

COORDINATION MEETING ON INTERNATIONAL MIGRATION

Population Division

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**INTERNATIONAL MIGRATION: EXPLICIT POLICIES,
UNCERTAIN CONSEQUENCES ***

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** Population Division, Department of Economic and Social Affairs of the United Nations Secretariat.

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POPULATION DIVISION UNITED NATIONS

INTRODUCTION

The present paper provides an overview of major trends in international migration policies in developed and developing countries since the mid-1970s. The focus is on policies designed to influence international migration flows. Policies that address the rights and living conditions of migrants in host countries are beyond the scope of this paper. Levels and trends of international migration are discussed in the other background paper prepared by the Population Division.

The first section documents the growing prominence of international migration issues in national policy agendas based on the monitoring of Governments' perceptions and policies on immigration and emigration carried out by the Population Division of the United Nations. The subsequent four sections delineate two policy issues that currently dominate the field of international migration: controlling/managing the various flows of migrants and preventing undocumented migration. The description and discussion of immigration control/management policies is based on the three major types of migration flows: migration for employment; immigration of family members and; refugees and asylum seekers. The last section is devoted to regional cooperation/integration in the field of international migration (e.g., the North American Free Trade Agreement (NAFTA), the European Union (EU)...). The conclusions provide a policy perspective on migration data.

I. GOVERNMENTS PERCEPTIONS OF LEVELS OF IMMIGRATION AND EMIGRATION AND RELATED POLICIES

The Population Division of the Department of Economic and Social Affairs began monitoring Governments' perceptions and policies on immigration and emigration in the wake of the United Nations World Population Conference held at Bucharest in 1974. The core of the information included in the monitoring of migration policies encompasses three basic components:

Government perceptions of the levels of immigration and emigration: Are the levels or trends viewed as significant policy issues? Are the levels or trends too high, too low or acceptable/satisfactory in relation to other social and economic conditions?

Government objectives with respect to each variable. Is the objective of the Government to raise, lower or maintain the level of immigration/emigration.

Government policies concerning interventions to influence each variable. Has the Government actively intervened to modify or maintain levels and trends of immigration/emigration and, if so, by what means?

The major sources of information used to document Governments' migration policies may be classified into four broad types. The first type of information comprises official Government responses to the United Nations Population Inquiry Among Governments, of which eight rounds were conducted between 1963 and 1998. The second type of information consists of documents and statements issued by Governments, including laws, regulations and bi- and multi-lateral agreements. The third type of information comprises materials prepared by international organizations, such as regional commissions, funds, programmes and agencies of the United Nations system, as well as other intergovernmental organizations. The fourth type of information consists of non-governmental materials, including clippings from the world press, articles in

academic journals, proceedings of conferences and seminars, reports prepared by research centres and non-governmental organizations, as well as correspondence and personal communications with experts.

When the monitoring of Governments' views and policies began in 1976, international migration was not a topic of major concern for most Governments. Major changes in Governments' perceptions of migration trends took place however, in the second half of the 1970s and the early 1980s. In the context of the global recession which followed the first oil shock, Governments' concerns with the economic and social consequences of immigration grew. While in 1976, only 7 per cent of Governments viewed immigration as too high, the percentage rose to 20 per cent in 1986 and subsequently leveled off (table 1). By 2001, the proportion of Governments that viewed immigration as too high reached 23 per cent worldwide.

TABLE 1. GOVERNMENT VIEWS ON THE LEVEL OF IMMIGRATION, 1976, 1986, 1996 AND 2001 BY LEVEL OF DEVELOPMENT

Year	(Number of countries)				(Percentage)			
	<i>Too low</i>	<i>Satisfactory</i>	<i>Too high</i>	<i>Total</i>	<i>Too low</i>	<i>Satisfactory</i>	<i>Too high</i>	<i>Total</i>
<i>World</i>								
1976	11	129	10	150	7	86	7	100
1986	6	125	33	164	4	76	20	100
1996	4	148	41	193	2	77	21	100
2001	4	145	44	193	2	75	23	100
<i>More developed regions</i>								
1976	1	27	6	34	3	79	18	100
1986		26	8	34	0	76	24	100
1996	1	31	16	48	2	65	33	100
2001	2	32	14	48	4	67	29	100
<i>Less developed regions</i>								
1976	10	102	4	116	9	88	3	100
1986	6	99	25	130	5	76	19	100
1996	3	117	25	145	2	81	17	100
2001	2	113	30	145	1	78	21	100

Source: Population Policy Data Bank maintained by the Population Division of the United Nations Secretariat.

In 1976 few Governments had explicit policies to modify migration flows: 10 countries (7 per cent) had a policy to lower immigration, whereas 11 countries had a policy to raise immigration. Nineteen countries wanted to lower emigration and six countries aimed at raising it (tables 2 & 4).

While developed countries are more inclined towards lowering immigration, there is also a similar trend in developing countries towards more restrictive policies. As of 2001, 44 per cent of developed countries had policies aimed at lowering their immigration levels, as did 39 per cent of the developing countries (table 2). In 1976, in comparison, only 18 per cent of developed countries and 3 per cent of the developing countries had adopted such policies.

