

## Global Forum on Migration and Development 2011

### Istanbul Thematic Meeting

## *Addressing Irregular Migration through Coherent Migration and Development Strategies*

### Background Paper<sup>1</sup>

#### 1. BACKGROUND AND CONTEXT

The issue of irregular migration first appeared on the agenda of the GFMD in Manila in 2008. The focus of discussion was on minimizing the negative impacts of irregular migration, emphasizing the migrant vulnerability and protection. The issue of irregular migration appeared again in Mexico in 2010 within the framework of Roundtable 1, intensifying discussions on joint strategies to address irregular migration. Whilst it was agreed that the issue of irregular migration must remain on the agenda of the Global Forum, the main conclusions of the 2010 Roundtable were:

1. The importance of establishing joint mechanisms for international cooperation at multilateral, regional and bilateral levels based on the principle of shared responsibility between countries of origin, transit and destination.
2. The need for a greater focus on irregular migration that prioritizes the protection of the most vulnerable groups, specifically irregular migrants, victims of trafficking, women and unaccompanied children.

In the Swiss Chair's programme for 2011, the issue of irregular migration is elaborated under cluster II, which addresses irregular migration through coherent migration and development strategies. The emphasis of the Chair's programme under this cluster is put on national practices, models and policies for inter-state cooperation between countries of origin, transit and destination, in managing irregular

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<sup>1</sup> This Background paper has been prepared by the International Centre for Migration Policy Development (ICMPD) in close collaboration with the Turkish Ministry of Foreign Affairs and the Government of Switzerland (Federal Office for Migration). The paper is based on open sources and does not aim to be exhaustive. The sole objective of this document is to inform and facilitate discussion of the thematic meeting "Addressing Irregular Migration through Coherent Migration and Development Strategies". The document does not necessarily reflect the views of the GFMD organizers or the governments or organizations involved in this workshop. Any reproduction, partial or whole, of this document should cite the source.

migration, taking account of i) the development-related causes and implications of irregular migration, and ii) the human rights and special vulnerability of migrant children, women and men in an irregular situation.

In order to deepen and intensify the discussion on irregular migration under the perspective illustrated above, the thematic meeting in Turkey on 13-14 October addresses practices, models and policies for cooperation between countries of origin, transit and destination in managing irregular migration with a view to address the development-related causes and implications. The Istanbul meeting follows directly the El Salvador meeting of 4-5 October 2011 on irregular migration, which focuses on increasing the human and economic development potential of migration, reducing the vulnerability of migrants in an irregular situation, upholding the human rights and protection of migrants and promoting legal and labour migration. Thus the two meetings will be of complementary nature, addressing the priorities identified by the Swiss Chair under cluster II.

## 2. DEFINING THE RELATIONSHIP BETWEEN IRREGULAR MIGRATION AND DEVELOPMENT: CONCEPTS AND PRACTICAL CHALLENGES

### 2.1. Concepts and definitions

“Irregular migration” describes a number of different migration phenomena including migrants who enter or remain in a country of which they are not citizens without authorization, people who are smuggled or trafficked across international borders, refused asylum seekers who stay in the country, visitors who are overstaying visas or people who managed to circumvent immigration controls through the arrangement of ‘bogus marriages’. For these various forms of irregular migration different terms such as undocumented, unauthorized or illegal migration are used. There are ongoing controversial debates on the adequacy of these concepts and we suggest, in accordance with the Global Commission on International Migration, to use the term ‘migrants with irregular status’, as an individual person should not be referred to as ‘irregular’ or ‘illegal’.<sup>2</sup> There are also significant regional differences in the criteria to define irregular migration.

Although no accurate data on stocks and flows of irregular migration exists, estimates suggest that in 2004 between 10 and 15 per cent of world’s immigrant stock are in an irregular situation.<sup>3</sup> The majority of the migrant population therefore has a regular status.

