



# SOCIOLOGY OF MIGRATION AND DEVELOPMENT

SUPPORTING EVIDENCE  
FOR THEMATIC AREA 2

NINTH GLOBAL FORUM ON  
MIGRATION AND DEVELOPMENT  
Bangladesh 2016 **GFMD** Research and Policy Initiative  
November 2016



International  
Labour  
Organization



International Organization for Migration (IOM)  
The UN Migration Agency



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The findings, interpretations and conclusions expressed herein do not necessarily reflect the views of IOM, ILO, UNDP or its Member States. The designations employed and the presentation of material throughout the work do not imply the expression of any opinion whatsoever on the part of IOM, ILO and UNDP concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

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## Foreword

Human mobility – in its many forms – is a means of adaptation and a process which can expose people to heightened risks and vulnerabilities. With an estimated 244 international migrants in the world – including around 150 million migrant workers – migration is increasingly prominent in the political arena.

The GFMD was borne out of an appreciation that the relationship between migration and development is not well understood at global, regional and local levels. First conceived in 2007, the Forum is designed to enable United Nations State Members and Observers to promote international cooperation and share knowledge about issues of migration and development in a non-binding, consultative environment. The GFMD has gathered momentum over the past decade. As the Chair of the Ninth GFMD in 2016, the Government of Bangladesh is leading the debate at a formative time when the international context surrounding migrants is evolving rapidly.

To support the Chair, IOM, ILO and UNDP have jointly established the GFMD Research and Policy Initiative in an effort to champion the rights of all migrants and to promote informed, evidence-based discussion at the Ninth GFMD. The Initiative aims to complement the work of GFMD participants by providing materials, including good practices, promising and emerging initiatives and case studies relevant to the sub-themes and roundtables of the Ninth GFMD. The objective is to enable parties to share policy ideas and formulate initiatives based on a clearer understanding of the evidence available – and its limitations.

Migration and development intersect the work of IOM, ILO and UNDP in important, cross-cutting ways. IOM is the United Nations Migration Agency and principal intergovernmental organization in migration. Its mission is to promote humane and orderly migration by providing services and advice to governments and migrants in all contexts in which displacement, migration and resettlement occurs. ILO is the principal UN agency addressing the world of work and labour migration issues. ILO has established a body of international labour standards that apply to all workers, including migrant workers, and is an influential advocate and technical agency for improving labour migration governance and the conditions of migrant workers globally. UNDP's mission on sustainable human development is increasingly underpinned by the reality of mobility dimensions of poverty, governance, urbanisation and resilience, especially in fields of conflict, climate, disasters and environmental displacement.

The IOM, ILO and UNDP are very pleased to present a coordinated contribution to the Ninth GFMD, reflecting the complementary ways in which the three agencies are advancing different aspects of the migration and development agenda. Through working together, the agencies offer their combined knowledge and insight to support the formulation of better responses to migration and development challenges in Bangladesh and elsewhere.

The IOM, ILO and UNDP congratulate the Government of Bangladesh on their leadership in the field of migration and development at a time when the international landscape of migration is changing. We sincerely hope that the policies, ideas and knowledge captured by the GFMD Research and Policy Initiative promote innovative, equitable and sustainable migration policy. We look forward to seeing the work of all parties – State Members, UN Agencies and civil society – come to fruition during the Ninth GFMD Summit in Dhaka, Bangladesh 2016 and beyond.



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## LIST OF ACRONYMS

ACIS	Association of Colombian Researchers
ASEAN	Association of Southeast Asian Nations
CARICOM	Caribbean Community
DKNs	Diaspora Knowledge Networks
EIF	European Integration Fund
EU	European Union
GFMD	Global Forum for Migration and Development
HTAs	Hometown Associations
ILO	International Labour Organization
IOM	International Organization for Migration
JITs	Joint Integration Teams
LIPs	Local Integration Partnerships
MDGs	Millennium Development Goals
MENA	Middle East and North Africa
MIDA	Migration and Development in Africa
MIPX	Migrant Integration Index
OECD	Organization for Economic Cooperation and Development
PAVE	Protect and Assist Vulnerable and Exploited Migrant Workers
RSE	Recognized Seasonal Workers
SDGs	Sustainable Development Goals
SWP	Australian Seasonal Worker Program
TOKTEN	Transfer of Knowledge through Expatriates
TRMs	Transnational Referral Mechanisms
UNDP	United Nations Development program
UN	United Nations

# EXECUTIVE SUMMARY: THE GFMD RESEARCH AND POLICY INITIATIVE

## Background

Migration is about people and people have been on the move for thousands of years. For sociologists, interest in migration has primarily focused on the social and cultural integration and movement of migrants, both regular and irregular. This interest is spurred by the effect that such movements have on the political economy of countries that send migrants, and those who receive them. Since neither migration nor society are constant, these effects are constantly evolving.