TABLE 2. GOVERNMENT POLICIES ON IMMIGRATION, 1976, 1986, 1996 AND 2001 BY LEVEL OF DEVELOPMENT

Year	(Number of countries)				(Percentage)			
	Raise	Maintain/No intervention	Lower	Total	Raise	Maintain/No intervention	Lower	Total
<i>World</i>								
1976	11	129	10	150	7	86	7	100
1986	6	125	33	164	4	76	20	100
1996	8	107	78	193	4	55	40	100
2001	7	108	78	193	4	56	40	100
<i>More developed regions</i>								
1976	1	27	6	34	3	79	18	100
1986	0	21	13	34	0	62	38	100
1996	1	18	29	48	2	37	60	100
2001	2	25	21	48	4	52	44	100
<i>Less developed regions</i>								
1976	10	102	4	116	9	88	3	100
1986	6	104	20	130	5	80	15	100
1996	7	89	49	145	5	61	34	100
2001	5	83	57	145	3	58	39	100

Source: Population Policy Data Bank maintained by the Population Division of the United Nations Secretariat.

In regard to emigration, both developed and developing countries show similar trends in their views and policies. In 2001, about three-fourths of the countries, whether developed or developing, viewed their level of emigration as satisfactory, (table 3) and 1 country in 5 had policies aimed at lowering emigration

TABLE 3. GOVERNMENT VIEWS ON THE LEVEL OF EMIGRATION, 1976, 1986, 1996 AND 2001 BY LEVEL OF DEVELOPMENT

Year	(Number of countries)				(Percentage)			
	Too low	Satisfactory	Too high	Total	Too low	Satisfactory	Too high	Total
<i>World</i>								
1976	6	125	19	150	4	83	13	100
1986	9	124	31	164	5	76	19	100
1996	5	133	55	193	3	69	28	100
2001	7	142	44	193	4	74	23	100
<i>More developed regions</i>								
1976	1	28	5	34	3	82	15	100
1986	2	29	3	34	6	85	19	100
1996	1	35	12	48	2	73	25	100
2001	0	38	10	48	0	79	21	100
<i>Less developed regions</i>								
1976	5	97	14	116	4	84	12	100
1986	7	95	28	130	5	73	22	100
1996	4	98	43	145	3	68	30	100
2001	7	104	34	145	5	72	23	100

Source: Population Policy Data Bank maintained by the Population Division of the United Nations Secretariat.

TABLE 4. GOVERNMENT POLICIES ON EMIGRATION, 1976, 1986, 1996 AND 2001 BY LEVEL OF DEVELOPMENT

Year	(Number of countries)				(Percentage)			
	Raise	Maintain/No intervention	Lower	Total	Raise	Maintain/No intervention	Lower	Total
<i>World</i>								
1976	6	125	19	150	4	83	13	100
1986	8	120	36	164	5	73	22	100
1996	6	142	45	193	3	74	23	100
2001	9	143	41	193	5	75	21	100
<i>More developed regions</i>								
1976	1	28	5	34	3	82	15	100
1986	2	28	4	34	6	82	12	100
1996	1	35	12	48	2	73	25	100
2001	1	37	10	48	2	77	21	100
<i>Less developed regions</i>								
1976	5	97	14	116	4	84	12	100
1986	6	92	32	130	5	71	25	100
1996	5	107	33	145	4	74	23	100
2001	8	105	32	145	6	72	22	100

Source: Population Policy Data Bank maintained by the Population Division of the United Nations Secretariat.

(table 4). Only 6 per cent of countries in the less developed regions aimed to raise their level of emigration. The percentage of developing countries that viewed their level of emigration as too high increased steadily from the 1970s to the mid-1990s. However, since 1996 it has declined somewhat to 23 per cent.

Regional trends are dissimilar. Concerns with high levels of emigration among developed countries are found mostly among Eastern European countries. In both Asia and Oceania, the number of Governments viewing emigration as too high has been on a steady upward trend, reaching 30 per cent and 38 per cent, respectively, in 2001. In contrast, in Africa and Latin America and the Caribbean, concerns with high emigration eased during the second-half of the 1990s and the proportions of Governments that viewed emigration levels as satisfactory increased significantly to 83 per cent and 76 per cent, respectively.

II. LABOUR MIGRATION

Over the past three decades, policies in the area of labour migration have developed along four major paths: growing restrictiveness and selectiveness in the admission of labour migrants in developed countries; a significant increase in the number of countries, particularly developing countries, that have become host to foreign workers; the rising recognition that the rights of migrant workers and their families need to be protected and; the adoption of regional agreements on the free movement of persons.

The nature, direction and magnitude of labour migration have clearly been influenced by economic and political changes taking place in the world. The economic turmoil that followed the oil shocks of the 1970s led many governments to adopt measures that put an end to the relatively relaxed immigration controls that had characterized the post-war period. The change in policy resulted in a major decline in the number of migrant workers admitted in countries with developed market economies. In most of the labour-importing countries of Western and Northern Europe, the recruitment of regular migrant labour practically ceased. With a view to protecting the domestic labour markets in the context of rapidly growing unemployment, many Governments also implemented repatriation programmes that provided incentives for migrant workers to return to their home country. These programmes had limited success, although the overall number of, at least temporary, returnees was on the order of several hundred thousand.

The 1970s mark, indeed, a new era in the policy formulation of migration with many European countries endorsing the goal of an overall stabilization of their foreign population. However, a gradual improvement in productivity and competitiveness, along with an economic revival in the 1980s, induced most Western Europe countries to resume, albeit on a smaller scale, recruiting foreign labour. More recently, a strengthening of growth in certain sectors during the years 1997-2000, led to a further increase in the intake of foreign workers in most OECD countries.

Although labour migration has been limited for over 25 years in developed countries, the foreign labour force has significantly increased during this period. This apparent paradox points to the fact that, in many countries, large numbers of foreign workers entered the host country as family members—now the largest share of migration flows in OECD countries—or refugees.

