA compared", *Journal of International Affairs*, vol. 33, No. 2 (November–December 1978), p. 244.

[75] European Communities, *European Parliament: Working Documents 1977–1978*, Document 352/77 (9 November 1977), p. 23.

[76] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 90.

of Pakistan who last entered the United Kingdom illegally before 1 January 1973 were able to apply to have their position regularized, but they were obliged to do so before the end of 1978.[77]

In the discussion on a unified policy towards illegal migrants in EEC countries that took place during the late 1970s, the United Kingdom differed from the majority opinion in that it would not agree to employer sanctions. The Government reported that:

> "It is not an offence for an employer to employ a migrant worker who does not have permission to engage in that particular employment. Criminal proceedings may be taken against a person who engages in unauthorized employment, but not normally against the employer, except possibly for 'aiding and abetting' an offence or harbouring an illegal entrant or a person who has committed an offence."[78]

The Government justified its decision on the grounds that "in the United Kingdom there is no system of documentation (such as the compulsory carrying of identity cards) which would readily show that a person is (or is not) entitled to take up employment".[79]

Although the law remains unchanged, there is strong sentiment in the United Kingdom in favour of imposing stricter controls. For example, a 1978 report of the Bipartisan Select Committee of the House of Commons, although not binding on the Government, urged the imposition of strict measures to deal with illegal immigrants, particularly in the case of overstayers; the report recommended that an independent inquiry consider a system of internal control of immigration and called for effective sanctions against employers who knowingly hired overstayers and illegal immigrants. A campaign against overstayers and a tightening of controls at ports of entry were subsequently carried out. In addition, new rules adopted in 1979 that withdrew the automatic right of entry of husbands and fiancés of women settled in the United Kingdom were chiefly aimed at eliminating marriages arranged as a means of gaining entry to the United Kingdom.

Ireland's policy is similar to that of the United Kingdom, in that it applies no specific measures against employers (although they may be prosecuted under general labour laws).

Southern Europe

Italy, which traditionally was a labour exporter, may now be host to as many as 500,000 illegal immigrants, reflecting the fact that it has been easier for migrants to enter Italy without a work permit than most other European countries.

According to a survey carried out by the Rome-based Center for Social Studies and Investment (CENSIS) in 1977, there were as many as 300,000 to 400,000 illegal foreign workers by that date, while the total was estimated at around 500,000 in 1979, representing 2.2 per cent of the labour force.[80] These workers, who are employed in the service sector in large cities (as domestic servants, hotel or restaurant staff etc.), as well as in agriculture and fishing, the building trades, mining and the iron and steel industry, come mainly from Africa (Morocco, Tunisia, Algeria, Egypt, Somalia and Ethiopia), but also from Spain, Portugal and Yugoslavia and from other EEC countries.

Spurred by terrorism and high unemployment, the Italian Government announced strict new controls in January 1980 on foreigners living and working in Italy. Under these measures, foreigners who violate their tourist or work visas are liable to a year in prison and suspension of their business licences, while employers who hire foreigners without proper working papers may be forced to pay for their return passage.[81]

In recent years, Greece's Ministry of Public Order has been expelling growing numbers of illegal migrants, who came chiefly from Africa and the Middle East, on the grounds that they cause unemployment and various social problems.

Both Spain and Portugal have had substantial illegal emigration to Venezuela. While 283,000 Spanish immigrants were registered in Venezuela as of 1978, the true figure was estimated to be of the order of 400,000.[82] According to Portugal's *SOPEMI* correspondent, some 25,000 Portuguese nationals have gone to Venezuela as tourists and overstayed their visas. Portuguese nationals have also emigrated illegally to various parts of the Middle East, although the illegal movement to France appears to have subsided.[83]

Western Europe

Austria reported that "stern anti-fraud measures have been taken by the Aliens Police against attempts at illegal infiltration by foreigners wishing to work".[84] The requirement that an employer obtain a work permit to employ a foreigner and checks made by the Social Security Administration are additional security measures against illegal migrant workers, and penal sanctions are applied against persons who employ foreigners unlawfully.

Under Belgium's most recent legislation, illegal migrant workers may be expelled or denied right of abode, although there is a heavier onus on employers who must pay the travelling expenses of the person employed without authorization (and of the members of his family) to his previous fixed place of residence. Penal sanctions may also be imposed; the Court may order the temporary or permanent closure of part or all of the company concerned; and a fine of up to BF 500,000 may be imposed on the employer for each person unlawfully employed.[85]

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[77] David S. North, "The Canadian experience with amnesty for aliens: what the United States can learn", (ILO doc. WEP 2-26/WP.43, October 1979), p. 6.

[78] In the case of criminal proceedings against a person who knowingly harbours an illegal entrant, penalties include a fine of up to $400, imprisonment for up to six months, or both.

[79] Débats du Parlement européen", *Journal officiel des Communautées européennes*, No. 234 (October 1978), p. 50.

[80] *Intercom* (July 1980).

[81] *Ibid.*

[82] *SOPEMI* (1980), p. 120.

[83] *Ibid.*, p. 117.

[84] International Labour Office, *Migrant Workers: Summary of Reports . . .*, p. 6.

[85] European Communities, *European Parliament: Working Documents 1977–1978 . . .*, p. 22.

Luxembourg applies the same sanctions to both workers and employers. Workers may be subject to expulsion and may be subject to imprisonment and/or fine.

France expelled some 25,000 illegal migrants in 1978 and an additional 28,000 in 1979, and it is estimated that between 200,000 and 400,000 persons may reside in France illegally.[86] With regard to sanctions, persons who employ illegal foreign workers must pay a fine that is about 500 times the standard rate of the guaranteed minimum tax per employee. The law is particularly strict with respect to intermediaries, stipulating that individuals or groups participating in the process of illegal recruitment are liable to two to five years' imprisonment and/or a fine of F 10,000 to 200,000.[87]

France's sanctions against illegal workers have varied, depending on whether the infraction was illegal entry, breach of the residence laws for foreigners, or constituting a threat to law and order. Except in cases where the worker's position was regularized, the Minister of the Interior could order the worker to leave the country by applying one of the following measures: conducting him to the frontier, in the case of persons who had entered without documentation; denying the right of abode to those whose residence permits had expired; and expulsion for whose who failed to comply with the general regulations concerning residence. In addition, fines and imprisonment could be imposed.

In January 1980 new legislation was approved in order to facilitate deportation procedures. The previous major ground for expulsion, "threat to law and order or public security", was extended to cover use of a false residence permit, illegal entry, and remaining in the country after the residence permit had expired.[88] As an additional restrictive measure, the Government reintroduced visa requirements for nationals of certain countries, e.g., the Philippines, in order to prevent persons who entered as tourists from remaining in France illegally.

Following the change of Government in 1981, the new Government announced a policy of "humanizing and controlling" illegal migration. It reported that expulsions would be suspended and that the situation of undocumented immigrants who had entered France before 1 January 1981 would be examined on a case-by-case basis. The Government emphasized, however, that it did not intend "to regularize unemployment" and would only regularize the status of migrants who were in stable employment.[89]

The regularization process commenced on 31 August 1981 and was expected to involve as many as 300,000 illegal migrants.[90] The procedure involved the signing of a one-year contract with the illegal worker's employer, who was then expected to report the worker's presence to the Sécurité sociale before 31 December 1981. After that date, strict measures were to be adopted to prevent future illegal movement into France.[91] In an interesting development, several hundred clandestine workers (chiefly from Turkey and Pakistan) who had been residing in the Federal Republic of Germany attempted to enter France to take advantage of the regularization process. Most were apprehended, however, and were returned to the authorities in the Federal Republic.[92]

The Federal Republic of Germany had a sharp increase in its illegal migrant population following its decision to restrict the immigration of Turks. Since only a little over 1,000 work permits were issued to Turkish nationals during 1979, it is widely believed that thousands stayed on illegally.[93]

In general terms, the Federal Republic's policy provides that persons working without a permit are subject to fines of up to DM 1,000, or up to DM 500 in cases of simple carelessness. The law also provides for deportation following a breach of security or public order.

Employers who temporarily or permanently engage a foreign worker who is not in possession of a valid work permit are liable to a fine of up to DM 50,000. As a means of preventing exploitation, if the working conditions of the person who is unlawfully employed are less favourable than those of lawfully employed workers, the employers are liable to up to three years' imprisonment, and up to five years in serious cases, and the Government imposes stiff fines on intermediaries and on the unauthorized recruiters.[94]

The Netherlands, which has an estimated 20,000 to 40,000 illegal migrants, approved new legislation in 1979 that represented a significant liberalization of its previous policy. Under its prior legislation (1964) both employers and illegal workers were liable to punishment for an infraction (although in practice no action was taken against the illegal worker). A major innovation of the 1979 legislation, and one of the primary means of control, is that work permits are issued to the employer, against whom both penal and administrative sanctions were increased (to up to six months' imprisonment and a fine of up to f. 10,000), rather than to the worker, for whom the threat of punishment was removed.[95] An initial consequence of the legislation was that employers discharged large numbers of illegal foreign workers.

After 1973, the Swiss authorities tightened up regulations to prevent workers from more distant countries from entering Switzerland as frontier workers from neighboring countries. With the increasing use of seasonal workers in Switzerland, there has been a rise in

[86] "Immigration: tension!", *Le Point*, No. 426 (17 November 1980), p. 108.

[87] European Communities, *European Parliament: Working Documents 1977–1978* . . ., p. 24.

[88] "France: new law on aliens—decision of the Constitutional Council: entry and residence", *Social and Labour Bulletin*. No. 1 (March 1980), p. 106.

[89] *Le Monde*, 23 July 1981.

[90] By mid January 1981 only some 115,000 migrants had applied to regularize their status.

[91] *Le Monde*, 28 August 1981.

[92] *Le Monde*, 9 August 1981.

[93] *The New York Times*, 25 July 1980.

[94] European Communities, *European Parliament: Working Papers 1977–1978* . . ., p. 23.

[95] "Netherlands: new Act on the employment of migrant workers", *Social and Labour Bulletin*, No. 3 (1979), p. 313.

illegal immigration among wives and children (who are normally not admitted).

Conclusion

By its very nature, illegal migration is an extremely difficult subject to deal with. Direct quantitative data are fragmentary and often very unreliable. It is not at all clear what kinds of measurement techniques are needed to get an accurate analysis (and it is equally not clear that if the necessary techniques were known that they would also be politically and economically acceptable). At the same time, what is known or suspected about unauthorized migration is sufficient to induce a large number of countries to become actively concerned about the issue.

Another difficulty, even more serious than the data problem, is that a very complex set of issues, of social and economic development, justice and human rights, is involved. An unknown but certainly a very large proportion of all undocumented or illegal migration consists of movement from poorer to richer countries. What the longer-term consequences of such flows are for the migrants themselves as well as for the sending and host countries is very imperfectly known. An obvious corollary is that the most appropriate policies and measures are equally unknown.

In all of the regions surveyed in the present chapter, there is a visible tendency for Governments to move in the direction of greater controls over undocumented or illegal migration. A kind of generalized tightening up appears to be taking place, through an extension of sanctions to migrants themselves and, in some cases, to employers. For the most part, these actions are being taken unilaterally by receiving countries. There are some attempts by groups of receiving countries to work in concert, but less evidence is available of effective formal co-operation on this issue between sending and receiving countries.

The widespread increase in measures to control illegal or undocumented migration vary somewhat from one region to the next. However, the fact that the trend is as widespread as it is suggests that some more global factors are also involved. Three such factors appear to be quite general and important.

First, it is quite likely that there simply are more illegal or undocumented migrants. In the course of the past two decades there has been a very basic shift in the character of international migration flows. During the first half of this century a significant proportion of all moves were ostensibly made for permanent resettlement. More recently, the major pattern for all moves has shifted to temporary migration for employment from poorer to richer countries. Of course, too much should not be made of the simple numerical factor as an explanation for the widespread increase in stricter policies to deal with illegal migration.

A second important general factor in the increase is the extent to which Governments are coming to perceive legal international migration not primarily as a demographic variable but rather as a lever to be manoeuvred in the interest of enhancing social and economic development. Although many Governments have recently become a bit more cautious of this, too often viewing labour migration as a one-time event with no permanent demographic consequences, this policy continues to be widely used. There is a growing tendency to become ever more selective in deciding what kinds of persons may enter a country and on what terms. Admissions categories tend to be set forth by reference to detailed labour force characteristics or other economic criteria. The size of an intake of migrants in a given time period is increasingly being considered as one of the variables to be used in responding to fluctuating economic conditions.

Unilateral implementation of selective immigration policies in response to quickly changing economic conditions, such as those experienced in recent years, can mean quite rapid shifts in the prospects for entry or stay for any given migrant. The general shift towards temporary labour migration as the major form of long-term migration means that most migrants continually face the insecurity of the eventual need to renew their status. Moreover, governmental immigration policies may not always precisely match economic conditions, so that employment opportunities do not correspond to possibilities for migration. Such conditions may well serve as an inducement to some migrants to try to evade formal contact with authorities. Such conditions may also make it profitable for employers and others to deal with people whose immigration status in one way or another is irregular.

Finally, another obvious factor is the importance of the persistent economic inequality among nations. All available evidence suggests that the great majority of illegal or undocumented migrants are individuals who have moved from poorer to richer countries in search of better economic opportunities. The economic gap between sending and receiving countries serves as an inducement to migrate despite prohibitions to enter or to stay; the resulting increased numbers alone may have the impact mentioned above. In addition, the fact that a large proportion of the undocumented or illegal migrants are from poor countries and as individuals are often poorly educated, have low incomes and fill undesirable jobs, may make them appear especially troublesome to the host country. Thus, the trend towards more stringent controls over undocumented or illegal migration may thus be seen as another symptom of persistent inequalities in the prevailing international economic order.

There is very little in the current situation to suggest that basic changes in this trend in policies are likely to occur in the near future. Of course, the direction and magnitude of flows will almost certainly continue to fluctuate and, as they do, a growing number of countries will probably feel it necessary to deal more strictly with undocumented or illegal migration.

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Chapter V

REFUGEES

Introduction

Refugees have accounted for more than half of all international migration since the end of the First World War and constitute an increasing share of current flows. For about two decades following the Second World War, most refugees originated in Europe and were rapidly resettled in the industrialized countries.

While the data remain uncertain, it would appear that movements of refugees are much larger at present than at any time since the period following the Second World War. A main explanatory factor is the growth in the number of independent nations; there were, for example, only 51 States Members of the United Nations in 1945, compared with 153 Members as of 1980. Another factor is improvement in the technology of communication, which has resulted in better information on the existence of refugees in obscure locations, and which has probably shown the sustained nature of refugee crises more realistically than in the past.

There were some 14 million refugees in the world at the beginning of 1981. Unfortunately, there are no standardized statistics due to the unpredictability of refugee movements and to the lack of a general and universally accepted definition. The definition of the United Nations High Commissioner for Refugees (UNHCR) includes only those persons leaving their own country, thus excluding displaced persons within a country. Private relief organizations, on the other hand, often define refugees very broadly. Estimates are also affected by the difficulty of determining at what point refugees have been successfully integrated into the country of resettlement and should no longer be classified as refugees.

Refugees pose a serious problem since they tend to move suddenly, to travel in large groups and, in a word, cannot be planned for. A sudden influx of refugees may seriously overburden the economy of a developing country or upset a delicate racial, ethnic or religious balance within a country of asylum, thus increasing instability within that country. As well as being the result of international conflict, refugee movements often cause or worsen international tensions.

