

Session 136 – International Migration and the Economic Crisis

Global Governance of Migration and the Economic Crisis

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There are a few signs (August 2009) that the world crisis is relenting its grip on the economy. But even the most optimistic outlooks signal, for 2010, a worsening of the occupational adverse cycle and a further increase in unemployment. The authoritative OECD report summarizes the situation as follows “The drop of economic activity is affecting local and migrant workers, but the latter are more vulnerable. ...Employers are often more reluctant to hire immigrants and more ready to fire them. And, with rising unemployment, there is more competition for jobs from local workers. As a result, unemployment rates among immigrants have risen more than among native-born workers. Additionally, the environment for migration policies is getting tougher. Numerical limits and lists of occupations in shortage have been reduced and employment tests are being applied more strictly. Programmes to encourage migrants to return to their home countries have been introduced and measures to combat irregular migration reinforced”. [OECD, *International Migration Outlook. Sopemi 2009*, OECD, Paris, 2009, p 9]. Changes in migration policies cannot be easily introduced nor readily undone once the negative part of the cycle is over and growth resumes. The problem is that migration policies are not geared on the person or on the family, but on the worker. Many countries have quotas for admitting migrant workers on a seasonal, temporary and (rarely) permanent basis; family members are admitted on the basis of their relation with an individual, almost always a lawful immigrant worker; these same members, once admitted, be spouses, children or parents, often find their way into the labour market. In the name of labour demand, countries plan the number of immigrant to be admitted, their skills and qualifications. However nothing better than the current crisis demonstrate how wrong forecast can go. Said Max Frisch, with reference to immigration to Switzerland “we expected workers, we have got human beings”. How many of the 47 million Hispanics living today in the United States are descendent of the lawful temporary workers admitted under the “Bracero Program” and of their “irregular” successors after 1964? I suspect that migration policies should change their central philosophy. People should be admitted on the basis of their own specificity, of their personal plans, of their own individual (or family) characteristics, and not only in function of an unfilled job.

In this paper the notion that migration is a positive-sum-game, where everybody gains something, will be addressed in the light of current policy trends. It will be argued that the lack of cooperation between countries detracts from the gains that the various actors may reap through migration. It will also be suggested that the times are ripe for reconsidering the creation of a supranational organization for international migration overcoming the prevailing cultural inertia.

In the rich world, migration policies tend to become more restrictive. Restrictions take different forms, such as reduction of quotas; less generous criteria for family reunification; revision of the qualifications for the legal admission of immigrants; attempts to reduce unskilled immigration while selecting the highly skilled ones; more stringent criteria for the admission of refugees. On the other hand, governments seem to be powerless in managing the phenomenon of irregular migration, and the growing stock of undocumented (or illegal) immigrants runs into the tens of millions: 12-13 in the US, 5 to 10 in EU-27, 5 to 15 in Russia. In Europe irregular (non European) immigrants determine an unresolved legal conundrum: EU regulations do not permit mass expulsions **nor do they** allow mass amnesties. Expulsions or regularisations must be on an individual basis and decided within a complex juridical frame, but the legal systems are unable to cope with a great number of cases, so that the problem remains unsolved and irregularity remains high. In the USA, the Bush administration has been unable to push legislation through Congress in order to address the problems of an illegal population the size of Pennsylvania's. In Russia – the flow of immigration of returning Russian nationals is now almost over – but irregular workers from central Asia worry the authorities. Everywhere no efforts are spared in order to control illegal inflows so that irregular stocks are not inflated: stringent border checks, walls and physical barriers, terrestrial and maritime patrols, electronic surveillance, air monitoring -- **besides** the obsolete **passport** visas or inefficient internal police checks.