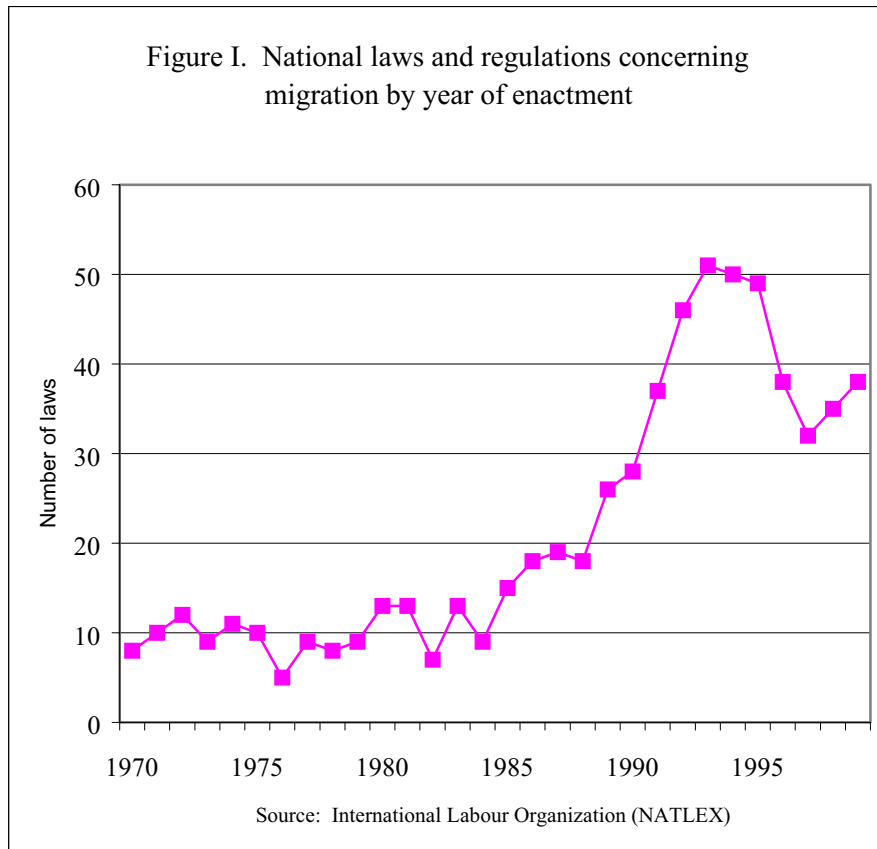
In a climate of growing policy restrictiveness, policies reflect an evolution towards greater selectiveness, favouring the admission of individuals and groups of people who meet specific labour needs, such as those in science and technology, those with skills considered in short supply in the labour market, and those who are able to bring in capital.

Either by means of preferential categories as in the case of the United States of America, or points systems as in Canada and Australia, by the early 1990s most of the traditional immigration resettlement countries had enacted legislation placing greater emphasis on migrant skills. The recruitment of foreign labour on the basis of skills has had a significant influence on the origin and nature of overall migration flows. Under the current preference system, newly arrived immigrants in the United States are more likely to come from Asia and Europe, while in Canada and Australia, the numerical weight attached to factors such as education, training, occupation, and language skills has reduced the proportion of immigrants dependent on family relationships.

Migration provisions for skilled workers differ significantly from provisions for other types of migration prevailing in countries of permanent settlement and labour-importing developed countries. In settlement countries, skilled workers are only granted temporary residence and are, therefore, not put on a permanent immigration track. In contrast, in labour importing developed countries, skilled workers are often contracted for a period that may significantly exceed the length of time granted for other types of work. In addition, some countries, such as the United Kingdom are taking steps towards allowing highly skilled persons to seek entry without having a prior offer of employment.

While labour migration is still largely viewed as a matter of national or bilateral concern, the adoption of the General Agreement on Trade in Services (GATS) during the latest rounds of the General Agreement on Tariffs and Trade (1993) provides a general framework for trade-related temporary movements of people based on government-to-government agreements. So far, no such agreement has yet been worked out as GATS contains no clear or specific rules regarding the movement of labour. However, a number of developed countries, including the EU as a whole, have taken steps towards the formulation of such agreements. Concern has also been raised at the potential impact of such agreements for sending countries in terms of brain-drain issues, particularly in the health and education sectors.

A second major policy development in the area of labour migration has been the significant increase in the number of countries, particularly developing countries that have become host to foreign workers. Based on the entries in the NATLEX database maintained by the International Labour Organization, over 100 countries enacted legislation or signed agreements that related to migration during the 1990s (figure I). In comparison, in 1970, there only were around 40 countries employing foreign labour.



The new labour-importing countries encompass different groups of countries. First, during the 1980s, following a jump in oil prices, ambitious projects were launched to build basic infrastructure and develop modern services in the oil exporting countries of Western Asia. The small size of the populations, the low female labour force participation rates, the low status of manual labour and a reluctance to work in the private sector made it very difficult to alleviate the labour shortages created by the economic boom without importing foreign workers. Therefore, the oil-producing countries of the Gulf region became the main destination for migrant workers from Asia.

Migrant workers in Western Asia are typically recruited under a guest-worker policy that limits their rights. Usually hired under a contract of one year with the possibility of extension, they are not permitted to change employers, and only certain categories of workers are allowed to bring their families. Migrant workers are forbidden to leave the country of employment without the written consent of their employers. Although bilateral agreements exist between some sending and receiving countries in the Gulf region, they have little impact on the type of treatment migrant workers receive in the country of employment. Most labour migration in Asia is arranged by recruitment and placement firms that, until recently, have not been responsible for dealing with the exploitive or abusive situations faced by some migrants.