Trends

Africa

Refugee situations change very rapidly. By the beginning of 1981 the focus of the world refugee problem was shifting from eastern South Asia to Africa, where the number of refugees and displaced persons continued to rise, probably surpassing 6 million.

The uncertainty over the numbers of refugees in Africa is partly a reflection of the lack of a universally accepted definition. The UNHCR's definition, as previously noted, excludes displaced persons, while African Governments have generally advocated a broader definition that would include displaced persons.

International conflict has been generally less important than domestic conflict in producing refugees in Africa, although there have been notable exceptions, such as the continuing war between Ethiopia and Somalia in the Ogaden. In addition to domestic strife, which is often related to tribal, religious, racial or ideological conflict, natural disasters such as drought and famine have contributed to the magnitude of the refugee problem in Africa.

Eastern Africa

In Eastern Africa, one of the subregions that has been most affected by refugee movements, the brunt of the war between Ethiopia and Somalia has been borne by Somalia, one of the least developed countries, whose refugee population increased its total population by about one third. As of April 1980 Somalia was host to more than 1.3 million refugees. Of that number, some 750,000 were in makeshift camps, with the remainder living among the local population, and over 1,000 new refugees were arriving each day. Some of the camps have been slowly turning into permanent settlements.

Although Ethiopia has been chiefly a producer of refugees, it has a refugee population of some 11,000 persons, chiefly from southern Sudan, and it faces the serious problem of more than 2 million displaced persons within its borders. Djibouti, the third country affected by the Ogaden conflict, received more than 42,000 refugees by June 1980, more than 20,000 of whom were unregistered and dispersed throughout the City of Djibouti. Another of the least developed countries, Djibouti is chronically short of water, has no indigenous developed source of energy and virtually no agricultural sector.[1] In addition to its large refugee population, which represents 13 per cent of its total population, there are growing numbers of displaced Djibouti nomads whose livelihood has been jeopardized by continuous drought conditions.

Although refugee flows resulting from the Ogaden conflict have been the largest in the subregion, several other Eastern African countries have received large

[1] "Assistance to refugees in Djibouti: report of the Secretary-General" (A/34/409), p. 5.

refugee populations. For more than 20 years, Burundi has offered shelter to refugees fleeing from conflict in neighbouring countries. Recent government estimates put the number of refugees at over 200,000, and the problem has been compounded by the gradual repatriation of some 100,000 Burundi refugees.

As of January 1981, the refugee population in Uganda was approximately 113,000, consisting of 78,000 Rwandese, 34,000 Zairians and smaller groups of various origins. Following the events of 1979, nearly 100,000 Ugandans fled to Zaire, the Sudan and neighbouring countries, although about 70,000 have since returned to various parts of Uganda. As a result of renewed fighting in October 1980, an estimated 200,000 Ugandans fled from the West Nile Province to the neighbouring areas of the Sudan and Zaire, although recent information indicates that as many as 100,000 of these refugees have returned.[2]

The United Republic of Tanzania has about 150,000 refugees, of whom some 133,000 are Burundis. The remaining caseload consists of refugees of various origins, including South Africans and Zairians. There are some 36,000 refugees in Zambia, including 11,000 Angolans. An estimated 4,000 Zairians and 6,000 Angolans have settled spontaneously in the north-western region of the country. Rwanda has an estimated 1,150 refugees from Burundi and Uganda. Kenya has a refugee population of approximately 3,500, who are mainly of urban origin and for whom it has proved difficult to find lasting solutions. Until the repatriation of Zimbabweans in 1980 there was a constant influx of refugees into Mozambique.

Middle Africa

The refugee situation of longest standing in Middle Africa involves Equatorial Guinea, one third of whose population is believed to have taken refuge in neighbouring African countries during the 1970s. Following a change of Government in 1979, and the subsequent invitation for all Equatorial Guineans to return home, nationals of Equatorial Guinea were no longer accorded refugee status in either Gabon or the United Republic of Cameroon.[3]

The official government figure for refugees and returnees in the United Republic of Cameroon at the end of 1980 was 301,000, including 230,000 refugees from Chad, 18,000 from Equatorial Guinea, and 15,000 from the Central African Republic, as well as 35,000 returnees.

The total number of refugees in Zaire was some 400,000 at the end of 1980, including a new influx of 150,000 Ugandans into Haut-Zaire in October 1980.[4] The remainder included 215,000 Angolans, 11,000 Burundis, and 22,000 Rwandese. The return of some 200,000 Zairians has compounded the problem and borne heavily upon the limited infrastructure, causing additional hardship for the local populations of certain areas.

The Government of Angola estimates that the return of Angolans from Zaire still continues at a rate of 50,000 per annum and has emphasized that the need to reintegrate these arrivals has placed a heavy additional burden on the economy of the country. The Central African Republic has some 6,540 refugees from Chad, of whom nearly 5,000 live in the capital. Finally, some 10,000 refugees have been granted asylum in the Congo, where 1,500 of them live in urban areas.

Northern Africa

The Sudan, the country on the African continent with the second largest refugee population (the first is Somalia), had an estimated 340,000 to 350,000 refugees as of late 1980, with the largest numbers from Ethiopia and Uganda and smaller numbers from Zaire and Chad. About half the refugees were originally from urban areas and settled in Khartoum and the main towns, causing numerous problems in those areas.

Large numbers of refugees were generated by continued fighting following the partition of the Spanish Sahara, although controversy exists over their numbers in Algerian camps, with estimates ranging from as low as 17,000 to as high as 120,000. A census of the refugee population in Algeria has been recommended by UNHCR but has not yet been conducted. The other countries in northern Africa have been relatively unaffected by refugee movements, although Egypt has had an influx of student refugees, mostly from Ethiopia.

Southern Africa

Thousands of refugees fled from Namibia during the 1970s in reaction to security measures imposed by South African forces operating in the Territory. As many as 50,000 Namibians, for example, were ordered removed from "prohibited areas" along the 1,000-mile border with Angola.[5]

Owing to its political neutrality and central location, Botswana has received large numbers of refugees from Angola, South Africa and Zimbabwe. However, since Botswana does not have sufficient agricultural land to allow resettlement, it has served primarily as a country of transit. In early 1980 the majority of Zimbabweans were repatriated from Botswana and the country's major centre was converted into a multinational refugee centre. The refugee population in Lesotho numbers some 10,000, many of whom are students. By December 1980 some 2,000 of those refugees had been formally granted asylum. Swaziland has some 6,000 refugees.

Western Africa

Western Africa experienced substantial refugee movements in the past; estimates of the number of

[2] "The refugee situation in Africa: assistance measures proposed" (A/CONF.106/1), paper presented at the International Conference on Assistance to Refugees in Africa, Geneva, 9–10 April 1981, p. 84.

[3] United States of America, Office of the United States Coordinator, *Overview of World Refugee Situation for Refugee Affairs* (Washington, D.C., 1980), pp. 31, 33.

[4] "The refugee situation in Africa . . .", p. 99.

[5] United States of America, Ninety-sixth Congress, Committee of the Judiciary, *World Refugee Crisis: The International Community's Response* (Washington, D.C., Congressional Research Service, Library of Congress, August 1979), p. 37.

Guinean exiles living abroad, for example, have been as high as 1 million, or nearly one quarter of the Guinean population.

At present, Nigeria is the country that is most affected. According to government estimates, the number of refugees in Nigeria was 105,000 at the end of 1980, of whom some 100,000 arrived from Chad in the wake of its civil war.[6]

The remaining countries have been less affected. The number of refugees in Senegal was estimated to be 5,000 at the end of 1980. The Government of Sierra Leone has granted asylum to some 400 refugees. Despite domestic difficulties, Ghana has maintained a policy of hospitality towards refugees, particularly to some 250 students from Namibia and South Africa. Finally, about 200 refugees have been officially recognized by the Government of Liberia and granted asylum.

Asia

Asian refugee problems have been the result of religious, ethnic and ideological conflicts. The tensions have often been historic and can be traced back in the local history of the region. Many of the countries that have been affected have had fluctuating policies of admission, depending on the number of asylum seekers, the internal political situation, their relations with the country of origin, or the support they were receiving or were hoping to receive from UNHCR or from other countries.

Of course, there are a number of intervening factors in the case of Asian countries. Whereas a majority of African countries consider their rate of population growth to be satisfactory, most Asian countries consider their population growth to be too high and are reluctant to increase their population size through large-scale immigration. Ethnicity and religion pose the greatest obstacles to refugee resettlement, however, as will be seen from the following discussion.

Eastern South Asia

Summarizing the trend in the major sending and receiving countries: As of June 1980 there were some 800,000 refugees from Kampuchea in Thai camps and along the frontier areas, many of whom had been awaiting resettlement since 1975. Although movement of its nationals into Thailand was a common feature in Kampuchea's past, the massive influx of Kampucheans into culturally alien Viet Nam during the 1970s was without historical precedent and indicates the extent of social dislocation in the Kampuchean border regions.[7]

The Lao Democratic People's Republic has been another major source of refugees. During the period from mid 1975 to 1978, some 250,000 refugees fled from the country. About half of those refugees were ethnic Lao, a group that traditionally settled in lowland areas across the Mekong River from Thailand, with whose population they have close ethnic links; the other half were members of upland minority groups such as the Hmong hill tribes. Many of those who sought asylum in Thailand during 1979—at a rate of about 6,000 per month—were Sino-Lao from urban areas who were identified with the merchant class, or who had associations with the former régime. As of mid 1981, the exodus from Laos was continuing at a rate of about 4,500 a month.

Although some 135,000 refugees fled from what was formerly South Viet Nam during 1975, only about 30,000 refugees arrived in countries of first asylum between May 1975 and May 1978. After that date there was a sudden increase in departures the causes of which are complex and must be examined in some detail.

As is well known, there was a strong link between refugee status and Chinese ethnicity. Of the population of over 3 million of Ho Chi Minh City in 1975, over a million were ethnic Chinese, a group that had dominated commerce throughout the colonial and post-colonial periods. Whereas the Government of Viet Nam pursued a relatively limited degree of socialization during 1975–1977, there was a sudden change of policy in March 1978, with the Government announcing the abolition of bourgeois trade, the closing of businesses connected with that trade, and the seizure of the assets of those engaged in it. In addition, the business and professional middle class, which included most of the Chinese community, were left with no other options than emigrating or settling in the remote New Economic Zones, where they were expected to undertake pioneer agricultural work.

The departure of large numbers of ethnic Chinese during 1978 and 1979 was followed by the exodus of significant numbers of ethnic Vietnamese. However, while there was a close link between Chinese ethnicity and the decision to become a refugee, detailed information on the occupational or class background of the ethnic Vietnamese who left after 1975 has not been correlated in any satisfactory fashion.[8]

Whereas the exodus of refugees from what was formerly South Viet Nam is a relatively straightforward example of a major shift of population as a result of a prolonged war and a subsequent change of government, the exodus from what was formerly North Viet Nam had somewhat different causes. Basically, following the February 1979 invasion, the ethnic Chinese population of North Viet Nam had to choose between making a fundamental personal identification with either Viet Nam or China. The fact that as many as 250,000 out of some 300,000 crossed into China underlies the fact that generations of living in Viet Nam had not removed a basic sense of being Chinese.[9]

Following the 1979 Geneva conference, Viet Nam adopted a self-imposed moratorium on the exit of refugees. Although the volume of illegal departures declined considerably, there were continuing sporadic

[6] "The refugee situation in Africa, . . .", p. 50.

[7] Milton Osborne, "Indochina's refugees", *International Affairs* (January 1980), p. 44.

[8] *Ibid.*, p. 42.

[9] *Ibid.*, p. 43.

departures, in spite of the Government's official prohibition of emigration. In May 1979, several months prior to the Geneva conference, UNHCR signed a Memorandum of Understanding with the Government of Viet Nam, following its announcement that it would permit emigration on a legal basis. Within the framework of the resulting Programme for Orderly Departure, 771 persons left for the United States in December 1980, and more were expected to leave in 1981. In addition to this organized emigration, refugees were leaving Viet Nam by boat at a rate of 5,000 to 6,000 per month as of mid 1981.

Summarizing the trend in the major receiving countries: prior to 1979 Indonesia received relatively few Indo-Chinese refugees, largely because of its greater distance from the source of the refugee outflow. When the Government of Malaysia hardened its policy during 1979, many of the refugees who were rejected by Malaysia are believed to have made their way to Indonesia, whose refugee population grew by about the number that Malaysia pushed back into international waters.[10]

The Philippines has both generated and received refugees. Some 90,000 Moslem Filipinos reside on the Malaysian island of Sabah, where they constitute a sizable part of its population. Although it had the smallest influx of Indo-Chinese refugees of any of the countries of the Association of South-East Asian Nations (ASEAN), the Philippines provided first asylum to some 11,000 boat refugees, many of whom reached the country after the Geneva Conference of July 1979.

Owing to the fact that the shortest distance from southern Viet Nam to Peninsular Malaysia is only some 200 miles, Malaysia received the largest numbers of refugees by sea. Between 1975 and 1979 the Malaysian Government granted temporary asylum to some 118,000 Vietnamese refugees, making it a major country of first asylum. In addition to the more than 90,000 Filipino Muslim refugees in Sabah, Malaysia received some 1,800 Thai Muslim refugees during the spring of 1981.[11]

Until mid 1979, Thailand's role as the principal country of asylum for land refugees from the Lao Democratic People's Republic, Kampuchea and Viet Nam was given little recognition, due in part to the less visible nature of those refugee flows. More than 80 per cent of the refugees were from Laos, with over half of them ethnic Lao, a group that is culturally similar to the inhabitants of northern Thailand and thus somewhat more easily assimilated than are later groups. Following the massive movement of population out of Kampuchea into Thailand in the final months of 1979, Thailand became the major country of first asylum in the region, overtaking China, which had received a total of some 230,000 to 250,000 refugees before closing its borders in the summer of 1978. During 1980 and 1981 hundreds of thousands of Thailand's refugees were resettled in third countries of resettlement, while some 310,000 Kampuchean refugees were eventually repatriated. However, as a result of the continuing arrival in Thailand of refugees from Laos and Viet Nam, Thailand's refugee population stood at 247,000 as of mid 1981.[12]

Latin America

Looking at the situation in Latin America, the Caribbean has recently been a major source of refugees. More than 100,000 persons departed from Cuba during the spring of 1980, while Haiti has experienced a continuing outflow, chiefly towards the United States of America. In Middle America, many of the 200,000 refugees from the Nicaraguan civil war have been resettled, although new and larger flows have occurred in El Salvador. At present, most of the countries in Temperate and Tropical South America neither generate nor accept large numbers of refugees.

SOME GENERAL CONSIDERATIONS

Under general international law, it remains the right of each nation to determine when a person is a refugee, with Governments being given wide latitude to grant or deny refugee status to persons seeking asylum.

No international binding agreement exists that ensures the right of a person to be granted asylum. The Universal Declaration of Human Rights (1948) provides that any person has the right to seek and to enjoy asylum, but no mention is made of a person's right to be granted asylum. The 1951 Convention Relating to the Status of Refugees, which came into force in 1954, defines the treatment which Contracting States undertake to grant, within their territories, to persons defined as refugees (art. 1). The 1951 Convention was felt to be inadequate, however, leading the United Nations General Assembly to adopt the Declaration on Territorial Asylum and related Protocol in 1967, which provides only for "non-refoulment"[13] of refugees. In other words, these instruments do not address the right of each individual to asylum, but only the obligation of each country to treat persons accepted as refugees in a certain way. The above instruments are further limited because they have not been universally accepted; as of 1980 only 78 countries were parties to one or both of the agreements. A related problem has been lack of compliance by the signatories, due, in some instances, to conflicting national legislation.

