



**International Labour Organization  
ILO Regional Office for the Arab States**

**MAGNET**  
**Migration and Governance Network**  
**An initiative of the Swiss Development Cooperation**

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## **Training Modules on Labour Migration for Media Professionals**

Draft

# MODULE I

## ROLE AND RESPONSIBILITIES OF MEDIA IN PRESENTING AND DISCUSSING LABOUR MIGRATION WITH THE GENERAL PUBLIC

### OBJECTIVES

On completing this module, participants will understand:

- That migration should receive adequate coverage since it has become a very relevant social phenomenon for all societies because of the number of persons involved, the varieties of migration movements, the different impacts on societies of origin and destination
- That reporting on migration presents some peculiarities, including the difficulty to source information as migrants come from another country, the difficulty to have access to places of work and living, the difficulty to contact migrants.
- That reporting on migration by social media, while giving migrants a voice, might lack accuracy and that reporting on migrants in general needs to limit the harm that information can cause on migrants but also to strike a balance between the migrants and local society views.
- That reporting on migration can encounter common pitfalls such as: sensationalism, stereotyping, generalizations, underreporting.
- That reporting on migration should be done in respect of the fundamental principles of journalism

### KEY MESSAGES

- Migrants, i.e. persons who live in a country in which they were not born, are about 232 million in the world. Their number has doubled since 1990. More than two thirds of them originate from the South. A relevant portion of migrants from the South (36 percent) migrate to countries in the South.
- The incidence of migrants in 2013 was particularly high in the Gulf Cooperation Council (GCC) countries: 83.7 percent in the United Arab Emirates, 73.8 in Qatar, 60.2 in Kuwait, 54.7 in Bahrain, 31.4 in Saudi Arabia and 30.6 in Oman.
- In addition to Egypt, migrants in the GCC countries originate mostly from South and Southeast Asia.

- Reporting on migration is not commensurate to the relevance of migration in all societies. Challenges in reporting on migration derive from difficulties to have access to information on the background of migrants, on the migrants themselves and on the employers and governments where migrants live.
- In reporting on migration specific attention should be given to avoid some common pitfalls. Among them is the tendency to sensationalize the news, to use stereotypes in presenting migrants and their origins, to generalize situations and conditions and to underreport information on migration because it is considered sensitive by public administrations.
- Correct reporting on migration should be inspired by the fundamental principles guiding journalism, which include seeking the truth, acting independently, avoiding harm, pursuing transparency and engaging the community.

## **1. Migration, a relevant social phenomenon**

The Population Division of the United Nations Department of Economic and Social Affairs estimates that in 2013 approximately 232 million people live in a country in which they were not born. Simply in terms of size, the migrant population would constitute the fifth largest country in the world.

Of them, 135 million are in the more developed regions and 95 million in the less developed regions. Contrary to public perception, migration is not simply a south-north phenomenon. In fact, people born in the South and living in the South (36 percent) are slightly more numerous than migrants born in the South and living in the North (35 percent). Nevertheless, the South remains by large the origin of most migrants (71 percent).

Between 1990 and 2013 the migrant population in the world has increased by 50 percent. If distributed by continents, 18 million migrants are in Africa, 70 million in Asia, 72 million in Europe, 8 million in Latin America, 53 million in North America and almost 8 million in Oceania. Within Asia, the region with the largest number of migrants is Western Asia with 33 million and in particular the Gulf Countries with 22 million.

The interregional movement of international migrants differs according to the region of birth. Majority of migrants born in Europe, Asia and Oceania were living in a country within the region; instead, majority of migrants born in Latin America and the Caribbean, North America and Africa were living outside their region of birth. At the same time, “In 2013, 82 per cent of

international migrants living in Africa, 76 per cent in Asia, 64 per cent in Latin America and the Caribbean and 52 per cent in Europe were living in the major area in which they were born.”<sup>1</sup>

The largest migration corridor in the world is between Mexico and the United States. The largest bilateral stock in the South is between Bangladesh and India (3.2 million).

In terms of gender distribution, 52 percent of migrants are male and 48 percent are female. The so-called feminization of migration does not involve all the regions in the world in the same way. In particular, migrant women are more present in the more developed rather than the less developed regions (63 to 37) than men (54 to 46). The migrant population in the Gulf Countries remains largely male, as men outnumber women 73 to 27.

Figure 1: Stock of migrants in major regions, selected years

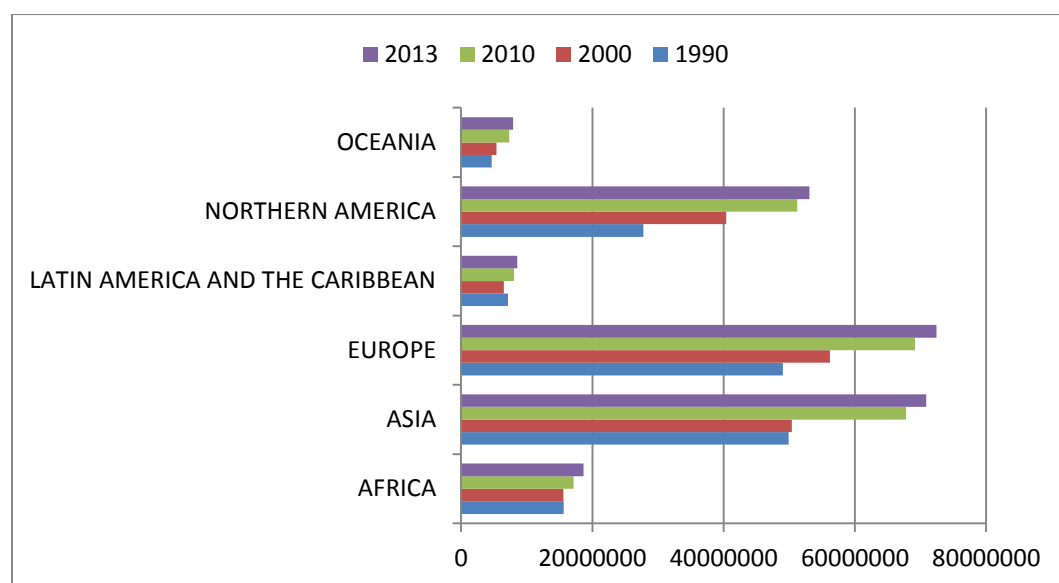


Table 1: Migrants in the GCC Countries from selected countries in Asia, 2013

	Bahrain	Kuwait	Oman	Qatar	Saudi Arabia	UAE
Bangladesh	100,444	279,169	148,314	220,403	1,309,004	1,089,917
Egypt	65,607	182,342	41,365	143,960	1,298,388	711,894
India						

<sup>1</sup> United Nations, Population Facts No. 2013/3 September 2013, p. 3.

	262,855	730,558	644,704	576,776	1,761,857	2,852,207
Indonesia	29,553	82,139	35,027	64,849	379,632	320,684
Jordan	13,040	36,242	10,249	28,613	168,827	141,490
Pakistan	87,892	244,281	117,208	192,860	1,319,607	953,708
Philippines	43,971	122,214	21,669	96,487	1,028,802	477,139
Sudan	14,281	39,693	8,466	31,337	234,564	154,968
Yemen	18,564	51,598		40,737	461,042	201,451
Other	93,150	259,817	85,030	204,933	1,098,710	923,523
<b>Total</b>	<b>729,357</b>	<b>2,028,053</b>	<b>1,112,032</b>	<b>1,600,955</b>	<b>9,060,433</b>	<b>7,826,981</b>

Source: UNDESA, Population Division, 2013

## 2. Reporting on migration

Does the relevance of migration find correspondence in the attention that media give to migration? The question does not have an easy answer, because adequate research is not available, but also because qualitative aspects are included in the question. When is it that reporting can be considered adequate in regard to the relevance of migration? Can that be quantified? And if it remains true that media tend to report on what is problematic, is frequent reporting reflective of migration's relevance or is it an expression of the problematization of migration?

Leaving those questions to further consideration during the training sessions, it is possible to report briefly on some results of previous research. A project on the reporting on migration in 5 national newspapers in Italy examining different years (1991, 1994, 1995, 1997) ascertained that 11,333 articles were published (Cotesta and De Angelis, 1999). Articles were more frequent in the third quarter and August was the month with the highest number of articles. The reason for that peak was related to the higher number of migrants crossing the Mediterranean sea by boat during summer time, when conditions for crossing are more favorable. Articles were distributed differently in the structure of the newspaper (7.6 percent in the front page, 45.1 percent in the national section and 46.2 in the local section). However, over 80 percent of the articles were receiving between 2 and 4 columns of space, indicating the relevance that the newspapers were providing to migration, and over 57 percent of the articles were placed in the

upper part of the page. In regard to the content, all newspapers dedicated more space (47 percent) to what the authors defined as “conflict events”, in which migration is considered a problematic aspect. Articles devoted to deepening the understanding of migration were also numerous (31 percent) but most of them were published in 1991, a year in which Italy undertook the discussion of a new immigration law.

The impression that media approach migration mostly because of the problems it creates was confirmed by a content analysis, in which the terms most frequently used referred to migrants as asylees, clandestine persons, non-communitarian persons (not belonging to the European Union), all terms that place migrants outside of the national community. Other frequent terms employed in articles on migration such as “drugs” and “police” indicate that migration has to do with criminal aspects (Stoppiello 1999).

Analysis of media coverage in the UK between 1999 and 2009 (Threadgold 2009) reflected the consequences of the enlargement of the EU and the arrival of many migrants from the new member countries. It found that the media approach extended similarly from the printed to the broadcast media, where “the debate is always framed in terms of immigration control, in the context of panics about numbers, crime welfare state crisis, and race or cultural differences” (p. 10). The report cited findings by Buchanan et al. (2003) on the reporting of the six newspapers with highest circulation, in which “less than 10 percent of coverage was coded as using ‘predominantly positive or sympathetic language’ while 37 percent of headlines and 26 percent of text was coded as ‘neutral’” (p. 11). It was also observed that migration stories tend to be placed in the same pages where stories on other aspects which convey the idea of conflict, infection or contagion are printed (“for example war, HIV/AIDS, Muslim fundamentalism, drugs, crime and terrorism” (p. 11). Eventually the readers make the association and connect migration to those other social phenomena. Threadgold concluded that “the national media in the United Kingdom... have produced a very negative view of what immigration is and might be”(p. 22).

In a dialogue organized by the Centre d’Information et Etudes sur les Migrations Internationales (CIEMI) in Paris in 2006, Withol de Wenden (2007) analyzed migration in the media by looking at what subjects are reported, who are the ones reporting on migration, what are the targets of media reporting, what are the topics that recur very often and what are the ones that are normally ignored. Specifically on this last aspect she mentioned that the topics with an international dimension (such as migration and development, the determinants of crisis generating migration, the flows from developing to developing countries or even the EU policies on migration) or issues related to migration and security (such as the control methods at the borders or the detention camps) and the point of view of the countries of origin receive little attention.

Improvements in the reporting on migration by the Italian media have been noticed by the Association on the Charter of Rome, which monitors this sector. The major dailies dedicate less space to news, particularly of criminal nature, and more space to issues concerning immigration and society, in particular aspects related to demographic questions, labor, economy and education issues (Osservatorio Carta di Roma 2013). On the other hand, 50 percent or higher of articles on migration in the local dailies still dwell on migration related petty or gory news. As the children of migrants born in Italy increase in number, media give them more space, telling their stories and substantially respecting the parameters concerning reporting on minors established in the Treviso Charter. The trend remains to indicate the nationality of origin of migrants, leading to the ethnicization of news, particular when referring to some crime (59 percent of news on crimes involving migrants specify the nationality of the migrant).

*Utilizing the daily Gulf News, examine the content of the last two weeks of publication, identifying the news related to migration, the title, the place in the newspaper, the nature of information, and the terminology used.*

### **3. What are the common challenges in reporting on migration?**

Challenges in reporting on migration concern various aspects.

a. partial access to information, which derives from:

- the difficulty to access the background of the migrants, since they originate from a different country;
- the partial knowledge about the determinants of migration in countries of origin;
- the little or no access to migrants when lodged in labor camps or dormitories;
- the reluctance of employers to provide media with information on the labor conditions of migrants;
- the incomplete information provided by administrators on data and policies related to migration.

While some of the challenges come from objective obstacles, others derive from the unwillingness to increase transparency because migration is often considered a sensitive and divisive issue.

b. excessive and uncontrollable information from social media

While filling the gap of scarcity of information and most of all providing the migrants with the opportunity to speak for themselves, social media do not ensure that information undergoes the necessary controls for truthfulness and accuracy.

c. Limiting the harm for migrants

Many migrants' stories combine two opposite aspects: on the one hand, the need for employment, because of lack of alternatives in the home country; on the other hand, working and living conditions which often are below standards. Exposing those conditions is necessary to improve the treatment of all migrants. Immediately, that exposure can result in worsening the situation, as establishment or labor camps might be closed and migrants sent home, with loss of jobs and earnings. Striking the proper balance between exposing the truth without causing unnecessary harm to migrants is the difficult task of the reporter.

d. Balancing the perspectives

In every story there are at least two sides. Some reporting is excessively chastising migrants, considered the cause of all social problems in society, responsible for the increase of crime rate, the deterioration of delivery of services and even of terrorism. Other reporters take uncritically the side of migrants, as if they are always right and have no responsibility in difficult labor relations or difficult relations with their neighbors. Good reporting always seek for the other perspective, without settling on false neutrality.

*Selecting an article from the previous exercise, determine whether information is missing and what the probable cause might have been, whether information was not sufficiently controlled, whether it was presented in a balanced or harmful way.*

#### 4. What are the common pitfalls in migration reporting?

They can be categorized in different ways, but some common mistakes have been already ascertained.

- **Sensationalism:** sensational reporting consists in providing excessive coverage to some aspects of migration or to do it with a tone which intends to elicit certain reaction from the public. Sensational reporting would use certain expressions, such as migration waves or invasion to speak of migration flows. Some places that are geographically central for irregular migration (such as Lampedusa or Ceuta and Melilla) would have excessive exposure. News on crimes where migrants are involved would dwell excessively on their ethnic origin.



- **Stereotyping:** this is not restricted to reporting on migrants, of course, as it applies to all countries and to all minorities within countries. In the case of migrants, stereotypes would combine terms suggesting a necessary correlation, such as criminal/young/Muslim when speaking of migration from the Maghreb to Europe; or conditions such as poverty/exclusion/bad integration ((Wihtol de Wenden 2007). A stereotypical representation consists in rarely presenting migrant women without mentioning aspects related to sexuality, to rape and to Islam. Likewise, irregular migrants are rarely dissociated from involvement in criminal activities.

- **Generalizing:** it seems a quick way to convey information, but it ends up leaving out the many nuances that are connected with events and people. Journalism today is pressed with the distaste and impatience of readers for long articles. When brevity is achieved through generalizations it is at the expense of full information. Generalizations are typical in the description of ethnic groups, where specific differentiations are ignored, or the use of comprehensive terms (such as latino or Muslim) which include great differentiations, or the status of migrants (who can be permanent residents, migrant workers, asylum seekers, refugees, etc.) (Marthoz 2011).

- **Underreporting:** at the opposite side of sensational reporting is the practice of ignoring facts and situations involving migrants because the issues that arise might conflict with the official policy of the country or with the majority sentiment of the population. Underreporting is commonly associated with the neglect of investigation of housing, labor conditions, hours of work, time of rest, and social benefits granted to migrant workers. Often ignored is also their condition after working hours, their cultural and political interests, the integration or lack of integration in the local society. The general image that results is of migrants who are reduced to labor force.

*Examining the reporting on migration in the Gulf Countries is it possible to detect common mistakes made by journalists?*

## **5. What are the general principles of journalism?**

As all journalists know, the fundamental principles of journalism revolve around three areas, as specified by Bob Steele (the Nelson Poynter Scholar for Journalism Values) in his post:<sup>2</sup>

- Seek truth and report it as fully as possible (which implies being informed, honest, courageous, giving voice to the voiceless and holding the powerful accountable);

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<sup>2</sup> <http://www.poynter.org/uncategorized/2132/guiding-principles-for-the-journalist-2/>

- Act independently (guarding the role of free press, seeking and disseminating competing perspectives, avoiding associations which compromise integrity, and combining personal responsibility with good collaboration);
- Minimize harm (which includes acting compassionately toward those affected by news, and respecting sources, subjects and colleagues as human beings).

A recent revision of the principles (McBride and Rosenstiel 2013) led to a different formulation. While the first area (truthfulness) is reaffirmed, with emphasis also on being accountable, the other two are substituted by transparency and community.

- Be transparent (which has its essential in explaining the sources of information, so that the reader understand how the reporting was done – this is intellectual honesty; articulating the journalist approach; and acknowledging mistakes and errors);
- Engage community as an end rather than a mean (which, in addition to some of Steele principles, adds making an effort to understand the needs of the community, and encouraging members of the community to self-inform).

*Within the general areas of the principles of journalism, what aspects acquire particular importance when reporting on migration? What principles are most challenged when reporting on migration?*

## **6. Good practices from around the world**

Codes of conduct to guide the practice of journalism have been established in most countries with freedom of press. The Ethical Journalism Initiative (<http://ethicaljournalisminitiative.org/en>) was launched by the International Federation of Journalists as an ongoing platform for the discussion of ethical issues related to journalism. In the US the Society of Professional Journalists was established in 1909 and has its own code of ethics, which is periodically revised. The European associations of journalists refer to the Charter of Munich (Declaration of the Rights and Duties of Journalists, 1971) as their fundamental document.

The Charter of Rome was drafted in 2008 by The National Council of the Journalists' Association and the Italian National Press Federation in response to the concerns of the United Nations High Commissioner for Refugees (UNHCR) on the media coverage of refugees, asylees, victims of trafficking and migrants. In 2011 an association was formed (Associazione Carta di Roma), comprised of journalists and persons active in the field of migration, with the purpose of publicizing the Charter of Rome, educating journalists on the principles of the Charter and

monitoring the implementation of the principles of the Charter of Rome in the coverage of migration by Italian media. The Association has produced its first report in 2013, which analyzes the reporting in the year 2012, also with a focus on how television reports on migrant women.

## THE CHARTER OF ROME

### CODE OF CONDUCT REGARDING ASYLUM SEEKERS, REFUGEES, VICTIMS OF TRAFFICKING AND MIGRANTS

*The National Council of the Journalists' Association (Consiglio Nazionale dell'Ordine dei Giornalisti, CNOG) and the Italian National Press Federation (Federazione Nazionale della Stampa Italiana, FNSI), sharing the concern voiced by the United Nations High Commissioner for Refugees (UNHCR) as regards media coverage of asylum seekers, refugees, victims of trafficking and migrants; recalling the principles regarding journalists' professional ethics laid out in the Journalist's Charter of Duties (Carta dei Doveri del Giornalista) – especially as regards the fundamental duty to respect each and every person and his/his dignity and to not discriminate against anyone on account of their race, religion, gender, physical and mental conditions and political opinions – and the principles enshrined in national and international law on the subject; reaffirming the special safeguards to be taken when dealing with minors as established by the United Nations Convention on children's rights and by the principles laid out in the Charter of Treviso (Carta di Treviso) and in its additional Manual; on the basis of the fundamental principle stressing the importance of adhering to the truth as regards all events which are the subject of media coverage (art. 2 of the Law establishing the Journalists' Association), invite Italian journalists to: **exercise the highest care in dealing with information regarding asylum seekers, refugees, victims of trafficking and migrants living in Italy and elsewhere and, in particular, to:***

- a. Adopt an appropriate terminology which reflects national and international law so as to provide readers and viewers with the greatest adherence to the truth as regards all events which are the subject of media coverage, avoiding the use of inappropriate terms;
- b. Avoid spreading inaccurate, simplified or distorted information as regards asylum seekers, refugees, victims of trafficking and migrants. CNOG and FNSI call all their colleagues' – and those responsible for editorial content in particular – attention to the negative effects of superficial or unprofessional behaviour on those who are the object of news coverage, on readers/viewers and, as a consequence, on media professionals' credibility. Superficial behaviour may include associating different news items in an inappropriate manner and may engender unwarranted apprehension among the public.

c. Safeguard those asylum seekers, refugees, victims of trafficking and migrants who choose to speak with the media by adopting solutions as regards their identity and image so as to ensure that they are not identifiable. Asylum seekers, refugees, victims of trafficking and migrants who are identifiable – as well as the latter’s relatives - may face reprisals on the part of the authorities in their country of origin, of non-state entities or of criminal organisations. Moreover, individuals who belong to a different socio-cultural context, where the press plays a limited role, may not be aware of global media dynamics and may thus not be able to foresee all the consequences of their decision to appear in the media.

d. Whenever possible, consult experts and organisations with a specific expertise on the subject so as to provide the public with information which is clear, comprehensive and also analyses the underlying roots of phenomena.

#### **COMMITMENTS TO BE UNDERTAKEN BY CNOG, FNSI AND UNHCR**

i. The National Council of the Journalists’ Association (CNOG) and the Italian National Press Federation (FNSI), in collaboration with the Journalists’ Association’s Regional Councils, the Regional Press Associations and all the other organisations which have promoted this Charter, pledge to insert issues relating to asylum seekers, refugees, victims of trafficking and migrants among the topics covered in training courses for journalists, ranging from those organised by journalism schools to seminars held for prospective reporters. CNOG and FNSI also pledge to hold regular study seminars on the way asylum seekers, refugees, victims of trafficking and migrants are represented in the press by print, radio and TV media outlets.

ii. CNOG and FNSI, in collaboration with UNHCR, support the establishment of an independent Monitoring Centre which – working with universities, research institutes and stakeholders – will monitor developments in media coverage of asylum seekers, refugees, victims of trafficking, migrants and members of minority groups so as to:

a) provide qualitative and quantitative analyses of asylum seekers, refugees, victims of trafficking and migrants’ image in the Italian media to Italian and European research institutes and universities as well as to relevant European Union and Council of Europe agencies dealing with discrimination, xenophobia and intolerance;

b) provide material on media coverage of these issues and on trends underway in this field to the Journalists’ Association’s Regional Councils, to editors and reporters and to media and communications specialists so as to stimulate debate and discussion.

iii. The National Council of the Journalists’ Association and the Italian National Press Federation will work towards the establishment of awards specifically dedicated to media coverage of

asylum seekers, refugees, victims of trafficking and migrants, drawing on similar initiatives at the European and international level which have proven to have positive effects.

The Charter has been drafted drawing on input from a Consultative Committee whose members include representatives of the Interior Ministry, the Social Solidarity Ministry, UNAR (Ufficio Nazionale Antidiscriminazioni Razziali – National Office Against Racial Discrimination)/Presidency of the Council of Ministers – Department for Equal Opportunities, 'La Sapienza' University and Roma III University, Italian and foreign journalists.

### Test of knowledge

- What are some specific challenges in reporting on international migrants?
- What are the common pitfalls associated with media and migration?
- What are the fundamental principles of journalism and how do you apply them to reporting on migration?
- What is the Charter of Rome?

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## **MODULE II**

### **GENERAL OVERVIEW: CHALLENGES AND OPPORTUNITIES RELATED TO LABOUR MIGRATION**

**(Including key definitions and basic concepts regarding labour  
migration)**

#### **OBJECTIVES**

After completing this module the participants will know:

- How current labor migration began in Asia and what the composition is of the migrant groups in major regions of destination as well as the flow of migrants in some migration corridors.
- The current migration flows from selected countries of origin in Asia.
- Some basic concepts in reference to labor migration.
- The role of intermediaries in the labor migration process.
- The major opportunities of labor migration.
- The main challenges of labor migration.
- The reality of irregular migration.

### KEY MESSAGES

- Current labor migration in Asia began in the Gulf countries, organized as a system of temporary work without the possibility for family reunification and long term settlement.
- In the continent, West and East Asia are major regions of destination, while South and Southeast Asia are major regions of origin. However, substantial migration movement occurs within regions.
- Labor migration is generally on the rise and the decrease that affected some countries because of the global economic crisis can be considered overcome.
- Labor migration is generated remotely by imbalances in demographic, economic, social and political factors. Proximate causes are determined by wage differentials, the segmentation of the labor market and migration policies adopted by both countries of origin and of destination.
- Labor migration is organized under strict regulation from countries of origin and destination (see module on the governance of migration). Intermediaries, particularly the recruitment industry, play a crucial role in facilitating overseas labor transfers.
- Labor migration presents opportunities for all sectors involved (countries of origin and destination, employers and migrants). Potentially, labor migration can be a triple win reality.
- Labor migration also presents tough challenges, inherent in its temporary nature, which can be problematic for employers and for migrants, and deriving from the way it is managed, often with limited respect for migrants entitlements.
- Irregular migration is widespread, although resulting from factors. It is mostly the result of overstaying the entry visa in East Asia, and in some respects in West Asia; of crossing porous borders in connivance with local authorities in South and Southeast Asia; and of irregular practices by the recruitment and placement industry in West and Southeast Asia.
- The irregularities in migration pertain to the conditions and channels available to migrants, who should not be called “illegal” and who are also victims, not just perpetrators, of illegal practices.

### How did contemporary labor migration in Asia begin?

Contemporary labor migration in Asia developed initially in the Gulf Countries in the early 1970s, following the war between the Arab countries and Israel and the consequent world economic recession caused by the increase of the price of oil. The labor migration system in Western Europe, particularly in France and Germany, which had been operating since the end of World War II, was terminated. The increased revenues for the Gulf countries were invested in major infrastructural projects, carried out by American and European firms (in addition to some from Asia), which employed manpower from the neighboring Arab states (particularly Egypt) and eventually from South and Southeast Asia. The system was designed to employ foreign labor on short-term contracts, avoiding the possibility for long-term settlement. The Gulf Countries model was eventually adopted, with some differences, by other states, and temporary labor migration is currently the dominant migration system in Asia.