As a result, migration and development are interrelated processes, both of which have been instrumental in shaping human civilization. The contribution of those who move both in terms of human and financial capital, is what impacts on the social, economic and political development of a society. For instance, migrants bring resources to the host country in terms of their skills and knowledge, but also bring resources to their country of origin, including remittances and foreign investments and newly acquired social traits.

At a micro level, these resources provide migrant households with additional income, introduce new innovations in their communities and bring back new skills, ideas and values. At a macro level, these may, in the long run, lead to changes in power and gender relations and new ways of governments doing business together. This cyclical pattern of migration which occurs when people are able to move across borders, is what creates the inevitable connection between migration and development and as a result, shapes host and origin societies.

To support the Ninth Global Forum on Migration and Development (GFMD), chaired by the Government of Bangladesh in 2016, IOM Bangladesh has established a joint IOM-ILO-UNDP GFMD Research and Policy Initiative aimed at complementing and providing additional empirical support to the roundtable discussions of the GFMD. As a collaborative effort of the ILO, IOM and UNDP in Bangladesh, the Initiative aims to identify good practices and promising policy initiatives relevant to the GFMD sub-themes. This paper focuses on the Sociology of Migration and Development, sub-theme 2 of the Ninth GFMD.

## The Ninth GFMD

The GFMD is a voluntary, non-binding initiative of the United Nations Member States to engage and cooperate on issues of migration and development. It provides a platform for Member States to share ideas and develop solutions to address the linkages between migration and development in innovative and creative ways. The Government of Bangladesh is the Chair of the Ninth GFMD, a process which began in early 2016 after the Chairmanship of the GFMD was handed over from the Government of Turkey to Bangladesh on 31 December 2015. The Summit of the Ninth GFMD will be held in Dhaka, Bangladesh between 10-12 December, 2016, preceded by civil society days held on 8-9 December.

The overarching theme of the Ninth GFMD is “Migration that works for sustainable development for all: Towards a transformative migration agenda”. As one of the first global summits since the adoption of the 2030 Agenda for Sustainable Development in 2015, the Ninth GFMD is an opportunity to build on the 2030 Agenda and to develop a common understanding of its migration and development targets and indicators with the international community. The Ninth GFMD has three sub-themes (Economics, Sociology and Governance) and six round tables. Each sub-theme covers two roundtables respectively.<sup>[1]</sup>

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1 For further detail, see the Concept Paper for the Ninth GFMD - Bangladesh 2016 “Migration that works for Sustainable Development for All: Towards a Transformative Migration Agenda”, available from: <https://www.gfmd.org/docs/bangladesh-2016>.

## Sub-themes and Roundtables of the 2016 GFMD

### 1. Economics of Migration and Development

- RT 1.1. Lowering the costs of migration
- RT 1.2. Connectivity and migration (people to people contact)

### 2. Sociology of Migration and Development

- RT 2.1. Migration, diversity and harmonious societies
- RT 2.2. Protection of the human rights of migrants in all situations

### 3. Governance of Migration and Development

- RT 3.1. Migrants in situations of crises: conflict, climate change and disasters caused by natural hazards
- RT 3.2. Principles, processes and institutions for orderly, safe, regular and responsible migration

## The GFMD Research and Policy Initiative

The GFMD Research and Policy Initiative is a collaborative effort of the ILO, IOM and UNDP in Bangladesh, aimed at identifying good practices and promising policy initiatives relevant to the GFMD sub-themes. This evidence gathered is intended to promote a shared understanding of migration and development challenges among participants of the GFMD in relation to each of the six roundtable themes, and to enable participants to develop recommendations and policy initiatives drawing on a clearer understanding of the evidence base available. The reports also aim to assess the evidence available to identify any perceived impact on migrant and host populations.

Three separate reports have been prepared for the Ninth GFMD as part of the GFMD Research and Policy Initiative, one for each of the GFMD sub-themes (Economics, Sociology and Governance). Each report covers the two relevant roundtables under the respective GFMD sub-theme. To present the materials in an accessible format, a set of criteria was used to broadly categorize the examples and initiatives gathered as part of the initiative. In each of the reports, examples of policy programmes and initiatives are presented as “good practices”, “promising practices”, “emerging practices” and “case studies”, depending on the level of evidence available and the complexity of the particular initiative. The strengths, weaknesses and unintended impacts of initiatives, policies and practices are also outlined, wherever possible in the reports to provide ideas, lessons and examples for participating governments and other interested parties.

## Sociology of migration and development

This paper focuses on sub-theme 2 of the GFMD, Sociology of Migration and Development, which is based on two roundtables:

### **Roundtable 2.1. Migration, Diversity and Harmonious Societies**

### **Roundtable 2.2. Protecting the Human Rights of Migrants in all Situations**

These roundtables are important given the latest global developments in the migration and development context, the rising levels of both regular and irregular migration and the impact this has on both host and origin countries. UN DESA estimates that there are almost 244 million migrants in the world, approximately half of whom are women and girls. According to recent ILO estimates, 150 million were international labour migrants, out of which approximately 44 per cent were women.<sup>[2]</sup> This scenario presents a host of challenges,

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2 Concept Paper Ninth GFMD - Bangladesh 2016 “Migration that works for Sustainable Development for All: Towards a Transformative Migration Agenda”, p. 2, available from: <https://www.gfmd.org/docs/bangladesh-2016>.

particularly in the current context of heightened securitization, economic austerity and conflict and social change, for both countries that host large numbers of economic migrants and refugees, as well as those countries that produce this outflow.