The outbreak of the Gulf War in August 1990 dealt a severe blow to the economies of labour-exporting countries and to the families of the approximately six million foreign workers who were employed in the region. In the aftermath of the war, as many as two million migrants were estimated to have returned to their countries of origin. Subsequently, the economic slowdown experienced by Gulf countries led to scaling back the number of migrant workers.

When the demand for migrant labour in Western Asia began to decline, the labour recruitment industry that had facilitated the export of labour to the region focused on the rapidly growing economies of Japan and the newly industrialized countries of South-Eastern Asia. Governments of these countries

favoured labour-import contracts with recruitment agencies, whether public or private, because they are much easier to manage and monitor than individual migrants.

The scale and diversity of international labour migration patterns in Asia have become increasingly complex. While a few countries can be characterized as either labour-importer or labour exporter, a growing number of countries have become both receiving and sending countries. In addition, investments by multinational companies throughout Asia have been accompanied by significant flows of skilled labour from both Western and Asian countries.

The high degree of institutionalization of labour migration poses specific policy challenges in the area of regulating the migration of workers—in the event of an economic downturn, for instance—and in protecting the rights and social entitlements of labour migrants and their families. Regional cooperation between receiving and sending countries has been contemplated but implementation has lagged behind.

Many Governments of sending countries have been concerned about the mistreatment and abuse of their nationals employed overseas, and have become more actively involved in migration issues. Some countries such as Indonesia and the Philippines, have adopted measures for the protection of their manpower abroad, including insurance schemes, and many Asian embassies now have labour attachés on their staff. This growing concern has led some receiving countries, including some Western Asian countries such as Bahrain and Saudi Arabia, to acknowledge that their migration legislation and practices are outdated and inadequate and require updating and/or reformulation.

In Southern Europe, the migration balances of the traditional countries of emigration have turned positive and they have become immigration countries. Such is the case with Italy beginning in the 1970s and with Greece, Spain and Portugal in the 1980s. These developments are linked to the cessation of labour recruitment in Western Europe, and the rapid economic growth in Southern European countries. Initially, the workers came to Southern Europe mostly from Northern Africa—Morocco, Tunisia, and Egypt—and tended to be concentrated in low-paying sectors such as construction, manufacturing and agriculture. In the 1990s, labour migration reflected former colonial links such as migrants from Latin America in Spain and Portugal. With increasing European integration, immigrant flows in the 1990s also included a mix of relatively high-income professionals from the EU, contract workers from Eastern Europe, as well as spontaneous movements of unskilled migrant workers from Northern Africa and Asia.

The emigration culture that had long dominated, combined with rapid changes in migration flows in the countries of Southern Europe, has made it difficult for these Governments to provide an appropriate policy response to the challenge of immigration. As a result, immigration has remained largely unregulated. Policy measures that were implemented in the 1990s have proved to be inconsistent. However, the new millennium appears to have brought Southern European countries closer to their EU counterparts in a search for a tighter control of their immigration.

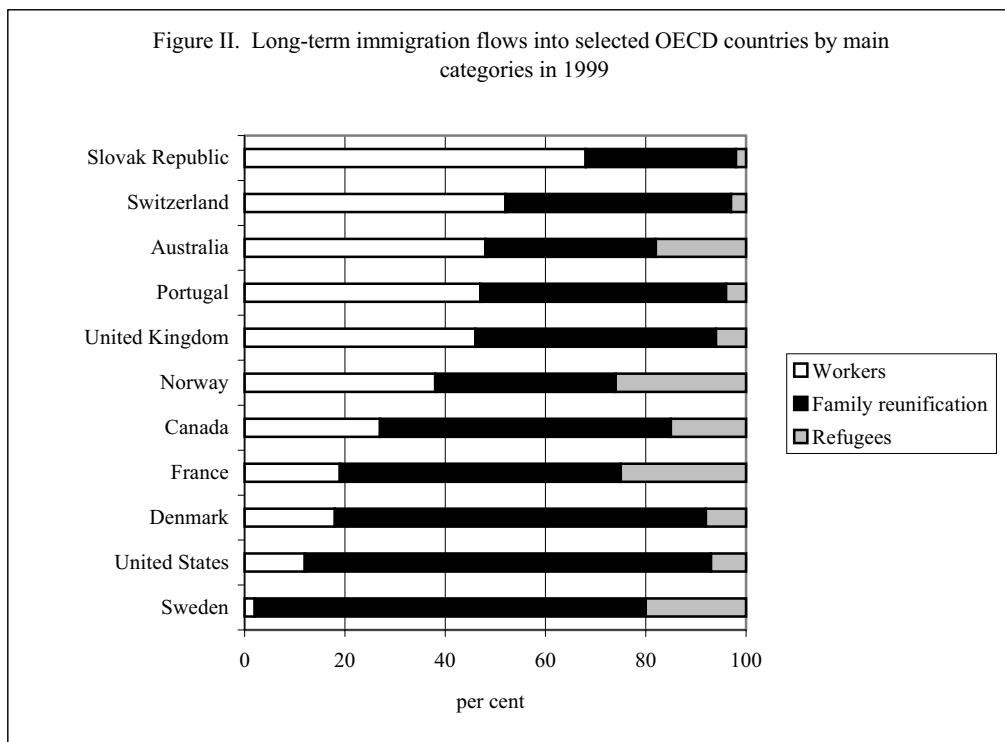
Some of the most dramatic changes in migration patterns at the end of the twentieth century have occurred in Eastern Europe. Before the political changes of 1989, the countries of Eastern Europe—with the exception of Yugoslavia—severely restricted the entries and departures of both citizens and foreigners. The first modifications in migration laws, typically in the form of guaranteeing rights to movement were adopted in the years immediately preceding the collapse of the communist regime in Bulgaria, the former Czechoslovakia, Hungary and Poland. Subsequently, most countries of Eastern Europe, as well as several newly independent countries of the former Union of Soviet Socialist Republics, have enacted migration legislation. Recently, a number of cooperation agreements were signed between several countries of Western and Central Asia and the International Labour Organization that included the formulation of migration legislation.

