COMPARATIVE MIGRATION POLICIES
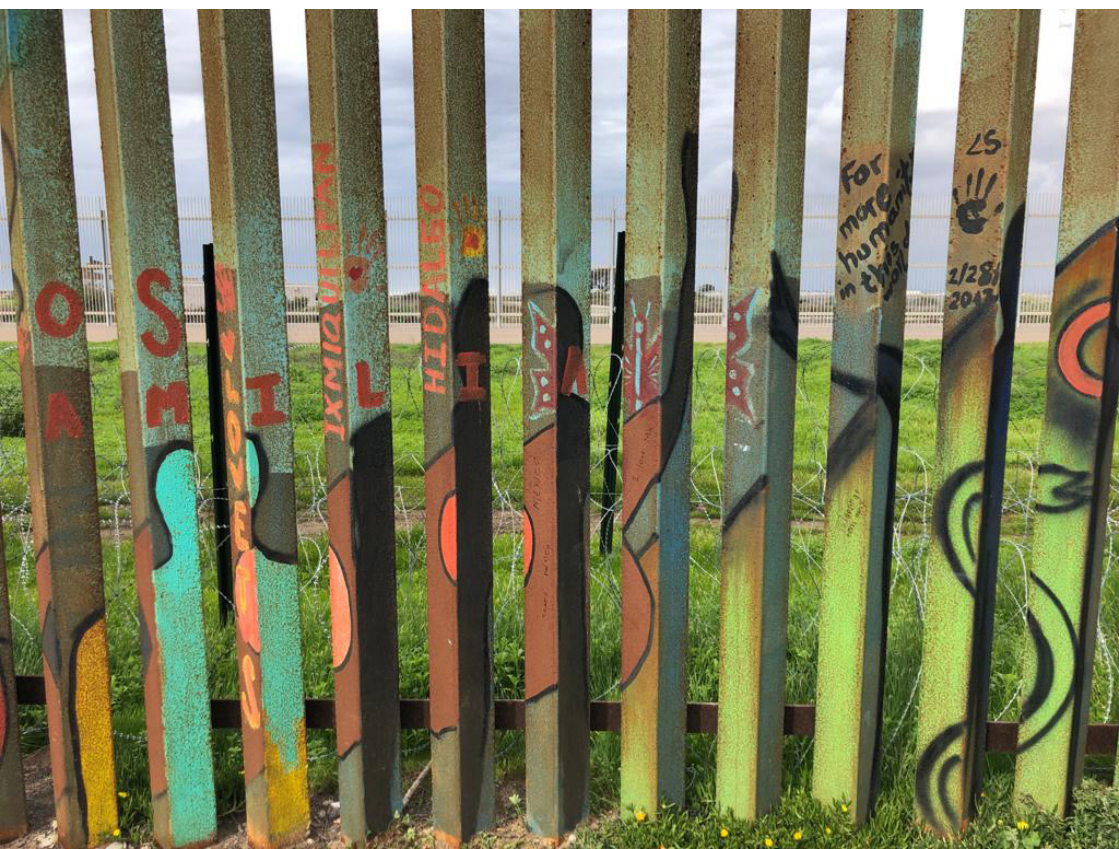
COMPARATIVE MIGRATION POLICIES

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METHODOLOGY

1. **Initial moment of recollection** (prayer or singing)

2. **Goals of handbook 2**:
    • Why are there migration policies?
    • What is migration policy?
    • What kind of policies are migration policies?
    • What are the main models of migration policies?
    • What is the effectiveness of migration policies?
    • Is there a global governance of migration?
    • What is the relationship between migration policy and policies?

3. **Summary of handbook 1**

4. **Glossary of the most important terms** (see Appendix)

5. **Progress**
    The material may be carried out in one or more sessions. Various insights for exercises and group discussion are provided. It is appropriate to distribute the text in advance, so that it is already known before the group convenes. The facilitator can show short videos related to the migration situation in the country.

5. **Final sharing can revolve around the following questions**:
    • what have I learned about migration policies that I did not know before?
    • what could be left out and what should be inserted or delved into more in this handbook?
    • how can I help so that migration policies be more respectful of the dignity of migrants?

6. **To learn more**
    In addition to the texts included in the bibliography, the facilitator may suggest other articles of books in the local language.

7. **Evaluation**
    Fill in the short form that is distributed

8. **Conclusion** with a prayer or a song

Briefly tell a story, your story as a migrant, highlighting some aspects of the need to fulfill the procedures necessary to be able to leave the country as a migrant, to enter another country, to be able to stay there, get a job, a home, health care, to be able to leave that country and go elsewhere or go to your country. Why are there those procedures? Who determined them? How do they differ from such procedures required of citizens?