Therefore, the need to protect the values and norms of receiving societies, as well as the rights and cultural autonomy of migrants, is vital in maintaining the integrity of migration as a contribution to global diversity, harmony and rights throughout the world. Migrant diversity and rights therefore, need to be seen as a transformative measure to development rather than obstacles, in order to continue to allow migrants to benefit societies economically, socially, politically and culturally and vice versa.

As a result of this broadening of the migration context over the years, migration has now been explicitly included in the Post 2015 Sustainable Development Goals (SDGs), marking a clear acknowledgment of the process as a component of global development.

## **Recommendations and future directions**

The issues explored through the case studies and initiatives presented in this paper highlight the challenges faced by States, policymakers and migrants themselves in adapting to new social, cultural, political and economic circumstances brought about by the forces of migration. While there are no easy solutions, there are, nonetheless, a number of important themes and possible future directions emerging from the cases explored here that warrant consideration.

## **Understanding diversity and harmony**

The debate over how to maintain harmony and diversity in the context of migration, revolves around whether immigrants should preserve their traditions and culture while living in the host country (namely, that is, practice multiculturalism) or if they should absorb themselves into the ways and manners of their hosts (namely, that is, assimilate)? Lately these approaches have been challenged by the spate of violent ethnic, political and religious conflict affecting the globe, e.g. Islamophobia, xenophobia and anti-immigration sentiments. This has subsequently created a need for new ways of looking at multiculturalism and integration in terms of policy to inculcate a sense of belonging among migrants, especially new migrants who come from opposing cultures and belief systems. But primarily, there is no one particular model for achieving diverse and harmonious societies, particularly in today's climate of global conflict and sudden and unregulated movement.

## **Approaches to diversity and harmony**

By providing migrants the means to remain connected to their countries of origin, host societies can benefit from advantages ranging from cross-border investment, to exchange of cultural ideas to a feeling of acceptance and belonging among migrants of their own beliefs and practices. Diaspora groups are an important link between host and origin countries and are known to promote cultural participation among migrants in host countries. Return migration or cyclical migration between host and country of origin, has also given rise to transnationalism, an emerging form of cross-cultural migration which has been supported through technology and subsequent shrinking of the global economy. Joint collaboration between international institutions is also a new way of approaching the intersectionality of migration and peaceful co-existence. Cities are playing a larger role in this area, both in terms of hosting the largest number of migrants and also the ones that can most benefit economically and socially from them.

However, one of the issues identified in the literature has been the lack of clarity in identifiable and measureable indicators and benchmarks to assess the success of such interventions. This is vital in being able to understand the utility, replicability and sustainability of integration interventions and, in turn, how migration can positively impact on creating diverse and harmonious societies.

## **Inclusion of all migrant groups**

Human rights is an entitlement for everyone. In the case of migration however, there are several vulnerable groups that require immediate policy intervention from a rights perspective. These include trafficked persons, particularly women and children in the context of South-South migration where human trafficking and smuggling is more common and spurred by poverty and weakening security. The rights of women and children left behind are also often overlooked as a vulnerable group when designing rights-based approaches to migration. Migrant labour has become a necessity in many poor countries with wage earners flocking to go overseas in order to support their households. There is as yet no systematic policy in sending and receiving countries to provide these workers with their rights to decent treatment and wages, as well as legal protection.

## **Strengthening implementation mechanisms**

One of the biggest hurdles however, in ensuring that the rights of all migrants are protected and all migrants can access rights, is the weak implementation of regional and international institutions and processes to support the protection and promotion of all migrants' rights. There are several international Conventions that have been drafted to ensure migrant rights, however many of them have still not been ratified by host countries. Those that have ratified them have been unable to show clear evidence of their utility towards particular situations. Gaps still remain in many areas particularly in basic rights such as shelter, health and education.

## A NOTE ON METHODOLOGY AND CHALLENGES

The objective of the GFMD Research and Policy Initiative is to identify and document a range of good practices and promising initiatives in support of the Ninth GFMD roundtable discussions. The project has been coordinated by IOM Bangladesh over a four month period (August-November 2016), drawing on support from ILO and UNDP based on their respective areas of thematic, regional and strategic expertise. Focal points were assigned within each agency to facilitate coordination and enable the compilation of good practices, completed studies, and research activities commissioned by the respective agencies nationally, regionally and globally.