Irregular migration is of special concern because it exposes migrants to insecurity, vulnerability and exploitation. It sometimes allows migrants to access better jobs than at home, but they lack access to

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<sup>2</sup> See GCIM (2005): Migration in an interconnected world: New directions for action. Report of the Global Commission on International Migration. Available at: <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

<sup>3</sup> See IOM (2010): World Migration Report 2010 - The Future of Migration: Building Capacities for Change. Geneva: IOM, available at: [http://publications.iom.int/bookstore/free/WMR\\_2010\\_ENGLISH.pdf](http://publications.iom.int/bookstore/free/WMR_2010_ENGLISH.pdf), and Khalid Koser (2010): Dimensions and dynamics of irregular migration. In: Population, Space and Place 16, pp. 181–193

basic services, although they often pay taxes like local residents with regular status. The outcomes in terms of human development are lower compared to migrants with legal status.<sup>4</sup> Regardless of the status, migrants with irregular status contribute to the development of the host country as well as to the development of their home countries, although human development outcomes might be limited compared with migrants having regular status.

“Development” can be described by the concept of human development that defines the expansion of people’s freedom to live their lives as they choose. This concept, which is also known as the capabilities approach inspired by Amartya Sen, puts emphasis on the freedom to achieve vital ‘beings and doings’. It is therefore about creating an environment in which people can develop and make use of their potential. Economic growth is only one factor which contributes to the creation of a supportive environment. Access to knowledge, better nutrition and health services, human security, participation and freedom are equally important.

According to Martha Nussbaum, mobility is one of the basic human functional capacities individuals can use to realise their plan of life. This freedom to choose the place of living is part of development and is referred to as human mobility.<sup>5</sup> The act of movement itself is the exercise of this freedom. The distinction of capabilities and actions is therefore crucial. Human mobility should be understood as a positive freedom, i.e. the absence of formal restrictions to movement is not sufficient if circumstances such as political persecution or environmental degradation restrict the scope of people’s freedom to decide where to live.

## 2.2. The relationship between irregular migration and development

The cause-effect relationship between irregular migration and development is complex and controversially discussed, as the relationship of migration and development in general.<sup>6</sup> Frequently mentioned push factors include economic differentials between countries or disempowering social, economic and political conditions in the home country.

Migration, however, cannot exclusively be explained by these factors. Environmental factors play an increasing role in contributing to various patterns of migration on the continuum of forced and voluntary migration. Migrant networks developed from previous migration movements are also determining the volume and direction of migration flows.<sup>7</sup> Moreover, conditions in destination countries have a major role in attracting migrants. The growth of the informal sector in ‘developed countries’ is one of the outcomes of neoliberal approaches and economic deregulation and some authors argue that

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<sup>4</sup> See Rachel Sabates-Wheeler (2009): The Impact of Irregular Status on Human Development Outcomes for Migrants. Human Development Research Paper. UNDP

<sup>5</sup> See UNDP (2009): Overcoming barriers: Human mobility and development. Human Development Report 2009. New York: UNDP

<sup>6</sup> As one dimension the category of irregular migration, the vulnerability to trafficking may increase as a result of economic underdevelopment as studies by IOM, UNICEF, OSCE, ILO and others indicate. See UNDP 2009, op. cit.

<sup>7</sup> See GFMD (2009): Addressing the root causes of migration through development, specifically in light of the current global economic crisis. Available at:

[http://www.gfmdathens2009.org/fileadmin/material/docs/workp/working\\_paper\\_1\\_3.pdf](http://www.gfmdathens2009.org/fileadmin/material/docs/workp/working_paper_1_3.pdf)

this created a major pull factor for irregular migration flows. Irregular migration is vital for the survival of certain industries in advanced economies because it contributes to increasing competitiveness and flexibility.<sup>8</sup>