1. WHY ARE THERE MIGRATION POLICIES?

The world is divided into states. The essential characteristics of a state are to have a people, a territory and sovereignty. Each state determines how people live and organize themselves within its territory. Sovereignty means having this power of self-determination and having the power to prevent another state from interfering in people's self-determination.

The borders between states have been established throughout history as a result of many events —often after long wars to conquer or defend a territory, which ended with treaties between the contracting states — and are recognized by the international community. The end of colonization in the early 1960s led to the division between the states we know today, apart from subsequent events, such as the independence of East Timor and South Sudan, and apart from disputes that still remain over certain territories (e.g. Kashmir or the Spratlys Islands in the south China sea).

Migration has always been a very important factor in determining of peoples and territories. We need only recall how the populations in Europe have changed since the fall of the Roman Empire or the formation of peoples in the Americas. After periods in which the movement of people between one territory and another in certain parts of the world was not subject to regulation, we now live in a time when in order to enter the territory of another state one must have the authorization of that state. Whether or not to allow non-citizens to enter is one of the ways in which a state exercises its sovereignty. The determination of the requirements and procedures by which a non-citizen can enter and remain in another state takes place through the debate between the political forces and other components of society (employers, trade unions, civil society).

2. WHAT DOES MIGRATION POLICY MEAN?

Often the articles on migration policies do not define what a migration policy is. One way of understanding it can be "... government's declarations on what it intends to do or not to do (including laws, regulations, decisions or orders) regarding the selection, admission, regulation and

expulsion of foreign citizens residing in the country" (Bjerre et al., 2015). That definition forgets the fact that there are other components, besides the government, that have a role to play in determining migration policy and forgets that, depending on the legal system, the policy is not determined by the government, but by parliament.

The IMO Glossary on Migration does not contain a definition of migration policy. It regards migration policy as part of the migration governance, a broader concept which tends to include all aspects and is not limited to the role of the state. It is true, however, that the present State has a predominant role to play in determining and, primarily, managing migration policy.

Without wasting too much time on definitions, it should be remembered that the definition is a process composed of various moments and involves the participation of various subjects and institutions with multiple interests; for this reason, migration policy is often controversial and utilized for the achievement of other purposes.

3. WHAT KIND OF POLICIES ARE MIGRATION POLICIES?

Politics is a term of Greek origin. It indicated the activities that have to do with the management of the *polis*, the city. Aristotle regarded political activity as the highest expression of human nature, so much so that he defined man as a political animal. Politics was therefore the art of governing and it belonged to all citizens.

Later, with the progressive detachment between citizens and the management of public affairs, politics as the art of governing was delegated to representatives. This detachment ended up generating a hierarchical relationship between those who govern and those who are governed, until, in the period of absolutism, government and state were concentrated in the sovereign. Thus, politics becomes the art of conquering and maintaining power (Machiavelli).

Absolutism ends with the French Revolution. With the American Revolution, the idea returns that power is in the people and those who govern exercise power on behalf of the people. It is the birth of representative democracy; those who engage in politics inevitably find themselves involved in the art of winning and retaining power, but they must periodically be accountable to the voters. In the Anglo-Saxon world in particular, the distinction between politics and public policies emerges. Politics is a struggle for political power, while policies refer to initiatives to meet the needs of the community. Of course, the two terms remain linked and interdependent. Migration policies are public policies because they are policies that provide and distribute state resources and involve competence and responsibility on the part of state bodies. Of course, this perspective is based on the notion, typical of international law, that

migration is not a person's right, but a benefit granted by the state (see Handbook 3 on the right to migrate). From the point of view of the rule of law, joining a national community, being able to reside and work there, enjoying the benefits and protections during the period of stay are resources that are granted to non-citizens under certain conditions. It is the prerogative of the state to grant such resources and the non-citizen has no power to negotiate those decisions.

4. WHICH ARE THE MAIN MIGRATION POLICIES MODELS?

Even though all states have regulations governing emigration and immigration, some have dedicated more attention on emigration policies while others have focused more on immigration policies.