The methodology employed has also involved a review of the secondary literature available of such initiatives and supporting evidence, including evaluations and/or assessments of their success and/or potential. This has included gathering evidence on the thematic priorities of the GFMD through searches of peer-reviewed articles, grey literature (non-academic literature and research materials produced by organizations outside traditional academic publishing channels) to identify promising/emerging practices implemented by governments, United Nations agencies, development partners, civil society and communities around the globe.

The research team worked together across the three sub-themes (Economics, Sociology and Governance) to develop a common approach to the three reports. Given the vast range of interventions and policies in these areas, as well as the inconsistency in levels of evidence available of their outcomes, a set of criteria was developed to categorize the practices and policies according to the evidence available. Accordingly, the examples profiled in the reports have been organized in terms of good practices, promising practices, emerging practices and case studies. These categories, while often fluid and overlapping, were considered by the research team to have the following characteristics:

Category	Criteria for Selection
<b>Good Practice</b>	<ul style="list-style-type: none"> <li>• The program has been evaluated, ideally by an independent source, and the evaluation has identified some positive impacts for migrants and/or host populations, or;</li> <li>• There is a research report or assessment that can be referred to establishing positive or negative impact on either migrants and/or host populations.</li> </ul>
<b>Promising Practice</b>	<ul style="list-style-type: none"> <li>• Only partial evidence is available, but the practice is well-framed/conceptualized and targeted at a clearly identified need and demonstrates promise, even though it may need some refinement; and/or</li> <li>• The initiative demonstrates innovation and creativity, potentially relating to technology, partnership, use of resources; and/or</li> <li>• The initiative demonstrates promising early results, but has not been independently evaluated (however internal evaluations/reporting may suggest positive impact).</li> </ul>
<b>Emerging Practice</b>	<ul style="list-style-type: none"> <li>• There is no evidence available to assess the initiative, however, it illustrates an untested new idea or innovative initiative that meets a clearly identified need; and/or</li> <li>• The initiative may be promising once implemented, however it is too early to tell how its impacts will be felt.</li> </ul>
<b>Case Study</b>	<ul style="list-style-type: none"> <li>• A complex story/multi-dimensional policy problem or challenge; and/or</li> <li>• The initiative may be appropriately labeled a “Case Study”, where there is a need to tell a story of the complexity of a certain policy issue/challenge, especially over time; and/or</li> <li>• The initiative is a well-intentioned policy or practice, which has encountered challenges in implementation, or has had both positive and negative impacts, but is not supported by any particular evidence of good practice.</li> </ul>

During the research process, priority was given to examples which demonstrated innovation, positive impact, transferability (from one context to another), sustainability and appropriateness given the complexities of each societal and cultural context. Where possible, the unintended impacts of policies have been assessed in order to highlight challenges that may face policy-makers in decision-making. Case studies have been developed based on the materials to convey the complexity of migration and development initiatives, designed to assist policy-makers to identify appropriate considerations and ideas in a rapidly changing international migration policy landscape.

A key challenge encountered during the course of the literature search was the lack of or weak evidence available in relation to many of the initiatives and policies, in terms of robust and independent evaluations. Without this form of evidential support, it has been difficult to assess whether these initiatives and policies can be transferred, replicated or sustained.

Another limitation is that it has not been possible for the researchers of the GFMD Research and Policy Initiative to interview migrants who have been directly affected – either as beneficiaries or otherwise – by the initiatives profiled in the reports, in order to capture their assessments of how effective and inclusive the policies are in practice. However, many of the initiatives profiled have drawn indirectly on the views of migrants as incorporated into the secondary materials on which the reports rely. If the GFMD Research and Policy Initiative is sustained beyond the Ninth GFMD, it would be desirable to include a consultation stage once good and promising practices are identified, which more comprehensively captures the perspectives of migrants and implementers directly involved in the projects.

# 1 INTRODUCTION

## 1.1 Migration and Society

Migration has always been an integral part of society and the study of society is the main element that drives the discipline of sociology. Simply put, migration is about people. And people have constantly been on the move for thousands of years. For sociologists, interest in migration has primarily focused on the social and cultural integration and movement of migrants, both regular and irregular. This interest is spurred by the effect that such movements have on the political economy of countries that send migrants, and those who receive them. Since neither migration nor society are constant, these effects are constantly evolving.

One of the main questions in studying migration as a component of society, is what motivates people to move and what effect does this have on societies? In order to answer these questions, it is equally important to distinguish between people's aspiration or desire to move and their ability or opportunity to move; namely, that is, the willingness (or lack of it) to move against the resources (or lack of them) required to move. It is these differences that define the migrant experience and allow migration to shape societies over time.

## 1.2. Migration and Human Development - Identifying a Connection

Migration and development are interdependent processes, both of which have been instrumental in shaping human civilization. The contribution of those who move both in terms of human capital, as well as financial capital, is what impacts on the social, economic and political development of a society. For instance, migrants bring resources to the host country in terms of their skills and knowledge, as well as earning capacity to increase revenue, as well as cultural traits.<sup>[3]</sup> Likewise, migrants also bring resources to their country of origin, including new skills and knowledge learned in the host country, financial resources including remittances and foreign investments and newly acquired social traits.