### Who are the major migrant groups in Asia?

For convenience, the continent could be divided into several migration systems, corresponding to the major geographical regions, all presenting exchange of labor migration with other systems as well as circulation of migrants within each system. Nevertheless, some systems (such as South Asia and Southeast Asia) could be considered prevalently origin of labor migration and other systems (such as East and West Asia) prevalently destinations of migrants.

The stocks of migrants in Asian regions are mostly comprised of migrants originating from countries within the region (see Table 1). This is the result not only of the actual directions of migrants' flows but also of the remnants of population movements that occurred when the political boundaries were different from the current ones. It sometimes takes just a treaty or a political revolution to change the status of persons from nationals to migrants. The number of migrants in Central Asia originating from the Russian Federation or Ukraine at the time of the Soviet Union is perhaps the clearest example. In the migrants' stocks are also considered persons who crossed the borders as refugees and have since remained in the country that provided them asylum. The large number of Afghans in Southern Asia exemplifies that. Clearly, the area where most of the migrant population originates from outside of the region is Western Asia.

**Table 1: Stock of migrants in Asian regions by top five countries of origin, 2013**

From To	Stock	Russian Federation	Ukraine	Uzbekistan	Korea DPR	Belarus	Other
Central Asia	5 471 533	3 441 692	495 311	330 676	163 139	143 391	897 324
From To	Stock	China	R. Korea	Philippines	Brazil	Indonesia	Other
Eastern Asia	7 719 960	3 903 184	933 122	527 790	483 890	256 263	1 615 711
From To	Stock	Myanmar	Indonesia	Malaysia	Lao PDR	Cambodia	Other
South-East, Asia	9 509 259	2 150 790	1 221 802	1 049 953	930 976	767 711	3 388 027
From To	Stock	Afghanistan	Bangladesh	India	Pakistan	Nepal	Other
Southern Asia	15 001 688	4 635 584	3 464 918	2 617 187	1 223 803	592 156	2 468 040
From To	Stock	India	Bangladesh	Palestine	Pakistan	Egypt	Other
Western Asia	33 144 331	6 859 500	3 162 375	3 127 747	2 922 284	2 892 882	14 179 543



Source: UN DESA, *Trends in International Migrant Stocks : Migrants by Destination and Origin, 2013*

### How do migrants circulate within and among regions?

A different way of presenting the data on migration in the Asian regions has been advanced lately by the Wittgenstein Centre for Demography and Global Human Capital and the Vienna Institute of Demography. Their proposal consists in deriving flows of migrants between countries and regions from stock data tables covering the period 2005-2010. They warn that their data are not comparable to the ones of the United Nations Population Division and it is not possible to obtain from their estimates the annual flow of migrants between two countries and regions because the two types of moves are of different nature. Annual flows provided by national administrations capture all movements within one year, also repetitive movements, while their data only refer to persons who changed residence within the five years. Table 2 refers to the intensity of migration and shows that among the Asian regions (Central Asia is not included), West Asia is the top destination, while South Asia is the top origin. All regions, except for West Asia, are losing population because of migration.

**Table 2: Migration to, from and within Asian regions, 2005-2010 (millions)**

	Moving into the region	Moving out of the region	Net migration by region	Moving within the region
West Asia	6.73	0.83	5.90	0.99
South Asia	0.02	8.72	-8.70	1.15
East Asia	0.52	1.97	-1.45	0.53
South East Asia	0.60	3.11	-2.51	1.42

Source: *Global Migration Datasheet 2005-2010*, Wittgenstein Centre for Demography and Global Human Capital and Vienna Institute of Demography.

Table 3 concerns the 20 largest country-to-country flows and it is instructive to notice that sixteen out of twenty top corridors involve Asian countries either as origin, destination or both.

**Table 3: The 20 largest country-to-country flows in 2005-2010**

Rank	Origin	→	Destination Flow,	In 1000
1	Mexico	→	United States	1845
2	India	→	United Arab Emirates	1083
3	Bangladesh	→	India	618
4	China	→	United States	546
5	Bangladesh	→	United Arab Emirates	536
6	Bangladesh	→	Saudi Arabia	527
7	India	→	United States	502
8	Indonesia	→	Malaysia	489
9	Pakistan	→	United Arab Emirates	437
10	Malaysia	→	Singapore	389
11	Philippines	→	United States	384
12	Zimbabwe	→	South Africa	373
13	Myanmar	→	Thailand	314
14	India	→	Qatar	311
15	Pakistan	→	Saudi Arabia	289
16	India	→	United Kingdom	283

17	Morocco	→	Spain	273
18	Kazakhstan	→	Russia	258
19	Côte d'Ivoire	→	Burkina Faso	241
20	China	→	Hong Kong SAR	238

Source: *Global Migration Datasheet 2005-2010*, Wittgenstein Centre for Demography and Global Human Capital and Vienna Institute of Demography.

As illustrated by table 4, the top countries of origin of migrants are India, Bangladesh and Pakistan, all countries of South Asia. Indonesia and the Philippines in Southeast Asia follow China in the hierarchy. The same countries also register a net transfer of population abroad. The main destinations are the United Arab Emirates and Saudi Arabia.

**Table 4: Emigration, Immigration and Net Migration Flows for Asian Countries in 2005-2010 (in 1,000s)**

Country	In	Out	Net	Country	In	Out	Net
Afghanistan	13	392	-379	Macao SAR	55	4	50
Armenia	19	94	-75	Malaysia	696	610	85
Azerbaijan	67	13	53	Maldives	0	0	-1
Bahrain	447	0	447	Mongolia	0	15	-15
Bangladesh	18	2918	-2900	Myanmar	0	498	-499
Bhutan	19	2	16	Nepal	81	179	-99
Brunei	49	46	3	North Korea	19	22	-3
Cambodia	0	254	-255	Oman	184	31	153
China	127	2021	-1895	Pakistan	33	2022	-1990
East Timor	0	49	-50	Palestine	0	89	-90
Georgia	1	151	-150	Philippines	30	1260	-1230
Hong Kong SAR	332	156	176	Qatar	862	5	857
India	709	3632	-2924	Saudi Arabia	1287	230	1056
Indonesia	0	1276	-1277	Singapore	721	0	721
Iran	291	474	-184	South Korea	80	110	-30
Iraq	0	149	-149	Sri Lanka	1	250	-250
Israel	364	90	273	Syria	397	452	-55
Japan	440	170	269	Tajikistan	0	296	-296
Jordan	380	177	203	Thailand	508	15	493
Kazakhstan	343	335	7	Turkmenistan	2	56	-55
Kuwait	400	123	277	United Arab Emirates	3077	0	3076
Kyrgyzstan	0	132	-132	Uzbekistan	7	525	-519
Laos	0	75	-75	Vietnam	19	448	-430
Lebanon	87	99	-13	Yemen	77	211	-134

Source: *Global Migration Datasheet 2005-2010*, Wittgenstein Centre for Demography and Global Human Capital and Vienna Institute of Demography.

*Examining data on the composition of migration stocks, what considerations can be made on the presence of foreign workers in specific regions? What is particularly significant in the migration corridors in Asia?*

### The gender dimension

It is commonly said that migration has experienced feminization, indicating an increase in the number of women among migrants. This expression has to be assessed properly. According to UN data, women are

48 percent of all migrants. This proportion varies according to regions. In the North, women are 52 percent of all migrants, while they are 43 percent in the South. The difference is explained by the fact that migration in the North is less recent and, with aging, women outnumber men also among migrants. Migration in the South is more recent and with the higher number of men. In Asia, in particular, and because of the increase of male migrants in Western Asia, men have increased by 3.1 percent between 2000 and 2013, while women have increase only by 1.9 percent (*International Migration Report 2013*). The male to female ratio is particularly skewed in the GCC countries, where migrants are overwhelmingly men.

	Women	Men	Ratio W/M
<b>Western Asia</b>	<b>11 363 705</b>	<b>21 780 626</b>	<b>52</b>
Bahrain	202 543	526 814	38
Jordan	1 442 732	1 483 048	97
Kuwait	608 699	1 419 354	43
Lebanon	404 644	445 077	91
Oman	211 060	900 972	23
Qatar	333 172	1 267 783	26
Saudi Arabia	2 623 163	6 437 270	41
Syrian Arab Republic	682 008	712 219	96
United Arab Emirates	1 976 801	5 850 180	34
Yemen	128 072	186 611	69
Other	2 750 811	2551298	108

Source: UN DESA, *Trends in International Migrant Stocks : Migrants by Destination and Origin, 2013*

Aside from dimension, the significance of the increase of female migration in the region concerns the conditions in which they are employed and the consequences deriving from being migrants. Women are employed in a variety of industries, including factories. But the majority of them are in the care sector, understood in its wider sense (from domestic work to caregiving, to nursing, to work in hotels and restaurants). As some occupations, like domestic work and caregiving, are held in the house of the employer, work relations can be problematic. It is notorious that domestic work is considered the area with the most numerous situations of exploitation (from working excessive number of hours, to inadequate paying, to withholding the passport, to not providing sufficient food, to restricting communication, to denying a weekly day off, etc.).

The impact of female migration on the family left behind, particularly if the woman is married, is also examined for its potentially negative consequences, particularly in the spouse relation and in the upbringing of children. Studies have indicated that in most cases families can cope with the absence of the mother. This does not ignore the fact that in some cases families suffer from it, some families break down and some children grow unruly. However, it is important to maintain the proportions of cases within the general population and examine whether consequences are the result of migration or of something else. It is also to be considered that in many cases migration has a positive role for migrant women, because they have the opportunity to redefine marital and family relations and overcome stereotypical roles and relations.

*What are the typical stereotypes in media reporting about migrant women? In situations involving domestic workers or caregivers and employers, are both sides given a fair reporting?*

## Labor migration data

Data from the United Nations as well as the Global Migration Datasheet refer to all migrants, defined as persons who live in a country in which they were not born or where they did not last reside. Migrant workers are only a portion of all migrants and in 2005, out of 191 million migrants, ILO estimated that migrant workers were 86 million, 25 of them in Asia. In 2010, the estimate was 105 million, of whom 30 million in Asia.

Annual outflows, referring to the number of migrants who leave the country every year to work abroad, are provided by national administration in countries of origin and indicate the trends that labor migration is taking every year. The following table reports data from the most important Asian countries of origin. Myanmar, Cambodia and Laos are not listed among them, as data are less available and less consistent. Their migrants' destination is overwhelmingly Thailand.

**Table 5: Flow of migrants from selected countries of origin in Asia**

	2010	2011	2012
Bangladesh	390,702	568,062	607,798
India	641,356	626,565	747,041
Indonesia	575,803	581,081	494,609
Nepal	294,094	354,716	384,665
Pakistan	362,904	456,893	
Philippines <sup>1</sup>	1,123,676	1,318,727	1,435,166
Sri Lanka	267,507	262,960	
Thailand	143,795	62,644 <sup>2</sup>	
Vietnam	85,546		

Source: Respective government agencies with responsibility on migration

Note: <sup>1</sup> Data from the Philippines include both new hires and rehires. However, seafarers are not included

Flow data indicate that migrant labor has grown for most countries in 2012. Apparently, the impact of the global economic crisis on migration, which was felt in particular by some countries, like Bangladesh, although not by others, like the Philippines, is to be considered overcome. A decrease is registered in Indonesia, probably due to the consequences of the ban on the deployment of domestic workers to Saudi Arabia. In fact, migrants from Indonesia to Saudi Arabia decreased from 137,835 in 2011 to 40,655 in 2012.

If, in addition to data reported in Table 5, migrants from Myanmar, Cambodia and Laos converging to Thailand also are included, it could be said that about 6 million migrant workers move across countries in Asia for employment.

*Labor migration in Asia has been on the rise in the past ten years. What considerations can be made on this increasing movement of workers? What perspectives derive for countries of origin and of destination?*

### **What is labor migration?**

Labor migration consists in the movement of people from one place to another for the purpose of employment. International labor migration consists in the fact that the movement for the purpose of employment takes place between two countries. The persons involved are called migrant workers.

### **Who is a migrant worker?**

A migrant worker is defined by the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (art. 2.1) as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national.”

### **What are the implications of skill differences among migrant workers?**

According to the type of occupation, migrant workers can be considered skilled/highly skilled or unskilled/low skilled. The difference in the skill level normally translates into difference in regulatory schemes and bears important consequences in the living and working conditions the migrants are provided.

### **What is the length of labor migration?**

Migration always implies a period of continuous time spent abroad. The length of such time varies according to the different regulation of migration the various countries have adopted. Labor migration is often considered co-terminus with the working contract. A working contract can be as short as three months, as in the case of entertainers, or lasting several years. The most common length of a working contract is two years.

### **What are the causes of labor migration?**

At the macro level, labor migration is originated by imbalances in the level of development between countries in the world. Imbalances are observed at the demographic, economic, political and social level. Countries of origin are normally characterized by high fertility rate, annual increase of labor force, high level of unemployment and underemployment. Countries of destination are characterized by low fertility rate, low level of unemployment and scarcity of manpower. The economy of countries of origin presents normally a large portion of the labor force engaged in the agricultural sector, limited insurance against crop failures, and limited access to credit. The economy in countries of destination presents shortages at the top and the bottom levels of the labor market. At the top, because of the demand for specialized jobs created by the postindustrial economies and at the bottom because national workers tend to leave occupations that are dirty and dangerous. The demand for workers which is inherent in the development of every capitalist economy meets the availability of workers from countries of origin to find higher paying employment.

At the micro level, the difference in salaries between occupations in countries of origin and destination is the most common motivation for migrant workers, although not the only one. Migrants seek employment abroad also for a variety of other reasons, including the desire to engage in a different experience, the desire to see other countries and learn other skills, employment difficulties in countries of origin and family reasons. The objective difference in salaries in itself does not generate migration. What is crucial is that migrants are assured of the probability to obtain employment at the salary they expect. In this respect, a variety of costs must be considered, including the distance, the cost of information to ensure employment, the cost of living. To facilitate the migration process, intermediaries and social networks play a crucial role, as they provide crucial information and services, often for a cost, although not always and not necessarily.

*There are many determinants to labor migration. How can such determinants be tackled? GCC countries have been trying to decrease labor migration for many years, but the overall number has increased. What are the reasons for this result?*

**What is the role of intermediaries?**

Many intermediaries play a role in the migration process: from the government officers who implement the regulations at the origin and destination, to medical personnel who provide health certificates, to training institutions and organizations that provide information on the country of destination, language and skill training, to travel agents and recruitment agencies. The relevance and necessity of intermediaries depends on the complexity of migration policies established by countries.

**What is the role of recruitment and placement agencies?**

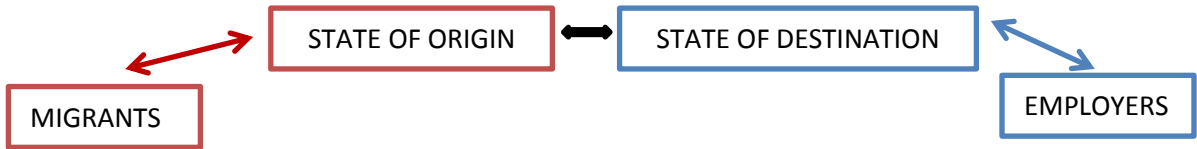
Recruitment and placement agencies ensure the matching between the demand for workers coming from employers in countries of destination with the availability of workers from countries of origin. Most labor migration in Asia is mediated by recruitment and placement agencies. Labor intermediation can take place in different forms, highlighted by the following graphic presentations:

**Figure 1: Direct hiring of foreign workers**



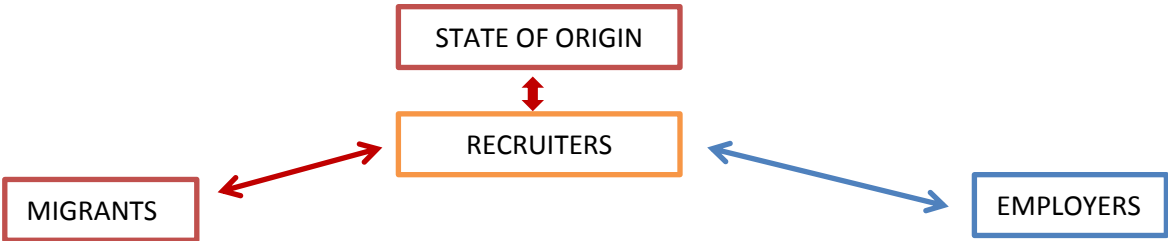
In this model, migration takes place without intermediation. Migrants are admitted to countries of destination on the basis of a working contract provided by the employer. This model implies limited or no regulation at the country of origin. It is applicable particularly to skill migrants, but it can also take place for unskilled migrants, who receive an employment contract by employers who might know them through the referral of relatives or acquaintances already working abroad.

**Figure 2: Hiring through government-to-government agreements**



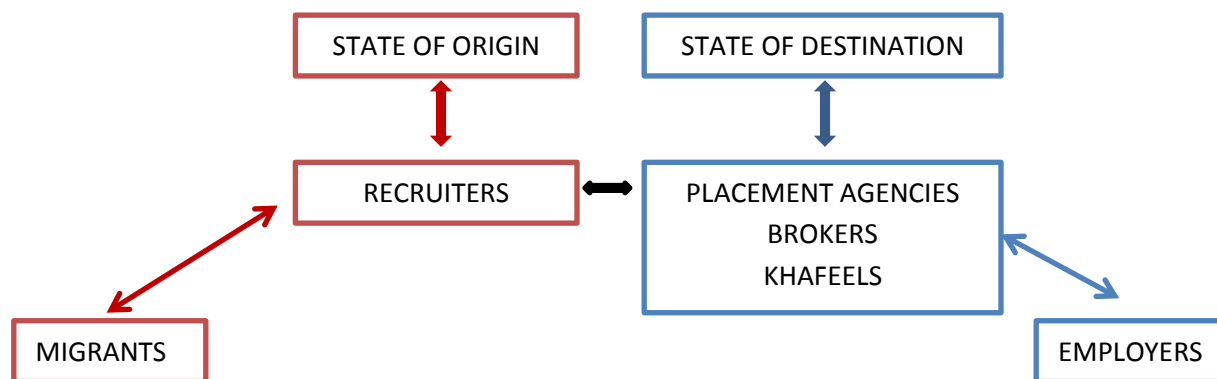
In this model, the government of destination enters into an agreement with the government of origin for the supply of migrant workers. Historically, migration to Western Europe after World War II was organized in this way. Currently, migration to South Korea under the Employment Permit System follows this model. Migrants intending to work in Korea register with a special program set-up by the government of origin, including their qualifications and working experience. The roster is transferred to Korea, where Job Centers recommend the qualified migrants to employers who failed to find local workers for specific job openings. This model also applies to the hiring of foreign workers in the Gulf Countries for state owned enterprises, such as state hospitals, for which an agreement was signed with the country of origin.

**Figure 3: Hiring through recruitment agencies**



In this model, recruitment agencies, properly licensed by the country of origin, provide migrant workers to foreign employers, with whom they have established direct business relation, also through offices set up in countries of destination.

**Figure 4: Hiring through recruitment and placement agencies**



This model is currently the most common one and implies an intervention of labor intermediaries both in the country of origin and destination. Employers in countries of destination utilize local placement agencies (also called brokers or khafeels), properly licensed by the governments of the country of destination, to procure foreign workers. The placement agencies contact labor recruiters, also licensed by the government in countries of origin, to fill up the job orders received from the employers.

*The proper regulation and monitoring of the recruitment and placement agencies have baffled government attempts for many years. What are the reasons for it? Can the kafala system be reformed? In what direction?*

### What are migration social networks?

Migration social networks consist in the multiple linkages with persons and institutions related to migration that migrants have before and acquire during the migration process. Among the persons are relatives, friends and members of communities who are or were part of migration. Social networks also extend to linkages with labor recruiters, officers within regulatory institutions, persons providing information on work and accommodation abroad and employers. Social networks can be considered a form of social capital, which can translate into real capital when access to such networks is utilized to decrease the costs of the migration process. Social networks are considered a factor for the expansion and continuation of migration, sometimes even if salary differentials are no longer advantageous.

### What are the costs related to migration?

Migration costs can be divided between financial and social costs. Financial costs consist in the expenses that a migrant encounters in the process of ensuring employment overseas. Such expenses are related to administrative procedures (the cost of obtain all the documents necessary to go abroad), to pre-migration requirements (such as medical examination, training costs, etc.), to recruitment fees (although migrants should not be charged recruitment fees according to international standards, many countries allows recruiters to charge a fee for their services, which varies according to occupations, countries of origin and countries of destination), to travel costs (in some cases employers pay for the ticket to reach the country of destination). As migration requires expenses, migrants are normally not



among the poorest. The poor are sometimes facilitated to undertake migration by ensuring that they repay the migration costs in the form of salary deductions. For poor migrants, migration can be a project which begins with indebtedness and forces the migrants into situations from which they cannot escape.

Social costs for the migrants include separation from the family, interaction with unfamiliar language and culture, harsh living and working conditions, mental and physical stress. Social costs of migration also apply to the family of the migrant, particularly in the form of parental absence for the children, stress on marital relations, difficulties in reintegration.

### What are remittances?

Remittances are earnings or acquisitions of non-nationals transferred to the country of origin. Money transfers can occur through the banking system, through private money transfers, through informal channels, or they can be carried in person. Remittances are also transferred in kind in the form of goods acquired abroad.

### What is the current flow of remittances to Asian countries?

According to the World Bank (2013), approximately \$401 billion were remitted to developing countries in 2012. The cost of remittances was reduced, but remained high in small transfer corridors. Of the top ten countries of destination of remittances, seven were in Asia.

**Table 6: Remittances to selected Asian countries by absolute value (US\$m) and share of GDP, 2012-2013**

Country	2012	2013	%	Country	2012	2013	%
India	68,821	69,969	3.7	Tajikistan	3,626	3,960	51.9
China	57,987	60,000	0.7	Kyrgyz Republic	2,031	2,290	31.4
Philippines	24,641	25,351	9.8	Nepal	4,793	5,210	24.7
Pakistan	14,006	14,626	6.1	Lebanon	6,918	7,200	16.1
Bangladesh	14,120	13,776	12.2	Bangladesh	14,120	13,776	12.2
Vietnam	10,000	11,000	7.1	Jordan	3,574	3,680	11.4
Indonesia	7,212	7,614	0.8	Sri Lanka	6,000	6,690	10.1
Lebanon	6,918	7,200	16.1	Philippines	24,641	25,351	9.8
Sri Lanka	6,000	6,690	10.1	Vietnam	10,000	11,000	7.1
Thailand	4,713	5,555	1.3	Pakistan	14,006	14,626	6.1
Nepal	4,793	5,210	24.7	Yemen, Rep.	1,404	1,469	3.9
Tajikistan	3,626	3,960	51.9	India	68,821	69,969	3.7
Jordan	3,574	3,680	11.4	Cambodia	256	278	1.8
Kyrgyz Republic	2,031	2,290	31.4	Thailand	4,713	5,555	1.3
Yemen, Rep.	1,404	1,469	3.9	Indonesia	7,212	7,614	0.8
Cambodia	256	278	1.8	China	57,987	60,000	0.7
Kazakhstan	171	221	0.1	Lao PDR	59	64	0.6
Myanmar	127	127	..	Kazakhstan	171	221	0.1
Lao PDR	59	64	0.6	Myanmar	127	127	..

Source: World Bank, *Remittance Data Inflows, 2013*

### What are the opportunities of temporary labor migration?

Temporary labor migration, in its strict form as practiced in Asia, presents appealing factors to all parties involved in the process.

- *For countries of destination*, TLM ensures the needed supply of workers to respond to shortages in specific sectors of the economy. In general, such sectors are at the high and low end of the labor market. The temporary duration of stay ensures that the number of workers can be increased during the time of expansion and decreased during recessions. Because the work relation begins zero even when a contract is renewed (and the renewal require the workers to return to the home country) welfare benefits are not corresponded. Most of all, as workers are not accompanied by family members, countries of destination avoid all the social costs related to the education of children and the formation of foreign minorities within the country.

- *For employers*, TLM provide the flexibility that the local labor market normally does not ensure, and the large supply of migrant workers available from countries of origin help maintain low the cost of labor.

- *For the countries of origin*, TLM is beneficial as it diminishes the level of unemployment and underemployment in the local labor market, and it does not translate in permanent loss of population and labor force as migrants return. The reintegration of migrants in the local economy can generate development as migrants might utilize their savings for small enterprises, or they might re-enter the labor market with acquired skills. In addition, because of the temporary duration of employment abroad, all earnings are transferred to the country of origin in the form of remittances, as migrants are motivated to spend or invest their earnings where their family is.

- *For the migrants*, TLM is advantageous because it provides employment and higher earnings; it ensures periodical returns, helping maintain contacts with the family and involvement in the use of remittances; because it encourages a higher level of savings; because it provides opportunities for the increase of knowledge and skills; and because it gives a chance to achieve the objectives set out before going abroad, while planning for the future within the context of the proper environment.

The advantages mentioned above are somehow theoretical and in conflict with each other. Those advantages assume that the rights of migrants are respected, that their living and working conditions abroad are dignified, that migrants have some control over their experience to time it according to their necessities. Reality is rather different and explains the shortcomings of labor migration.

