

## **GFMD 2008, Day 1, Concurrent Sessions, Roundtable Discussion 2, Session 2.2, Report 01**

### **GLOBAL FORUM ON MIGRATION AND DEVELOPMENT October 27, 2008**

#### **Roundtable Session 2.2**

#### **Managing Migration and Minimizing the Negative Impacts of Irregular Migration**

**Chair:** Raul Delgado Wise – Executive Director, International Network on Migration and Development, Universidad Autonoma Zacatecas

#### **Key context of discussion on irregular migration**

- Growing asymmetries and increasing worldwide social inequalities are underlying causes of (irregular) migration, exacerbated by the present financial crisis.
- Migration management has been confined as a security problem. The consequences of migration is misleading, instead of addressing on its root causes. It is more meaningful to talk about development and migration nexus. Development should be the center of policy agenda.
- Migration has contributed to migrant-receiving countries, but with little to sending countries. Empirical data on Mexico-US case has been cited.
- The enormous contribution of migrants to their countries of origin is undeniable. Irregular migration is part of a mainstream unilateral policy of the receiving country that does not only deny the need of migrants but also neglects the important contribution they make to the economy. The criminalization of migration tends to increase irregular migration because it violates reciprocity principle. Hence, there is a need to need to introduce reciprocity schemes in migration and development under the principle of shared responsibility.

#### **Presentations**

#### **Resource Speaker 1: Nashra Sha - Professor, Faculty of Medicine, Kuwait University**

“Irregular Migration and Some Negative Consequences for Development: Asia-GCC Context”

#### **Magnitude and extent:**

- Migrants comprise 33% of GCC population and 70% of contract workers.
- Briefly discussed four types of irregular migrant workers, irregular mobility resulting from: a) trafficking and smuggling, b) overstaying, visa-trading and running away from employer
- 10-15% of GCC expatriate population are irregular.
- About 2 million irregular migrants have left the GCC through amnesty.
- Most suffer poverty and lack of right to citizenship.
- There are no data on overstaying migrants except those that applied for amnesty.
- Numbers of trafficking for prostitution, however, is not that large.
- Domestic workers are a very large population (12% of total population of Kuwait, for example).
- Irregular migration posed many challenges to sending countries like: migrants are already in debt even before they move, irregular migrants face constant fear, less likely to seek legal help for non-payment of wages
- Colombo Process has the potential of increasing the benefits of migration through the interest to dialogue.

#### **Resource Speaker 2: Ronald Skeldon – Professional Fellow in Geography, Sussex University**

“Managing Irregular Migration as a Negative Factor in the Development of Eastern Asia”

- Eliminating human trafficking is the only major consensus today.

## **GFMD 2008, Day 1, Concurrent Sessions, Roundtable Discussion 2, Session 2.2, Report 01**

- Major contrast between Northern East Asia. Because they are small, they can be managed. Southeast Asia, with more than 30%, are more difficult to manage.
- Existing policy responses include:
  - ✓ Within two months of amnesty in Malaysia, they started to demand again.
  - ✓ Systematization of labor migration through bilateral labor agreements
- Regularization does not also guarantee minimum standards and basic rights to association, especially among domestic workers. Regularization may constrain migrants in a number of ways.
- General recommendation:
  - ✓ To monitor employers in destination areas. The temptation of capitalist development is to seek cheaper labor which is usually achieved through supply of irregular migrants.
  - ✓ To monitor recruitment agents in both destination and sending areas.
- Ten-point recommendations cited (refer to paper)
- Regularized migrants have greater flexibility, especially to change employers.

### **Resource Speaker 3: Jeff Crisp – Special Advisor on Policy and Evaluation, UNHCR** “Mixed Migratory Movements”

- There were no references within the GFMD to the issues of refugees. Irregular migration has an important refugee dimension. The proportion of irregular migrants do so to escape conditions of prosecution, hence the focus on the plight of refugees is important.
- Key characteristics of mixed migratory movements: Global phenomenon, it happens in both south and the north. Broad consensus that the problem continues in the future. While refugees are not necessarily the most deprived, they are equally subject to harrowing conditions during transit. They suffer human rights violations during their journey – harassment, theft, impoverishment, deportation. Because they happen usually at seas, they are at risk of drowning. Victims also include women and children, as well as young adult men as commonly assumed.
- Refugee protection issues include: Measures are often indiscriminate and restrictive, making it impossible for refugees to enter another country. Being forced to go home spells life and death situations. States are obliged to respect refugee or asylum seekers even if they are not signatories to the convention. Hence a 10-point plan to reconcile border control and refugee protection. Five main recommendations were highlighted in the interest of time.
- Adequate reception arrangements required and identification of those with protection needs
- Safe and speedy disembarkation of refugees intercepted at seas
- State capacity must develop policies and practices
- Address root causes

