



The Berne Initiative

REGIONAL CONSULTATIONS

RESOURCE DOCUMENT

towards the development of an

International Agenda for Migration Management

Identification of common understandings and effective practices for a planned, balanced, and comprehensive approach to inter-state management of migration

The International Agenda for Migration Management is designed to assist government migration practitioners in developing effective mechanisms for inter-state cooperation on migration, fully respecting their sovereignty in the field of migration. For this purpose, it identifies common understandings and effective practices for the management of migration.

The International Agenda for Migration Management does not elaborate new legally binding norms, yet gives due regard to applicable international and regional legal instruments to which some states are bound through national ratification procedures.

The International Agenda for Migration Management is meant to represent views of governments from all regions of the world in a balanced manner. To achieve this aim, this draft it will be further developed in several regional consultations that are planned to take place in 2004.

IOM's Migration Policy and Research Department serves as secretariat for the Berne Initiative. For questions or comments relating to the International Agenda for Migration Management, please contact Ms. Kerstin Bartsch, kbartsch@iom.int.

Further information and documentation on the Berne Initiative are available in English, French and Spanish at the IOM website www.iom.int.



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

International Agenda for Migration Management

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The International Agenda for Migration Management

I. Introduction

1. Migration Realities

The movement of people across borders is an important feature of today's global political, social and economic life. Since 1965, the number of international migrants has doubled. In 2000, the Population Division of the United Nations estimated the total number of international migrants to be approximately 175 million.¹ Thus, approximately 2.9 per cent of the world's population, or one in every 35 persons, are international migrants.² There are multiple reasons for this, including the collapse of long-standing political barriers to movement, the development of worldwide communication systems, the relative affordability of modern means of transport, wage and opportunity disparities between countries, and the changing need for labour in many countries. None of these trends is likely to abate in the foreseeable future.

International migration is, by definition, a trans-national phenomenon that presents major policy and management challenges and opportunities for governments and other actors in all regions of the world. Migrants have made and will continue to make dynamic and valuable contributions to societies at home and abroad. The demands of an increasingly globalised and integrated world economy and demographic forecasts for the century to come indicate that migration will remain an unavoidable reality.

However, while there are numerous bilateral, regional and multilateral agreements and treaties dealing with migration-related issues, there exists no comprehensive and harmonised system on the basis of which states co-operate in the management of international migration. The general tendency among governments has been to develop ad-hoc strategies to respond to their domestic needs and interests. As a result, different or even contradictory national migration policies and practices have been developed and put into practice.

Without a comprehensive and global approach to managing migration in an orderly, humane and cooperative way, control of the entry and stay of international migrants and the protection of their rights in accordance with applicable international law is made more difficult for governments. Moreover, the movement of people is essential to address the international economic need for access to an increasingly global labour force, with productivity and developmental gains for both source and destination countries. Governments recognise this reality and face the challenge of identifying and developing effective modes of co-operation in the field of migration to realise this potential.

¹ This number includes refugees and displaced persons, but does not capture migrants in an irregular situation who escape official accounting. In addition, many countries lack data or census systems to accurately identify migrant populations.

² See International Organization for Migration: *World Migration 2003*, Chapter 1.

2. The Berne Initiative

The Berne Initiative seeks to respond to the need for effective and strengthened dialogue and co-operation among all countries in the field of migration.

The Berne Initiative is a states-owned consultative process with the goal of obtaining better management of migration at the national, regional and global levels through cooperation between states. It assists governments in identifying their different policy priorities and offers the opportunity to develop a common orientation to migration management, based on notions of cooperation, comprehensiveness, balance and predictability.

Promising developments in international co-operation in the management of migration at the regional level are taking place on every continent through the growth and strengthening of mechanisms such as the various regional consultative processes on migration. In addition, more global efforts such as the independent Global Commission on International Migration and IOM's International Dialogue on Migration reinforce the possibilities for dialogue and co-operation in migration. The Berne Initiative complements these efforts by focusing on promoting inter-state co-operation in the management of migration, and by doing so at the global level through the development of a non-binding policy framework on migration, drawing on the effective practices emanating from regional co-operation mechanisms.

3. The International Agenda for Migration Management

The most important expected outcome of the Berne Initiative process will be a broad non-binding policy framework aimed at assisting states in planning and managing the movement of people in an orderly and humane way while facilitating cooperation between states in migration management. This framework is set out in the International Agenda for Migration Management, which maps out a set of common understandings based on interests and concerns shared by governments from all regions of the world. It also offers effective policies and practices for a planned and coherent approach to migration management. The International Agenda for Migration Management takes account of existing elements of international law.

The International Agenda for Migration Management seeks to establish a framework of common understandings and effective practices leading to the progressive development of more orderly and humane management of migration at the national, regional and international levels, for the benefit of migrants and societies.

The International Agenda for Migration Management seeks to represent views of governments throughout the world in a balanced manner. It is being developed in consultation with governments from all regions of the world, as well as migration experts from international, regional and non-governmental organizations and academia.

4. Existing Legal Framework

There is no comprehensive international legal framework for the management of migration. Nonetheless, there are numerous bilateral, regional and multilateral legal instruments which, while few deal directly with international migration, touch on aspects of migration or influence how states address migration questions.³

The International Agenda for Migration Management does not seek to elaborate a new legal instrument in the field of migration. Rather, it establishes a non-binding framework of common understandings and effective practices that gives due regard to applicable international and regional law, in particular human rights, humanitarian, refugee and migrant workers law.

The International Agenda for Migration Management takes account of the complex linkage of migration to globalisation, development, trade, health, environment, security, and other pressing national and international issues and offers flexible policy solutions to states and other stakeholders in migration.

³ For more information on legal norms relevant to migration, see T. Alexander Aleinikoff, Vincent Chetail: *Migration and International Legal Norms*, T.M.C. Asser Press, 2003.

II. Common Understandings for the Management of International Migration

The International Agenda for Migration Management is based on the following common understandings:

1. The movement of people across borders is a feature of modern life.
2. Orderly and humane management of migration benefits both states and migrants.
3. All states share a common interest in strengthening co-operation on international migration in order to maximise mutual benefits.
4. The prime responsibility for the management of migration lies with states: each State has the right to develop its own legal framework on migration and to protect the security of its population, consistent with existing international principles and norms.
5. The implementation of comprehensive and coherent national migration policies is a prerequisite to effective international migration policy and co-operation in this field. Support for capacity-building in those states lacking adequate resources, infrastructure or expertise can make a useful contribution in this regard.
6. According to customary international law, states are bound to protect and respect the fundamental human rights of all migrants, irrespective of their status; the special needs of women and children, the elderly and the disabled require particular attention. Such protection and respect are central to the development of effective migration management systems.
7. Relevant international and regional instruments provide a solid starting point for the development of co-operative approaches to migration management.
8. Compliance with applicable principles of international human rights, refugee, humanitarian, migrant workers and crime control law is an integral component of any migration management system, at the national, regional and international levels.
9. Co-operation and dialogue among all interested stakeholders including states, international organisations, non-governmental organisations, the private sector, civil society, including migrant associations, employer and worker organisations, are important elements for effective migration management partnerships and the development of comprehensive and balanced migration management policies.
10. Bilateral, regional and inter-regional consultative processes are key to the development of co-operative migration management and contribute to co-operation at the global level.
11. Effective migration management is achieved through balanced consideration of economic, social, political, humanitarian, developmental and environmental factors, taking into account the root causes of migratory flows.
12. There is a close relationship between migration and development; properly managed, that relationship can reap benefits for the development of states.

13. Providing adequate channels for legal migration is an essential element of a comprehensive approach to migration management.
14. Reduction of irregular migration is a shared responsibility among all states.
15. Enhanced efforts are needed at all levels to combat human trafficking, organised migrant smuggling and other forms of international criminality affecting migrants and to provide support to victims of trafficking.
16. The family is the basic unit of society and as such deserves special attention. In the context of migration, family separation has to be avoided. Facilitation of family reunion can contribute to maximising the positive effects of social and cultural integration of migrants in the host community.
17. Integration of migrants is essential to foster social and political stability, to maximise the contributions migrants can make, and to reduce instances of racism and xenophobia.
18. The dissemination of accurate, objective and detailed information on migration policies and procedures enables migrants to make informed decisions. It is necessary for informed public opinion and support for migration and migrants.
19. The systematic collection, analysis and exchange of timely, accurate and comparable data on all aspects of migration, while respecting the right to privacy, are important for migration management at national, regional and international levels.
20. Research on all aspects of migration is needed to better understand the causes and consequences of international migration.