A more recent development was the meeting (and failure) of the United Nations Conference on Territorial Asylum in January–February 1977, which showed that because of different juridical concepts of the relation between State and individual, conflicting geopolitical interests, and ideological cleavage, there is as yet no possibility of a universal consensus on the granting of territorial asylum.[14]

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[10] United States of America. Office of the United States Coordinator for Refugee Affairs, *1979 World Refugee Assessment* (Washington, D.C., 1979), p. 22.

[11] *Le Monde*, 22 April 1981.

[12] *The New York Times*, 2 April 1981.

[13] The term "refoulment" is generally used to refer to the "driving back" or refusal to admit refugees at the border of a country.

[14] Gilbert Jaeger, "Refugee asylum: policy and legislative developments", *International Migration Review*, vol. XV, Nos. 53–54 (Spring/Summer 1981), p. 52.

As a result of the lack of a universal convention on the granting of asylum, determination of refugee status remains a difficult process. According to the definition in the 1951 Convention and the 1967 Protocol, a refugee is a person who is outside his former home country owing to well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion—a broad definition that represents an internationally negotiated compromise. It is obvious that differences in the treatment of persons and groups exist to a greater or less extent in many societies. Therefore, it is only when such discrimination goes beyond a certain limit that it can be considered "persecution", making the question always one of degree. Moreover, in order to be a refugee a person must have a "well-founded fear" of persecution, i.e., the application for refugee status must show that the person has fear of persecution and that such fear is justified in the light of reasonable human judgement.

In situations involving large groups of asylum-seekers, where it is necessary for the international community to provide assistance rapidly and on an emergency basis, it is necessary to resort to what is known as "group determination" of refugee status. However, in cases involving individuals or smaller groups, it is necessary to determine motivation in line with the above definition.[15]

Strictly speaking, a person who leaves his country for purely economic reasons is not a refugee, but if he has a well-founded fear of persecution, the fact that he may also have economic motives for leaving his country of origin does not exclude him from refugee status. What is important to establish is the predominant motive. The issue of determining *bona fide* refugees from economic migrants is a difficult one and one that has involved an increasing number of Governments.

The case of the Federal Republic of Germany provides an example. More than 70,000 persons, from Turkey, Pakistan, Bangladesh, Lebanon and Ethiopia, applied for asylum in the Federal Republic during the first six months of 1980, after entering the country from the German Democratic Republic. The Federal Republic granted asylum to less than 10 per cent of the applicants, concluding that the rest were economic migrants, and tightened up procedures to discourage future movements of this type. Whereas persons who were denied asylum had been able to extend their time in the Federal Republic to six years or longer by appealing the decision on asylum, new regulations adopted by Parliament in 1980 aimed at reinforcing the screening process and settling all claims within a 12-month period.[16] Moreover, whereas asylum-seekers had been able to work during their stay in the Federal Republic, since July 1980 asylum-seekers have not been eligible for work permits during their first year in the Federal Republic, nor are family support payments made unless asylum has been confirmed. Thus, economic incentives that might have stimulated migration have been significantly reduced.

In a similar instance, Canada placed visa restrictions on Indian nationals in October 1981 in order to stem an influx of Sikhs who were claiming refugee status, but who were not recognized as such by the Canadian Government.

The case of Haitian migrants to the United States has also been cited. The position of the United States has been that the Haitians are economic migrants rather than refugees, based largely upon their history of illegal entry. The United States Government reported that most applications received by Haitian nationals had based their claim to asylum solely on the fact that they departed from Haiti illegally, in other words, the very act of departure and seeking of refugee status in the United States would be treated as a political act by the Haitian Government. The United States Government concluded: "we do not believe that such applications support a finding of a well-founded fear of persecution, and in such cases we recommend denial of application".[17] However, in order to be more certain of this assessment, the State Department sent a study team to Haiti in 1978 in order to interview refugees who had been deported. Although the team found only 86 of some 600 returnees, it determined that the migrants had been motivated entirely by economic factors and had thus been rightly denied refugee status.

In a context of rising pressure from potential migrants in the developing countries, and increasingly restrictive policies in both the traditional receiving countries and the former labour-importing countries, the problem of distinguishing *bona fide* refugees is likely to become more and more complex. Even now, a continuum exists, with persons who would be readily recognized as refugees by a large number of countries on the one end, and persons who would widely be considered economic migrants on the other, and a vast number of ambiguous cases in between, a situation that is made more difficult by the fact that refugee routes sometimes overlap with established migration routes, and by the lack of universal definitions and procedures.

Of course, the distinction may be less important in those developing countries where few socio-economic benefits and legal rights are conferred with refugee status. (Indeed, illegal status, in lieu of refugee status, may be preferred by migrants in certain countries, since a migrant who declares himself to the authorities faces the threat of being returned.) In most of the developed countries, however, refugee status confers substantial benefits and privileges and is therefore

[15] The African countries have generally advocated a broader definition that would include displaced persons. According to the Organization of African Unity (OAU) Convention of 1969 Governing the Specific Aspects of Refugee Problems in Africa, "the term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

[16] *The New York Times*, 5 November 1980.

[17] United States of America, "Haitian migration to the U.S.,", *Department of State Bulletin*, vol. 80, No. 2041 (August 1980), p. 77.

something that the recipient countries want to confer selectively.[18]

Major policy responses

Among the various possible solutions to refugee problems, voluntary repatriation is the preferred solution, and one which UNHCR seeks to promote whenever possible. In general, repatriation becomes a possibility when refugees perceive that conditions from which they have fled have changed to a point where they are able to return. Typically, repatriation is more common with victims of natural disasters than with persons fleeing from political upheavals.

When early voluntary repatriation is not a possibility, UNHCR seeks to promote the integration of refugees in their country of first asylum, with the aim that the refugees should become self-supporting and enjoy the same rights and obligations as nationals. Whereas local integration in developed countries has tended to be on an individual or family basis, and into existing social structures, group rural integration programmes have been the general rule in developing countries, although an increasing number of refugees now converge on urban areas.

Rural resettlement has usually been employed in cases where there is vacant arable land, enabling the refugees to take up employment in agriculture. (Resettlement of refugees in the interstices of populated rural areas has also been attempted, particularly in Africa, although this involves more intensive land use.) Rural resettlement programmes, which seek to bring the refugees to the general standard of living of the local population, and whose primary objective is food self-sufficiency, have been the most common type of response in Africa, since vacant land has been available in most of the refugee-receiving countries.

Urban resettlement is usually applied where rural resettlement based on agriculture is impossible, or when refugees' skill levels can be better utilized in an urban setting. Whereas refugees are often permanently resettled in urban areas in developed countries, scarce employment opportunities and deficient public resources make urban integration difficult in many developing countries and sometimes force even educated refugees to take very menial jobs. The urban settlement of refugees in Africa has been a particular problem, and has forced many educated refugees to emigrate to developed countries.

Refugee camps are used both as a temporary response, pending resettlement, and as a policy response in itself. Until recently, there were no cases of chronic refugee camps in Africa. In Asia as a whole, however, refugee camps have been the major resettlement response, since many governments consider the refugees to be in transit, even if in some cases they remain for years, as in the Middle East.

Where neither voluntary repatriation nor local integration into the country of asylum is a practical solution, refugees may have to be resettled in third countries. Resettlement is frequently organized in the form of annual quotas decided by the governments of the receiving countries. The majority of resettlement opportunities have been provided in developed countries and have chiefly benefited Latin American and Indochinese refugees. Resettlement, while often the only solution, sometimes poses major difficulties for the refugees, who have to adjust to vastly different life styles and to an economic, social and cultural environment that has no common ground with their past experience.

Institutional arrangements

The subject of institutional arrangements for selecting, processing, resettling and otherwise assisting refugees is an inexhaustible one, since it involves governmental and non-governmental agencies,[19] operating at the local, regional, national and international levels. Therefore, the present section will briefly discuss only some of the major points.

It is clear that many countries do not have adequate institutional arrangements for determining refugee status. The African countries have made major progress in this area. The delegates to the Pan Africa Conference on Refugees, held at Arusha, United Republic of Tanzania, in May 1979, urged that appropriate procedures be established in all African countries for determining refugee status and that special arrangements be made in cases of large-scale movements.

The participants further recommended that such procedures should satisfy certain basic requirements: the competent official to whom the refugee addressed himself should have clear instructions for dealing with such cases; he should be required to act in accordance with the principle of non-refoulment and should refer such cases to a higher authority—preferably a central authority—with responsibility for examining requests for refugee status; the applicant should be given the necessary facilities, including the services of an interpreter and, if recognized as a refugee, should be issued documentation certifying his refugee status.[20]

The situation has been somewhat different in a number of Asian countries, where there were cases of rejection at the frontier and of forcible refoulment, as a direct consequence of negative attitudes on asylum and a lack of appropriate institutional arrangements. Of course, a problem lies in the fact that no country in eastern South Asia has acceded to the conventions of universal scope and there is no regional Asian convention on the granting of asylum.

The developed countries, which have generally been located far from the sources of most refugee outflows, have developed a distinctive type of institutional arrangement: the processing or holding centre, which enables these countries to maintain their preferred practice of processing applicants overseas. First proposed at the Consultative Meeting held at Geneva in

[18] Astri Suhrke, "Global refugee movements and strategies: an overview", paper presented at the Workshop on Immigration and Refugee Issues, sponsored by the Ford and Rockefeller Foundations, Racine, Wisconsin, 17–20 August 1981, p. 6.

[19] Some 200 private agencies operate refugee assistance programmes.

[20] *Report of the Conference on the Situation of Refugees in Africa, Arusha, Tanzania, 7–17 May 1979* (REF/AR/CONF/Rpt.1).

December 1978, the establishment of holding centres reflects the fact that the resettlement countries, the United States of America in particular, found it difficult to admit large numbers of refugees at a pace exceeding the capacity of their reception facilities and integration machinery.

Just as they worked on improved procedures for refugee admissions, the African countries have established complex institutional structures to deal with refugees reflecting their years of experience with refugee problems. For example, in order to cope with its complex refugee problems, the Sudan established a National Committee for Aid to Refugees, five subcommittees to perform such tasks as fund-raising and project preparation, and a technical committee to identify projects and programmes to be sent to donor countries and international organizations.[21]

To deal with its large refugee population, the Government of Somalia has also established elaborate administrative machinery which consists of a National Refugee Relief Co-ordinator, in the Ministry of Local Government and Rural Development, and co-ordinating offices in each of the four regions in which refugee camps are concentrated.[22] Although such initiatives have been taken by a number of other Governments, the participants at the Arusha Conference recommended that all African Governments set up national refugee machinery where it did not already exist.

Such complex machinery does not usually exist in developing countries in the other world regions. The developed countries typically have well-developed, and constantly evolving, institutional arrangements to process and resettle refugees. Virtually all of the European countries have mature institutional structures to deal with refugees, dating from the post-Second World War period. Several of the developed countries have modified, or recently developed new, national refugee machinery. Australia, for example, launched its Community Refugee Resettlement Scheme in 1979. Canada also introduced its one-to-one matching formula between privately- and government-sponsored refugees in 1979, while the United States created the Office of the United States Coordinator for Refugee Affairs and the Office of Refugee Resettlement in 1980.

On the international level there is a growing number of institutional arrangements, ranging in size and complexity from prominent intergovernmental institutions with budgets of hundreds of millions of dollars to small voluntary groups. The primary relief agency, with responsibility for co-ordinating relief activities, if the host government does not assume this role, is the Office of the United Nations High Commissioner for Refugees.

The UNHCR is not an operational agency. It participates actively in the legal protection of refugees, however, seeking to prevent refoulment, and ensuring that refugees receive rights and assistance enabling them to obtain the minimum standard of living of citizens of the country of asylum. It is also involved in promotional activities concerning the development of national laws and regulations, the accession by States to existing international legal instruments etc.

A slow but sustained development has led the United Nations General Assembly to expand the competence of UNHCR to cover persons who do not come within the legal definition of the 1951 Convention or the UNHCR Statute. Initially, there was the concept of UNHCR's "good offices", which developed towards the concept of displaced persons, with whom UNHCR has been able to deal for a number of years. The UNHCR is at present able not only to facilitate voluntary repatriation, as it was in the past, but also to help repatriated persons to re-establish themselves in their country of origin.

Although the international community has increasingly perceived the refugee problem as a subject for international concern, it has been more reluctant to treat it as a permanent problem and long-term responsibility. As a result, refugee assistance continues to be provided on an *ad hoc* basis, as demonstrated by the short-term mandates and limited objectives of the major international institutions that deal with refugees. Both the United Nations High Commissioner for Refugees and the United Nations Relief Works Administration (UNRWA) are temporary bodies that are renewed periodically by the United Nations General Assembly. As such, they have no regular source of funding and must make periodic appeals for financial assistance, as shown by UNHCR's four separate appeals for funds during 1978–1979. The voluntary nature of these agencies has also meant that financial assistance is not provided by the entire international community. In fact, only 80 governments currently contribute to UNHCR and only 65 contribute to UNRWA.

A major problem that remains to be resolved by the international community is that of financing refugee programmes. Whereas the concept of financial burden-sharing was put forth in the Declaration on Territorial Asylum, an effective mechanism has not yet been established to ensure that countries with large refugee populations do not bear disproportionate costs. A number of African countries in particular have faced serious economic burdens as a result of a massive influx of refugees. Unfortunately, in a period of recession and slower economic growth, many developed countries have been cutting back on refugee admissions. France, for example, which accepted three times more refugees than the combined total of the other European countries, reduced its intake of refugees from 700 per month in 1980 to about 400 a month in 1981, with the expectation that the flow would be further reduced. Although there have been proposals for an internationally supported resettlement fund to resettle refugees in developing countries, similar to the Common Fund type of financing initiated by the United Nations Conference on Trade and Development, no concrete action has yet been taken.

[21] "Assistance to refugees in the Sudan; report of the Secretary-General" (A/35/410), p. 9.

[22] "Humanitarian assistance programmes of the United Nations High Commissioner for Refugees in Somalia and other countries in the Horn of Africa" (E/1980/44), p. 18.

REGIONAL OVERVIEW

Africa

The large majority of African refugees remain within Africa, where they have been regarded as an African problem, in part as a result of tribal traditions related to the belief that each clan has responsibility for its fellow members. African Governments have adopted a wide range of innovative policies to deal with refugee situations.

Repatriation

Repatriation has occurred more frequently in Africa than in the other regions, in part since refugees have no particular incentive to make their stay more than a temporary one, unless refugee movements overlap with established migration patterns (i.e., involving labour migrants.)[23]

Several African countries had successful experiences with repatriation during 1979 and early 1980. In eastern Africa, Uganda, with the assistance of UNHCR, began resettling large numbers of returning refugees and displaced persons during 1979, as well as readmitting thousands of Rwandese and Zairians who had previously sought asylum in that country. (Kenya's decision to revoke the refugee status of Ugandans living in its territory, and to give them until March 1980 to return to their country, greatly increased the size of the returning flow.) Zimbabwe, the newest independent African State, was well on its way to resettling its returning refugees within a short interval after independence. When its guerilla war ended, about 500,000 persons held in "protected villages" by Zimbabwe's former rulers became free to move. Of the some 200,000 who had fled to Botswana, Mozambique and Zambia, about 35,000 returned to Zimbabwe to vote in the February 1980 elections, according to provisions of the Lancaster House Agreement. In a second phase, in May 1980, over 5,000 persons were repatriated from Mozambique, while mothers and children and other vulnerable groups were air-lifted from Zambia to Zimbabwe. In addition, significant numbers of refugees, probably more than those who went through the official repatriation process, walked across borders from neighbouring countries. Although reverse migration also occurred, with many of Zimbabwe's white citizens emigrating to South Africa, Australia and the United Kingdom, these flows were smaller than originally anticipated.

