

MIGRANTS AND THEIR INTEGRATION: CONTEMPORARY ISSUES AND IMPLICATIONS

by

Graeme Hugo

**Professor of Geography and
Director of the National Centre for
Social Applications of GIS,
University of Adelaide,
Adelaide, South Australia, 5005**

Phone: 08 8303 5646 Fax: 08 8303 3772

Email: graeme.hugo@adelaide.edu.au

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INTRODUCTION

Population movements between countries are occurring at unprecedented levels. The United Nations (2002) estimates that there are 180 million persons globally who are living outside of the country of their birth. In addition, there are substantial movements involving people spending significant periods on a temporary basis in a foreign country. Accelerating globalisation processes, the proliferation of international social networks and the development of a worldwide immigration industry - all ensure that the movement between nations will continue to increase. At the same time, the expansion of international mobility has outpaced the development of effective national and multilateral policies and instruments to influence this movement in such a way as to maximise its benefits, minimise its negative effects and protect the rights of the movers and the communities they leave and enter.

The present paper begins by briefly summarising some of the major contemporary developments in international population movement and the most pressing issues the movements pose. It then addresses some of the major issues relating to the integration of movers in destinations. The paper subsequently moves on to discuss some of the policy implications of these issues from the perspectives of sending and receiving countries, focusing especially on their responsibilities. The role of international instruments is then discussed with reference to existing instruments. Finally, barriers to greater acceptance of international instruments are discussed and some strategies designed to increase the extent to which these instruments are adopted and operationalised are put forward.

I. RECENT TRENDS IN INTERNATIONAL POPULATION MOBILITY

International movement has become a potential solution to improve the livelihood for an increasing proportion of the global population. A quarter of century ago, relatively few countries were thoroughly influenced by international migration, but now a majority of the world's nations are affected. The constellation of forces driving movements between countries is different and the context in which migration is occurring has been transformed in both origin and destination countries. The dominant movement for most of the past century has been between Europe to the so-called New World of North America and Oceania. However, by the 1990s the dominant movement is from 'south' to 'north' countries (Massey *et al.*, 1998). The United Nations (2002) has estimated that in 2000, 175 million people lived outside of the country in which they were born. However, these figures only detect the tip of the iceberg of all mobility occurring between nations. The last two decades have seen a massive increase in the scale and types of mobility between nations as well as in the types of people involved in that movement. This is illustrated in Table 1, which shows that there has been a massive increase in non-permanent moves in and out of Australia over the last two decades. In the period from 1982-83 to 2001-02, the percent growth of short term movement to Australia, closely followed by the growth in long term movement, is by far outweighing the small increase in permanent movement. In the United States over the 1995-2000 period there were 4.59 million immigrants of a permanent form while 142.8 million people entered the country legally on a *temporary* basis (Kent and Mather, 2002, 21). Due to a great deal of 'category jumping' between temporary and permanent movements, the totality of international population movement must be considered and not just the segment of *permanent* relocation. In this section some of the major developments in global international population movement over the last decade will be discussed.

Table 1: Growth of Population Movement Into and Out of Australia, 1982-83 to 2001-02

Source: Bureau of Immigration and Population Research, 1993; DIMIA, 2002

	1982-83	2001-02	Percent Growth 1982-2002
<i>Arrivals</i>			
Permanent	83,010	88,900	+7.1
Long term	79,730	264,471	+231.7
Short term	2,171,200	8,113,300	+273.7
<i>Departures</i>			
Permanent	24,830	48,241	+94.3
Long term	72,460	171,446	+136.6
Short term	2,166,600	8,205,700	+278.7

a) Categories of international migration movements

South-north movements

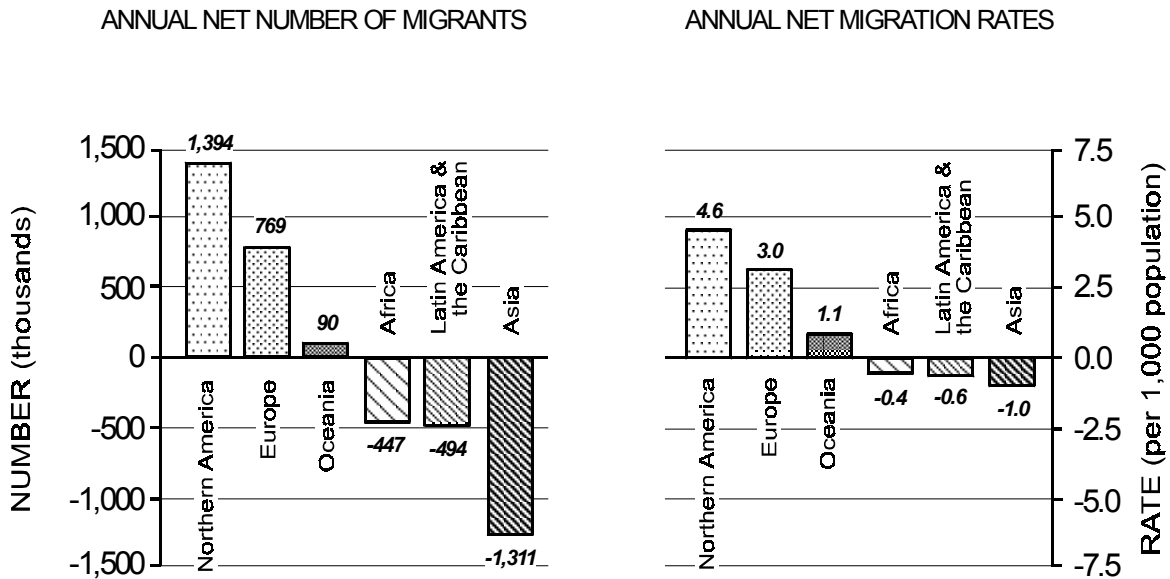
The United Nations (2002) have estimated that in 2002 approximately 60 percent of people who live outside their country of birth resided in more developed countries. These countries account for 20 percent of the world's population and only three percent of the annual natural increase in global population. Figure 1 demonstrates the net south-north redistribution which is occurring due to international migration. Diagram A demonstrates the dominance of North America as a destination area and Asia as the pre-eminent region of net migration loss. Furthermore, diagram B illustrates that while net migration represents a significant contribution to population growth in the north countries, its impact on population growth in the south is negative.

Figure 1: International Migration Flows and Migration Rates in the World Major Areas, 1995-2000

Source: United Nations, 2002

Diagram A

Diagram B



Clearly, there is considerable variation between countries within the regions and in some countries (e.g. Philippines, Pakistan) heavy outmigration is beginning to have an influence, both socially and economically. In general, net migration is not a major factor in the slowing down of population growth in ‘south’ countries. For the population growth of north countries, on the other hand, net migration gains and the subsequent fertility of the migrants are of crucial significance. In several European countries, births among

migrants make up more than a quarter of all births (OECD, 2001). In Australia in 2001, 23.4 percent of all confinements were overseas-born women.

In 2000, a United Nation's publication raised the possibilities of 'replacement migration' in OECD nations which are experiencing declining and low fertility rates, ageing of their populations and in some cases more deaths than births (United Nations, 2000). The UN report indicated that, given current trends in fertility and mortality in European Community nations, an annual immigration of 1.6 million persons is needed to maintain the current size of workforce. While the report has been criticised for not considering other policy responses to the issue of ageing and population decline, it attracted a great deal of attention from policy makers and the community in general.

Though the issue of south-north migration involves a number of relevant issues, its nature is highly bipolar. On the one hand, a significant minority of the migrants are highly skilled and educated and thus are able to enter north countries seeking to lift the skill profile of their workforces in an increasingly competitive and globalised labour market. These people enter north nations largely through established channels, often entering first as students. This movement has raised 'brain drain' considerations. As a potential solution, some international organizations have suggested that the sending countries should be compensated for their investment in the education of these skilled migrants. On the other hand, the majority of the south-north migrants occupy lower status, low security, and poorly paid types of jobs (often referred to as the 3Ds - Dirty, Dangerous and Degrading). They often enter north countries as refugees, asylum seekers, part of family reunion or, increasingly, through undocumented means. They are easy victims of exploitation and discrimination and regularly occupy a marginal position in the host society. Their migration has been facilitated by the increasing casualisation, fractionalisation, deregulation and informalisation of much low paid work in the north.