The demand for labour results in two conflicting immigration policies: On the one hand the official restrictive immigration policy which satisfies anti-immigration constituencies, while on the other hand the actual policy tolerates a steady inflow of migrants to satisfy the demand for cheap labour.<sup>9</sup> Migrants with irregular status fill gaps in the labour market that natives are unable or unwilling to fill. Although the effects of irregular migrant workers on the entire economy cannot be estimated, government's lack of attention to irregular entries shows that influential groups may view irregular migrant workers as economically efficient.<sup>10</sup>

Although the assumption that development reduces migration is being repeated by policy makers, migration researchers question this simple causal linkage and underline that development is likely to initially lead to increased emigration.<sup>11</sup> One concept used to explain this relationship is the 'migration hump'. It shows that emigration is increasing as economic growth takes off, followed by flattening curve and decline in the long run, as a developed industrial economy emerges. This can be explained by the fact that migration requires resources.<sup>12</sup> Poor people mainly migrate if they are forced by conflicts, war or disasters but remain in the neighboring countries or provinces. However, every emigration country needs to be considered in detail as the relationship between migration and development is too complex for generalizations. The high level of migration between developed countries shows that the decrease of migration in a 'mature' stage of development should not be taken as granted. Researchers highlighted that relative deprivation rather than absolute or chronic poverty is the key driver of human movement.<sup>13</sup>

***Questions for discussion: Does irregular migration take place when legal channels do not exist/are exhausted or is it also a distinct form of migration? Can irregular migration be characterised as a crisis caused by uneven development, impoverishment of certain groups and gross inequality? Can irregular migration be considered as an indirect effect of state policies targeting the restriction of migration?***

### 3. IMPACTS OF IRREGULAR MIGRATION ON COUNTRIES OF ORIGIN, TRANSIT AND DESTINATION

Irregular migration can have a number of negative outcomes while the positive outcomes for the countries of origin, transit and destination as well as for the migrants themselves should not be underestimated.

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<sup>8</sup> See Stephen Castles and Mark Miller (2009): *The Age of Migration. International Population Movements in the Modern World*. (4<sup>th</sup> edition). New York: Palgrave Macmillan

<sup>9</sup> See Castles, Miller 2009, op. cit.

<sup>10</sup> See Castles, Miller 2009, op. cit.

<sup>11</sup> See Castles, Miller 2009, op. cit.

<sup>12</sup> See Castles, Miller 2009, op. cit.

<sup>13</sup> See Hein de Haas (2008): *Migration and Development. A theoretical perspective*. University of Oxford: International Migration Institute

For the country of destination irregular migration may, in particular when it receives great media attention, undermine the public confidence in the effectiveness of state's migration and asylum policies. At the same time migrants with irregular status fill gaps in the labour market and contribute to the growth of certain sectors of the economy. However, the impacts of irregular migration on development in the destination country can only be briefly touched upon as very few studies explore this complex relationship.

As regards irregular migrants themselves, people who migrate in an irregular manner face higher risks while trying to cross land or sea borders. More generally, people who remain in a country without authorization are often confronted with adverse working conditions and lack of social protection. In many cases they are unable to make full use of their skills, qualifications and experience. Women might additionally be confronted with gender-based discrimination, have often the most menial jobs in the informal sector and face specific health-related risks.<sup>14</sup> Migrants with irregular status are often less willing to seek redress from authorities because they fear deportation and arrest. Even where public services are to some extent available for migrants with irregular status, they do not always make use of these services such as emergency health care. It might be also difficult for migrants with irregular status to access education for their children.<sup>15</sup> The ability of migrants, however, to contribute to their own and their families' welfare, to their home communities, but also to the national economy through social security and tax contributions is directly related to their conditions of work and living.<sup>16</sup>

Nevertheless, also irregular migration may have relatively positive outcomes for the migrants concerned compared to the situation in the home country and migrants on average achieve positive increases in income and assets through the migration experience. In some cases, migrating irregularly is also a way to ensure a higher income compared to a migrant with regular status. Prohibitive transaction costs play a key role to choose unauthorized migration routes. One example in this regard is that Burmese migrants have to register with the Burmese authorities before leaving the country which subjects them to a 10 per cent tax on their income earned abroad.<sup>17</sup>

