Irregular Migration and Mixed Flows

Workshop on “The Future of Migration: Building Capacities for Change”
Cairo, 1-2 December 2009
Introduction

Based on IOM Council paper, November 2009

“Irregular Migration and Migration Flows: IOM’s Approach

Key Message - Responses to irregular migration and mixed flows:

⚠️ First: Need to take place within a comprehensive approach to migration management

⚠️ Second: Consider the whole “migratory life-cycle,” proactive measures at pre-departure phase can minimize many of the abuses that occur later
Introduction

Paper overview

- Understanding mixed flows
- Present capacities to manage irregular migration and mixed flows
- The future of irregular migration and mixed flows
- Addressing irregular migration and mixed flows within a comprehensive framework of migration management
- Conclusions
Irregular migration:

• “Movement that takes place outside the regulatory norms of the origin, transit and destination countries”

(IOM World Migration Report, 2008)
Understanding Mixed Flows

Mixed flows:

• “Complex population movements including refugees, asylum-seekers, economic migrants and other migrants” (IOM Glossary on Migration, 2004)

• Others? E.g. VoTs, smuggled/stranded migrants, UAMs

• Focus is on irregular movements but irregularity not necessarily the defining feature

• Migrants may also fall into two or several categories
Irregular migration is a phenomenon occurring in all parts of the world

- **National policies**
  - **Control-oriented**: e.g. border controls, visa policy, forced return, internal checks and labour inspections
  - **Less restrictive**: e.g. regularization, creation of more regular channels

- **Cooperation to prevent irregular migration**
  - **Bilateral**: e.g. readmission, temporary labour migration
  - **Regional**: RCPs – e.g. Bali Process and IGC

- **EU law and policy on immigration and asylum**
  - **Immigration**: external border controls, visa policy, secure travel and I.D. documents, combating trafficking and smuggling, common return policy (readmission and Returns Directive)
  - **Asylum**: state responsible for claim, reception conditions for asylum-seekers, refugee definition, asylum procedures
  - **Gaps**: rights of irregular migrants, approach to mixed flows
Growing interest of and concern from international organizations and regional bodies:

- **UNHCR**: 10-point Plan of Action on Refugee Protection and Mixed Migration --> identifies protection gaps in respect of refugees and “other persons of concern” to UNHCR at various stages of the mixed migratory movement

- **International Federation of Red Cross and Red Crescent Societies**: Strategic initiative in humanitarian assistance and protection for migrants

- **EU and the Mediterranean Transit Migration (MTM) Dialogue**
  ‘Towards a Comprehensive Response to Mixed Migration Flows’ project serves as reference for good practice on joint management of mixed migration flows by EU member states and their Mediterranean neighbours

- **Council of Europe and African Union**
  Draw attention to the special vulnerabilities entailed in mixed migration
Predictions futile but …

- Evidence demonstrating that irregular labour migration fluctuates in accordance with economic conditions
- Movements of refugees/asylum-seekers bound up with governance issues
- Single most indeterminable factor: impact of climate change

Is there a need for a “soft law” framework?

- International community lacking a coherent legal architecture to address irregular migration and mixed flows effectively: take steps to develop or consolidate existing applicable norms in a single authoritative document?
- Such a “soft law” framework has been advanced to better articulate and fill perceived gaps concerning protection of human rights of migrants
- Soft law framework to protect particularly vulnerable groups of irregular migrants, who are often found in mixed flows’ situations?
Addressing irregular migration and mixed flows within comprehensive migration management

IOM’s mandate:

IOM Constitution

• “International migration also includes that of refugees, displaced persons and other individuals compelled to leave their homelands, and who are in need of international migration services” (Preamble, recital 3)

IOM Strategy 2007

• “To enhance the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law." (activity 2)
• Need to support “States, migrants and communities in addressing the challenges of irregular migration” (activity 5)
• “To provide migration services in other emergency or post-crisis situations as appropriate and as relates to the needs of individuals, thereby contributing to their protection” (activity 9)