As far as regular migration is concerned, two trends are emerging among rich countries. The first – as said above – is selectivity, in the effort **to attract** the **highly** skilled and boost the contribution of immigrants to growth. Needless to say that selectivity implies a symmetrical negative effect for sending countries, deprived of valuable “human capital”. Selectivity is an official policy in countries with a long history of immigration: Australia, Canada and New Zealand, have a “points system” based on the characteristics of candidates, such as age, family status, knowledge, language and professional skills, etc. Only those that accumulate a certain number of points are considered for admission. This system is spreading to Europe as Denmark, the United Kingdom and Germany have recently adopted new regulations in this vein. The other tendency favours temporary and circular migration. The (official) rationale being that these forms of migration minimise the losses caused by the brain drain to sending countries while maximising the benefits of remittances for those left behind. But there is a hidden rationale, as well: the hope **that the** demand for unskilled labour **also** be satisfied on a temporary basis migration, minimizing the drain on welfare budgets and, more generally, avoiding that low skilled, less educated people and their families – supposedly more difficult to integrate – become permanent residents or candidates to citizenship. European institutions are supporting a “Policy Coherence for Development” and migration, where temporary and circular migration have a central place. But it is difficult **not** to agree with the conclusions of OECD’s authoritative report on international migration “The expectation of temporary stay by labour immigrants does not appear to be a foundation on which

one can construct a solid migration policy. Some labour needs, both high and lesser skilled, are of a permanent nature and need to be addressed by longer term migration... Likewise some returns of high-skilled migrants to their countries of origin do occur and will undoubtedly continue to do so. But it is illusory to expect that migrants will return just because they are able to do so without jeopardising their status in the host country. Little from recent migration experience suggests that this is a major phenomenon, especially when the entire family is involved and when economic conditions in the country of origin remain difficult.” [OECD, *International Migration Outlook: Sopemi – 2008 edition*, Paris, 2008, p. 20].

So let us resume the situation. First, global forces sustain global migratory flows: globalization, increasing interconnection of cultures, decreasing costs of travel and – above all – growing divergences in wellbeing among countries and demographic differentials. The impending crisis, whose duration and gravity nobody is able to forecast, adds to the complexity of the situation. Second, restrictive legislations tend to be enforced in rich countries in order to control and decrease regular migration flows. In many countries, new legislation tends to favour the highly skilled, changing the composition of immigrants, and to privilege temporary and circular migration as alternative to a long term one. Third, irregular migratory stocks are on the rise and attempts to stabilize or deflate them by contrasting irregular inflows are often frustrated.

These trends, roughly and incompletely summarized, add to the conflicts of interest between the macro players (sending and receiving countries) and the individual protagonists (immigrants and citizens of both receiving and sending countries). Sending countries lament the depletion of their valuable human capital but have an interest in expanding the emigration of part of their numerous and growing young cohorts entering the labour force. They also deprecate the obstacles to permanent integration of immigrants in the countries of destination and the restriction to family reunification, but, on the other hand, valuable remittances are maximised when migration is temporary and migrants leave families behind. Countries of immigration, on the other hand, are distressed by the lack of cooperation of sending countries in the control of illegal migration and by their unwillingness to readmit deported illegal aliens onto their soil. But the real victims are the migrants themselves, caught in the quagmire of regulations, unable to exploit in full the opportunities opened by their decision to move, often in an illegal situation and therefore more vulnerable to exploitation. It is common place to say that migration is a positive-sum-game, where everybody gains something. It may be so, but contrasting interests and policies, the lack of cooperation between countries (not to say the absence of governance) detracts from the gains that the various actors may reap through migration. "...international governance requires acknowledging that different states have different goals, compromising where possible, and building first on recognized common objectives - the need for more knowledge and understanding of migration phenomena, fewer deaths of migrants in transit, reduction of the influence of criminal networks, minimizing tensions between migrants and host

communities, greater safety and dignity for migrants, increased national security, the maximum mutual benefit from migration, and a general capacity to implement policies that have been embraced" [Kathleen Newland, *The Governance of International Migration: Mechanisms, Processes and Institutions*, Global Commission on International Migration, September 2005, p. 17]. But is international governance possible?

