

DRAFT SUMMARY REPORT FOR THE GFMD

Thematic Meeting

“Addressing Irregular Migration through Coherent Migration and Development Strategies”

Istanbul, Turkey, 13-14 October 2011

<i>Organized by</i>	Ministry of Foreign Affairs, Turkey and the Federal Office for Migration, Switzerland
<i>Hosted by:</i>	Ministry of Foreign Affairs, Turkey
<i>In Collaboration with:</i>	International Centre for Migration Policy Development (ICMPD)
<i>Supported by (funding entities):</i>	Swiss Federal Office for Migration and the Turkish Ministry of Foreign Affairs
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<i>Participants:</i>	Governments from Africa (Burkina Faso, Egypt, Kenya, Tunisia, Zimbabwe), Asia (Azerbaijan, Afghanistan, Georgia, Iran, Pakistan, Philippines, Yemen), Australia, North America (United States of America), South America (El Salvador) and Europe (Czech Republic, France, the Netherlands, Norway, Sweden, Switzerland, Turkey); international organisations, academia and civil society representatives.
<i>Total number of participants:</i>	61

1. Introduction – the GFMD context

The Istanbul meeting on “Addressing Irregular Migration through Coherent Migration and Development Strategies” was one of the thematic meetings carried out within the framework of the Global Forum on Migration and Development (GFMD) 2011, chaired by the Swiss Government. In its fifth year, GFMD provides space for a series of smaller meetings around the world under the central theme “*Taking Action on Migration and Development – Coherence, Capacity and Cooperation*”. Seeking to address irregular migration through coherent migration and development strategies, the Istanbul meeting falls under Cluster II of the GFMD Thematic Work Programme.

The issue of irregular migration first appeared on the GFMD agenda in Manila in 2008. Emphasizing on irregular migrants’ vulnerability and need for protection, the focus of the discussion in Manila was on minimising the negative impacts of irregular migration. This issue was again discussed in Mexico in 2010, in the first section of Roundtable 1, during which joint strategies to address irregular migration were discussed.

The Istanbul meeting directly follows and complements the El Salvador thematic meeting of 4-5 October 2011 on “Cooperation Strategies among States to address Irregular Migration: shared responsibility to promote Human Development”, which focused on good practices aimed at increasing the human and economic development potential of migration and reducing the vulnerability of migrants in an irregular situation. Adding to the results of the El Salvador meeting, the Istanbul meeting aimed to discuss models and strategies of inter-state cooperation that address irregular migration through development and identify good practices of development cooperation offering viable alternatives to irregular migration.

This report provides an overview of topics considered during the meeting and the conclusions reached, based on the results of the discussions and experiences shared among participants.

2. Key issues and outcomes of the Workshop

The two-day meeting in Istanbul was set to promote discussion and explore ways of international cooperation with a view to address the development-related causes and implications of irregular migration. The program was structured into five sessions, including a panel discussion, moderated plenary discussions and breakout working groups. The following themes were addressed:

- (1) Links between irregular migration and development,
- (2) Impact of irregular migration on countries of origin, transit and destination as well as on migrants themselves,
- (3) Development cooperation addressing irregular migration,
- (4) Conditions and mechanisms necessary to establish partnerships for jointly addressing various causes of irregular migration,
- (5) Establishing a joint knowledge base on irregular migration, its patterns and actors.

Concept of Irregular Migration

As regards the concept and situation of irregular migration, the following underlying propositions were made: (a) migration might be voluntary or involuntary, however, irregularity is seldom chosen voluntarily; (b) the migration status can change from regular to irregular, but a migrant cannot be or become “irregular”. Although migrants can find themselves in an irregular situation after an irregular border-crossing, the irregular status of migrants can be seen as an unintended consequence of national legislation or measures attempting to regulate migration. This means that migrants can fall in and out of an irregular status at different stages of the migratory process. The following situations can be regarded as irregular: irregular (“illegal”) border-crossings; over-stayers; rejected asylum seekers and people that cannot be deported.

Just like regular migration, irregular migration should be seen as a coping strategy to improve the living condition for the individual and his/her family. It is not a goal in itself. Regular migration and irregular migration share common drivers, such as globalization and demographic transition, and facilitators, such as social networks, shrinking distances and transnationalism, i.e. the process by which people establish and maintain socio-political ties across geopolitical borders. However, there are also specific drivers and facilitators for irregular migration. The demand for informal labour, inadequate access to formal labour markets and national policy incoherence (e.g. regularizations taking place while a strict circular migration regime continues) can be considered as specific drivers. The human smuggling industry, urban diversity, and support networks can be regarded as its specific facilitators.