The Asymmetry between the Right to Leave and The Right to Enter

Each state, in the exercise of its sovereignty, determines the conditions for leaving and entering its territory. The conditions imposed by the state must take into account the rights of those who want to go out and those who want to enter. But they also take into account the fact that the two movements are different and this diversity leads to differences in the regulations that control them. Scholars talk about asymmetry.

a. Leaving the country (emigration). Normally, the process of leaving the country involves few procedures and restrictions. If the person leaving the country is a non-citizen, there is no reason to put unnecessary conditions on his departure since, once he leaves, he is no longer subject to the jurisdiction of that country. If the person leaving the country is a citizen, international law requires that there be few restrictions because the state has a duty to respect the citizen's right to freedom of movement. All states require certain minimum conditions for one to leave the territory, in particular, to have a valid travel document (usually the passport). There are, however, states, from which many migrants originate, who have developed a complex migration policy that regulates emigration, that is, the departure of citizens for another state, justified by the state's duty to ensure that emigration takes place safely.

b. Entering into the country (immigration). This procedure, on the other hand, is much more regulated by all states, because it means that those who enter the country interact with the people and institutions of that country and are subject to its jurisdiction. Even if the example is not entirely correct, you can think about entering or leaving someone's house. Those who have to enter find the door closed and can enter if one has the keys (which is the one who lives in that house, a citizen) or if the doorbell rings and those inside open the door. Emigration countries also have a migration policy towards those who want to immigrate, often much more restrictive than that of immigration states.

a. The policies of the countries of origin of migrants

Some countries of origin of migrants (in particular, countries in Asia such as the Philippines, Indonesia, India, Pakistan, Bangladesh, Sri Lanka, Nepal, Vietnam, Laos and Cambodia) have developed complex legislation, aimed, at least apparently, at providing protection for migrants. The cornerstones of this policy are:

- *Preparation of the migrant before he goes abroad*. This preparation consists of providing basic instructions on how to act in the country of destination but can also expand into training programs, particularly for domestic workers.
- *Certification of the migrant's suitability*. The migrant must prove that he is in good health, that he or she has the professional qualifications for the job he or she will have to do and that he has an employment contract.
- *Regulation of migrant recruitment agencies*. These companies play a key role in connecting employers to potential migrants. This is done either through direct contact with employers or through the intermediary of employment agencies in the countries of destination.
- *Certification of the quality of the employment contract*. In some countries, the minimum criteria have been laid down, depending on the various occupations, that an employment contract for migrants must have. The employment contract which is filed before the migrant can leave must meet those minimum conditions.
- *Procedures to compensate migrants whose rights have been violated*. In the Philippines, for example, migrants who are repatriated before time or whose salary has not been fully paid can sue the recruitment agency, which is required to compensate the migrant.
- *Reintegration programs after return*. Many migrants work abroad for a limited period of time. When they return, they need to re-enter the labor market either as employees or as self-employed. Several countries have prepared reintegration plans.

These procedures, which are theoretically valid, are often not respected. A certain percentage of agencies operate illegally, eventually forcing many to become irregular migrants. Many migrants end up signing two employment contracts, a fictitious one filed with the government agency and the other signed with the employer. Migrants who are wronged are sometimes able to win cases against recruitment agencies, but then they are not compensated. Post-return reintegration plans are ineffective, because the labor market in the country of origin is not fully competitive.

Examination of the migration policy of the countries of origin raises a number of questions. Is it right to regulate emigration? After all, the

right to leaving their country is recognized by all. Is it right to regulate the relationship between employer and immigrant? Some argue that this relationship should be left to free bargaining between employer and employee. Is it fair to blame the recruitment agencies for damage the worker has suffered because of the employer?

The answers generally go in the direction that the migrant is in a weak position towards the employer and his rights are often not protected by trade unions, especially in countries where these organizations have little chance of acting or where migrants cannot join a trade union. Therefore, the government must intervene to ensure the necessary protection. However, the many cases of abuse suffered by migrant call into question the effectiveness of government policy.

Then there is the question of the real objective of the migration policy of the countries of origin. Is it a policy that protects workers' rights or is it an export policy for migrant labor? Countries of origin generally have an overabundance of labor and scarcity of capital. Migrant remittances play an important role in balancing payments and helping the economy.

> **Discussion:** *what is the migration policy of the country from which you come? What are the most important measures and what are the objectives of that policy?*

b. Permanent immigration policies

Traditional immigration countries (the United States, Canada, Australia and New Zealand) have a migration policy that allows for various types of immigrants, but they stand out primarily because they admit every year a number of immigrants who have the right to remain on the territory forever. This policy has historical roots. These are countries that have been formed over the centuries thanks to immigration: the native population has generally been decimated and reduced to a minority.

