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**ROUNDTABLE 2: SECURE, REGULAR MIGRATION CAN ACHIEVE
STRONGER DEVELOPMENT IMPACTS
(Coordinator - Dr Irena Omelaniuk)**

**Roundtable Session 2.2
Managing Migration and Minimizing the Negative Impacts of
Irregular Migration¹
Co-chairs:
Government of Australia
Government of Thailand

Thursday 30 October 2008
9.00 – 12.00 hours**

EXECUTIVE SUMMARY

When governments manage migration in a comprehensive way, balancing facilitation of regular migration with effective enforcement against irregular migration, it enhances people's choices and chances of migrating safely and productively. This in turn can enhance the positive development impacts of migration on the migrants, their families and both origin and receiving countries. It gives greater credibility to migration, and thereby strengthens trust between countries, a basis for cooperation at a number of levels, including on further migration possibilities. Countries of origin, transit and destination all have a role to play in this.

This paper supports the discussion of GFMD roundtable session 2.2 by exploring some useful examples of how governments are effectively handling irregular migration and by identifying the policy frameworks at either end of the migration track that can lower the risk to migrants and raise the benefits for all. It also points to some concrete policy approaches taken by governments to address these challenges.

1. CONCEPTUAL FRAMEWORK

1.1 Definitions and context

¹ This paper has been prepared by the Governments of Australia and Thailand in collaboration with the Roundtable coordinator. It draws in part on comments and inputs from the Roundtable session team member governments and from studies and findings of other non-governmental experts and organizations. The aim of the paper is to inform and facilitate the discussion of Roundtable session 2.2 during the Manila GFMD meeting in October 2008. It is not exhaustive in its treatment of the RT 2.2 theme, and does not necessarily reflect the views of the GFMD organizers, or the governments or organizations involved in the GFMD process. Any reproduction, in part or whole, of this document, should cite the source.

As there are no clear or universally accepted definitions of “managing migration” and “irregular migration”, the following working definitions will be used for the purposes of this paper:

Managed migration - the numerous governmental and inter-governmental systems of orderly and humane management of cross-border mobility for the entry, residence and work of foreigners within state borders, and the protection of refugees and others in need of protection.² For the purposes of RT 2.2, it can also mean managing emigration of nationals to ensure maximum development results, and joint actions among states on orderly cross-border flows.

Irregular migration - where movement, residence and/or work abroad take place outside the regulatory norms of the origin, transit and destination countries. For host countries, the migrant may not have the necessary authorization or documents under immigration laws to enter, reside or work there. Often, people enter legally and then overstay their visa requirements. For origin countries, it can mean a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. The term is not restricted to smuggling of migrants and trafficking in persons.³

For the purposes of this discussion, a “comprehensive approach” to migration takes into account economic, development and humanitarian objectives while at the same time ensuring integrity of borders. The term “migration” refers here to both temporary and longer term forms of cross-border mobility, mostly for purposes of work. The key assumptions underlying this discussion about why and how to better manage migration, particularly irregular migration, are:

- a) Regulated migration (immigration or emigration) is likely to bring higher benefits for development (for migrants, origin and host country) than irregular forms of migration.
- b) Action to address irregular migration and effective enforcement can enhance the benefits that flow from managed regular migration (see also session 2.1).
- c) Irregular migration is often an issue requiring a mix of national, regional and international responses. Regional or international cooperation on a comprehensive approach will bring greatest benefits
- d) Capacity building, especially for developing countries, to better manage migration (regular and irregular; immigration and emigration) in a comprehensive way is essential to harnessing the development benefits of migration.

This paper argues that a comprehensive approach is likely to be more protective and empowering of migrants and bring higher returns for economic growth and longer term development. Enforcement against those that profit from irregular forms of migration is key to protecting rule of law, which in turn can protect migrants from public hostility against migration. When countries achieve this, individually and jointly over developed-developing country lines, it can strengthen the integrity of migration, and deepens cooperation and trust between countries, also in other policy fields.

Where there are piecemeal, inadequate or non-existent policies, smugglers, traffickers, employers and migrants themselves exploit the loopholes, and place the lives and wellbeing of migrants and their families at risk. Migrants who fall prey to unscrupulous agents and employers have limited recourse to legal aid, medical care and other mainstream support services, including financial services to enable them to remit, invest, take out loans and be credit-worthy (World Bank 2006c). This potential is also reduced by debts to smugglers, which can take years to repay, or the absence or lack of earnings as in the case of trafficked persons.

² See also “migration management” in IOM Glossary on Migration, 2004.

³ Irregular migrants are also known as illegal migrants, unauthorized or undocumented migrants. “Irregular migration” was endorsed by the UN General Assembly Resolution 3349 of 9 December 1975. See IOM’s Glossary on Migration, 2004; Guild 2004; IOM (forthcoming).

Smuggling and trafficking undoubtedly carry costs to the physical and psychological health of the migrants and their families, as well as potentially to public health systems in origin and host countries. Where women and children are trafficked, families suffer, and in some cases disintegrate. Developing economies can be depleted of their human capital and deprived of higher financial and skills returns from their workers abroad. The social and economic costs of these losses, or of the welfare needs of vulnerable groups and their host communities, are borne by both host and origin countries.

Enforcement alone has failed to prevent or solve irregular forms of migration. It can lead to smugglers and traffickers going further underground and raise the cost and risk to migrants and society (De Haas 2008; Schloenhardt 2008). Increasingly countries are looking to more comprehensive package deals that balance the enforcement with more diversified, transparent admissions programs, more effective visa and residence permit systems, capacity building and cooperation with partner countries. This approach is necessary at both ends of the migration spectrum. For example, it seems that where there are large-scale, comprehensive programs for regulated, low cost and protective mobility and work abroad, such as in the case of the Philippines, the incidence of trafficking is likely to be relatively lower than in other less well “managed” programs. But not all countries are as yet equipped and ready to take such a comprehensive approach, hence the repeated call for capacity building in this paper.

Given these challenges, what approaches do, and should, governments take in addressing irregular migration to the mutual benefits of the migrants, their families and the governments concerned? In addressing this question, RT 2.2 will complement the discussion of RT 2.1.

1.2 Links between migration and development

1.2.1 Data and research on irregular migration and development are limited

Data on irregular migration are scanty and disparate. By its very nature, irregular migration is difficult to measure as it occurs, unseen and un-measured, under legitimate managed movement systems.

In 2004, ILO estimated that migrants in irregular status represented some 10-15% of the total migrant stock. Today, this would amount to around 20-30 million irregular migrants, without considering regional and country variations (ILO 2004). ICMPD (2004) estimates that between 2 - 4.5 million migrants cross international borders without authorization each year (ICMPD 2004). For some countries like South Africa or Thailand, the estimates are as much as twice the official emigration or immigration levels.⁴ All regions are variously affected by irregular migration, and depending on geography, labour market structures, level of national development etc, differences in trends and impacts can vary greatly.⁵

Most country databases remain inadequate to capture levels and trends.⁶ Definitions vary from country to country and database to database.⁷ Many governments do not collect statistics, often

⁴ ILO compared Thailand’s estimates of (125-150,000?) workers leaving for contract work overseas with the estimated total stock of Thai workers abroad (450,000) and found the stock to be twice as high as the emigration. Similarly, the estimates of South African migrants in Australia, Canada, NZ and UK are twice as high as the South African government’s estimates of emigration. Conversely, in 2006, Thailand recorded 668,576 immigrants (MOL), and almost twice as many unregistered migrant workers (ILO 2007).