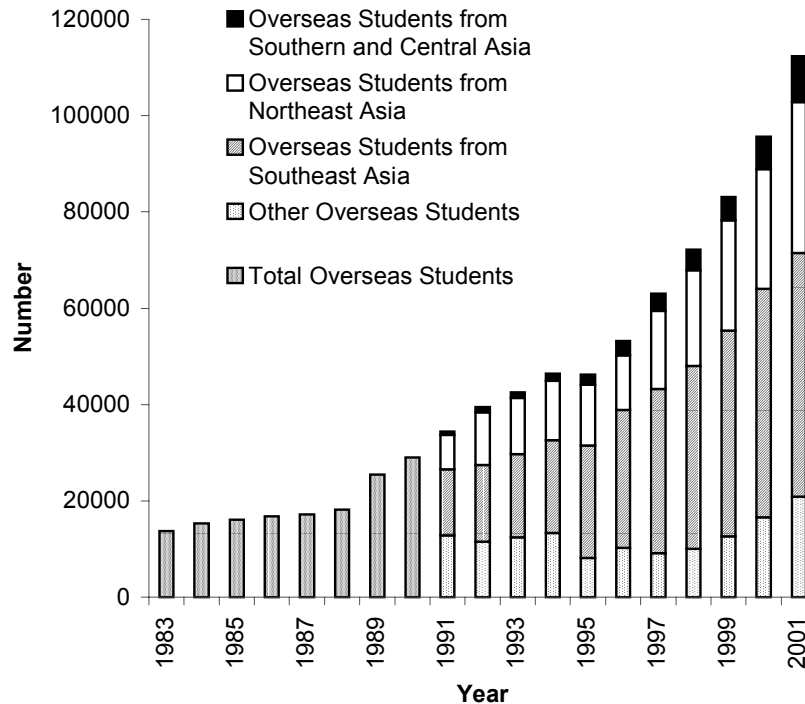
Overall, the south-north migration has been facilitated by globalisation processes, growth in the economies and demographics of north cities, the migration from south and north nations, the universalisation of education and technology, as well as the historical links established by colonial and post-colonial ties. Today, many 'north' nations are establishing greater barriers to migration, especially towards those who are unskilled and of south origin. It seems certain that south-north migration will increase in the future. The reasons for this are mainly because global forces, such as migration movements over the last decade, remain important. In addition, factors which contribute to sustain and even expand the flow from one country to another when it is first established. The first is the operation of social networks which means that migrants situated in the destination country represent a social network for relatives and friends in the home country. This increases the incentives and facilitates continued movement to this particular destination country. Secondly, there is a proliferating 'migration industry', constituting of recruiters, travel providers, lawyers, agents, officials etc. who work to facilitate migration. The several challenges the establishment of 'south' origin communities in several 'north' countries will be tackled later under the discussion of integration of migrant population.

Increased temporary movements

There has been an exponential increase in the number of short term and long term temporary international movements. These range from the explosion in world tourism and international business travel to other forms of movement, such as student migrations. The international tertiary education market has in particular expanded apace. Figure 2, for example, shows the rapid increase in the number of foreign students in Australia.

Figure 2: Overseas Students in Australian Universities, 1983-2001

Source: DETYA Selected Higher Education Student Statistics, various issues



The increase in student migration in the five years from 1996 to 2001, particularly from Asia, is striking. Similarly, the internationalisation of most skilled labour markets and the growth of multinational corporations have contributed to a large global circulation of managerial, professional and highly skilled groups. Though the short term movement has by no means replaced permanent settlement migration, some suggest to replace the concept of ‘international migration’ (indicating permanent settlement) with the term ‘transnational migration’. This latter emphasises the two way and circular nature of many flows between countries. As Glick Schiller et al. (1995, p.48) point out:

‘Several generations of researchers have viewed immigrants as persons who uproot themselves, leave behind home and country, and face the painful process of incorporation into a different society and culture ... A new concept of transnational migration is emerging, however, that questions this long held conceptualisation of immigrants, suggesting that in both the US and Europe increasing numbers of immigrants are best understood as transmigrants.’

The present paper suggests that this characterisation needs to be extended beyond the USA and Europe to the rest of the world to embrace both other developed countries as well as less developed nations. This change in the characteristics of migrants has produced a number of challenges to both policy makers and researchers.

In regard to the research perspective, scholars are confronted with a situation where the bulk of the international migration data collection, much of the empirical knowledge and theory are anchored in a permanent settlement migration paradigm. These instruments have often failed to capture non-permanent migration flows or have limited

the possibilities for more detailed analysis of this flow compared with more permanent moves. Thus, there is a need for rethinking the data collection systems regarding migration flows. Most conventional information regarding stocks of migrants, such as population censuses, either exclude temporary residents altogether or, if they are included, they are not differentiated from other migrants so that information about them is not processed or tabulated. In short, it seems as if the main research and elaborated theory are focused upon permanent settler migration.

Contract labour migration

Contract labour migration has a long history with its origins being traced to indentured labour in colonial times. In the last three decades, the global trade in labour has massively increased as nations have become more differentiated in the supply of local labour and levels of economic development. This distinctive form of international movement involves people contracting to work for a period in another country. The movement is intended to be temporary and circular, although the example of Turks in Germany illustrates that temporary migrant workers may become permanent settlers (Castles, Booth and Wallace, 1984).

Contract labour migration has reached an unprecedented scale with the cheapening of international travel and labour shortages in countries experiencing rapid economic growth. In particular, increasing segmentation of labour markets is becoming apparent in migrant destination areas. Whole sectors are becoming characterised by low income, low prestige, poor conditions of work and insecurity, and are consequently eschewed by local populations, even at times of high unemployment. This is particularly true in low status manual occupations, such as in agriculture, plantations and forestry, construction and household domestic work. The expansion of contract labour migration is facilitated by networks of recruiters, agents, travel providers etc.

This movement has several distinctive characteristics. It especially involves unskilled workers or workers who do not employ their specific skills in the destination area. It typically involves separation of workers from their immediate family, often involving high social costs. Although exact numbers are uncertain, probably half of all global contract labour is undocumented. This means that workers do not have the protection of law at the destination and can be subject to exploitation. Middle Eastern nations and Asian countries, including South Korea, Japan, China-Taiwan, Hong Kong, Brunei, Singapore, Malaysia and Thailand are the main destinations.

One disturbing element in the increased flow of international contract workers has been the growth in transaction costs borne by the migrants themselves on the one hand, and the large profits enjoyed by recruiters and other middlemen, on the other hand. It has been estimated that in Thailand the 'brokerage fees' that intermediaries charge amounts to between 46 and 87 percent of the total cost of moving. The government of Thailand has set an average cost for overseas contract workers (OCWs) of Baht 56,000, whereas the average costs of obtaining work in Japan are Baht 221,000, Taiwan Baht 142,000 and Singapore Baht 111,000.¹ In many nations high unofficial charges are made by agencies and middlemen. Agencies are charging for OCWs but are not always fully supplying appropriate training and information to intending workers. The role of middlemen is extending from recruiting and arranging departure to tasks such as management of

¹ Approximately 30 Baht = 1 US dollar.

foreign workers, supplying housing, day to day support, and sending remittances home. As a result, the increased power and wealth of middlemen make them able to exert power over officials bureaucracy and administration in both sending and receiving countries.

Mobility of women

Women have for a long time been well represented in more permanent international settlement migration (Zlotnik, 1993). Nevertheless, in more recent times the involvement of women across the whole range of international movement has increased immensely. Though marriage migration has long been important, it has gathered pace in the contemporary context. Today, female migration trends tend to be more segmented compared to their male counterparts. Much female labour migration involves women working in a narrower range of occupations, often involving greater vulnerability to exploitation, such as domestic work and involvement in the entertainment industry.

The greatly increased scale of female international migration appears on the surface to offer considerable opportunity for women to improve their economic and social situation. One could expect that the movement between milieus would entail some empowerment to women. Movement often involves a transition from a rural to an urban context, from a familial mode of production to an enterprise mode and from a 'traditional' situation to a more 'modern' situation. It often involves women moving from the immediate control of traditional forms of authority (often patriarchal) to a situation where women receive a payment, over which they have some autonomy. They may be living for the first time in a situation outside the reach of their family. Often, they are exposed to a range of new experiences and influences. Women will probably meet people from a wider range of backgrounds and experience than possible in their home village. While such transitions can, and sometimes do, result in empowerment of the women involved, it is by no means an automatic result of migration. In fact, migration can also operate so as to preserve, and even strengthen, the *status quo* with respect to gender position and relations (Hugo, 1997). Even stronger, many female international migrants from Asia encounter vulnerable situations adding to the pressing needs for appropriate policies and programs to protect their rights (Lim and Oishi, 1996).