For countries of origin the impacts are similar to those discussed in the migration and development discourse which may be positive or negative depending on the context and viewpoint. Migrants contribute through remittances to the income diversification of households whereas access to formal transfer channels might be limited. The government of Mexico addressed this issue in close co-operation with the U.S. government by introducing the 'Matricula Consular', an identity document, which allows Mexican citizens residing irregularly in the U.S. to open U.S. bank accounts.<sup>18</sup> The possible loss of labour potential might have a negative effect for the country of origin whereas the brain drain phenomenon

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<sup>14</sup> See GCIM 2005, op. cit.

<sup>15</sup> See Sabates-Wheeler 2009, op. cit.

<sup>16</sup> See Office of the United Nations High Commissioner for Human Rights: Migration and Development. A Human Rights based Approach. Available at:

<http://www2.ohchr.org/english/bodies/cmw/docs/HLMigration/MigrationDevelopmentHC'spaper.pdf>

<sup>17</sup> See Sabates-Wheeler 2009, op. cit.

<sup>18</sup> See Kevin O'Neil (2003): Consular ID Cards: Mexico and Beyond. MPI, available at: <http://www.migrationinformation.org/feature/display.cfm?ID=115>, and Monica Christine DeHart (2010): Ethnic entrepreneurs: identity and development politics in Latin America. Stanford: Stanford University Press

applies more to regular migration.<sup>19</sup> The other scenario is that a labour surplus exists, which implies that departing workers can be replaced at low wages and migration therefore contributes to the reduction of pressure on those left behind in the home labour market.<sup>20</sup> At the same time the outflow of people through informal channels also affects migration decisions of other potential migrants to take irregular ways to migrate.

***Questions for discussion: What are the impacts of irregular migration on countries of origin, transit and destination? Are there positive impacts? What are the impacts on the migrants concerned?***

#### **4. DEVELOPMENT STRATEGIES ADDRESSING IRREGULAR MIGRATION AND IDENTIFICATION OF FORMS OF DEVELOPMENT COOPERATION THAT CAN OFFER PEOPLE VIABLE ALTERNATIVES TO IRREGULAR MIGRATION**

Rising unemployment in countries of origin might encourage more people to leave to seek for employment opportunities outside their home country, irrespective of conditions in destination countries.<sup>21</sup> Structural imbalances in terms of political, social and economic development are the main drivers of international migration. Well known push factors such as low salaries, limited access to education and health care services as well as a low level of availability of jobs are often used to explain migration patterns. It appears clearly that a single strategy is not sufficient to overcome development constraints contributing to migration movements. Only a combination of coherent investment, trade, governance, education etc. policies may contribute to reduce (irregular) migration.<sup>22</sup>

Therefore, migration and development actors advocate for mainstreaming migration into national development strategies.<sup>23</sup> Some developing countries integrated migration into their Poverty Reduction Strategy Papers (PRSPs) and emphasize the connection between lack of economic opportunities and migration. Although more attention is given to internal migration, some causes would also apply to international migration. The actions addressing the causes of migration vary from country to country. India as an example introduced the National Rural Employment Guarantee Programme to increase incomes of the rural poor, create crop insurance and ensure more secure land tenure rights. This

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<sup>19</sup> See GFMD (2010): Joint Strategies to address irregular migration. Roundtable 1: Partnerships for migration human development: shared prosperity – shared responsibility. Available at: <http://www.gfmd.org/en/component/simpledownload/>

<sup>20</sup> See Louka T. Katseli, Robert E.B. Lucas and Theodora Xenogiani (2006): Effects of Migration on Sending Countries: What do we know? Paris: OECD

<sup>21</sup> See GFMD (2009): Addressing the root causes of migration through development, specifically in light of the current global economic crisis.