III. Effective Practices for a Planned, Balanced, and Comprehensive Approach to Management of Migration

The following effective practices emanate largely from existing Declarations, Plans of Action, and instruments on migration at the regional and international level adopted by states around the world, in particular from the various regional consultative processes on migration, as well as from State practice. They reflect the diverse needs and concerns of states of migration and the breadth of elements to be considered in a comprehensive approach to migration management. They are offered as a flexible tool for the development of comprehensive national and international migration policy and practice, and can assist states by making use of the identified practices in accordance with their needs, priorities and capabilities. These effective practices are particularly designed to facilitate inter-state co-operation in the international management of migration.

1. International Co-operation

The migration life cycle is a process involving complex relationships between the migrant and various public and private stakeholders in the country of destination, transit and origin. Effective management of this process and the relationships involved requires co-operation among all interested stakeholders in migration, including states, international organisations, non-governmental organisations, the private sector, civil society, including local migrant associations, and the migrants themselves. Co-operation in the field of migration can take various forms, ranging from dialogue and sharing of information, experience and practices to co-operation in policy development and operational implementation. Co-operation at the international level will contribute to more effective national policy development, avoiding overlap and duplication and facilitating a more effective use of resources at national and international levels.

a. Dialogue and Co-operation among States

The management of migration is a sovereign right and responsibility and, consequently, migration policies have traditionally been developed at the national level. Given the transnational nature of migration and the many common challenges that confront states, national migration strategies and policies developed co-operatively among states are more likely to yield effective and sustainable results. Dialogue and co-operation among states on policy and programme activities can contribute to achieving and maintaining the orderly movement of people while deterring irregular migration. The recent development and strengthening of regional consultative processes on migration on every continent shows particular promise for promoting more safe, orderly and humane migration. Lessons and effective practices drawn from these regional and inter-regional fora provide a useful foundation for greater dialogue and co-operation at the international level.

Effective practices for dialogue and co-operation among states:

- Regular engagement in a comprehensive, balanced and better informed political and operational dialogue between states, inter-governmental and non-governmental organisations, including the private sector, on migration at the national, regional and global level, with a view toward enhancing understanding and co-operation in the management of migration.

- Consideration of regional consultative processes on migration as effective means to enhance co-operation among states in the field of migration.
- Inter-regional exchange, as well as exchange at the global level, are complementary to these efforts and can be mutually reinforcing.
- Co-ordination of measures with a view to avoiding unnecessary overlap, responding to gaps and securing an efficient use of available resources.
- [...]

b. Partnerships in Managing Migration

Migration management is an area for partnerships between interested stakeholders and for consideration of responsibility sharing between countries involved in or affected by particular migratory movements. Continued exploration is required to identify additional ways by which governments, international organisations, non-governmental organisations and other private sector and civil society organisations can work together to develop greater confidence and effective and joint management tools, technical co-operation, cost and other responsibility sharing.

Effective practices with regard to partnerships in migration:

- Promotion of transparent and focused dialogue and information exchange among countries sharing an interest in particular migratory patterns to facilitate possible responsibility-sharing arrangements.
- Exploration of the roles and possible contributions of various stakeholders from governments to inter-governmental and non-governmental organisations, the private sector and members of civil society, including migrants themselves, in contributing to more effective management of migration, on their own and through enhanced concerted, collaborative and complementary efforts.
- Consideration of bilateral and regional agreements to facilitate migration management in areas such as mutual recognition of temporary entry visas, facilitation of transit for returns, the recognition of permanent residence status, for visa waiver purposes and other operational agreements.
- Development of more equitable and effective burden and responsibility sharing arrangements in managing migration and in reducing the burdens to first asylum countries and to those hosting large numbers of refugees.
- Consideration of the fact that inter-state co-operation may include some states providing assistance to others.
- [...]

2. National Migration Policy

Migration is linked to policy in the economic, social, labour, trade, health, cultural and security domains, among others. Considering these interrelationships while identifying the essential components of a comprehensive national migration policy is an important step in developing strategies to manage migratory flows.

National migration policy includes: (1) managing the entry, transit, departure and return of foreign nationals into and out of national territory; (2) determining who is allowed to remain on the territory, and for what time period, for what purposes, and with what rights and responsibilities; (3) facilitating the integration of those authorised to remain to become functional members of society, ensuring that temporary migrants respect the laws and norms of the society and that their rights are respected; and (4) ensuring access to opportunities and fair treatment for nationals abroad, while maintaining links with these nationals to enhance the prospects of return of remittances, skills and investment. All countries share a concern with irregular migration, and particularly with trafficking in persons and smuggling of migrants. As more and more countries are becoming simultaneously countries of origin, transit and destination, all of the considerations elaborated above are relevant to national migration policy.

Effective national migration policy needs to find and maintain a balance among measures addressing various migration-related issues, without improving one sphere to the detriment of another. In addition, a comprehensive, coherent and adequately resourced national migration policy would contribute to more effective inter-state co-operation, which in turn would support national migration policy implementation.

Effective practices with regard to national migration policy:

- Establishment of policies that do not consider regular migration and irregular migration in isolation from each other and that address migration in a comprehensive and balanced manner, considering its causes, manifestations and effects.
- Development of national migration policies that serve the needs of the labour market, facilitate family reunification, meet humanitarian obligations and address domestic security while promoting predictability and flexibility.
- Development of national migration policies being based on comprehensive legislation governing the admission, residence, expulsion and naturalization of foreign nationals.
- Establishment of policies, domestic legislation and institutions that are transparent and flexible, provide consistency, include better information and screening and allow for review and development.
- Creation or strengthening of administrative structures for migration management and provision of sufficient capacity to manage migration.
- Facilitation of co-ordination among responsible authorities at all stages in the migration process and, where appropriate, consideration to centralising migration in a dedicated ministry oriented toward increasing fairness, speed and efficiency of administrative decisions and procedures.

- Development of national migration policies in active consultation and co-operation with important stakeholders in the field of migration including the private sector, non-governmental organisations and other members of civil society, in order to enhance the public acceptance and effectiveness of policies and promote social cohesion.
- [...]

3. Entry and Stay

States have the responsibility to determine the conditions for the entry and stay of non-nationals in their territories, for the protection of their citizenry and national interests, subject to applicable international law requirements. Policies in this domain are designed to facilitate and control the number and composition of persons crossing international borders and the conditions under which entry is authorised or denied. Types of authorised entry can include permanent entry, such as for family unification or on humanitarian grounds, as well as temporary entry to visit, study, and work for defined periods of time. Refusal of entry can be based on such grounds as criminality, terrorism, public health and the desire to protect the domestic labour market. Certain benefits and opportunities may be made available only to nationals and authorised non-nationals.

- Authorised entry needs to be facilitated and administrative procedures streamlined. All procedures governing entry and stay of non-nationals need to respect and protect the rights of the individuals involved.

a. Visa Requirements

The criteria and process for granting visas are key aspects of national sovereignty and a means of regulating migration flows and combating irregular migration. As a pre-entry control mechanism, visa systems offer the opportunity for states to examine the admissibility of persons before arrival and to facilitate the entry of selected non-nationals prior to their arrival at the border and offer migrants transparency and predictability regarding their opportunities for entry and stay.

Effective practices with regard to visa requirements:

- Implementation of effective procedures to manage and control the entry and stay of migrants and harmonisation of entry policies more efficiently to combat irregular migration.
- Implementation of fair, transparent, expedient and user friendly visa procedures, including comprehensive and easily accessible information on visa procedures and requirements.
- Facilitation of delivery of multi-entry visas based on available technology and information sharing for tourists, family visits and other temporary purposes.
- Exchange of information and cooperation among, in particular, neighbouring countries on visa obligations and visa procedures.

- Consideration of harmonisation of visa regimes, particularly at the regional level.
- Implementation of visa procedures that provide for general pre-approval requirements for temporary entrants (with some exceptions), specify the requirements for permanent residence, and that manage and facilitate access to consular officials and provide transparent and humane treatment of the person who requires a visa.
- Consideration of waiving visa requirements for particular countries and in the case of certain refugees and others in need of international protection in order to help them to escape persecution or other serious human rights violations.
- [...]

b. Border Control

Border control is an important means to regulate the movement of people in and out of territories, for reasons, among others, of economic stability, security, public order and health. The challenge for policy makers is to develop effective, efficient, fair and transparent border control procedures that are consistent with international refugee protection, human rights and humanitarian standards.