A third country in Eastern Africa, Mozambique, has encouraged selective repatriation. In March 1980 President Machel delivered a plea for former Portuguese settlers living in other African countries to return to Mozambique, promising them special business incentives.

The most noteworthy example of return movement involved the large-scale repatriation of Zairian refugees during 1979. Following the Zairian Government's proclamation of a year-long general amnesty in June 1978, some 120,000 to 150,000 Zairian nationals returned from Angola and other countries under UNHCR auspices, making it one of the largest organized border crossings in recent African history.[24]

A repatriation programme in the Western African country of Guinea was less successful. In mid 1971 the President announced a general amnesty for all Guineans living abroad, as well as a number of incentives for the repatriation of students, intellectuals and entrepreneurs. An estimated 20,000 to 30,000 exiles returned to Guinea following the amnesty, although several hundred thousand still remain abroad.[25]

Finally, Equatorial Guinea has encouraged return migration. Some 20,000 Equatorial Guinean nationals returned from The United Republic of Cameroon (when that country revoked their refugee status), while smaller numbers returned to Equatorial Guinea from Gabon.

Of course, repatriation is not without its problems.

The return of refugees has heavily strained the health and education systems of many countries, particularly in a country such as Zimbabwe, whose infrastructure deteriorated throughout the war period. One of the problems with large-scale programmes of voluntary repatriation is a lack of suitable reception centres and sufficient funds to meet the basic needs of returnees. Towards this end, several countries, including Ethiopia, have requested assistance for constructing reception centres and other infrastructure, in the anticipation of a repatriation programme at a future date.

Resettlement within the ECA region

When there has been no possibility of repatriation, most African Governments have willingly resettled large refugee populations. Unlike Governments in other regions which have segregated their refugee populations, many African Governments have regarded refugees as a potentially active labour force which should be involved in the socio-economic development of their countries of asylum. The fact that many African countries have underutilized agricultural land has, naturally, been an asset, since refugee groups have provided the necessary manpower to develop those areas.

A number of African countries have had successful experiences with rural resettlement. Of the Sudan's nearly 500,000 refugees, 62,000 were in functioning planned settlements as of 1979, and the Government hoped to settle an additional 98,000 by the end of 1980.[26]

In the United Republic of Tanzania, which has provided assistance to large numbers of refugees from various countries in southern Africa, a number of refugee settlements have become self-reliant communities, producing their own food and selling cash

[23] Astri Suhrke, "Global refugee movements and strategies: an overview", . . ., p. 11.

[24] United States of America, Office of the United States Coordinator for Refugee Affairs, *1979 World Refugee Assessment* . . ., p. 49.

[25] United States of America, Office of the United States Coordinator for Refugee Affairs, *Overview of World Refugee Situation*, . . ., p. 31.

[26] "Assistance to refugees in the Sudan; report of the Secretary-General", . . ., p. 4.

crops sufficient to meet their other expenses. In some cases, the refugee settlements have already been passed over to the Government for normal administration, on the same terms as the country's other villages and development schemes. Many of the refugees have been fully integrated into the United Republic of Tanzania's society, as shown by the fact that some 36,000 Rwandese refugees became citizens of the United Republic in 1980, in one of the largest mass naturalizations in recent years.[27]

Djibouti's policy has been to develop long-term plans and programmes that will allow refugees to become self-supporting members of economically viable communities. Along these lines, a pilot irrigation project operated by refugees and Djibouti nationals aroused considerable interest in a country that has lacked an agricultural tradition.[28] Another pilot project for the integration of refugee families in Djibouti involves an in-depth evaluation of possibilities for a fishing co-operative of refugee and national families.

The Sudan's policy seeks to accommodate all refugees into organized settlements. Since 1970, UNHCR has undertaken a vast resettlement programme in the Sudan for refugees of rural origin, in order to permit them to become self-sufficient. Settled on private land, the refugees have the opportunity to work on national agricultural development schemes. The Government is contemplating the development of a fishery complex in the Red Sea, which would include a training programme for some 600 refugees and Sudanese nationals.

A number of resettlement programmes, including agricultural co-operatives, integrated rural development schemes, or projects linked to broader development strategies, are in the planning or pilot stages. For example, to aid rural refugees from Angola and Zaire, the Government of the Congo has elaborated a programme for the development of an agricultural co-operative to assist 5,000 refugees.

Nigeria proposes to develop a rural settlement scheme (which would focus on poultry raising) for the benefit of some 2,500 refugees deprived of alternative employment.

The Government of the Central African Republic has submitted a request for assistance to integrate 250 refugee families into a nation-wide cotton-growing scheme. Each family would be given 5 to 8 hectares, and would cultivate cotton, with technical advice from the Ministry of Rural Development.[29]

Rwanda has requested assistance for a project for the rural integration of 3,500 refugees and national families, which would entail the reclamation of 700 hectares of marshland. The project is part of a larger programme covering an entire valley (6,000 hectares) in north-eastern Rwanda, which in turn is a component of a national plan that aims to make Rwanda self-sufficient in food production.[30]

Similar projects have been developed to assist returnees. For example, the Government of Angola has proposed a three-year integrated programme of community development in five provinces, for the benefit of 100,000 refugees reported to have returned from Zaire in 1979 and 1980.

Zaire has proposed an integrated programme that would include distribution of plots, provision of food and basic necessities, measures to improve primary health services and the like. The programme, which is designed to strengthen the infrastructure of the designated area, would benefit the local population of 40,000 inhabitants as well as 13,000 Angolan refugees.[31]

The Government of Zimbabwe has developed plans for re-installation centres, agricultural training and irrigation schemes, and for a livestock improvement project within the United Nations-sponsored rehabilitation programme. In addition, a massive resettlement operation involving about 100,000 refugees and displaced persons was launched in eastern Zimbabwe, with families being resettled on some 90 farms bordering the Tribal Trust Lands. The Government intends to increase production in the Tribal Trust Lands with the objective of resettling up to 1 million Zimbabweans.

As can be seen from the preceding discussion, although many projects are still in pilot stages, programmes covering rural refugees are being planned and implemented within the context of national and regional development in many African countries, with the objective of integrating the refugees and ensuring their self-reliance. There is a general consensus, as expressed by participants at the Arusha Conference, that programmes should have the aim of increasing agricultural and related production to provide a surplus which can be converted into cash for personal needs. Refugee programmes should also promote co-operatives for production and marketing, which are considered to be an effective method of integration into the local community.[32]

Of course, obstacles have arisen in a number of countries. Refugee camps are sometimes located in barren areas where self-help activities are difficult to organize, as is the case in Somalia. So, too, more than half of Africa's rural refugees live outside organized settlement schemes. Again using the example of Somalia, about 700,000 refugees in that country have spontaneously settled in rural areas and in several of the major urban centres. As the Government noted, it cannot plan even for these refugees' food requirements, which first appear as demands on supplies flowing through normal government and commercial channels.[33] In the Sudan the problem is even more acute, since over 400,000 of the nearly 500,000 refugees remain in spontaneous settlements in rural and urban areas.

[27] "The refugee situation in Africa", . . ., p. 93.

[28] "Assistance to refugees in Djibouti; report of the Secretary-General" . . ., p. 20.

[29] "The refugee situation in Africa", . . ., p. 15.

[30] *Ibid.*, p. 55.

[31] *Ibid.*, p. 101.

[32] "Aid to rural refugees should ensure their integration and self-sufficiency", *News from the United Nations High Commissioner for Refugees*, No. 4 (October–November 1979).

[33] "Humanitarian assistance programmes of the United Nations High Commissioner for Refugees in Somalia and other countries in the Horn of Africa" . . ., p. 40.

The topic of spontaneous settlement was discussed in some detail at the Arusha Conference. Although the delegations acknowledged that this type of settlement offered certain social and psychological advantages, they warned of serious problems, since assistance to refugees in this category has been negligible. The delegations noted that spontaneous settlement was often incorrectly interpreted as "spontaneous integration", "a belief [that is] convenient because it absolves governments and aid-giving agencies from finding out and doing something about problems of this nature".[34] One of the recommendations of the subsequent international refugee conference, held at Khartoum in June 1980, was to discourage spontaneous settlement and to accommodate all refugees, both rural and urban, in regular settlements equipped with infrastructure to guarantee self-sufficiency.

Urban resettlement

Settling urban refugees has posed a particular problem for African Governments, particularly in the context of rapid urbanization. Despite the needs of many countries for skilled manpower, highly educated and trained African refugees have found it difficult to obtain employment. They are a dynamic group whose demands tend to be considered too high by their host countries, and who find themselves in competition with nationals of the countries of asylum in obtaining employment and education, while the less skilled urban refugees have found it even more difficult to obtain employment. Djibouti provides an illustration. In the country's precarious urban environment, where the rate of unemployment is of the order of 50 per cent, the presence of some 20,000 urban refugees, who make up 9 per cent of the urban population, has been a severe burden. The situation is even more difficult in the Sudan, where over 45 per cent of the 300,000 refugees in the eastern part of the country come from urban backgrounds and have settled in various urban areas. In Port Sudan, for example, which has a population of over 300,000 and an average annual rate of growth of 10 per cent, one quarter of the population is estimated to be refugees, resulting in severe pressure on already inadequate housing and social services.

Various solutions have been applied to the problem of urban refugees in Africa. The Government of the Sudan, as a result of increasing social tensions, has decided to establish a series of semi-urban settlements in the interstices between existing towns and outlying rural areas. Refugees now living in the towns will be allowed to keep their employment but will commute daily to these new semi-urban settlements.[35]

A few countries have developed income-generating, self-help projects to help urban refugees become self-sufficient. Owing to the difficulty of providing employment, the participants at the Arusha Conference suggested the creation of sponsorship programmes, through which individuals and national organizations could offer jobs to urban-based refugees. There has also been an emphasis on counselling services for urban refugees and, in some cases, assistance in emigrating to developed countries.

While rural refugees currently remain in the majority, over the next decade it is likely that increasing numbers of refugees will choose to take their chances in the cities. The concept of refugee settlement schemes will have to shift accordingly, placing greater emphasis upon trades and occupations that will facilitate eventual integration into an urban economy.[36]

Asia

Repatriation

There have been few successful examples of repatriation involving Asian countries. In mid June 1980 a repatriation programme was begun by the Government of Thailand and United Nations refugee officials, in response to alleged requests from many Kampuchean refugees to return to Kampuchea. Although border hostilities brought a temporary halt to the programme, some 310,000 Kampucheans were eventually repatriated.

An earlier refugee movement in eastern South Asia that ended in mass repatriation involved some 200,000 Muslim Burmese who fled across the border in 1978 to neighbouring Bangladesh. The exodus is believed to have been precipitated by a census taken in the Arakan border region of the Muslim minority, who are citizens of Burma but who have been apprehended sometimes as illegal migrants.[37] In July 1978 Burma and Bangladesh reached an agreement to repatriate those refugees who could produce evidence of their prior legal residence in Burma, and to co-operate to prevent future illegal border crossings. As of late 1979 the outlook was for the eventual repatriation of a large proportion, but not all, of the refugees.

Although the repatriation of the Arkanese Muslims to Burma has been cited as an example of successful repatriation, the return of the Arakanese refugees culminated in the drafting of a new citizenship law in Burma. The proposed law created two classes of citizens, distinguishing between members of indigenous Burmese ethnic groups and "naturalized" citizens, with the latter chiefly of Pakistani, Bangladeshi and Chinese origin, and numbering 3 million out of a total population of 33 million.[38] Conceived as a means of discouraging immigration from other countries in the region, the law excluded naturalized citizens from joining the military and participating in elective government and party bodies, and it prevented them from leading certain economic organizations.

Another attempt at forced repatriation involved an estimated 4,000 Tibetan refugees who had resided in Bhutan since they left their homeland in 1959. In 1979 the National Assembly of Bhutan decided that the

[34] *Report of the Conference on the Situation of Refugees in Africa, Arusha, Tanzania, 7–17 May 1979* (REF/AR/CONF/Rpt.I).

[35] "Assistance to refugees in the Sudan: report of the Secretary-General". . . ., p. 18.

[36] John R. Rogge, "Africa's resettlement strategies", *International Migration Review*, vol. XV, Nos. 53–54 (Spring/Summer 1981), p. 212.

[37] Mujtaba Razvi, "The problem of the Burmese Muslims", *Pakistan Horizon*, vol. XXXI, No. 4 (1978).

[38] *The New York Times*, 13 August 1980.

Tibetans had either to accept Bhutanese citizenship or be repatriated to China at the end of 1980.[39] The Government of Bhutan subsequently changed its position, however, giving the refugees the additional option of resettling in India.

Resettlement within the ESCAP region

While there have been few examples of successful repatriation involving Asian countries, there have been even fewer cases of rural resettlement. In something of a special case, Malaysia allowed Filipino Muslim refugees to settle on the island of Sabah. Subsequently, in competing for Saudi Arabian contracts in the cities of Mecca and Medina, which only Muslims are allowed to enter, Malaysian developers proposed using some 2,500 of these refugees as construction workers.[40]

China, in something of a special case, was one of the few centrally planned countries to have accepted large numbers of refugees for permanent resettlement in recent years. The Government's humane policy towards the quarter of a million refugees who fled across the border from Viet Nam during 1978 was largely motivated by the fact that the refugees were regarded as returned overseas Chinese. Rather than confining them to camps, China's policy has been to integrate the refugees, and other overseas Chinese who returned voluntarily, into state farms, fishing villages, and other existing work units.[41] Most of the refugees have been settled in the south of China, with the largest concentration in Guanzi and additional settlements in Guangdon, Fujian and Yunnam. In pledging to accept 10,000 additional refugees from camps in Thailand and Malaysia, the Chinese authorities emphasized that they wished to receive only those who wanted to live in rural areas.

Finally, as a means of dealing with some 350,000 refugees from Democratic Kampuchea and 750,000 displaced persons inside Viet Nam, the Vietnamese Government organized a number of refugee settlements in rural areas. During 1978 the Government installed some 5,000 refugees on six agricultural sites; each family also received a small piece of land on which to cultivate vegetables and raise poultry.

Resettlement in third countries of asylum

The response of a majority of Asian countries has been to admit refugees for a temporary period, keeping them in refugee camps prior to their resettlement in third countries of asylum. Indeed, in Asia as a whole, refugee camps have been the major response, accommodating about 90 per cent of the total refugee population as of 1979. Although UNHCR and other organizations give their financial support and technical assistance, refugee camps are generally not international shelters but camps under Malaysian, Thai etc. authority, and the Governments remain responsible for the protection of refugees and displaced persons in the camps.