Many Governments have also signed bi-lateral agreements establishing guest worker programmes both within Eastern Europe and with Western European countries. Under such schemes, workers are granted non-renewable, fixed-term contracts for a duration ranging from three months to one year. Some of these schemes include professional and language training.

Focusing on two critical and striking demographic trends, population decline and population ageing, the Population Division recently issued a study, which addresses the question of whether replacement migration is a solution to declining and ageing populations. Replacement migration refers to the international migration that is needed to offset declines in the size of population and declines in the population of working age, as well as to compensate for the overall ageing of population. One of the major findings of the study was that the level of migration needed to offset population ageing is extremely high and entails vastly more immigration than has occurred in the past.

III. IMMIGRATION OF FAMILY MEMBERS

Since the 1980s, family reunification has become a major source of immigration in a significant number of countries, particularly in Europe. In OECD countries as a whole, migration for family reunification accounts for the largest share of migrant intake (figure II). To a large extent, the significance of migration for family reunification is a direct consequence of the restrictions imposed on labour migration in the mid-1970s. Family reunion has become the main legal means of migration, apart from asylum.



Source: OECD, SOPEMI 2001: Trends in International Migration, Chart 1.2.

In Western Europe, the surge in migration for family reunification took Governments by surprise. Many Governments wanted to implement a zero migration policy and hoped that by halting the recruitment of labour migrants this would be achieved. For many years, this attitude entailed an official

denial of the existence of any major migration flow in most Western European countries. It was only in the second-half of the 1990s that the issue of migration for family reunification was formally addressed.

As no international instrument universally establishes family reunification as a right, immigration for family reunification largely exists as a privilege granted by national authorities to the individual, based on both the right to family life and the right to travel. Implementation of family reunification is, therefore, discretionary, although international norms and human rights agreements have placed some moral and political constraints on the State.

Beside human rights considerations, countries of permanent immigration have traditionally valued family reunification as being conducive to integration, and therefore have facilitated reunification. In contrast, in labour-importing countries, much of the debate has focused on the cost of providing migrants' dependents with health, education and welfare benefits.

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

With the exception of the Gulf countries, most migrant-receiving countries have some basic provision for family reunification. There are, however, many variations in definitions of the family, criteria for eligibility and rights accorded to migrants entering a country under family reunification procedures. In all countries, family reunification provisions apply to spouses and unmarried, dependent, minor children. However, there is no consensus on the age of children. Polygamous unions are ruled out while un-married partners do qualify for reunification under certain conditions in an increasing number of countries. Australia and the Netherlands, and to some extent the United Kingdom, also recognize homosexual partners. In some countries, parents as well as brothers and sisters and other relatives may also qualify under conditions of dependency, age and sponsorship. Within the EU, more flexibility with regard to parents and grandparents is under discussion.

In most countries, only nationals and holders of long-term residence permits—holding a residence permit for one year or longer, or permanent residence permit—may act as sponsor. However, in Belgium, a three-months authorization of stay suffices. Most countries also require proof of the sponsor's ability to support incoming family members and to provide them with adequate accommodation. In a number of countries, assessing whether these conditions are met is left to local authorities, which results in a great deal of variability in the actual implementation of these provisions.

In all countries, family members who are known to constitute a threat to public order or national security are not admitted through family reunification. It is, however, difficult to determine the practice and the thoroughness of verification. A few countries ask for documentary evidence of absence of criminal record, while others only check for selected offenses. There has been discussion of whether a different set of rules should apply to refugees who cannot provide the necessary document or may have been sentenced under criminal law. In some countries, family members are not eligible if they have medical conditions that endanger public health. At the end of the 1980s, concern with the spread of the HIV/AIDS virus led some countries to deny access to migrants suspected of having AIDS.

In almost all countries—Germany being the exception—family members are allowed to immediately enter the labour market. This is a significant change from the situation that prevailed in most Western European countries in the 1970s and early 1980s.

IV. REFUGEES AND ASYLUM SEEKERS

Whereas asylum and migration were long viewed as separate issues by Governments, asylum policies are now at the core of the discussions on migration in many parts of world. This major change in perspective has been triggered by the surge in the number of refugees during the 1980s and early 1990s, a trend that ran contrary to the pursuit of restrictive migration policies by an increasing number of Governments. The international asylum regime that had prevailed from the early 1950s through the late 1990s eventually challenged the States' prerogative to decide on the admission of foreigners, an issue that was brought to the public attention by the extensive media coverage of refugees and significantly contributed to the politicization of migration.

Denying asylum seekers¹ the protection provided for by the 1951 Geneva Convention and its 1967 Protocol relating to the Status of Refugees surfaced in 1980s in the context of the refugee streams that resulted from the conflicts in the Horn of Africa and Afghanistan. Reluctance to grant asylum spread during the early 1990s when the Gulf Crisis, ethnic strife in Rwanda and the disintegration of the former Yugoslavia resulted in large and unexpected international displacements of population.