Effective practices with regard to border control:

- Implementation of procedures that ensure fair and non-discriminatory entry and exit procedures, and which avoid, with regard to the admission of migrants, discrimination on the basis of race, religion, sex and disability.
- Establishment of appropriate structures and mechanisms for the control of borders ensuring well-functioning border crossing procedures, including pre-screening of arriving persons, pre-reporting by carriers of passengers who will be arriving, and use of modern technology such as biometrics.
- Exchange of information and cooperation among neighbouring states to increase the efficiency of border control procedures and consideration of the harmonisation of border controls to avoid burden shifting.
- Identification and promotion of full compliance with international standards related to the issuance, information contained in, and security control of travel documents, incorporating safeguards against forgery.
- Training of border officials on relevant national and international law requirements.
- Strengthening of cooperation in border management in order to combat smuggling and trafficking and to promote the rescue of migrants in danger.
- [...]

c. Residence

Every State determines which non-nationals can reside in its territory and under what conditions, subject to applicable international law requirements. National regulations regarding stay of non-nationals, whether temporary or permanent, and for what purpose, such as training, employment, leisure or studies, are one component of a comprehensive migration policy. Residence policy can provide transparency and predictability for migrants and create favourable conditions for their social and economic integration.

Effective practices with regard to residence:

- National residency policy and procedures should clearly distinguish between permanent and temporary residence status and requirements, and provide clear criteria for extension, change or withdrawal of residency status.
- Provision of information to migrants about residence requirements and procedures.
- Exchange of information and co-operation among neighbouring states to increase the efficiency of residence policy.
- [...]

4. Regular Migration

Today, all states are affected by migratory flows and are challenged to address the implications and opportunities of migration for their national economies, security and development, in particular, in view of demographic trends and development needs. Debates regarding *whether* to have immigration or not are being replaced by debates on *how to manage* migration to maximise the positive effects that migration – skilled and unskilled, temporary and permanent – can have. Regulated migration can help ensure the availability of labour when the host country requires it. It can permit family reunification with minimum delay and disruption to migrant households and relevant communities. Regular migration can provide opportunities for education, training, skill acquisition and employment, and can result in substantial flows of remittances to individual households, and of capital, investment and skills to support development in home countries. A key element to achieve a more humane and orderly movement of people is a systematic, managed approach to migration, including consideration of different categories of migration.

a. Temporary Migration

Temporary migration for purposes of business, employment, tourism, family visits, education, training and research is an essential feature of modern life. As communications and transportation revolutions have made it easier to know about other countries and easier to travel, more people are choosing to pursue opportunities outside their countries of origin. Economic, social and other ties are developing between individuals and communities in distant lands, with resulting greater integration of international economic and social life. Multinational corporations provide employment opportunities for and draw employees from around the world, frequently for temporary periods of stay, involving regular transfer from one country to another. Services are provided cross-border in skilled and less-skilled sectors such as accounting, law, medicine, IT, nursing, domestic work and construction. Seasonal

migrant workers provide the labour foundation for many agricultural enterprises. Educational and training opportunities have become truly international in many fields.

The effective management of temporary migration offers states the opportunity to channel migration to address a range of domestic needs and policy priorities, such as short-term labour market requirements or the acquisition or improvement of skills, knowledge and resources through training and work abroad. Different criteria and conditions may be developed for each temporary migration category. The key elements of a comprehensive and balanced temporary migration programme are that it is transparent, non-discriminatory, orderly, efficient, reliable and safe.

Effective practices with regard to temporary migration:

- Promotion of the use of certain forms of temporary migration, such as short-term and project-related migration, as a means of meeting labour market needs, improving the skills of nationals of countries of origin, especially developing countries and countries with economies in transition, through co-operation and conclusion of bilateral or multilateral agreements.
- Implementation of measures to enable and facilitate temporary migration and multiple short stays, including through efficient registration systems and delivery of multi-entry visas based on available technology and information sharing for tourists, business visitors, family visits and other temporary purposes.
- Provision of clear, accessible and user-friendly information on temporary migration opportunities and means to access them, including through such services as migrant information centres.
- Implementation of temporary immigration programmes which provide temporary migrants with a secure legal status, with rights and responsibilities that reflect their temporary status.
- Promotion and implementation of measures to ensure that temporary migration remains temporary, such as conditioning subsequent re-entry on timely return.
- For those states utilising temporary migration programmes as a possible route to permanent migration, articulation of clear conditions under which those who qualify can gain permanent status.
- Promotion of data collection and analysis regarding temporary migration.
- [...]

(1) Migration for Educational or Training Purposes

Student and training programmes can constitute an important source of skills acquisition and skills transfer, both for a dynamic international labour market as well as for promoting development in countries of origin. Foreign students and trainees can be the bridge that permits businesses in home countries and host countries to develop mutually beneficial economic opportunities. Moreover, student and training programmes encourage a better understanding of other societies and cultures.

Effective practices migration with regard to educational and training purposes:

- Enhanced international co-operation in facilitating educational, cultural, vocational and other training through short-term migration and scholarship arrangements, with the expectation that participants return to their country of origin upon termination of the study or training.
- Consideration of giving foreign students access to the host country labour market during the educational period in order to enable them to gain practical work experience.
- Consideration of mutual recognition of educational qualifications.
- Provision of return and re-integration incentives for students, such as job opportunities, increased salary, earmarked funds and scholarships.
- Consideration of establishing programmes to maintain communications with students abroad and offer re-integration and employment assistance upon return.
- [...]

(2) Business Visitors and Temporary Labour Migration⁴

The globalisation of economic life has resulted in a highly mobile international business community and a corresponding need for safe, transparent, efficient, user-friendly and reliable means to facilitate international business travel and temporary stay abroad. Whether as business visitors, intra-corporate transferees, or to seek to fill short term employment vacancies abroad, mobility of business personnel and other persons for temporary labour purposes abroad, requires concerted international attention and co-operation.

- Examination of employment sectors that would be designated as suitable for temporary migrant workers, and facilitation of regular consultations on a bilateral or multilateral basis to identify and meet temporary migration needs through orderly channels, facilitated by inter-state co-operation.
- Publication of clear and regularly updated information about opportunities for, and criteria and procedural requirements of, business and other temporary labour entry.
- Promotion of consultative and collaborative efforts among states to develop tools to facilitate business and temporary labour migration for defined purposes, such as multi-country business visitor visas.
- Facilitation of bilateral and multilateral temporary worker agreements to meet labour market and employment needs, and to enhance the safety and predictability of travel, access and treatment abroad.
- Promotion of regional economic integration schemes to facilitate intra-regional business and labour mobility.
- Adoption of measures to ensure that temporary labour programmes remain temporary.

⁴ As labour migration can be either temporary or permanent, and in view of its central importance, labour migration is also treated as separate section 5.

- Application to temporary migrant workers of labour protections relevant to the employment of citizens.
- Provision of full access for temporary migrant workers to consular assistance.
- [...]

(3) Family Visits

Temporary family visits allow migrants to maintain links with family members in their home countries and, thus, contribute to their well-being. This, in turn, can have positive effects for host societies. Opportunities for regular and predictable family visits may contribute to reducing the incidence of overstays or clandestine entry.

Effective practices with regard to family visits:

- Facilitation of temporary contacts and visits.
- Establishment of adequate measures to avoid long delays in the entry of close family members.
- [...]

b. Permanent Migration

Facilitation of permanent migration is often considered in order to build or replenish the population base, to enhance economic competitiveness, to allow family reunification and to meet humanitarian objectives. Key challenges focus on how to develop and implement a fair and transparent permanent migration policy that can flexibly respond to economic, labour market, family unity, humanitarian and demographic needs.

(1) Immigration Programmes

Immigration programmes can help to address the consequences of demographic trends and labour market needs in a planned, balanced, and predictable way. Programmes may be supply based, where migrants are selected based upon pre-determined selection criteria or demand based where migrants apply with a confirmed offer of employment.

Effective practices with regard to immigration programmes:

- Development of immigration programmes that provide transparency in elaborating and publicising the criteria and procedures for eligibility and avoid unnecessary administrative delays and expenses.
- Consideration of making available pre-departure programmes to prepare migrants for transition to their new societies, such as language and cultural orientation, as well as post-arrival programmes to help integration and adjustment to the new society, with relevant costs to be borne by the sponsoring employer, family member or new immigrant.

- Provision of access to benefits such as health care, education, and employment, to facilitate integration.
- Information to migrants about legal avenues for permanent migration.
- [...]

(2) Family Reunification

The family is the basic unit of society and deserves special attention and protection. Family reunification contributes to the integration of migrants in the host community and can encourage participation in economic, social, cultural and political life.