Summarizing the policies of the major countries of first asylum:

Thailand has been the principal receiving country. Unlike the earlier waves of Vietnamese and Laotians, who were granted refugee status upon arrival in Thailand, those arriving from Kampuchea were considered illegal migrants and were confined to camps. In 1979, fearing invasion across the Kampuchean border, Thai border authorities tried to prevent large groups of Kampuchean refugees from entering the country and, on several occasions, forcibly repatriated them on the grounds that they were economic migrants;[42] this was the stated reason that the Government also expelled more than 50,000 Kampucheans who were camped along the frontier. The Government subsequently accepted large numbers of Kampuchean refugees, confining them to holding centres, and requesting international assistance.

In 1978 the Government decided to permit refugees in the camps to plan self-reliance projects such as market gardening, cottage industries and small-scale livestock breeding. However, the Government's position remained that these refugees had to be resettled in third countries of asylum.

Recently, the Government has been moving the refugees back to camps along the frontier, a move that is opposed by the international organizations working in the area. In the light of the slowdown in departures to third countries, the Government was reported to be considering massive forced repatriation, although it apparently changed its position following assurances of stepped-up departures.[43]

Malaysia's policy has varied considerably over time, although a constant feature has been that no Indochinese refugees who landed by sea could expect to become settlers. Although the Government initially categorized the boat refugees as illegal migrants and confined them to camps, Malaysia's refugee policy was essentially humane.[44] The heavy exodus in 1979 put this policy under strain, however, and Malaysia came to the forefront of world attention following its decision to refuse additional refugee arrivals and force refugee boats into international waters.

The latter policy, which was adopted to reduce the flow of refugees at the source and to heighten pressure on Western countries to relieve Malaysia of its refugee burden, was shaped by a number of factors. These included the strong political reactions which the refugees provoked within Malaysia, and to the fact that more than 60 per cent of the refugees were of ethnic Chinese background. Whereas Mayalsia previously accepted more than 90,000 Filipino Muslim ref-

[39] "Bhutan: solving the refugee problem", *Far East Economic Review* (11 July 1980).

[40] "Malaysia: developers on edge", *Far Eastern Economic Review* (28 October 1977).

[41] "China: Indo-Chinese refugees settled on state farms", *News from the United Nations High Commissioner for Refugees*, No. 2 (June–July 1980).

[42] *The New York Times*, 24 April 1979.

[43] *The New York Times*, 2 April 1981.

[44] United States of America, Office of the United States Coordinator for Refugee Affairs, *1979 World Refugee Assessment . . .*, p. 27.

ugees and resettled them on the island of Sabah,[45] there were widespread fears that the Indochinese refugees would upset the balance between the Malay community and the Indian and Chinese minorities who make up half of Malaysia's population. A related problem was the fact that the refugees arrived on Malaysia's eastern coast, an undeveloped region with a dominant Malay population. Although there was a net decrease in the number of refugees in Malaysian camps during the third quarter of 1979, the Government indicated that it would remain firm if a new influx were to occur.

Indonesia's policy was similar to Malaysia's and was also influenced by the fact that a large proportion of the refugees were of ethnic Chinese background. The Government of Indonesia followed the Malaysian model of isolating the refugees from the general population, establishing camps first in the remote Anambas Islands, and later in the more accessible Paku Islands.

Although the Philippines received a much smaller influx of refugees than other countries in the region, in June 1979 the Government joined with those of Indonesia, Malaysia, Singapore and Thailand in announcing that it would not accept additional refugees.[46] In line with the policy of Malaysia and Indonesia, the Philippines decided to hold refugee arrivals in areas separate from the local population. At the 1979 Geneva Conference the Philippines extended this concept, offering UNHCR an island to serve as a processing centre for refugees who would be resettled in third countries of asylum.

Two countries in the ESCAP region, Singapore and the Republic of Korea, temporarily harboured very small numbers of refugees. Because of its high population density, Singapore co-operated in arrangements for the transit of refugees from Indonesia and Malaysia *en route* to resettlement in other countries. The Government's policy was not to accept refugees for resettlement, and to prohibit persons rescued at sea to come ashore without a guarantee of assured passage to a third country within three months. The Republic of Korea has offered asylum to refugees who were rescued at sea and brought to its ports. As the Government noted at the 1979 Geneva Conference, a majority of these refugees subsequently chose third countries for resettlement, due to such factors as the language barrier and the limited employment opportunities in the Republic of Korea.[47]

The British colony of Hong Kong was also a major receiving area for refugees. As of late 1979 there were more than 60,000 Indochinese refugees in Hong Kong awaiting permanent resettlement. Although housing presented a major problem, the refugee situation was somewhat eased by the colony's chronic labour shortage, which allowed many of the refugees to work while awaiting resettlement.

Middle South Asia

Middle South Asia is another area in the region of the Economic and Social Commission for Asia and the Far East (ESCAP) that has been seriously affected by refugee movements. One of the major refugee situations, involving 200,000 Burmese Muslims who fled to Bangladesh in the spring of 1978, has been resolved—at least as far as the Government of Bangladesh is concerned—since all but 10,000 of the refugees were repatriated to Burma as of late 1979.

A "refugee" problem of longer standing involves the Bihari refugees, non-Bengali-speaking residents of Bangladesh who claim to be citizens of Pakistan. As of mid 1980 some 250,000 Biharis resided in 66 camps in Bangladesh. Although residents of the camps are free to live outside their confines and to seek employment, and are technically not refugees, they have continued to demand repatriation. Although Pakistan accepted more than 100,000 Biharis, many of whom were former soldiers or had close relatives in Pakistan, the Government of Pakistan no longer grants the Biharis asylum.[48]

During 1980 India was seriously affected by communal violence involving Bengali immigrants, some 243,000 of whom were driven into refugee camps. When the Bengalis (who are Hindus) fled across the border from predominantly Muslim Bangladesh in 1971, they were welcomed by the indigenous tribes in Tripura State. The groups later clashed, however, as a result of differing patterns of land tenure. A similar campaign against Bengali immigrants was conducted in Assam State, where the local population agitated for the expulsion of "foreigners".[49]

The most serious refugee situation in the subregion, and one of the most serious in the world, involves the massive influx of refugees into Pakistan, a country that has long attempted to stimulate emigration to relieve its population pressures. By late 1980 Pakistan had received an estimated 1 million refugees from neighbouring Afghanistan, about 7 per cent of that country's total population. By 1981 the figure had climbed to 1.4 million. The numbers remained uncertain, however, since many of the refugees were tribal people from ethnic groups that inhabit both sides of the porous Afghan-Pakistani border. The Government of Afghanistan, in a statement issued at United Nations Headquarters in March 1980, maintained that many of the refugees were seasonal migrants "who throughout history . . . travelled up to the banks of the Indus River . . . [and] recognized no border whatsoever".[50] (Refugee officials in Afghanistan were prevented from conducting a census by the Muslim custom of segregating women and had to base their estimates on a tent count.)

What is certain is that the refugees have placed an enormous financial and administrative burden on Pakistan, which was the major country of first asylum, followed by Iran, which received at least 100,000 ref-

[45] *The New York Times*, 5 March 1979.
[46] *The New York Times*, 1 July 1979.
[47] "Meeting on refugees and displaced persons in South-East Asia hears 15 statements at Saturday morning session" (United Nations Press Release REF/811), p. 6.
[48] *The New York Times*, 3 August 1980.
[49] *The New York Times*, 2 April 1980.
[50] "Letter dated 24 March 1980 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General" (A/35/154).

ugees. Whereas there was a departure of residents of Kabul and of other urbanized groups who hoped to resettle in developed countries such as the United States, the hundreds of thousands of Afghan tribal people, with their more than 2 million head of livestock, have caused growing tensions.[51] Although refugee officials expected that many of the nomads, who are accustomed to crossing the border to spend the summer in Afghanistan, would begin moving back during the summer of 1980, only a small group returned, in spite of Afghanistan's proclamation of a general amnesty.

The refugees have remained in camps under UNHCR auspices. The UNHCR Programme is based on principles that have been endorsed by the Government of Pakistan: namely, that no assistance be granted at the border, but rather at organized encampments situated more than one day's walk from the border; and that the programme include projects to promote self-sufficiency. A problem that remains to be resolved involves land tenure and grazing rights in areas where the refugees will be resettled.

Asia: developed countries

A final word must be said on the policies of several of the developed countries in the ESCAP region: Japan, whose Government was criticized by the major refugee-receiving countries for accepting only a small number of Indochinese refugees, pledged in April 1979 to accept 500 Indochinese refugees. Subsequently, at the Geneva Conference, the delegation of Japan defended its position on the grounds that, as a result of linguistic and other assimilation problems, a majority of refugees who had been admitted had left voluntarily for third countries. There were reports at that time that Japan would reduce its pledge and accept less than 500 refugees but would underwrite 50 per cent of UNHCR's Indochina refugee budget by way of compensation.[52] The Government has maintained its quota of 500 admissions, but, as of March 1980, only 109 refugees had settled permanently in Japan. Although the Government sent a mission abroad to recruit refugees to fulfil its pledge, the difficulty lies in the stringent conditions that Japan has set for prospective settlers. Until 1979 only refugees landing of their own accord or on ships bound for Japan could apply for permanent residence. Later, eligibility was extended to refugees who had at one time worked for a Japanese embassy or company. Once admitted, permission to stay in Japan must be renewed every year, and only after 10 years can a refugee win the permanent right to stay in the country.[53]

During the period from 1975 to 1980/81, Australia accepted some 37,700 Indochinese refugees, including more than 2,000 direct arrivals, a quota that has resulted in a higher proportion (0.26 of total) of refugee population than in any other major country of resettlement.

Australia's refugee policy has evolved considerably over the years and currently reflects humanitarian concerns as well as the country's economic and demographic objectives. In recent years, Australia's population policy has advocated some population growth by immigration, and the refugee programme is set within that context. During 1980/81, there were some 20,000 refugee admissions, representing some 22 per cent of the total immigration. These 20,000 refugees, some 14,000 of whom were from eastern South Asia, did not include all the refugees entering the country, since some earned sufficient points on skill, adaptability and English to enter in the general eligibility category, and others entered in the general family reunion category.

Although the Government's Community Resettlement Scheme, established in 1979, has been working well, the high national unemployment level has led to some public support for eliminating the refugee programme until Australian citizens have more work.[54]

New Zealand has ranked among the first five countries in refugees settled *per capita*, having permanently resettled over 1,100 Indochinese by 1979 and planning to admit the same number during 1980. At the Geneva Conference in July 1979, the Government agreed to accept another 1,800 refugees by June 1981, by which date one in every 1,000 New Zealanders was expected to be an Indochinese refugee.

Latin America

The situations that produced refugees in Latin America have been primarily political, although they have been attributed to economic conditions in certain cases. Unlike a large proportion of refugees in other regions, who plan to return when the situation in their homeland changes, Latin American refugees have often been unable to return home or to stay in their country of first asylum, and thus have required third-country resettlement.

Caribbean

The Caribbean was one of the major refugee-producing regions in the western hemisphere during 1980. The movement of refugees from the Caribbean region raises the important problem of how to determine *bona fide* refugees from economic migrants, an issue that will be discussed in the conclusion to this chapter. In the case of Haiti, whereas there has been a long-standing movement of highly skilled Haitians to the United States, that country has been reluctant to accept unskilled Haitians, particularly if they entered the country illegally. The basic position of the United States Government has been that the Haitian "boat people" are economic migrants rather than refugees and should not be entitled to political asylum.

The Government of Haiti officially agrees with this assessment, maintaining that its nationals are leaving as a result of economic hardship rather than fear of

[51] *The New York Times*, 18 March 1980.

[52] *The New York Times*, 9 July 1979.

[53] "Wanted: refugees (but not too many)", *The Economist* (1 March 1980).

[54] Charles Price, "Immigration policies and refugees in Australia", *International Migration Review*, vol. XV, Nos. 53–54 (Spring/Summer 1981), p. 107.

persecution. Haiti's Ambassador to the Organization of American States reported, for example, in May 1980 that "thousands of compatriots have been forced to abandon their land to look for better opportunities".[55] The Government's position is that its nationals are free to emigrate if the United States will accept them. It has stated that return migrants will be given "all possible guarantees of safety", and it gave approval for a fact-finding team from the United States to interview returnees, in an attempt to determine if their motives for emigrating had been political or economic.[56]

Cuba, a country that has restricted emigration in recent decades, sanctioned the departure of over 100,000 persons, or approximately 1 per cent of its total population, during the spring of 1980. Following the occupation of the Peruvian Embassy at Havana by some 10,800 persons in April 1980, an airlift was put into operation, initially to a staging area in Costa Rica. The Cuban Government halted these flights in mid April 1980, requesting that persons leaving Cuba be flown directly to countries of resettlement. Cuban officials subsequently began issuing exit permits to persons with relatives who had arrived in small boats from the United States of America, with the restriction that departing family members not be of military draft age, or highly trained, and that the boat-owners depart with one relative apiece, with the remainder of their passengers to consist of persons whom the Government termed "anti-social elements".

In May 1980 the Government of Cuba rejected a request by the United States of America, the United Kingdom and Costa Rica to set up a programme for more orderly departure. Subsequently, in September 1980, Cuba unilaterally suspended the refugee outflow by sea, although it allowed an additional 600 refugees to be airlifted to the United States in November 1980.

Middle America

In the aftermath of the Nicaraguan civil war, more than 200,000 of the persons who had sought refuge in neighbouring countries returned to their homeland, although some 20,000 Nicaraguans permanently resettled in other countries.

Most policy changes made by other Governments in the subregion can be linked to the displacement of Nicaraguan refugees during 1978–1979. Costa Rica, a country that desires a continuing reduction of its population growth, changed its position on immigration—perhaps temporarily—and reported it to be too high, largely as a result of the influx of Nicaraguan refugees. At the Geneva Conference in July 1979, Costa Rica withdrew its offer to accept several hundred Indochinese refugees, reporting that its refugee population, made up largely of Nicaraguans, constituted 2.5 per cent of its total population. The Government noted that it would be unable to accept additional refugees until a substantial number of Nicaraguans had been repatriated.[57] According to refugee officials, a considerable number of Nicaraguans intend to remain in Costa Rica, and many have sought and received political asylum. In the spring of 1980 Costa Rica agreed to serve as a staging area and to accept some 300 Cubans for permanent resettlement.

Honduras is another country in the subregion that changed its position on immigration during 1979 and now regards it as too high, largely as a result of the influx of some 100,000 refugees from Nicaragua. Although all but a few thousand Nicaraguans were repatriated, Honduras has received growing numbers of refugees from El Salvador, who have fled across the border in the wake of continuing political violence in that country. In October 1981, some 15,000 Salvadoran refugees were moved to new camps deeper inside Honduras and were allowed to grow their own crops.

In addition to the some 1,500 Salvadorans in Honduras, there are perhaps an equal number of Salvadoran refugees in Guatemala and Costa Rica, as well as some 2,000 in Belize and an unknown number in Mexico. Between 70,000 and 150,000 Salvadorans may have entered Mexico in small groups, often dispersing and heading north to the United States.[58]

Whereas Panama granted asylum to a few hundred refugees from Nicaragua, the remaining countries in Middle America have been little affected by refugee movements. Mexico has no formal refugee programme and handles requests for asylum on a case-by-case basis. At the 1979 Geneva Conference, the Government of Mexico reported that it was not in a position to offer places for resettlement due to its high rate of population growth and to the emigration of its own nationals as a result of unemployment pressures.[59] In July 1979 Mexico effectively deported nearly 1,900 Guatemalan peasants who had sought refuge from the political unrest in their country.[60]

Temperate South America

The countries in Temperate South America have both generated and received substantial numbers of refugees. Argentina changed its policy on refugee integration after 1976. Although it was a signatory of the chief international instruments on refugees before that date, the Government stated its "geographical reserve", recognizing the refugee status only of persons from other continents but not from other Latin American countries.[61] As a result, the large numbers of refugees from Chile, Bolivia and Paraguay who arrived in Argentina during the early 1970s were included in the same category as illegal migrants and were prohibited from working. Although refugees who arrived in Argentina after August 1976 have been regarded as immigrants, only a small number of the Latin American refugees who arrived before that date have been granted permanent stay permits. As a result of

[55] "News briefs: Haiti", *Latin American Index* (31 May 1980), p. 38.