⁵ E.g. compare the higher incidence of overstays after legal entry in the EU and East Asia regions with the illegal entries in, say, the USA.

⁶ The CIREFI database, the main EU-wide source of data on illegal migration, “is wholly inadequate to capture levels and trends in illegal migration processes” (Poulain, et.al. 2006, p.285). See also chapter 8 on “Irregular Migration” in IOM forthcoming for regional data.

⁷ A study of 17 European countries found that the number of persons refused entry also includes persons who could have entered legally but didn’t have the right documents, or had forgotten their passport etc. (Laczko?).

because of lack of capacity or resources; or even if they do, there may be little interest or political will to act on the information, particularly if irregular migrants serve labour market needs.

Many irregular migrants move from developing countries, often to other developing countries, although not necessarily the poorest people move, given the costs involved (World Bank 2006a). Also in developed countries, it is not the poorest who constitute the irregular migrant population.⁸ There is also often a mix with other flows, such as asylum seekers and displaced persons, which require distinctive policy responses.

As with migration generally, the cause-effect relationship between irregular migration and development is complex and often region or country-specific. Common push factors include economic differentials between countries or disempowering social, economic and political conditions in the home country. Not all push factors relate to under-development. The most common pull factors invariably relate to labour markets, geography, governance and policies: primary export sectors such as agriculture or fishing seek to keep their labour costs low; long contiguous borders are difficult to police (e.g. between Thailand with Myanmar, Lao PDR and Cambodia); weaker governance structures do not permit effective monitoring and surveillance of borders and workplaces; and few states pursue comprehensive policies to address labour market, migration, development, human rights and personal and national security needs in one.

Studies by international experts draw links between the experiences of migrants in irregular circumstances and their reduced ability to build up their own and their family's livelihood. This is more obvious in the extreme cases of trafficking (e.g. see IOM's CTM database). Social and economic exclusion of migrants and their families who have no legal immigration status can often lead to poverty (De Haan 2000).

Studies by IOM, UNICEF, OSCE, ILO and others indicate that economic underdevelopment can increase vulnerability to trafficking, but conversely trafficking can also contribute to economic underdevelopment (USDOS 2008). Again, more nuanced research is needed at a number of levels – criminological, economic and social – to better understand the links between trafficking and development, and to reduce the vulnerabilities of poorer communities (World Bank 2007). The US Government's *Trafficking in Persons Report 2008* calls for the collection of data to enable new studies of the economic impacts of trafficking. Some illustrative research initiatives have emerged in recent years that could yield useful tools for policy makers to better collect and analyze data on irregular migration and development:

a) a “business” model to reconstruct the financial trails of smuggling, based on surveys and interviews along a smuggling corridor between Pakistan and the UK (Koser 2008).⁹ Understanding the economic rationale of irregular migration could be useful for developing policies to undercut the profitability of smugglers and traffickers (Koser 2008) and to make regulated migration a more viable alternative for migrants.

b) IOM's Counter Trafficking Module, a global database on human trafficking with primary data on origins, routes, trafficker and victim profiles, gender, costs, outcomes etc of trafficking (Surtees forthcoming).¹⁰ This offers a common research and methodological

⁸ IOM advises that in the US 81 per cent of the unauthorized are from middle income countries in Latin America, and only 4% from Africa. In Europe, there are more African irregular migrants, but the bulk come from North Africa, rather than from the poorest countries in SSA (although that is changing).

⁹ See also Gordon Hanson's discussion of the “economic logic of illegal immigration” and the possibility of certain forms of managed migration to beat the smugglers at their own game (Hanson 2007).

¹⁰ The CTM contains only assisted cases, with an unknown number of victims unidentified and unassisted, and therefore does not represent the full scope of trafficking in any country. It is nevertheless a rich source of information on human trafficking and presents some of the first primary data on male trafficking (Surtees forthcoming).

template for more uniform, coherent collection of data on trafficking, as also recommended by the European Experts Group.¹¹

c) “Development on the Move” - a 3-year pilot project run jointly by the Institute for Public Policy Research and the Global Development Network (GDN) to analyze cross-country movements in Colombia, Fiji, Georgia, Ghana, Former Yugoslav Republic of Macedonia (FYROM) and Vietnam. The project will collect new evidence on the impacts of migration on development, create a methodology for assessing these impacts, and examine fresh policy options to improve migration’s contribution to development.¹² The project could offer the basis for a migration-development index and policy audit methodology

To encourage the development of comprehensive policies regarding migration and development, there is a need for better informed debate, supported by analysis and an understanding of the relationships between supply and demand, also to dispel some of the misconceptions about irregular migration, which can discredit migration generally.¹³ In addition to the research already undertaken, the analysis, exchange and use of the data by policy makers could be improved. Above projects may offer some useful tools for more common approaches to data collection and research.

1.2.2 Impact of migration on development

The relationship between migration and development is complex and often ambiguous. Expert agencies such as the World Bank, OECD, ILO, IOM et al indicate that, under certain enabling conditions, migration can generate net economic benefits. For host countries, foreign workers fill vacant jobs, help reduce inflationary pressure and support key export industries. Many states recognize the positive economic contribution of migration from productivity gains, innovation and skills.¹⁴ Migrants add to output and income, and their employment in export sectors can increase foreign exchange. For countries of migrant origin, remittances can relieve unemployment, help lower poverty levels and improve human capital indicators, such as levels of education and health (Fajnzylber and Lopez 2008; McKenzie 2006). In regions like Latin America and the Caribbean, remittances appear to contribute to higher growth and investment rates (ibid). But also skills exchange and other “returns” to the home country can augment national development and economic growth (World Bank 2006a).

In **Australia**, longitudinal studies show overwhelmingly that immigrants contribute substantially to Australia’s stock of human, social and produced capital. Fiscal modeling reveals that new migrants provide a substantial contribution to the Australian Government budget, which increases over time in real terms. In broad terms, over the first four years, 1000 new migrants contribute around \$10 million net to the Commonwealth budget.¹⁵ In **Thailand**, where foreign workers represent some 5% of the workforce, a recent ILO study estimated that if Thai wages were depressed 3% by the migrants, and labour’s share of national income is 40%, the net gain for the economy due to migrant

¹¹ IOM has already established core indicators for data collection, and governments are using the CTM template.

¹² Note the purpose of this programme is not to track irregular migration, but to look at migration more holistically.

