

Global Forum on Migration and Development 2011

Thematic Meeting

***Cooperation Strategies among States to Address Irregular Migration:
Shared Responsibility to Promote Human Development***

Concept Note

| | |
|-------------------------------|---|
| Date and place: | San Salvador on 4 th and 5 th October 2011 |
| Hosted by: | Government of El Salvador |
| Co-chairs: | Government of El Salvador and Government of Mexico |
| In collaboration with: | International Organization for Migration |
| Supported by: | Government of Switzerland (Federal Office for Migration) |
| Overall Objective: | To create a space for dialogue where States can discuss and share knowledge and experiences on ways to address irregular migration in order to promote human development. |
| Specific Objectives: | <ul style="list-style-type: none">• Exchange information on bilateral, regional and international practices designed to protect migrants in an irregular situation• Identify conditions and mechanisms for sustained and effective partnerships between countries of origin, transit and destination in order to reduce the risks and vulnerabilities of migrants in an irregular situation. |
| Participants: | Total 50-60 Selected Governments of Latin America and the Caribbean; North America; Europe; Africa; Asia-Pacific; International Organizations; Civil Society |
| Estimated Budget: | USD 75'000 |

Background and Justification

During the Global Forum on Migration and Development 2010, held in Mexico, the issue of irregular migration was integrated into the discussions of Roundtable 1, producing a rich exchange focused mainly on the requirements for creating partnerships for regular and safe migration, and developing joint strategies to tackle irregular migration. The sovereignty and right of each State to decide its own immigration policies and the respect for human rights regardless of a person's migratory status were identified as underlying, fundamental principles. Among the main conclusions of the 2010 Roundtable were the following action-oriented recommendations:

1. The need to identify innovative solutions on the issue of irregular migration, including the need for more channels for legal migration as well as preventive and protective measures.
2. The importance of establishing joint mechanisms for international cooperation at the multilateral, regional and bilateral levels to minimize irregular migration. These mechanisms should be based on the principle of shared responsibility between countries of origin, transit and destination.

In order to deepen the discussion on irregular migration, a thematic meeting will take place in El Salvador on 4-5 October 2011 to discuss and share knowledge and experiences on ways to address irregular migration in order to promote human development.

The Context of Irregular Migration

Irregular migration refers to movement that takes place outside the regulatory norms of the country of origin, destination and/or transit. The criteria to define irregular migration vary from case to case, from country to country, from year to year, and according to the economies and politics involved. Migration status is not static and can change from regular to irregular or vice versa as a result of visa expiration, loss of employment or regularization depending on the laws governing migration in a given country. Therefore, while some may decide to migrate irregularly when regular options are restricted, others may find themselves in an irregular situation due to administrative barriers or lack of information (IOM 2010). Migrants in an irregular situation are vulnerable to exploitation and human rights abuse. In addition, migrants who initially have consented to be assisted by smugglers are at risk to become victims of human trafficking during or at the end of their migration journey.

The estimated numbers of irregular migrants and the dynamics of their flows vary from region to region and national context. These can be intra-regional, international, North-South as well as South-South movements. It is important to note that most countries are both countries of origin, transit and destination, or a combination of these. As countries shift from having been primarily an origin to increasingly a destination and/or transit country, there is a need to adjust entry/stay rules and regulations to adapt to the change in irregular (and regular) migration flows (IOM 2010).

Reliable statistics on the numbers of irregular migrants globally, regionally or nationally are difficult to obtain given the clandestine nature of the movement whose dynamics are constantly in flux. Data on this issue are at best varied and imprecise. Nonetheless, it is essential to put any debate on irregular migration into context. Of the 214 million international migrants (UN DESA 2009), it is estimated that 10-15 per cent are in an irregular situation. Additional figures from UNDP suggest that approximately one-third of all migrants from developing countries could be in an irregular situation (2009).

While estimates of the numbers and knowledge of migration trajectories can help delineate the migrant (including irregular) population in a given country, the dynamics of irregular migration are more complex. Drivers of irregular migration are in many ways similar to those of regular migration and are largely shaped by the socio-economic conditions of both the country of origin and destination. Mismatches in labour supply and demand coupled with inadequate channels

for regular migration, in particular in lower skilled sectors, areas often cited as a factor in increasing levels of irregular migration, as migrants continue to move in search of better economic opportunities (IOM 2010). Labour market segmentation between formal and informal sectors in destination countries can also create opportunities for irregular work regardless of the migratory status of the workers.