*Labor migration is pursued because of its benefits to the various stakeholders. Should it be increased, by facilitating the transfer of migrants across countries? What consequences could an increase of migration bear on countries of origin and destination? Who has more to benefit from an increase of labor migration?*

## What are the weaknesses of temporary labor migration?

- *For the countries of destination:* avoiding the integration of workers in the local society maintains the social costs of migration very low. At the same time the local society does not benefit from the cultural and social contributions that can be offered by the migrants. The loss is particularly evident when the interrelation of migrants with the local society is kept to a minimum, like in the Gulf countries.
- *For employers:* while short contracts keep the cost of labor low, the drawback is in the cost of training new labor force. The experience of Taiwan is instructive in this regard. After beginning with a policy of very short contracts (up to 2-3 years, non-renewable) it now allows for contracts which can be renewed up to 12 years.
- *For migrants:* they are the ones facing most of the challenges of labor migration, because the system is organized on the basis of minimum recognition of their labor and human rights. The low recognition of labor rights applies in particular to low skilled workers, such as laborers. A category of workers experiencing a serious rights deficit is that of domestic workers, who are usually not protected by labor laws in countries of destination and for whom the labor relation is overwhelmingly slanted in favor of the employer. Most of all, TLM cannot sustain a life project and it requires subsequent rehiring, with the uncertainties connect to temporary contracts.

In addition to weaknesses for specific stakeholders, the TLM contains flaws of substantial nature.

- It could be said that TLM is an offset of the need to provide flexibility to the labor market. This requires a lax enforcement of labor laws. In fact, a strict enforcement of regulations would diminish flexibility and make temporary migration unappealing.
- It could also be said that inherent to the TLM is a limited interest to effectively regulate the role of intermediaries. The private sector interest in expanding deployment goes hand in hand with the government of origin interest to increase the flow of remittances through migrant labor. The private sector plays on the desire of all partners for deployment, even if standards are lowered.
- Migrants, particularly the unskilled migrants, have little negotiating power within the TLM system. Before deployment, migrants have to accept the conditions offered, even if not corresponding with standards, because for them the alternative, staying in the country, is worse. After deployment, the tight conditions of work and stay and the need to make earnings sufficient to repay migration costs do not allow for hard negotiations with employers.
- The system tends to generate irregular migration. Irregularity occurs in the recruitment, admission and employment stage. It is often the consequence of unrealistic or incoherent policies. Lack of realism and coherence are contested to countries of origin, when demanding conditions that the market is not willing to offer, because of the wide supply of unskilled labor. They are also contested to countries of destination, when setting unrealistic admission targets or ignoring that temporary migration cannot sustain a life project is it remains temporary.

While the benefits of labor migration spread to all stakeholders, it appears like the costs of migration are borne mostly by migrants. Can the migration costs be spread more evenly? What costs should be considered unacceptable?

### What is irregular migration?

Irregular migration (or unauthorized migration)<sup>3</sup> is the movement of people across borders without the necessary authorization required by the respective countries. Irregular migration may occur for many different reasons and moments during the migration process. The irregularity always refers to the violation of a norm. Obviously, the higher the level of regulation of migration and the higher the possibilities that irregularities may be committed. However, in speaking of irregular migration, it is important to observe that there are irregularities committed by migrants, but also irregularities committed against migrants. The following table illustrates the issue.

**Table 6: Irregularities in the Migration Process**

	Against Migrants	By Migrants
Recruitment	Advertisement without job order Forging documents Providing wrong information Contract substitution Exacting illegal fees Practising without a license	Utilizing unlicensed recruiters Forging documents Providing wrong information
Transport	Processing without proper documentation	
Entry	Smuggling people across borders/ avoiding checkpoints Admitting people without proper documentation	Entering/avoiding checkpoints Destroying personal documents
Residence	Discrimination in housing	
Employment	Hiring workers without proper documentation Placing workers in a different employer  Hiring for a different occupation Confiscating documents Contract substitution Abusive working conditions (working hours, safety, etc.) Wage cut and wage retention	Working without a permit Working for a different employer  Working in a different occupation
Return	Not providing return ticket	Staying after visa expiration

<sup>3</sup> Many still use the term “illegal migration”, although already in 1975 the United Nations General Assembly passed Resolution 3449 recommended to speak of “non-documented” or “irregular migration.”

Source: Battistella and Asis (2003, 12)

### Some basic considerations in the understanding of irregular migration

- Legal and irregular migration channels prosper side by side. Often, it is the same people who move from one form of migration to the other. This illustrates the fact that irregularity does not apply first of all to people, but to procedures or lack of it. The use of one form or the other to obtain employment abroad depends on a variety of circumstances, which do not necessarily point to the character of the migrants involved, but first of all to possibilities and opportunities, or lack of it.
- The form in which irregularity takes place is very much dependent on external circumstances. Irregular migration is more likely to occur when two countries share land border crossing. This explains the explosion of irregular migration to Thailand (and the difficult to control migration between Mexico and the US). However, organized forms of irregular entry through water channels can function equally well, as it occurs between Indonesia and Malaysia (or Libya and Italy). Generally speaking, it is very difficult and costly for countries to provide absolute control of their borders.
- In addition to geography, history also plays an important role in irregular migration. The traditional movement of population between the Sulu archipelago in the Philippines and Sabah cannot just be modified with administrative decisions. On the contrary, when administrative measures do not have sufficient consideration of historical traditions, they are bound to fail.
- Whether originated by undocumented entry or by breaching the terms of visa, irregular migration always implies engaging in working activities without authorization. The ultimate magnet and the most convincing reason for engaging in irregular migration is the availability of jobs and the availability of employers willing to hire migrants without the required permits. The situations in Malaysia and Thailand well illustrate the issue. But the analysis could equally be extended to other countries. Ultimately irregular migration reveals a lack of congruence between the economic policies and migration policies.
- To access irregular, as well as regular, channels, potential migrants need information. The research has confirmed that migrants access a variety of information providers. However, they do not rely on official sources of information as the most useful for their migration project. Rather, they confide more on information provided by recruiting agencies and the variety of actors (relatives, friends, people from the same village) who form the social networks. To be aware of such tendency can have direct implications on how information campaigns are organized.
- Recruiting agencies are key players in irregular migration. Their activity takes many forms. The recruiter's role in facilitating irregular migration can develop outside the system, when they operate without a license, but it is also perpetrated by licensed agencies. The dilemma for policy makers is how to control irregularities committed by agents, when the whole system has come to rely so much on them.
- Regardless of the main responsibilities (recruiters, social networks, including migrants and relatives themselves, other intermediaries) it appears evident that irregularity requires connivance of more than one actor in the process. Among such actors, the involvement of government officials at the various levels (release of documents, checking at exit points such as airports, checking at entry

points at the borders, inspection of worksites) is troublesome. It is also difficult to police those who are in charge of enforcement because of the intricate web of interests, connivance and blackmailing.

- The recourse to regularity should be facilitated by procedures that are simple, transparent and not lengthy.
- Protection to migrants abused by illegal recruiters or caught in the irregular migration process varies among countries. However, protection should not be taken as impunity by migrants who engage in irregular migration, otherwise it becomes an incentive to irregular migration. The difficulty is in determining the level of responsibility migrants have in the process.

*Everyone seems to be against irregular migration, but it continues to increase. Is it possible to reduce it? Is irregular migration convenient and specifically to whom? Which should be the real target for reducing irregular migration?*

### Test of knowledge

- What are the most important migration corridors in Asia?
- What are the main determinants of labor migration?
- What are the different ways in which labor migration occurs in respect to the role of intermediaries?
- What are the main benefits and challenges of labor migration?
- What is the proper way to conceptualize irregular migration?

### Good practices

#### **Alliance of Asian Associations of Overseas Employment Service Providers**

Overseas employment service providers (another way of speaking of recruitment and placement agencies) have gathered in national associations in all countries. In addition to professionalizing their services and improving their competitive edge, they have also adopted codes of conduct to decrease unethical practices in their trade. However, the ethical initiative is hardly effective if limited to national efforts. For this reason, in 2008 representatives of the national associations of recruitment agencies in Asia have convened for the purpose of undertaking a *Commitment to Action on Ethical Recruitment*. They also took steps toward the incorporation of an Alliance of Asian Associations of Overseas Employment Service Providers. Representatives of recruitment agencies from the countries of origin have convened again in Manila on 1-2 April 2014 to continue the initiative toward ethical recruitment.

#### **THE BANGKOK DECLARATION ON IRREGULAR MIGRATION**

International Symposium on Migration

"Towards Regional Cooperation on Irregular/Undocumented Migration"

21 - 23 April 1999

We, the Ministers and representatives of the Governments of Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Indonesia, Japan, Republic of Korea, Lao PDR, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand, and Vietnam, as well as the Hong Kong Special Administrative Region (hereinafter referred to as "the participating countries and Region"), meeting at the invitation of the Royal Thai Government in Bangkok on 23 April 1999, on the occasion of the International Symposium on Migration, held on 21-23 April 1999, under the chairmanship of H.E. Bhichai Rattakul, Deputy Prime Minister of Thailand, to address the question of international migration, with particular attention to regional cooperation on irregular/undocumented migration:

1. Realizing that international migration is a complex phenomenon which is rooted in human history and is closely associated with social and economic aspirations of each country and region;
2. Recognizing that the process of globalization and liberalization, including the increasing interdependence of economies has contributed to large flows of people in the Asia-Pacific region, thus providing both opportunity and challenge for governments in the region;
3. Noting that both the supply (push) factor and demand (pull) factor from concerned countries have led to the outflow of migrants from the countries of the region;
4. Being aware that international migration, particularly irregular migration, has increasingly become a major economic, social, humanitarian, political and security concern for a number of countries in the Asia-Pacific region;
5. Noting, with concern that the ongoing financial and economic crisis in many Asian countries has led to rising unemployment and other social problems, and has had differing impacts on irregular migrants and on the countries of origin, transit and destination;
6. Noting, further that the periodic natural disasters in some Asian countries badly affect their economies and lead to rising unemployment and irregular migration;
7. Gravely concerned by the increasing activities of transitional organized criminal groups and others that profit from smuggling of and trafficking in human beings, especially women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards;
8. Underlining that comprehensive, coherent and effective policies on irregular/undocumented migration have to be formulated within the context of a broader regional framework based on a spirit of partnership and common understanding;
9. Noting that over 65 percent of the world's poorest people live in the Asia-Pacific region, hence poverty and differences in level of development among countries in the region remain important causes of irregular migration;
10. Recognizing a need for international cooperation to promote sustained economic growth and sustainable development in the countries of origin as a long-term strategy to address irregular migration;
11. Noting that there is a number of international conventions and instruments dealing with humanitarian issues relating to migration;
12. Respecting the sovereign rights and legitimate interests of each country to safeguard its borders and to develop and implement its own migration/immigration laws, and also recognizing the obligations of the country of origin to accept its nationals back, and the obligation of the countries of transit and destination to provide protection and assistance where appropriate, in accordance with their national laws;
13. Recognizing the important role and contribution of regional consultative mechanisms, such as the Asia Pacific Consultations on Refugees, Displaced Persons, and Migrants, and the Manila Process, on issues relating to irregular migration;

14. Noting with appreciation the participation of countries from various regions. United Nations bodies and specialized agencies, intergovernmental organizations, as well as non-governmental organizations, in sharing their views and experiences in dealing with migration issues;
15. Noting also with appreciation the discussion papers prepared by the Institute for Population and Social Research, Mahidol University, and the International Organization for Migration (IOM), which provided useful points of discussion and recommendations for the management of irregular migration;
16. Acknowledging with gratitude the timely initiative of H.E. Dr. Surin Pitsuwan, Minister of Foreign Affairs of Thailand, the dynamic chairmanship of H.E. Bhichai Rattakul, Deputy Prime Minister of Thailand, as well as the excellent arrangements provided by the Royal Thai Government, with the valuable support of the IOM;

Declare as follows:

1. Migration, particularly irregular migration, should be addressed in a comprehensive and balanced manner, considering its causes, manifestations and effects, both positive and negative, in the countries of origin, transit and destination;
2. The orderly management of migration and addressing of irregular migration and trafficking will require the concerted efforts of countries concerned, whether bilaterally, regionally or otherwise, based on sound principles of equality, mutual understanding and respect;
3. Regular migration and irregular migration should not be considered in isolation from each other. In order to achieve the benefits of regular migration and reduce the costs of irregular migration, the capacity of countries to manage movement of people should be enhanced through information sharing and technical and financial assistance. In this context, UNITAR, UNFPA, and IOM, joint sponsors of the International Migration Policy and Law Course (IMPLC), are invited to hold, in the near future, a course for middle to senior government officials from the region;
4. A comprehensive analysis of the social, economic, political and security causes and consequences of irregular migration in the countries of origin, transit and destination should be further developed in order better to understand and manage migration;
5. As the causes of irregular migration are closely related to the issue of development efforts should be made by the countries concerned to address all relevant factors, with a view to achieving sustained economic growth and sustainable development:
6. Countries of origin, as well as countries of transit and destination, are encouraged to reinforce their efforts to prevent and combat irregular migration by improving their domestic laws and measures, and by promoting educational and information activities for those purpose;
7. Donor countries, international organizations and NGOs are encouraged to continue assistance to developing countries, particularly the least-developed countries, in the region aimed at poverty reduction and social development as one means of reducing irregular migration.
8. The participating countries and region should be encouraged to pass legislation to criminalize smuggling of and trafficking in human beings, especially women and children, in all its forms and purposes, including as sources of cheap labor, and to cooperate as necessary in the prosecution and penalization of all offenders, especially international organized criminal groups;
9. The participating countries and Region should exchange information on migration legislation and procedures for analysis and review, with a view to increasing coordination to effectively combat migrant traffickers;
10. The countries of origin, transit and destination are encouraged to strengthen their channels of dialogue at appropriate levels, with a view to exchanging information and promoting cooperation for resolving the problem of illegal migration and trafficking in human beings;



11. Greater efforts should be made to raise awareness at all levels, including through public information campaigns and advocacy, of the adverse effects of migrant trafficking and related abuse, and of available assistance to victims;
12. Concerned countries, in accordance with their national laws and procedures, should enhance cooperation in ascertaining the identity of undocumented/illegal migrants who seemingly are their citizens, with a view to accelerating their readmission;
13. Timely return of those without right to enter and remain is an important strategy to reduce the attractiveness of trafficking. This can be achieved only through goodwill and full cooperation of countries concerned. Return should be performed in a humane and safe way;
14. Irregular migrants should be granted humanitarian treatment, including appropriate health and other services, while the cases of irregular migration are being handled according to law. Any unfair treatment towards them should be avoided;
15. The participating countries and Region should each designate and strengthen a national focal point to serve as a mechanism for bilateral regional and/or multilateral consultations and cooperation on questions of international migration;
16. A feasibility study should be conducted on the need to establish a regional migration arrangement, linked to existing international bodies, to provide technical assistance, capacity building and policy support as well as to serve as an information bank on migration issues for the countries in the Asia-Pacific region. The countries in the region are meanwhile encouraged to utilize and strengthen the already existing billeted and multilateral arrangements;
17. The participating countries and Region will follow-up on the above mentioned issues of irregular migration at the political and senior official levels in ways which may be deemed appropriate;
18. This document shall be given the widest publicity and dissemination possible to encourage governments, non-governmental organizations, the private sector and civil society to join in a collective regional effort to alleviate the adverse effects of irregular migration and to prevent and combat trafficking of human beings, especially women and children.

Bangkok, Thailand  
23 April 1999

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## MODULE III

### THE RIGHTS BASED APPROACH OF LABOUR MIGRATION: PRESENTING AND USING THE RELEVANT INTERNATIONAL LEGAL FRAMEWORK

#### OBJECTIVES

After completing this module participants will know:

- What protection is available to migrants as foreigners, as human beings and as workers
- What are the most relevant international instruments for the protection of migrants.
- What protection to migrants is granted by ILO conventions
- What protection comes from the International Convention on the Protection of All Migrant Workers and Members of their Families (ICRMW)
- What relevant instruments are available at the regional level.

#### KEY MESSAGES

- Migrants need protection because their condition as foreign workers places them in a vulnerable situation.
- Protection for migrants is available from a variety of international instruments. However, countries are reluctant to ratify instruments that will limit their use of migrant labor as an instrument to keep the labor market flexible.
- The best protection for migrants comes from national legislation. In this respect, some countries do not ratify international conventions as safety measures are already included in national norms. For other countries, however, international instruments serve as a framework on which to draft national legislation.
- The protection granted to migrants is proportional to their skills. Paradoxically, less protection is available to those migrants who need it more.
- The most criminal violation of migrants rights are connected with trafficking in persons. However, trafficking is sometimes an attribution even if the necessary conditions to be considered trafficking are not met. There is often a fine line between irregular migration and trafficking.
- Reporting on abuse and violation of migrants rights require the proper knowledge of the rights system and the possibility for migrants to make use of it. The media has an important role in furthering the understanding of migrants' rights and protection.

### **Why a specific concern for the protection of migrants?**

Migrants require specific protection because migration places them in a condition of vulnerability. It is not that migrants are more vulnerable than other persons (it might be that individually they are even stronger than many persons) but it is the condition of being a migrant which is objectively vulnerable. The reason for the vulnerability is that migrants are persons in need and they are outside of the juridical protection of the country of which they are citizens. As persons in need, they can be victims of abuse. Their level of protection as foreigners and as workers in a foreign country depends on the legislation of the country in which they are working and residing and on the type of occupation they are employed.

### **Why international instruments for the protection of migrants?**

Because of their vulnerable condition, the international community has undertaken to ensure them protection through international instruments which, if ratified, oblige states to grant migrants the rights spelled out in those legal instruments. In the case of human rights, protection should be granted regardless of the fact that the country of which the migrant is a national has ratified the relevant instrument. In other cases, protection is based on reciprocity. It is in the interest of all countries that their citizens abroad are granted adequate protection. Ratifying international treaties ensures that states are bound by mutual obligations.

### **On what grounds can migrants claim protection from international treaties?**

Migrants, while abroad, are entitled to protection as foreigners (non-citizens), as human beings and as workers.

### **What protection is available to migrants as foreigners?**

As foreigners, migrants are protected by the obligations that the country of destination has contracted under international law and by the influence that the diplomatic representatives of the country of origin can exercise. Diplomatic influence might not be very relevant, considering that countries of origin are often poor countries, with little diplomatic clout. On the other hand, the international law to protect non-citizens was never codified in a treaty because of disagreements among countries on what should be the prevalent standard (the national or the international one) in granting compensation for damages they suffered. In this regard, the controversy was overcome by humanitarian law. To ensure that humanitarian law applies also to non-citizens, the United Nations adopted in 1985 the "Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in which they Live."

## What protection is available to migrants as human beings?

As human beings, migrants are entitled to all the rights recognized by humanitarian law, unless such rights are limited to nationals. Humanitarian law consists now of the Universal Declaration of Human Rights and nine major treaties (covenants or conventions). The Universal Declaration and the Covenant on Social, Economic and Cultural Rights and the Covenant on Civil and Political Rights comprise the essential rights of all persons. The other conventions contain either specific prohibitions (racial discrimination, torture and enforced disappearance) or rights that are specific to certain categories of persons (women, children, migrants, persons with disabilities).

## What protection is available to migrants as workers?

Every country has labor laws granting workers a set of protections, from the hiring, to the work conditions (including working hours, wages, weekly rest, annual leave, safety), to protection against unfair dismissal, to compensation for injuries, to welfare rights (medical insurance, separation and pension rights), to temporary subsidies in case of unemployment. In many cases migrants are covered by labor laws, but in other cases are not. Notoriously, many countries do not include domestic workers under labor laws. If available, labor laws in countries of destination are the best protection also for migrants. To ensure the protection of workers worldwide and to guide countries in the adoption of labor laws the International Labor Organization was established in 1919. ILO has since adopted 189 conventions for the protection of workers, and most of them are applicable also to migrant workers.

*What are the five most common violations of migrants' rights? Are they violations of human rights? rights of foreigners? or rights of workers? In reporting of violation of migrants' rights is the type of violation committed properly identified?*

## Protection provided by ILO core Conventions

At the end of April 2014, ILO had 185 member states. All members are obliged to implement the conventions they have ratified. However, as members of the ILO, they are also obliged to implement the standards of the ILO core conventions, even if they have not ratified them. The core conventions are:

- Forced Labour Convention, 1930 (No. 29);
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- Equal Remuneration Convention, 1951 (No. 100);
- Abolition of Forced Labour Convention, 1957 (No. 105);

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Minimum Age Convention, 1973 (No. 138); and
- Worst Forms of Child Labour Convention, 1999 (No. 182).

These conventions express the most fundamental labor rights:

- (i) freedom of association and the effective recognition of the right to collective bargaining,
- (ii) elimination of all forms of forced or compulsory labor,
- (iii) effective abolition of child labor, and
- (iv) elimination of discrimination in respect of employment and occupation

Migrants are covered by the standards provided by the core conventions. C. 111 which prohibits discrimination does not include nationality as one of the grounds on which discrimination is prohibited. In other words, governments can adopt different standards for migrant workers without being accused of discrimination. Nevertheless, migrants should not be discriminated on the basis of the other grounds (race, color, sex, religion, political opinion, national extraction or social origin).

### **What protection is provided by other relevant ILO Conventions**

In addition to the fundamental labor rights, several ILO Conventions are relevant for the migrants because they concern social security rights or they refer to specific occupations in which migrants find employment. In particular C102, C118 and C157 concern the earning and portability of social benefits; C149 provides protection to nurses, C149 is related to construction workers, and C172 to persons working in hotels and restaurants.

The most recent ILO instrument is the Domestic Workers Convention, 2011 (No. 189). It concerns all domestic workers and therefore it also covers migrant domestic workers. This convention is particularly significant because domestic work has become a common occupation for many migrants, particularly women, from some countries like the Philippines, Indonesia and Sri Lanka, and because it is considered one of the most vulnerable occupation in migration. It specifically refers to the human rights of domestic workers, their fundamental labor rights, the prohibition to employ underage domestic workers, and covers a variety of aspects related to their employment conditions.

### **Protection provided by migrant conventions**

All ILO conventions apply also to migrant workers, unless nationality is included among the grounds on which provisions might not be applied. However, ILO also has some conventions specifically dedicated to the protection of migrants.

- *Migration for Employment Convention (Revised) (No. 97)*. It is called Revised in the title because the original convention (No 66) was adopted by ILO in 1939, but it never entered into force because World War II did not allow for countries to ratify it. This convention, adopted in 1949, was drafted at the time of sustained migration toward northern and western European countries, when most migrants were coming from southern European countries. C97 is made up of 23 articles and three annexes. It contains the following relevant provision:

- information and assistance to migrants should be free (art. 2)
- false advertising should be punished (art. 3)
- departure, travelling and arrival of migrants should be facilitated (art. 4)
- adequate medical services should be provided (art. 5)
- equality of treatment with nationals on employment conditions, participation in labor unions, benefits from collective bargaining and social security should be provided, subject to some limitations (art. 6)
- authorization to transfer earnings and savings should be granted (art. 9)

The annexes have more detailed provisions, but countries can exclude them at the moment of ratification. Most ratifications of this convention occurred in the 1950s and 1960s, when migration to Europe was relevant. Since then it has received few ratifications. Currently, the member states of this convention are 49. Of the Asian countries, only the Philippines, Kyrgyzstan and Tajikistan have ratified it. Sabah, a province of Malaysia, is also member of the convention, as ratification occurred when it was a crown colony of the United Kingdom.

Like many other ILO conventions, C97 also has an accompanying recommendation (*Migration for Employment Recommendation (Revised) 1949 (No. 86)*). Recommendations are non-binding instruments, drafted to provide countries more detailed guidelines on how to implement the standards of the conventions. R86 contains, among others, a model bilateral agreement on labor migration that states can use in forging bilateral agreements with other countries.

- *Migrant Workers (Supplementary Provisions) Convention (No. 143)*. It was issued in 1975, in response to the increase of irregular migration. It has 24 articles, distributed in two parts. At the moment of ratification, countries can exclude either part.

The first part is for all migrants, including irregular migrants. In affirming the human rights of migrants, ILO opted not for the formulation of all the human rights of migrants, but for an all-encompassing art, which says: "Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers" (art. 1). Also in this part states are invited to suppress clandestine movements, illegal hiring and smuggling of migrants and national legislation should provide sanctions against employers who hire irregular migrant, as well as intermediaries.

The second part is applicable only to regular migrants. The relevant provisions in this part concern the fact that migrants should have not only equal treatment, but equal opportunities with nationals (such as access to employment, trade union rights, cultural rights and freedoms).

Because of the protection afforded to irregular migrants (although only in respect to their human rights) the Convention has not received much ratification (only 23 member states at the end of April 2014). In Asia, only the Philippines and Tajikistan have ratified it.

The accompanying recommendation, *Migrant Workers Recommendation 1975 (No 151)* is more detailed in suggesting provisions for equality of treatment and recommends states to focus more on protection and on improving economic conditions in the country of origin.

### How are ILO standards used?

ILO standards can be used as guidelines for governments to bring their labor law up to par with international standards. This can be done by ratifying ILO conventions and amending national laws which are in conflict with ILO standards, or by using the ILO standards as a model, without ratifying the ILO conventions. In many countries where ratification of international treaties apply automatically to national legislation, the ILO standards can be used by the courts to force amendments of national laws.