There is a fundamental difference between the globalization process that took place between 1870 and 1920 and the globalization wave of the last half a century. The first wave involved capital, goods and people: America was rich in land, and endowed with natural resources, but poor in labour; Europe was rich in labour and poor in land. The mass migration from Europe to America entailed a rise in the standard of living of the sending and receiving countries, as well a closing of the gap in the standard of living in the two continents. The modern process of globalization has been one of goods and finance, and less so of people. Immigration in the developed world in the last decades has been relatively modest. The United States receive today approximately the same number of immigrants that - with a population two thirds smaller - arrived a century ago. The foreign stock in Europe, in the last decades, has **increased** at a rate that is a fraction of the rate of increase of international trade. Indeed, notwithstanding the strengthening of global forces of migration, the increase of immigration has been moderate -- and the perception of an immigrant avalanche submerging Europe is wrong and deformed. The fact is that economic globalization has been sustained by a cultural and political action in favour of free trade and lower tariffs, and the setting up of a regulating institution like the WTO. But barriers to migration, in the meantime, have been raised, and the action of global forces checked, for a time. No shared vision of common good has emerged and calls for international cooperation – not to say governance – have been feeble. It is a telling fact that few states have ratified the two ILO conventions (No. 97 of 1949 and No. 143 of 1975) dealing explicitly with migrant workers, and that the United Nations Convention on the Rights of Migrants Workers and their Families needed 13 years to enter into force, and that – as of the beginning of 2009 – has been ratified by only 43 states (only one in Europe). Too strong are the conflicting interests, too feeble the voice of migrants, too weak the perception of common, long term interests.

The Global Commission on Migration and Development, created by Kofi Annan in 2003, after two years of consultation and debates, **came** up in 2005, with a rather timid proposal: the creation of an Inter-agency Global Migration Facility (IGMF) with the objective of facilitating a “coordinating and integrating policy planning in areas that cross the mandates of several institutions, for example human trafficking, the migration-asylum nexus and the developmental implications of international migration, including remittances” [Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action – Report of the Global Commission on International Migration*, Geneva, 2005, p. 77]. In other words, the IGMF should coordinate functions that are carried out by various agencies (that would continue to carry out those functions) both belonging to the

United Nations family – such as UNCHR or ILO – and outside the UN, like IOM, WTO etc. But even this modest proposal for coordination of dispersed capacities and functions – four years after the report – has remained unheeded. As for bringing together the “disparate migration-related functions of existing UN and other agencies within a single organization” this was left, in the Report, for a “long term approach”, meaning, by that, the deferral to a far away nebulous future.

If even minimalist proposals have been set aside, what about the idea of gradually building up a supranational institution – of the nature of WTO – to which governments might cede parts (even minimal at the beginning) of their sovereignty in migration-related issues? Proposals of this nature do not seem to be popular in the international debate and are left to the initiative of isolated voices.

Let us leave aside the complex problem of the nature of the institution to be invested with regulating powers: whether a new autonomous Agency – a World Migration Organization - or a merge of existing Agencies (such, for instance, UNCHR and IOM); whether within or outside the United Nations family, etc. But let us for a moment think of the functions that an Agency of this type could subsume. It has been suggested, for a first phase, the areas of data collection and monitoring of trends, policy research and development, technical assistance and training, provision of services, platform for discussion, support for negotiations, anti-trafficking initiatives, promotion of migration-related initiatives. These are functions relatively free from clashes of interests that could form the basis for the initial action of an international institution that needs to develop cooperation among states. But other functions must also be gradually (but not too gradually) included if an embryo of governance is to be developed: again, drawing from Newland’s list “protection of migrant’s rights, standard setting, immigration law enforcement and border control, compulsory returns, and facilitation of migration”, issues for which, at present, “divisions among states...are too pronounced” [Newland, cit. p. 7]. Just think of the issue of migrant’s identification; of certifying their place of birth and their nationality, age and family relations; their skills and education; their knowledge of languages; their possible criminal record...Or the importance of ensuring that remittances can be freely circulated, with a minimum of cost and a maximum of security; that **pension** rights are not lost; that work contracts conform to minimum standards. Or the importance of seconding, supporting and eventually enforcing bilateral and multilateral agreements for the reunion of family members or readmission of lawfully deported migrants...Or of solving the question of dual citizenship – of the country of origin and of that of destination - with a clear definition of rights and obligations. And, above all, the protection of migrants rights of those who have migrated lawfully and of those - tens of millions - who live illegally in foreign countries. Even legal migrants live – in several countries – in a state of semi-servitude, their passports being retained by the authorities or by **their** employers. Fortress Europe has counted 14,000 certified migrant losses of lives in the attempt to reach Europe in the last 20 years [<http://fortresseurope.blogspot.com/>]. This is only the **tip** of the iceberg of total migrant losses, most of which go unrecorded, **along desert routes or during sea crossings**; the Mexico-US border is an

equally dangerous area for the illegal migrant. These are not victims of wars but of peaceful movements.

Global forces are behind the growth of migration. Conflicting interests are on the rise. So is the need for global cooperation and governance.