Migrant children and family reunification

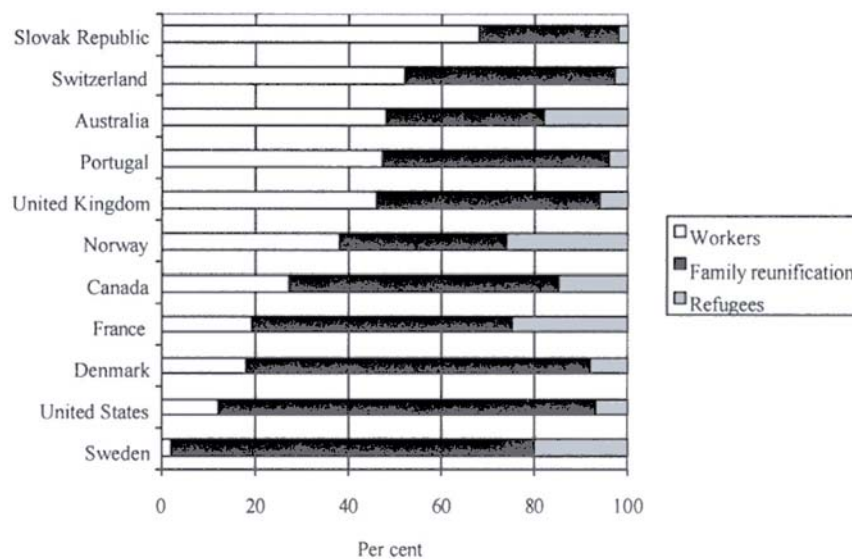
Migrant workers often move initially without their families and later send for their spouse and children to join them. In the destination country, the children of migrants often live in marginal conditions because their parents are unable to access the same services as the citizens. This is particularly the case in education. In some contexts, children are denied access to basic services in the country of residence where they were also born, even though they have never been in the origin country of their parents. Similarly, second-generation problems can be found in a range of European nations, as well as for example in Japan. As discussed earlier in this paper, children have also become the targets of one of the most pernicious elements in contemporary international migration – the trafficking of children for a range of exploitative reasons.

Family reunification has been an important plank of immigration programs in the traditional migration countries. In OECD countries generally it is now the major component in permanent immigration as Figure 3 shows. In several European countries,

it has only become important in the late 1990s. However, as the United Nations (2003) points out, there is no international instrument which establish family reunification as a right. Family reunification should be a basic human right and needs to be seen as such. Much of the reticence in destination countries on the question of family reunification centers on the provision of social services to migrants' dependents, especially children and older people.

Figure 3: Long-Term Immigration Flows Into Selected OECD Countries by Main Categories in 1999

Source: United Nations, 2003



Undocumented migration

The nations receiving substantial numbers of international migrants have in the last two decades increased their barriers (both legal and physical). A United Nations (2002) survey found that by 2001 a quarter of all countries viewed their current immigration levels as too high. Moreover, 44 percent of the developed countries had policies aiming at lowering the immigration level, as did 39 percent of the developing countries. In 1976, only 6 percent of nations reported that their policies aimed to lower immigration. This increased to 40 percent in 2001. Even so, since the push and pull factors of international migration remain strong, the response has been an increase in undocumented movement of one kind or another. As already mentioned, this movement is facilitated by the proliferation of social networks and the rapid growth of the global immigration industry.

Unauthorised movement is taking many varied forms. One increasing element in unauthorised international migration is the trafficking of women and children. This insidious phenomenon appears to be expanding in addition to the increase in the involvement of criminal syndicates. As the profits to be made in trafficking rise, so the involvement of organised crime escalate. Without undermining the tragedy of migrants who are misled, exploited and endangered, many undocumented migrants do use

middlemen and undertake unauthorised movement aware of the dangers involved, but perceiving that there are no authorised avenues open to them.

Clandestine cross border movement occurs on a substantial scale as in the cases of Mexico-USA, Burma-Thailand and Indonesia-Malaysia. In addition, unauthorised migrants often enter a country legally and overstay their visa or disobey its conditions, especially in relation to work-restrictions. Their unauthorised status makes them vulnerable to exploitation and prevents them from seeking protection of destination authorities. This can add to the marginalisation experienced by many migrant groups.

There is some evidence of increased activity in destination countries to 'crack down' on undocumented migrants. More emphasis is being placed on compliance with immigration regulations than ever before. Massive investments are made in policing and compliance measures in destination countries. Sanctions on employers of undocumented migrant workers, incarceration of detected undocumented migrant workers and caning of them are becoming more prevalent. Such activities have not necessarily reduced undocumented migrant flows, but rather forced them into different, often dangerous, avenues for movement.

Where countries have attempted to legalise migrations of workers, illegal operators have become so entrenched that it is difficult to persuade undocumented workers to replace their illegal strategies with legal ones. Indeed, in some countries the *undocumented* approaches have come to be trusted more than government approaches and official government avenues for migration are more expensive and more time consuming.

Forced migration

The distinction between forced and voluntary migration is not as clear cut as often depicted. However, it is possible to identify moves which are predominantly forced. This includes people who are forced out of their home country by a well founded fear of persecution and qualify as refugees. This category numbered 12.0 million in 2001 (UNHCR, 2002a) – 5.8 million in Asia alone. The numbers, while substantial, represent a reduction from a peak of 17.8 million in 1992 (UNHCR, 2002a). The 1951 Convention Relating to the Status of Refugees (ratified by 141 countries) and the 1967 Protocol (ratified by 139 countries) provide a sound basis for protection of people granted refugee status, although there are still massive difficulties in funding the activities of the UNHCR and in developing satisfactory solutions for refugees. Asylum seekers reached 1,181,600 in 1999 (UNHCR, 2000 and 2002b), lowered to 947,236 in 2000 (UNHCR, 2002b). In addition to the scale and the massive human problems involved, movements of refugees and asylum seekers are a highly important issue because they represent potential anchors for future non-refugee movements. When refugees settle outside their nation of origin they facilitate the movements of other family and friends to join them.

One other form of forced migration which needs to be mentioned is environmentally induced movements. This form of population movement has greatly increased in the last two decades. Up to the present most of this movement has occurred *within* national boundaries. However, it is possible that in the future such movement may involve more border crossing. For example, if global warming results in a significant rise in sea levels that submerges large parts of the Pacific and Indian Ocean islands and

highly populated lowlands in nations like Bangladesh, substantial international movement would be necessary (Hugo, 1996b).

b) Consequences of international migration

Brain drain vs. brain circulation

The globalisation of labour markets has increased the issue of brain drain, involving that skilled and educated human resources from developing to developed nations. Brain drain has a great impact on the peripheral and developing nations. High level skills are in great demand and more developed countries have reduced the barriers to immigration of these groups on both a permanent and temporary basis. Our knowledge of the impacts of this migration on origin countries is limited. Certainly, countries experiencing 'brain circulation' with a constant stream of newcomers bringing new ideas, approaches and networks with them would benefit. However, what of the impacts on countries who are experiencing a substantial net outflow of talent? Again, there is a lack of solid empirical data. On the one hand, brain drain may involve a decline in economic and social development in the sending country. On the other hand, these movements can also have a beneficial result for the origin country, including the following situations:

- Where there is insufficient capacity in the origin economy to productively absorb and use the migrants' skills;
- Where the inflow of remittances outweighs what the migrant would have contributed by staying at home;
- Where there is significant return migration of the migrants with enhanced skills and capacities;
- Where the migrants forge productive economic linkages with the home country such as directing investment, and providing beachheads for production from the home country.

The World Bank has called for more developed countries which recruit skilled migrants from less developed countries to pay the latter a levy to compensate for the investment in human capital made by the origin nations. It is clear that the contemporary situation calls for more *sophisticated analysis* on the actual effects of the 'brain drain' phenomenon.

At the same time, since the 1960s, much of the literature on the impact of migration on development has centered on the issue of brain drain. Certainly, there has been a substantial net flow of highly educated people from less developed to more developed areas, which has had deleterious development consequences in some regions. Nevertheless, recent research has shown that the impact of the outflow of human capital for less developed countries is more complex. The potential for promoting 'brain drain' into 'brain gain' needs to be considered. Brain gain is based on the idea that expatriate skilled population can be considered as a potential asset instead of a definitive loss. Several Asian countries have been able to mobilise their Diasporas to foster development in the origin countries. Some of these initiatives include:

- Offering expatriates the opportunity to bank in origin country institutions with preferential interest and tax rates;
- Encouraging them to invest in enterprises in the home country;
- Using them as beachheads to gain access to foreign markets for origin country exports;
- Using them as contacts for origin country business activities;

- Helping them to encourage their employers to invest in the home country;
- Assisting more generally in developing economic, political and cultural linkages with the destination country.

Indeed, as these practices suggest, existing econometric studies indicate that in some contexts emigrant skilled workers contribute more to national development by migrating than they would have if they had remained at home.