Links between irregular migration and development

On the whole participants agreed that irregular migration and underdevelopment are two concepts that reinforce each another. As migration contributes to development and development contributes to migration, underdevelopment can reinforce irregular migration and vice-versa, irregular migration can bring underdevelopment.

As regards the (irregular) migration-development nexus, some participants established that the phrase is used in many different contexts. Those contextualisations may be pointing to different policy directions. For instance, it may mean developing a country of origin so that people will no longer migrate (despite lack of evidence supporting a linear connection that more development equals less migration). It may also mean using migration as a way to further development (such as through remittances, skills exchanges, etc.) In some cases development is introduced as a “positive conditionality” in migration dialogues, partnerships and agreements, i.e. development projects are being offered as incentives for the countries to manage their migratory flows. In other cases, capacity building in the field of migration management is proposed as a way of development cooperation. Thus, it is important to decide which of these we mean and establish a common understanding of the connection between irregular migration and development.

While it was agreed in general that factual conditions such as gross inequalities and impoverishment prepare the ground for irregular migration and that inadequate channels and high costs of regular migration contribute to irregular migration, perceptions may also play an important role. In some situations, the perceived lack of perspectives may be more important than the factual situation and perceived improvement potentials abroad may be more important than the real effects. Thus, how potential migrants *interpret* these factual conditions is also a determining factor for the actual migration decision. Interventions aiming at discouraging irregular migration therefore need to go beyond pure economic factors and market conditions.

Migrants (regardless of status) contribute to the development of the country of residence and the country of origin in most cases, but irregular status limits contributions. The ability of migrants to contribute to their own, their families’ and their country of residence’ welfare depends on their living and working conditions. Irregular status reduces mobility (social remittances, skills transfer). Irregular status also reduces potential income (material remittances). In addition, irregular status increases material and immaterial costs of residence. Irregular migration contributes to a distorted and negative public perception of migration as a whole.

Impact of irregular migration on countries of origin, transit and destination as well as on migrants themselves

The interests that are involved in irregular migration differ. While states have sovereign rights, employers might be interested in cheap labour, migrants have legitimate interests to improve their lives, NGOs are interested in protection and international organisations have their own mandates, which usually call for a balance between states’ sovereign rights and peoples’ right to protection and mobility. The demand and supply of labour remains an important factor in balancing different interests as illustrated by the case of irregular migrants from Zimbabwe in South Africa.

In this specific example, the Zimbabwean diaspora in South Africa became the main survival factor for the economy in the home country through remittances. The remittances channeled by “Western Union” demonstrated that most Zimbabweans did not have any documentation and were irregular. Due to the actual demand coming from the employers’ side, the South African government carried out a regularization of the irregular Zimbabweans.

Thus, irregular migration may be demand-driven to some extent, as some businesses profit from employing migrants in an irregular situation (e.g. reduced salaries, low or no employer's taxes and other costs). In fact, there are economic sectors in destination countries, whose functioning and ability to make profit is dependent on an informal workforce largely made up of irregular migrants. Apart from the sectors profiting from cheap labour, it is debatable whether there are positive impacts of irregular migration on the society as a whole in countries of destination. One positive impact could be cultural exchange between the migrants and the local community. On the other hand, dealing with people with an irregular status is a problem for health workers, teachers, etc. Often people do not want to be associated with something that is perceived as illegal.

The negative impact of irregular migration outweighs the positive impact by far. Apart from the negative impact on the migrants themselves (being vulnerable to exploitation, lack of access to education and health care, reduced mobility, reduced potential incomes, increased costs of residence), the negative impact in countries of destination may be more visible: irregular migration is associated with crime and thus contributes to distorted perception of migration and migrants themselves. Furthermore, as migrants in an irregular migration situation generally have lower wages, the general income in sectors where irregular labour is common may drop, and migrants in an irregular situation pay less taxes (may pay some). To sum up, "irregular" migrants, states, social and economic cohesion and the society at large remain at the short end of irregular migration.

Development cooperation addressing irregular migration

Although the demand for and supply of irregular labour is a determining factor in irregular migration, interventions that go beyond pure economic factors and market conditions are necessary to address irregular migration. Since perceptions and other subjective factors influence the decision to migrate, it means that in addition to creating jobs sustaining a *sense of roots* in home communities may be needed, taking interventions down to local public policies. In addition to this, it is important to remember that people also migrate to escape conflict, political or cultural repression, natural disasters, or to pursue family reunification.