Effective practices with regard to family reunion:

- Facilitation of family reunification for immediate family members of migrants with permanent residence status or eligible for this status.
- Implementation of measures to conduct reunification in a positive, humane and expeditious manner, particularly in the case of children.
- Consideration of a sponsorship process for family reunification, which sets out who may sponsor a family member and under what circumstances.
- Consideration of limiting rejections of family reunion applications to issues such as security, serious criminality, threats to public health or inadequate financial ability to support.
- Consideration of harmonisation of a definition of family unit, taking into account different cultural norms.
- [...]

(3) Humanitarian Resettlement

Third country resettlement of refugees and certain other persons in need of international protection has been an important component for addressing humanitarian crisis. Resettlement is not a requirement of the 1951 Geneva Convention relating to the Status of Refugees and as such it is a voluntary activity of states to design resettlement programmes on humanitarian grounds. It can be used as either a protection tool or a durable solution tool. A number of countries have also operated successful protection programmes of taking potential refugees directly out of their countries of persecution.

Effective practices with regard to humanitarian resettlement:

- Regular consultation among states, UNHCR and other relevant stakeholders, to identify humanitarian resettlement needs in a balanced and comprehensive manner, and to develop co-ordinated approaches to addressing them.

- Clarification of relevant roles and responsibilities of resettlement partners, with a view to facilitating the planned, orderly, and safe resettlement of identified humanitarian cases.
- Preparation of persons for resettlement, through language training, cultural orientation, and appropriate medical and mental health care, as well as post-arrival assistance such as vocational training and employment assistance, to facilitate social, cultural and economic integration into the new society and early independence.
- [...]

5. Labour Migration

Domestic economies throughout the world are dependent on migrant workers, whether in countries of destination to fill skills or workforce gaps, or in countries of origin as sources of skills acquisition, training, investment and foreign exchange earnings through remittances. The demands of an increasingly global economy and workforce coupled with persistent disparities in demographic trends, development, wealth, political stability and wages, result in persons seeking work outside their own country on a scale that exceeds the capacity of existing and officially sanctioned labour opportunities abroad. The result has been a growing dependency of many employers and economies on the work of migrants in an irregular situation, as a cheap and reliable source of labour. Migrants in an irregular situation are vulnerable and at risk of exploitation.

Regulated labour migration may help to ensure the availability of labour when the host country needs it, provide safety and security for the migrants and regularise the inflow of migrant workers' remittances. In addition, it could contribute to preventing or stemming irregular migration. The challenge for policy makers is to assess national workforce requirements and to develop a flexible and transparent labour migration policy to meet domestic needs, in view of changing international realities and the benefits of co-operation between countries of origin and destination in addressing these needs. Labour or economic migration can be temporary or permanent, and consequently is addressed here as a separate section in addition to being treated under the temporary migration section.

Effective practices with regard to labour migration:

- Enhanced information-sharing and consultations on policy, legislation and procedures more systematically to identify surplus and deficits in respective labour markets and possibilities for matching labour demand and supply.
- Consideration of developing national measures that regulate supply of and demand for human resources and are linked to bilateral and multilateral efforts.
- Consideration of measures to prepare potential migrant workers for entry into foreign labour markets, and arrange for pre-departure assistance, such as language and cultural orientation, and vocational training as needed.
- Consideration of labour migration schemes for highly skilled, skilled and unskilled migrant workers that are systematically developed to meet labour demand in countries of destination and respond to labour supply and unemployment in countries of origin.

- Consideration of programs to foster skills development and savings and investment schemes that will provide incentive for and assist migrants returning to their home countries.
- Consideration of bilateral programmes in order to meet the specific needs of both source and destination countries, including the rights and responsibilities of all parties and provisions for the protection of migrant workers including by ensuring access to consular officials of the country of origin.
- Protection of migrant workers through implementation of public information campaigns to raise awareness of migrants' rights, and ensuring that migrants receive the social and employment benefits that they are due.
- Promote the enjoyment by authorised migrant workers of the protections afforded to citizen workers, such as access to training, minimum wage, maximum hour rules, prohibitions on child labour and rights to establish unions.
- Adoption of measures for the integration of migrant workers in order to encourage cultural acceptance, and to ensure that the rights of migrants and members of their families are respected and protected.
- Consideration of consultation both at the national and international level bringing together relevant officials to address labour market and labour migration issues.
- Implementation of measures to recognise and facilitate the use by highly skilled workers of their skills in the country of destination.
- Consideration of providing information on employment vacancies to potential migrants, on the recognition requirements for occupational qualifications and other practical information, such as taxation and licensing.
- [...]

6. Irregular Migration

Irregular migration takes various forms ranging from avoidance of entry controls to the use of false documents, to overstay of the authorised stay in the host country. Irregular migration results from the voluntary choices of individuals seeking better opportunities for themselves and their families as well as compulsion resulting from conflict, human rights abuses, environmental degradation, or severe lack of economic opportunity. The negative associations from abusive types of irregular migration are often not separated in public opinion from the migrants themselves and from migration in general and, therefore, result in a negative image of migrants as a whole and fuels xenophobia. This, in turn, diminishes the perception of the contribution that migrants make to their host country.

Criminal trafficking and smuggling organisations play a pervasive role in facilitating irregular migration, and this has resulted in an alarming rise in abuse of government procedures, potential security risks and exploitation of migrants.

More systematic and comprehensive migration policies are needed to prevent or stem irregular migration movements, recognising the interplay between the movement of people and other policy spheres. One of the greatest challenges for governments is to establish transparency and credibility in their ability to manage irregular flows of migrants, by

providing authorised channels of entry and stay as well as clear information about these channels while at the same time employing measures to deter irregular movement.

a. Trafficking in Persons and Smuggling of Migrants

As trafficking and smuggling have risen on the political agenda, so the enormous complexities inherent in them have become more apparent. The Protocols supplementing the UN Convention on Transnational Organised Crime draw a definitional distinction between the willing compliance of a smuggled person and the victimisation of a trafficked person, and provide a solid foundation for addressing these phenomena. More and more states find their ability to manage their borders and protect their populations challenged by traffickers and smugglers and recognise that greater efforts are necessary to raise awareness, to combat and prevent trafficking in persons and smuggling of migrants, to protect the victims and to prosecute the perpetrators.

Effective practices with regard to trafficking in persons and smuggling of migrants:

- Ratification and implementation of the smuggling and trafficking protocols to the 2000 UN Convention on Transnational Organised Crime.
- Implementation of measures to prevent trafficking in persons, for all purposes, whether sexual or other type of exploitation.
- Involvement of all stakeholders concerned, including international and regional organizations, the civil society and the private sector in activities to prevent and combat trafficking in persons and smuggling of migrants.
- Adoption of effective legislation including sanctions against those who organise irregular migration, exploit migrants or engage in trafficking as well as those who profit from trafficking and smuggling.
- Strengthen cooperation, bilaterally and multilaterally, and mutual assistance between all competent authorities, to prevent and combat irregular migration and criminal activities, particularly trafficking in persons, often related to irregular migration, such as illegal drugs and arms trafficking.
- Mutual assistance in criminal matters for the prosecution and penalisation of traffickers, especially international organised criminal groups, and adoption of adequate national measures to provide this assistance including, if necessary, assistance in capacity building.
- Adoption of national legislation that allows the confiscation of direct or indirect proceeds obtained as a result of smuggling of migrants as well as means of transport which are owned by smugglers or their accomplices and which are used for smuggling of migrants.
- Strengthen efforts to raise awareness at all levels, including through public information campaigns, dissemination, and publicising the adverse effects of irregular migration, smuggling, trafficking and related abuse, and available assistance to victims of trafficking to discourage those considering irregular movement and to warn those susceptible to trafficking, particularly women and children.

- Facilitation of bilateral and multilateral exchange of experience and information at operational levels in order to improve the knowledge base on trafficking and obtain a more complete picture of smuggling and trafficking activities and other forms of irregular migration and to enhance inter-state cooperation including on documentation and identity verification.
- [...]

b. Protection of Victims of Trafficking in Persons

Efforts are needed to assist and protect the victims of trafficking in persons who are increasingly recognised as victims of serious crime. The protection and assistance needs of victims of trafficking in persons can include access to shelter, medical care and counselling, witness protection, access to legal procedures and assistance, and assistance in facilitating return and reintegration into their home countries.