The eventual return of a significant proportion of the emigrants is one of the major elements to ensure that emigration have a net positive developmental impact in origin countries. Research indicates that the often strong desire to return among expatriates is frequently not realized. In order to improve this situation, in many countries the development of programs and policies to facilitate return migration are considered at different levels. In order to facilitate the reintegration of returning emigrants and temporary workers into the origin country's economy, policies and programs related to national Diaspora need to be developed. As noted, migration, especially south-north migration need not have wholly negative effects on the social and economic development in origin countries. Rather, it can facilitate the north-south flows of capital and expertise as well as facilitate economic and social development in the home country.

Remittances

The increase in global international migration has set up massive cash flows from destination to origin countries. Remittances are second only to oil in terms of the international money flows they create. In general, the scale of the flows is massively underestimated. The International Labor Organization (ILO) estimates that the current global value of remittances is US\$100 billion – the bulk of which is received in less developed nations. The underestimation of such figures can be gauged from the fact that the overview evaluate the remittances received by the Philippines at US\$125 million, whereas official estimates of the Government of the Philippines are US\$8 billion (*Migration News*, December 2002)²! In any case, population mobility has set up a flow of hard currency to less developed from more developed nations. In several migrant origin countries remittances provide more than 10 percent of the country's GDP (e.g. El Salvador, Eritrea, Jamaica, Jordan, Nicaragua, Yemen, Philippines and Sri Lanka) (United Nations, 2002; Hugo, 2003).

Until the 1990s the conventional wisdom about remittances was that they had little positive impact on development in origin countries because of their trivial level and the fact that they were spent on consumption, rather than on enhancing production. Opinion has reversed, however, for a number of reasons. For instance, it is clear that the flows are not trivial and they have been substantially underestimated. Moreover, there is a second and third round effects or multipliers of the money since the money spent by the returning migrants have proven substantial (Taylor et al., 1996). The value of remittances has been recognised by the governments of migrant sending countries that have developed a range of policies to maximise the scale and impact of remittances. Partly as a consequence, there has been debate on whether 'labour export' can be a sustainable development strategy for nations to adopt, as opposed to a short-term measure for countries to improve their balance of payments. Certainly, in countries like Mexico and the Philippines remittances appear to have become a structural part of the economy.

² see <http://migration.ucdavis.edu/index.php>

Even in the world's largest countries, remittances have been shown to have an important impact. Chinese economic growth in recent years has been fuelled by the Foreign Direct Investment from ethnic Chinese based abroad, while the Diaspora of more than 20 million Indians abroad have had a substantial impact on the Foreign Direct Investment in India (Hugo, 2003). In Indonesia, while the overall scale of remittances is small in relation to total GNP, its effects are very spatially concentrated in the poorest areas which produce migrants and thus, its effect on *regional* development are very large (Hugo, 1995). There is also evidence that some countries receiving migrant workers are increasingly concerned about the outflow of capital associated with remittances. In Malaysia, for example, the Central Bank has estimated the outflow at Ringgit 9 Billion³, not taking into account the additional flow through informal channels.

Global security

There have been a series of terrorist events in recent years, most notably the tragedy of 11 September 2001 in New York and Washington. Since the terrorists involved in many of these events have been migrants of one kind or another (*International Migration Review*, Vol. 36, No. 1, 2002), this has steered the attention on population movement and border security. While the impacts of these events on international migration are by no means clear at the moment, it would seem that with the exception of tourism (Skeldon, 2003) and short term business travel, the direct consequences on the scale of international migration have been limited. In several countries, including the United States, the requirements to enter and to stay in the country have been increased partially for some groups (Cornelius, 2003). The global recession following September 11, may eventually have a dampening effect on international migration levels, though this is not yet apparent. There are some indications that reactions to the terrorist events have discriminated against particular groups of migrants and settlers who share a national or religious background with some terrorists. This is especially the case where such groups are a visible minority. There is also a danger that the sequence of terrorist events will be used by anti-migration lobby groups to justify restrictionist, exclusionist and discriminatory policies in relation to migration and settlement. There has been an increase in biometric identification of migrant workers to allow enforcement agencies to identify people suspected of being illegal or associated with terrorism. Singapore now fingerprints all of its foreign workers. Since the introduction of that system the number of illegals apprehended has declined, suggesting that the programs have had an impact.

Migration and health

The current issue of the spread of Severe Acute Respiratory Syndrome (SARS) has drawn attention to possible linkages between international migration and health. The association of migrants with maladies can be a consequence of the fact that migrants arrive in a new environment without the resistance to local diseases (in contrast to natives) and are thus more exposed to the risk of contracting these diseases. Similarly, some migrant workers are exposed to the risk of illness by having to live in marginal situations. For example, migrant workers may be placed in situations where they are vulnerable to contracting the HIV infection. Often they are young, move without

³ Approximately 3.8 Malaysia Ringgits = 1 US dollar.

partners, are isolated and lonely, have cash, and are free from traditional sanctions. This may lead them into using the commercial sex industry or taking drugs. Consequently, they are at elevated risk of contracting HIV, taking it with them back to their home area, and potentially on to other work destinations. In addition, in many cases prostitutes are also international circulators at an elevated risk of contracting the disease and spreading it. Attention has also been directed to migrant functioning as carriers of disease from their origin country to the new destination country. Similarly, migrant workers are frequently being scapegoated as the ‘cause’ of disease at the destination. For example, Indonesian migrant workers in Malaysia have been vilified in the media as the main spreaders of several diseases, including HIV, even though medical checks have indicated a low incidence of the disease among them.

Therefore, we need to be very careful to generalize since migrants *per se* are not any more prone to disease than non-migrants – they simply often are placed in vulnerable situations. There is a danger that the incorrect stereotypes, stigmatization and scapegoats may be strengthened. At the same time, the role of mobility in the spread of diseases such as HIV needs to be fully acknowledged in order to target relevant information and preventative programs. There are some concerns that many reception countries of contract workers are insisting on workers having medical tests, including HIV infection tests. Such tests can be inaccurate and can lead to workers being refused entry without a chance of appeal.

Destination government responses

It is somewhat paradoxical that in an era of globalisation in which international barriers to the flow of finance, information goods etc. have been significantly reduced, the increased international flow of people has occurred in spite of a similar reduction of the barriers to these flows. The numbers of global trends working to increase population flows between nations are well-worth repeating:

- The increasing steepness of economic and demographic gradients between less developed labour surplus economies and more developed labour shortage economies;
- The internationalisation of labour markets, not only for skilled, but also for unskilled labour;
- The increasing segmentation of labour markets in several developed countries has meant that local workers eschew low status, low pay, and insecure, low skill service occupations. Even in times of high unemployment, local workers are unwilling to enter these sectors which have consequently become the preserve of migrant workers.

Moreover, the flows generated by this demand are greatly facilitated by:

- The proliferation of a vast global immigration industry whose whole purpose is to encourage and assist potential documented and undocumented immigrants;
- The exponential expansion of migrant networks. More and more people around the world, especially in less developed areas, have an increasing amount of social capital in potential destination countries which can assist in both the movement to and the adjustment in the destination.

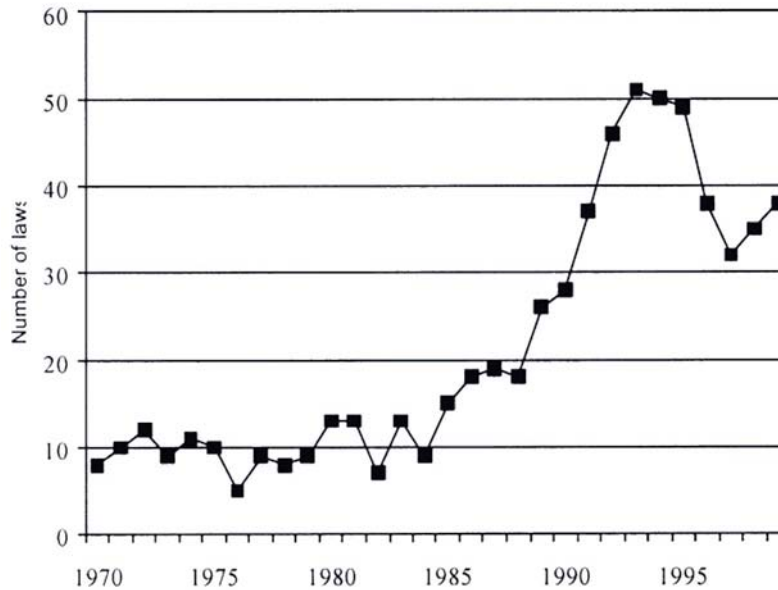
Destination countries have been responding to these new and increasing pressures, both internal and external, in various ways. In most cases, however, barriers have been reduced in cases where the potential immigrants, both permanent and temporary, have skills or expertise in demand or in shortage. The introduction of new demand driven temporary business type visas in many countries greatly facilitates such mobility by allowing quick entry. These visas may also be the prelude to the immigrant subsequently applying for and receiving permanent residence or citizenship. Indeed, there is an increasingly intense competition between nations for the highly skilled in fields considered as critical to national economic development. Even in less developed countries there are substantial in-movements of skilled workers to improve the lack of skills needed in the rapidly changing and restructuring economies. However, in regard to less skilled workers the situation is quite different, even where there is a manifest demand for them in destination economies. In many countries, such people are only able to enter under refugee or family reunion type programs of which there are very limited numbers of places available. Where they are able to enter under temporary immigration criteria, their rights are generally severely curtailed in comparison to citizens. The destination country puts in place a range of measures designed to ensure the return of the unskilled migrant worker, such as:

- Disallow family to accompany or visit the worker;
- Disallow them to marry citizens;
- Tie them to a single employer;
- Limit the travel of the worker within the country;
- Enforce other restrictions on rights and movement.