In addition to historical tradition, the reason why these countries pursue this policy is because they have a territory with an extensive area and therefore the possibility of increasing the number of inhabitants. However, admission to a permanent immigration system does not mean uncontrolled admission. These countries determine the number and categories of immigrants that can be admitted each year. The categories are similar in the four countries: immigrants admitted for family reasons (they are more or less close relatives of citizens or other immigrants with permanent residence); immigrants admitted for work purposes (these categories of workers are considered to be particularly beneficial for the country of immigration); and immigrants admitted for humanitarian reasons (refugees and asylum seekers).

The way in which these countries determine the annual number of immigrants and the distribution of that number between the various categories differs substantially. In the United States, the annual number of immigrants has been established by law (the 1965 Law, amended in 1990) which set a ceiling of 690,000 immigrants, with preference for family reunification, but giving increasing importance to categories of workers. But the cap is flexible, because it does not include the close relatives of American citizens.

Australia, Canada and New Zealand manage immigration at the ministerial level. Each year, it is established the number of immigrants to be admitted permanently and the distribution between the various categories. In particular, these countries have progressively increased the number of immigrants admitted for work and decreased the number of immigrants admitted for family reasons. Workers are admitted through a points system, based on knowledge of English, professional qualifications and other criteria.

In all these countries, a number of refugees are admitted each year. An immigrant permanently admitted enjoys the same rights as a citizen, except for political rights. After a period of years, usually five, full citizenship can be granted.

These countries diversify in their approach to integration. In the United States, integration is left to the free initiative of citizens. Australia, Canada and New Zealand, on the other hand, have adopted a policy of multiculturalism, with the aim of promoting the preservation of the culture of origin of migrants. Multicultural policy persists, but with much less emphasis than in the past.

In addition to permanent immigration, these same countries adopt various temporary immigration programs, linked to specific projects or special occupations. These programs are managed by a specific standard. It may happen, particularly in the United States, that a temporarily admitted migrant asks later to change his visa to a permanent immigrant. (In 2018, there were 528,727 newcomers, while 567,884 changed visas).

c. Long-term immigration policies

The majority of countries do not have a permanent immigration policy. The migrant is admitted as a worker for a temporary period. In some countries, temporary migrants may become a long-term immigrant, a status that equates them with a permanent immigrant. In others, the migrant always remains temporary.

An example of states with a long-term immigration system is the European Countries. Migration between these Countries has existed for centuries, but has been structured in a program of migration of temporary workers after World War II. The western European Countries, which

are engaged in the reconstruction and development of the economy, have found themselves short of manpower, which they have imported first from the Countries of southern Europe and then from Turkey and the Maghreb countries. The program, identified mainly in the German system of "guest workers", was designed to ensure a workforce without burdening the economy with long-term costs and to complicate the life of society with the participation of ethnic minorities. However, the program failed, because employers found the continuous rotation of workers too expensive and because migrants were given the opportunity to be joined by families. When the program was formally terminated in the early 1970s, immigrants from various nations remained and became long-term immigrants or citizens.

With the birth of the European Union (1992), the citizens of the Member Countries have acquired the freedom to move and reside in the Countries of the Union. The residence limit of three months remains for those who want to reside in another country but do not have means to support themselves.

At the same time, a migration policy has developed at the European Community level. Since immigration was included in the Treaty of Amsterdam (1999), common directives on the management of immigration from non-European countries have been issued. These directives include the directive on family reunification (2003), which, however, remains subject to the ability of the migrant to take in family members, and the directive on long-term residence (2003), which gives immigrants, after five years of residence, the opportunity to acquire a long-term residence card, which provides for equal rights with European citizens, provided that they have a stable income and health insurance.

What remains outside the common migration policy is the determination of which and how many third-country nationals a state can admit. This aspect remains the prerogative of each state.

European Union policy has shown and shows different limitations, in particular with regard to refugees and irregular immigrants. The policy towards refugees and asylum seekers has been defined in the Dublin Treaties, but has proved unsatisfactory and ineffective, in particular because of the clause which stipulates that the asylum seeker must remain in the first European Union country where he arrives. This puts the countries of southern Europe (Italy, Spain and Greece) in difficult conditions in being able to receive asylum seekers arriving from or through Africa and the Middle East.

The policy towards irregular immigrants has led to the establishment of an agency dedicated to this (Frontex), but has essentially left it to the individual states to adopt containment measures, which have progressively reduced the arrival of immigrants from Africa and the Middle East, influenced, especially, by nationalist parties, growing in all European

states. The question of the different responsibility between states in the management of irregular immigration remains unresolved.

Brazil's Immigration Law

In Brazil, the Migration Act (13.445/2017) which repealed the Alien Statute, drawn up in 1980, during the military dictatorship, was published on March 25, 2017. This is a radical reform, which prohibits xenophobia and gives migrants equal rights with citizens, excluding political rights.