Effective practices with regard to victims of trafficking in persons:

- Adoption of national legislation establishing the necessary measures, structures and resources for the protection and assistance of the victims of trafficking, including the right to temporary residence in countries of destination, access to applicable legal protection, including assistance, such as interpretation, in the host country as well as assistance for the return and reintegration in the countries of origin.
- Implementation of measures providing a distinction between the trafficker and the trafficked person with regard to the principles, necessary protection, types and levels of punishment.
- Adoption of appropriate legislation to ensure the protection of the human rights of migrants, regardless of their legal status, particularly of those who have been victims of trafficking.
- Cooperation with states whose nationals have been trafficked in developing return and re-integration programmes for victims of trafficking.
- Protection of victims and other witnesses willing to testify and help convict and jail traffickers and that serve as witnesses in court proceedings against traffickers and smugglers.
- [...]

7. Human Rights of Migrants

Respect for and protection of the basic human rights of migrants is fundamental to effective migration management. Human rights norms both of a general nature and, in more limited instances, specifically relevant to the treatment of migrants, have been adopted by states through ratification of various conventions protecting such rights, and in other cases, norms that form part of customary international law. These norms have been adopted by states in recognition of shared values and commitment to basic standards of individual freedom and well-being. Migration policy that is founded on respect for human rights, democracy and the rule of law, will contribute to respect, tolerance and appreciation of migrants on the part of society.

a. Basic Human Rights

States are facing growing challenges in protecting the rights of migrants. These include addressing growing xenophobic discrimination, exploitation, violations of labour standards in the workplace and other abuse, especially by traffickers. Migrants in an irregular situation are entitled to protection of their fundamental human rights but are nonetheless particularly vulnerable in practice to discrimination and to exploitation and do not enjoy access to a range of social services and other forms of protection of the host society. A central challenge for states is to prevent and combat xenophobic and racist tendencies towards migrants.

Effective practices with regard to the human rights of migrants:

- Adoption and implementation of measures to prevent violations of human rights of migrants as well as their exploitation and to ensure that their basic human rights are protected in all stages of the migration process, including expulsion.
- Distribution of information regarding the human rights of migrants, including refugees, to promote respect for their dignity and counteract anti-migrant attitudes as well as information regarding the obligations and responsibilities of migrants in and to the host country.
- Implementation of human rights standards and principles in national law and practice including through provision of training opportunities for officials and establishing effective enforcement and oversight mechanisms both within governments' administration and the national judicial system.
- Implementation of measures to ensure that migrants have effective access to judicial institutions and remedies for violations of their human rights, including consideration of possible compensation for victims and punishment for the perpetrators.
- Implementation of measures to ensure issuance of all documents necessary for the enjoyment and exercise of legal rights in order to give effect to the right to recognition everywhere as a person before the law.
- Promotion of respect for the obligation of competent authorities of a State where a foreign national is detained to immediately notify the nearest consular officer of the detainee's country of origin and promotion of measures to enable the consular officer to visit the detainee and provide him/her with relevant legal and humanitarian assistance.
- [...]

b. Principle of Non-Discrimination

The principle of non-discrimination is fundamental to international law and applies to migrants as well as to citizens, but does not prohibit all distinctions between nationals and migrants as settled, temporary and undocumented migrants will enjoy different rights. Distinctions, generally, are to be reasonable in serving legitimate governmental aims pursuant to measures proportionately linked to migration status. Implementation of applicable international instruments that promote respect of the principle of non-discrimination and incorporation of these standards into national legislation and practice can be an important element of effective migration policy.

Effective practices with regard to the principle of non-discrimination:

- Implementation of measures to ensure the appropriate treatment of migrants, regardless of their status, and to prevent racist or xenophobic actions and policies and to eliminate discriminatory practices against migrants.
- Implementation of measures to ensure that non-nationals, like nationals, are protected against discrimination based on race, religion, sex, national origin and other protected grounds.
- Adoption of measures to ensure that the physical integrity, dignity, religious beliefs and cultural values of migrants and their families are respected.
- Promotion, in particular, of the protection of persons belonging to minorities against unjustified discriminatory treatment.
- Adoption and implementation of measures to grant to authorised long-term migrants the same rights, protection and freedoms under national and international law as other citizens, permanent residents or persons lawfully present in the country.
- [...]

c. Principle of *Non-Refoulement*

The principle of *non-refoulement* prohibits the return of a person to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. This principle is the cornerstone of international refugee protection and is widely regarded as customary international law. International law also forbids the return of any person to a place where he or she risks being tortured or treated in a cruel or inhuman way. Effective safeguards against refoulement are necessary in any national or international system for the management of migration.

Effective practices with regard to the principle of non-refoulement:

- Consideration of adoption and implementation of legislation and mechanisms ensuring that refugees are protected against *refoulement*.
- Consideration of adoption and implementation of legislation and mechanisms ensuring that migrants are not returned to a place where they risk being tortured or treated in a cruel or inhuman way.
- [...]

d. Internally Displaced Persons

Internal displacement resulting from conflict, natural and man-made disasters and other violations of rights has become the major type of forced migration and has increased in scope and complexity. While responsibility for the protection of internally displaced persons rests first and foremost with national governments and local authorities, the subject is of growing concern and is increasingly considered both an internal issue and a proper domain for international concern and action. The Secretary General's Special Representative on

IDPs developed and issued *Guiding Principles on Internal Displacement* to guide governments as well as international agencies in providing assistance and protection to IDPs. The Guiding principles identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

Effective practices with regard to internally displaced persons:

- Promotion and adoption of measures to ensure the protection of and assistance to internally displaced persons including protection by their national authorities as nationals of the State in which they are located.
- Dissemination and promotion of the “Guiding Principles on Internal Displacement”, including training of governmental, inter-governmental and non-governmental officials in their application.
- [...]

8. Asylum and International Protection of Refugees

The special situation of refugees and others who have been forcibly displaced from their homes and countries of origin by persecution, general violence, conflict, and human rights violations marks these individuals as particularly vulnerable, and requires special attention and responsibilities on the part of states and the international community. However, refugees and others in need of international protection often move within broader mixed migratory flows. It has become increasingly important that all stakeholders achieve a better understanding and management of the interface between asylum and migration. As states look for ways to better manage migration, they need to be able to provide protection and sustainable solutions to their displacement.

Between 2000 and 2002, many of these key issues were addressed through a series of Global Consultations, steered by UNHCR, which engaged states and other partners in a broad-ranging dialogue on contemporary issues relating to refugee protection. One of the most important results was an *Agenda for Protection*, which consists of two sections: a Declaration of states Parties and a Programme of Action. Together, these constitute a framework within which many of these complex issues and challenges can be addressed. It is intended that this International Agenda for Migration Management be developed in a way that is complementary to but not duplicative of the process embarked upon in the Agenda for Protection. The Programme of Action in the Agenda for Protection, promoted and reviewed by UNHCR and its Executive Committee (EXCOM), identifies a wide range of specific objectives and activities grouped according to six inter-related goals. These constitute effective practices in this domain and are repeated here for ease of reference:

Effective practices with regard to asylum and international protection of refugees:

- Strengthening implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
 - Universal accession to the 1951 Convention and 1967 Protocol
 - Improved individual asylum procedures
 - Provision of complementary forms of protection to those who might not fall within the scope of the 1951 Convention, but require international protection

- Exclusion of those undeserving of international refugee protection, including those guilty of terrorist acts
 - Closer cooperation in the supervision of implementation of the 1951 Convention and 1967 Protocol
 - More harmonized interpretation of the 1951 Convention in light of developments in refugee law
 - Further standard-setting
 - Enhanced respect for refugees
 - Adequate reception arrangements
 - Better registration and documentation of refugees
 - More effective and predictable responses to mass influx situations
 - More resolute responses to root causes of refugee movements
- Protecting refugees within broader migration movements
 - Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management
 - Strengthened international efforts to combat smuggling and trafficking
 - Better data collection and research on the nexus between asylum and migration
 - Reduction of irregular or secondary movements
 - Closer dialogue and cooperation between UNHCR and IOM
 - Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking
 - Return of persons found not to be in need of international protection
- Sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees
 - Better responsibility-sharing arrangements to shoulder the burdens of first asylum countries
 - More effective cooperation to strengthen protection capacities in refugee-receiving countries
 - Strengthened partnerships for protection with civil society, including NGOs
 - Refugee communities empowered to meet their own protection needs
 - Refugee issues anchored within national and regional and multilateral development agendas
 - Resettlement used more effectively as a tool of burden sharing
- Addressing security-related concerns more effectively
 - The resourcing of states for securing the safety of refugees and for the separation of armed elements from refugee populations
 - Keeping the Secretary-General and the Security Council seized with the issue
 - Prevention of military recruitment of refugees, including refugee children
 - Prevention of age-based and sexual and gender-based violence
- Redoubling the search for durable solutions
 - Realization of comprehensive durable solutions strategies, especially for protracted refugee situations
 - Improved conditions for voluntary repatriation
 - Strengthened cooperation to make repatriation sustainable
 - Local integration having its proper place as part of a comprehensive strategy for durable solutions
 - Expansion of resettlement opportunities