**Table 1: Ratification of selected international instruments for the protection of migrants**

	C97	C143	C189	MWC	Protocol on Trafficking	Protocol on Smuggling
Afghanistan						
Armenia	2006	2006			2003	2003
Azerbaijan				1999	2003	2003
Bahrain					2004	2004
Bangladesh				2011		
Brunei						
Cambodia					2007	2005
China					2010	
Hong Kong SAR						
Macau SAR						
India					2011	
Indonesia					2009	
Iran						



Iraq					2009	
Israel	1953				2008	
Japan						
Jordan					2009	
Kazakhstan					2008	2008
Korea						
Kuwait					2006	2006
Kyrgyzstan	2008			2003	2003	2003
Lao PDR					2003	2003
Lebanon					2005	2005
Malaysia	1964*				2009	
Mongolia					2008	2008
Myanmar					2004	2004
Nepal						
Oman					2005	2005
Pakistan						
Philippines	2009	2006		1995	2002	2002
Qatar					2009	
Saudi Arabia					2007	2007
Singapore						
Sri Lanka				1996		
Syria				2005	2009	
Tajikistan	2007	2007		2002	2002	2002
Thailand						
Timor Leste				2004	2009	
Turkmenistan					2005	2005
UAE					2009	
Uzbekistan					2008	
Viet Nam					2012	
Yemen						

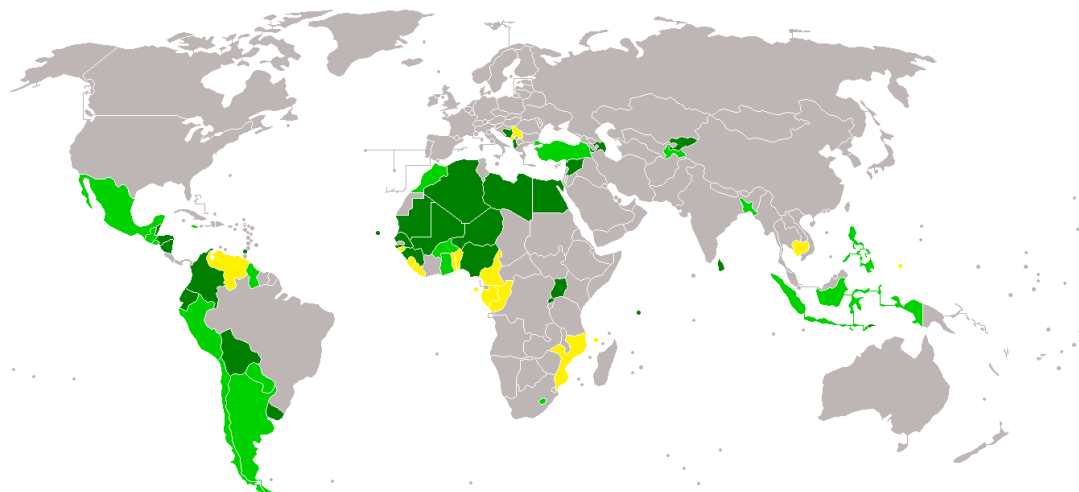
*For what reasons do conventions for the protection of migrants receive so little ratification? What is the usefulness of international instruments if states do not intend to be member of them? Do media make reference to international instruments when reporting on the rights of migrants?*

**The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)**

- *Origin.* The ICRMW resulted from the preoccupation of the international community in the 1970s with abuses that migrants were suffering, in particular the fact that migrants were subject to racial discrimination and irregular migrants were exploited. Although ILO came out in 1975 with Convention 143 addressing the issue of irregular migration, the United Nations undertook the task of drafting an international convention on the protection of migrants to ensure that all their rights, not just their rights as workers, were recognized.

- **From drafting to adoption to entry into force.** The drafting committee was instituted by the UN General Assembly Resolution 34/172 of 17 December 1979. It was approved with 118 votes in favor and 19 abstentions. Most of the European countries and the traditional countries of immigration abstained. The Convention was adopted by the UN General Assembly Resolution 45/158 of 18 December 1990. Therefore, it took about ten years to draft the text, with a significant change of attitude toward migration occurring in the 1980s, when irregular migration was becoming an issue in several countries, including the US and France, when countries in Southern Europe were changing from countries of origin to countries of destination, and when the international discourse was heavily influenced by the neoliberalism of Ronald Reagan and Margaret Thatcher. The convention entered into force three months after Guatemala deposited the 20<sup>th</sup> ratification on 14 March 2003 as required by art. 87.

- *Membership to the convention.* As of April 2014, the Convention has 47 member states, which have either signed and ratified it (light green in the map), or acceded to it (dark green in the map). In addition, 18 countries have only signed the convention but not yet ratified it (yellow in the map). With 47 ratifications, the ICERMW is the least ratified of the UN human rights instruments. In addition, ratifications include mostly country of origin of migration (the only major country of destination is perhaps Argentina). The lack of adherence by countries of destination, where protection is most needed, is considered one of the weaknesses of the



convention.

Source: Wikipedia

### The rights of migrants according to the ICRMW

The rights of migrants are spelled out in Part III, IV and V. Part III is applicable to all migrants, also those in an irregular situation, and contains the human rights of migrants. Part IV lists additional rights for the migrants who are in a regular situation. Part V indicates the rights recognized to specific categories of migrants (frontier workers, seasonal workers, itinerant workers, project-tied workers, specified-employment workers, self-employed workers).

- **The human rights of migrants.** Listed in Part III (from art. 8 to art. 35) they were derived substantially from the Covenant on Civil and Political Rights and in a minor way from the Covenant on Social, Economic and Cultural Rights. In this respect, the innovations contained in Part III from human rights already recognized in humanitarian law are minimal. The advantage is that they are affirmed specifically for migrant workers, gathered in a specific section and without the distinction between civil and social rights which gave origin to two covenants in 1966, at the time of the Cold War. They are applicable also to irregular migrants because the irregular status from the migration point of view does not diminish the human condition of migrants. At the same time, art. 34 specifies that migrants are obliged “to comply with the laws and regulations of any State of transit and the State of employment” and “to respect the cultural identity of the inhabitants of such States.” And art. 35 hasten to indicate that “Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation.” In this regard, one of the motivations of the governments of countries of destination for not ratifying the convention seems without solid basis.

The human rights of migrants can be grouped within some headings:

a. *Civil liberties* (art. 8-15): the list begins with the right to leave a country and to return to one’s country (art. 8) which does not recognize a right to migrate in the sense also of entering another country, but expresses a foundational freedom for the migrants, and continues with the right to life (art. 9), the right to freedom from torture (art. 10), from slavery (art. 11), the right to freedom of thought, expression, conscience and religion (art. 12 and 13), the right to privacy (art. 14) and the right to property (art. 15).

b. *Legal protection* (art. 16-24): in this group are all the rights to due process, to recognition in front of the law, to equality of nationals in front of the courts and detention rights. Particularly relevant for migrants are art. 21 which prohibits the confiscation or destruction of identity documents; art. 22 which prohibits mass expulsion; and art. 23 which ensures the right to seek diplomatic and consular protection.

c. *Employment* (art. 25-28): the human rights connected to employment concern equality of treatment with nationals in regard to remuneration, conditions of work and employment (art. 25) and to social security (art. 27). Migrant should be entitled to emergency medical care (art. 28) and to join trade unions (art. 26). The formulation of art. 26 was particularly controversial as it limited the freedom of migrants to joining trade unions, but not to form trade unions, which contravenes a basic ILO principle.

d. *Cultural and economic rights* (art. 29-33): in this group can be included the right to name and nationality (art. 29), to basic education for the children of migrants (art. 30), to respect for cultural identity (art. 31), to transfer earnings and savings (art. 32) and to information about the convention (art. 33).

- **Additional rights for migrants in a regular situation.** If Part III was limited to the human rights of migrants (and therefore applicable to all migrants), Part IV intended to go further in the recognition of the rights of migrants, but limited to the migrants in a regular situation.

a. *Employment rights*: most rights in this section are related to employment and include the right to be fully informed before departure; to take short absences without losing the migration status; to move freely within the state of employment; to form associations and trade unions; to have access to services, training, housing, health; the right not be considered irregular in case of loss of employment and to be given a time to seek another employment; equality of treatment with nationals in regard to protection against dismissal, unemployment benefits, access to alternative employment; the right not to be expelled except for reasons defined in national legislation. The right to freely choose employment contains restrictions which are found in most national legislations (migrants cannot be employed in certain occupations which are restricted to nationals, or may be employed only if they possess the necessary qualifications for a certain occupation). However, the restriction in art. 52(3b), which allows a migrants to freely choose an occupation only after five years of residence was considered harsher than ILO norms, which allow for the free choice of employment after two years of residence.

b. *Family rights*: the whole convention applies not only to migrants, but also to members of their families. Specific family rights are formulated in this part, beginning with family reunification (art. 44) which however, is not formulated as a right of the migrant but as a recommendation to the state, access to school, the right for family members to stay in case of death of the migrant (art. 50), the right also for family members to seek employment if the migrants have a right of indefinite stay (art. 53).

c. *Financial rights*: they include the right to be exempt from import and export duties for personal effects and equipment; the right to transfer earnings and savings; the right of equality

with nationals in regard to taxation; the right to equality of treatment in the exercise of a remunerated activity.

d. *Political rights*: political rights are normally restricted to nationals. However, particularly in countries that allow migrants permanent or long-term residence, much development has undergone in allowing migrants also to participate in the political life of the community. The ICRMW first recommends that states allow migrants to vote and be elected in the countries of origin (art. 41); then envisage the possibility that migrants might establish their own institutions and elect representatives in such institutions (art. 42(1); then consider the possibility for migrants to participate in administrative elections (art. 42(2); and finally allows states to decide the extent to which migrants can be part of the political life of the country (art. 42(3)).

### How are the rights of the ICRMW enforced?

Part VII of the ICRMW is dedicated to the application of the convention. Like other human rights treaty, it established a Committee (art. 72), initially made of 10 members and then, after the 40<sup>th</sup> ratification, of 14 members, who serve for a term of four years. The Committee, that normally meets annually, examines the reports that member states are bound to submit, first within one year of ratification, and then every five years, on the implementation of the convention and submits comments to the states. Arts. 76 and 77 concern the possibility that a state party to the convention may agree to submit itself to state complaints or individual complaints on the non-application of the convention.

### The Special Rapporteur on the Human Rights of Migrants

The Special Rapporteur on the Human Rights of Migrants was created by the then Commission (now Council) on Human Rights (Resolution 1999/44). The mandate has since been renewed every three years. Among its functions are to request and receive information on violations of the rights of migrants; to promote the standards for migrants; to recommend actions and measures for the elimination of the violations of the rights of migrants. To exercise its functions, the Special Rapporteur conducts country visits upon the invitation of governments and examines the state of migrants' protection in that particular country. He/she reports annually to the Human Rights Council.

*Human rights are the concern in particular of civil society organizations. What is the relation between media and civil society in the region? Are civil society initiatives for the protection of the human rights of migrants reported in the media? Is media critical also of the information received from civil society?*

## The Protocols on Smuggling and Trafficking

The growing industry facilitating irregular ways to enter and find employment in countries of destination, but also exploiting their needs for work with abusive practices led the international communities to adopt standards specifically to combat smuggling and trafficking of migrants. These standards were drafted as Protocols to the International Convention against Transnational Organized Crime, adopted in Palermo in 2000. The Protocol against Smuggling of Migrant by Land, Sea and Air addresses the issues deriving from the activities of criminal organizations involved in the smuggling of migrants. The criminal aspect consists in the “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (art. 3). The United Nations Office on Drugs and Crimes (UNODC) has prepared a model law to help countries adopt the proper legislation against the smuggling of migrants. Activities should focus on preventing and combating the initiatives of organizations that smuggle migrants, protecting the rights of migrants and increasing cooperation among states as it is difficult to address smuggling only from one side of the process.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children defines trafficking with a complex definition. As specified by UNDOC, trafficking implies three elements: an act (which can consist of recruitment, transportation, transfer, harbouring or receipt of persons); the means by which this is done (various forms of threat, coercion, use of force, fraud, deception, abuse of power) and a purpose (which is exploitation, which can be sexual exploitation, labor exploitation, slavery, servitude or the removal or organs). Because of the seriousness of the crime, the victims involved (often women and children) and the difficulty to combat the perpetrators, trafficking has received much attention by the international community. Perhaps the most visible initiative is the Trafficking in Persons Report produced annually by the US Department of State, which classifies countries in tiers, according to their resolve in combating trafficking. It is important to keep in mind that the consent of the victim is not relevant to determine whether an act of trafficking has been committed. It is also important to observe that the boundaries between irregular migration and smuggling and trafficking in persons are sometimes blurred and reporters, as well as civil society, tend to speak of trafficking without examining whether all the conditions for trafficking are met.

## Regional Instruments

Countries have found it advantageous to unite in regional groupings for various objectives. Sometimes, the facilitation of circulation of workers from member countries has been included in those regional treaties. For instance, the Common Nordic Labor Market was established in 1954 and did away with the need of a work permit for the citizens of the member countries

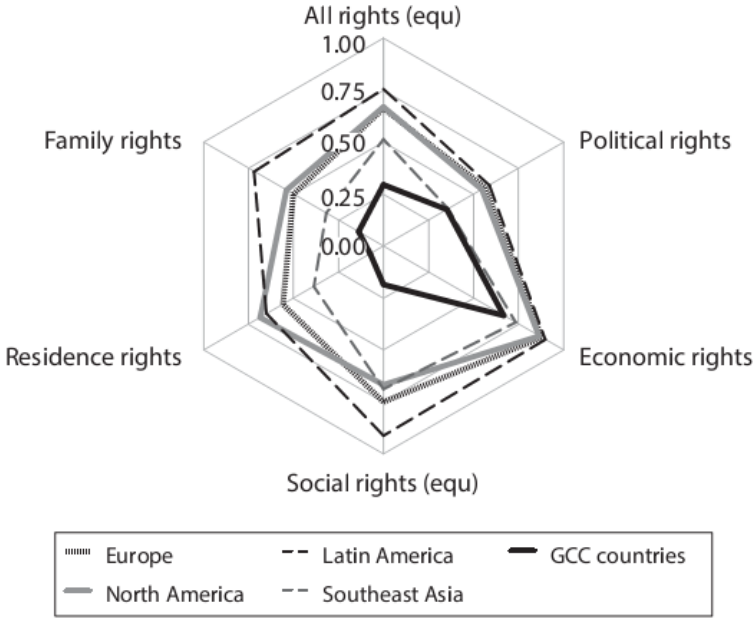
(Denmark, Finland, Iceland, Norway and Sweden). The Trans-Tasman Travel Arrangement between Australia and New Zealand was established in 1973 and it allows the free movement of the citizens of the two countries. Other similar agreements were established in other continents (like the MERCOSUR in South America, or the Economic Community of West African States (ECOWAS)). Regional agreements do not always include the movement of workers (for instance, the North American Free Trade Agreement (NAFTA) does not). Perhaps the most successful and ambitious regional organization is the European Union, which started as a common market among six European countries and now it comprises 28 member states the citizens of which have freedom of movement within the Union. Regional organizations also provide for admission and employment of migrants from non-member countries. In this regard, the EU has adopted a series of directives (for instance, on long-term residence, on family reunification, etc.) for the non-EU citizens. However, the admission of migrants remains a national policy.

In Europe, another regional organization, the Council of Europe, has been in existence for a long time, as it was established in 1949. It includes all the states of Europe (47) and it promotes human rights by adopting treaties that the member countries are free to ratify. In 1955 it adopted the European Convention on Establishment and in 1978 the European Convention on the Legal Status of Migrant Workers. These conventions only apply to the citizens of the member states.

In Asia, the South Asian Association for Regional Cooperation (SAARC) was established in 1986 and the Asia Pacific Economic Cooperation (APEC), which includes also non-Asian countries and is limited to economic cooperation, was established in 1989. The Association of Southeast Asian Nations (ASEAN) is the oldest (it was established in 1967) and the most mature regional organization, as it will become the ASEAN Economic Community (AEC) in 2015. It will allow for the free circulation of seven categories of professionals (engineers, nurses, architects, surveyors, doctors, dentists and accountants). However, ASEAN has also adopted two declarations that are relevant for the protection of migrants' rights: the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was adopted in Cebu, Philippines, on 13 January 2007, and the ASEAN Declaration against Trafficking in Persons Particularly Women and Children which was adopted in Vientiane (Laos) on 29 November 2004. As declarations they are not binding treaties. However, ASEAN committees have been established for the implementation of their principles.

## Discussion

From the cursory overview it is apparent that migrants can claim protection from a wide range of norms and laws and under a variety of entitlements. In general, they can have protection because they are human beings, foreigners and migrant workers. Consequently, it cannot be said that the state has unbridled authority over migration issues. At the same time, it is also true that the protection of migrants is very diversified across countries and across occupations. In general, permanent migrants enjoy better protection than temporary migrants (as it is summarized in the principle: the longer the stay, the stronger the claim), and highly skilled migrants have better protection than low skilled migrants. It is also important to underscore that protection is higher when granted by national laws, because the violation of national norms can be redressed by the judicial system. International conventions are very important because, when ratified, they require adjustments in the national legislation and because they constitute the framework under which the protection of migrants is negotiated among states. At the end, however, migration policies are normally established by individual countries and meant to serve national interests. Even human rights, which derive from being human and



**FIGURE 4.7.** Restrictions of migrant rights by geographic region, all programs (N = 104), 2009  
*Notes:* The migrant rights scores range from 0 (most restrictive) to 1 (least restrictive).

should be enforced regardless of the nationality of the persons, still require the recognition and implementation by the state.

Source: Ruhs 2013.



### Question for discussion.

- Why are skilled migrant workers granted more rights than low skilled workers?
- Is there a trade-off between openness to immigration and migrants rights? In other words, are countries willing to admit more migrants in exchange for less protection? (see Martin Ruhs, 2013).
- Can protection of rights and promotion of migration be pursued concomitantly by countries of origin? If not, what gives in?
- Countries of origin are normally considered on the weak side in the negotiation for better protection of migrants with countries of destination, because pressed by the need to ensure deployment of migrants. They also find it difficult to form a united front because of competition for the foreign labor markets. What is wrong with the idea of a labor cartel?

### Good practices

*Legal assistance to migrants abroad.* Countries of origin are increasing their service available to migrants in their diplomatic posts. In addition to labor attaches, increasingly countries are including personnel with legal and paralegal expertise.

*Shelters.* Often embassies of countries of origin have facilities to provide shelters to migrants in distress, particularly domestic workers who need temporary assistance while waiting for the exit clearance from their employers.

### Test of knowledge

- What are the ILO core conventions?
- What are the specific ILO conventions for the protection of migrants
- What are the human rights of migrants according to the ICRMW and whom do they apply to?
- What are the instruments providing protection against smuggling and trafficking of migrants?
- Is there a trade-off between openness to admission of migrants and rights recognized to them?

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## MODULE IV

### REPORTING ON SENSITIVE ISSUES

#### OBJECTIVES

After completing the module the participants will be able to:

- have a balanced appreciation of specific issues involving migrants
- know some of the pitfalls to avoid in reporting on those issues

#### Reporting on the living and working conditions of migrants

Living and working conditions of migrants often receive insufficient attention by local media. It is something which surfaces only in connection with something else, such as crimes involving migrants or other stories. In that case, media report on the places where migrants live or the conditions in which they perform their occupation. This applies to migrants at all latitudes.

What determine the living and working conditions of migrants is in general their status (permanent vs. temporary) and their occupation (skilled vs unskilled). As for other subjects, media speak about problems and issues related to the life and work of migrants, less on success stories. Among the problems related to the working conditions of migrants are long working hours, hazards related to the activity performed, insufficient safety measures, accident prone plants and factories. Aspects such as low salaries, unprotected labor relations, prohibition to form or join unions, lack of social benefits are given less attention.

One category which finds space in written and digital media is that of migrants employed in agricultural work. Because of the seasonal nature of the job, the organization of work through various tiers of subcontractors, the poor housing provisions, the compensation based on piecework migrants working in agriculture are object of reportages, whether in California or in Southern Italy.

There is less employment of migrant workers in the agricultural sector in the Gulf Countries, where the major issues concern instead work accidents and deaths, the dependence of migrants on the kafala system, the segregation of migrants in camps and stories of domestic workers victimized by their employers.

The first sensitive aspect in the discussion of the migrants' situation in the Gulf Countries concerns terminology. Migration is not called for what it is, labor migration, but "temporary contractual labor" to ensure that no residence and citizenship rights can be claimed. Such concern might be motivated more in regard to migrants from Arab countries, rather than the current majority, coming from South and Southeast Asia.

Work accidents and deaths in the Gulf countries attracted new attention because of the article of 18 February 2014 in *The Guardian*, calling attention to the fact that 500 Indian workers employed in the construction of the stadiums for the 2022 world cup had died in Qatar in the previous year, a sudden increase over the rate of death of the previous years.<sup>4</sup> Similar issues were reported also for migrants of other nationalities<sup>5</sup> and calling for an improvement of the migrants' working conditions in that country and involving FIFA to ensure the respect of minimum standards for workers. Qatar announced reforms, such as the abandoning of the Kafala system, but Amnesty International found the reform short of what was needed, particularly because the kafala system was not really abandoned and the restrictions for migrants to leave the country remained in place.

Stories concerning Qatar were highlighted because of the preparation for the world cup, but are not very dissimilar from what is happening also in other countries. In particular, the call to abolish or reform the kafala system has gone unheard many times and attempts have reached limited results (Kahn and Haroff-Tavel 2011).

#### **Questions for discussion**

- **Compare articles in *The Guardian* and articles in local media for reporting on work and death accidents concerning migrant workers in the Middle East.**
- **Examine articles calling for reform of the Kafala system to monitor government response and actual changes introduced.**

Many migrants in the Gulf countries are housed in camps. The camp system has been criticized for keeping migrants secluded from the local society, an organization not too different from apartheid.

What is less known is that camps and dormitories are structures provided to migrants also in other countries. Dormitories are a common housing for migrants in Taiwan. Kerala, the state of India where many migrants to the Middle East come from, has now become a destination for internal migrants or domestic migrant labourers (DML). Preoccupied with the substandard living conditions provided by construction sites and factories, the Labour and Rehabilitation Minister announced in June that the government will provide facilities "similar to the ones provided to workers in Gulf countries."<sup>6</sup>

For domestic workers the stories keep repeating. Employers confiscate the migrants' passports, migrants' go long periods without pay, when they are paid salaries are much lower than what established in the contract, they must perform duties that are outside the occupation for which they were hired ("The women say they were hired as waitresses but have also worked as cleaners, maids, housekeepers, cooks and babysitters"). Some had to work "more than 100 hours a week without a day

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<sup>4</sup> Gibson Owen, "More than 500 Indian workers have died in Qatar since 2012, figures show," *The Guardian*, 18 February 2014.

<sup>5</sup> Doward Jamie, "Qatar World Cup: 400 Nepalese die on nation's building sites since bid won," *The Observer*, 15 February 2014.

<sup>6</sup> Kochi J. Binduraj, "Kerala to provide Gulf-like labour camps for migrant workers," *Indiatoday*, 4 June 2014.

off.”<sup>7</sup> To be able to leave an abusive working condition migrants must obtain a no objection certificate (NOC), which can cost up to 2,000 riyals and pay also for the return ticket.

Abuse often reported by women domestic workers consist of verbal and physical maltreatment and sometimes sexual assault. The problem with sexual assault in the Gulf Countries is that since penalties for rape are very high (life imprisonment in Qatar and even death), the domestic workers reporting such cases end up being charged of illicit relations. Women run away from abusive conditions and find shelter in embassies, such as the Philippine embassy, where “The Philippine Overseas Labour Office (POLO) sheltered more than 600 runaway maids in the first six months of 2013 alone.”<sup>8</sup> However, to be able to return to their country they need to obtain the NOC, which is granted by employers only after charges are dropped and domestic workers accept the blame for what happened.

### ***Questions for discussion***

***The difficulties of reporting on the living and working conditions of migrants workers in the Gulf Countries depend on the fact that the monitoring of policy implementation is difficult; consequently data are unreliable while formal research is hard to organize because of government control. In such context, information is derived from reports by international organization or from investigative journalism. What are the difficulties involved in investigative journalism? What procedures should be followed to obtain correct information from officials, employers, kafeels, migrants?***

### **Reporting on suicides of migrants**

Migration is a vulnerable condition when the rights of migrants are not recognized and protected and when the social environment does not allow for some form of integration. It is generally recognized that low skilled occupations are more vulnerable than highly skilled ones and that among low skilled occupations domestic work is particularly exposed to abuse. Some migrant workers find their condition abroad intolerable and, without the opportunity to receive help from support groups, commit suicide.

In 2010, media in Kuwait caught the attention of public opinion on the alarming number of suicides among migrant workers. The Media Line reported that 23 migrants committed or attempted suicide in June and July of that year. Also, 17 domestic workers had attempted or committed suicide in May and 25 in February and March. The news was then sensationalized with the subheading “migrant worker in the Gulf state committing or attempting suicide every 2.5 days.” Later the articles specified that “Female Asian domestic workers make up the vast majority of the suicides, most of which are committed by swallowing chemicals or jumping out of a window.”

In the rest of the articles, an attempt is made to find reasons for the increase of suicides among migrants, including the difficult conditions of migrants whose employers hold their passport, do not pay

<sup>7</sup> Falconer Rebecca, “Broken promises: Qatar's migrant workers caught in the kafala system,” *The Guardian*, 20 February 2014.

<sup>8</sup> Falconer Rebecca, “Qatar's foreign domestic workers subjected to slave-like conditions,” *The Guardian*, 26 February 2014.

their wages and just disappear, leaving them most probably with a debt to repay at home and no immediate solution; or the conditions of domestic workers trapped in impossible situations inside the house of their employer.

Calling attention to an alarming phenomenon requires placing emphasis on what is reported. At the same time, some caution should be used in reporting suicide stories because of unintended effects that might ensue. In this regard, [Reportingsuicide.org](http://reportingsuicide.org) has some specific recommendations:<sup>9</sup>

- “More than 50 research studies worldwide have found that certain types of news coverage can increase the likelihood of suicide in vulnerable individuals. The magnitude of the increase is related to the amount, duration and prominence of coverage.
- Risk of additional suicides increases when the story explicitly describes the suicide method, uses dramatic/graphic headlines or images, and repeated/extensive coverage sensationalizes or glamorizes a death.
- Covering suicide carefully, even briefly, can change public misperceptions and correct myths which can encourage those who are vulnerable or at risk to seek help.”