See also: <http://www.ausaid.gov.au/research/devonmove.cfm>; <http://www.gdnet.org/middle.php?oid=1214>;

<http://www.ippr.org/research/teams/project.asp?id=2326&tID=85&pID=2326>;

http://www.ippr.org/uploadedFiles/research/mapping_development_impacts_of_migration.pdf;

¹³ Despite perceptions in Europe about the alleged flooding of Europe by Sub-Saharan Africans, or that all transit migrants in North Africa are irregular migrants, the estimated 25-35,000 irregular crossings by sub-Saharan Africans in 2004 accounted for only a fraction of total EU immigration of 2.6 million (de Haas 2008), many had entered legally and overstayed their visa. See also De Haas on the term “transit” to cover illegal migrants (De Haas 2008).

¹⁴ The Netherlands estimates the overall impacts of labour migration in the past to be slightly negative, largely due to the fact that after a limited number of active years some migrant workers became chronically unemployed and received social benefits.

¹⁵ See <http://www.immi.gov.au/media/publications/research/social-costs-benefits/index.htm>; Access Economics: 2004 Update of the Migrants’ Fiscal Impact Model; and www.immi.gov.au/media/research/lsia/index.htm

workers would be \$47 million in constant dollars and \$53 million in current dollars (ILO 2007).¹⁶ **The UK** also finds the broader fiscal impact of migration to the UK to be positive, with migrants contributing some £6 billion to the UK economy in 2006.¹⁷

Extensive studies of the impacts on developing countries of origin show that alone remittances to developing countries reached an estimated USD240 billion in 2007, with India, China, Mexico and the Philippines as the top four recipients globally. Remittances to small low income countries such as Tajikistan, Moldova and Tonga accounted for more than 30% of the GDP in 2006 (World Bank 2008). (Note that the remittance data and poverty impact studies by the World Bank and others do not disaggregate the benefits by regular and irregular migration programs.) In Egypt, workers' remittances constitute some 6% of annual GDP, but for remittance-receiving households they account for 20% - 30% of their annual revenues, and probably more for the poorer ones.¹⁸ They help families create small projects such as raising cattle or buying and operating a taxi, especially in rural areas. An estimated 10% of returnees invest in economic projects (Nassar 2005). In general, however, it is harder to link the migration to other macro indicators such as labour force growth, exports or inflation (ILO 2007).

The benefits of regulated migration have been measured at individual levels in small scale programs such as the Seasonal Agricultural Workers program between Mexico and Canada, which appear to have had the additional advantage of strengthening bilateral relations between Mexico and Canada.¹⁹ Also the Philippines, the fourth-largest recipient of remittances (World Bank 2008a), shows some broad comparative advantages of regulating its overseas worker program, for example in achieving more favourable wage and working conditions for its overseas workers than other labour-sending countries, and having a relatively low incidence of problem cases with irregular migrants globally.²⁰

As already noted, the costs of irregular migration are most evident in the conditions of the individuals abroad, the immediate impacts on their families and the tensions that can arise between countries when there are human rights abuses of irregular migrants and rule of law is undermined by criminal activities of smugglers, traffickers and abusive employers.²¹ In the context of Asia-GCC labour flows, governments now recognize that the benefits of migration can be enhanced through partnerships to better protect and prosecute.

The evidence tends to support the view that migration programmes, particularly when they are carefully managed, are of value to both countries of destination and origin. Migrants coming to countries of destination meet labour market needs, bring sought after skills, help to reduce inflationary pressures, support export-oriented industries and contribute in general terms to economic growth. At the same time, they contribute to the development of their countries of origin through the remittances they send back. Expatriate communities can in due course become sources of investment, of expertise and entrepreneurship.

1.2.3 Irregular migration can be costly for individual migrants, their families, and their countries

¹⁶ See the ILO research project on "Economic Contributions of Migrant Workers to Thailand: Policy Development", discussed in a workshop on the Economic Contribution of Migrant Workers to Thailand: Towards Policy Development, Bangkok, May 2007. In 2007, the Thai labour force of 36 million included some 1.8 million migrants.

¹⁷ See the UK input to this paper.

¹⁸ Based on an average of 6 people per household and a GDP of 1,300 US\$ per capita, the yearly revenue of an average Egyptian household is around 5,000 - 7,000 dollars. Remittances estimated at around USD1,000 - 3,000 (including in-kind remittances and depending on the host country) may cover two or more households. But even where remittances of USD3,000 are split between two households, they still account for 20% - 30% of the annual revenues of these households, and probably more for the poorer ones (input from Government of Egypt).

¹⁹ See North-South Institute, 2003, Verduzco, G. and M. I. Lozano, 2004.

²⁰ The MFA Office of the Undersecretary for Migrant Workers Abroad (OUMWA) reports ca. 4,000 cases annually, or 0.5% of the 8 million Filipinos abroad.

²¹ See Nasra Shah's contribution to the Civil Society discussions on irregular migration in the Asia-GCC context.

The status migrants enjoy in the host country can help shape the development outcomes of their migration. Many unauthorized migrant workers are not able to use their skills fully and to earn or remit as they could with regular status. Even where they earn sufficient to remit, migrants in irregular status, but also legal migrants in informal sectors have limited access to social welfare,²² and typically have no acquired and portable rights to long-term benefits.²³

By dint of their “bondage”, smuggled and trafficked persons have diminished capacities to earn and remit funds to their families. An empirical study of Afghans and Pakistanis smuggled to the UK suggests that fees to the smugglers can on average amount to more than 250% of a household’s annual income along that corridor (Koser 2008). This takes years to repay, which mires the migrants even further in a dependency on their irregular situation, locking them into the host country while they seek to earn surplus beyond recovering the costs of migrating.

This pattern varies from country to country and region to region. Even where the migration is legal, debt bondage frequently resulting from an inability to pay recruiter fees can cause migrants to find themselves in exploitative, trafficked-like situations (USDOS 2008). Their earnings flow into the pockets of recruiters, smugglers or traffickers, rather than their families’ bank accounts, education, health, and general improved wellbeing.²⁴ Females are particularly vulnerable in domestic service and other poorly regulated jobs,²⁵ which can have an impact on those areas traditionally supported by females, either at home or from abroad with foreign earnings, such as children’s education and health (World Bank 2008b).

Often living and working in crowded, unsanitary conditions, and without access to information, migrants in irregular circumstances are at high risk of ill health. Isolation from families back home can both increase their health problems and vulnerability to AIDS (UNAIDS 1998). Persons trafficked for sexual exploitation, begging, delinquency, adoption or other purposes are particularly vulnerable to physical and psychological problems (IOM 2007a), and even death.

Trafficking of females can rob families of their child and aged carers, contribute to family breakdown and reinforce the illiteracy and poverty cycle back home (Clert et al 2005; USDOS 2005). Families can also be threatened and coerced by smugglers when the migrants are unable to repay their fees. These all result in inestimable public health and welfare costs to both country of origin and host country (IOM 2005). And the abuse and subordination of vulnerable and marginalized groups can perpetuate social and gender inequalities within developing countries and between rich and poor countries.