As a result of the increase in the number of countries hosting migrant workers there has been a proliferation of legislation related to migration. This is evident in Figure 4 which shows the substantial increase in the numbers of laws and regulations relevant to migration enacted in the last decade. The United Nations (2003, p.21) reports that in the 1990s over 100 countries enacted legislation or signed agreements relating to migration.

Figure 4: National Laws and Regulations Concerning Migration by Year of Enactment

Source: United Nations, 2003



Linked to the increase in regulations concerning migration, is the pertinence of reassessing the prevailing mindset regarding temporary migrants in destination countries. A fear in destination countries that the temporary unskilled workers will stay grew out of the experience of post-war Europe when several countries imported temporary guestworkers to cope with the labour shortage. Many of these migrants subsequently developed substantial permanent communities. This idea is reflected in the oft-repeated phrase that ‘there is nothing so permanent as a temporary migrant’. However, it is questionable to what extent temporary migration in the contemporary situation is a prelude to permanent settlement. There is some evidence that this is less the case compared to the past because modern forms of transport and communication have greatly reduced the distance between origin and destination countries. This has meant that migrants are able to maintain closer and more intimate linkages with their home area than ever before. Lowering the cost of phone calls, the introduction of email and fax, and the cheapening and speeding up of international travel have not only made it possible for migrants to interact in real time with their home country on a regular basis, but also made home visits more frequently in emergencies and for breaks. This has greatly reduced the imperative for many temporary workers to want their family to join them in the destination. Indeed, many low skilled migrant workers see a number of advantages of maintaining a regular pattern of *circular* international migration in preference to permanent settlement at the destination for the following reasons:

- They are able to ‘earn’ in the high income, high cost destination and ‘spend’ in the low income, low cost origin and hence maximise the purchasing power of their earnings;
- They seek to retain the traditional cultural language and other associations of their homeland;
- They wish to maintain strong family linkages, which can be more easily done at home than at the destination.

In the contemporary situation, in the right contexts, circulation can become a permanent international migration strategy. However, this presupposes that the migrant worker is able to interact freely with her/his home country. Frequently, it is the case that such interaction is made difficult, especially where the migrant workers are undocumented. For example, the increase in policing at the Mexico-United States border has resulted in a reduction in circulation and an increase of Mexicans permanently settling in the United States (Cornelius, 2003).

There has been a noticeable hardening of responses by destination countries to the increase in asylum seekers. In Australia, a country that has been second only to Canada in its proportionate intake of UNHCR determined refugees over the post-war period, a range of hard responses have been initiated towards the arrival of a few thousand asylum seekers, largely from Iraq and Pakistan, on its northern shores. Previously, the Australian government had predominantly received “offshore” refugees recruited from UNHCR refugee camps. The response to the small numbers of “onshore” asylum seeker boat people was, however, meet with severe measures. These included interdicting vessels and returning the refugees to their last port or diverting them to other destinations than Australia; internment of all asylum seekers who reach Australian soil while their application is considered; expulsion of those whose application is rejected; and the provision of a special type of visa (with different entitlements) to the accepted onshore asylum seekers. The latter, thus, involves a continued differentiation between the accepted refugees from the onshore compared to the accepted refugees selected from the Australia offshore.

This hardening of government attitude is also apparent in a stepping up of compliance and policing activities by countries experiencing an influx of undocumented migrant workers. This is most notable in the United States/Mexico context (Cornelius, 2003) where there has been a massive increase in border control activity resulting in more loss of life, increased hardship and increased rates of capture, but with little diminution of the flow of candidate migrant workers (Cornelius, 2003). A similar experience has been recorded in Malaysia which in the last year has cracked down on undocumented Indonesian migrant workers (Inglis, 2002).

Origin government responses

A trend of recent years has been an increase in the involvement of governments in the migration process, not only involving destination countries but also origin nations. There is a two-sided response of most destination governments. On the one hand, these governments seek to *attract highly skill* migrants valued for their potential to fill gaps in the labour market, to develop innovations and to carry out entrepreneurial activity. On the other hand, most governments seek to place *barriers to unskilled* migrants, although there may be gaps in the local unskilled labour markets, especially in large cities. In so-called ‘labour exporting’ nations, governments also have become increasingly active partly because of the following advantages in sending workers temporarily to labour shortage nations:

- Reducing pressure on national and regional labour markets;
- Enhancing national foreign exchange earnings and addressing balance of payments problems;
- In some cases providing its workers with skills and training.

A whole range of policies mostly directed at enhancing the outflow and maximising remittance flows have been attempted across countries with varying results. Such a movement was initially seen as a 'temporary solution' to labour surplus problems in these countries. However, there is evidence that such 'labour export' strategies are being structurally built into the economies of some countries on a long-term basis. Training institutions (e.g. for nurses in the Philippines) are being established to provide students with qualifications, which will enable them to work in foreign countries. Strategies for sending workers away and for capturing remittances are being built into long-term national and regional development plans.

Origin countries have varied greatly in their level of concern for their citizens living and working in foreign countries on a permanent or temporary basis. In many cases, migrant workers experience greatly reduced rights compared with citizens in the destination countries. The situation is often worse for women than men, especially if they are concentrated in vulnerable occupations like housemaids and in the so-called entertainment industry. It is worse again for those who are undocumented. Sending countries vary greatly in the extent to which they:

- Ensure workers are provided with training and information to empower them at the destination;
- Provide support systems in destination countries;
- Are prepared to negotiate with destination governments about their workers' conditions.

One major difficulty in this area, in some countries, is the issue of corruption. In some cases there are vested interests particular in the receiving county in maintaining the existing system, even though it is exploitative of their nation's migrant workers, because of financial gains. This often leads to bribing of officials at all levels, as well as great pressures to prevent official government intervention to protect workers.

There are an increasing number of countries with substantial Diaspora of citizens and former nationals living permanently overseas which have developed institutions to help the expatriates maintain the culture and language of their homeland. Increasingly, countries in Asia are examining ways in which their Diaspora can assist in national development through return migration of expatriates with key skills or expertise, financial investment in the home country, carrying out business activity in the home country or acting as an agent or bridgehead for products and services developed in their home nation. China, for example, has been successful in mobilising a great deal of investment from Chinese overseas that accounts for the bulk of burgeoning Foreign Direct Investment in the country. The Vietnamese have been most successful in recovering the Viet Khu (overseas Vietnamese) to invest in Vietnam. Little has been done yet, however, with respect to return migration, although it is clear that Taiwan, South Korea and to some extent China have been successful in attracting back key business people, academics and professionals.

II. IMPLICATIONS FOR INTEGRATION

a) Approaches to integration

While international migration is far from a new phenomenon, the current scale and diversity of mobility are unprecedented. Hence, there is also an increase in the extent to which migrants are entering foreign societies, on a permanent or temporary basis, where they generally represent a minority on the basis of e.g. nationality, ethnicity, language, and background. This represents a potential increase in the numbers of people excluded from enjoying the rights of the citizens in those societies.

The establishment of communities of 'south' origin in mostly 'north' countries raises a number of important issues. Countries vary in the extent to which they give rights to immigrants and facilitate their integration into labour markets, housing markets and the society in general. Migrants are often spatially concentrated in particular cities. Indeed, one of the characteristics of the emerging class of 'global cities' (Friedmann, 1986; Sassen, 1991) and 'gateway' cities (Frey, 1995) is their multicultural nature and their large migrant populations, especially in OECD nations. The dichotomous economies of such cities provide opportunities for both skilled and unskilled migrant workers. These cities are often characterised by a net outmigration of natives, a consequence, according to some, of the changes in wages and work conditions resulting from the incoming migration (Frey, 1995). Others (e.g. Hugo, 1996a) argue that this outflow is more a response to structural change in the economies of those cities which push out people originally established in 'secure' middle or low skilled jobs. In any case, there is a tendency to blame and scapegoat immigrants for many of the ills of such cities.