[56] "Haitian migration to the U.S.", *loc. cit.*, p. 79.

[57] "Meeting on refugees and displaced persons in South-East Asia hears more statements", . . ., p. 10.

[58] Salvadorans seeking to enter the United States are regarded as illegal migrants, since the United States maintains that the level of strife in El Salvador does not justify granting asylum.

[59] "Meeting on refugees and displaced persons in South-East Asia hears 15 statements at Saturday morning session", . . ., p. 9.

[60] *The New York Times*, 8 August 1981.

[61] "Latin American refugees in Argentina", *Migration News*, No. 4 (1977), p. 24.

UNHCR's continued efforts to resettle these refugees, Argentina's refugee population of Latin American origin has declined substantially and as of late 1978 consisted of only some 6,000 persons.

In 1979 Argentina agreed to admit some 5,000 to 6,000 refugees from Indochina, requesting financial aid for their resettlement. The refugees, who were to be resettled as family groups in sparsely populated areas, were guaranteed employment and housing in these areas, as well as language instruction and other training. They were to be granted resident status after a three-year period and citizenship after five years, but would not be allowed to move to any urban area until they had attained full citizenship. As of February 1980, a total of 1,233 Indochinese had resettled in Argentina.[62] (According to refugee officials, many subsequently faced adjustment problems.)

In recent years Argentina has, in turn, generated thousands of refugees, who have sought asylum throughout Latin America, as well as in Western Europe and the United States.

The impact on Chile of the long-standing drain of its professionals and the highly skilled was exacerbated by the departure of thousands of political refugees after 1973. Since that date, more than 19,000 Chilean refugees have been resettled in some 40 countries throughout the world. The Government declared an amnesty in 1978, although it subsequently granted permission to repatriate to only a small number of persons. The UNHCR continues to assist persons residing in Chile to be reunited with heads of their families who have been resettled abroad.

At the 1979 Geneva Conference the delegation of Chile noted that, although the country had a tradition of granting asylum to refugees, it could not offer resettlement places to refugees from Indochina, chiefly for economic and geographical reasons.[63]

Uruguay has not participated to any extent in international refugee relief efforts.

Tropical South America

Most countries in Tropical South America have participated to only a limited extent in international refugee relief efforts. Although Venezuela continues to accept some political refugees from other Latin American countries, including several thousand Cubans, the Government has indicated that it is not in a position to receive refugees from outside the Latin American region. Bolivia has not been involved in refugee relief efforts, while Colombia accepts only small numbers of refugees on a case-by-case basis. Ecuador has accepted a considerable number of political refugees from other Latin American countries, but has not recently been involved in refugee relief efforts. Peru's economic difficulties have limited its ability to contribute to refugee relief efforts in recent years. In the spring of 1980, however, Peru accepted some 730 Cuban refugees who had sought asylum in the Peruvian Embassy in Havana. Most of these refugees rejected offers of resettlement in Peru, however, expressing desire to emigrate to the United States.

Several countries in the subregion recently changed their policies on refugee admissions. In late 1978 Brazil withdrew from the Inter-Governmental Committee on European Immigration, citing its lack of need for immigrants and ICEM's shift in focus from European migrants to South-east Asian refugees. At the 1979 Geneva Conference the Brazilian representative noted that Brazil's high rate of inflation and continuing unemployment as well as difficulties encountered in assimilating other Asian migrants, were further reasons for its rejection of resettlement proposals involving Indochinese refugees.[64]

Brazil's new immigration law was expected to affect hundreds of thousands of refugees from other Latin American countries who were residing in Brazil, since the law provided that foreigners in a clandestine or irregular situation could not legalize their status.[65] The Brazilian Government recommended that such persons apply to UNHCR for assistance, although few were likely to meet UNHCR's criteria for refugee status. Paraguay, which traditionally accepted significant numbers of refugees, recently decided to restrict refugee admissions as a result of difficulties in an experiment with resettling from the Republic of Korea immigrants and Indochinese refugees.

The single country in the subregion that has offered a significant number of places for refugee resettlement has been Guyana. A country with a land area nearly as large as the United Kingdom and a population of less than 1 million inhabitants, Guyana has not had sufficient manpower to carry out a century-old policy of "opening up the interior". Although five schemes for foreign colonization (involving Africans, Chinese, Indians, Turks, Christians from Iraq, European Jews, and residents of other Caribbean countries) were proposed between 1919 and 1948, none of these schemes was successful.[66] In 1979 a consortium of private religious groups began to arrange for several thousand—and eventually as many as 30,000—Hmong refugees from Central Laos to be relocated in a remote area of Guyana.[67] As of December 1979 the Prime Minister of Guyana had responded positively to a proposed plan for the resettlement of some 750 refugees, although the invitation came under both domestic criticism and objections from the Government of Venezuela, which had laid claim, stemming from a long-standing border dispute, to the land offered for resettlement. The refugees themselves, however, subsequently declined to participate in the resettlement scheme.

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[62] United States of America, Office of the United States Coordinator for Refugee Affairs, *Overview of World Refugee Situation*, . . ., p. 56.

[63] "Meeting on refugees and displaced persons in South-East Asia hears 15 statements at Saturday morning session" . . ., p. 8.

[64] "Meeting on refugees and displaced persons in South-East Asia hears more statements" . . ., p. 9.

[65] "Brazil: thousands of refugees threatened with expulsion under new law", *Latin American Weekly* (15 August 1980).

[66] James W. Vining, "Grandiose schemes for foreign colonization in Guyana: a survey of their origin, provisions and abandonment", *Caribbean Quarterly*, vol. 24, Nos. 1 and 2 (March-June 1978).

[67] *The New York Times*, 30 March 1980.

Northern America

Canada has developed a complex system of planning for refugee admissions. In the formulation of annual refugee plans, assessments are made of prior commitments to voluntary agencies and UNHCR, their possible extension and anticipated new sources of refugees. Quotas are then established and subsequently revised in line with the Government's over-all immigration policy, fiscal planning, and any new international developments. The levels of over-all immigration result from a negotiated plan involving both national and provincial economic and social concerns, as well as forecasts of natural increase and net immigration.[68]

Canada's cumulative intake of refugees has made it one of the largest contributors to Indochinese refugee resettlement. Its unique system of refugee assistance represents a mix of governmental and private sponsorship, involving governmental sponsorship of one refugee for each privately sponsored refugee, and enabling a group of five or more persons or a corporation to support a refugee family for a period of one year. This system surpassed expectations, providing 25,000 offers of sponsorship by December 1979, against the target figure of 21,000 which had been set for the period ending 31 December 1980. In March 1980 the Government increased the over-all target for Indochinese refugees to 60,000 by the end of 1980. In 1979 Canada also accepted some 1,500 Soviet and Eastern European refugees, and its Refugee Plan calls for increased admissions from those countries.

Although the over-all evaluation of United States immigration policy was still in progress as of 1981, the Government passed a new Refugee Act in 1980, establishing a "permanent and systematic procedure" for admission and settlement of refugees in the United States.[69] The Act broadened the definition of refugee status (which was previously limited to persons fleeing Communist or Middle Eastern countries) to incorporate the United Nations definition, thus including persons who fear persecution within their own country, and it established two basic categories: refugees and asylum-seekers. Whereas previous legislation limited non-emergency admissions to about 17,400 per year, the 1980 Act was expected to allow approximately 50,000 non-emergency refugee admissions for the years 1980–1982.

The above legislation did not contemplate situations involving a sudden massive influx of refugees, arriving without overseas processing and valid documentation, such as occurred when more than 100,000 Cubans and significant numbers of Haitians arrived by boat during the spring and summer of 1980.

Briefly summarizing the major events: between April and November 1980, a total of 125,000 Cubans arrived in the United States. Initially, in April 1980, under emergency provisions of the 1980 Refugee Act, the United States agreed to accept up to 3,500 Cubans from a staging area in Costa Rica. In the following month, however, more than 100,000 refugees arrived in the United States in a flotilla of small boats. Cuba unilaterally terminated the exodus in September 1980. Subsequently, in November 1980, some 600 Cubans were airlifted to the United States for reunification.

In the case of the Haitians, based on unofficial estimates, some 44,000 Haitians arrived in the United States by the fall of 1981. A large proportion of those arriving towards the end of 1980 were from the Bahamas, whose Government announced on 22 October 1980 that all Haitians would be given a 12-week period to agree to leave that country.[70]

In June 1980 the United States Government granted parole status to both Cubans and Haitians, allowing them to remain in the country for at least six months. The parole, which could be renewed, was intended to allow time to pass legislation that would enable the Cubans and Haitians to become permanent residents and, eventually, citizens.[71] The order applied, however, only to the estimated 30,000 Haitians who had arrived before 10 October 1980; those arriving after that date were still subject to deportation unless granted asylum.

Since the influx of large numbers of Cubans and Haitians, the United States has tightened up procedures for persons who do not go through normal channels and request asylum from aborad. As of 1981, legislation was being considered to expedite deportation and exclusion proceedings for persons arriving without visas, with fewer levels of appeal and review. Another measure being studied was detention of persons arriving in the United States and requesting asylum, thereby reversing the previous practice of releasing persons who arrived without visas into the community and giving them work permits while awaiting the resolution of their claims to asylum.

In a further step, the Justice Department considered legislation that would permit United States authorities to enforce immigration laws beyond the territorial limits of the United States. Boats would be stopped and searched for evidence of intent to violate United States immigration laws, and refugee claims would be adjudicated aboard a Coast Guard vessel.[72] Following an exchange of notes between the Haitian and United States Governments in September 1981, such a policy was put into effect. Meanwhile, Haitian groups reported that they would issue a "freedom pass", which would identify the holder as a political refugee.

In a further step, the United States Government proposed a bill in October 1981 that would grant power to seal off entry ports and harbours during an "immigration emergency".

The United States has admitted more than 400,000 refugees from Indochina since 1975 and more than 168,000 were to be admitted during fiscal year 1981, making up the largest numbers under the United States quota system. However, owing to the slow rate of

[68] C. Michael Lanphier, "Canada's response to refugees", *International Migration Review*, vol. XV, Nos. 53–54 (Spring/Summer 1981), p. 119.

[69] United States of America, *Ninety-sixth Congress, Refugee Act of 1980, Public Law 96–212, March 17, 1980.*

[70] *The New York Times*, 17 November 1980.

[71] *Ibid.*

[72] *The New York Times*, 28 April 1981.

processing, the State Department reported that it was unlikely that even 130,000 would be admitted.[73]

Under the United States' Refugee Act of 1980, refugees from a broader range of countries will be able to apply for asylum in the United States. Before the law went into effect, refugees from a country such as Afghanistan had to apply for refugee status only if they could make their way to Hong Kong, Frankfurt or Athens. The new legislation allows persons to apply for visas as refugees at about 15 United States embassies and consulates in South Asia, the Middle East and Africa.

The United States will also increase refugee admission from Africa, proposing 1,500 admissions during the 1980 fiscal year (three times the number in 1979). Whereas the previous geographical restrictions in the United States legislation severely limited the number of Africans who could qualify for refugee status (nearly all who did qualify came from the Horn of Africa, defined by prior legislation as a part of the Middle East), the Refugee Act of 1980 eliminated this distinction, making it possible for refugees in any part of Africa to apply for admission.

In September 1980 the Government announced a reduction in the number of refugees who could legally enter the United States in 1981, largely because of the heavy influx of Cuban and Haitian refugees. The new refugee quota would be 217,000, 14,700 fewer than in 1980.[74] Indochinese will make up the largest numbers under the quota system: 168,000 were to be allowed into the United States in the fiscal year 1981. The breakdown also included 37,500 from the Soviet Union and Eastern Europe, 4,500 from the Middle East and 3,000 from Africa. The largest regional reduction came in Latin America, where the quota recommendation was 4,000, 20,500 less then in 1980.

In 1981 a Bill was introduced in the United States Congress to reduce over-all refugee admissions during fiscal year 1982 by one third to one half, lowering the ceiling for Indochinese refugees to 120,000, but actually accepting only 80,000 to 100,000.

Europe

Having long been host to large numbers of refugees from within the region, the European countries began to experience the arrival of increasing numbers of so-called "new refugees".[75] These refugees initially came from a new set of European countries, i.e., Spain, Portugal, Turkey and Greece, rather than from Eastern Europe, as in the past, and they were followed by Asians from Uganda and, after 1973, by Chileans. Since 1975, with the arrival of significant numbers of refugees from eastern South Asia, the "new refugees" have constituted the majority of new arrivals.

Northern Europe

With respect to refugee resettlement in northern Europe, Denmark, Finland, Norway and Sweden have been among the highest contributors to UNHCR on a *per capita* basis. All of the countries resettled small numbers of Indochinese refugees, with Sweden accepting those who are physically handicapped. Although the United Kingdom has a stock of some 153,000 refugees, it announced at the 1979 Geneva Conference that it would accept an additional 10,000 Indochinese refugees. In general, however, British authorities consider that they should give priority to present and future refugees from traditional Commonwealth areas.

Western Europe

All countries in Western Europe have been actively involved in refugee resettlement. Summarizing developments in the major refugee-receiving countries:

Austria, which has a tradition of granting asylum to refugees from Eastern Europe, has continued to serve as a staging facility for Soviet emigrés;

Belgium has accepted more than 1,500 Indochinese refugees;

Although the Netherlands absorbed thousands of Surinamese in recent years, it agreed to accept some 1,000 Indochinese refugees during 1979;

In spite of its small size and density, Switzerland has accepted significant numbers of Indochinese refugees. As in the case of Sweden, Switzerland's policy has been to accept hard-to-place refugees, such as those who are physically or mentally handicapped, and it is one of the few developed countries that accepts polygamous families.[76]

France has accepted more refugees *per capita* than any other European country. Since 1974 it has admitted 7,000 Latin Americans (including 5,000 Chilean nationals) and some 100,000 Indochinese refugees (more or less evenly divided among Kampucheans, Vietnamese and Laotians).

During the first six months after their arrival, refugees are supported entirely by public funds. Unemployment benefits, special job training and re-education measures, including special language courses, are now open to all refugees. Naturalization procedures also have been simplified and the five-year wait has been eliminated for Indochinese refugees.

The Federal Republic of Germany continues to give top resettlement priority to ethnic Germans from the Soviet Union and Eastern Europe. The Government accepted some 58,000 ethnic Germans in 1978, although it also accepted smaller groups of non-German refugees, including some 3,000 Indochinese during 1978.[77] At the 1979 Geneva Conference, the Government raised its offer of resettlement places to 20,000, although there were reports that it might subsequently reduce its pledge.

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[73] *The New York Times*, 2 April 1981.

[74] *The New York Times*, 20 September 1980.

[75] Anne Paludan, "Documentary note: refugees in Europe", *International Migration Review*, vol. XV, Nos. 53–54 (Spring/Summer 1981), p. 69.