Additional advice is provided on alternative way of reporting.<sup>10</sup> Among them the advice not to use graphic photos, to tone down the language and not to speak of suicide as skyrocketing. Instead, media should speak of suicide as a public health issue.

#### ***Questions for discussion***

***What is the proper way to strike a balance between calling attention of the public opinion on suicides among migrants and avoiding sensationalism? What are the common elements among the various online sites advising on how to report on suicide?***

#### **Reporting on racism and xenophobia**

Racial discrimination is a phenomenon which has been observed in many countries, which has attracted a lot of attention in the attempt to eradicate it, but which continues to surface in different contexts, from the job site to the neighborhood, from public spaces to private institutions, among the adults and the youth. It is particularly chastised when it occurs in events that attract a lot of attention, such as sports events. Some progress has been made over the years, at least in terms of correctness in terminology and perception of what is not-acceptable in mutual relationships, but much more needs to be done. Media is a potent instrument for educating the public opinion, but media is also used to propagate discrimination. As migrants are persons coming from a different context and increasing the level of diversity in society, they are also the object of racial discrimination and xenophobia.

Technically, racial discrimination is defined by art. 1 of the International Convention on the Elimination of All Forms of Racial Discrimination as “... any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms.”

<sup>9</sup> <http://reportingsuicide.org/>

<sup>10</sup> <http://reportingsuicide.org/Recommendations2012.pdf>

The distinction between racism and xenophobia was clarified in a document prepared by ILO, IOM and OHCHR on the occasion of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

- **Racism** is an ideological construct that assigns a certain race and/ or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the “superior” race exercises domination and control over others;
- **Xenophobia** describes attitudes, prejudices and behavior that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.

Racism and xenophobia find expression not only in abusive language and offensive material but most of all through forms of exploitation and discrimination. Exploitation of migrants takes the form of being assigned occupations that are dangerous, dirty and demeaning (the famous 3 Ds); of receiving much lower salaries than nationals (in the 1990s it was documented that the ratio of migrants’ salaries to local workers’ salaries ranged between 0.48 and 0.63); of working longer hours and lacking social benefits; of lacking any security of employment as migration is organized on a temporary basis.

Resentments against migrants, which easily overflows into racism and xenophobia, is often fueled by misconceptions of the reality of migration. Media can be effective in diminishing racism and xenophobia by providing a balanced documentation of the various dimensions of migration, by knowing the common stereotypes associated with migration and correcting the misconceptions they disseminate.

***Some typical stereotypes against migrants***

<b>Stereotype</b>	<b>Reality</b>
Migrants are taking our jobs	In most cases migrants perform a complementary rather than substitutive function in the labor market
Migrants depress wages	They also allow local workers to find jobs in the higher sectors of the labor market
Migrants do not contribute to society	Unfortunately migrants are often segregated from the local population, like in the Gulf countries
Migrants make an excessive use of social benefits	In fact, in many countries newly arrived migrants cannot have access to social benefits. As for the resident migrants, in UK in 2011 only 6.4 percent among persons using social benefits were born outside of the UK <a href="http://www.bbc.co.uk/news/uk-16643677">www.bbc.co.uk/news/uk-16643677</a> Also it was found that migrants pay more in taxes than what they receive <a href="http://www.ucl.ac.uk/news/news-articles/0907/09072302">www.ucl.ac.uk/news/news-articles/0907/09072302</a>
Migrants send money out of the country as	Local people also spend considerable money for

remittances	vacation outside of the country or have bank deposits in foreign countries, or purchase items produced abroad
Children of migrants create pressure on the school system at destination	It is also true that children of migrants contribute to save dwindling schools
Immigration increases criminality	General figures do not distinguish on the nature of crimes and do not account for the bias of law enforcers

A research by the Centre for Research and Analysis of Migration (CREAM) at University College London has reached the following conclusions about migration:

- Immigration improves innovation, trade and entrepreneurship
- Recent immigrants tend to claim less in benefits than native born British people
- Recent immigrant households and groups contribute more in taxes than is spent on them.
- Most research into the impact of immigration upon wage rates or levels of employment suggests that there is little impact;
- One in five health professionals are immigrants
- Immigrants use health and GP services about as much as the native-born population
- There were about 435,000 international students in UK universities bringing over £10 billion to the UK economy in 2011
- There is no evidence that economically motivated immigration has any impact on rates of crime

(<http://www.cream-migration.org/files/Migration-FactSheet.pdf>)

***Racism in the Middle East***

Perceptions of racist and discriminatory attitudes by the local population in the Gulf Countries against migrants, particularly from India and Pakistan, are expressed in blogs. They refer to the mistreatment of migrants, particularly domestic workers, to people in Dubai advocating for segregation in the metro or resent advertisements for “Arabic music for Arab people.” Others react by saying that official relations among governments are good and that Indians in Dubai are not just poor workers but also wealthy business persons. Also, Arab racism is not just directed toward migrants, but towards Berbers, Kurds, Persians, and others as well. Some indicate that there is also a racism by Indians toward Arabs. As it is typical in such cases, accusations are thrown back and forth.

Islamophobia can be considered a form of racism, although it is not universally accepted as such, and it consists in general in prejudice or hatred and at the same time fear of Muslims or persons perceived as Muslims. Scholars debate that the object of prejudice or fear is not Islam, but Muslims, and it should be more correct to speak of Anti-Muslimism. Among the typical misconceptions expressed in Islamophobia are the belief that Islam is a monolithic bloc, that it does not share values with other cultures, that it is



inferior to the West, that it is violent and supportive of terrorism.<sup>11</sup> Islamophobia against migrants can be observed in particular in European countries, where migrants of Muslim origin, particularly from the Maghreb and from Turkey, are particularly numerous. Analyst of media reporting on migrants in France observe that journalist often make simplistic connections such as: immigrants = Muslims = accomplices of Islamists or Islamists themselves = terrorists (Chatel 2007). There are not many sources reporting on islamophonia among migrants in the Middle East.

**Guidelines of the National Union of Journalists (UK and Ireland) on how to report about race**

- Only mention someone's race if it is strictly relevant. Check to make sure you have it right. Would you mention race if the person was white?
- Do not sensationalise race relations issues; it harms black people and it could harm you.
- Think carefully about the words you use. Words which were once in common usage are now considered offensive, e.g. half-caste and coloured. Use mixed-race and black instead. Black can cover people of Arab, Asian, Chinese and African origin. Ask people how they define themselves.
- Immigrant is often used as a term of abuse. Do not use it unless the person really is an immigrant. Most black people in Britain were born here and most immigrants are white.
- Do not make assumptions about a person's cultural background - whether it is their name or religious detail. Ask them or where it is not possible check with the local race equality council.
- Investigate the treatment of black people in education, health, employment and housing. Do not forget travellers and gypsies. Cover their lives and concerns. Seek the views of their representatives.
- Remember that black communities are culturally diverse. Get a full and correct view from representative organisations.
- Press for equal opportunities for employment for black staff.
- Be wary of disinformation. Just because a source is traditional does not mean it is accurate.

Racism is universally condemned and most countries have initiatives and programs against racism. The basic commitment consists in ratifying the international convention against racism.

**Ratification by Asian Countries of the International Convention on the Elimination of All Forms of Racial Discrimination, 2014 (1966)**

South Asia	Southeast Asia	Middle East
Afghanistan (1983)	Cambodia (1983)	Bahrain 1990
Bangladesh (1979)	Indonesia (1999)	Jordan (1974)
India (1968)	Lao PDR (1974)	Kuwait (1968)
Nepal (1971)	Philippines (1967)	Iran (1968)
Pakistan (1966)	Thailand (2003)	Iraq (1970)
Sri Lanka (1982)	Timor Leste (2003)	Israel (1979)
	Vietnam (1982)	Lebanon (1971)
		Oman (2003)

<sup>11</sup> *Islamophobia, A Challenge for Us All*, The Runnymede Trust.  
<http://www.runnymedetrust.org/uploads/publications/pdfs/islamophobia.pdf>

		Qatar (1976)
		Saudi Arabia (1997)
		United Arab Emirates (1974)

**Reporting on Crime**

Migrants receive wide attention by media when involved in problematic situations, particularly in crimes. An analysis of five newspapers in Scotland after the enlargement of the European Union established that 42 percent of articles related to migrants concerned crime (Semotam 2011). It is often a popular perception that migrants, particularly irregular migrants, are more involved in criminal activities than the native population. In reality, many studies have shown that migrants have fewer problems with law enforcement than the natives. This is certainly true for the US, where, for instance, a 2008 study found that although immigrants make up 35 percent of the population in California, they are only 17 percent of those in prison (Butcher and Morrison Piehl 2008). After the large regularization of migrants following the approval of the 1986 Immigration Reform and Control Act one third of them moved to California, and yet the crime rate dropped by 55 percent (Krisberg and Smith 2010). The situation seems to be rather different in Europe, where the rate of criminality among migrants is usually higher than that of the native population. However, even in Europe the criminality of migrants is higher in countries where the level of legality is in general lower. Considering that Australia, with a migration system more similar to the one of the US than the one of Europe, also shows a low level of criminality among migrants, it could be argued that the level of security that migrants enjoy and the general context conducive to compliant, rather than deviant, behavior influence the propensity also of migrants to acts against the law.

In addition to public opinion, which is leaning toward an image of migrants not always supported by data, public officials are not immune from bias. A 2013 issue of the Runnymede Bulletin included some aspects that concern racial discrimination in the attitude of public enforcers in the United Kingdom:

- Black people are six times more likely and Asian people twice as likely to be stopped and searched compared with white people (Equality and Human Rights Commission).
- Black, mixed race, Asian and “unknown” young males [are] all more likely to be charged with robbery offences than White males [who are] more likely to be charged with criminal damage offences (Youth Justice Board).
- A lower proportion of black young males and mixed race young people receive precourt disposals compared to young white people. (Youth Justice Board).

Caution by journalists when reporting on criminal stories involving migrants require

- obtaining the correct information. Cross-checking is particularly necessary because local sentiments against migrants on the occasion of criminal stories tend to distort facts.
- establishing the reality of facts. Circumspection is needed when crimes are attributed to migrants because of many cases in which they were made scapegoats for action committed by nationals.

- avoiding stigmatization (which might occur by emphasizing the origin of the person involved in the crime and which is not done when the crime is committed by a national)
- placing events in the proper context (which might include the status of the migrant, the time spent in the country, the social condition as well as the attitudes of public officials and the local population) (Marthoz 2011).

Specific attention for responsible journalism is due in cases of sexual violence. Media tend to provide large, detail and protracted reportage of sexual crimes committed by migrants. On the other hand, much less reporting is dedicated to sexual violence committed against migrant women.

One factor complicating the scenario comes from the fact that various governments have declared irregular migration a crime. The criminalization of irregular migration, more than discouraging the choice of irregular migration channels and the practice of smugglers and traffickers, might set migrants on a track which leads to additional criminality.

Many migrants are in jail in the Gulf Countries. According to the Ministry of Overseas Indian Affairs, 3,497 Indians were in jail in February 2014, the highest number in Saudi Arabia. Offences vary from irregular migration to drug trafficking and murder. At the end of December 2013, 3154 Filipinos were in jail abroad according to the Department of Foreign Affairs. In the Gulf Countries, common offenses committed by Filipinos were possession of alcohol, theft, immorality up to drug trafficking and murder.<sup>12</sup> Total numbers appear high, but like all figures, must be put in the proper context.

#### **Questions for discussion**

- *Are facts concerning deviant behavior involving migrants reported with balance in local media? Analyze some examples.*
- *Does the national system provide for fair access to legal protection and insurance of a fair trial also for migrants? Is media contributing to sentencing by public opinion?*

#### **Good practices**

- Integrating migrants: ISOP is an organization dedicated to facilitating the integration of migrants in Austria. It offers training courses and advice on employment opportunities ([isop.if@styria.com](mailto:isop.if@styria.com)).

- The European Union has established in 1997 in Vienna the European Monitoring Centre on Racism and Xenophobia (EUMC): [www.eumc.eu.int](http://www.eumc.eu.int).

#### **Test of knowledge**

- Could you distinguish between stereotypes and truth concerning migrants?
- What are some common mistakes in reporting about suicides of migrants?

<sup>12</sup> Del Callar Michaela, Over 3,000 OFWS jailed, 800 others arrived home dead – DFA report, GMA News February 12, 2014.

- Can you indicate some of the guidelines for reporting on racism and xenophobia?
- Are migrants in the region overly involved in criminal action?

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## MODULE V

### GOOD GOVERNANCE: HOW DOES IT WORK?

#### OBJECTIVES

On completing this Module the participants will understand that:

- Because of its powerful influence on public perception the media can help improve governance by identifying weaknesses and failures of policy.
- Media can contribute to an informed debate on migration by putting news events in their full and proper context;

#### KEY MESSAGES

- Migration is driven by differences and imbalances among countries, and these differences have grown and not shrunk with globalization.
- Migration is not a problem to be solved; it is a process to be governed.
- Transparent policies and simple procedures for admission of foreign workers minimize the need for intermediaries and the risk of fraud, reduce the cost of migration, and encourage migrants to go through legal channels.
- The best way to protect the jobs and wages of national workers is to protect migrant workers.
- Regulating the activities of recruitment agencies requires the use of carrots and stick. Financial penalties for violating regulations must be accompanied by rewards for responsible or ethical recruitment practices.
- Migration is inherently a bilateral, if not a multilateral, issue that requires cooperation between origin and destination states.

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### Criteria for “good governance” in migration

Everyone will recognize that “good governance” in migration is a complex concept since the criteria for what is good is decided not by one but by several underlying objectives behind migration policies. Some objectives may be purely economic, such as removing constraints to productivity growth posed by labour shortages. Some objectives may be social, such as enabling people to reunite with their families. Some objectives may be political, such as protecting national workers against competition from equally, if not more, skilled foreigners who are willing to work for less than what nationals are willing to accept. Some may be based on a country’s moral values, such as concerns over fair treatment of foreigners or living up to commitments to international norms. Hence, good governance in migration does not only mean effectiveness in implementing national policies regardless of what the policies are (i.e. preventing nationals from leaving the country) but having sound policies that are compatible with international norms. The criteria for good governance would include :

1. having national policies and standards consistent with international norms, particularly the ILO’s Fundamental Conventions, the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the ILO Migrant Workers Conventions 97 and 143, the Palermo Protocol on Human Trafficking, and ILO Convention 189 on Domestic Workers.
2. implementing laws, policies and regulations effectively and efficiently on the ground, with adequate technical and budgetary resources;
3. insuring equal treatment of migrant or expatriate workers in their terms and conditions of employment and in social security;

4. managing foreign worker admissions in such a way as to raise productivity and avoid displacement of local workers;
5. minimizing fraud and abusive practices, enhancing skills-job matching, and reducing the cost of migration to the workers;
6. preventing clandestine or irregular migration, human smuggling and trafficking, and giving opportunities for regularizing the status of migrants in an irregular situation;
7. facilitating the economic and social integration of migrants through training and employment programs, and the active involvement of local communities; and
8. providing a path to earning entitlement to permanent stay not only for skilled but also for low skilled workers.

In 2005 the ILO's Governing Body adopted guidelines on how labour migration should be governed based on international norms and from best practices in national policies and programs implemented by governments, trade unions, and civil society (see ILO's 2005 Multilateral Framework on Labour Migration).<sup>13</sup> These comprehensive guidelines cover the opening of avenues for regular migration, promotion of decent work, the effective management of migration, protection of migrant workers and prevention of abusive practices, and linking migration and development.

### Approaches to admission of foreign workers

There is a wide variety of approaches to bringing in foreign labour but it is helpful to draw up some categories even if none may be said to constitute water-tight compartments. In the following a distinction is drawn between a "human capital accumulation" approach and a "demand-driven" approach to labour immigration. Canada and Australia follow a "human capital accumulation" approach aimed at enriching their countries' pool of skills and competencies through the admission of people, usually on a permanent residence basis, who meet the criteria set by the state. For this reason the approach is also sometimes referred to as "state-led", under which the government decides what qualifications potential migrants must possess. These are usually related to broad national objectives – to promote arts and sciences, enhance global competitiveness, help address the problem of population ageing, facilitate social integration, and meet labour shortages in certain regions such as the lack of health personnel willing to work in remote towns and villages.

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<sup>13</sup> <http://www.ilo.org/public/english/standards/relm/gb/docs/gb295/pdf/tmmflm-1.pdf>

Canada pioneered the use of the “Points System” under which individuals applying for admission to Canada are evaluated on the basis of the composite score they obtain using objective criteria. Points are assigned to such characteristics as educational attainment, work experience, language proficiency, age, health, having relatives who live in Canada, etc. Once a foreign worker is admitted in either country he or she becomes a permanent resident and enjoys the same rights as national workers.

Most other countries in both the developed and developing world admit foreign workers only for the purpose of meeting the demand of employers who claim that they cannot find suitably qualified national workers. Such policies assume that labour shortages are transitory or cyclical in nature which justify admitting foreign workers only on a temporary basis. Under this “demand-driven” or “employer-led” approach workers are admitted only for temporary periods (as so-called “guest” workers) who must return to their countries of origin at the end of their employment contracts. The process is activated following requests from employers either for a certain number of workers with certain skills, or for specific individuals they have identified and nominated. Visas are then issued by the government after certain procedures are followed such as labour market tests or employer’s attestation, both of which are meant to “ascertain” that there are indeed no national workers qualified to do the work and that no national workers will be displaced as a consequence. Those selected are not allowed to change jobs and are tied to the employers who nominated them. Most countries do not allow them to bring their families, except for those who earn salaries above a certain level to insure that they can afford to support them.

The specific measures adopted to implement these policies comprise various forms of control over numbers, duration of stay, limitations on rights, and other conditions for admission. Of these the following are among the most common:

- quotas limiting employment to certain sectors of industry or occupations
- modes of recruitment
- conditions of admission - temporary vs permanent
- conditions of admission for skilled vs less skilled
- rights of the foreign worker under labour law
- civil and political rights guaranteed the foreign workers
- right to be accompanied by family members
- fiscal disincentives such as foreign workers’ levy
- entitlement to social security membership

A typical country of employment will incorporate a number of these measures and conditions in their immigration policy. Many countries, for example, allow the employment of low-skilled foreign workers only in certain occupations where shortages of national workers have been reported or observed, and limit their stay through temporary visas. They also usually exclude them from enjoyment of the right to mobility in the labour market and to membership in social security schemes.

### **Questions**

- *How do states attempt to control the numbers and qualities of foreign workers to be admitted for employment within their territories?*
- *What are the assumptions behind temporary or guest worker schemes?*
- *What are the indicators of success or failure in managing admissions?*



In dynamic and fast growing economies there are always imbalances in the supply and demand for various skills in the labour market. At one level it may simply be due to the fact that most everyone is already employed and unwilling to change jobs, or because it takes time for workers to acquire the skills for the new jobs being created. At another level the failure of supply to respond may be due to structural factors such as the ageing of the workforce, or because the new jobs being created are considered too low for the highly educated new entrants to the labour force. Some countries put a high value to maintaining dominance in IT industries and thus encourage local firms to source needed software engineers from wherever they may be found while others want to guarantee essential food supplies and thus insure farms a steady supply of farm workers.

*Reasons why countries may decide to open up to foreign workers:*

- *to meet unmet or excess demand for workers*
- *to support strategic industries*
- *to complement and protect the jobs of local workers*
- *to build a global workforce*
- *to avoid wage-induced inflation*

Behind many countries' immigration policies is an implicit assumption that the need for foreign workers is temporary (or even cyclical) and that immigration is like a water valve that can be turned on or off depending on economic conditions. As many countries have discovered, using guest worker programs to address employer requests for workers has long-term consequences which may prove difficult if not impossible to reverse. Policy makers may have assumed, erroneously, that temporary worker programs do not affect relative wages or the returns to capital or to owners of other productive assets. In fact firms adjust their production strategies, and structure the jobs they create, according to their expectations about the availability and cost of labour. Thus, once they have made investment decisions on the assumption that migrants will continue to be available, they will understandably resist policy changes that would curb the influx. This widely observed consequence is often cited as an example of "path dependence".

The authorities tasked with managing foreign worker schemes aim to balance employer requests for foreign workers against other government priorities, including giving preference to local workers to fill vacant jobs and protecting local workers from “unfair” migrant worker competition. Under “employer-driven” systems, the national authorities (ie. ministry of labour) may approve the employer request in full or in part, or reject them altogether. For the authorities the application to bring in migrant workers raises the issue of reconciling conflicting goals – how to sustain and increase economic growth by allowing foreign workers to fill vacant jobs, while protecting local workers against displacement or giving them the first call on available jobs. Authorities also have to consider the possibility that the entry of foreign workers will lead to slower productivity growth, depress wages and cause other potentially adverse impacts on local workers and the economy.

The determination as to whether requests for foreign workers are justified or not is usually done after conducting a “*labour market test*”. This is intended to ascertain if indeed there are no local workers qualified and willing to take the jobs intended for foreign workers. The test typically involves requiring the employer either to post the job opening with the public employment exchange or to advertise the job in local newspapers and observe a waiting period for local workers to apply. Authorization to bring in foreign workers will then be issued if no suitable applicants are found.

**Questions:**

1. *Why are labour market tests seldom satisfactory as a way to determine if no local workers are available and willing to fill vacant jobs?*
2. *Why do some employers argue that the best way to preserve jobs of their local employees is to allow them to hire foreign workers?*

An alternative is for the government itself to assume responsibility for identifying labour shortages. It may then come out with a list of “labour-short occupations” which will serve as the basis for deciding on employer requests for authorization to bring in foreign workers. Various methods are used to determine such shortages including conducting periodic surveys of enterprises, using records of public employment exchanges on hard-to-fill jobs, or creating advisory bodies in which employers through their associations and trade unions are

represented. For forecasting skill shortages over the long-run some governments rely on complicated macro-econometric models of the economy which relate the growth of output and labour productivity to future labour requirements. With information from one or a combination of these methods governments may then issue “certification” that shortages do exist when employers make their requests.

In the United States, the Government also considers “employer attestations” of shortages wherein the approval of requests are granted under certain strict conditions such as guaranteeing that no lay-offs have taken place for the specific jobs involved before and after foreign workers are hired, and that wages and salaries given to foreign workers are at least equal to, if not higher, than wages for similar jobs occupied by local workers.

Countries have employed various measures in order to contain foreign worker admissions within certain limits and to discourage employers from becoming too dependent on foreign workers because they are cheap. Quotas on numbers to be allowed at national, at sector, or at enterprise levels may be set by law or by regulation. In Singapore the quota differs from one sector to another and is expressed as a percent of the firm’s workforce at the enterprise level. The quota changes from time to time depending on the Government’s decision on where shortages are most acute. In the US the caps on admissions under various categories such as the H2A for agricultural workers or H1B visa for the highly skilled are expressed at the national level and established by Congress. The caps also change from time to time.

In order to discourage dependence on foreign workers the Singapore Government also imposes a head tax for every foreign worker employed. The tax is supposed to be an added cost to the employer, a disincentive that should prompt them to either hire only local workers or seek ways of saving on labour through changes in product mix or production methods or going for mechanization and automation. In order to work as expected, however, the policy will need to be coupled with regulation of wages otherwise the employer will simply seek foreign workers willing to accept lower wages.

Admission programs may be designed in such a way as to only allow the hiring of skilled foreigners (as in Japan) or to only allow the recruitment of foreign workers from certain countries (as in Malaysia, Singapore, Taiwan Province of China and the GCC countries). The

Republic of Korea has entered into bilateral agreements with selected countries in order to have a better control of the migration process, insure that foreign workers possess a minimum degree of proficiency in Korean language, and are well informed of their rights to equal treatment under Korean law. These agreements provide that workers be recruited through public employment exchanges in the source country and placed in jobs by a Government agency in Korea so as to minimize the costs for the workers.

### QUESTIONS

1. *Can admissions of foreign workers be fine-tuned to respond to economic cycles?*
2. *How can the media contribute to a better understanding of the consequences of migration policy such as guest worker programs?*
3. *Comment on: "We brought in labour but we ended up with men." Max Frisch, Swiss Journalist*

### Addressing the problem of irregular migration

#### Questions

1. *Why is irregular migration a growing phenomenon in many countries?*
2. *How can media help in the conduct of amnesty programs and campaigns to regularize the status of the undocumented?*

One symptom of failure to manage migration is the fast growing number of migrants in an irregular situation. For the Asia Pacific region as a whole there may be as many as one out of every four migrant workers in an irregular status, but the ratio is much larger in some countries than others. Globally it is estimated that not less than 15 percent of today's migrant workers are in an irregular situation. This represents a huge population of workers who are vulnerable to all forms of exploitation. The phenomenon is fuelled to some extent by the growing commercialization of migration processes, but also by the growth of informal forms of employment and the increasing unwillingness of workers in fast advancing societies to perform unattractive and dangerous jobs. Many countries have large informal sectors that thrive on the growth of domestic consumption, tourism, and exports. Prominent in these sectors are small-

scale enterprises that operate with very low margins and which have enormous difficulties keeping native workers. Governments also unwittingly exacerbate the problem by making it expensive for employers to comply with the law because of heavy fees for registering their migrant workers, or by making it much more costly for the workers to go through the normal legal procedures.