At a micro level, these resources provide migrant households with additional income, introduce new innovations in their communities and bring back new skills, ideas and values. At a macro level, these may, in the long run, lead to changes in power and gender relations and new ways of governments doing business together. This cyclical pattern of migration which occurs when people are able to move across borders, is what creates the inevitable connection between migration and development.

Until the 1990s, migration was seen as a barrier to social development due to the outflow of labour migration. Now, however, there is an increasing realization of the strong and direct connection between migration and development, particularly in less developed countries, through the impact of migration networks and more recently, transnational theory and the contribution of global diaspora communities.<sup>[4]</sup>

In fact, migration between countries is not the only trigger for social change. Internal migration within countries is also a driver for domestic growth. In China, for example, domestic demand has been heavily driven by massive investment in infrastructure and property, leading to migrants remaining within their provinces instead of migrating to other provinces in search of work. In 2011, for the first time, the number of local labourers migrating from one part of the Chongqing region of rural China to another exceeded the number leaving for other regions. Similarly, in 2008, 58 per cent of migrants in the Chongqing region were

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3 Remittances are perceived to be a central contribution of migrants to development and are thus a key element of the debate on migration and development.

4 S. Castles and R. Delgado Wise, (eds)., Migration and Development: Perspectives from the South; (Geneva, International Organization for Migration, 2007)

working outside the province. In 2011, the ratio dropped to 52 per cent.<sup>[5]</sup>

This points to migration being viewed more and more as a platform for social transformation, not just in terms of economic development of societies, but also in terms of how communities of migrants can themselves shape the economies and societies that they live in, whether host or origin.

Changes in patterns of migration are also attributable to changes in the drivers of migration. While many drivers of migration are not entirely new phenomena, changes in society globally have intensified these forms of migration and opened new pathways. These include:

- Environmental Migration: Including those forced to move due to natural or human-made disasters that may or may not be related to climate change.<sup>[6]</sup>
- South-South Migration: Evidence shows that the magnitude of South–South movements (82.3 million migrants worldwide) is now roughly equal to South–North flows (81.9 million). The 2013 World Migration Report shows that more than half of the top twenty migration corridors worldwide are along the South–South axis.<sup>[7]</sup>
- Economic growth: Natural resource-producing countries, such as in Africa and the Gulf states, who have experienced an economic boom, have driven migration flows specifically towards them. There have also been increasing political and diplomatic linkages between countries and regions with shared interests in various strategic business areas, for example, relations between sub-Saharan African countries such as Ghana and Nigeria, and certain provinces of China.<sup>[8]</sup>
- Statelessness: Research has shown that the stateless are among the world's most vulnerable populations. Several examples of stateless populations can be found in many countries, including Latvia, Estonia, Bosnia and Herzegovina, Slovenia, Russia, Greece, Myanmar and Bangladesh — where the existence of statelessness and the vulnerability of stateless populations are of continuing concern.<sup>[9]</sup>

As a result of this broadening of the migration context over the years, migration has now been explicitly included in the Post 2015 Sustainable Development Goals (SDGs), marking a clear acknowledgment of the process as a component of global development, which had earlier been omitted in its predecessor, the Millennium Development Goals (MDGs).

The political declaration of the Post-2015 Summit Outcome Document, entitled “Transforming our world - the 2030 Agenda for Sustainable Development,” recognizes the positive contribution of migrants for inclusive growth, while noting its multi-dimensional reality.<sup>[10]</sup>

Specific migration references in the SDGs now appear in many of the goals, including 4, 5, 8, 10, 16, and 17, respectively.<sup>[11]</sup> In addition, paragraph 23 of the declaration explicitly includes migrants under the category of “all” or “vulnerable” populations, implying that migration is implicitly covered in nearly all the SDGs.<sup>[12]</sup>

Migration therefore, has come to play a vital role in not only securing the futures of individuals, families and communities, but also to a certain extent of nation states as well. The social impact of this role is what governs the nature of harmonious and rights-conscious societies.

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5 The Economist, “Welcome Home”, February 25, 2012. Available from <http://www.economist.com/node/21548273>.

6 International Organization for Migration, Climate Change, Environmental Degradation and Migration; International Dialogue on Migration No. 18 (Geneva, 2012).

7 International Organization for Migration, South-South Migration. Partnering Strategically for Development; International Dialogue on Migration No. 23 (Geneva, 2014).

8 International Organization for Migration, Economic Cycles, Demographic Change and Migration; Background Paper; International Dialogue on Migration (Geneva, 2011).

9 L, Van Waas, Statelessness: A 21st Century Challenge for Europe; in Security and Human Rights 20(2):133-146 (May 2009).

10 UN Includes Migration in Post-2015 Development Agenda, 08/04/15, available at, <http://www.iom.int/news/un-includes-migration-post-2015-development-agenda>.