[76] Ingrid Palmer, "Advancement, preparation and settlement needs of South-East Asian refugee women", paper presented at the Inter-Governmental Committee for Migration Fifth Seminar on Adaptation and Integration of Permanent Immigrants, Geneva, 6–10 April 1981.

[77] United States of America, Office of the United States Coordinator for Refugee Affairs, *1979 World Refugee Assessment . . .*, p. 8.

In a new development, refugees may now apply for naturalization after seven years of continuous residence in the Federal Republic, instead of the 10 years previously required. Equally significant, refugees and stateless families are being treated on the same basis as nationals in matters concerning unemployment benefits, social security etc.

Refugees now constitute a source of present or potential labour in many European countries. In France, for example, South-East Asia remained the most important source of new immigration as of 1979.[78] A number of European countries have eliminated restrictions, such as the requirement for work permits, that apply to other foreigners in their countries. In Austria, recognized refugees are entitled to permanent residence and do not need any work permit. In Belgium, which delegates its power to determine refugee status to UNHCR, refugees are entitled to regular B-permits and, unlike ordinary aliens, may choose and change work freely.[79] A person who is granted asylum in the Federal Republic of Germany has the right to work without the normal restrictions on foreign manpower. Under a measure that will go into effect in France in 1981, working papers will no longer be required of refugees. Under the Netherland's Aliens Law, recognized refugees do not need work permits and are equal to nationals as far as wage-earning employment is concerned. In Switzerland, refugees are not included in the annual quota of foreign manpower for each canton.[80]

Southern Europe

The countries of southern Europe have been relatively less affected than northern and Western Europe by refugee flows in recent years. Italy continues to be a country of transit for Eastern European refugees. Spain accepted some 100,000 Latin American political refugees in recent years, including many Cubans, and the Government agreed to accept several hundred more Cubans during 1980. Portugal's principal role in refugee assistance since 1975 has been its absorption of between 500,000 to 700,000 residents of its former African colonies. Although a repatriation programme allowed several thousand refugees to return to Angola during late 1978 and early 1979, there has been little return movement since that date. A latent refugee problem involving Portugal is that of the inhabitants of East Timor.

Eastern Europe

The Eastern European refugee situation is different from that of other subregions, with many persons leaving to reunite long-separated families. Although the Government of Bulgaria generally discourages emigration, it has accorded some recognition to the right of family reunification, as provided for under the Helsinki Accords (1975). In recent years Bulgarian refugees, who are mostly young people, as well as members of the country's Turkish Muslim minority, have sought asylum in the Federal Republic of Germany, the United States and Turkey, Czechoslovak emigrés include ethnic Germans going to the Federal Republic of Germany, as well as persons leaving under the family reunification provisions of the Helsinki Accords. Poland's laws restrict emigration, which has declined since the mid 1960s and which now remains lower than before the signing of the Helsinki Accords. The Government limits applications for exit visas, even for the purpose of family reunification, although a significant flow of ethnic Germans continues to depart for the Federal Republic of Germany under provisions of the Helsinki Accords. Finally, members of Romania's Jewish minority have been emigrating to the Federal Republic of Germany at a rate of some 10,000 per annum.

Whereas the Governments of Romania and Yugoslavia have contributed to international refugee relief efforts, few refugees have been known to resettle in Eastern Europe through the UNHCR mechanism in recent years. A small number of refugees, chiefly from Latin America, have been given political asylum in a number of Eastern European countries, although most have subsequently emigrated to various Western European countries.

Western South Asia (non-Arab countries)

In Western South Asia, although the situation has improved considerably, there were some 8,000 Cypriots remaining in refugee camps as of 1980. Israel, in addition to allowing the unrestricted immigration of refugees of the Jewish faith, accepts small numbers of non-Jewish refugees. At the 1979 Geneva Conference, for example, the Government pledged to admit some 200 Indochinese refugees. The Government of Turkey continues to operate a refugee programme for ethnic Turks from such countries as Bulgaria.

Western South Asia (Arab countries)

Following upon the events of 1948, some 1 million Palestinians took refuge in neighbouring countries: 500,000 in Jordan, more than 200,000 in the Gaza Strip, some 100,000 in Lebanon, and less than 100,000 in the Syrian Arab Republic, as well as smaller numbers in Egypt (10,000) and Iraq (5,000).[81]

By 1967, on the eve of the June War, there were some 1.34 million refugees registered with the United Nations Relief and Works Agency (UNRWA). An additional 385,000 refugees and displaced persons were expelled from the West Bank and the Gaza Strip in 1967 and, by 1981, the number of Palestinian refugees registered with UNRWA had risen to 1.88 million, with some 716,000 on the East Bank of the Jordan, 324,000 on the West Bank, 368,000 in the Gaza Strip, 227,000 in Lebanon, and 209,000 in the Syrian Arab Republic.[82] Nearly 650,000 of these 1.8 million Pales-

[78] *SOPEMI* (1980), p. 14.

[79] Anne Paludan (ed.), *Asylum in Europe: A Handbook for Agencies Assisting Refugees* (Geneva, International University Exchange Fund, 1979), p. 40.

[80] *Ibid.*, p. 126.

[81] Moussa Samha, "Migration trends and patterns within the ECWA region", paper presented at the Conference on International Migration in the Arab World, 11–16 May 1981 (E/ECWA/POP/CONF.4/WP.4), pp. 9–10.

[82] *Ibid.*, p. 10.

tinians at present reside in one of UNRWA's 61 camps.

Although the Government of Jordan grants Palestinian refugees both passports and citizenship rights, the other Governments in the subregion accord citizenship only on a highly selective basis, and rarely to refugees. In any event, many Palestinians reject the idea of integration, which they consider to be inconsistent with their goal of national self-determination.

The effect of warfare has not been limited to Palestine. Following the civil war in Lebanon in 1975, a large number of Lebanese refugees fled to neighbouring countries, with many of them subsequently moving on to seek work in the Gulf countries.

Another refugee situation in the region involved an estimated 30,000 to 35,000 Iraqi Kurdish refugees residing in Iran; by 1980, UNHCR had resettled some 1,400 of these refugees who were willing to settle outside the region.

Conclusion

Refugees are fundamentally different from the various categories of economic migrants described in the preceding chapters (whether permanent or temporary, legal or illegal), since refugees are persons who leave their countries of origin as a result of a well-founded fear of persecution on the basis of race, religion, nationality, political affiliation or social group. Unlike most other migration flows, refugee flows are supply determined, i.e., no Governments articulate a demand for refugees, although many accept them.[83]

Typically, refugee movements are neither anticipated nor planned for in advance. Moreover, refugees are often treated as a special category of migrant, outside the scope of a Government's broader international migration policy, even though refugees are becoming an increasingly important component of international migration flows and are, in a sense, competing with more traditional migrants for a limited number of places in the major countries of resettlement.

Briefly summarizing the nature of refugee problems and policies by region and the prospects for their resolution:

Refugee movements have been occurring in Africa on a massive scale. Relatively few African refugees have been settled outside the African region (due to such factors as lack of close political ties to the developed countries, high transportation costs, low skill levels, high proportion of vulnerable groups among the refugees etc.). This situation is unlikely to change in the foreseeable future. The United States of America, which is the major refugee-receiving country, increased its quota for African refugees to only 1,500 in 1980, and it had no refugee-processing office on the African continent until 1981.

Fortunately, many host Governments in Africa have recognized that refugees constitute a potentially active labour force. Whenever possible, African Governments have planned and implemented refugee programmes within the context of national and regional development strategies and have sought to integrate refugees into the economic structures of the host community. Of course, many of the receiving countries in Africa are in the unique position of having large amounts of unsettled land, and hence can utilize the refugees as an agricultural labour force.

The plight of the 1.4 million refugees in Afghanistan is similar to that of refugees in Africa. With the exception of small groups of skilled, middle-class refugees, the vast majority of Afghan refugees, who are chiefly unskilled, nomadic tribesmen from a country that has no close ties to the developed countries, are unlikely to be resettled elsewhere, and will need continuing international assistance.

Asian refugees from Indochina were a rather different case and one that was described at length in the present chapter. Largely as a result of their Chinese ethnicity, these refugees were granted asylum by other countries in the region only on a temporary basis and were confined in camps while awaiting permanent asylum in third countries of resettlement. Asian refugees have rarely been considered a potential labour force, or utilized as such, with the exception of those in China, where they were settled on state farms, in fishing villages etc.; those in Hong Kong, where refugees were allowed to leave the camps and seek employment while awaiting resettlement; and those in Malaysia, where Filipino Muslim refugees found employment in the timber industry in Sabah, with some even being sent to Saudi Arabia as contract workers.

Large numbers of Asian refugees have been resettled outside the region, although the process has been slowing down and there have been actual or proposed reductions in admissions in several of the major countries of resettlement. Moreover, as the exodus continues, a number of fundamental—and as yet unanswered—questions have been raised by the countries of resettlement: namely, how long does their "responsibility" towards the refugees last? and to what extent are the new arrivals economic migrants rather than *bona fide* refugees?

Latin American refugees have been something of a special case. Generally political refugees, who are highly skilled and middle-class, many Latin American refugees have resettled in the developed countries, either alone or in family groups, and have been assimilated relatively easily. The more recent large-scale refugee movements in the Caribbean and in Middle America (i.e., those involving Cuba, Nicaragua, El Salvador and Guatemala) pose a different type of problem. The Cubans were a unique case and were resettled *en masse* in the United States (although the Cuban incident did lead to a fundamental reexamination of the United States' refugee policy and to a reduction in the 1981 quota for the other Latin American countries). Several Middle American countries have responded generously to refugee inflows, although they have reached a certain saturation point and there is little likelihood that the United States will expand its quota, given its large-scale Hispanic immigration from other sources.

[83] W. R. Böhning, "Guest worker employment, with special reference to the Federal Republic of Germany, France and Switzerland—lessons for the United States?" (ILO doc. WEP 2-26/WP. 47, June 1980), p. 119.

In the Middle East, the plight of the Palestinians, the major refugee group, is rather special, in that they have resisted resettlement over the years as a result of political convictions.

Briefly, what are the prospects for the resolution of present and future refugee problems? The African Governments will probably maintain their present generous attitude,[84] although they will need massive international assistance. Several of the major refugee situations are precarious indeed, as in Somalia. Although there have been successful examples of repatriation, many of Africa's current refugee situations are likely to be long-term or even permanent.

Refugees have already placed a heavy burden on economic and social infrastructure throughout Africa, in rural and in urban areas, particularly in countries that have found it difficult to provide social services to their own populations. Citing one example, about 60 per cent of Djibouti's national health budget is consumed by refugees. The burden on educational services has also been severe in many African countries. All of these problems can be expected to worsen.

Although there has been growing recognition in the international community of the plight of African refugees, as demonstrated by the International Conference on Assistance to Refugees in Africa held at Geneva in April 1981, in the context of slowing world-wide economic growth and reduced assistance it will grow more difficult to assist refugees in first countries of resettlement, many of which are among the world's poorest countries.

Beyond providing assistance to the first countries of resettlement, there are several other options:

There is limited scope for using refugees as substitutes for labour migrants. To some extent, this has happened in France, where a majority of new immigration is from South-East Asia; France has eliminated work permit requirements for refugees, and significant numbers have found employment. Of course, a major difference is that the refugees are expected to stay permanently and thus will involve greater social costs.

There is little likelihood of using refugees as a labour force in other labour-importing regions, such as the Middle East, since Governments want workers who can be guaranteed to return to their home countries (so-called turn-key projects). The process is a selective one and undernourished and ill-educated refugees could not compete in terms of productivity with Asian contract workers. Moreover, many refugee populations consist largely of women and children.[85] Finally, transportation and related costs would be too high (Asian contract workers are typically financed by international consortia).

Another possibility is that of using refugees as agricultural colonists. While this has occurred in Africa, it has generally taken place in contiguous countries and on a spontaneous basis. Other countries that have attempted to use refugees as colonists have sometimes been those that have not been able to attract colonists easily by other means. For example, Guyana has been attempting to induce colonists to open up its interior for nearly a century, and its latest attempt to attract Hmong refugees was unsuccessful. Argentina admitted Vietnamese refugees to colonize certain areas, but the refugees have found it difficult to adjust. (Attempts to settle refugees in remote areas with adverse climatic conditions have generally been unsuccessful, just as attempts to settle refugees in remote areas of developed countries have had disappointing results.) In line with this approach, there have been periodic suggestions of resettling refugees on remote, sparsely inhabited islands, a policy that would entail excessive infrastructure costs. A further option is that of settling refugees in the developed countries.

The developed countries have rarely received direct refugee arrivals[86] and have usually been in a position of being able to select and process refugees overseas. Although humanitarian concerns have played a part in refugee admissions, refugees are admitted on a highly selective basis in many of the developed countries.

To cite only a few examples: in accepting refugees from Viet Nam, the United States of America gave preference to refugees who fit into one or more of the following categories: those having close relatives who entered the United States before June 1978; unaccompanied children and young adults; former United States Government employees, and others who had ties to the United States, including their spouses and unmarried children. France has traditionally given preference to French-speakers, to refugees with relatives living in France, and to persons who served during the previous French colonial administration. Although Canada does not give refugees a numerical rating, they are admitted on the basis of over-all eligibility and the amount of assistance to be required. Australia admits refugees who have been determined to have the necessary personal characteristics to settle successfully in that country.

Looking at some of the general criteria for selection:

Family reunification has been an important basis for refugee admissions, as shown by the case of France, where about 30 per cent of refugees arriving as of mid 1979 had a relative living in France.

Generally, the family has been defined as spouse and minor children. In the case of extended families, the situation is made more difficult. Polygamous families pose an additional problem, since there are

[84] One expert has suggested that conditions may change due to modernizing pressures, a situation that is perhaps foreshadowed by the plight of Africa's urban refugees and the appearance of the "refugee in orbit" who wanders from country to country seeking asylum (Astri Suhrke, "Global refugee movements and strategies: an overview", . . ., p. 12).

[85] To cite a few examples: in Djibouti, women, children and the aged make up 80 per cent of the camp populations, and children alone make up 66 per cent. An extraordinary feature of the camp populations in Somalia is the almost total lack of men among the refugees. Only about 9 per cent of the refugees are men, and many of these are elderly, ill or handicapped, whereas 30 per cent are women and 61 per cent are children.

It has been estimated that about 70 per cent of the Afghan refugees are women and children.

[86] Recent exceptions were some direct arrivals of Vietnamese refugees in Australia and of Cubans in the United States. The latter country, as previously noted, has gone so far as to put forth new legislation that will enable refugee claims to be adjudicated outside the territorial limits of the United States, effectively preventing future direct arrivals.

only two resettlement countries that accept polygamous families, and the United States, which is the major country of asylum, is not one of them.

Selection has also occurred on the basis of age and sex, with countries sometimes changing their preferences over time, in order to keep a balanced age/sex profile. For example, the fact that the earlier refugee flows from Indochina consisted largely of single males (who had been members of the civil administration or the armed forces) led to a subsequent preference in the resettlement countries for single females. Boys and young men arriving in countries of first asylum are now the most difficult to move through the resettlement process and their long waits have led to much frustration.

Refugees with skills have also moved fastest through the resettlement process. Looking at recent refugee movements, the proportion of refugees with an urban background was higher among Vietnamese than among Kampucheans and Laotians, but all had larger middle-class components than refugee populations in Africa and Pakistan. Indeed, in some Vietnamese refugee camps, the numbers of refugees of professional status were so high that medical and educational services in the camps were completely staffed by refugees.