Addressing irregular migration also requires a series of protection measures for the individuals involved. For instance, El Salvador has strengthened its consulate offices as a protection network along the transit route to the USA. Moreover, instead of being a regular consulate issuing documents, the consulates have been asked to establish closer relations with non-profit migrant organisations and communities and to collect data on the Salvadorian migrant community. El Salvador has also established a call centre and a human rights observatory in cooperation with Mexico.

With regard to development cooperation addressing irregular migration, the bilateral migration cooperation between France and Tunisia was promoted as a good practice example. France has already signed 13 agreements with third countries and several others are in the process of negotiation. These agreements create a broad framework for discussion between France and countries of origin. They include complementary provisions regarding the three pillars of the global approach to migration, i.e. fighting irregular migration, fostering legal migration and maximizing the synergies between migration and development. In the agreement with Tunisia, for instance, the provisions on irregular migration, which seek better cooperation between law enforcement agencies, are balanced by professional training measures, better issuances of visas and exchange programs of young professionals.

Similarly, Switzerland is concluding Migration Partnerships with a number of countries with the aim of approaching migration comprehensively and achieving an equitable balance between the interests of Switzerland, its partner country and the migrants themselves, as well as ensuring a Swiss "whole of government approach" to migration. This means that the content of a partnership is flexible and varies

from one to the next. It can include cooperation in “traditional” areas such as readmission, repatriation assistance, visa policy and combating human trafficking, as well as in migration and development, education and vocational training exchanges and traineeships. It is intended to promote the positive sides of migration whilst providing a constructive framework within which to solve the challenges it poses. So far agreements have been concluded with Bosnia-Herzegovina, Serbia and Nigeria.

Another good example is the bilateral agreement between the United States and Mexico according to which irregular Mexicans in the US can receive a consular registration number on the basis of which they can open a bank account (thus send remittances), book a flight or make a complaint to the police in the country of residence.

Turkey’s experience of establishing a link between migration and development was peculiar during the 1970s. Turkish workers abroad, in particular in Germany, set up so-called workers’ companies (small and medium size enterprises) in Turkey and sent remittances around a volume of 1 billion USD. Most of these companies, however, failed mainly due to poor planning/feasibility and lack of professional management. Learning from this experience, Turkey set up a Small and Medium Enterprises Development Organization (KOSGEB), which offers support to SMEs and workers wishing to become self-employed both at home and abroad. It has bilateral agreements with a number of countries offering training programmes and apprenticeships and also promotes the employment of women. Turkey is ready to share this experience with interested countries.

Along the success stories, unsuccessful attempts of cooperation were also cited to explore the reasons for failure. The agreement between Italy and Egypt signed in 2007, according to which Italy agreed to take 5000 highly skilled Egyptians, did not materialize as no jobs were found. In a similar way, the bilateral agreement between Afghanistan and Qatar could not be successfully implemented since the conditions in terms of skills for Afghan migrants to work in Qatar could not be met. However, the bilateral agreements between Afghanistan and South Korea as well as with China were mentioned as good examples. Training programmes were set up (in Afghanistan) at the end of which Afghan workers were employed in Afghanistan in South Korean and Chinese companies.

Conditions and mechanisms necessary to establish partnerships for jointly addressing various causes of irregular migration

Strong cooperation at all levels (regional, national, global) with all relevant actors and a climate of dialogue, acknowledging interdependence and respect for different interests, values and needs are essential in preparing the grounds for effective partnerships. It was agreed that trust and confidence are absolutely crucial in partnerships. However, it must not be forgotten that the partnerships in question often are a dialogue among un-equals. This inequality can nevertheless be alleviated if countries of origin clearly can demonstrate their commitment to resolve any problems related to their nationals abroad (e.g. Philippines’ policy of giving guarantees to the host country for return and deployment in case of problems).

Another crucial condition for effective migration partnerships is the involvement of the migrants themselves and relevant social actors, as well as provisions for pre-departure training, basic skills and language training. Social partners should be consulted when migration policies are designed and bilateral cooperation agreements are concluded.

The fact that many countries of origin do not have public employment agencies was considered a practical difficulty to match labour markets needs when it comes to cooperation with the countries of destination. Carrying out institution and capacity building in countries of origin on labour migration management appears as a good starting point for cooperation. In terms of bilateral cooperation, the

lack of monitoring bilateral agreements was considered an impediment as well as the institutional segmentation of migration management in many countries, including destination countries.

Participants recognized the importance of policy coherence when addressing irregular migration. Incoherence between migration policy, entry and residence requirements, and labour market realities may contribute to an increase in irregular migration. Managing irregular migration is a co-responsibility of countries of origin, transit and destination. There are avenues for skilled labour; legal avenues for the migration of unskilled labour could also be created. As it would take time to create these legal avenues, regularisation programmes based on labour market realities, on humanitarian grounds or on an individual basis could be considered to alleviate the present hardships of irregular migrants.