11 These refer to Quality Education, Gender Equality, Decent Work and Economic Growth, Reduced Inequalities, Peace, Justice and Strong Institutions and Partnerships for the Goals.

12 2030 Agenda for Sustainable Development, available at, <https://unobserver.iom.int/2030-agenda-sustainable-development>.

## 2 MIGRATION, DIVERSITY AND HARMONIOUS SOCIETIES (ROUNDTABLE 2.1)

One of the most complex challenges in the field of migration is the co-existence of migrants and non-migrants in host societies. Each host society maintains its own dominant social, political and economic culture and norms, which may or may not be in line with those of migrants coming from other cultures. However, the inter-mingling of these various cultures and the resulting emergence of possible new norms and regulations is what also defines many societies which play host to a large number of migrants and can create a diversity of thoughts, skills and mutual benefit.

### 2.1. Framing The Debate on Diversity and Harmony

It has already been a point of debate among sociologists and migration experts, as well as in receiving countries whether a culture of migration can positively contribute to a society. The foundation of this debate is based on the three main perspectives on cultural integration in the social sciences; assimilation, multiculturalism, and structuralism and is primarily concerned with the beliefs and cultural practices that migrants bring with them to receiving countries.<sup>[13]</sup>

The debate over how to maintain harmony and diversity in the context of migration, revolves around two of these perspectives; should immigrants preserve their traditions and culture while living in the host country (namely, that is, practice multiculturalism) or should they absorb themselves into the ways and manners of their hosts (namely, that is, assimilate)? Of these two approaches, multiculturalism is seen as allowing diversity to flourish, while assimilation is often seen as being less flexible. Both however, can be seen as contributing to harmonious societies by the way host countries approach integration policies, a key process in defining migrant interactions in their new home.

#### Box 1: What defines a harmonious society?

**Multiculturalism:** where processes of integration are seen as two-way and as involving groups as well as individuals and working differently for different groups

**Integration:** where processes of social interaction are seen as two-way, and where members of the majority community as well as immigrants and ethnic minorities are required to do something; so the latter cannot alone be blamed for failing to or not trying to integrate.

**Assimilation:** where the processes affecting change and the relationship between social groups are seen as one-way, where the preferred result is one where the newcomers do little to disturb the society they are settling in and become as much like their new compatriots as possible.

*Source: Modood, Tariq; Multiculturalism and Integration: Struggling with Confusion; European University Institute, (2011)*

Lately however, the concept of a harmonious society is being challenged by the spate of violent ethnic, political and religious conflict affecting the globe. The spread of Islamophobia, xenophobia and anti-immigration sentiments among the citizens of receiving countries is at serious odds with the idea of cross-cultural exchange of knowledge and skills for a more vibrant and inclusive society (See Case Study 1). This affects not only the way migrants are viewed by society but also on how societal views can impact migration and immigration policy and vice versa.

13 Ylgan et al (eds), Cultural Integration of Immigrants in Europe; Oxford University Press (2012).

## Case Study 1

### Balancing cultural diversity with cultural accommodation-lessons from multiculturalism in Canada

Canada is viewed as one of the most successful cases of multiculturalism in the world. Through the official Multiculturalism Act of 1988, Canada is one of the largest recipients of immigrants in the world, receiving on average 250,000 economic migrants a year. While taking pride in the peaceful co-existence of migrant and non-migrant populations across the country, of late, there have been many attempts at trying to accommodate and/or curtail certain practices that migrants bring with them within the larger secular nature of Canada.

For instance, on June 18, 2015, the Zero Tolerance for Barbaric Cultural Practices Act received Royal Assent in the Parliament of Canada.<sup>[14]</sup> This legislation which created an amendment within the existing Immigration and Refugee Protection Act, The Civil Marriages Act and the Criminal Code, rendered “permanent residents and temporary residents inadmissible to Canada if they practice polygamy”, as well as criminalized “certain conduct related to early and forced marriage ceremonies”, including so-called “honour killings”.

Bill S-7 as it was known, was controversial as it was clearly directed towards those of immigrant origin. The law also came into effect a few months before the Federal elections due in October that year allowing the then Conservative government to also pledge that a re-elected Tory government would establish a tip line for reporting “barbaric cultural practices” to the Royal Canadian Mounted Police (RCMP).<sup>[15]</sup> Critics of the Bill, asserted that such legislation was intended to stir fear in certain immigrant groups and would drive vulnerable immigrant women underground, rather than protect them. Moreover, this law also undermined the Canadian justice system which was robustly set up to handle issues such as domestic violence, under-age marriages and homicides.<sup>[16]</sup>

One of the incidents not related to this legislation, but never-the-less an illustration of it, was the case of a Pakistani-Canadian woman, Zunera Ishaq. Ms. Ishaq chose to wear the niqab – a less common form of religious face covering practiced by ultra-conservative Muslims that only exposes a woman’s eyes. However, Ms. Ishaq’s niqab came under question when she was due to appear for her citizenship oath-taking ceremony and refused to unveil her face for the purpose citing religious reasons. The then Conservative Government had imposed a ban on niqabs during citizenship ceremonies, which led to Ms. Ishaq challenging the Government in court over the ban under the Canadian Charter of Rights and Freedoms.<sup>[17]</sup>

Ultimately, the Federal Courts struck down the ban citing that “wearing a niqab does not interfere in any substantive way with taking the oath, and that the Minister of Immigration does not, in any event, have the authority to summarily forbid wearing one”.<sup>[18]</sup> Ms. Ishaq was ultimately allowed to take her citizenship oath wearing the niqab.