For low income developing countries (regardless of origin or host country), the costs of irregular migration can be high, where there is a lack of structures and capacities to manage migration in ways complementary to their development plans. For countries hosting immigrants, there are costs involved in loss of taxes, provision of health, education and other social services, where the taxes paid by migrants are out of step with the cost of services, as is likely the case

²² Social Security was recognized as a basic human right at the General Discussion on Social Security at the International Labour Conference in 2001 (ILO, 2001). ILO also argues that this may be more a function of poor development, as many countries globally still have no national social security systems

²³ Notwithstanding the fact that also most regular migrants do not enjoy social security cover, either within general, non-discriminatory social welfare systems in host countries, under bilateral social security agreements between countries, or through schemes offered by countries of origin. The World Bank reports a general lack of social security systems in many host countries, and estimates that only 20% of migrants globally were covered by bilateral social security agreements in 2000; and that fewer than 10% of Latin American, Asian and African migrants abroad were covered by portable social security schemes in 2000 (Holzmann et al 2005).

²⁴ The US Department of State suggests that migrant earnings diverted into the pockets of labor recruiters or job brokers and away from needy families, could be as high as 20% of total global remittances.²⁴

²⁵ See the GFMD Brussels Background Paper for Roundtable 1.3 (www.gfmd-fmmd.org).

with most irregular migrants (Camarota 2004).²⁶ The low wages of irregular migrant labour can also jeopardize minimum wage structures and can affect social cohesion and stability.

For many small, lower income countries of origin, there can be immeasurable losses of education investment, skills and human capital potential, not to mention foregone taxes, where there is a lack of comprehensive planning around retention, replacement and return of skills lost to emigration (IOM 2005b). Transit countries in some regions are also confronted by increased crime, including corruption among officials dealing with transitory movements. For all countries involved, clandestine migration reduces their ability to both assist and support the migrants, and to manage the migration to better developmental advantage. Irregular migration, or fear thereof and its perceived links to local unemployment, crime etc has helped discredit migration and fuel the anti-migration sentiments that lead to further restrictions on migration.

Assessing the costs of irregular migration is important for major developing countries of origin such as the Philippines, or Bangladesh, which seek to optimize the development benefits for their families and national economies. It also helps explain the indirect impacts that irregular migration can have on development, and serve as a basis for more strategic partnerships between origin and host countries to manage migration comprehensively and to mutual benefit.

2. EFFECTIVE PRACTICES

2.1 Selective policies and practices to manage migration and analyze its development benefits

There are growing efforts by governments, particularly at national and regional levels, to take more comprehensive approaches to managing migration, also as a way of minimizing irregular migration and its potentially negative impacts on development.

Case study 1 The Philippines: A country of origin perspective`

The Philippines has some 4 million workers abroad, almost 40 years of experience in setting up and managing its contract-based overseas labour program, and some 68 bilateral labour agreements in Asia, the Middle East and Europe. The Overseas Filipino Worker program (OFW) is an integral part of the Government's human resource development strategy. To ensure that it benefits the migrants, their families and the national economy, the Government aims at striking the right balance between facilitation and enforcement to encourage migrants to work abroad legally and discourage and undercut the illicit practices of unscrupulous recruiters, smuggling and traffickers. The Philippines can boast a high degree of regular migration, and a relatively low incidence of trafficking (CTM database). Key reasons for this success are:

- a) A clear legal mandate to protect migrant workers, firmly based in the Constitution.
- b) A well functioning inter-departmental administrative machinery for efficient migrant service delivery.²⁷
- c) An efficient, affordable "one-stop shop" approach to pre-departure preparations.
- d) Protections built in at every stage of the migration cycle, that balance facilitation and control
 - information/orientation courses to "arm" migrants against smugglers/traffickers;
 - mandatory *licensing of recruitment agencies* and limits on recruitment fees,²⁸

²⁶ See Camarota's 2004 report "The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget" based on US Census data of 2003.

²⁷ Clear policies and adequate budgetary support enable efficient service delivery to the migrants, regardless of their status abroad, especially in times of crisis (e.g. evacuations of female workers during the recent Lebanon crisis).

²⁸ In the Philippines, where some 98% of migrants are recruited via private agencies, the Government limits by law recruiters' fees to no more than 1 months' salary (except where prohibited by the law of the host country; e.g. in the UK employers cover all costs of Filipina nurses).

- *accreditation of employers* and joint liability with the recruitment/manpower agencies for adherence to terms of the contract;
 - *compliance with the skills and entry requirements* of the destination country;
 - *mandatory pre-departure information, orientation and training* programs;²⁹
 - a low cost *welfare fund* to cover insurances, pensions, scholarships, legal aid etc;
 - *standard labour contracts* for decent wage/work conditions, enforceable in the labour tribunals;
 - *certificates* issued that facilitate migrants' movement in and out of the country and entitles them to exemption of income tax and travel tax;
 - welfare officers posted abroad to assist migrants;
 - a *national reintegration program*, including scholarships and training for children;
- e) Participative policy-making, involving women's sectors, private sector and NGOs.
- f) Gender sensitive policies and programs.³⁰

The Philippine approach keeps recruitment fees lower than many smugglers or traffickers would charge, and the carrot-and-stick approach to recruitment and employment practices has on occasion resulted in the de-registration of recruiters and the public discrediting of employers. The imposition of severe penalties and the surveillance operations of the Government taskforces have resulted in a number of arrests and imprisonments, suspension of licenses and even closure of some licensed agencies. While the problem still persists, in 2007 irregular recruitment cases declined by 4.4% compared to the previous year.³¹

This helps prove the assumption that the best alternative to irregular migration are greater opportunities for regular migration and optimum protections under these (see also RT 1.1 and RT 2.1). These strategies offer incentives for regular, safe migration. Other labour-sending countries like Mexico, Morocco, Colombia, Ecuador and Guatemala also invest variously in jointly managed and protective programs, with incentives for regular migration and return.

What are the development benefits for the Philippines from this approach?

The Philippines' incorporation of labour emigration into its national human resource development strategy enables the country to train workers with a view to satisfying labour market needs at both domestic and international levels. It has gained a solid reputation globally for its well trained and reliable workers in a range of sectors, which in turn enables the Government to negotiate decent wages and maximize the migrants' ability to support family members back home. It has also helped the country to open up more labour markets abroad. There is a high rate of migrant participation in formal money transfer systems, which helps ensure reliable, predictable and high levels of remittance flows to the Philippines. Knowing their workers abroad, the Government is able to plan for their return and re-insertion into the labour force, and benefit from the accumulated skills and know-how of the returnees. Enhanced worker protection and support at all stages of the migration process (the "life cycle") is one of the best incentives for migrants to return and/or re-invest in their homes.

Case study 2 Australia: A country of destination perspective

²⁹ Filipino workers' resource centres overseas, particularly in female-dominated posts, provide skills training, orientation, counselling, seminars on savings and assistance to the migrants, and emergency evacuation facilities.

³⁰ The female/male ratio of Filipino migrant workers is 60/40. The policies include no recruitment fee for domestic workers, increased wage level for domestic workers, female welfare workers posted abroad where female workers predominate, special pre-departure orientation and information, skills upgrading and counselling programs abroad.