The law abolishes the permanent visa and therefore the traditional vision of Brazil as a country of immigration is abandoned. Basically, one enters Brazil with a visiting visa (tourism, business, etc.) or a temporary visa (for work reasons, etc.). The temporary visa is valid for one year.

Those wishing to reside in Brazil, must first obtain a temporary or visitor visa and then acquire a residence permit. This authorization may be requested by those wishing to reside in Brazil for work, family reunion, research, teaching, medical treatment, humanitarian and capital investment reasons. Migrants from Mercosul countries who benefit from the relevant treaties of residence and freedom of movement obtain residence authorization.

Those who obtain a temporary visa must register within 90 days, while those who obtain a residence permit must register within 30 days at the National Migration Registry.

Citizens from a country bordering Brazil can obtain a visa for five years, renewable for another five years.

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d. Temporary immigration policies

Some states, particularly in Asia, have a strictly temporary policy, which does not allow immigrants to remain for the long haul. The most classic example of this type of policy are the Gulf countries.

The aim of this policy is to maximize the contribution of foreign labor, which is available and less expensive, to be used mainly in rejected or unqualified occupations, avoiding the economic and social costs (housing, education of children, health insurance, pensions) which go with their permanence in the territory. For this reason, employment contracts are time-limited, often two years, and are generally only renewable after returning home. In this way, migrants can never accumulate a continuous period of stay sufficient to accrue social benefits. In addition, the cultural aspect plays an important role, namely the non-intention of the countries of destination to arrive at the settlement of foreign minorities, with the possibility of becoming multicultural societies or having to change delicate balances between ethnic groups already present.

States use several measures to ensure that migration remains temporary. The Gulf countries have adopted the kafala system, a system whe-

re the visa is not granted to the worker but to a guarantor (kafeel), who therefore retains control over the immigrant, who cannot change employers or leave the country without the kafeel's permission. Singapore and Malaysia have adopted a system whereby the government controls immigration of lows skilled workers by limiting the percentage of foreign workers in each occupation and by imposing the employers a levy for hirign foreign workers. Taiwan has imposed a non-renewable limit on the duration of the employment contract and the migrant's presence on the territory.

Since the temporary migration program in the United States (Bracero program) and Europe (guestworkers) have proved unsustainable and have been disused, why do temporary migration programs in Asia, which began in the early 1970s, continue to work? In fact, there are various cracks in those programs. In the Gulf countries, reforms of the kafala system have begun. Singapore and Malaysia had to review the percentages of migrant workers in the various occupations. Taiwan has progressively extended the period of temporary work (from the initial two years to the present 12 years). Moreover, in all these countries, qualified immigrants are not subject to the same restrictions as unskilled migrants. Despite these changes, temporary migration policies in Asia continue to work because there is a great abundance of manpower available, because movements for workers' rights and human rights are weak and because the possibility of being reached by the family is not granted to unskilled workers.

Temporary migration is often temporary only for the purpose of reducing workers' rights. In fact, temporary migrants end up working abroad for many years, through continuous contract renewals. In fact, the destination countries have a permanent need for migrant work, especially in certain sectors (the private sector in the Gulf countries is almost all managed through migrant work), but they avoid giving migrants the opportunity to stay in the long term so as not to have to become a multicultural society.

> **Discussion:** *how do you ethically assess the migration policy of the country in which you live? What is right and what is unfair in that policy?*

5. What is the effectiveness of migration policies?

Migration policies are set up to allow migration to take place in the interests of all those involved in the migration process. In fact, migrants, the main players in the migration process, cannot participate in the formulation of policies and their concerns are not directly represented.

In the end, migration policies are mainly in the interest of the state that formulates them and of the political and economic forces behind them.

Despite the great importance of migration policies for the people involved, there are a number of aspects which highlight their ineffectiveness.

- *Ineffectiveness in the admissions control*. The most obvious fact to demonstrate the ineffectiveness of migration policies is the existence of irregular migration. In all countries there are irregular migrants, who have entered and remain in the territory without the authorization of the government. Irregular immigration is particularly high in states bordering the countries of emigration (e.g. United States-Mexico, Thailandia-Myanmar, Venezuela-Colombia) and is lower in countries that have natural protection (e.g. Singapore, Australia, Canada). But protections only serve up to a certain point, because migration can be regulated, but not stopped.
- *Ineffectiveness in the selection of migrants*. There is a tendency to say that the migration policy of the countries of destination counts more than that of the countries of origin in regulating migration. However, this also is disputable. For instance, despite the stated objective of the countries of destination to promote skilled migration, the largest number of migrants are unskilled workers.
- *Ineffectiveness in managing integration*. The countries have adopted very different models to manage the integration of migrants (laissez-faire in the USA, multiculturalism in Canada and Australia, assimilationism and *politique de ville* in France, integration through work in Germany), but in every context migrants have found themselves in a situation of marginalization.
- *Ineffectiveness in controlling immigration intermediaries*. This is quite evident both for recruiters, employment agencies, employers and, above all, traffickers.