Receiving societies have adopted quite different approaches in providing extended rights to immigrants and migrant workers. The four main approaches to the incorporation of migrants into the host society have been summarised by Castles (1993):

- *Assimilation* is the incorporation of migrants into society through a one sided process of adaptation where migrants are expected to give up their distinctive linguistic, cultural or social characteristics and become indistinguishable from the majority population.
- *Integration* implies that immigrant groups will cease to be distinctive in culture and behaviour over time, though it considers adaptation as *a two way process* in which majority and minority groups learn from each other and take on aspects of each other's culture.
- *Exclusion* is where immigrants are incorporated into certain areas of society (above all, the labour market) and denied access to others (such as welfare systems, citizenship and political participation).
- *Multiculturalism* involves that migrant populations have more or less equal rights in most spheres of society without being expected to give up their diversity. It often implies the development of immigrant populations into ethnic communities which remain distinguishable from the majority population with regard to language, culture, social behaviour and autonomous associations over a long period. Also, the approach entails the willingness of the majority group to accept and even welcome cultural difference.

Clearly, the last of these approaches best protects the rights of migrants. As of today, very few countries such as Australia, Canada and Sweden (Castles, 1993, p.5) have adopted it. Moreover, the multicultural approach is not without its problems. This approach can bring with it other difficulties, including conflictual socio-economic, cultural or political cleavages, with potential disruptive effects on society. Multiculturalism can, for example, encourage the right to use immigrant's mother tongue, but those who do not sufficiently learn the dominant language may find themselves disadvantaged in the labour market. In addition, maintenance of some cultural norms from the original country may function as forms of discriminatory social control, particular for women and youth. It is also argued that the multicultural approach is not necessarily appropriate for all societies: France for example tends to adopt assimilation principles. These countries believe that political integration through citizenship provides the most important precondition for social and cultural integration.

In order for the chosen approach of integration to be effective in a particular social context it needs to be mediated by a range of specific conditions as well as basic issues, including the maintenance of basic human rights and the facilitation of immigrants to participate fully in the social and economic spheres of society. With respect to migrant workers, most destination countries adopt exclusionist policies. Changes in these policies will not be easy or rapid. Before progress can be made, the range of approaches toward the incorporation of migrants needs to become part of public and policy discourses.

The integration of migrants into destination societies and economies is a public policy issue of considerable and increasing significance. Its impact relates across crucial national issues, such as the maintenance and evolution of national identity, political institutions, labour and housing markets, social welfare, security, and education. Inclusion of migrants into the mainstream in these areas within destination countries can be hindered by several factors, including:

- Host populations often perceive immigrants as unwilling to embrace aspects of the mainstream society. Immigrants living together in spatially concentrated ethnic communities can exacerbate this. However, research on the latter has indicated that such ethnic communities can be highly effective in assisting newcomers to successfully make the transition from origin to host society in a relatively painless and effective way, without imposing costs on government and community support systems;
- Exclusionist elements in social, education and other relevant policies, may unfairly exclude immigrants from access to health, education and social security systems;
- Elements within the labour market, can discriminate against immigrants by non-recognition of qualifications. Migrants risk to be excluded from some jobs on the basis of their cultural background, rather than their qualifications, or proven ability and experience;
- Citizenship and residency qualification guidelines restrict access of immigrants and their children (and subsequent generations);
- Racism and racial harassment function as a substantial barrier to migrants adjusting to the host society, in addition to represent a serious distress;
- Immigrant groups' cultural and linguistic rights are not recognised in some host societies. These rights must be seen as basic rights. Though some cultural

elements may be considered by some destination groups as divisive, separate and “other”, they can be fundamental to the cohesiveness and meaningfulness of the lives of immigrants. In fact, the experience in countries like the United States, Canada and Australia has been that multicultural and multilingual diversity can be both culturally enriching and economically beneficial to host nations.

For the above reasons and others, there are many immigrant groups who are not easily accepted into the mainstream host societies. In some contexts this leads to marginalisation, impoverishment and exclusion. Clearly, successful integration requires the support and intervention of the state. Facilitating and encouragement of successful integration can take the form of establishing institutions to protect the human rights of all residents in addition to including migrants in the provision of settlement services.

Castles and Miller (1998) have suggested that, though not inevitable, the effect upon politics may be the most lasting impact of international migration. The actual effect will depend on how migrants are treated by governments, and on the origins, timing, nature and context of the migratory flow. There is clearly a difference whether migrants are legally admitted and permitted to naturalise or whether their entry (legal or illegal) is considered as temporary though their stay in fact is permanent (as in Germany). On the one hand, immigrants can become citizens without any discernible political effect, disregarding the additional voters they would represent. On the other hand, international migration may lead to an accretion of politically disenfranchised persons whose political marginality is compounded by various socio-economic problems. Clearly, the possible political effects of international migration are vast and entail the intertwining of different complex political systems. Even so, there are already many national examples where states have been effective in managing linguistic, cultural, religious and ethnic diversity. In addition, the *UN Declaration of Cultural Diversity* can serve as a guideline to states in their efforts to manage diversity.

b) Integration and international instruments

In many contexts, the basic human rights of migrants and migrant workers are not respected. This is despite the fact that there are a number of international legal instruments which provide a framework for the maintenance of those rights. These include:

- the Universal Declaration of Human Rights
- the International Covenant on Economic, Social and Cultural Rights
- the International Covenant on Civil and Political Rights
- the International Convention on the Elimination of All Forms of Racial Discrimination
- the United Nations Convention against Transnational Organized Crime and its Additional Protocols
- the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live
- the ILO Convention Concerning Migrations in Abusive Conditions
- the ILO Promotion of Equality of Opportunity and Treatment of Migrant Workers 1975

- the Declaration of the Elimination of Discrimination Against Women
- the Convention on the Estimation of All Forms of Discrimination Against Women
- the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees

Thus, there is an array of instruments available which provide a basis for the protection of the rights of migrants and migrant workers in destination countries. However, acceptance of these remains limited and exploitation of migrants, discrimination against them and failure to acknowledge their basic rights occur frequently. Migrants are in a particular vulnerable situation and it is often neglected that human rights are also the rights of migrants. As a means to improve the situation of migrants, the UN General Assembly adopted the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* 18 December 1990. This UN Convention was not ratified until 1 July 2003, since it took 12 years to gain the necessary 20 country signatures for the Charter to enter into force. The 23 countries which have ratified the Convention by the end of 2003 are Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, El Salvador, Egypt, Ghana, Guatemala, Guinea, Kirgizstan, Mali, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay. It should be noticed that none of these nations are significant *destination* countries of immigrants or migrant workers and that most are origin countries of a significant number of migrant workers. This, perhaps, reflects the fact that the Charter places substantial obligations on all countries to protect the human rights of migrant workers and their families. At the same time, many origin countries whose citizens would have much to gain from the Convention have also not ratified it, a fact which remains puzzling. A paramount task is therefore to examine the potential barriers to more widespread ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families and the other instruments enumerated above.

III. OBSTACLES TO RATIFICATION OF THE UNITED NATIONS CONVENTION ON MIGRANT WORKER'S RIGHTS

a) Lack of Information

One potential reason for the relatively low numbers of countries which have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families can be the a lack of real understanding of the dynamics of contemporary migration. A general fears that nations have with respect to the International Convention is that they will lose their perceived sovereign right to decide and control who can come to, or leave from, their nation. There is a fear often exacerbated by uninformed and sensationalist media, that according full rights to migrants and/or migrant workers will lead to the country being swamped by newcomers. Such a scenario, however, is unlikely for at least the following reasons:

- In the modern global international migration system there is an increasing dominance of non-permanent migration. Many movers prefer not to settle at the destination but instead circulate back and forth (often on a relatively frequent or long-term basis) and keep their family and citizenship in their home nation. As earlier discussed this is made possible by the reduced cost, speed and frequency of international travel and communication systems. In such contexts, strict compliance activity and hampering of free circulation may lead migrant workers to settle at the destination and bring their family to join them.
- Governments often underestimate the pull of the home countries of migrant workers. It is assumed that all will wish to settle.
- Full recognition of the rights of migrant workers in no way obliges nations to open their borders. Countries retain full sovereignty and continue to have the power to decide who enters their nation. However, the Convention obliges them to ensure that the human rights of migrants residing in the country are fully acknowledged and protected.