Regardless of their migratory status, migrants contribute to the development of their home and host country. One of the most visible contributions are the financial remittances of migrants abroad. According to the World Bank, these totalled 440 billion USD in 2010 with 325 billion USD sent to developing countries alone (2011). For migrants in an irregular situation, access to formal remittance sending channels may be limited and therefore impact their ability to send remittances home. Like regular migrants, they also contribute by often undertaking work in essential areas, such as the care or domestic work sector. -In some countries, they may even contribute by paying taxes, but without the benefit of access to social services (GFMD 2010). Migrants in an irregular situation are, therefore, among the most vulnerable to poor working conditions, high labour market segmentation, negative stereotyping, marginalization, exploitation and human rights abuse.

States retain the sovereign right to decide their migration policies; however, this should be exercised with respect of human rights granted under international law. Human rights standards play an important role in and intersect with other policy domains linked to coherent migration policymaking, such as economics, social policy, health, security and development. Government responses to the challenges posed by irregular migration are varied and range from regularization campaigns to information campaigns, from regulating employment to border control and from combating human smuggling to return and reintegration measures. In general, responses have focused more on the end results of irregular migration than on the causes. There is also a need to focus on the establishment of programs and policies that promote development in countries of origin in order to address the root causes of migration. Irregular migration has to be seen as an international phenomenon that does not respect national borders. Consequently, the prospects of success of attempts focussing mainly on a national approach will always be limited. As a truly international phenomenon, irregular migration calls for bilateral, regional and international solutions, enhanced cooperation and shared responsibility between all States and actors involved throughout the migration cycle in order to address the root causes of irregular migration and respond to the challenges posed by it while maintaining respect for the human rights of all migrants.

The Thematic Meeting in El Salvador

This thematic meeting held in the context of the 2011 Global Forum on Migration and Development (GFMD) offers an opportunity to exchange ideas openly on this issue, learn from the experiences of other States and draw up a set of concrete recommendations for future actions of all concerned stakeholders. Recommendations should emphasize the importance of increasing the human and economic development potential of migration, reducing the vulnerability of migrants in an irregular situation, upholding the human rights of all migrants as a

shared responsibility and of promoting cooperative approaches among States for more regular avenues to migrate and/or work abroad.

In conclusion, an effective response to irregular migration requires that States have a multidisciplinary approach that balances international cooperation, national interests and the rights and aspirations of migrants.

Expected Outcomes

1. Practical examples of Programmes and Projects that offer alternative legal migration options for migrants
2. Options for regularization of irregular migrants already in a host country that promote human development and the respect of human rights,
3. Examples of effective partnerships on the protection of unaccompanied minors
4. Examples of effective practices designed to sensitize the public on issues of discrimination and xenophobia against migrants
5. Practical steps that have been taken to address irregular migration, under a focus of shared responsibility to promote human development, such as granting irregular migrants access to healthcare and education or facilitating access to formal remittance channels.
6. Effective data collection and information exchange mechanisms on irregular migration

References

Clandestino Project

2009 *Clandestino Project Final Report*. Brussels.

de Haas, H.

2008 *Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends*. IOM Migration Research Series no. 32, IOM, Geneva.

Development Research Center on Migration, Globalisation and Poverty (DRC)

2007 Global Migrant Origin Database, updated march 2007, DRC, University of Sussex.

Fix, et al.

2009 *Migration and the Global Recession*, a report commissioned by the BBC World Service, MPI, Washington DC.

Frontex

2009 *The Impact of the Global Economic Crisis on Illegal Migration to the EU*. Frontex, Warsaw.

Global Forum on Migration and Development (GFMD)

2010 *Joint Strategies to Address Irregular Migration*. Background Paper Roundtable 1.2, Mexico.

International Organization for Migration (IOM)

2010 *World Migration Report 2010. The Future of Migration: Building Capacities for Change*, IOM Geneva.

2009 *Effective Respect for the Human Rights of Migrants: A Shared Responsibility*. Background paper for the International Dialogue on Migration, IOM Geneva

2008 *Situation Report on International Migration in East and Southeast Asia*. IOM, Bangkok

Pew Hispanic Center

2011 *Unauthorized Immigrant Population: National and State Trends 2010*. Pew Hispanic Center, Washington, DC

United Nations Department of Economic and Social Affairs (UN DESA)

2008 *Trends in International Migration Stock: The 2008 Revision*. UN DESA, New York

United National Development Programme (UNDP)

2009 *Human Development Report 2009. Overcoming Barriers: Human Mobility and Development*, UNDP, New York

United States Census Bureau

2011 *The Hispanic Population 2010*, Washington DC

World Bank

2011 *Migration and Remittances Factbook, 2011*. World Bank, Washington DC