<sup>22</sup> See Susan Martin (2008): Policy and Institutional Coherence. At the Civil Society Days of the GFMD. Available at: [http://www.migrationanddevelopment.net/research-publications/policy-and-institutional-coherence/at\\_download/file](http://www.migrationanddevelopment.net/research-publications/policy-and-institutional-coherence/at_download/file)

<sup>23</sup> Mainstreaming means to integrate the interconnections between migration and development at all stages of development planning, comprising design, implementation and monitoring and evaluation. See Global Migration Group (2010): Mainstreaming Migration into Development Planning. A handbook for policy-makers and practitioners.

approach reflects the view on migration as risk management and adaptation strategy to external shocks.<sup>24</sup> Climate and environmental change plays an increasingly important role as an exacerbating trigger of migration movements.

According to the research literature on migration and development, the approach to address the root causes of irregular migration will not lead to a significant decrease of irregular migration movements if no channels to migrate regularly exist. Efforts to reduce irregular migration have to consider the complex forces driving irregular migration which include not only the root causes in the country of origin but also the self-sustaining nature of migratory processes and the demand for migrant workers in countries of destination.<sup>25</sup> It is therefore suggested by migration specialists to allow different channels for migration such as temporary migration schemes or seasonal migration. Migration has been identified as a proactive action by people to diversify income which allows family members to remain in their original place of residence. Migration policies can support this form of risk diversification and adaptation to worsening conditions in countries of origin through creating legal migration opportunities.

***Questions for discussion: Which good practices of finding viable alternatives to irregular migration exist? Is allowing different channels and forms of migration such as circular migration, temporary migration schemes, seasonal migration, etc. the right answer / alternative to irregular migration?***

#### 4.1. Partnerships to jointly address various causes of irregular migration

Multilateral or bilateral partnerships and agreements are important instruments to address irregular migration during the whole migration cycle. Measures which can be jointly developed by countries of destination and origin can for example include pre-departure trainings and information about conditions in destination countries and existing regular migration channels as well as awareness-raising measures in mass media and information campaigns to draw attention on the dangers of irregular migration. Government agencies can inform migrants about channels to report abuse and to receive legal assistance.<sup>26</sup> Countries, in which refugees and asylum seekers initially arrive, can also be supported in strengthening the protection capacities in order to prevent irregular secondary movements. To assist migrants upon return, governments implement reintegration programmes to facilitate access to the labour market.

At regional level the international or regional dialogues on migration provide a good option to enhance consultations between governments which are affected by similar migration issues. Another advantage is their informality because it fosters exchange of information. At the same time it is also a disadvantage

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<sup>24</sup> See Martin 2008, op. cit.

<sup>25</sup> See Stephen Castles (2004): Why migration policies fail. In: Ethnic and Racial Studies, Vol. 27, pp. 205-227

<sup>26</sup> See International Council on Human Rights Policy (2010): Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence. Geneva: ICHRP, and BSR (2008): International Labor Migration: A Responsible Role for Business, available at: [http://www.bsr.org/reports/BSR\\_LaborMigrationRoleforBusiness.pdf](http://www.bsr.org/reports/BSR_LaborMigrationRoleforBusiness.pdf)



that their recommendations and conclusions are non-binding.<sup>27</sup> One example is the Budapest Process, which comprises around 50 governments and aims to at developing comprehensive and sustainable systems for orderly migration. Through dialogue and follow-up activities the Budapest Process contributes to the transfer of good practices and the common understanding of migration and in particular on the prevention of irregular migration.<sup>28</sup> The main dialogues in Africa involve the countries of Eastern, Middle and Southern Africa (MIDSA) and the countries of Western Africa (MIDWA) while different migration dialogue platforms connect Europe and the African continent (dialogue on Mediterranean Transit Migration (MTM), Rabat Process as well as the Africa-EU Partnership on Migration, Mobility and Employment. The Asia-Pacific consultations on Refugees, Displaced persons and Migrants (APC) and the Manila Process for countries of Eastern and South-Eastern Asia led to the adoption of the Bangkok Declaration on Irregular Migration which underlines that *“migration, particularly irregular migration, should be addressed in a comprehensive and balanced manner, considering its causes, manifestations and effects, both positive and negative, in the countries of origin, transit and destination”*.<sup>29</sup>