In addition, the reluctance to ratify the International Convention can be explained by a hesitation to support continued migration. This argument involves not only a misunderstanding of the content of the Convention, but also a general misunderstanding of migration trends including:

- One of the most abiding fears expressed in destination countries is that migrant workers will take jobs away from nationals. However, it is clear that this is not necessarily the case for a number of reasons. Firstly, migrants are usually brought in to fill gaps in the local labour market. These are either skill gaps not filled by the local training/education system or low status and low paid jobs that locals are unwilling to fill. Second, as a consequence migrant workers are rarely competing directly with local workers. Rapid economic growth, fertility decline and aging often means that fast growing economies cannot meet their own labour market needs and shortages of numbers or types of workers becomes a constraint on growth. Thirdly, migrant workers can often create more jobs by contributing to the economic growth of the destination country. Indeed, exhaustive research on the impacts of immigration in the developmental, traditional immigration nations

- has shown that the impact of immigration on jobs for local populations is at worst benign and at best it creates jobs (Wooden *et al.*, 1994).
- The positive contributions made by migrants and migrant workers are often not acknowledged. It is seldom recognised that migrants and migrant workers usually contribute economically to the destination, not only through their work but also by paying tax. Indeed, their net contribution to the economy is often greater than non-migrants since the host nation has not borne the cost of the education, training and rearing of the migrant. In many cases the destination country do not have to bear the cost of retirement schemes either, since the migrant often spends their old age in the origin country.
 - It is often not recognised that migration in itself is a highly selective process, which often means that it is the risk takers, entrepreneurs, self-starting, hard working and skilled persons who initiate the move. Hence, their impact in the economy can be disproportionately great as the experience of traditional migration nations like the United States, Canada and Australia has definitively shown.
 - There is increasing evidence that the international remittances sent to home nations by their diasporas and by their migrant workers abroad are currently the most effective form of redistribution of wealth from more developed to less developed countries. Currently estimated to be worth at least US\$100 billion each year, remittances are considerably greater than global ODA (Overseas Development Assistance) and probably greater than net FDI (Foreign Direct Investment). Hence, countries may well be assisting the development of poorer nations by facilitating some migration between them.
 - There are clear interdependencies and relationships between various kinds of movement. Hence, a country's efforts to maximise income from tourism and incoming business people may well necessitate opening up the nation to other forms of movement. For example, it may be necessary to bring in nationals of origin countries to help provide services to tourists (such as language qualifications), and some tourists and business visitors may meet and marry locals etc.
 - There are compelling arguments that countries wishing to benefit from the increased global flows of e.g. finance, capital, and trade information, need to recognise that increase in these beneficial flows may not be achieved without a simultaneous increase in movement of people. More favorable insertion in global markets may entail more people moving into and out of the nation.

b) Social Cohesion Issues

Undoubtedly, fears of migrants and migrant workers breaking down social cohesion within countries is a major barrier to immigration and to a wider acceptance of the UN Convention on Migrants' Rights. However, as indicated earlier, the breakdown of social cohesion is more a result of failure to institute appropriate policies and programs to facilitate ethnic and racial diversity than any intrinsic differences between linguistic, religious and ethnic groups. Indeed, a failure to give equal rights to migrants and migrant workers may produce or exacerbate division between groups by institutionalising the

perceived differences and placing some groups in an interim position compared with others. There are frequently beliefs that social cohesion is dependent on ethnic, religious, linguistic and cultural homogeneity. Such beliefs are deeply ingrained in some countries and widely accepted by policy makers and the public alike. In such contexts there are fears that immigration of any different groups will automatically break down social cohesion. These fears also make the ratification of the UN Convention on Migrants' Rights a sensitive issue, making politicians reluctant to put it on the agenda of discussion.

In some cases it is purely prejudice and bigotry which is a barrier to the acceptance of the International Convention in destination societies. In most countries, groups who have prejudices against particular ethnic, national and religious groups hijack discussions about migration. One consequence is often that these groups are in control of the discourse, resulting in media spreading unfavourable stereotypes about migrant groups and make scapegoats of them with respect to crime, health and other issues. There is a great deal of *myth creation* in relation to migrants and migrant workers. Migrants are frequently scapegoats for all kinds of problems faced by host societies. They are often blamed for a high incidence of crime, when in fact objective data often indicate a low involvement of migrants in crime. They may be blamed for the inadequacy of services or infrastructure, when in fact it is inadequate or poor planning which is the real cause of such problems. In previous times this racism was reflected in many countries' immigration legislation and while this has been progressively dismantled over recent decades there are still remaining elements.

In some destination societies the whole issue of integration of foreign workers and multiculturalism is not even on the agenda for public discussion. The overwhelming discourse is on homogeneity and even though there is a manifest demand for workers from the outside, discussion of the rights of those workers has not been part of public debate at all. Migration issues are confined to issues of compliance policing and border control. Because of this emphasis on security issues, the question of migrants' rights, as promoted by the International Convention, is not a topic high on the agenda. What is becoming apparent, however, is that labour migration in these countries is not a temporary phase they are undergoing while adjusting to the new economic and demographic situation. The labour migration is here to stay as an important structural feature of the overall economy. This behoves such countries to begin entering into discussion about the rights of those workers. It can be equally said that migration is also becoming a structural feature of the economies of the sending countries. Therefore, similar adjustments in public discussion are needed there as well.

c) Vested Interests

Undoubtedly, one of the main barriers to improve the situation of migrants and migrant workers are the often powerful vested interests in destination countries who perceive that they benefit from the inferior status of migrants and would suffer losses if migrants had equal rights with citizens. These vested interests can be found in at least four different areas: at the household level, in the business lobbying, in the government, and among criminal groups.

As indicated earlier, an increasingly important feature of destination countries is the development of labour market segmentation whereby migrant workers dominate

certain sectors of the economy. These tend to be areas involving heavy manual work, low status, low wages and low security, which are increasingly eschewed by the local labour force. There is a great deal of vested interest in maintaining low costs for labour in such areas. At the household level, many households want to keep the cost of domestic workers very low and may be opposed to foreign workers being granted equal status and conditions as local workers.

Very often, there is a strong business/capital lobby which wishes to preserve the lower wages, poorer conditions, lack of security etc. of migrant workers since this keeps the production costs down and increases the profit. In some cases an argument is made that if migrant workers were treated equal to local workers then export markets would be lost because costs of production would not be competitive.

There are also vested interests in government which wish to see preservation of the status quo. These often receive financial gain from recruiters of migrant workers, both from those operating within legal regulations and those outside of them, through unauthorised taxes and charges placed on migrant workers themselves and from the employers of migrant workers. A substantial industry has grown up around the movement of migrant workers, both documented and undocumented, which not always operate in the interests of individual workers, but rather in the interests of the employers and the intermediaries facilitating the migration. These interests need to be overcome if the wellbeing of workers is going to be the dominant concern. In addition, in many countries corruption runs deep and functions as a major barrier to change, especially where salaries for immigration officials, police border officials etc. are very low.

It is clear that the whole process of worker recruitment for deployment overseas has attracted the involvement of international criminal syndicates and is often associated with the pernicious practices of trafficking (especially of women and children) and people smuggling. Powerful international criminal groups like the mafia, Japan's *yakuza*, China's snakeheads and some Russian criminal syndicates, have become heavily involved in undocumented migrant worker movement. Certainly, not all such activity is in the hands of these groups, referring here to the vast array of small-scale independent operators in this area. Nevertheless, it needs to be stressed that ratification of the UN Convention on Migrant Worker's Rights will bring a confrontation with the vast international organised crime. Significant progress in improving the rights and wellbeing of migrant workers will not be achieved without considerable political will, directly confronting the relevant activities of international organised crime.

d) Security Concerns

In the post 11 September world there has been a strengthening of destination countries' anticipation of migrants as representing security risks. Since it was established that the perpetrators of the World Trade Centre and Pentagon attacks were foreigners who entered the United States under temporary work or student visas, concerns about migrant workers has heightened. In some countries, especially in the United States, it has led to a considerable tightening of control of entry and freedom of movement within the United States (Cornelius, 2003). The response is understandable, but in some contexts it has translated into unfair and unjust stigmatisation of particular religious, national and regional groups of migrants and migrant workers. Moreover, it has undoubtedly made the

acceptance of the UN Convention on Migrant Worker's Rights in destination countries more difficult. The tragedy provides support for those who have pressed the case that any influx of migrant workers represents a challenge to national sovereignty.

In the United States there are now specific restrictions placed on so-called 'high risk' workers from a number of Middle Eastern and Asian countries as a response to 11 September. This adds to the significant danger that migrant workers from certain areas are being stereotyped as terrorists. This trend has been seen not only in the United States. In Australia, the fact that many asylum seekers in the period following 11 September came from Afghanistan and Iraq led some government politicians to suggest that there were terrorists among them (Hugo, 2002). It follows to the episode that intensive subsequent investigations were unable to establish any terrorist linkages whatsoever among the asylum seekers from these sources.