- More efficient use of resettlement both as a protection tool and as a durable solution
 - Achievement of self-reliance for refugees
 - Rehabilitation of refugee-impacted areas in former host countries
- Meeting the protection needs of refugee women and refugee children
- Measures to improve the framework for the protection of refugee women
 - Measures to improve the framework for the protection of refugee children

9. Integration

The effective integration of migrants is an important element of any comprehensive approach to migration management. Integration is a two-way process involving adaptation of migrants to the host community and the host community welcoming and adapting to migrants, respecting basic values and institutions that are part of the common societal framework while promoting policies of cohesion in diversity. Policies and programmes targeted towards encouraging integration of authorised migrants can benefit migrants, communities and society. Well-planned integration policies are essential to social stability and to protecting the rights and dignity of migrants. The challenge for policy makers is to develop integration measures addressing both the needs and willingness of the host and migrant community and the realities in the host country. This task could be facilitated by involving relevant stakeholders within society, in particular, representatives of the private, political, social and cultural sectors as well as migrants themselves in the integration process.

Effective practices with regard to integration:

- Promotion of the integration of migrants having the right to long-term residence and facilitation of their voluntary assimilation through educational and social policies.
- Development of comprehensive integration policies and programmes that address linguistic, social, health, educational, political and economic integration and respect the basic human rights and dignity of migrants while developing support in the host country for the integration of migrants.
- Consideration of extending elements of integration programmes to temporary migrants to facilitate their effective functioning in the host country.
- Development and implementation of training, language and cultural orientation programmes in countries of origin to facilitate the integration process.
- Encouragement of the active involvement of migrants in integration programmes and, thus, in the integration process in general.
- Development of integration programmes considering participation of relevant stakeholders within society, in particular, representatives of the private, political, social and cultural sectors in the integration process to develop broad-based support for the integration of migrants.
- Adoption of measures to extend to regular migrants and to members of their families whose stay in the receiving country is regular enjoyment of basic social, political civil, economic and cultural rights.

- Implementation of integration programmes avoiding discrimination between beneficiary groups, as well as between them and the local population.
- Provision and dissemination of adequate information about integration programmes and services for migrants.
- Adoption of anti-discrimination programmes to prevent private and public discrimination.
- Implementation of a national migration policy that grants general access for regular migrants to social services.
- Consideration of local voting rights for immigrants and access to political party membership for non-citizens.
- Implementation of measures ensuring that migrants receive medical care and attention they require, without distinction on any grounds other than medical ones.
- Implementation of measures ensuring that migrants, in particular children, have access to educational services.
- Adoption of measures that provide availability of education and training facilities to migrants, in particular adolescents and women, as soon as conditions permit.
- Assistance to integrating migrants through finding employment, such as through job-placement services, vocational training and re-training schemes.
- Promotion of measures for the recognition of qualifications and skills of migrants.
- [...]

10. Naturalisation and Citizenship

Non-national residents may find it difficult or impossible to engage in a range of activities that citizens take for granted and to integrate fully in the host community. It provides a sense of belonging and identity, entitles the individual to the protection of the State and provides a legal basis for the exercise of many civil and political rights. In many situations, citizenship enables people to find employment and housing, to make use of public services, to participate in the political process and to have access to the judicial system. A fair and transparent policy will give due regard to the importance of citizenship as an element of human security.

Effective practices with regard to naturalisation and citizenship:

- Adoption and dissemination of clear and transparent standards and procedures applied equitably for the granting of naturalisation and citizenship.
- Consideration of linking naturalisation and citizenship policies with immigration and integration programmes.
- Consideration of establishing procedures and criteria for naturalisation and granting citizenship to long-term migrants.

- [...]

11. Return

Managing return – voluntary or mandatory, temporary or permanent – is an integral component of migration management. Underpinning consideration of return is the right of host and transit states to determine who can stay legally within their borders and the obligation of countries of origin to accept the return of their nationals. In all instances, return policies and programs are most effective and sustainable when carried out in a humane and orderly way. Procedures are necessary, to maintain the dignity and respect the human rights of the returning migrants and to maximise the possibilities for successful reintegration into the home community. Return activities require cooperation between the host, home and transit states, taking into consideration the needs and concerns of each as well as of the migrants themselves.

a. Return Policy

The integrity of migration systems depends on transparent, fair, efficient and humane policies and practices for the return of those persons who are not authorised to remain in the host country. Return policies or programs are implemented for the return of regular and irregular migrants and enable them to return home in dignity and safety and in full respect for their human rights. They may also serve as a deterrent measure to irregular migration in sending a message to other potential irregular immigrants. Reintegration assistance possibilities, where appropriate, can encourage the sustainability of return. Moreover, programs for the return of migrants – whether temporarily or permanently – who have acquired skills abroad can make an important contribution to the development of countries of origin.

Effective practices with regard to return policy:

- Strengthen cooperation of the authorities of the country of origin, transit and destination to manage return effectively with a view to facilitating and accelerate the readmission.
- Negotiation of bilateral agreements to facilitate the voluntary or mandatory return of unauthorized migrants.
- Adoption of measures that ensure that large-scale organised return takes place in an orderly and gradual manner taking into account the absorption capacity of the region of origin, and that before and during return, appropriate conditions of safety and security along return routes and in return areas are established.
- Adoption of return programmes that promote the participation of migrants in the planning and management of their return or resettlement and reintegration.
- Adoption of adequate measures to ensure that migrants who have returned to their homes or places of habitual residence are not subject to discrimination, prosecution or punishment for having left their former places of residence.
- Adoption of flexible migration policies, including the transferability of pensions and other work benefits, as well as the portability of assets and skills.

- [...]

b. Assisted Voluntary Return

Return is most likely to be orderly and sustainable when it comes as the free and informed choice of the individual. Assisted voluntary return (AVR) allows the returnee to prepare for return and avoid the stigma of deportation and its potential negative repercussions for successful integration. It is more politically palatable and cost-effective for host governments than deportation, ensures the integrity of regular migration systems, and facilitates respect of international principles and standards with respect to migrants in irregular situations. It may include organisational and financial assistance for return, as well as assistance towards reintegration.

Effective practices with regard to assisted voluntary return:

- Adoption of measures that establish conditions, as well as provide the means, which allow migrants to return voluntarily, in safety, with dignity and in respect for their human rights, to their homes or places of habitual residence or to resettle voluntarily in another part of the country.
- Promotion of the desirability of the returnee to cooperate with return arrangements in order to facilitate the return.
- Promotion of measures to facilitate better preparations of returns through an integrated approach, including return counselling and provision of origin country information at a pre-departure stage in order to facilitate sustainable returns.
- [...]

c. Mandatory Return

Mandatory return by government authorities under national law enforcement procedures takes place when migrants having no lawful right to remain in the host state do not leave the country voluntarily if required to do so. It is an important component of an effective return policy and properly functioning migration management system and is necessary for the credibility of the system. The existence of mandatory return procedures often creates an incentive for individuals to choose to return voluntarily. It is important that the return in these circumstances be conducted in safety and dignity, consistent with applicable human rights and humanitarian law and that returnees are not stigmatised for having returned involuntarily.

Effective practices with regard to mandatory return:

- Promotion of measures for transparent, fair, efficient and humane mandatory return.
- Promotion of measures that avoid forced return to conditions of danger.
- [...]

d. Temporary Return

Migration today is often not uni-directional or permanent but instead circular in pattern. Temporary return enables a migrant to maintain contact with his/her family and community of origin while retaining authorisation to re-enter the host country. It contributes to strengthening relations between migrants and their countries of origin and to facilitating the voluntary (final) return of migrants.

Effective practices with regard to the temporary return of migrants:

- Promotion of opportunities for the temporary return of migrants to their homes or places of habitual residence, without loss of the ability to re-enter the host country or of other host country benefits.
- [...]

e. Reintegration of Migrants

Effective reintegration of migrants back into their home communities is an essential element in their ability to lead productive lives upon return and to facilitate the sustainability of return. As with integration into a host country, effective reintegration consists of many elements, including social, political, and economic. Productive re-integration into local economic and social activity enables the migrant to attain self-sufficiency and the country of origin to more effectively use the skills, expertise and resources gained in the host countries. Programmes which facilitate reintegration, including vocational training, micro-enterprise development and other forms of targeted assistance, not only assist returning migrants but can assist their communities of return to create a climate of receptivity to returning migrants and opportunities for the community as a whole.