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- 14 Government of Canada, Archived – Zero Tolerance for Barbaric Cultural Practices Receives Royal Assent, 2015-06-18, <http://news.gc.ca/web/article-en.do?nid=989099>.
  - 15 Powers, Lucas, Conservatives pledge funds, tip line to combat ‘barbaric cultural practices’, 02 October 2015, <http://www.cbc.ca/news/politics/canada-election-2015-barbaric-cultural-practices-law-1.3254118>.
  - 16 ‘Barbaric Cultural Practices’ bill to criminalize forced marriage, tackle ‘honour killings’ passes final vote, National Post, June 17, 2015, <http://news.nationalpost.com/news/canada/canadian-politics/barbaric-cultural-practices-bill-to-criminalize-forced-marriage-tackle-honour-killings-set-for-final-vote>.
  - 17 Zunera Ishaq, who challenged ban on niqab, takes citizenship oath wearing it, CBC News, October 5, 2015, <http://www.cbc.ca/news/politics/zunera-ishaq-niqab-ban-citizenship-oath-1.3257762>.
  - 18 McDonald, N, The niqab debate, let’s not forget, is about individual rights, CBC News, September 28, 2015, <http://www.cbc.ca/news/politics/canada-election-2015-niqab-neil-macdonald-1.3246179>.

Likewise, in Toronto, a Muslim father threatened to pull his three children out of school if they were not exempted from attending music classes, as he saw music as being forbidden in Islam. The Toronto District School Board (TDSB) had earlier offered a religious accommodation as a compromise, including offering that children need only clap their hands to the music and not sing along. But this was rejected by the parents who withdrew their children from the school after a three year battle with the TDSB starting in 2013. Ultimately, however, the TDSB insists that it cannot exempt children from the school curriculum, but instead offer accommodations.<sup>[19]</sup> This issue has similarly raised several issues about the idea of religious accommodation, particularly in Canadian schools. The key some researchers argue, is to develop a relationship between minority parents and educators that moves the issue forward instead of it coming to a confrontation.<sup>[20]</sup>

While these cases have been hailed a success in upholding the rights of immigrants in religious accommodation and maintaining a secular value system in education respectively, they have also raised serious questions about government policies that target immigrants and their religious and cultural practices for political reasons. While debate in Canada still continues over these issues, other countries in Europe are also grappling with the fine line between cultural accommodation of migrants and as perceived under their laws, the illegality of certain practices. For instance, in the Netherlands, the government is trying to close a loophole in asylum law that allows child brides to be reunited with their husbands.<sup>[21]</sup> The recent influx of child brides entering Europe fleeing conflict has created a complex dilemma, as child brides may have children with their husbands and separating child brides from husbands may result in unaccompanied minors who are already highly vulnerable.<sup>[22]</sup>

This has subsequently created a need for new ways of looking at multiculturalism and integration in terms of policy to inculcate a sense of belonging among migrants, especially new migrants who come from opposing cultures and belief systems. Peaceful co-existence and social inclusion form the basis for this approach which includes something as simple as allowing dual nationality to migrants (See Promising Practice 1).

### **Promising Practice 1: Dual nationality - encouraging cross-border belonging and citizenship**

The issue of dual or even multiple citizenship is one that has both hampered and encouraged migrants over the decades. By retaining citizenship of the country of origin, diaspora are able to freely contribute to their families, communities and nation states through visa-free movement, retaining family ties, maintaining assets and even participating in political processes like elections in their countries of origin. This is a reality of migration that many countries, particularly in the developing world are now recognizing. But being able to obtain citizenship of more than one countries is a complex process dictated by the laws of each country.