³¹ See both the Republic Act No. 8042 and The Migrant Workers and Overseas Filipinos Act of 1995. The latter provides for 6-12 years imprisonment and a fine of between PhP200,000.00 and PhP500,000.00. See also Executive Order No. 325 of 2004, which created the Presidential Anti-Illegal Recruitment Task Force.

In Australia, where some 6.6 million people have been permanently resettled since 1945, including a humanitarian component of more than 690,000 people, 45% of the current population of just over 21 million were either born overseas or have at least one parent born overseas. The Government sees migration as having contributed a sizeable proportion of the human capital that has helped make the country's economy so strong today. This is ascribed in large measure to the well managed and carefully balanced migration program, directly administered by the government.

The immigration program balances family, economic and humanitarian components, and increasingly allows flexibility in transitioning from temporary to permanent residence. Program planning links numbers to estimated demands for migration places, both socially (family) and economically (business skills and employer nominations), giving regard to skill shortages in Australia and the likely fiscal impact on the Federal budget. Border security and enforcement against smuggling and trafficking are key strategies in the Government's efforts to maintain the integrity of Australia's migration programs. It helps maintain public support for these programs and strengthens cooperation with other countries, also for further migration opportunities.

To raise awareness of the visa options available to employers experiencing skills shortages, Australia funds a network of immigration officers to meet with employers in regional Australia and work within peak industry bodies. These officers provide a focal point for employers needing information about the options available to them to employ overseas workers. The Migration Amendment (Employer Sanctions) Act 2007 commenced in August 2007. Australia has built upon its existing Employer Awareness Campaign, tied in with a broader approach to employers who are sponsors of skilled temporary entrants.

Australia is expanding its migration program,³² and many migrants will continue to come from countries in Asia, such as China. In August, the recently elected Australian government announced a three year Pacific Seasonal Worker pilot to examine whether a seasonal worker program could contribute to foreign aid objectives and also assist Australian employers. There are relatively few irregular migrants in Australia (50,000), which is partly a function of geographic isolation, but also largely ascribable to the managed nature of the migration.

What are the development benefits for Australia?

The comprehensive approach to both permanent and temporary immigration has helped migrants to contribute directly to Australia's economic growth at local, state and federal levels. Careful and broadly consultative migration program planning has helped ensure an optimal mix of skills in the domestic labour market. The matching of skills and supply with real jobs, and the balance between facilitation and enforcement in facilitating this have gained immigration a certain credibility within the community, thereby allaying any potential xenophobic concerns. The high levels of immigration over the decades have generally helped address Australia's demographic concerns of declining fertility rates and labour force ageing.

This balanced migration program allows for significant numbers of people to be admitted to Australia on humanitarian grounds while achieving net fiscal benefits. Migration contributes to Australia's capacity for innovation, productive diversity and economic prosperity, opening up valuable cultural and business opportunities with the rest of the world. The migrant presence has increased the range and viability of available recreational and cultural activities for all Australians. Migrants contribute in positive ways to the productive diversity of Australia through investment in housing, in the transformation of urban areas, the creation of new businesses, the supply of products, the provision of new and different skills, and through other types of entrepreneurial activities.

³² See the interview with Chris Evans, Minister for Immigration, Australian Broadcasting Corporation, 5 June 2008.

The experience of other countries

Thailand, as a developing country receiving major inflows from neighboring and other developing countries, has also recently adopted a more comprehensive approach to dealing with migration in general and irregular migration in particular.³³ This new approach links the number of migrants to real labour demand by sector, aims at minimizing the presence of migrant families in Thailand, provides secure ID cards for migrants; and enforces the minimum wage and other labour laws in situations involving both regular and irregular migrants. Migrants are offered incentives to depart when their work permits expire, by the withholding and transfer home of 15% of their earnings abroad. Another new feature to encourage migrants to return at the end of their work permits is to promote economic development in the border areas of the countries of origin (under various sub-regional and bilateral frameworks such as ACMECS³⁴), and enable migrants to commute daily from their homes in Myanmar, Cambodia and Lao PDR to their jobs in Thailand (ILO 2007).³⁵

An ILO study supports this new approach and points to the greater gains Thailand is likely to reap from a more flexible, comprehensive migration policy involving social partners, cooperation with origin countries, transparency of policy, more sector-specific registration, and generally more open recruitment and employment as an alternative to irregular migration (ILO 2007). Thailand's efforts to combat irregular migration and its harmful effects continue to form an equally important and relevant pillar of this new comprehensive approach to migration management.

Some European countries, and **Korea** and **New Zealand** in the Asia-Pacific region, are also trying variations of temporary, repeat, circular migration with closer cooperation on returning irregular migrants or on joint prevention and prosecution of smugglers and traffickers. New Zealand's new Recognised Seasonal Employers Scheme for the Pacific involved the NZ development agency in every step of its design to optimize its development impacts on home communities. By targeting low income migrants, this scheme is comparable to the Mexico/Caribbean SAW programme with Canada, but with the added component of training the migrants and upgrading their skills while abroad.

The **UK** has recently introduced new measures to better balance stricter e-border operations and penalties against employers hiring unauthorized foreign workers with a more flexible, transparent points-based admissions system and voluntary return and reintegration options for irregular migrants. Closer linkages between labour market needs and migration are being explored by an independent Migration Advisory Committee set up in 2007 for this purpose. Notably, the impacts of the new points-based immigration programme on developing countries are to be monitored and reported on the coming years. More than any other country with comparable migration experiences, the UK is undertaking extensive research and analysis of the migration-development links and impacts, of general interest to all other countries affected by migration.

The **European Union** recognizes that within a comprehensive approach employer sanctions are an important means of reducing irregular migration. It has launched a proposal for a directive aimed at sanctions against employers, because illegal employment is an important pull factor for irregular migration to EU countries. Some countries already work with high fines for employers.

³³ On July 21, 2003 the National Security Council approved this as a six-part resolution ...

³⁴ The Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) was established in 2003 as a framework for cooperation amongst Cambodia, Lao PDR, Myanmar, Thailand and Vietnam with the aim of promoting balanced development in the sub-region.

³⁵ Sending country governments recruit and select migrants to fill these jobs and issue them passports so they can receive entry visas at the appropriate Thai embassy or consulate. Migrants travel to Thailand and report to their Thai employers, receive work permits and are entitled to the same wages as Thai workers.

For instance in **the Netherlands** employers pay a fine of € 8000 for every illegal worker employed.

The examples above illustrate a growing trend in many countries to invest in more holistic approaches to migration, that also take account of its developmental impacts. Opening more regular avenues for migration needs to be accompanied by sanctions against smugglers, traffickers, employers and others jeopardizing the welfare of migrants and the potential benefits of migration. But it should also be a partnership venture to maximize the mutual benefits. For many developing countries to achieve this, their capacities may need to be strengthened through technical assistance from developed countries and international organizations.