The financial cost and, sometimes, environmental cost of maintaining large refugee populations, as well as national security concerns in a number of cases, are factors that influence Governments' unwillingness to provide asylum. However, restrictions on granting asylum seem to be primarily viewed by Governments' as an appropriate response to growing anti-immigrant feelings in large segments of their populations and the politicization of asylum. Evidence of Governments' restrictiveness can be found in the low recognition rates of asylum applications under the 1951 Convention. For example, in the EU as a whole, recognition rates averaged 11 per cent in both 2000 and 2001.

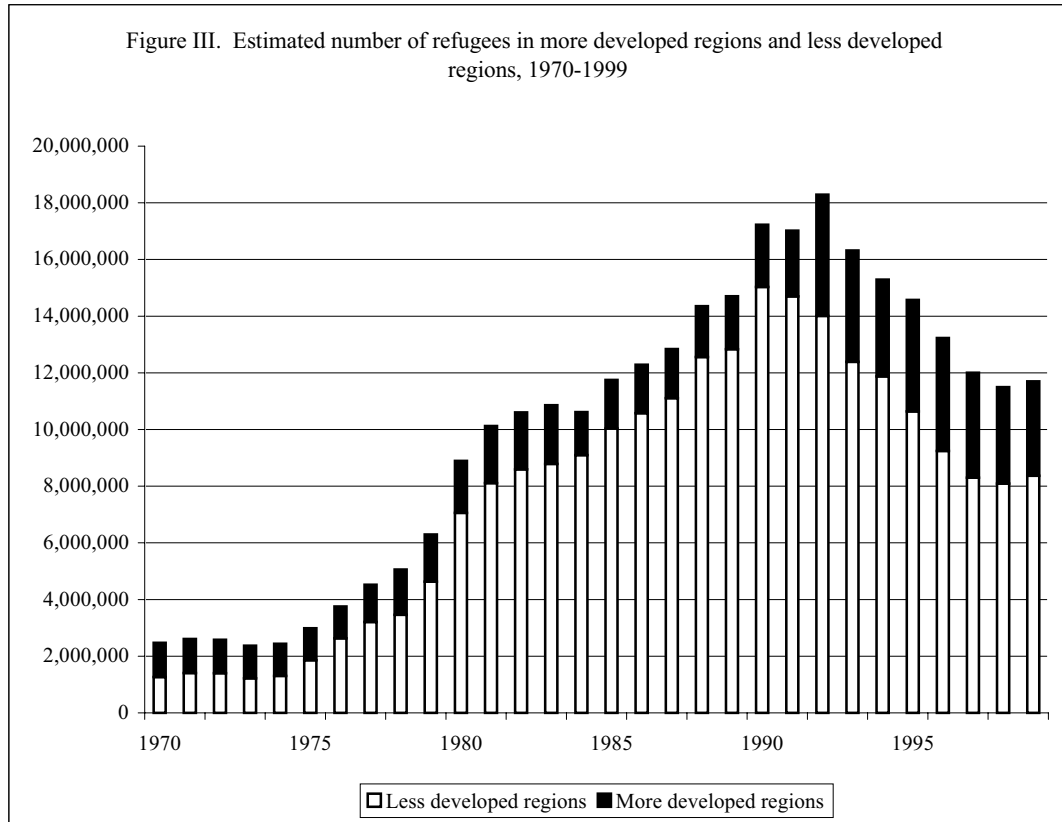
While restrictions on asylum have become quite common in both developed and developing countries, some Governments of developed countries such as the United Kingdom, have adopted measures aimed at preventing the arrival of asylum seekers, as a means of restricting asylum. The implicit assumption of such policies is that most asylum seekers are in fact economic migrants.

The measures taken include visa requirements, sanctions against carriers, in-country processing (i.e., the requirement that asylum seekers submit their application at a consulate or embassy in their country of origin) and the adoption of the "safe country" principle under which an asylum-seeker can be denied access to national asylum procedures and sent back to a safe third country, if they had traveled through such country prior to applying for asylum. Some countries such as Austria, Germany and Switzerland have gone one step further and have developed lists of "safe countries of origin" the nationals of which will not be considered for asylum.

In addition, many countries now resort to rapid asylum procedures for "manifestly unfounded applications" and enforce removal decisions concerning rejectees, often by way of detention so as to facilitate deportation. Stricter control during the processing of applications has been in effect, ranging from finger-printing to quasi house arrest in reception facilities.

The impact of these restrictive asylum policies has been significant. In contrast to voluntary migration, the number of refugees has been declining since 1993 when the total number of refugees peaked at 18.2 million (figure III). The latest estimate put the number of refugees at 12 million in early 2001.

¹ Under the 1951 Geneva Convention, every person who claims that he/she has been persecuted in his/her country of origin for reasons of race, religion, nationality, membership in a particular group or, political opinion, has the right to seek asylum in a third country. If the demand is receivable, this asylum seeker shall be granted refugee status pursuant to Article 1 of the Geneva Convention.



Source: UNHCR, The State of the World Refugees 2000, Annex 3.