Although there has been limited opportunity for specific skill training in the case of refugees remaining for long periods in holding centres, it is generally the case that poorer, less skilled refugees and those from rural backgrounds are likely to be disproportionately represented among the last to be resettled.

In many respects, refugees who are resettled in the developed countries have become *de facto* immigrants, a trend that is likely to continue, as refugee movements become more numerous and refugees compete with other immigrants for limited resettlement places.

A final important point must be made. More than any other aspect of international migration, refugee problems have offered the opportunity for multilateral solutions. (There have been instances of successful bilateral action on refugee problems, but multilateral activity has been more common.) Governments have joined together in providing international support and funding for such organizations as UNHCR; they have participated in numerous international conferences on refugee problems, sometimes pressuring one another to provide more financial assistance or to offer a greater number of places for resettlement.

In the final analysis, all international migration policies, including policies on refugee admissions and resettlement, are an area for sovereign decision-making. In spite of pledges of assistance and resettlement places, a Government may revert to a unilateral position, lowering quotas, contributing less, or even drastically changing its over-all policy. This action may be taken as a result of excessively high resettlement costs,[87] rising unemployment and other domestic economic problems, political tension over refugee admissions, social friction etc., or it may be related to a perception that the Government no longer has "responsibility" in regard to a particular refugee flow, or that the refugees are really economic migrants. These are problems that will not easily be resolved.

[87] It costs an estimated $3,000 to settle each refugee in the United States.

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CONCLUSION

International migration trends and policies have been changing rapidly in recent years, as shown in the present study. It is difficult, but nevertheless important, to speculate about future trends and policy responses.

Immigration policy in the traditional immigration countries has followed a basically evolutionary pattern and has not been marked by drastic changes. This approach is likely to prevail in future years. While countries are not likely to bring about a halt in future immigration neither are they likely to increase their intake dramatically. Rather, they will continue to "fine tune" immigration decisions, weighing humanitarian concerns against other, political and societal, objectives, most likely by means of increasingly precise selection processes involving quotas, numerical weightings and so forth.

While there is likely to be growing demand for the limited number of places that are available, for which refugees in particular will probably compete, it is unlikely that any new sources of places for permanent immigrants will emerge in coming years. The small number of developing countries that desire increased—and largely selective—immigration may continue to do so in the future, although domestic economic and political problems may continue to make those countries unattractive destinations for potential immigrants. Some migrants might be induced to settle in those countries that desire immigration if sufficient incentives could be provided, and some refugees could fill the role of settlers. However, the high costs involved in both of these alternatives and the continuing need for outside financial assistance make these possibilities unlikely.

While the number of places in all world regions for permanent immigrants has more or less stabilized and may well decline in future years, there is a clear and growing preference in all world regions for temporary rather than permanent workers. As a recent World Bank study noted, "countries facing a demand for labour are increasingly buying 'man hours'—preferring to pay for a rolling stock of temporary labour, whose demands on their social expenditures and integration with the local population can be expected to be minimal".[1]

Western Europe experienced a massive influx of temporary workers during the 1960s and early 1970s, a topic that was discussed at length in chapter II.

There seems little possibility of a return to the mass migration of the 1960s, since most Western European Governments appear to have made a firm decision that future economic growth will depend on advanced technology rather than on an abundance of labour. The movement of temporary labour to Western Europe may resume on a smaller scale at some point in the future, particularly after 1985, when the former labour-importing countries are likely to confront labour shortages. However, given the unanticipated social costs of the previous "temporary" worker programmes, and a context of domestic unemployment and latent or overt xenophobia, it is likely that the receiving countries will be more cautious in accepting foreign workers in future years.

There may be limited opportunities in the future for temporary migration to developed countries in other regions, such as to the United States of America or perhaps Australia,[2] although these programmes will undoubtedly be small and will be of true "temporary worker" type, closer to Western Europe's seasonal workers than to its former guest workers, who were expected to return voluntarily as a result of the interplay of their return orientation and market forces.[3]

In any event, these admissions will be limited and will not be sufficient to make a substantial contribution to what demographic data indicate will be a difficult employment problem in a number of developing countries.

In the meantime, the size of the foreign population in and outside the labour force is continuing to increase in most of the former Western European immigration countries, as a result of family immigration and natural increase. Given the over-all failure of policies designed to promote return migration and to the fact that conditions in many of the sending countries have not improved sufficiently to induce return, an increased proportion of Western Europe's foreign workers will choose to remain on a permanent basis.

One of the major problems facing the immigration countries is devising reasonable policies to promote the integration of these foreign workers and their families, without incurring domestic political resentment. As previously discussed in chapter II, there has been slow but steady progress in recent years in improving the economic and social position of foreign workers and in granting them limited political rights.

There are a myriad of problems, however, that remain to be resolved. While foreign workers have made

[1] Gurushri Swami, *International Migrant Workers' Remittances: Issues and Prospects*, World Bank Staff Working Paper No. 481 (August 1981), p. 46.

[2] The United States intends to begin a two-year experimental programme, involving 50,000 temporary workers from Mexico each year; in Australia, which has always rejected the concept of temporary migration, the idea of a temporary labour programme is still only at the discussion stage.

[3] W. R. Böhning, "Guest worker employment, with special reference to the Federal Republic of Germany, France and Switzerland—lessons for the United States?" (ILO doc. WEP 2-26/WP.47, June 1980), p. 5.

some gains at the work place with more equitable benefits, increased participation in trade unions and other workers' organizations, and relaxed provisions regarding the access of wives and children to the labour market, there are numerous issues that have yet to be resolved. For example, while a number of countries have granted foreign workers political rights at the local or municipal level, no country has as yet awarded political rights at the national level—in societies where political rights are among the most important rights.

One of the most serious problems exists at the cultural level. While virtually all of the former immigration countries have developed language-training programmes, vocational pre-school and various other training and remedial programmes, "double-exit" pilot programmes for women and at the place of work, native language-training programmes, cultural centres and so forth, the underlying question remains to be resolved.

The prospects for the upward social and professional mobility of the foreign population through existing training efforts in the countries of immigration are far from favourable, particularly since women remain isolated and children perceive themselves as failures. While it is true that this is largely a transitional problem—since third-generation migrants will have fewer choices and will be more easily assimilated—greater support must be made available to the second generation, which is the transitional one.

As a recent OECD study noted, the receiving countries need to adopt policies that are more clear-cut: either a policy of assimilation implying settlement immigration, which would involve innovative teaching methods to ensure integration and open the door to professional mobility, or acceptance of cultural differences associated with temporary immigration and subsequent return, which would require more imaginative strategies in which cultural pluralism is seen not as a threat to the existing order but as a means of fruitful exchange.[4]

Summing up the situation in Western Europe: With the benefit of hindsight, it is clear that the unintended social and cultural effects of the movement of labour to Western Europe have probably been far more important than the role of imported labour in making short-term, cyclical adjustments in the economies of the receiving countries.

Indeed, as Tapinos notes, the most striking lesson to be drawn from the history of European immigration over the course of the past two decades is probably the fact that migration is a process which entails certain sequences that one must be aware of from the start, i.e., that the entry of foreign workers induces a migration of families whose members in turn enter the labour market.[5]

The labour-importing countries in the Middle East have already learned this lesson to some extent. The capital-rich countries of the Middle East have been growing in importance as labour-importing countries, recruiting workers from some of the countries that formerly supplied Western European markets, as well as from a growing number of Asian countries. As discussed at length in chapter III, the swing to Asian labour was the result of the concurrence of a number of social and economic policy aims of the Governments of the capital-rich States. Concern has grown in many of these countries over the wider social implications of being host to large migrant populations. Apart from fears of numerical domination, there has been concern over the cultural impact of the large expatriate communities on the host societies. A policy that has increasingly been adopted has been to import workers in "project packages" and to channel them to new industrial areas, where they are kept in camps, thus minimizing their cultural impact on the local population. Unlike the situation in Western Europe, where market forces were the major determinant of return migration, a majority of workers in the capital-rich countries of the Middle East are employed on fixed-term contracts and are repatriated upon expiration of those contracts.

It is likely that the project package approach will become increasingly the norm in the Middle East and may extend to other regions in future years, since most developing countries would like to avoid what occurred in the developed countries, where recruitment policies became *de facto* immigration policies.

The sending countries will probably continue to encourage labour migration, seeking to maximize remittances as an important source of foreign exchange. For the migrants themselves, however, the prospects of living and working in segregated compounds that are almost a caricature of earlier conditions in Western Europe and the narrowing differential between wage levels at home and abroad (which are a consequence of competitive bidding by contracting firms) may make migration for employment a less attractive alternative in future years.

For the expatriate populations that are not rotated automatically and that remain in various Middle Eastern countries, the situation is hardly more encouraging. While the Western European countries have a tradition of social welfare programmes, and political rights are slowly but gradually being extended to the foreign population, buttressed by a large number of national and regional institutions (EEC, OECD, Council of Europe, ICEM, ILO etc.) that have been striving to improve the lot of migrant workers, there are no equivalent social programmes, political rights or institutional structures supporting the foreign population in the developing Middle East.

Looking at the broader economic issues:

In spite of the problems now affecting many of the immigration countries, at world level, immigration countries have been in more of a position to control

[4] Carlienne Kennedy-Brenner, *Foreign Workers and Immigration Policy: The Case of France* (Paris, Development Centre of the Organisation for Economic Co-operation and Development, 1979), p. 82.

[5] Georges Tapinos, "European migration patterns: economic linkages and policy experiences", paper presented at the Workshop on Immigration and Refugee Issues, sponsored by the Ford and Rockefeller Foundations, Racine, Wisconsin, 17–20 August 1981, p. 2.

migration flows to suit their needs than have emigration countries, which have been buffeted by fluctuations in the demand for migrant labour and in remittances.

On the important subject of remittances, many of the labour-exporting countries have shown resourcefulness in designing policies to capture remittances, but they have given much less attention to the utilization of these remittances, a crucial factor in determining their impact upon a country's development. The International Monetory Fund's Compensatory Financing Facility has been extended to cover fluctuations in remittances as well as ordinary export earnings, which is an important step in the right direction, although there is a need for more bilateral co-operation for meeting the adjustment problem.

Of course, remittances are ultimately tied to the future of labour migration flows, which are most uncertain. Whereas the outlook for increasing the migrant labour stocks in the Middle East in the short term (through 1985) may be slightly better than the outlook for Europe during the same period, in the longer term the prospects for substantial increases in the demand for migrant workers in this region are also very dim.[6]

Although some of the countries that formerly supplied Western Europe are seeking new migration opportunities, most are fairly realistic about their prospects. However, while some of the "package export" countries involved in sending manpower to the Middle East are exploring avenues for future immigration, on the assumption that Middle East markets will not grow indefinitely, others seem to count on over-expanding markets. (Bangladesh, for example, has included ambitious targets up to the year 2000 for manpower export to the Middle East.)

While it is not possible to predict accurately the future of labour migration flows, there is a clear need for bilateral and multilateral agreements to regulate international migration—as recommended by the World Population Plan of Action—in order to even out fluctuations, make remittances more predictable, and assist return migration when it occurs. Steps in this direction have been taken within OECD in Europe, but similar measures are needed elsewhere.

Illegal migration has grown in importance in all world regions, in a context of a decreasing number of places for permanent immigration, the halting of worker migration to Western Europe, and growing restrictions on the movement of labour in other regions.

Illegal migration will probably account for an increasingly large proportion of future international migration flows, as migration alternatives become increasingly restricted, and since a significant proportion of illegal migration consists of movement from poorer to richer countries. What the long-term consequences will be, for the migrants, as well as for the sending and receiving countries, is imperfectly known. An obvious corollary is that the most appropriate policies and measures are equally unknown.

[6] Gurushri Swami, *International Migrant Workers' Remittances: Issues and Prospects*, . . ., p. 48.

In formulating effective policies to deal with illegal migration, Governments will have to treat illegal movements as a type of labour migration, with essentially the same structural causes (although there is a continuing need for bilateral and multilateral agreements designed to prevent widespread discrimination, exploitation and even gross violations of human rights). In all regions, and in developed as well as developing countries, there is a pressing need for data with which to assess realistically illegal migration trends and impacts and to formulate policies on a rational rather than on a reactive or emotional basis.

Both in cases where illegal migration is a sporadic phenomenon and in instances when it is a deeply institutionalized, multigenerational social process (as in the case of migration from Mexico to the United States) innovative policies need to be applied, involving a combination of bilateral agreements, increased opportunities for legal immigration (whether temporary or permanent), more focused development aid for employment-creation in the major sending areas, and so forth. In any case, it is clear that illegal migration can no longer be treated merely as an issue of law and order, or even of human rights.

Refugee problems have emerged as one of the most characteristic features of the present decade. In some instances, the burden has fallen on countries that are the least able to absorb them. Somalia's refugee population, estimated at 1.5 million in 1981, has increased its total population size by about one third. Pakistan, a country that encourages the emigration of its own nationals to relieve unemployment pressures, has received about 1.4 million refugees from neighbouring Afghanistan.

The refugee problem is made more difficult by such factors as the age/sex composition of the refugee populations. (In some of the countries with the largest numbers of refugees, camp populations are comprised almost exclusively of women, children and the elderly.) A further problem is that resettlement of rural refugees is difficult in countries where land is scarce and rural underemployment is extensive, while resettlement of urban refugees is constrained by unemployment. The difficulties of assuring asylum and arranging for resettlement of refugees are sometimes complicated by such factors as ethnicity and may be greatly increased when receiving countries already feel overpopulated, or when they have achieved a desired reduction in population growth. Thailand and Malaysia, for example, are countries that have experienced significant fertility declines, and that have been greatly concerned by the recent influx of Indochinese refugees, a situation complicated by the refugees' Chinese ethnicity. In those countries that accept immigrants for permanent settlement according to a quota system, refugees are in a sense competing with more traditional migrants for a limited number of places (and vice versa). In spite of their humanitarian sentiments, a number of Western countries have treated refugees as immigrants, admitting groups on a highly selective basis.

Refugee movements are likely to continue and perhaps increase. Unlike earlier situations, refugees

will increasingly come from developing countries and will find first asylum as well as durable solutions within their respective regions. Moreover, as a result of rising settlement costs, increasing concern over absorptive capacity etc., only a small minority of future refugees will be accommodated in the developed countries.

Since it is clear that a majority of future refugees will be helped within the regions in which they live, there is a need to move beyond a relief orientation and to develop innovative approaches that are linked to over-all development, similar to what has occurred in Africa. Indeed, a case can be made for greater emphasis on regional instruments and approaches, due to the distinct regional pattern of refugee movements.

In all regions there is a need to engage in long-term planning (refugee flows are, of course, difficult to predict, but probably no more so than fluctuations in labour migration). Studies are needed, for example, on costs and benefits of refugees to receiving countries and on the relationship between relief assistance and development aid.

There will most likely be a substantial increase in future years in persons fleeing from generalized oppression and poverty, and who thus fall into the vast gray area between clearly identifiable economic migrants and clearly identifiable refugees. These issues may well be further complicated when refugees follow established migration routes, or when migration flows change over time and broaden to include economic migrants and quasi-refugees. It may become increasingly irrelevant to define refugee status, solely in relation to political factors, and perhaps advisable to adjust universal legal and institutional norms to deal more effectively with future flows, although there is always the danger that a wider definition may weaken international adherence to existing universal instruments.

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