2.2 Good practices in legislating and enforcing laws against smuggling and trafficking.

The Protocol on trafficking in persons has attracted more vigorous government commitment around the world than most international treaties. Eight years on from the signing of the Palermo Convention against Transnational Crime, many countries have introduced anti-trafficking legislation.

Australia has adopted a whole-of-government *Anti People Trafficking Strategy* and has appointed an Ambassador for People Smuggling to work with regional and other partners on this issue. The strategy is supported by a range of interlocking measures by key agencies to address the full trafficking cycle from recruitment to reintegration. It gives equal weight to prevention, detection and investigation, prosecution and victim support. The strategy includes: legislative reform to sharpen local law enforcement and international cooperation on transnational crime and legal assistance; specialist transnational sexual exploitation and trafficking teams within the Australian Federal Police; training for select senior migration officials and public prosecutors; substantial victim support; a community awareness strategy; adjusted visa arrangements for victims able to assist with investigations and prosecutions of traffickers; and criminological research to assist with early warning.

Thailand has declared a national agenda on counter-human trafficking. In February 2008, Thailand enacted the Prevention and Suppression of Human Trafficking Act, which broadens the definition of exploitation to include sexual exploitation, production and distribution of pornography, slavery, forced begging, forced labour, trade in organs, or other similar forms of exploitation. It applies to all persons regardless of their legal status. Key elements of the Act are: heavier penalties for offenders; the right to compensation for victims; provision of shelter and other necessities including physical, psychosocial, legal, educational, and health care assistance to victims. Other administrative actions include setting up a National Committee to coordinate all anti-trafficking efforts and establishing 75 operational centres to help coordinate the work of the many stakeholders on the ground and to protect and assist victims of trafficking. Thailand has also carried out numerous information and skills training campaigns aimed specifically at vulnerable populations (both local and migrants) that may fall prey to trafficking.

In **Europe**, the Council of Europe's Convention on Action against Trafficking in Human Beings ("Council of Europe Convention"), which entered into force in February 2008, mandates governments to provide comprehensive support and assistance to victims. It goes beyond the UN Trafficking in Persons Protocol to entitle victims to a 30-day recovery and reflection period, and to de-link residence permits from cooperation on law enforcement (USDOS 2008).

The **Netherlands** has appointed an independent National Rapporteur on Human Trafficking, established an integrated National Action Plan in 2004, set up a Task Force on Trafficking in 2007, and recently sent new legislation to Parliament ratifying the Council of Europe Convention.³⁶ The Dutch Penal Code has been broadened to include all forms of exploitation

³⁶ The English translation of all reports can be found on the internet at: www.bnrm.nl

(sexual, labour, i.e. forms of modern slavery), and migrant smuggling and trafficking have been criminalized to attract maximum penalties.³⁷ The Rapporteur's reports on the nature and scope of trafficking since 2000 have led to amendments in Dutch national policy.

The **UK** Government's Action Plan published in 2007 sets out a comprehensive strategy to tackle human trafficking and protect and support its victims.³⁸ Provisions exist for a formal ID and referral process, a reflection period, minimum levels of support and temporary residence in certain circumstances. The UK has also signed the Council of Europe Convention in 2007, and is implementing it as a priority in the Action Plan. The UK Department for International Development (DFID) supports trafficking prevention work in some developing countries of origin and transit, notably in SE Asia, as part of its broader poverty reduction programmes.

In its National Action Plan against Human Trafficking, **Austria** has adopted a comprehensive approach to combating trafficking, comprising coordination at the national level, prevention, victim protection, criminal prosecution and international cooperation. Austria issues temporary residence permits of at least 6 months to identified victims and de-links these from cooperation with law enforcement. Austria has set up a Task Force on Human Trafficking with a special Working Group on Child Trafficking to give more attention to this complex issue. In line with Austria's commitment to the Council of Europe Convention, the Task Force and Working Group look at nationally coordinated approaches to prevention and protection. The Working Group has recommended the establishment of a national referral mechanism to systematically care for and support child victims of trafficking.

Greece makes special provision for female victims, including psycho-social and legal assistance, job opportunities, public information and sensitization via the media, training to judges and civil servants, and renewed temporary stay permits as needed. **Italy** pursues one of the most rigorous and comprehensive strategies to prevent, prosecute and protect. The Government invests heavily in victim protection and assistance, and funds and trains NGOs for literacy courses, vocational training and job placement services to victims. Temporary residence permits are issued to victims, with work rights and eventual opportunity to adjust status. Military and civilian agencies receive routine training. And there is a high incidence of prosecutions and convictions, also of government officials, with penalties of 8-10 years for convicted offenders.

Belarus, a source and transit country for trafficking, has drafted amendments to existing laws against irregular migration and trafficking, established a National Action Plan,³⁹ and set up its first 5-year State Comprehensive Program to combat trafficking in human beings and the spread of prostitution (2007).⁴⁰ The Program combines prevention and combating of child prostitution and pornography with social protection and rehabilitation support for the victims. Belarus established in 2007 an International Training Center on Migration and Combating Trafficking in Human Beings. With the support of international organizations (IOM, OSCE, UNO) and law enforcement agencies from other countries, it offers training to officials from CIS countries.

Egypt, a major transit country between Central and Eastern Europe and the Middle East, recently established a National Coordinating Committee to Combat and Prevent Trafficking in Persons, which has strengthened inter-governmental coordination on anti-trafficking initiatives. A new anti-trafficking unit set up in the Egyptian National Committee for Childhood and Motherhood also provides a framework for greater assistance to victims in the future. **Brazil**, a

³⁷ of 8 years prison for smugglers, 12 years for traffickers in cases of serious bodily injury or danger to life and up to 15 years in cases of death.

³⁸ <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>

³⁹ See the Draft Law "On Amendments to Several Laws of the Republic of Belarus on Fighting Against Illegal Migration, Slave Labour, Prostitution and Child Pornography". The public policy is kept under the special control of the Head of State, with twice-yearly reports on this activity submitted to the President of the Republic of Belarus.

⁴⁰ More than 15 state authorities and civil society entities have taken joint actions to implement the Program.

large source country for trafficked persons, has recently also instituted a national work plan to combat trafficking and forced labour (USDOS 2008).

The United Arab Emirates is increasing its anti-trafficking efforts. In April 2007 it established the National Committee to Combat Human Trafficking incorporating several ministries as well as the UAE Red Crescent Society. The Committee has a mandate to coordinate all anti-trafficking work in the country and to ensure legislation is enforced and victims are supported.

Many countries have taken major strides in developing and implementing anti-human trafficking legislation, and are pursuing actions considered as good practice in the fight against trafficking. Nevertheless, and despite the paucity of data, there is a consensus among practitioners that the overall trafficking situation is not improving. Globally the number of reported prosecutions of traffickers has actually decreased since 2003 (from 7,992 to 5,682), although there has been an increase in reported convictions (2,815 to 3,427) (USDOS 2008). During the same period, the IOM global database reports an increase in the number of victims assisted, from 1,131 to 1,841, but the latter number is a marked decrease from the high of 2,672 victims assisted in 2005.⁴¹ Despite a general increase in transnational labour agreements or MOUs in a number of labour-active regions, few such agreements contain provisions explicitly protecting foreign workers from exploitation, abuse and trafficking (USDOS 2008).