Effective practices with regard to the reintegration of migrants:

- Promotion and facilitation of reintegration of returned or resettled migrants including devising ways of using their skills and resources.
- Establishment of measures to promote full and equal participation of migrants who have returned to their homes or places of habitual residence in public affairs at all levels and equal access to public services.
- Provision of rehabilitation assistance, such as housing and psycho-social counselling, to returning migrants.
- [...]

12. Migration and Development

International migration has the potential to contribute to sustainable development through remittances, skills transfer, brain circulation (reducing the impact of brain drain) and diaspora networks. Migration policies dealing with the migration-development nexus may include facilitating voluntary return and reintegration either temporary or permanent – particularly of the highly skilled, facilitating the transfer of remittances while reducing transfer costs, as well as encouraging investment in the country of origin by migrants and diasporas.

a. Development Co-operation

In the past, states and the international community formulated and implemented separate policies on poverty reduction, globalisation, security, refugees and migration with sometimes different or even conflicting objectives. As the symbiotic relationship between migration and other global issues becomes more apparent, it is important that the issues not be dealt with in isolation. For migration to be managed in such a way so as to impact positively on sustainable development, dialogue and cooperation at the national level between agencies and at the international level are required.

Effective practices with regard to development cooperation:

- Consideration of the close inter-relationship between migration and development during the formulation of national development and regional integration policies with a view towards achieving sustained economic growth and sustainable development.
- Promotion of coherence and coordination between development policies and migration policies, and between humanitarian assistance and development assistance.
- Development of strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training.
- [...]

b. “Brain Drain” or “Brain Gain”

Migration may be detrimental to the community of origin if the labour force is depleted by the departure of its most productive and/or qualified members (“brain drain”). The development and improvement of skills of nationals by acquiring or enhancing their skills through education abroad and training can play a crucial role in the transfer and infusion of knowledge, skills and technology into the countries of origin (“brain gain”). The challenge is to develop mechanisms to avoid as far as possible the negative effects of “brain drain” and to encourage the return of qualified nationals resulting in “brain gain” and their contribution and investment in the development of the country of origin.

Effective practices with regard to “brain drain” and “brain gain”:

- Promotion of measures to develop migrant skills, skills application in source countries and to manage skills transfer.

- Promotion and support of return on a voluntary basis of qualified migrants in order to improve and strengthen the transfer of knowledge, skills and technology.
- Development of combined measures between countries of origin and destination such as programmes to provide gainful employment to opportunities to nationals in origin countries and enable returning foreign workers who have acquired skills abroad to contribute to the economy of their country, including through incentives such as targeted reintegration programmes.
- Consideration of training and employment programmes abroad to prevent “brain drain” in the home country of persons willing to improve their skills abroad.
- [...]

c. Remittances

Remittances are an essential component of the global economy, of the economies of countries of origin and of the economies of individual households. Remittance flows are large, stable and reach the poorest people. The most obvious impact of remittances is to increase the income of the migrants’ households in the countries of origin and increase the total purchasing power of a given economy. Policies may be developed which encourage the transfer of remittances through formal channels, while reducing transfer costs, which may, in turn, enhance the productive use of these funds.

Effective practices with regard to remittances:

- Maximisation of the value of remittances through effective and efficient transfers of capital, and through measures aimed at linking the flow of remittances with possibilities for commerce and investment in origin countries.
- Adoption of a sound exchange rate, monetary and economic policies, facilitating the provision of banking facilities that minimise the transaction costs of remittances and enable the safe and timely transfer of migrants' funds.
- Facilitation of legal bank transfers to avoid money laundering and money going to illegal activities while respecting the privacy of the person.
- Promotion of conditions necessary to increase domestic savings and channel them into productive investment.
- Promotion of managed temporary labour migration that can lead to more remittances to the benefit of countries of origin.
- [...]

d. Diaspora Support

Migrant diasporas can play a key role as development resources for their country or region of origin and are, for this reason, valued on account of their potential for sustainable development. Increasingly, diaspora are organising in host countries to pool their resources to support home country development.

Effective practices with regard to diaspora support:

- Promotion and facilitation of investment oriented initiatives among the diaspora towards countries of origin.
- Development of efficient financial mechanisms and provision of counselling, technical and institutional support to facilitate investment-oriented initiatives taken by migrants in their areas of origin.
- Promotion of transfer of knowledge of highly qualified members of the diaspora to the benefit of the country of origin.
- [...]

13. Migration and Trade

The international trade regime of the General Agreement on Trade in Services addresses migration only insofar as it relates to the temporary movement of persons as service providers yet is the principal multilateral treaty framework for regulating the movement of people. Liberalisation of the movement of persons as service suppliers holds promise of substantial welfare gains for both countries of origin and destination and is directly linked to the needs and implications of an increasingly global labour market. Challenges for policy makers include facilitating the administrative aspects of movement of service suppliers such as visa requirements, ensuring that temporary movement remains temporary, and maximising the potential economic, developmental and personal gains from freer movement of service suppliers, while providing due regard to national priorities and requirements. The links between trade and migration require greater exploration, including regarding complementary measures that can be taken at the bilateral and regional level.

Effective practices with regard to migration and trade:

- Promotion of dialogue and information exchange between governmental, inter-governmental and non-governmental trade regulators and migration specialists to explore the links between migration, development and trade and to enhance mutual understanding of dynamics and opportunities in this realm.
- Promotion of orderly and efficient movement of migrant service providers consistent with applicable human rights standards.
- Promotion of cooperative approaches to maximise the economic growth and development prospects from potential trade liberalisation, with the long-term aim to reduce poverty and, thus, address one of the root causes of migration.
- Encourage the development and implementation of measures to identify potential migrant service providers, to match those migrants with temporary labour possibilities, and to facilitate relevant training.
- Implementation of measures to ensure the successful return of labour migrants at the end of the period of their service provision overseas.
- [...]

14. Migration Health

The link between various patterns of migratory movements and their impact on individual health as well as on public health is often ignored, due partially to lack of awareness and misinformation. Well managed national and community migration health can contribute to a better image of the migrants in host communities. Discrimination and xenophobia are exacerbated when host societies perceive migrants as vectors of disease. Some governments include migration health assessment in their policies and programmes to protect public health and safety. It can help to better manage the public health impact of population mobility on receiving countries as well as to facilitate integration of migrants.

Present immigration legislation, rules and regulations are generally designed for orderly, regulated and accepted migratory movements and are less effective in addressing the irregular movement of persons. While the demands for health services to irregular migrants such as trafficked populations and asylum seekers are growing, the challenge for policy makers is to facilitate access to health and to a healthy environment.

Effective practices with regard to migration health:

- Consideration of the link between migration and health in national migration policies and programmes, including consideration of its human rights and public health aspects.
- Promotion of research, data collection and exchange of information among countries and provision of correct and timely information on the issue of migration and health.
- Facilitation and promotion of cooperation among states, international organisations and relevant parties to deal, in particular, with the public health challenges posed by international movements of people.
- Strengthening collaboration between states, in particular, countries of origin and destination, on migrants' health issues including sharing of information, data, technical expertise and materials while addressing concerns about the migrant's right to privacy.
- Implementation of fair and transparent migration health assessment procedures before or after arrival in hosting countries in accordance with applicable international legal standards.
- [...]

15. Migration and Environment

Natural disasters, man-made catastrophes and ecological degradation are causes of population displacement. States more and more recognise the increasing significance of ecological issues and the interdependence of disaster reduction, protection of national resources, and environmental management and call for an intensification of international cooperation and efforts to protect and improve the environment.

Effective practices with regard to migration and environment:

- Consideration of the link between natural and man-made disasters, man-made catastrophes and ecological degradation on one side and population displacement on the other in national migration policies
- Promotion of the need to reduce the causes and consequences of natural disasters and environmental degradation.
- Intensification of international cooperation and efforts to protect and improve the environment.
- Implementation of measures to reduce the incidence and scope of natural disasters and the displacements associated with them.
- Promotion of activities to avoid serious environmental impacts of population displacement, in particular the impacts of prolonged stay.
- [...]