The reason for the ineffectiveness of migration policies often points to a lack of coherence in these policies, which do not take into sufficient account the real labor market, but which are formulated not to improve migration management but for other underlying interests, which do not

Anti-irregular migration policies

Measures to combat irregular immigration are generally at the heart of the migration debate. Strengthening borders (walls), rejection at the border, internment in detention centers, expulsion, imprisonment, regularizations, amnesties are some ways in which the state tries to stop or reduce irregular immigration. Irregular migration should not be encouraged, because it puts the migrant in a position to be exploited. But irregular migration cannot be combated unless regular ways to immigrate are operational.

reflect the needs of local communities and do not distribute management resources sufficiently and consistently.

6. Migration policies and international migration governance

Migration policies are generally strictly national, a corollary of the principle of sovereignty which each State wishes to exercise in determining national identity. Even if they are multilateral policies, as in the European Union and other regional agreements, the state always reserves the exclusive right to determine how many and which kind of immigrants to admit from outside the country.

The centrality of the state cannot, however, ignore the fact that international migration is a fact involving at least two or more states. That is why the possibility of a migration control, similar to those existing to regulate the movement of goods (WTO) and money, has always been considered. Global migration governance does not yet exist and perhaps never will, for various reasons. An international control implies favoring the interests of all member states, and for now those interests do not converge. And then migration has to do with people, not things. This does not mean, however, that there is a lack of tools and institutions that can help global migration governance.

- The easiest and most widely used instrument of international cooperation in migration management is the **bilateral agreement**. Used in the 1950s and 1960s in Europe, it has also been revived in Asia over the past 20 years. In the latter case, however, one cannot speak of true bilateral agreements, which legally commit the Contracting States, but of memoranda of understanding (MOU), which are mainly intended to facilitate the migration process and contain few measures to protect migrants.
- There are a number of international legal instruments, of which many countries are members and therefore are required to observe them. Without making a complete list of them, it is sufficient to indicate the various treaties and conventions of humanitarian law, in particular the Convention on the Protection of the Rights of All Migrants and Their Families (1990); The Convention on the Status of Refugees (1951) and its Protocol (1967); The Convention against

Organized Crime (2000) and the two protocols against trading and trafficking in persons; the various conventions of the International Labor Organization (ILO).

- There are two international United Nations organizations with responsibility for migration: the International Organization for Migration (IOM), with responsibility for migration in general; and the International Labor Organization (ILO), with competence on migrant workers.
- There are various regional arrangements, which include specific measures on the citizens of the Member States within the region. In addition to the aforementioned European Union (EU), there is the Nordic Council (Scandinavian states); the Trans-Tasman Travel Arrangement (between Australia and New Zealand); Mercosur and the Andean Community (for the countries of South America); the Economic Community of West African States (ECOWAS), the Southern Africa Development Community (SADC), and the Economic Community of the Great Lakes (CEPGL) for Africa; the Association of East Asian Nations (ASEAN) in Asia.
- "Processes" have also been established to facilitate the exchange of initiatives and programs between groups of states, such as the Budapest Process, the Commonwealth conference of independent countries (CIS), the Asia-Pacific Consultation Process, the Bali Process, the Colombo Process, the Abu Dhabi Dialogue, the Puebla Process, etc.

The United Nations has also sought to bring the issue of migration to the attention of all states, in particular by proposing to hold a world conference on migration, but without obtaining the necessary consensus. Parallel initiatives were therefore taken, such as the Berne Initiative (2004) and the Global Commission on International Migration (2005), which reached interesting conclusions.

A step forward was taken in 2006, when the Secretary-General of the United Nations convened a High-Level Dialogue on International Migration and Development, from which the Global Forum on Migration and Development, which is still organized in turn by one of the states, originated. The initiative did not produce any tangible results, but it was an opportunity to continue the debate, also with the participation of civil society.