#### 4.2. Joint knowledge base of irregular migration, its patterns and actors

Migration profiles are a valuable instrument to enhance knowledge about (irregular) migration and development and have the potential to contribute to the development of coherent and evidence based policies. Besides the original purpose of creating an instrument to gather and provide concise information on migration and migratory movements in a standardized form, there has been a move towards preparing what is called Extended Migration Profiles. Extended migration profiles cover a wider range of issues, such as labour market conditions, income levels, and socio-economic indicators. Migration profiles could therefore contribute to the identification of underlying factors that contribute to migration and could be addressed through development strategies. Besides the extended migration profiles, the i-Map concept, an online interactive platform serving governments, provides an instrument for exchange of information on migration matters.

An additional method to create a stronger knowledge base on the linkage between (irregular) migration and development is to monitor and evaluate the impacts of development actions on (irregular) migration. Qualitative studies on the motives for migrating irregularly, the routes and the reasons for staying in destination countries with an irregular status provide another possibility to elucidate the complex relationship between supply and demand for migrant workers with irregular status.

## 5. SUMMARY

Irregular migration poses real challenges for states as well as exposing migrants to insecurity and vulnerability. The forces driving irregular migration are very complex, powerful and difficult to modify

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<sup>27</sup> See Khalid Koser (2005): Irregular migration, state security and human security. Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. London: University College

<sup>28</sup> See ICMPD (2011): Budapest Process, available at: <http://www.icmpd.org/Budapest-Process.1528.0.html>

<sup>29</sup> See Bangkok Declaration on Irregular Migration, available at: <http://www.smc.org.ph/rights/bangkok.htm>



such as the disparities in the level of prosperity, human rights and security in different parts of the world. While there has been much talk of improving economic and security conditions in source countries with a view to alleviate migration pressures, the emphasis was more on policies aimed at curbing immigration at the destination end so far. However, from an economic perspective destination countries may have an interest in irregular migration and therefore efforts to govern irregular migration are not likely to succeed if its economic rationale is not properly understood.

Thus, despite tighter immigration systems in the destination countries and increased security enforcement of the last decades, it must be acknowledged that efforts to reduce irregular migration have not always been efficient. Certainly a perspective focused primarily on irregular migration obscures the broader picture and fails to address irregular migration through more comprehensive, coherent and effective approaches. When tightening of immigration policies is the only response, though it is a legitimate response by States to irregular migration, the effect may be to push more people into the hands of smugglers and traffickers, thereby increasing irregular modes of migration, vulnerability and exploitation. This undermines security due to links with organized crime, violence, and corruption. Furthermore, the concentration and assets dedicated to the fight against irregular migration may also outweigh its quantitative significance.

It is generally accepted that poverty and differences in the level of development, security and human rights among countries and regions remain important causes of irregular migration. Over the last decades, the link between migration and development has featured high on the global international policy agenda. However, at the same time the international debate registered a gap between rhetoric and action. This can also be explained by a conflict of interest of various actors both within and between countries of origin and destination. Besides the restrictive approach, there are actors focusing on finding ways to make migration contribute to development. This is a positive step, but the migration and development nexus should be understood as a broader concept. The linkage between migration and development needs to be considered at all stages of the cycle of (irregular) migration: reducing the reasons for people to migrate in an irregular manner, making migration a free and legal choice as well as creating safe living conditions for migrants in countries of destination would contribute to enhance the development outcomes for both migrants and countries of origin.

In the recent past a lot of emphasis has been put on the joint responsibility of countries of destination, transit and origin in addressing irregular migration. Therefore, bilateral cooperation between countries of origin, transit and destination, cooperation through regional dialogues and other forums as well as understanding of migration patterns would be needed to jointly develop comprehensive strategies and programmes addressing irregular migration.