Irregular migration is a serious issue that needs resolution. From a human rights perspective it represents a huge problem. Those who work under exploitative wages and working conditions seldom seek official remedies for fear of being deported or even imprisoned. Irregular migration poses severe challenges for many democratic governments which must be careful not to violate human rights while responding to political pressures to come up with quick solutions. Understanding what factors give rise to the problem is evidently the key to effectively solving it. In the Republic of Korea the Government determined that most migrants in an irregular situation actually entered the country through regular channels, often as “trainees”. Under its previous immigration law low-skill foreign workers could only be brought in as “trainees”, receiving allowances rather than wages, but they were actually sponsored by small and medium scale enterprises to do the work of regular workers. It did not take much time before many found other jobs offering better terms, but in violation of their immigration status, and thus became “irregular”. The Korean Government corrected the situation by passing a regular “guest worker” program (called the Employment Permit System) which offered full protection of the migrant worker under the labour laws.

Regularization programs have often failed to achieve the objective of “wiping the slate clean”, meaning that all foreign workers in irregular status declare themselves, register with the authorities, and apply for a regular work permit. A common mistake is failure to recognize that migrant workers have gone to considerable expense to get where they are and for this reason will be unlikely to register unless given a chance to work and at least recover their investment. Spain’s successful regularization campaign entitled registrants to a work permit valid for two years and renewable under certain liberal conditions. Another common mistake, often arising from concern that declaration of amnesty and regularization only prompts many more to enter the country clandestinely, is to make the cut-off date for qualifying for amnesty so far back in time as to exclude large numbers of migrants already in an irregular situation (see for example the US Immigration Regularization and Control Act of 1986, which set 1982 as cutoff date).

In Thailand growing concern about the growth of irregular migration led the government to enter into agreements with the neighboring countries of origin to legalize movements but the problem could not be easily resolved. An agreement between Thailand and Laos, for instance, provided for procedures to legalize the status of irregular workers. Under the new procedures Laotian workers in Thailand will have to return to their country after a certain period of permitted stay and go through legal migration channels if they wish to return to work in Thailand. An unskilled Laotian worker can expect to earn 4000 bahts a month in Thailand, two

and a half times more than the 1600 bahts he or she can earn at home. It only costs about 2000 bahts to cross the border clandestinely, paying bribes along the way, but under the terms of the agreement Laotian workers have to go through the formal processes of securing jobs in Thailand through licensed brokers and obtain a work visa. The Laotian Government adopted a procedure whereby a worker applies for a passport, obtains a health certificate and police clearance, applies with a licensed agent in Vientiane who works with a licensed agent in Thailand, applies for a Thai work permit and entry visa, and is taken by the broker to the employer. Fees and taxes have to be paid every inch of the way, the cost of the whole process adding up to a princely sum of 18,000 bahts or 9 times more than moving across the border illegally.

#### **Question**

*How do policies toward irregular migration compare in terms of effectiveness and respect of rights:*

- *border control*
- *registration*
- *regularization*
- *amnesty*
- *repatriation*

#### **Facilitating and regulating recruitment**

Employers in need of foreign workers may go to source countries and offer jobs directly to interested job-seekers but this is seldom the most cost efficient way of recruiting workers unless they plan to hire large numbers. Lack of knowledge or information about the availability of the required skills in other countries, unfamiliarity with other countries' labour laws and regulations, the cost of conducting business and requirements for licenses and so on often make it more sensible for employers to go through intermediaries and recruitment agents. Similarly, workers seeking work in foreign countries will normally not have direct access to foreign employers and only stand a chance of getting offered a job if they secure the services of a recruiter. In theory, recruitment agents make labour markets more efficient by providing such services. In certain migration corridors private, for profit recruitment companies are the dominant players in matching jobs to skills. In Asia, depending on the country, they may account for anything between 70 to 95 percent of all recruitment of migrant workers.

Unfortunately in developing countries with excess supplies of labour and with many workers seeking better job opportunities abroad the recruitment business is widely associated with

fraud and excessive profit-taking. In Asia most governments have taken measures to regulate recruitment. In order to protect migrant workers entry into the business is controlled through licensing and requirement of financial guarantees. Recruitment practices must conform to certain regulations the violation of which can mean suspension or cancellation of licenses, and heavy civil and even criminal penalties may be imposed on those convicted of committing fraud or specified malpractices.

### Questions

1. *Why do many governments find it difficult to regulate recruitment?*
2. *Provide examples of how the media can protect the public against fraud in recruitment.*

Annex II of ILO Convention 97 specifies that the administrative costs of recruitment should not be borne by the migrant workers but many governments allow fees to be charged from the workers as long as these fall below certain limits such as the equivalent of 1-month pay. Actual fees however are widely observed to be much higher. Surveys of workers in the GCC, for example, have revealed that many incur migration costs equivalent to 6 up to 9 months of wages they expect to earn abroad, and much of it goes to the pockets of recruiters in their own country and their partner agencies in the country of employment. There are numerous other fraudulent practices such as offering “non-existing” jobs abroad, misinforming workers on the type of jobs they are to perform, changing the employment contracts upon the worker’s arrival in the country of employment, and over-charging workers for all the costs incurred such as for airfare, passports, visas, medical exams, training, and others. Many governments impose stiff penalties against violation of their standards but it is extremely difficult to prosecute erring recruiters abroad, and complainants often find it not in their interest to pursue cases which can drag on for many months in the regular courts.

The participation of many intermediaries drives up recruitment costs. In many cases two recruiters are involved in each job placement, one operating in the country of employment and another in the country of origin. This is the consequence of laws for regulating recruitment that require a licensee to be majority-owned by citizens in each country. The rationale is that violations of laws committed by entities outside the country cannot easily be prosecuted due to limits to jurisdiction. In the GCC countries the requirement that foreign workers be subject to sponsorship by a citizen (*khafala system*) has been blamed for the very high cost of being placed in a job. In the origin country costs are also driven up by the need in many instances to have sub-agents to look for workers living in rural areas far away from metropolitan centres.

Cooperation between countries of origin and employment with a view to sharing information on demand and supply of labour will help minimize the need for intermediaries. Sharing information on job vacancies is already a major program in the EU where nationals of member states have the right to work in each other's territory. Nationals of EU-member states can easily check on opportunities for employment in each country and apply directly with the employers. Such programs are complemented by agreements on using common occupational classification standards and mutual recognition of qualifications.

## Protecting migrant workers

### Questions

1. *Why should foreign workers be treated equally as local workers when they are willing to accept less favourable terms?*
2. *Is there public interest in media exposes on exploitation of migrant workers?*
3. *What reforms in policy and administration should the media promote to give migrant workers a fair deal?*

Expatriate workers employed as managers or professional experts often enjoy terms and conditions better than those of local workers but terms quickly deteriorate as one goes down the level of skill. The mistreatment of migrant workers is a global concern that has led to the adoption of international conventions and protection programs and measures at national levels, both in countries of origin and destination. The need for protection covers the entire migration cycle, from the first stage when workers are recruited, to their employment and stay, and eventual return. Typical problems are those of recruitment fraud and malpractices discussed in the previous section, payment of sub-standard wages, long working hours and being denied rest periods and holidays, exposure to hazardous chemicals, and not being allowed to organize and to bargain collectively.

National migration policies should be anchored not only on national self-interest but on universally accepted principles such as those adopted by the ILO and the United Nations. The international community has long ago accepted certain principles which should be applied by states in the treatment of foreign nationals whom they have admitted for the purpose of employment. Of these the most important is the principle of equal treatment which was already contained in the Migration for Employment Convention adopted by the ILO in 1939 the ratification of which was interrupted by the Second World War but eventually came into force, in a revised form, in 1949. See Module III for further elaboration of fundamental principles.

Experience shows that allowing the unequal treatment of foreign workers works against the interest of local workers. Where foreign workers can be paid lower wages than equally qualified local workers, be made to work longer hours without overtime pay, undertake more hazardous tasks without protection, and generally work under less favorable conditions, there will be a tendency for employers to replace the latter with the cheaper foreign workers. Measures to guard against this tendency such as requiring employers to give hiring priority to local workers



have proven very easy to circumvent, and sooner or later lead to dependence on foreign workers.

The responsibility for protecting migrant workers clearly lies with authorities in the countries of employment but where this cannot be assumed governments of origin countries have been compelled to adopt their own measures, albeit constrained by the fact that these are only enforceable within their own borders. Countries sending workers to the GCC countries have found it necessary to strictly regulate recruitment and require that workers be covered by employment contracts enforceable in the countries of employment. The following are among the typical measures that they have taken :

- Licensing of recruiters and regulation of their activities
- Minimum standards for contracts of employment with foreign employers (and use of “model contracts”)
- Registration of emigrants and their contracts
- Minimum age for migrant workers
- Restrictions on working in certain countries (e.g. war zones)
- Special measures for women workers
- Pre-departure briefing to prepare workers for working abroad
- Establishment of on-site services ( e.g.labour attaches)
- Requirement of life and invalidity insurance
- Bilateral labour agreements

### Policy Coherence

One of the major challenges to the governance of labour migration is policy coherence. At a minimum, policy coherence begins with ensuring that migration policies are directed at foreseeable long-term requirements of the economy and society, and remain in place without shifting with changes in government. However, in a larger sense, policy coherence means ensuring that policies and programmes in both migration and other sectors do not undermine each other, either directly or through unintended consequences. Rather, governments should take measures that support equitable and legal migration, ensuring that foreign workers receive wages no less than those of national workers, and using sanctions and other means to discourage the employment of irregular workers.

Lack of coherence in policy is often a reflection of the conflicting pressures on political leaders who are nervous of losing the support of key constituencies. One consequence is the

contradiction between political statements and what happens on the ground. A government may for instance play up its opposition to the use of unskilled foreign labour and its determination to stop irregular migration, but in practice may actually be subsidizing and protecting sectors, such as agriculture, that absorb unskilled foreign labour. It may also fail to regulate wages and working conditions, giving some employers an incentive to hire irregular workers to save on labour costs, or allow firms to legally pay below-minimum wages to foreign 'trainees' who are in fact workers. Politicians who fail to develop clear policies on migration run the risk of appearing hypocritical and losing public support, leaving policy at the mercy of extremist pressure groups. In many countries it is still an open question as to whether or not a more liberal immigration platform can be a vote winner.

Policy coherence does not, however, mean that the administration of migration policy should be inflexible. As many national authorities have learned from experience, some of the best designed procedures to manage migration can go awry because it is very difficult to anticipate the responses of the main players in the labour market. In the US, for example, the H1B visa category was created to meet the demands of private industry for highly skilled workers when these could not be found from the domestic labour market. However, the 'body shops' that recruited skilled foreign workers and placed them in US jobs found it advantageous to obtain as many visas as they could, regardless of demand, so some brought in foreign workers even though there were no jobs available for them.

### Questions

- 1. What is the evaluation of GCC Countries migration policies in terms of coherence with other policies?*
- 2. What lies behind the failure to reduce the dependence on foreign labor?*

### Multilevel governance of migration

As earlier noted sovereignty poses strict limitations on how any country of employment or of origin can protect workers who cross national borders. Diplomatic initiatives especially by governments of countries of origin have very little impact limited as they usually are to diplomatic initiatives and services. There is clearly a need for cooperation between origin and destination states which may be formalized through agreements or treaties at bilateral or at multilateral levels (as for example the common labour market of the EU). Governance of

migration through bilateral agreements has a long tradition, according to Battistella<sup>14</sup>. ILO Convention 97 (1949) and its accompanying Recommendation 86 envisioned the practicality of bilateral agreements and even provided a model to guide the governments in bilateral negotiations. Many agreements were forged with and among European states in the 1950s and 1960s. Then, the practice slowed down but a 2004 survey revealed that OECD countries were party to 176 bilateral agreements or other forms of labour recruitment (Garson, 2004). Similarly, the 2003 ILO Survey reported that 57 countries had bilateral agreements related to migration (excluding social security agreements) and of them, ten were Asian countries (Abella, 2006).

Bilateral agreements on labour migration in Asia have largely taken the form of memoranda of agreements rather than treaties because the former are much easier to negotiate and put into effect than the latter which call for ratification by the appropriate constitutional bodies in both countries. For the same reason treaties are much more binding than simple memoranda. Disputes over their implementation can be brought to court for settlement, unlike memoranda of agreements the implementation of which largely depend on the cooperation of responsible government agencies. Experience with how these instruments have served to improve governance has varied from case to case. Memoranda of agreements (MoAs) between Korea and source countries in Asia have established a system for organizing migration that greatly reduce costs for the migrants and offer better protection, but in the Gulf States MoAs serve not much more than signal political goodwill between origin and destination states.

### The value of social dialogue

Migration has, or is perceived to have, consequences that disadvantage certain groups, particularly the less skilled and older workers, either through displacement or a lowering of wages. Migration has also been blamed for all kinds of social and economic ills, from unemployment and displacement of nationals in the labour market, to illicit drugs, crime in the streets, terrorism, and HIV/AIDS. Since migrant groups seldom have an opportunity to defend themselves, they have become easy targets for extremist groups looking for opportunities to advance their political agenda. Few policy makers want to take chances on such a divisive issue and during periods of economic crisis they may choose simply to repatriate foreign workers and

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<sup>14</sup> Battistella, G. (2012) "Multi-level Policy Approach in the Governance of Labour Migration: Considerations From the Philippine Experience" Asian Journal of Social Science No. 40 pp 419-446

close the migration gates. This happened in Southeast Asia in the aftermath of the 1997 Asian financial crisis, for example, but has also taken place in other parts of the world. Even the most responsible political parties have been known to play the ‘migration card’ in order to win more votes.

Rescuing migration policies from the demands of street politics will require an informed debate that can reach a broad social consensus — reaching agreement among representatives of those who stand to gain and those who stand to lose. These are the employers, the workers, and the government representing the larger society. Social dialogue can help form a sound approach that commands broad support. Responses to the ILO International Migration Survey indicate that when they amend laws or pass bills pertaining to national immigration policy most countries hold regular consultations with representative employers’ or workers’ organizations. There are, however, only a few examples where the formulation of labour migration policies, laws and regulations takes place through formally established tripartite structures.

This type of dialogue is also needed in the countries of origin — especially where the government has assumed responsibility for regulating the recruitment and contracting of their nationals. Here too there can be winners and losers. The migrant workers and their families will gain but the society they leave behind can lose out, particularly from the emigration of skilled workers. When Jamaica, for example, lost two-thirds of its nurses to other countries, hospitals could no longer provide the same quality of treatment. And when Pakistan lost its best masons and carpenters to the Gulf States during the 1970s and 1980s it also lost the more senior workers who could pass on skills to younger apprentices, thus damaging the informal training systems. Not surprisingly domestic industries in origin countries that lose skilled personnel will have little incentive to invest in the development of other than firm-specific skills.

## Good practices

### **Korea’s Employment Permit System (EPS)**

In Korea a temporary guest worker programme (known as Employment Permit System) replaced the trainee scheme and allowed low-skill workers to be treated as regular workers. The EPS scheme has the following features that may be held up as best practice in the region:

- Yearly quotas are to be set by the Korean Government after assessing the dimensions of labour shortage in agriculture, fishery, construction, and manufacturing (enterprises with 300 or less workers);
- Employers must register with the Human Resources Development Service of Korea (HRD Korea) and can only choose from workers in HRD Korea's registry of workers who passed the Korean language proficiency test and were deemed qualified by an origin country authority;
- Migrant workers are to receive equal treatment in wages and other conditions of employment as Korean workers except that they cannot bring families and can only change employers after approval by HRD Korea
- The probationary period is limited to a maximum of 3 months;
- Migrant workers are to be covered by social insurance including membership in the National Pension Plan for workers from countries giving reciprocal rights to Koreans;
- Recruitment is only through designated government agencies in origin countries and HRD Korea, completely excluding private job-brokers; and
- Workers selected by the employers will be informed through the designated government agency in the origin country and will be issued visa and work permit valid for 3 years, but renewable for another 3 years on condition that the employer applies for extension prior to the end of the first contract and the worker returns home for 6 months in-between contracts.

HRD Korea and origin country authorities have been in frequent dialogue on how to improve the EPS system including introducing greater transparency in the decision-making process since applicants are not informed if they are already short-listed by Korean employers. However the system has been configured precisely to keep the process away from public view in order to prevent unscrupulous individuals from offering to intervene (for a fee).

### **Joint liability of recruiters and employers (PHILIPPINES)**

The Philippines holds recruitment agents of employers abroad" jointly and severally liable" in lieu of the employers they represent, if the latter are found to have violated employment contracts. When the matter involves restitution of unpaid wages, for example, the workers are usually awarded the claims out of the financial bonds deposited in escrow with a bank to meet the conditions for obtaining a recruitment license. The Philippine Government supports the policy with complementary regulations such as requiring employers abroad to show evidence to the nearest diplomatic mission of their qualification to employ foreign workers and to be registered. The policy has received wide attention and been cited as a model that other countries should also adopt.

### Test of knowledge

- What are some of the criteria for good governance of migration?
- How can migration policies of destination countries be classified?
- How can states address irregular migration?
- What are some effective measures to protect migrant workers?
- What is policy coherence?
- What is the value of bilateral and multilateral approaches to the governance of migration?
- What is the value of social dialogue in governing migration?

## MODULE VI

### MIGRATION AND DEVELOPMENT

#### OBJECTIVES

On completing this Module the participants will understand that:

1. In assessing migration's impact on development it is just as important to look at what happens to the individual workers and their families as it is to look at what happens to their countries of origin as a whole;
2. The consequences of migration are such that some gain from it while others may lose.

#### KEY MESSAGES

1. The key criterion on whether migration contributes to development is whether workers move from less to more productive jobs. Higher wages usually signal higher productivity but not necessarily since labour markets are not perfect.
2. Remittances by migrants already constitute large financial flows with important implications for development. Today they account for a very large proportion of foreign exchange income of many poor countries, often exceeding that earned on commodity exports.
3. Remittances do not automatically enhance a country's chances for development; much depends on the existence of institutions and policies that enable remittances to find their way to productive uses.
4. Diaspora communities contribute significantly to transferring capital and know-how to their origin countries.
5. Immigration may help rejuvenate ageing societies and increase productivity. Where they are needed migrants should be given a chance to earn the right to permanent settlement.

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- *How should development be defined? Should it be seen in terms of improvement in the life of individuals, not only in terms of what happens to the growth of their countries?*
- *Have remittances brought about faster development of origin countries? Have they made a significant impact on alleviating poverty?*
- *Or should poor countries discourage emigration because they need their skilled workers to develop their economies and societies?*
- *If immigration benefits host countries why does it generate so much opposition? Who benefits and who loses?*

## UNDERSTANDING DEVELOPMENT

The easiest way of conceptualizing development is in economic terms. Development is associated with the growth of the economy of a country and consequently with growth of per capita income, which brings about better living conditions, more comfortable housing, larger availability of primary goods, higher standards in education, more time for leisure. However, this way of conceptualizing development is limited, as many other dimensions are not included, and it can be distorting, as the focus is on the growth of the economy, leaving other elements as consequential, when instead they should receive primary attention and considered as catalyst to development. For this reason, for many years already the UNDP has produced an annual Human Development Index Report, which evaluates the situation and position of countries not just in terms of GDP growth, but of other elements (life expectancy and educational level, and since 2010 also inequality). The philosophy behind is to focus on people in its entirety, not just on the economic performance.

Obviously, economic performance, or lack of it, remains crucial. In general terms, it is to increase their economic condition that people migrate. However, the migration experience has an impact not just on the personal, family and country economic development, but on various other dimensions, including the acquisition of knowledge and skills, experience in relating with people from other cultures and languages, better understanding and appreciation of diversity, better attitude toward tolerance. Obviously it is not possible to develop in a short module all the dimensions of the relation between migration and development. However, it is important to reflect to what extent in media reporting migrants are simply reduced as workers, functional to economic development, while neglecting their human experience, capabilities and contributions.

## THE IMPACT OF DEVELOPMENT ON MIGRATION

It is often assumed that migration might have an impact on development (of the migrants, of the countries of origin and of the countries of destination). Less analyzed is the impact of development on migration. The common understanding is that migration is the result of lack of development or underdevelopment. Migrants are considered poor persons and the countries they come from are considered poor countries. In actual fact, migration is the result of development and must be associated with the initial stages of development. In a country with no development, labor mobility is minimal as there are no significant differences and insufficient incentives to move. When a country enters into a higher stage of development, some displacement of population is normally taking place, usually from the agricultural sector to the informal economies of urban conglomerates. As development brings about production which is more capital intensive and less labor intensive, some workers need to relocate to find employment. Therefore, migration is a function and a consequence of development rather than of

no development. By the same token, migrants are not the poorest persons in a country of origin, but persons coming from households that can afford the cost of migration.

## THE IMPACT OF MIGRATION ON MIGRANTS AND THEIR FAMILIES

How does labour mobility affect the welfare of the migrants and their families? Is there evidence that higher incomes earned by migrants are having a perceptible impact on health, education, and overall welfare of the family? Does it actually lead to higher savings? On the one hand family life may suffer due to the absence of the migrant; on the other, higher incomes may free more family members to take care of children and the home. Does it matter who among the family members (ie. father or mother) leave to work elsewhere? What has been the impact on children's health and performance in school?

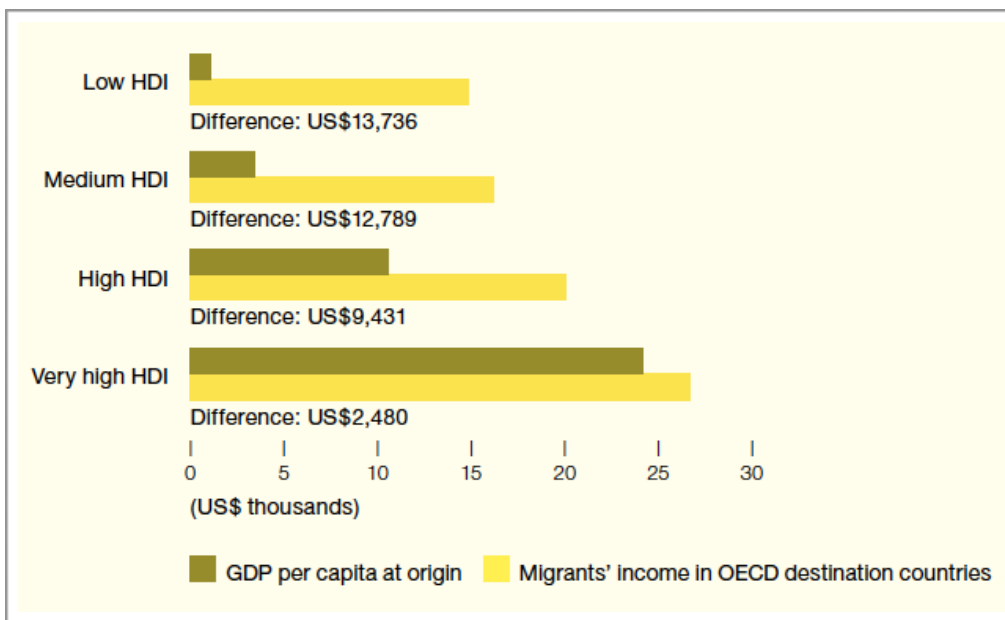
Some of these questions are difficult to answer but there is an *a priori* expectation that people, unless forced by violence or victimised by criminal syndicates, would only move if they can improve their well-being or welfare. It is thus widely taken for granted that migration, internal and especially international, leads to positive changes for the migrants, even taking into account the fact that there are real risks involved, and many suffer from exploitation and discrimination. Most empirical research indicates that migrants generally "gain" from moving. Country-level studies based on comparing conditions of migrants before and after migration invariably show significant improvements in terms of earnings, consumption, housing, or children's education.<sup>15</sup>

Figure 1 shows the findings of a recent survey of how migrants in OECD countries fared in terms of income gain in comparison to where they came from (grouped by human development index category). A migrant originating from a country with low HDI and goes to one of the OECD countries was estimated to gain on average some US\$ 13,736 annually. Migrants from other countries with very high HDI experience much smaller gains (US\$ 2,480). Research in the origin countries also shows that migrants' households have done much better than non-migrants in economic terms. In the Philippines, for example, households which were able to send a member abroad as a migrant worker climbed up from 6.9 to 8.8 percentile points in the per capita income ranking and from 4.5 to 5.9 percentile points in the per capita expenditure ranking. In rural Pakistan and India children in migrant households were not only more likely to attend school, but they were also more likely to stay in school and accumulate more years of schooling in comparison to their counterparts in non-migrant households in the same village. Moreover the educational gain from migration was also larger for girls than for boys.

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<sup>15</sup> See UNDP Human Development Report 2009. See also Clemens and Pritchett (2008) who proposed that aside from per capita incomes (which exclude those who have left their countries) in comparing development one should also use what they call "income per natural" to take into account the income of those who migrated at some point in their life and enjoy a generally higher standard of living than they did at home.

**Figure 1 Annual income of migrants in OECD destination countries and GDP per capita in origin countries, by origin country HDI category**



Source: UNDP Human Development Report 2009

## WIDER IMPACT ON DEVELOPMENT

The question often posed however is whether the benefits from migration go beyond those gained by the migrants and their families but also contribute to the growth and development of their countries of origin. The relationship between migration and development is complex and difficult to establish empirically but findings from research offer some helpful insights. A World Bank study on the experience of 74 developing countries concluded that remittances reduced the level, depth and severity of poverty in developing countries (Page and Adams, 2003)<sup>16</sup>. On average, a 10 per cent increase in the share of international remittances in a country's GDP leads to a 1.6 per cent decline in the share of people living in poverty.

In the Philippines a recent study by Ducanes (2011)<sup>17</sup> tested for the impact of remittances on poverty, inequality, and labour supply. He found that households who are able to send a member overseas for work have 2 to 3-fold greater odds of climbing out of poverty (based on per capita income) compared to

<sup>16</sup> Page, J., & Adams, R. (2003). *International migration, remittances, and poverty in developing countries* (World Bank Policy Research Working Paper No. 3179). Washington: World Bank.