A second UN High-level Dialogue on International Migration and Development was done in 2013, and in 2016 another UN High-Level meeting was organized, with the participation of the Heads of State, which ended with the New York Declaration, an important document, which asked the countries to adopt two compacts, one on migrants and one on refugees. The Global Compacts (see box) have been adopted in Morocco on December 2018. In January 2019, United Nations Network became

effective, which brings together the various Agencies of the United Nations which have some expertise on migration.

On the one hand, it is evident that there has been a great effort to increase the regional and global approach in view of improving the governance of migration at the international level. On the other hand, it remains a fact that migration continues to be managed by individual states and migration policy is subject to the interests and tendencies of the leaders and the governments on duty.

THE GLOBAL COMPACT FOR A SECURE, ORDERLY AND REGULAR MIGRATION

The preamble recalls that the agreement aims at a better governance of migration and reaffirms the right of each state to its own migration policy. The substantial part of the agreement consists of 23 objectives, with consequent initiatives that each State must implement. A mechanism is provided to help states achieve their objectives and a mandate is given to the UN Secretary-General to establish a UN Migration Network under the leadership of the IOM. Every four years from 2022 there will be an International Migration Review Forum to examine the implementation of the Compact.

The agreement, which is not binding, has been signed by 152 states; 5 voted against (United States, Czech Republic, Hungary, Poland and Israel); 12 abstained (Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore and Switzerland). The other states were not in the chamber for the vote.

The 23 objectives of the global compact are grouped into 3 categories (IOM, 2020)

Specific and direct objectives	Specific objectives but contested	Broad and desirable objectives
1. Collect and use well accurate and unbundled data as a policy base	5. Improve flexibility and the availability of legal avenues to migrate.	2. Reduce the negative causes and structural factors that force people to leave their country of origin.
3. Provide accurate and timely information throughout the entire migration journey.	11. Managing borders in an integrated, secure and coordinated way.	7. Address and reduce vulnerabilities in the migration journey.
4. Ensure that all migrants have proof of their identity and appropriate documentation.	13. Use detention only as a measure of last resort and work for possible alternatives.	16. Enabling migrants and societies reach full inclusion and social cohesion.

6. Facilitate fair and ethical hiring conditions and safeguards to ensure a decent job.	15. Provide access to basic services for migrants.	17. Eliminate all forms of discrimination and promote public discourse based on proven data to shape public perception.
8. Save lives and establish coordinated international efforts for missing migrants.	18. Invest in capacity building and facilitate mutual recognition of abilities, skills and competences.	19. Create the conditions for migrants and diasporas to contribute fully to sustainable development in all countries.
9. Strengthening transnational policies against trafficking of migrants.	21. Cooperate to facilitate safe and dignified returns and readmissions and sustainable re-entry.	23. Strengthening international cooperation and global partnerships for safe, orderly and legal migration
10. Preventing, combating and eliminating human trafficking in the context of international migration.		
12. Strengthening the certainty and predictability of migration-related procedures for an adequate examination, assessment and responsibility.		
14. Improve protection, assistance and consular cooperation during the migration journey.		
20. Promote the faster, safer and cheaper transfer of remittances and promote the financial inclusion of migrants.		
22. Establish mechanisms for the transferability of insurance rights and accrued benefits.		

7. THE POLITICS OF MIGRATION POLICIES

Migration has always been a topic of political discussion, since it ends up affecting a country's economy, lifestyle and culture, especially when migrants are given the opportunity to acquire citizenship.

As a result, migration is used as a theme for politics. The history of migration policy in the various countries is full of examples. In recent

years, especially with the emergence of nationalist parties, this political use of migration has become more evident. Just think of Donald Trump in the USA, the Front National in France, the League in Italy, Fidesz in Hungary, etc. Those who are against immigrants often use the issue of security. Immigrants are represented as a danger to the security of citizens and the state. The attack on New York's twin towers in 2001 had a major impact on this approach. A second argument against migrants is to hold them responsible for the employment difficulties a country is experiencing. Although research by scholars leads to contrary conclusions, the false representation of migrants as a danger leads people to support parties that espouse it, so even those who advocated a more liberal policy are forced to propose restrictive measures.

An interesting aspect of using migration to make politics is that actors who have a diverging position on other issues end up together when it comes to regulate migration. Susan Martin (2003) distinguished four groups, based on the attitude towards immigration and the attitude towards the rights of migrants. Immigrant advocates are in favor of high levels of immigration and full access for migrants to public services. Those in favor of the free market support high levels of immigration, but limited access to welfare services. Restrictions are for diminishing both admission levels and access to services. Integrationists are not very concerned about the number of immigrants to be admitted but much concerned about the fact that those who are admitted should be guaranteed public benefits.