States have different sources of and access to information. In this regard, harmonised data collection and analysis is essential to reach a common understanding of the phenomenon of irregular migration. In addition, regional dialogues (Puebla Process, Budapest Process, etc.) were mentioned as useful platforms to build trust and confidence among states as they promote continuous inter-state cooperation and could be instrumental for improving data collection and sharing in the area of migration.

Establishing a joint knowledge base on irregular migration, its patterns and actors

The importance of collecting, managing and analysing irregular migration data was underlined. Many states do not have sufficient data on regular migration stocks and flows; collecting data on irregular migration is naturally even a bigger challenge. In this context migration profiles were mentioned as a useful tool collect and share migration data as they involve consultation with many different actors and can serve to identify and thus address data gaps. They help to promote discussion about migration policy, coherence and coordination between national authorities and other stakeholders. If they are government-driven and updated regularly, they may be an effective information tool for policy making and instrumental in mainstreaming migration into development planning.

Two types of data were discussed: data needed to understand irregular migration patterns and trends, and individualized data taking stock of irregular migrants with a view to offer protection and assistance if necessary. Participants agreed that although data on stocks and flows is needed for informed migration policy-making, a comprehensive take on irregular migration necessitates a multifaceted approach (social, economic and legal aspects), examining, for example, the situation of irregular migrants in different countries, employment sectors dependent on irregular workers, the nature and changes within different migrant groups concerned, etc. In short, policy-makers were interested in what happens on the ground and in data that would help react to irregular migration, but not to feed this into control mechanisms.

3. Outcomes

The meeting clearly showed that there is still a need to discuss the underlying concepts regarding irregular migration and development, as there is a lot left open at the conceptual level as well as in practice. At the conceptual level, the cause-effect relationship between irregular migration and development is complex and controversially discussed, as is the relationship of migration and development in general. Over the last decades, the link between migration and development and more recently between irregular migration and development has featured high on the global international policy agenda. However, at the same time the international debate has registered a gap between rhetoric and action. This may be explained by a conflict of interests between the various actors both within and between countries of origin and destination. Nonetheless, the discussions of the meeting culminated in the following outcomes at the practical level:

- Examples of effective inter-governmental cooperation in the areas of migration and development should be disseminated and supported with a view to find alternatives to irregular migration.
- Models of cooperation take place mainly in the following forms:
 - Bilateral cooperation agreements in the areas of migration and development (France-Tunisia example with a comprehensive approach to address irregular migration; other bilateral agreements offering training and increasing skills with a view to find employment at home and in the destination country as in the case of Afghanistan and South Korea.)
 - Migration partnerships (Swiss example adopting a whole-of-government approach to migration with Bosnia-Herzegovina, Serbia and Nigeria).
 - Temporary labour migration schemes: the inclusion of trade unions, employers and employees and other social partners in the design and implementation of bilateral labour migration schemes in order to ensure sustainability and a proper matching of supply and demand appears as a successful way of cooperation.
 - Bilateral cooperation with a view to protection of irregular migrants: El Salvador has developed a number of cooperation models with Mexico and the USA to offer a protection network for its irregular migrants.
 - Other types of cooperation can include regularisation of migrants in an irregular situation (as in the case of Zimbabwean irregular migrants in South Africa due to the actual demand from the employers, which led to bilateral cooperation to allow migrants to cross borders without visas.)
- Different measures and types of cooperation (prevention – management – protection) are needed at different stages of irregular migration.
- The successful examples of cooperation and partnerships show that a climate of dialogue, acknowledging interdependence and respect for different interests and needs as well as matching the interests of countries of origin and destination are essential in preparing the grounds for success.
- Policy coherence and having a ‘whole-of-government’ approach appear as important factors in cooperation, meaning involving different departments responsible for migration, political and economic affairs, development aid and humanitarian assistance, etc. in the development of cooperation and partnerships. Successful development in any given sector or policy area depends on coherent progress across these domains.
- There is a need to establish a comprehensive knowledge base on the process, phenomenon and numbers concerning irregular migration in countries of origin, transit and destination. Thus, the following is recommended:
 - Build effective data collection mechanisms (enhancing statistical capacities) including social, economic and legal aspects of irregular migration and reflecting employment sectors dependent on irregular workers, the nature and changes within different migrant groups concerned, etc.;
 - Ensure cooperation on bilateral, regional, and global levels with regard to data collection and sharing;
 - Develop and update migration profiles or extended migration profiles.