<sup>17</sup> Ducanes, G. (2011). *The welfare impact of overseas migration on Philippine households: A critical review of past evidence and analysis of new panel data evidence* (Unpublished doctoral dissertation). University of the Philippines, School of Economics, Manila.

other households. With respect to reducing inequality Ducanes found that had it not been for overseas migration in the period between 2007 and 2008 inequality would have risen in 2008.

### Brain drain or brain gain

#### Comments:

1. *Developing countries should stop their skilled workforce from leaving so as not to harm their own chances for development.*
2. *Temporary migration programs are less likely to harm developing countries since their workers return.*

The consequences of migration on the labour market are complex since migration involves a large variety of skills and occupations and the capacity of countries to reproduce skilled labour is not everywhere the same. Where migration reduces the stock of human capital (brain drain) there can be serious adverse consequences for development. In theory the loss of highly-skilled especially medical doctors, engineers, and managers through emigration can undermine the capacity of a developing country to increase productivity and competitiveness, thus discouraging investments, frustrating improvements in education and health services for the population, and imposing higher costs for goods and services on those left behind. The subject has again become significant because of technological and demographic developments which put a premium on higher education and intensified the global competition for talents and skills. Over the decade of the 1990s annual admissions of skilled immigrants to the US grew 14.6 times and that to the UK by 10 times.

Where the emigrating workers are unskilled, or leave only for temporary contract employment abroad, the adverse impact is likely to be slight. However in the usual case emigration involves workers at the two ends of the skills spectrum - many at the bottom (unskilled) and many at the top (highly-skilled). Some of the highly skilled like medical doctors are hard to replace because it takes time to train them and others cannot easily take their place. Although there may be a general surplus of labour one has to know what skills are in ample supply and what are scarce before being confident that emigration will not create shortages. Over the long-run a rise in wages for occupations in demand abroad may trigger a supply-response that rebounds to the benefit of the origin society.

One study showed that the emigration of people with high levels of education induced greater investment in human capital in the origin countries. A 10 per cent increase in the migration of the highly skilled was estimated to cause a 5 per cent increase in the proportion of the highly skilled within the non-migrant population. Empirical evidence has remained inconclusive but some studies show that the stock of human capital across countries is positively correlated with the overall rate of migration to the rich countries. The situation probably varies from country to country. Where there are well-developed educational institutions such as in India the emigration of many professionals like IT specialists has not constrained growth; in fact migration and return migration has helped in the development of India's software industry which is now a major exporter of services. The Philippines has lost a very large number of medical professionals to emigration but the ratio of remaining doctors and nurses to the population remains equal to those in developed countries. The country has many medical schools and the prospects of earning higher wages through emigration attract many young Filipinos to invest in acquiring medical education. Since not all of them end up emigrating, the net effect has been to increase the number of medically-trained people available at home. If producing for the international

labour market leads to an excess supply at home migration's impact may be said to be perverse and should prompt governments to use policy to minimize it.

## Remittances and development

### Questions:

1. Comment : Much of what migrant workers are able to remit home go to conspicuous consumption, hence unlikely to contribute to development.
2. What is likely to be the difference in the economic impact of a billion dollars of remittances which go to families and a billion dollars going to state revenues for the export of oil?

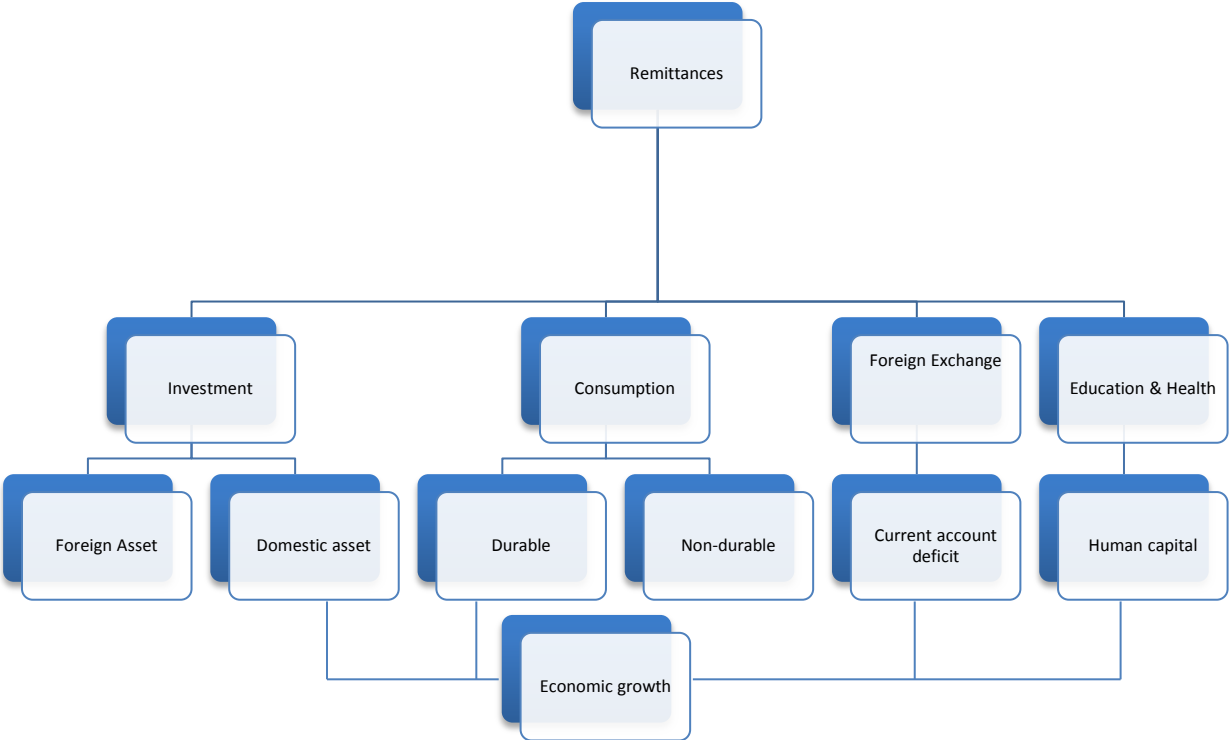
The earliest literature on migration assumed that mutual caring is the prime motivation for remittances sent home. Money is sent home to improve the family's welfare in its various dimensions - more and better food, longer schooling of children and other family members, housing improvements, more leisure time, and so on. Money is also sent home as a way to protect the family against shocks, natural (drought or typhoons) or financial (drop in price crops, loss of employment, illness). Hence migration has always been seen as an essential part of family survival strategy and remittances are its principal manifestation. Other possible motivations behind remittances include paying back for previous investment of the family in the migrant's education, compensating for the services of family members who take care of migrant's children left behind, or self-serving ones such as insuring that one maintains entitlement to inheriting family assets.

*According to the World Bank remittances are a key source of external resource flows for developing countries, far exceeding official development assistance and more stable than private debt and portfolio equity flows. For many developing countries, remittances are an important source of foreign exchange, surpassing earnings from major exports, and covering a substantial portion of imports. For example, in Nepal, remittances are nearly double the country's revenues from exports of goods and services, while in Sri Lanka and the Philippines, they are over 50 per cent and 38 percent, respectively. In India, remittances during 2013 were \$70 billion, more than the \$65 billion earned from the country's flagship software services exports. In Uganda, remittances are double the country's income from its main export of coffee.*

At the macro level the inflows of remittances enhance a country's ability to raise capital. First of all, the receipt of substantial remittances from nationals working abroad contributes to greater economic stability – improves the balance of payments, eases exchange rate and price fluctuations. Macroeconomic stability is essential to motivate capital owners to invest without demanding a higher risk premium. Remittances also ease liquidity constraints to greater investments and may even enable a country to borrow abroad at lower rates by leveraging future inflows which serve as collateral. Since remittances are likely to increase the funds flowing through the financial system they enhance financial development in recipient countries and their capacity to allocate capital.

The channels through which remittances impact on economic growth are many and not always easy to trace. A helpful diagram for visualizing the channels through which economic growth is affected by remittances is borrowed from Qayyum et al(2008). Increased investments in domestic as well as foreign assets may result from a rise in remittance flows. Increased consumption also usually follows from increased remittances. The increased inflows of foreign exchange directly help balance the current account or reduce deficits. Over the long-run increased spending by families on education then enhances a country’s human capital resources.

The positive impact of remittances on growth and development is demonstrated in the case of Pakistan. This is the general conclusion of a number of studies on Pakistan reviewed by Qayyum et al. Remittances have had positive effects on the economy in terms of aggregate consumption, investment, reduction in current account deficit, external debt burden and improvement in education/skills of the households. Significant proportions of remittance income were saved. In Pakistan during the 1980s and early 1990s, one study found that the marginal propensity to save out of international remittances was high at about 0.71.



Source: Qayyum,A. M. Javid and U. Arif (2008) “Impact of Remittances on Economic Growth and Poverty,” Pakistan Institute of Development Economics, Islamabad.

Notwithstanding the growing number of reports claiming significant impact of remittances on development an IMF study cautions that “...no nation can credibly claim that remittances have funded or catalyzed significant economic development” (Chami et al, 2003)<sup>18</sup>. One reason why large remittance inflows need not lead to development is because many less developed countries do not yet have the institutions and infrastructure in place that would enable them to channel remittances into growth-enhancing activities. If remittances increased mainly the incomes of the poorer households in the origin country the expectation is that the impact on national savings rates will be minimal since the poor consume most of any additional income. This will be all the more true if remittance income is not seen as transitory but permanent.

In countries where households face substantial risks such as from climate variability or economic instability (e.g. severe drop in price of major exports, inflation, financial crisis) households tend to use remittances to smooth out consumption.

### Role of diasporas in development

#### Questions:

1. Are highly skilled migrant workers or expatriates earning enough to be able to accumulate capital to invest in their countries of origin?
2. Are low-skilled contract workers able to acquire know-how that would be of value to their home countries?

A different angle for viewing the nexus between migration and development is at the micro-level, looking at the investments and know how transferred by migrants to their origin communities. A study by USAID found that aside from philanthropic activities migrant diasporas have also been prominent in a variety of activities with important developmental impacts on their countries of origin. Examples include:

- channeling investment and outsourcing opportunities toward their country of origin, which helped to incubate the development of high-tech sectors.
- diaspora entrepreneurs acting as ‘first movers,’ moving early into a promising or struggling sector in their country of origin, creating momentum that catalyzes growth in industries that may be otherwise unable to attract sufficient conventional foreign direct investment.
- diaspora portfolio investors in private investment vehicles and sovereign bonds injecting vital capital and budgetary resources for private sector expansion and the development of economic infrastructures.

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<sup>18</sup> Chami, R., Fullenkamp, C., & Jahjah, S. (2005). *Are immigrant remittance flows a source of capital for development?* (International Monetary Fund Working Paper 03/189) Washington: International Monetary Fund.

- web-based diaspora intellectual networks facilitating the transfer of knowledge of professionals abroad back to the homeland.

Diaspora resources are very substantial according to recent estimates by the WB (Ratha and Mohapatra, 2011). The region with the largest estimated diaspora savings is Latin America and the Caribbean (\$116 billion) followed by East Asia and Pacific (\$84 billion), Europe and Central Asia (\$73 billion) and South Asia (\$53 billion). The estimated diaspora savings for Sub-Saharan Africa is \$30.4 billion, and for the African continent including North Africa is nearly \$53 billion. One of the reasons why the Latin America region has the largest diaspora savings is that its migrants are mostly in the United States and Western Europe, and have relatively higher incomes on average than migrants in other corridors<sup>19</sup>.

The important role that diaspora communities are playing in the development of their countries of origin is only now receiving attention from researchers. Saxenian et al (2002)<sup>20</sup>, for example, found that immigrant entrepreneurs in Silicon Valley are transferring elements of the Silicon Valley business model to their native countries. The impact in India has been impressive – the Indian software industry grew 40 % a year in the 1990s and the number of software firms more than quadrupled from 700 to more than 2,800. Diasporas have likewise become important markets for borrowing from their origin governments, especially in the form of sovereign bonds. To finance infrastructure development the Indian Government sold some \$ 4.2 billion of Resurgent India Bond (RIB) to Indians abroad (Abella, 2013)<sup>21</sup>. Overseas Chinese also played a big role in the economic transformation of Taiwan and China. In the case of China it was estimated that about 70 percent of foreign direct investments that flowed to the country after the reforms of the late 1970s came from overseas Chinese. The Chinese Government has actively engaged Chinese professionals abroad in information and technology transfers.

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<sup>19</sup> Dilip Ratha and Sanket Mohapatra (2011) Preliminary Estimates of Diaspora Savings, *Migration and Development Brief*, World Bank, Washington, D.C.

<sup>20</sup> Saxenian A. & Quan, Y. M. X. (2002). *Local and global networks of immigrant professionals in Silicon Valley*. San Francisco, CA: Public Policy Institute of California. Retrieved from [http://www.ppic.org/content/pubs/report/r\\_502asr.pdf](http://www.ppic.org/content/pubs/report/r_502asr.pdf)

<sup>21</sup> Abella, M. (2013). Effects of Labour Mobility: An Analysis of Recent International Development Literature. *The International Indigenous Policy Journal*, 4(3) : <http://ir.lib.uwo.ca/iipj/vol4/iss3/3>



## IMPACT ON HOST COUNTRIES

### Questions:

1. Can temporary or guest worker schemes be sustained without making receiving countries continually dependent on foreign labour?
2. What information should media collect to contribute to an informed debate on immigration?

The usual rationale for admitting foreign workers is to remedy a “shortage” of workers, in other words to remove a bottleneck in production. By importing foreign workers a country can quickly increase its output of goods and services, without having to wait for the native population to increase in sufficient numbers and acquire the needed skills. Because they did not have enough workers when embarking on huge development programs millions of foreign workers were brought to the Gulf States in order to build factories and offices, ports, highways and other public infrastructures, clean public spaces and private homes, drive public transport and staff hospitals thus expanding the countries’ productive capacities. The foreign population in the Gulf States rose from only 941,000 in 1975 to 17.6 million in 2010 producing an overnight transformation of the region from small traditional economies into modern centres with first world infrastructure and vying to serve as major hubs for air transport, finance, and even tourism. From an economic standpoint the immediate impact of the temporary worker programs in the Gulf region has been direct and positive. The bigger question however is whether temporary migration has unexpected consequences which may be negative.

**Comment:** *Since the 1990s the Gulf states have launched various “nationalization of employment” policies which have not produced much result. The young native population with good education entering the work force for the first time are unable to find employment in the public sector which is already over-staffed, but are not interested in jobs in the private sector where wages are much lower than in the public sector.*

Where migration is for purposes of settlement, determining impact is much more complex. The economic impact of immigration is first of all determined by how successful migrants are in getting assimilated in the labour market of the host country. Assimilation in turn can be assessed in many ways but economists usually rely on two measures: how their incomes catch up with the rest of society, and how their rate of employment compares with local workers. Because immigration increases the size of the labour force in the host country the usual assumption is that it reduces the wage level and the employment of local workers, especially the unskilled. It has proven very difficult however to establish empirically the correlation between immigrant density and wages. Studies conducted in the US and elsewhere have spawned much debate and controversy. The only agreement among researchers is that

the impact is small, often very insignificant. An influential study in the US by Card (1997)<sup>22</sup> estimated that immigration to major US cities has reduced wage levels by no more than one percent. Small effects were also noted in Germany where the impact was initially hypothesized to be bigger because of rigidities in the labour market (Zimmermann, 1998, Pischke and Velling, 1994)<sup>23</sup>.

In many advanced economies the proportion of older people in the population is rising and the fiscal cost of supporting them is increasing. Immigration is considered one of the important possible strategies for addressing the growing fiscal burden due to ageing populations. Because migrants are usually at child-bearing ages migration can rejuvenate the population and provide additional workers to generate tax revenue to finance pensions and welfare services for the elderly (Rowthorn, 2008)<sup>24</sup>. However, migrants also become older and eventually will be dependent on old-age benefits for support. The fertility rate of migrant populations also tends to decline swiftly as they become assimilated with the native population. For these reasons many have argued for opening only temporary or guest worker programs under which workers are “rotated”, or sent home after a few years of working in the country. These guest worker programs tend to feature limitations on rights of the migrant workers so as to prevent settlement and gaining entitlement to benefits funded by the state.

## GOOD PRACTICES

It is increasingly recognized that the impact of migration on the development of countries of origin must be addressed at the local level. In this Philippines, not only was migration inserted in various parts of the Midterm Development Plan, but also in the development plans of local governments. The city of Naga has pioneered local development policies with migration as a component of such policies. Current projects within the Joint Migration and Development Initiatives 2 in other regions of the country are pursuing a similar approach.

## Test of Knowledge

- How can development be understood?
- What is the impact of development on migration?
- What is the impact of development on migrants and their families?

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<sup>22</sup> Card, D. (1997) Immigrant inflows, native outflows, and the local labor market impact of higher immigration” *Journal of Labor Economics*, 19, 1, 22-64

<sup>23</sup> Pischke, J. and Velling J (1994) Wage and employment effects of immigration to Germany – an Analysis based on local labor markets, CEPR Discussion Paper 935.

<sup>24</sup> Rowthorn, R.(2008) The fiscal impact of immigration on the advanced economies *Oxford Review of Economic Policy*, Vol. 24. No.3, pp 560-580.

- What is brain drain, brain waste, brain gain and brain circulation?
- What are the various evaluations of the impact of remittances on countries of origin?
- What is the role of diasporas for the development of countries of origin?
- What are the main aspects on which migration impacts on the development of countries of destination?

## CHAPTER 7

### UNDERSTANDING LABOUR MIGRATION STATISTICS – WHY IS IT SO IMPORTANT TO THE MEDIA?

*This chapter aims to familiarize media practitioners with the statistics usually cited in the migration literature, to explain why they may be a source of confusion unless properly interpreted, and to clarify the concepts behind them and how they are measured. Since some of these concepts are typically used in support of, or in objection to, certain policies, the chapter is organized around debates on migration's economic and social impact on host as well as origin societies.*

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Journalists reporting on migration issues must navigate through a plethora of concepts used in the literature for identifying a migrant if they are to avoid misunderstanding. In the Gulf States the governments prefer to use terms like “expatriates” to refer to what in other regions are widely referred to as “migrant workers” or “guest workers”. Most countries distinguish between those admitted for permanent settlement and those admitted for temporary periods of employment, even if the latter may stay just as long as the former. Migration analysts frequently draw a distinction between “skilled” and “unskilled” workers but how one differs from the other is almost never made clear, or simply based on years of schooling rather than actual level of skill. Sources of information also differ. Some estimates of the number of migrants are drawn from records of entries and exits through the borders but these are only reliable if everyone crossing the border gets recorded. Some estimates come from registers kept by local authorities but these are notoriously poor because they are seldom updated. The most complete source is usually the periodic census of the population, but it is conducted often only on a decennial basis. There are comparability issues since countries differ in who they classify as migrants. Some governments count as migrants those who do not possess their country's citizenship, while others use the term to refer to all who were not born in the country. Those admitted for purposes of employment are often distinguished from those who seek temporary protection and are legally classified as “refugees” even if the motive for migration may not be very different from each other.

Because the world has become increasingly fragmented giving rise to more and more nation-states, movements which were previously internal now involve crossing state borders and thus become international. There are today simply many more borders to cross than in the past. In 1900 there were

only 40 nation states; in 2000 there were 193. The splitting up of same nation states has, in some instances led to an anomalous situation where a person earlier treated as a national becomes a foreigner even without moving across the border simply on account of his or her ethnic origin. This has actually happened in a number of countries that have broken up as in the former Czechoslovakia or in the former Soviet Union.

- Who is a migrant? How does one identify him or her?
- Should a naturalized citizen or a permanently settled person still be counted as a migrant?
- Why are census data different from border crossing data?

### **A. Counting migrants is not easy**

Although each nation state distinguishes citizens and foreigners and controls borders to deter unauthorized entry, the monitoring of population movements across space has always posed immense conceptual and measurement problems and difficulties. When is a non-citizen admitted into a country a migrant or only a tourist? Does he or she cease to be a migrant after staying a period of time or after acquiring citizenship or the right to permanent settlement? What about itinerant hawkers who cross borders everyday to peddle their goods or workers who come in the morning and return after work? Should they be counted each time they cross the border? What about refugees? Should citizenship be the basis for identification as a migrant, or should it be the country of birth? How does one go about estimating the number who have entered the country clandestinely? Should citizens temporarily away be counted as emigrants, or only those who have been away for a certain period of time?

Since governments require persons entering or leaving their borders to pass through immigration checks there should, in theory, be up-to-date information on who and how many persons with a foreign citizenship are inside the country at any time. Some states are more effective in this regard than others, partly because some are better organized than others, but also because some have advantages of geography. Japan and Australia, for example, have both – they do not have land borders with other states that can easily be crossed, and have very efficient bureaucracy. Japan is able to track at any time the number of foreigners who have entered the country and over-stayed their visas. For countries with porous land borders or which have free-movement agreements with neighboring states such precise monitoring is, of course, nearly impossible. In fact very few governments manage to keep track of these balances and even the most advanced countries like the US rely on periodic censuses and expert estimates of their migrant population.

### **1. Population census for stock**

Census statistics offer a picture of the population at a point in time. They offer what statisticians refer to as “stock” data in contrast to “flow” data which describe numbers of people moving over a certain period of time. Both types of information are valuable and indispensable to understanding what is happening to migration. Because there is more uniformity in the methods used by countries in undertaking censuses compared to those used in measuring flows, and since censuses are supposed to be complete counts, most analysis of global migration trends prepared by the United Nations are based on census data, but these suffer from the inherent limitations – censuses are only conducted at best only every 5 years, and they capture the situations at only a point in time.

#### *Census – advantages*

*: covers all persons living in a country*

*: uniformity of data obtained over several censuses*

*: usually include details on age, sex, place of residence, marital status, education, labour force participation, and income*

#### *Census – limitations*

*: can only be carried out every 5 or 10 years*

*: can accommodate only a few questions*

*: possible misreporting by international migrants (e.g. undocumented migrants)*

*: risk of arbitrary classification and inclusion or exclusion of certain groups (seasonal and frontier workers, foreign military personnel, seafarers, tourists)*

*Censuses, a complete count of population at a point in time (stock)* Counting heads through censuses is still the most reliable way of determining how many foreign-born or foreign citizens have been residing in the country for over a year. Provided they are undertaken

properly they can yield a reliable estimate of the total foreign population with sufficient detail on citizenship, age, education, family status, residence, and even economic activity. One is able to compare with confidence data from several censuses because they use uniform concepts and definitions and methodology. Inconsistencies however may arise where one aggregates populations of a number of countries, some of which count *de jure* populations while the others count *de facto* populations. The first refers to those who are usually residents of a country even if they may not be physically present during the counting. The latter refers to those who are physically present in the country but may be there only temporarily like merchants or seamen.

Unfortunately censuses cannot be undertaken more frequently because of cost. Since they are designed to provide a complete count of the population, large number of enumerators are involved and the exercise usually engages a whole statistical bureau for months if not years to report on its findings. The difficulties may be minimized in the future as more and more people gain access to computers and the internet. Even today some rich countries like Canada are already conducting censuses using dedicated websites, making it possible to minimize the cost by doing away with having to employ scores of trained field interviewers. This holds much promise for the future but at present censuses in most countries are still undertaken the old fashion way. Some countries seek to bridge the time gap by resorting to sample surveys in between complete censuses. Also, some variables are not always based on the 100% count of the population but on a sample. For instance, in the US the long form is given only to 20% of the population.

*Adopting uniform definition for comparability* In order to arrive at some rough measure of migratory movements at the global level the United Nations has recommended rules for simplifying the job of aggregating disparate counts of numbers. These include categories and definitions for classifying the migration status of individuals in population censuses. For its aggregate count of international migrants the UN has defined them as “persons outside their country of birth for at least a year”. Based on this definition the UN estimates that in 2013 some 232 million people were international migrants compared with 175 million in 2000, and 154 million in 1990. In referring to these statistics one must be careful to note that they include persons who may no longer be considered “migrants” in the receiving country such as those who have become “naturalized citizens”. In 2013 for example, the number of international migrants would drop to 110 million if naturalized citizens are excluded. It is likewise necessary to be aware of the complications that arise in classifying country of birth because many national territories have been split and borders re-drawn, while a few others have united. A reporting respondent may thus be faced with the question of which country of birth to report – the one at the time of the census enumeration, or the one at the time of birth.

It is important to keep in mind that Censuses only provide a picture of the population at one point in time. Migration on the other hand is inherently a dynamic concept, a movement of

people over space and over time. To understand what is taking place in the population the next best alternative is to compare population profiles in more than one census, but this has evident shortcomings as two censuses, like two still photos, can hide a multitude of changes that may have transpired in the period between.

## **2. Recorded border crossings for flows**

Countries control the admission of foreigners into their territories because of certain security concerns or because controlling numbers is viewed to be necessary to optimize their impact on society or the economy. On the latter it is clear that unrestricted inflows can lead to many economic and social effects. An important concern is the likely over-crowding of the labour market, the displacement of national workers especially those with less skills, and depression of wages. On the other hand, severe restrictions may constrain the growth of local industries and in some instances cause the unemployment of those whose jobs require complements of foreign workers. Balancing these interests is at the core of immigration policy and it calls for close monitoring of how well policies are working to produce the desired outcomes.

*Data on "migration flows" based on admissions* Monitoring who are being admitted and what activities they intend to engage in once inside the country is evidently a first basic step to assessing how policies work. Are the systems and procedures put in place to regulate entry working as envisaged? With respect to economic migration there are at least two key procedures which yield important information: first is the system for granting work permits (usually applications made with labour departments) and the other is the system of entry control at the border.<sup>25</sup> For most intents and purposes both or either source should be sufficient to provide good information on numbers coming for employment since Border control statistics usually also classify persons by type of visa. There will understandably be some discrepancy because not everyone will enter at the time specified in the visa but these should even out when looking at long term trends.