<b>ISSUES / PROBLEMS</b>	<b>RECOMMENDATIONS</b>
Causes / push factors of irregular migration: <ul style="list-style-type: none"> <li>- Link between labor market and irregular migration. If demand is high, people will come in.</li> <li>- Poverty</li> <li>- Growing asymmetries and increasing worldwide social inequalities</li> </ul>	Tackling the root causes must be a priority.  There should be development strategies, not just security and migration management

**GFMD 2008, Day 1, Concurrent Sessions, Roundtable Discussion 2, Session 2.2, Report 01**

<ul style="list-style-type: none"> <li>- Blocking legal migration; slow administrative process</li>   <li>- Lack of information</li> </ul>	<p>Broaden channels of regular migration. Regular migration works only if it respects the rights of migrant workers. Reform of labor policies must be ensured to ensure rights and dignity of migrant workers.</p> <p>A sustainable regularization program that allows irregular migrants to have enough time to be protected by the law.</p> <p>Tackle issue of irregular migration. Challenge the notion of irregular migration as the “end solution.”</p> <p>Local authorities help promote access to decent work and living conditions</p>
<p>The capacity to negotiate better salaries and health benefits is a huge challenge</p>	<p>Negotiate for duty fee, health care and better salaries (for health care workers sector). Reintegration packages must be well explained to migrants.</p>
<p>Regularization of migrants - does not also guarantee minimum standards and basic rights to association, especially among domestic workers. Regularization may constrain migrants in a number of ways.</p>	<p>Monitor employers in destination areas. The temptation of capitalist development is to seek cheaper labor which is usually achieved through supply of irregular migrants.</p> <p>Monitor recruitment agents in both destination and sending areas.</p>
<p>Criminalization of migrants, smuggled migrants treated as criminals</p>	<p>Enhance the treatment of migrants from a human rights perspective</p> <p>Introduce reciprocity schemes in migration and development under the principle of shared responsibility.</p> <p>CSO influence governments and public perception on the use of terminology such as “illegal”</p>
<p>Special vulnerability of special groups such as children, especially those born by undocumented parents.</p> <p>Detention of children of undocumented migrants.</p>	<p>Consider children migrants, especially those in working age, in making bilateral agreements.</p> <p>Register all children of migrants, regardless of their current status.</p> <p>Develop a facilitating process of taking into account the perspectives of children when talking about their conditions.</p>

**GFMD 2008, Day 1, Concurrent Sessions, Roundtable Discussion 2, Session 2.2, Report 01**

	<p>Prioritize children and families as the priorities in all our actions: Keep family united in handling irregular migrants and in protecting the children</p> <p>Ensure their access to healthcare, education and legal advice</p>
Trafficking as an organized crime, uses complex, changing tactics.	<p>Look into the dynamics of local/internal and international trafficking.</p> <p>The issue of corruption must be considered in all efforts against trafficking.</p>
Employer sanctions often lead to criminalizing workers in the end, such as the case of the US.	CSO must continue to inform each other about such practices, to strengthen advocacy.
Ratification of applicable ILO conventions and other policy demands	<p>Call for the ratification of ILO Convention 143</p> <p>Be realistic in making policy demands, especially on the right to take family.</p>
Prohibition of migrant tends to give rise to organized crime (such as in the experience of the United States). This could also result in right wing terrorist vigilantes (often with the help of government) criminalizing these migrants.	
Refugee dimension of migration; the need to protect refugees; RPS has been exile-oriented	Humanitarian approach has been proposed recently, in coordination with embassies.

Other issues / problems:

- Lack of statistics leads to more invisibility of people
- Training system is abused by many companies.