Vision: Moving towards a holistic response to address short and long-term needs
IOM’s Holistic Response

Migration Management Framework

Pre-migration phase (home country)
Arrival phase (host country)
Travel phase (transit country)
Settlement / Return phase (host/home country)

Respect for human rights and well being of all migrants
Inter-State and Inter-Agency cooperation
Specific and tailored services (Refugees, asylum seekers, VoTs, smuggled migrants, UAM, economic and other migrants)
Safe migration options and alternatives in origin countries

National migration policy/laws, programmes and administration
Five areas of work, including capacity building

• **First**: Direct assistance to migrants
• **Second**: Helping to develop policy, legislation and programmes
• **Third**: Training government officials and other stakeholders
• **Fourth**: Disseminating information to migrants and host communities
• **Fifth**: Cooperation and partnership

Addressing irregular migration and mixed flows within comprehensive migration management
Examples

a. Direct Assistance to Migrants

• IOM’s Global Assistance Fund
  - Provides assistance to trafficked men, women and children

• EC co-funded “Increasing Public Health Safety Alongside the New Eastern European Border Line” (PHBLM) Project
  - Provides individualized healthcare to migrants
Addressing the demand side of migration by designing labour migration policies that facilitate safe and regular migration in all skills categories (see WMR 2008).

Examples

b. Policy and Legislation

Equality and non-discrimination: core principles of the rule of law framework

- Diversity Initiative in Ukraine
- “Counter Xenophobia Initiative for South Africa: Tolerance, Integration, Diversity” Project in MRF Pretoria

Design policies that protect the human rights of all migrants, irrespective of their migratory status.

Addressing the demand side of migration by designing labour migration policies that facilitate safe and regular migration in all skills categories (see WMR 2008).
Enhancing capacity of all relevant stakeholders:

- Government officials
- Private sector companies (India)
- Civil society (Libya)

Assisting policymakers in a regional context:

- African Capacity Building Centre (Tanzania)
- Migration Research and Training Centre (South Korea)
Examples

d. Information

Raising awareness of both potential migrants and host communities:

• **Mass-media campaigns**
  - Radio campaign in Somalia
  - “Buy responsibly” campaign with Saatchi & Saatchi launched on EU Anti-trafficking Day 18 October 2009

• **Targeting unemployed youth in areas of high emigration**
  - West Africa

• **Addressing risks of trafficking**
  - School children awareness in South Caucasus
Examples

e. Cooperation

Partnerships are key

- **Inter-State level:**
  - RCPs – e.g. Puebla Process, MIDSA
  - IOM/CARICOM/UNICEF working group on child migration (2009)

- **Inter-agency cooperation:**
  - IOM/ UNHCR/ Italian Red Cross in Lampedusa and Sicily (Praesidium Project) on identification/assistance in the front line
Examples

e. Cooperation (cont’d)

- Somalia and Yemen Mixed Migration Taskforces (MMTF) to address the needs of migrants and asylum-seekers crossing the Gulf of Aden

- IOM/UNHCR/Angolan immigration authorities capacity-building project

- IOM workshop; “Irregular Migration Flows from East Africa and the Horn of Africa Toward Southern Africa” in February 2009
Examples

e. Co-operation (cont’d)

- IOM/ UNHCR Standard Operating Procedures (SOPs) to facilitate protection of and provision of assistance to trafficked persons
- Other forms of inter-agency cooperation
  - Inter-Agency Standing Committee (IASC)
  - MMTF, Frontex
  - WHO
  - UN Country Teams
Conclusions

• Mixed migratory flows require versatile response tailored to individual needs of all migrants in accordance with established human rights norms

• State capacities to manage irregular migration and mixed flows are likely to be challenged in the future (perhaps seriously if worst case scenarios of climate change realized)

• Capacity building activities will need to be undertaken at all stages of the “migratory life-cycle”
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