The amount of information captured under the two procedures will usually differ, with that coming from work visa applications offering much more detail (including skill/education, occupation and previous employment, job offer and employer), than that captured upon entry at the border. This difference may not be significant for countries that use sophisticated computerized data base systems and which have

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<sup>25</sup> A third procedure or control may involve the police authorities since declarations on intended activities may not always correspond to what activities the entrant actually engages in. For instance some enter as tourists or for a religious pilgrimage but really intend to look for work.



established global data-base networks. However, the data on flows that are usually made public are only those about numbers admitted by country of origin, by type of visa and purpose.

Most of these agencies keep running records of the migrants being checked or registered but their mandates are basically regulation, not producing statistics, hence pay little attention to avoiding “double or even multiple counting” of the same persons.<sup>26</sup> Depending on what one intends to analyze special attention will be needed to check if the extent of double counting is large enough to raise questions about the value of the data, and to make adjustments if they are to be used.

#### *Data on migration “flows” based on contracts and exits*

Registering workers going abroad for employment is now being done by many origin country governments. In a sense mirroring the case of admissions there are two key procedures which generate information on outflows – registration of contracts for jobs abroad and regulation of migrants’ departure. To insure that workers are not the victims of trafficking and that they are protected with valid job contracts, national authorities in many Asia countries require their migrant workers to register their contracts and declare themselves before departure at the border. These procedures generate data which are rich in detail about the workers’ personal profile and qualifications, as well as their employment destination. A typical report would contain a distribution of the workers by destination country, by category of skill or occupation, by sex and age. Many more details are collected but seldom reported including details of job contracts, local employment and experience, family status and number of dependents. However, at points of departure much less information is collected since the procedures are meant only to check if the workers have registered their contracts and if they possess valid visas to the destination country.

#### *Statistics on bilateral migration flows still underdeveloped*

In principle departures from countries of origin should have corresponding admissions in countries of destination. This correspondence should be useful in assessing the accuracy of estimates of “flows”, and when returns are taken into account, in assessing the accuracy of estimates of “stocks”. Collection of such statistics at bilateral levels (between an origin and a destination country) can greatly improve migration statistics but it is still rarely undertaken. The World Bank has a project aimed at developing such statistics at the global level but considerable discrepancies still exist at the individual country level. The ILO is working with the member states of the ASEAN to develop a regional data base which should in the future enable a cross-checking of information on outflows and inflows.

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<sup>26</sup> Computerized systems which are capable of assigning unique codes for each person already make it possible to avoid double counting.

### 3. Local registers of residents

Registers of local population constitute another source of information which has a long history in some parts of the world particularly in China and Japan and in some parts of Europe. Population registers cover the *de jure* population or those with the right to legal residence in a country. (They) "... are built up from a base consisting of an inventory of the inhabitants in an area, modified continuously by current information on births, deaths, adoptions, legitimations, marriages, divorces, changes of name and changes of residence, including those brought about by international migration." (Hugo et al 1997). They are managed locally, but in recent times information is increasingly pooled and centralized at the national level. In principle population registers should provide a complete and accurate count of all the resident population because they serve administrative purposes such as giving entitlement of people to certain social services like public health, housing, and education. When welfare benefits are linked with residence, the incentive to register (and therefore to cancel the previous registration) helps maintain the accuracy of data. For instance, in Italy access to free medical service requires choosing a doctor in the place where one is residing (although a distinction could be made between residence and domicile). In this case there is a strong motivation to register a change of residence.

#### B. Migration categories and sources of information

Since regulating migration is generally viewed by states as another lever of social and economic policy keeping track of who comes in, from where, and for what purpose has become imperative. Monitoring has consequently involved categorizing or classifying migrants or putting them into convenient "boxes" – as tourists or workers, as high-skilled or low-skilled, as temporary contract workers or as permanent settlers, etc. Table 1 outlines the information available in most countries on the size and characteristics of the migrant population. International migrants may be classified in various ways but in the table distinction is first drawn according to how states typically categorize migrants (either foreign citizens or foreign born); secondly, on how they are classified upon admission (as tourists, workers, students, businessmen, diplomats, or refugees); and finally, on the length of the period they are allowed to stay (temporary or permanent, or those estimated to be in an irregular situation). The table identifies the usual sources of information which in most instances are the governmental authorities which registers them upon entry or exit through the borders, or which grant visas or work permits.

Table 1 : Migrant population: categories and information sources					
		Types	Source	of	Availability

			Information	
How large is the migrant population?	Category	Foreign-born	Census every 5 or 10 years	In some countries estimates of the foreign population are made every year
		Foreign citizens		
	Admission status	Workers	Immigration Office (entry/exit) Foreign Affairs (visas) Labour Ministry(work permits)	Border control records on entry and exit, Visas issued by foreign ministry or immigration bureau
		Businessmen		
		Students		
		Diplomats	Immigration office / Foreign Affairs	
		Tourists	Immigration	
		Refugees	Interior ministry	
		Others	Immigration	
	Period of stay	Temporary	Immigration/work permit/Interior	Administrative records and estimates based on surveys
		Long-term or Permanent		
		Irregular/ unauthorized stay	Amnesty registration  Migration specialists	

### *Citizenship or country of birth?*

Country of birth as well as citizenship are the identifying marks of migrants in the periodic national censuses undertaken by countries. Statistics on migrant populations based on these two identifying categories can vary significantly especially in countries of immigration like the US, Canada, Australia and New Zealand where many immigrants become naturalized citizens after meeting the conditions for citizenship. They will thus be classified as citizens but not native born. By contrast, statistics on migrant populations based on the two categories are unlikely to differ much in countries where there are a few admitted for permanent settlement like in Korea or Japan. In these countries only a small number enumerated in censuses will be citizens and not native born. In their reports to the OECD on the size of their migrant population Canada, Mexico, Ireland and France have been using “place of birth” as the key identifying criterion, whereas Greece, Japan, Korea, and the GCC countries use citizenship. However an increasing number of countries like the US, Germany, Spain, Sweden and Switzerland now provide data on their migrant population based on both place of birth and citizenship.

*Political changes affect country of birth* History is full of examples of states being split into two or more new states. In recent times we have witnessed the splitting up of the Soviet Union, of Yugoslavia, and most recently of Sudan. There are likewise a few examples of two states being united into one (e.g. Yemen). In these instances the question arises as to how a respondent to a census question about country of birth should respond. The established convention is to indicate the name of the country at the time the census is taken, but the practice is not universally followed hence discrepancies are bound to arise.

#### *Categorizing migrants do not always inform*

In an ideal world foreigners would be admitted through the correct “gates” opened in destination countries – one for tourists, one for workers, one for traders, one for students, another for refugees, etc. but this seldom happens because some gates may be too narrow for the numbers seeking to get in. As a consequence those unable to get in through the designated gate often try to enter through other gates. In this case counting migrants according to the gate of entry may thus be misleading. Mention has already been made of workers posing as tourists. There are likewise genuine refugees (people who need protection because of persecution) who cannot wait in the long queue at the refugee gate and seek entry through the gates for work or for tourism, or vice versa.

#### *Period of stay*

A distinction is often drawn between short-term from long-term migrants. The distinction may not actually correspond to how long people stay since as Prof. Phil Martin said “Nothing is more permanent than a temporary migrant” He is referring to contract workers who go abroad as temporary contract workers but who often work continuously abroad, in different countries, on short-term contracts. However the distinction is important in terms of the rights enjoyed by the migrants. Long-term especially permanent migrants in most countries enjoy rights such as to change employers, to bring their families with them, and to be members of social security which are denied to short-term migrants.. One has to keep these in mind when interpreting or using statistics on short and long term migrants.

Immigration bureaus are everywhere the key agency but other ministries are important as well. Labour ministries, for instance, are usually the ones responsible for issuing work permits after determining that labour market conditions justify the admission of foreign workers, but they would of course not have records of who actually have arrived and who have already left the country. It is entirely possible that work visas granted exceed the number of migrants who actually arrive, or vice versa, if those who already left the country are not taken into account.

**United Nations Department of Economic and Social Affairs (UNDESA)**

<http://www.un.org/en/development/desa/population/theme/international-migration/index.shtml>

**International Labour Organization (ILO)**

<http://www.ilo.org/public/english/support/lib/resource/ilodatabases.htm>

<http://www.ilo.org/migrant/lang--en/index.htm>

<http://www.ilo.org/beirut/areasofwork/labour-migration/lang--en/index.htm>

**International Organization for Migration (IOM)**

<http://www.iom.int/cms/en/sites/iom/home.html>

**United Nations Economic and Social Commission for West Asia (UNESCWA)**

<http://www.escwa.un.org/information/meetingdetails.asp?referenceNum=1321E>

**United Nations Economic and Social Commission for Asia and Pacific (UNESCAP)**

<http://www.unescap.org/our-work/social-development/international-migration/about>

**OECD** <http://www.oecd.org/migration/>

**World Bank**

<http://data.worldbank.org/data-catalog/global-bilateral-migration-database>

**United Nations Development Program**

<http://hdr.undp.org/en/reports/global/hdr2009/papers>

**European Commission** <http://ec.europa.eu>

**Asian Migration News** <http://www.smc.org.ph/amnews/amnews.htm>

**Migration News** <http://migration.ucdavis.edu/mn/>

### **C. Wide gaps in information about migration**

In many countries migrants already play important roles in society and the economy but information about these are largely anecdotal since most systems for capturing information about migrants on a regular basis are only geared towards control of their stay and movements. For instance, standard statistical surveys seldom report on the way migrants are absorbed in different industries and in public services, how many are engaged in entrepreneurial activities, in sports and the arts, what are their average wages or earnings and how are they distributed according to income levels, or how many are members of social security. Even where migrants are concentrated in certain sectors like construction almost no information is available about working conditions, accident rates, housing conditions, or average duration of employment. There are a few exceptions especially in countries where the integration of migrants into the larger society is an important objective of state policy. In Canada it is possible, for instance, to trace how earnings of immigrants who arrived in different years in the past have progressed over time, how they have migrated within the country, and what have been the changes in their status of employment.

The reasons for information gaps vary widely. In some instances, poor coordination among responsible agencies lead to wide discrepancies in reported numbers which in turn leads to reluctance of the authorities to release detailed information. Authorities in countries of origin often collect very detailed information on jobs where departing migrant workers will be employed in but rarely report such information because of poor data management (failure to adopt standard classification is a common problem) and low priority given to statistics in budget allocation. After a few years much of the information collected and meticulously submitted by migrants at registration are lost in the dust bin. Even where information is collected and should be available some may not release information for unstated reasons often assumed to be for national security. Singapore, for instance, issues official reports on the total number of foreign residents every year by visa status but releases no information to the public on their nationalities and where the migrants are employed.

### **D. Understanding how migrants' remittances are estimated**

There is now near universal recognition of the importance of migrants' remittances to poverty alleviation and the development of their home countries, which explains why efforts to monitor and report remittance flows have gained momentum in recent years. These efforts have led to improvements in how remittances are monitored and estimated, greater standardization of concepts, and greater comparability across countries, while at the same time casting doubts about the value of

comparing much earlier estimates with the ones recently made. For 2014 the World Bank projects that migrants' remittances are likely to reach US\$ 435 billion, a growth of 5 percent over the previous year. For the Middle East and North Africa alone the Bank estimates a total of US\$ 51 billion for 2014. These are evidently massive flows which bode well for many developing countries, especially those that have not so far succeeded in attracting foreign investments or earning much from exports of goods or services.

Measuring the remittances of migrants' incomes nevertheless continue to pose a number of complexities including:

- determining how to treat transfers "in-kind" (sending home goods instead of money, especially goods bought through "currency swaps") and estimate their dimension;
- how to identify migrants' remittances from other transfers effected through the banks;
- how to take into account substantial transfers passing not through the banks but through informal money transfer mechanisms;
- determining whose remittances to include and whose to exclude

The operation of many informal mechanisms like the *hundi* for transferring funds (often the consequence of government restrictions on foreign currency transactions) has created an informal market for foreign currency which are regularly tapped by importers of goods and others needing to make payments abroad. Because of "currency swaps" central bank authorities have to devise ways of estimating how much of workers' earnings abroad are being transferred to their home countries since these may have already been transformed into imported goods, after counterpart payments have been made in local currency to the workers' families. Another set of methods have to be devised to estimate how much remittances are brought back by migrants as cash in their pockets, only to be exchanged for local currency upon return.

Remittances of migrants are supposed to be incomes (or "compensation") earned abroad by "residents" of a country and should thus be considered part of that country's national income, while other transfers may not really qualify as part of national income. While the concept is straightforward enough, the calculus becomes difficult because in order to identify who should be treated as a resident, one inevitably has little choice but to resort to an arbitrary definition. For statistical purposes some countries define residents as people who are normally residing in the country but are temporarily abroad for less than a year. The "cut-off" period is obviously arbitrary, and even very difficult to apply since information on how many people are abroad for different periods of time is seldom available. Most countries in fact no longer make such distinctions but treat all transfers below a certain amount as workers' remittances.

Tracking remittances by looking at bilateral money transactions between origin and destination countries has proven very difficult because of the way inter-bank settlements are conducted. A Saudi Bank, for example, may send remittances to an Indonesian bank by way of Citibank in New York where it has a big account. The records of the Indonesian bank may show that the origin of the transfer is New York, while the transfer really originated from Saudi Arabia. These measurement problems have forced national authorities to develop alternative ways of estimating bilateral flows such as by using stock estimates of migrants and average monthly or yearly remittance per migrant as the basis for estimating total flows.

#### E. Looking for indicators of how migrants affect the host economy

- What are the consequences of migration for destination countries?
- Are any of these measurable ?
- Where does one go to find the information?

It is not difficult to speculate on how the

employment of foreign workers benefits the local economy and the welfare of the host society, but it is much more difficult to find the statistics that indicate them. Where a country is experiencing shortages of labour, the admission and employment of foreign workers makes it possible to increase production and fully utilize the existing capacity of factories and production facilities. Since the supply of labour is increased with immigration there will be less pressure on wages than would otherwise have been the case, and this in turn will contribute to stabilizing prices of commodities or services. Where foreign labour “complements” rather than “substitutes” for native workers there should be higher employment for all. This happens, for instance, where native women are able to work in offices, shops or factories because foreign domestic helpers are available to do the work the former used to do at home. An economy’s overall productivity and competitiveness is enhanced when it has good infrastructure such as good port facilities, highways, railroads, storage facilities, water and power supply, as well as schools, hospitals, and sports facilities. The availability of foreign labour makes it possible to develop these infrastructures at much lower cost, or lower fiscal burden, than would otherwise have been the case. The employment of foreign labour is thus a “quick fix” where a country wishes to modernize its industries, business services, medical care, education, tourism, and others before its own labour force acquires the necessary skills or education to support them.

Many scholars especially in the west have sought to measure the impact of migration on the economies of host societies and the literature on the subject has soared in recent years, but the material is largely inaccessible to media practitioners due to the unavoidable use of mathematical models and econometric methods to trace the impact and show cause-and-effect relationships. Measurement of effects is understandably difficult because of the complexities involved in isolating the impact of migration from all other influences on prices, productivity, and incomes. Similar controversies have



surrounded studies on fiscal effects of immigration. How much do migrants contribute in taxes over their lifetime and how much they cost in terms of public health, education, and other welfare services? Debates over the conclusions of these studies have usually focused on the direction of causality, on the validity of assumptions about comparability of skills, and on the choice of reference populations.

The following section identifies and explains the types of information that are normally cited or used in discussing the economic effects of migration. Table 2 outlines the various types of economic indicators usually reported by public authorities and should be easily accessible.

Table 2 : Indicators of the economic impact of migration			
Indicator	Key dimensions	Information content	Sources of data
National accounts (GNP)	Rate of growth of investments; house-hold consumption; exports; government expenditures	How much of growth in investments and output can be attributed to growth of labour supply?	GNP accounts as reported by Planning Office or Economic Ministry
Public finance	Growth of government spending on social services and investment in infrastructure	How much do migrants pay in direct and indirect taxes? How much of social services do they consume? How much more expensive would infrastructure cost without migration?	Finance and budget office; Health and education ministries; Public works ministry; published studies
Balance of payments	Growth of exports and foreign investments in export industries, remittances by migrants	How competitive are country's exports due to employment of migrants? How much of migrants' earnings are remitted?	Industry & trade ministry; Industry associations; Central Bank
Employment and wages	Trends in labour force participation of men and women; growth of employment and unemployment ; trends in wages by skill level or occupation; private – public sectors	How tight is the labour market? How long do new entrants into the workforce wait to find a job? Do foreign workers displace native workers? Has migration depressed wages? Whose wages?	Statistics bureau' reports on labour force surveys; ministry of labour reports on job placements

### *Immigration's impact on productivity*

The national income accounts would provide details on how much outputs or incomes have risen over the past year (or fractions thereof). Two estimates are usually reported - Gross National Product (GNP) and Gross Domestic Product (GDP) both of which provide a rough measure of a country's overall economic output (and income). They are basically similar except that the former includes incomes from all sources (local and from abroad) accruing to nationals of the country. GNP will also include earnings of nationals from their investments abroad as well as from their employment abroad. The other measure, GDP, includes all incomes generated from production within the country, regardless of who owns the income, thus including the earnings accruing to foreign direct investors. When related to how many factors of production are employed to create the output (i.e. number of workers employed, or amount of capital used) one can have a rough indicator of productivity, and changes therein if traced over time. The usual assumption is that the employment of foreign workers enables a country to produce more than it would have produced without their participation. With the use of foreign labour a country may become competitive in the export of certain commodities, and for the same reason also attract more direct foreign investments.

### *Immigration's impact on the public purse*

The impact of migration on public finance has been a contentious issue in countries that admit migrants, not only for temporary employment, but also for permanent settlement. In countries of immigration like the US, Canada and Australia, as well as those accepting many refugees, many migrants encounter difficulties in finding employment and become dependent on welfare. The issue is perhaps of less pertinence to countries that only admit foreign workers who are not allowed to bring their families and who are sent back at the end of their contracts. Nevertheless, there are impacts on public finance, often of a positive kind, since the employment of foreign labour enables a country to undertake all kinds of investments - in housing and public infrastructure - at a lower cost than would have been the case without them. At the same time that the use of foreign labour eases the demands of such investments on the public purse, it also makes the country more competitive than others which have to build similar infrastructures at higher costs. Foreign workers also consume goods and services while they live in the country, and must be absorbing the indirect taxes (e.g. sales taxes) levied on their purchases.

### *Immigration's impact on exports and remittances*

The impact of migration on a country's external accounts has received much less attention in the literature but it may be significant in some countries. As earlier pointed out, there is a likely impact on competitiveness and exports. Malaysia, for example, exports palm oil and wood products both of which are heavily dependent on the work of foreign labour. Tourism in Switzerland is likely to be unaffordable if not for the availability of foreign workers to do menial work in hotels and restaurants that Swiss nationals no longer wish to do. Countless shops in Dubai and Doha would not be open without foreign

salespersons. On the other side of the balance sheet are the transfers of earnings or remittances made by migrants to their home countries. Migrants also consume products which are imported thus adding to imports.

#### *Immigration's impact on employment and wages*

There is finally the important impact of migration on the labour market. This is a much more direct impact than on external accounts since by their presence foreign workers increase the labour supply. If foreign workers possess skills that are substitutes for those of native workers (e.g. shop-keepers) the consequence will be displacement and higher unemployment among the latter if they are only available at higher wages. On the other hand, if foreign workers possess skills that are complementary to those of native workers (e.g. doctors and nurses are complementary skills) more native workers will find employment with more migration, and wages are likely to also rise.

#### *Policy conundrum*

In the Gulf States the impact of migration on the labour market has been very profound, Real wages of low-skilled workers in the private economy have been declining over the past three decades as more and more foreign workers are admitted. At the same time unemployment among native workers has been on the rise as the economies are unable to create sufficient jobs attractive to young educated workers. Policies that enabled intermediaries or job sponsors to profit handsomely from bringing in more foreign workers have created overcrowding in the labour market, leading to erosion of real wages in the private sector where they can be employed. With low wages, there is a bias in favor of investments in labour-intensive industries which do not attract native workers. The employment of choice is predictably in the public sector where employment conditions are better regulated, but only a few can be accommodated. The states have tried offering financial incentives to coax private employers to hire more native workers (ie. subsidizing their salaries) but these have had very limited impact and are unlikely to make a significant difference to the absorption of increasing numbers of young native workers, armed with higher education than their parents, who are joining the labour force for the first time. The challenge of restoring some balance in the labour market is a huge one, no doubt requiring reform of a wide range of development policies including immigration.

#### **D. Indicators of social and other impacts of migration**

Much less familiar than the above-mentioned effects on GNP, employment, and fiscal accounts are indicators of social and other impacts of migration but they are no less important. Among the more useful one to consider are how migration affects the participation of women in the labour force, how

morbidity rates and public expenditures for health and medical services may be reduced, whether congestion leads to rising rents of housing, how conditions of employment of migrants often raise the incidence of industrial accidents, and how much migration may be associated with petty crimes and detentions. Table 3 identifies some of the possible indicators of these effects, the information that they can yield, and the possible sources of data.

*What happens to wages and working conditions?*

It is frequently hypothesized that the liberal admission of low-skilled foreign workers leads to widening the income gap between the rich and poor in host countries. Increasing the supply of low-skill labour through migration would, *ceteris paribus*, put a downward pressure on wages of the low skilled. On the other hand, the real purchasing power of the highly skilled will be enhanced since they consume products and services of the low skilled, effectively widening the gap in real incomes between the low and the high skilled.

Table 3 : Indicators of the social and other impact of migration			
Indicator	Key dimensions	Information content	Sources of data
Wages and Working conditions	Segmentation of labour market (wages of migrants vs natives in same occupations; average incomes); job-security; safety and labour inspection reported violations	Has employment of foreign workers affected income gap between skilled vs low skilled ? migrants and natives? Displacement of local workers? Violation of safety codes; rates of industrial accidents ?	Statistics office – Labour Force surveys; Ministry of Labour
Employment of women	Rate of women’s participation in labour force; employment in different occupations/sectors	Has employment of foreign workers enabled more native women to join the labour force? Other consequences?	Statistics office – Labour Force surveys
Cost of housing	Measures of congestion Growth of rental rates; homeless population; population in slums	Has migration led to shortages in housing? Which sectors of the population have been adversely affected?	Census;
	Population morbidity rates ,by cause	Has migration increased communicable diseases? Have	

Health	Health personnel per 1000 population Public/private expenditures for health care	foreign health professionals improved /reduced cost of health care and medical services?	Health statistics
Peace & security	Reported violation of various regulations; civil and criminal cases in courts;	What has been the impact of migration on peace & order? Who are the victims?	Police records Ministry of Justice

*More local women in jobs outside their homes* The employment of large numbers of foreign domestic helpers in Hong Kong and in Singapore has been closely associated with the increased participation of native women workers in the labour force. This “complementarity” must also be in operation in the Gulf States. In Kuwait the percentage of women in the labour force rose from 34 to 43 percent between 2005 and 2011. According to Bruni and Salvini (2014) the rate of employment of Kuwaiti women has increased from 22.2 per cent to 39.2 per cent during the same period, but because of higher participation in the labour force their unemployment still rose from 30 to 51.7 per cent.

*There are congestion costs*

Where migrants constitute a large proportion of the population (as they do in most countries of the Gulf) one can only assume that their requirement for housing already represents a significant percentage of all available housing and represent congestion costs for the host country. Such costs however are seldom taken into account even if there are statistics that can throw some light into the impact. Household Income and Expenditure Surveys as well as Cost of Living Surveys, for example, are potentially good sources of information on housing costs.

*Foreign health professionals to expand health care*

The impact of migration on health is a mixed bag. On the one hand, migration may increase the risks of introducing communicable diseases such as tuberculosis where medical exams of prospective migrant workers are not effective in identifying carriers. Although the issue has received some attention there are hardly any cases so far observed or reported of infections in major destination countries. On the other hand, the employment of foreign medical professionals is widely observed to enhance a host country’s health and medical services without itself having to incur the usually high costs of developing such skills. Some of the world’s richest countries have benefited from them, at a high cost to the health services in the origin societies. There are a number of possible indicators of the impact on health - growth of foreign medical staff, cost of health care per capita compared with other countries, reduction of morbidity/mortality rates, increase in life expectancy, and others.

*Anxieties over peace and order effects*

Crime incidents involving foreigners always tend to get highlighted in the mass media unfortunately creating the impression that there may be a link between migration and disruption of peace and order in the host society. Similarly, a less than careful reading of police statistics may give the impression that the migrant population is more likely than the native population to violate laws or to cause harm to others. This is the case for instance when the number of migrants held in custody by the police is compared to the rate for the population as a whole. In fact, the rate may be high because some migrants are found not to have legal documents, not because they have committed any crime. Aside from clarifying their exact meaning, one must also insure that the public has a reference population with which to understand the statistics. It is not uncommon, for example, for the media in an origin country to dramatize the death of one of their nationals working abroad, creating the false impression that migrants are at greater risk of dying while working abroad. One needs to always provide a frame of reference such as how the statistics compare with the total number of migrants abroad, as well as with comparable statistics for non-migrants.

**Simple rules for best practice in citing statistics**

: Statistical terms and concepts have been defined by users with specific interests and objectives; one must be aware of their meaning and how practical limitations imposed by methods used in data collection can affect their accuracy;

: It is always advisable to compare data from various sources; data collected as by-product of administrative processes often involve double-counting, or missing some part of the subject population altogether (e.g. undocumented migrants;

: Check coverage of data base – complete