However, while the number of refugees has recently decreased, the number of internally displaced persons who have been forced to flee their homes, but who have not reached a neighbouring country is on the rise. The United Nations High Commissioner for Refugees (UNHCR) estimates the current number of internally displaced persons at 20 to 25 million persons

Since the 1970s, a number of countries have also introduced the concept of “de facto refugees” as well as enacted legislation which makes it possible to grant residence on special humanitarian grounds. Whereas, these provisions were initially implemented to allow asylum seekers who did not meet all the requirements of the Geneva Convention to benefit from a temporary protection status, the plurality of legislations eventually weakened the concept of asylum. Furthermore, by the late 1990s, controlling undocumented migration became a major policy priority and contributed to blurring the distinction between asylum seekers and other irregular migrants, further eroding the consensus on the importance of asylum.

Recognizing that the institution of asylum was being threatened, the UNHCR launched in 2001 a series of global consultations with Governments and non-governmental organizations that were to continue through mid-2002 and cover five main objectives: strengthening the implementation of the 1951 Convention and its 1967 Protocol; ensuring better protection of refugees within broader migration movements; sharing the burden and responsibilities for refugees and asylum seekers more equitably among states; handling security-related concerns more effectively and increasing efforts to find long-lasting solutions for refugees.

V. UNDOCUMENTED MIGRATION

The magnitude of undocumented migration, by its very nature, remains difficult to quantify. The exact dimension of the undocumented migration phenomenon is therefore difficult to define. Nevertheless, it is widely believed that undocumented migration has been on the rise since the mid-1970s, particularly in developed countries. All other things being equal, this upward trend in undocumented migration has been the outcome of both increasingly restrictive admission policies in receiving countries and the fact that a large number of countries have relaxed emigration/exit controls following the end of the Cold War.

A relatively new and salient dimension of undocumented migration is that of trafficking. Trafficking ranges from small-scale operators who provide transport across a border to, increasingly, international criminal networks who provide an entire range of services, including bogus documentation, transportation and assistance in crossing borders, places for transit and residence in receiving countries and illegal employment.

In a context of growing anti-immigrant feelings in receiving countries and politicization of migration, most Governments have repeatedly placed the clamping down on smuggling at the top of the migration policy agenda. Measures adopted to combat undocumented migration include information campaigns, visa requirements, carrier sanctions, document and border controls and sanctions against undocumented foreigners, smugglers and employers.

Information campaigns aimed at deterring undocumented migrants have been launched by major receiving countries in both source and transit countries. Information is considered to be particularly important in the case of trafficking in women for sexual exploitation. In this context, there is some evidence that information about the situation in the receiving countries can have a considerable impact on deterring trafficking in women and also the migration of women generally.

Governments have used the visa system to prevent as well as to respond to undocumented immigration flows. Many Governments have introduced more stringent requirements for granting visas. Also, a number of States have (re)imposed visa requirement for nationals of countries that had consistently produced undocumented migrants.

A further attempt at interdiction is the use of carrier sanctions. Increasingly, sanctions are applied to commercial carriers, even in the event that the carrier was unaware of the presence of smugglers. In line with carrier sanctions, a number of countries have conducted training programmes for airline staff and foreign immigration officials on ways of preventing the transportation of inadmissible passengers. While pre-boarding checks have proved to be a successful preventive measure to deter undocumented migration, a recent inquiry conducted at the initiative of the Italian Government in five European countries points to the fact that international airports in both destination and transit countries remain the most vulnerable entry points used by undocumented migrants. While carrier sanctions were initially developed in the context of air transportation, a growing number of countries have extended them to sea and ground transportation, including trains.

In recent years, large numbers of “undocumented” migrants are believed to have entered countries using bogus documents—consisting of counterfeit or altered documents, as well as forged, unissued passports stolen from consular facilities. To combat the problem of bogus documentation, a number of countries introduced counterfeit-proof visa stamps and adopted passports with enhanced security features. Following a recommendation adopted by the Council of the International Civil Aviation Organization (ICAO), a number of Governments have introduced machine-readable travel documents, a technology that is considered to offer strong safeguards against the tampering of official travel documents. Within the European Union, agreement has been reached on the principle that every person applying for asylum in an EU member State should have their fingerprints taken and stored in a common automated fingerprint

register (EURODAC). Furthermore, a proposal has been put forward to extend EURODAC to include fingerprints of other categories of non-nationals.

While the end of the Cold War and the establishment of regional, free-movement areas such as the Schengen Zone resulted in many national borders becoming undefended and unpatrolled, renewed priority has recently been accorded to tightening border controls. Concerns with border controls go beyond controlling undocumented migration and include issues of national security, sanitary safety and the prevention of illegal imports and crime. In developing countries, particularly those with large borders, border controls remain difficult unless the country is prepared to use the military, which is costly. As for the efficiency of border controls, evaluations of two major operations carried out along the southern border of the United States of America in 1993 and 1994 found that whereas the visible presence of large numbers of border patrol officers and the use of sophisticated detection and communication equipment did significantly disrupt illegal crossing locally, it had little impact in the longer term as undocumented migrants shifted to other routes. In addition, it had an unintended effect, in that individuals who successfully entered the United States without authorization appear to remain longer than they otherwise would have done. Within the Europe Union, the Commission has put forward a proposal establishing a common European corps of border guards, as part of the future integrated management system of its external borders.

Since the mid-1990s, many countries have either introduced new sanctions or increased the severity of those dealing with undocumented foreigners, smugglers and employers. A major development in this area has been the criminalization of smuggling which, until recently was not considered a crime in many countries. Increasingly, sanctions also target any third-person who provides assistance to undocumented migrants. A growing number of Governments of receiving countries have negotiated bilateral readmission agreements with their counterparts in countries of origin under which these countries are obliged to readmit their nationals who lack proper documents to be admitted as visitors or migrants or whose documents are no longer valid. These agreements are aimed at facilitating expulsion.