The heightened security concerns has implied that even nations with a long history of immigration and populations with a high degree of acceptance of immigration have introduced major changes. In Australia, for example, there has been a large immigration bureaucracy for half a century, but its focus has changed over recent times. Previously it had an overwhelming emphasis on integration and the development of policies and programs facilitating successful integration of new settlers. This policy emphasis has changed over recent years. Today there is an increasing stress placed on the selection of immigrants who can quickly enter the labour market and provide specialized skills needed in Australia on the one hand, and to ensure the compliance of asylum seekers and other undocumented migrants to migration regulations on the other hand (Hugo, 2002).

IV. INTERNATIONAL INSTRUMENTS AND MIGRATION: BARRIERS AND STRATEGIES

a) Strategies to increase the acceptance of the United Nation convention on migrant worker's rights

Information and Education Based Strategies

It was argued in the previous section that one of the most intractable barrier to the acceptance and ratification of the International Convention in destination nations is the widespread misunderstanding and misrepresentation of the nature, scale and effects of contemporary international migration of workers. It follows that any strategy which aims at gaining wider acceptance of the International Convention on Migrants' Rights must provide policy makers and planners, as well as the general population, with sound informed material relating to the nature, causes and consequences of contemporary and future migration processes. As earlier indicated, the lack of public discussion in several destination countries necessitates the encouragement of informal debates on the rights of migrant workers. The public discourse generally revolves around maintenance of national homogeneity, compliance to immigration regulations and border control. These considerations do not recognize the role of migrant workers as a continuing important and sometimes already integral part of the local economy. Obtaining the acceptance that population movements will continue is an important first step, since many destination countries have unrealistic policies and programs indicating that local populations will perform all employment within a short period of time. In order for changes to take place, the myths and half-truths flourishing in the public (and government) need be confronted and questioned.

Involvement of Unions and NGOs in Destination Countries

Trade unions represent one of the few internationally linked groups which have the interests of the workers as their paramount activity. In destination countries, unions are frequently concerned that overseas migrant workers will underbid local workers in the competition for jobs by being willing to work for lower remuneration and accepting poorer conditions. Nevertheless, trade unions have also played an important role in ensuring that migrant workers are not exploited. The potential role trade unions can play to improve the situation of migrant workers, often consequently improving the life situation of native workers, has so far not been explored. Therefore, unions, in their various forms, must be more engaged in informal discussion about migration and its effects. Anti-migrant worker stances, which exist among some unions, need to be addressed and migrant workers incorporated into union activity.

NGOs remain small players in the activities to improve the protection of migrant workers. Yet, they have a great deal of potential in this field. NGOs are often less fettered by constraints than government organisations and may also be regarded with less suspicion by migrant workers than government instrumentalities. In many cases, they have international networks which allow cooperation between origin and destination countries to develop an effective way of protecting migrants at origin and destination. Similarly, religious organisations can play an important role, both in providing protection

for migrant workers and in the lobbying, information and consciousness-raising activity required to improve the situation of migrant workers.

b) Encouraging bilateral and multilateral agreement

The transaction costs of migration, which are predominantly borne by the migrant workers themselves, will not be reduced without state intervention. Such intervention will necessitate close cooperation between origin and destination country governments. There are growing indications that bilateral negotiations and agreements may be a useful first step in achieving rights for migrant workers. Destination countries appear wary of what they see as open-ended agreements, because they perceive these agreements to challenge the sovereignty of their nation state. On the contrary, bilateral agreements can be specific and demonstrate that a regularised, fair and equitable migration system can work to the benefit of the destination country, origin country and the migrants themselves. Such agreements eliminate the role of the many rent-seeking agents who thrive in the contemporary situation and reduce the transaction costs of migration. In addition, it provides migrant workers with security at their destination.

The difficulty, however, is to unite origin and destination countries for discussions on migration issues which mutually influence them. In the past, it has also been difficult to establish agreements on e.g. minimum standards and workers rights among 'labour exporting' nations. There have been strong feelings of competition and little cooperation. A promising development has been the ministerial level meeting of ten labour exporting nations in Asia and the Pacific jointly organised by the government of Sri Lanka and the International Organisation of Migration (IOM) in April 2003. While no firm agreements emerged, it was recognised that bilateral and regional consultations are essential to the successful management of migration flows (*Asia Migration News*, 1-15 April 2003). Another ministerial level meeting was held in Bali, Indonesia, in 2002 involving many countries of Asia to discuss trafficking and people smuggling. This resulted in a considerable intercountry cooperation to combat people smuggling in the region. An additional meeting was held in 2003.

Increased government involvement is essential for improving the rights of labour migrants. In this process, it is crucial that changes in the international labour migration regime do not result in a greater complexity. Increased complexity would undoubtedly result in higher costs for the migrant, increased opportunity for rent seeking and corruption. Any government involvement which increases the difficulty, cost and time taken to migrate, risk augmenting the irregular part of migration movements. Introducing a fair and just regime, on the contrary, greatly reduces the opportunities for corruption, exploitation and the involvement of criminal elements.

In Asia, there are signs of destination countries beginning to exchange information and ideas. For example, Korea and Japan are both labour short nations with highly strict anti-migration policies resulting in heavy undocumented immigration of migrant workers. Recognizing their common interests, the two countries held a joint seminar where the objective was to discuss immigration issues of mutual benefit and to promote legal movement.

It has been argued (United Nations, 2003) that the adoption of the General Agreement on Trade in Services (GATS) (during the latest rounds of the General Agreement on Tariffs and Trade (1993)) provides a general framework for trade related

temporary movements of people based on government to government agreements. So far, no such agreement has been established, as GATS contains no clear specific rules regarding the movement of labour. Nonetheless, a number of developed countries, including the EU as a whole, have taken steps toward the formulation of such agreements. Hence, there are promising signs of a recognition of the structural nature of non-permanent migration in many developed countries and its long term significance and importance.

The United Nations (2003) also points to the acceleration of regional economic cooperation as a positive element in developing cooperation and integration in relation to migration policy. They refer in particular to instruments such as the Treaty of Amsterdam (1998) in the EU and the North America Free Trade Agreement (NAFTA) of 1989.

c) Empowering migrant workers

Exploitation of migrants is often conceptualised as one outcome of the failure of destination countries to recognise migrants' rights. While not undermining this factor, exploitation of migrants is also partly a consequence of migrants being uninformed of their actual rights. Moreover, many migrants do not have available strategies and protective mechanisms at the destination. Research has illustrated that the process of adaptation and integration are more successful in situations where migrants are provided with strong social support networks to assist and support them. It is crucial that migrant workers are linked to such networks where the bonds do not already exist. This involves better preparation for migrant workers before leaving their home country, better information about what to expect in the destination country and establishment of mechanisms of how to deal with crises at the destination. Philippines, among others, has been quite effective in empowering their overseas workers through appropriate departure training and information provision, in addition to inserting them in appropriate networks at the destination. Modern technology (such as mobile phones and ICT) can greatly assist this process.

d) Improving regularisation of labour migration

As long as much international migration remains undocumented, the suspicion about migrants and migration in destination nations will continue. Nation states will be concerned by their lack of control, and migrants will have an aura of 'criminality' among the citizens in the destination. Hence, there is a pressing need to regularise migration both in origin and in destination countries. Too often, undocumented migration is able to thrive because the documented channels are too narrow and limited, and involve too high transaction costs. The latter is partly due to rampant rent seeking by a range of stake holders, a too slow process, and cumbersome and bureaucratic procedures for potential migrant workers with often little education and/or necessary skills in dealing with bureaucracy.

The common response to illegal migration is to increase the policing and compliance activities. However, the process of migration will only become fully regularised when official channels for movement are seen by potential migrants as more

effective than the undocumented channels. One step forward is to improve the efforts to wipe out corruption, exploitation and needless bureaucracy in the official system.

CONCLUSION

The pace of change in immigration – settlement policy is very slow. This is *not* an area of policy that can change quickly and long term strategies of change will be the most effective. Hence, it is important that actions designed to improve the lot of migrant workers and gain wider ratification of the United Nations Convention on Migrants' Rights, especially among destination countries, are designed with both short term and long term objectives in mind. Population mobility will continue to increase over the next decade and there will be a rapid growth of transnational communities. This is partly a response of human agency and the desire to improve their life situation in a world where information circulates more rapidly and are more complete than in previous generations. International migration strategies have become an important calculus of choice of a substantial proportion of the world's population when they consider the available strategies to improve their life span. In globalising economies there will also be a greater demand for migration as the demographic and economic gradients between countries steepen and as processes like aging and labour market segmentation create greater demands for migrant workers. Hence, the increase in movement is not only a factor of a greater supply of potential migrants, but also represents opportunities for them. However, migration continues to be an area in which there is considerable suspicion, misinformation, bigotry, racism, and lack of understanding. This will only be broken down through greater understanding of the migration process and its effects on all parts of the society in the destination and origin countries.

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