16. International and National Security

The terrorist attacks of 11 September 2001 have highlighted security concerns associated with migration. Such concerns have included consideration of whether and in what ways greater geographical mobility accelerated by globalisation and encourages, in particular, temporary movements that might have security implications for states and societies. At the same time, concerns have increased about the resurgence of xenophobic and racist tendencies, including, scapegoating of and discrimination against migrants both in governmental policies and public attitudes. The challenge for policy makers is how to ensure and facilitate mobility to serve the needs of dynamic economies and communities while ensuring the safety and security of the host community, and without stigmatising migrants.

Effective practices with regard to international and national security:

- Strengthen national enforcement and security systems as well as procedures without establishing obstacles to regular migration or discriminating action against migrants.
- Strengthen mechanisms for information sharing and collective international enforcement action to reduce the risks of terrorist activities associated with the movement of people.
- Enhance information and awareness campaigns to avoid “scapegoating” of migrants and unleashing of xenophobic tendencies.
- Promotion of inter-state cooperation in security related activities, such as activities to prevent and combat document fraud, smuggling and trafficking as well as activities concerning the safety of international transport and early warning measures.
- Protection of human rights and dignity with regard to the use of personal information.

- Increase integration for migrants to reduce alienation from the host society and thereby, reduce security risks.
- Strengthen mechanism for evaluating security risks in order to prepare for emerging conflicts.
- Promotion and facilitation of cooperation among states, international organisations and other relevant stakeholders to deal with security issues that may arise due to international migration.
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17. Public Information

It is important that all actors involved in the migration process have access to consistent and unambiguous information on roles, rights, procedures and expectations. Migrants need to be made aware of legal migration opportunities in order to limit the incidence of trafficking in persons and smuggling of migrants. An improved supply of information to potential migrants on conditions and procedures in destination countries could help promote more orderly migration flows. To reduce the incidence of xenophobia and discrimination in host societies, migrants need to understand and comply with local laws, and migrant-hosting societies need to be aware of the positive contributions migrants can make to their communities. Information campaigns are indispensable tools for achieving these goals.

Effective practices with regard to public information:

- Development of information campaigns in order to promote a better understanding of the complex phenomenon of migration and to raise awareness among host communities of the positive contributions that migrants can make to their society.
- Promotion of information activities with a view to making potential migrants aware of the legal conditions for entry and stay, available opportunities, including employment in host countries and thereby reducing the risks of irregular migration.
- Creation of awareness of the risks of irregular migration, in particular, the adverse effects of trafficking in persons and smuggling of migrants to discourage those considering irregular movement and to warn those susceptible to trafficking.
- Tailoring both the content and form of information dissemination to the needs of the target groups and aims of the information, e.g. migrants themselves, politicians, other actors in civil society or the general public.
- Facilitation of migrants' understanding of relevant information through providing the information in the migrants' own language, where possible.
- Promotion of cooperation among governments and other stakeholders in migration regarding information in order to increase the transparency and acceptance of information both for the general public and potential migrants.
- Promotion of information activities that draw attention to the linkages between migration and other policy areas such as development, health, security and that include both positive and negative aspects.
- [...]

18. Research and Data

An essential prerequisite for a successful migration management system is statistical and documentary information that is timely, accurate, reliable, and accessible. Information and data are required by national and local governments, non-governmental agencies and institutions, migrants themselves and the general public. Information flows between governments are needed in order to facilitate cooperation and coordination in the field of migration. Within countries there is a need for systems to ensure the efficient flow of information relating to migration matters between relevant government departments, and between central and local government institutions. An efficient and comprehensive information framework and system capable of responding flexibly to policy issues as they arise needs to be able to take advantage of all available and relevant sources, to be flexible, and to address the requirements of all migration actors.

a. Research

Migration research may contribute strongly to policy development, for example, when a government is actively looking for policy solutions, commissions a piece of research and acts on some or all of its findings. Or, research may increase awareness about a particular policy issue and by influencing public attitudes may lead to policy changes. The challenge for governments is to define their migration research needs and to find ways to develop their research capacities.

Effective practices with regard to research:

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b. Collection and Analysis of Data

The availability of meaningful data on migration stocks and flows is a key element of effective migration management. At present, much of the statistical and documentary information required for sound decision-making is simply not available or does not reach policy makers in a timely way. National capacities and resources for the collection and analysis of migration data are currently woefully inadequate in many countries. Efforts are also often hampered by incompatibility of data as different measurement methods and operational definitions for migrant categories are employed from country to country. In addition to problems with migration data collection, the information that exists is frequently not shared among governments, for legal, practical or political reasons. Reliable data is essential for monitoring flows and understanding trends as a basis for policy and programme development and cooperation.

Effective practices with regard to the collection and analysis of data:

- Collection of data on flows and stocks of international migrants and the monitoring of international migration.
- Development of national networks to collect, analyse and disseminate information on a wide range of migration phenomenon, including on labour migration, the gender

perspective, sudden and massive population displacement, irregular migration and trafficking.

- Clarification of who is collecting data, for what purpose and for what audience.
- Promotion of harmonization and harmonized use of definition and terms when collecting data.
- Strengthen coordination among relevant ministries at national level as well as at the international level on data collection.
- Progressive development of compatible systems for collecting, processing and exchanging information on irregular migration and trafficking by way of harmonising definitions and criteria for data collection.
- Promotion of technical assistance and capacity building activities for those countries requiring technical and financial assistance with regard to migration data management.
- Promotion of confidence building among various stakeholders regarding the accuracy of migration statistics.
- [...]

c. Exchange of Information and Data

A more global approach to migration management includes an exchange of information on migratory flows, migration trends, national migration policy and legislation. The exchange of information between countries contributes to a better mutual understanding of migration issues of concern, in particular, economic and social aspects of migration in different regions, such as the effects of labour migration and integration as well as causes and effects of trafficking and smuggling in human beings. States are more and more recognising that concerted efforts are needed to enhance and improve the exchange of information among countries.

Effective practices with regard to the exchange of information and data:

- Promotion of bilateral and multilateral exchange of information, data and experience at policy and operational levels.
- Strengthening the exchange of information and data on migration legislation and procedures for analysis and review, including, in particular regulations governing the admission and stay of migrants migrant experiences as well as policy and operational responses.
- [...]

d. Data Protection

The increasing need for the exchange of data at all levels between states with a view to combat irregular migration has highlighted the issue of protection of personal data. The challenge facing policy makers is to ensure the protection of personal information guaranteeing the privacy of individual migrants while developing mechanisms to show relevant data which would not infringe upon privacy rights.

Effective practices with regard to the protection of data:

- Promotion of an exchange of information with respect to the constraints of national laws and arrangements governing the protection of personal data.
- Collection and exchange of data in accordance with national data protection requirements and provisions on the protection of human rights and fundamental freedoms.
- Promotion of respect for the integrity and rights of privacy of individuals when pooling or sharing data from various data sources in accordance with national legislation.
- Promotion of the implementation of data protection in national policy and legislation.
- [...]

19. Capacity Building

Managing migration is a complex process and regardless of their stage of economic development, states are continually striving to increase their capacity to effectively manage population movements. As effective migration management is increasingly a matter of cooperation, building joint capacity for operational responses, along with complementing policies, has become increasingly important.

Effective practices with regard to capacity building:

- Promotion of measures enhancing the capacity of countries to manage movements of people in order to realise the benefits of regular migration and reduce the costs of irregular migration.
- Promotion of efforts at regional and international level to mobilize resources and to engage in mutual assistance and technical cooperation to contribute to a better management of migration.
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20. Other Policy Linkages and Accompanying Measures

Effective migration policies have to take into account that international migration is a complex phenomenon which is rooted in human history and behaviour and is closely associated with political, social and economic aspirations and human security factors of each country and region. States increasingly recognise that migration should not only be addressed in a balanced manner, considering its relationship to economic, social, political, developmental and environmental issues but also that accompanying measures may be necessary in relevant adjoining policy fields, such as conflict resolution and conflict prevention but also training of government officials.

Effective practices with regard to accompanying measures in adjoining policy fields:

- Adoption of measures including early warning, the building of democratic institutions and conflict resolution in order to prevent communal tension and internal disorder from escalating and resulting in human rights abuses, violent crimes and population displacement.
 - Adoption of measures including preventive diplomacy based on impartiality, confidentiality and cooperation which includes the utilisation of good offices, negotiations, inquiry, mediation and conciliation.
 - Development and implementation of training programmes in migration management at local, national and international levels that target migration officials to ensure that they have the skills and expertise needed for implementing legislative acts and administrative regulations in a professional and effective manner.
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