The political exploitation of migration means that migration policies often do not respond consistently to the needs of economies, societies and migrants and are therefore ineffective or harmful. The basic principles for a good migration policy have been reiterated on several occasions, but instead of being a topic treated with a bipartisan approach, migration has gradually become a theme of contrast and division.

Exercise: *Classify political, social and religious forces in the country where you are on the basis of their position towards migrants.*

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GLOSSARY

Bilateral agreements on migration for work reasons - Agreements reached between two States, which are legally binding and mainly concern cooperation on migration for work.

Expulsion - An act or formal conduct attributable to a State for which a non-citizen is obliged to leave the territory of that State.

Irregular migration - Movement of persons outside the laws, regulations or international agreements governing the entry or exit from the State of origin, transit or destination.

Safe, orderly and regular migration - The movement of persons in accordance with both the laws and regulations governing the exit, entry and return and residence in states, and with the obligations of international law of Countries, so that the human dignity and well-being of migrants are respected, along with their rights, and protected and met and the risks associated with the movement of persons are recognized and mitigated.

Migration policy - The determination of the rules on the exit, transit, entry, stay and return of migrants, as well as the determination of the functioning of the institutions responsible for implementing this process

Family reunification (right to family reunification) - The right of non-citizens to enter and reside in a country where their family members are legally resident or of which they are nationals, in order to preserve the family unit.

Trafficking in migrants - The obtaining, directly or indirectly, of a financial or other material benefit from the irregular entry of a person in a State of which he/she is not a national or permanent resident.

Trade of persons - Recruitment, transport, transfer, gathering or reception of persons, through threats or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or to give or receive payments or benefits in order to obtain the consent of a person who has control over another person, for the purpose of exploitation. Exploitation includes, at the very least, the exploitation for prostitution by others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or organ harvesting.

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THE DYNAMICS OF THE MIGRATION PROCESS
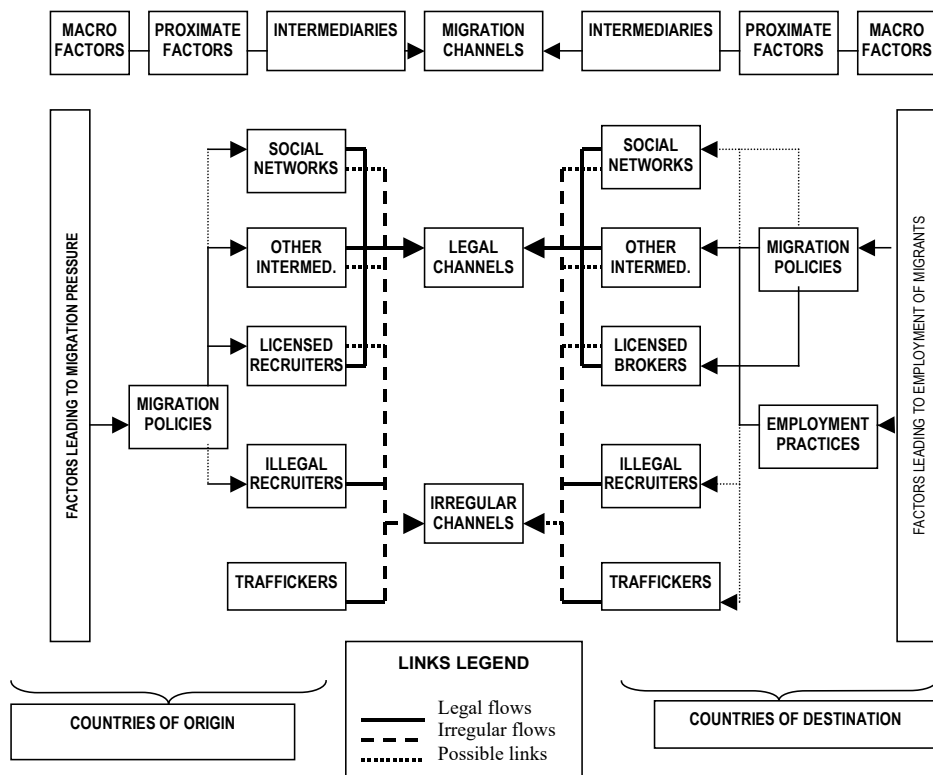
Source: Battistella and Asis (2003).

RETURN MIGRATION AND MIGRATION POLICIES

RETURN	Voluntary	Achievement	Completion	Setback	Crisis	Forced
	End of migration					Before end of migration
POLICY	Development	Entrepreneurship	Reintegration	Redeployment	Emergency	Assistance
	Indirect					Direct

Source: Battistella (2018)