One may conclude that the current anti-trafficking response - while well-tailored to the crime and eventually the needs of the victims - could benefit from broader policy responses, for example related more to the economic and labour dynamics of trafficking. Some of the key elements of "good practice" policies offered by the above examples include:

- *Incorporation of international treaties in national legislation, policy and practice;*
- *A National Action Plan against Trafficking in Persons;*
- *A "whole of government" approach to coordinate the activities of all agencies involved in managing irregular migration;*
- *Closer management of the migration/employment nexus at origin and destination ends;*
- *Strong sanctions against employers, traffickers, smugglers and others, as a deterrence;*
- *Effective victim protection; giving particular regard to gender considerations, children and those fleeing persecution;*
- *More operational cooperation among authorities across affected countries;*
- *More systematic study of the economics and economic impacts of trafficking in persons.*

2.3 Effective forms of cooperation between governments

A myriad of bilateral, regional and international processes today address the issue of migration, although relatively few engage with migration and development in one. Effective cooperation on migration and development has occurred at the bilateral level in the context of labour mobility arrangements; and at the regional level it is irregular migration, notably smuggling and trafficking, that has brought together countries of origin, transit and destination most effectively.

One regional consultation process specifically addressing smuggling and trafficking is the **Bali Process** on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) co-chaired by Australia and Indonesia (www.baliprocess.net).⁴² Through information sharing, joint capacity-building actions and practical workshops, this process has significantly contributed to stronger trafficking and smuggling legislation and National Action Plans to combat trafficking in persons. It has also strengthened bilateral cooperation to target, investigate and prosecute traffickers and smugglers. Since 2001, around 30 workshops involving 800 officials have enhanced cooperation between regional law enforcement and immigration

⁴¹ IOM Global Human Trafficking Database. May 2008, p 2.

agencies at the operational level through a broad alumni of officials. This network often proves invaluable when assistance is requested to address specific irregular movements in the region.

While the results are difficult to measure, the process benefits a diverse range of countries of origin, transit and destination, large and small alike.⁴³ One example was the sentencing of two people traffickers to 20 years in prison and USD 50,000 fines for the trafficking of women into the tiny pacific island nation of Palau for forced prostitution. Palau's people trafficking and smuggling laws were drafted based on model legislation developed at two Bali Process legislative workshops. As at June 2008, 18 regional countries had made use of the model legislation.

The **Pacific Immigration Director's Conference (PIDC)** has established an ongoing project comparing immigration-related legislation within the Pacific to highlight legislative gaps and the extent to which relevant legislation across the region is harmonized. Another project focuses on the care and management of third country nationals, and on assessing the size and scale of this issue in the region. The PIDC has a strong concern with immigration research, and as part of its ambitious research program, the Secretariat is compiling a literature review of the social and economic costs to host countries of illegally resident populations (www.pidcsec.org).

In the Western Mediterranean, the **"5 plus 5"** process also aims to foster greater tripartite cooperation among countries of origin, transit and destination. It is now organizing a training workshop in Libya and Morocco on counter trafficking and smuggling. In Libya this will engage religious leaders and communities in counter-trafficking information campaigns. IOM is also planning a workshop in Kuwait, and a pilot project in Yemen on trafficking of children for work, together with UNICEF. The more recently established **Abu Dhabi Dialogue**, which brings together Ministers from Asian labour countries of origin and key countries of destination for their workers in the Gulf and elsewhere in Asia, locates trafficking within a comprehensive "life cycle" approach to jointly managing labour migration.⁴⁴ A pilot multilateral partnership on labour migration, grown out of the Abu Dhabi Dialogue, will be discussed at the GFMD meeting in Manila (see RT 2.1).

In **Europe**, the EU is seeking to negotiate "pilot mobility partnerships" towards more comprehensive approaches to managing migration, particularly for the lower skilled.⁴⁵ More circular forms of migration are being considered by the European Commission as a possible means of reducing irregular migration, and a further evolution of the unilateral guest worker programs of the past, that failed to encourage return migration.⁴⁶

In this vein, **France** is proposing to certain countries with large migration flows a new form of "concerted management agreement" between origin and host countries that links management of cross-border mobility with sustainable development. Negotiations should agree on joint measures of benefit to both countries around three key goals: legalizing migration (opening labour market to specific supply offered by countries of origin); fight against clandestine migration (allowing readmission in certain cases, seeking police cooperation and combating document fraud etc); and sustainable development of countries of origin (including the support of migrants and/or civil society).⁴⁷

⁴³ There have been over 25 Bali Process events (workshops/meetings) aimed at strengthening regional cooperation.

⁴⁴ The grouping included 11 Ministers from the Colombo Process, formally known as the Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Vietnam, Thailand, and Sri Lanka) and 9 states from the Gulf Cooperation Council (GCC) States, Yemen and two Asian countries of destination, Malaysia and Singapore.

⁴⁵ EC has identified 3 countries for some Mobility partnerships – Moldova, and Cap Verde. See also RT 2.1.

⁴⁶ See the EC Communication on Mobility Partnership and Circular Migration, 2007, and the Background Paper for Roundtable session 1.4 of the Brussels GFMD meeting: www.gfmd-fimmd.org.

⁴⁷ See France's background document on "Concerted Management Agreements" on the GFMD website.

Regarding trafficking, the UN Office on Drugs and Crime (UNODC) in 2007 launched the UN Global Initiative to Fight Human Trafficking (UN.GIFT) as a framework for all stakeholders - governments, business, academia, civil society and the media - to work together and create common tools against trafficking in persons. The aim is to establish an effective model of inter-agency collaboration.⁴⁸

Regional and multilateral frameworks for cooperation on managing migration can open the way for closer cooperation between countries of origin, transit and destination, also in the South-South context, and between regions. They frequently provide the backdrop for useful bilateral arrangements; and potentially lead to economies of scale through joint actions and shared costs across borders.

2.4 Capacity building strategies targeted towards areas vulnerable to trafficking and smuggling

Clearly, the first line of defence against irregular forms of migration are the realistic opportunities that the home country can offer as a viable alternative to seeking work abroad. This can also make migration a matter of genuine choice rather than necessity, which smugglers and traffickers prey upon.

For the purposes of this discussion, however, it is equally important for all countries to develop an efficient and capable migration administration able to deal with their immigration and emigration challenges without significant increases in costs to the migrants

The **UK** has factored capacity building in other countries into its approach to migration management, particularly of irregular forms of migration. This encompasses better prevention through building the capacities of source and transit countries through training and awareness raising. The UK recognizes that its development programmes to reduce poverty and meet the Millenium Development Goals, by addressing poor governance and lack of livelihood opportunities, may also help provide individuals with options other than migration.