VI. REGIONAL COOPERATION AND INTEGRATION

The acceleration of regional economic integration during the 1990s has had a profound bearing on migration policies. A number of regional instruments, including treaties, agreements and consultative processes have been developed that have led to an internationalization of migration policies. To some extent, these developments have echoed the fact that, despite an increase in south-to-north migration, international migration still occurs mostly within a regional context.

The most extensive regional processes of cooperation and integration in the field of migration have been implemented in Europe. Following the adoption of the Treaty of Amsterdam, the European Union became a zone of free movement for EU nationals in 1998. Furthermore, the Treaty establishes that a common asylum and immigration policy shall be adopted within five years of the entry into force of the Treaty and that, decision-making on asylum as well as many other immigration issues shall be transferred from the national to the regional level (i.e., the Commission) after 1 May 2004. This regional framework, however, shall not apply to Denmark, Ireland and the United Kingdom unless these countries decide otherwise. Four years into the Treaty application, little progress has been made towards common standards for the admission of asylum seekers beside the adoption of two specific programmes: the EURODAC common automated fingerprint register and the Odysseus training programme.

The North American Free Trade Agreement (NAFTA) has been in place since 1989 between Canada and the United States and joined by Mexico since 1994. While the purpose of NAFTA is to promote the free flow of goods and capital throughout North America, it does permit the temporary entry of highly qualified workers in 61 professions.

Initially established in 1991 by Argentina, Brazil, Paraguay and Uruguay—later joined by Chile and Bolivia—the MERCOSUR common market entered into force in the mid-1990s. The Pact, which was established along lines similar to the European Union, permits the free movement of persons, goods and capital among the member countries. The significance of the abolition of barriers to circulation and residency of persons has, however, been limited since movements of people between these countries have already been part of a long tradition.

The Caribbean Community CARICOM, established in 1973, recently took some steps to advance the cause of free movement of persons. In effect since 1996, it was agreed that CARICOM nationals, who are university graduates, should be allowed to move freely within the Region for employment, thereby eliminating the need for work permits. By 2002, nine countries had completed the legislative process to give effect to this decision. Guyana and Jamaica also extended these provisions to artists, athletes, musician and journalists.

In Africa, a number of protocols on the free movement of persons have been adopted over the years by regional economic unions such as the Economic Community of West African States (ECOWAS) in 1979 in the wake of the oil-boom, the Southern African Development Community in 1994-1995 and the Common Market for Eastern and Southern Africa (COMESA) in 1998. So far, none of these protocols has been implemented to any significant extent.

During the 1990s, many Governments engaged in informal, regional consultative processes on undocumented migration together with representatives of civil society and international organizations. In Europe, the Budapest Process, which started in 1991, includes 43 States and 10 international organizations, with the aim of preventing undocumented migration in Eastern or Central Europe. The Budapest Process also provides a forum for dialogue and cooperation in the context of the enlargement of the European Union. The Commonwealth of Independent States Conference Process, which was launched in 1994 by a resolution of the United Nations General Assembly and initially provided the framework for addressing population movements in the former Union of Soviet Socialist Republics has now shifted its focus to combating undocumented migration through and from the Russian Federation. The Puebla Process initiated by Mexico in 1996, brings together migration experts, foreign policy officials and representatives from non-governmental organizations, from Canada, the United States, Mexico and Central America to address issues such as return, reintegration and rights of undocumented migrants within a regional perspective. The Puebla Process has been credited with enhancing regional coordination on immigration and building a better common understanding of migration issues. In Asia, the Manila Process and the Inter-Governmental Asia-Pacific Consultations on Refugees and Displaced Persons were both initiated in 1996 but have not yet developed into an active forum.

VII. CONCLUSION: MIGRATION DATA AND MIGRATION POLICIES

This paper offers an overview of migration policies. However thoroughly documenting the whole gamut of current migration policies remains a major challenge. The information needed to describe, monitor and assess the impact of migration-related policies requires both policy information and migration statistics. Yet in many countries this information is neither available nor produced on a regular basis. Furthermore, responsibility for the formulation, implementation and evaluation of international migration policies as well as the collection of migration statistics, at both the national and international levels, is often diffused among several Government bodies or international organizations that focus on one aspect of migration, such as labour migrants or refugees. Moreover, statistics on undocumented, short-term and return migrants, which are assumed to be significant are often not included in migration statistics.

However, perhaps the greatest challenge lies in designing an appropriate analytic framework for international migration. Documenting the measures Governments have adopted to influence migration

flows is only the first step towards an in-depth consideration of migration policy. The second step includes: making an assessment of whether the migration measure is effectively and consistently implemented and, if not, whether this is due to a lack of commitment or a lack of capacity. The last step consists of comparing the policy objectives with their actual impact or consequences.

Even if all the information needed was available, analyzing the impact of changes in immigration laws, regulations, treaties and enforcement procedures on immigration trends raises a host of difficulties. This paper has provided ample evidence that migration policy since the 1970s can have both a short-term and longer-term impacts on migratory movements, not all of which are anticipated. For example, the increase in family immigration, the increase in the number of asylum seekers and the emergence of transit countries during the 1990s were unintended consequences of the decision by many labour-importing countries to drastically reduce the recruitment of migrant labour in the 1970s. Given the current climate of intense political debate on the consequences of migration, especially security concerns, an important issue is the extent to which migration flows can be managed in an orderly manner, while halting or significantly reducing the movement of undocumented migration.

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