The **Dutch Government** recently sent a new policy document on migration and development to Parliament, which gives priority to capacity building in developing countries. This can stimulate local ownership in minimizing the negative effects of migration and in enhancing the development potential of migration. Capacity building support is tailored to the partner countries' needs as well as the specific migration situation, and can aim at improving data collection, strengthening border management, facilitating regular migration, combating human trafficking and smuggling and providing effective protection for refugees and asylum-seekers.

Australia's capacity building activities in Asia focus on a wide range of measures to better manage irregular migration: border management systems, in particular robust and sustainable IT capabilities, intelligence analysis to extract value from the movement data, and training and exchange of expertise in forensic document examination, document fraud detection and investigations. Some best practices have developed at the bilateral and multilateral levels.⁴⁹ Australia currently supports a 5-year regional project in Asia to strengthen specialist and general law enforcement responses to trafficking; sharpen judicial and prosecutorial responses to trafficking; and improve policy, legal, research and outreach capability in the region. In parallel, Australia funds IOM in two return and reintegration projects for victims of trafficking.

⁴⁸ Its steering committee comprises the International Labour Organization (ILO); International Organization for Migration (IOM); United Nations Children's Fund (UNICEF); Office of the High Commissioner for Human Rights (OHCHR); Organization for Security and Cooperation in Europe (OSCE), and United Nations Office on Drugs and Crime (UNODC).

⁴⁹ For the 2007-08 financial year, the Australian Government approved an additional AUD\$ 2 million for displaced persons in protracted situations in Bangladesh, Afghanistan and Nepal and an additional AU\$ 10 million to help address the protracted situation of displaced Iraqis.

But there are also growing examples of good capacity building practice between developing countries (South-South cooperation), which need to be better understood and encouraged. Thailand's capacity building efforts in the sub-region involve a range of economic development projects along border areas with neighbouring countries, notably but not limited to the ACMECS framework discussed under 3.1 above, which aim at addressing the socio-economic disparities that are seen to be one of the main causes of migration in the sub-region.

Also international organizations with global memberships and networks, such as IOM, ILO, UNHCR, UNICEF, OSCE, and UNODC offer appropriate guidance and technical support to enable governments to: comply with relevant national, regional and international migration standards; facilitate bona-fide travel and deter irregular entry and related human smuggling and trafficking activities; and establish operational systems for migration management (from border management systems to data collection).⁵⁰ UNHCR considers it essential to interpret development in a broad and rights-based manner; and is working with governments and other stakeholders to ensure that the imposition of stricter forms of migration management does not compromise the right of asylum.⁵¹

There are a number of policy options for states and expert agencies to ensure that all countries affected by migration have the resources and wherewithal to manage it in such a way as to minimize irregular migration and its potentially negative effects on development, and to harness the positive impacts on development. Developing countries may seek support for capacity building on migration management, and consider integrating migration into their national poverty reduction and development plans; and developed countries may provide targeted capacity building support on migration management. But this kind of mutual support and cooperation is also increasingly possible, indeed is already occurring, between developing countries, as demonstrated by Thailand. Also, development support in countries of origin can help strengthen governance and address some of the underlying factors which make individuals more vulnerable to irregular migration. At a practical level, the examples of cooperation among Bali Process members, or between individual partner states demonstrate that building basic capacities in countries of origin to manage migration more effectively holds promise of some immediate results for all countries, not least to strengthen trust between them.

3. POLICY CHALLENGES

The select examples discussed above suggest that a *comprehensive approach* which balances facilitation of migration with enforcement against irregular migration, particularly smuggling and trafficking, can help assure the integrity of migration and enlarge its opportunities for origin and host countries alike. National action plans that establish oversight structures, harness the disparate activities of government, and draw on the useful work of non-state agencies and international organizations can best equip a country to meet its own challenges. But they can also equip it to better partner with others in meeting the challenges together.

Bilateral and regional cooperation frames can spread the beneficial effects more globally. Regional processes like the Bali or "5 plus 5" processes, or the Abu Dhabi Dialogue, help to equalize the capacities of states with widely divergent economic strengths to manage migration and mitigate irregular migration. Building capacities of weaker states is part of that equalization process, and pays off for all involved.

⁵⁰ IOM's CBMM framework model, e.g., offers a comprehensive analysis of the key elements of national migration management systems - migration legislation, policy and law, operational systems, training issues and inter-governmental dialogue. CBMM also strengthens the ability among migration officials and concerned law enforcement and judiciary entities to combat transnational organized crime, including smuggling and trafficking.

⁵¹ The basis of this strategy is to be found in an initiative entitled 'Refugee Protection and Mixed Migration: a 10 Point Plan of Action'. available at: <http://www.unhcr.org/refworld/docid/45b0c09b2.html>

In pursuing such comprehensive approaches, governments face several common challenges:

1) There is **no one-size-fits-all solution**. Each government needs to address the challenges it faces in ways appropriate to its national situation. Nevertheless, some policy elements are proving their value to all countries regardless of their differences, and could be shared as such. These include: *national plans and institutional structures to ensure linked-up government approaches; incorporation of international law into national legislation, closer matching and management of the migration/employment nexus, stronger deterrence of illicit practices by employers, traffickers, smugglers and others; effective victim protection, with special regard to females, children and those fleeing persecution; and lastly workable cooperation schemes at the public-private and bilateral and regional levels.*

2) More **data, research and evaluation** are needed to understand the scale, scope, causes and development impacts of a managed approach to migration, and to pitch policy responses accordingly. As discussed under 2.1 above, some existing models could be examined further to:

- a) track the “business” dynamics of smuggling to better devise policies that can undercut the profitability of smuggling (a la Koser 2008); possibly also adapt this to trafficking
- b) systematise data collection and analysis of trafficking and devise a useful common methodology for this (e.g. based on IOM’s CTM database, which could be expanded to include issues such as the real economic circumstances of the victims of trafficking.
- c) study the migration-development nexus across countries and develop a migration-development index and policy audit methodology (e.g. based on the “Development on the Move” project; but also on the UK’s efforts to monitor the impacts of its points-based system on developing countries).

3) A need to identify and package “**good policy**” **models** that can be built on such data, and which balance protection of the individual with protection of society (national security). Many of the examples in this paper meet their immediate program objectives, but still need to be assessed as “good practices” in the larger migration-development context. The earlier successful practices of regional and other processes to deal with new challenges/trends could also be built upon (e.g. nearly 10 years after the Bangkok Declaration 1999 what are the next steps?)

Meeting above challenges could help government policy makers and others working with migrants better understand how greater legal opportunities can reduce the need for, and incidence of, irregular migration.

4. QUESTIONS TO GUIDE THE DISCUSSION

As a stimulus for discussion in the RT session, governments may wish to consider the following questions:

- (a) What factors can be considered to help improve managed immigration and emigration policies and practices for development?
- (b) What are some key effective responses by governments and inter-governmental organizations to irregular migration? And how can we measure “effectiveness”?
- (c) What are the key capacity building needs in this area?
- (d) What are the best research, data gathering and analysis tools for governments to better understand and respond to the economic dynamics of smuggling and trafficking?

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