The 2010 Greek citizenship bill introduced a new way for migrants to acquire Greek citizenship, either by being born in Greece or by attending a Greek school, followed by the expression of interest either by the parents or by the individual himself. The bill allows “second generation” children to acquire Greek citizenship through simplified procedures, provided that the requirements of the law are met, mainly in terms of their legal residence.<sup>[23]</sup>

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- 19 Freeze, C and Yawar, M., Mandatory music classes hit a bad note with some Muslim parents, The Globe and Mail, September 5, 2016, <http://www.theglobeandmail.com/news/toronto/mandatory-music-classes-strike-sour-note-with-muslim-parents/article31716832/>.
  - 20 Dealing with religious exemptions proves difficult for Toronto schools, The Toronto Star, September 8, 2016, <https://www.thestar.com/news/canada/2016/09/08/for-religious-exemptions-in-toronto-schools-a-happy-medium-proves-difficult-to-find.html>.
  - 21 Migrant crisis: Dutch alarm over child brides from Syria, 20 October 2015, <http://www.bbc.com/news/world-europe-34573825>.
  - 22 Migrant child brides put Europe in a spin, 30 September 2016, <http://www.bbc.com/news/world-europe-37518289>.
  - 23 International Organization for Migration, Migration and Transnationalism; Opportunities and Challenges; Final Report; International Dialogue on Migration, (Geneva, 2010).

The Constitution of India on the other hand, does not allow the holding of both Indian citizenship and of a foreign country simultaneously. However, based on the recommendation of the High Level Committee on Indian Diaspora, the government of India does grant Overseas Citizenship of India (OCI) to Persons of Indian Origin (PIOs) who migrated from India to acquire citizenship of a foreign country other than Pakistan and Bangladesh. A person registered as an OCI is eligible to apply for Indian citizenship under Section 5(1) (g) of the Citizenship Act 1955, if he/she is registered as an OCI for five years and has been residing in India for one year out of the five years before the application.<sup>[24]</sup>

In Ecuador, the possibility of dual nationality was established in 1995, followed in 2002 by voting rights in certain elections (namely, that is, elections of the president and vice-president only) for Ecuadorian citizens abroad. The revision of the country's Constitution in 2008 also made provisions for the representation of Ecuadorians abroad in Ecuador's National Assembly.<sup>[25]</sup>

Other host countries that allow dual citizenship include Canada, the United Kingdom, Australia Denmark (as of 2015), Germany, France, Italy, Sweden, Finland Norway and Switzerland. Sending countries that allow dual citizenship include: Philippines, Pakistan, Turkey, Peru, Nigeria, Egypt, Chile and Bangladesh.

However, dual citizenship has recently been a topic of debate within the current climate of security and counter terrorism. Canada for instance, introduced the controversial Bill C-51 in 2014 which looked into revoking the citizenship of those naturalized citizens and dual citizens or children born to naturalized Canadians, if convicted of terrorism. This particular clause is currently under consideration for amendment. Likewise, Australia has also recently looked into renouncing the citizenship of people who are convicted of terrorism and similar offences, if they hold dual citizenship.

## 2.2. How Migrants Can Contribute To Peaceful and Harmonious Societies

As discussed earlier, migrants contribute to society in different ways. These help to create a social and political cohesion between not only migrants and their host countries, but also their countries of origin. By providing migrants the means to remain connected to their countries of origin, host societies can benefit from advantages ranging from cross-border investment, to exchange of cultural ideas to a feeling of acceptance and belonging among migrants of their own beliefs and practices. All these factors contribute positively to harmonious and diverse societies.

One of the ways migrants contribute, which of late, has been a widely discussed attribute of migration, has been the flow of remittances from migrants to their countries of origin.<sup>[26]</sup> The importance of remittances has been emphasized to the extent that some now feel that it must be an integral part of migration policy.<sup>[27]</sup> Even though its impact on poverty in developing countries is still unclear in terms of reducing absolute poverty, remittances remain a key driver of the migration and development nexus. However, it is important to emphasize that migration needs to be conceptualized as an integral part of wider development processes, as opposed to a predetermined impact.<sup>[28]</sup>

Another emerging and very popular form of migrants' contributions to society, is the role of migrant diaspora groups. Diaspora groups are an important link between host and origin countries and are known to promote cultural participation among migrants in host countries.

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24 Australian High Commission, New Delhi, <http://india.embassy.gov.au/ndli/dualnity.html>

25 International Organization for Migration, Migration and Transnationalism; Opportunities and Challenges; Final Report; International Dialogue on Migration, (Geneva, 2010).

26 For a more detailed assessment of remittance practices, see paper on Theme 1 Economics of Migration and Development.

27 UNCTAD, Maximizing the Development Impact of Remittances, (2013).

28 H, de Haas, Migration and Development: A Theoretical Perspective COMCAD Arbeitspapiere - Working Papers No. 29, (2007).

## Box 2: Diaspora – A conceptual definition

The term “diaspora” refers to the movement of specific populations from their original homeland to other geographic areas. Since the 1980s, the term has specifically been used in the context of refugees and immigrant populations who have left their country of birth either voluntarily or involuntarily. The term implies a sense of displacement and the belief or, as some call it, the “myth” that the homeland is the true home to which they will one day return.

Expanded definitions of “diaspora” go beyond first-generation immigrants and refugees. Often they refer to descendants and to members of shared communities (religious or ethnic). In this expanded definition, diaspora share a strong sense of meaningful connection with their (imagined) “homeland” and cultural distinctness – and also with others who share in this identity. For example Indo-Canadians and Indo-Australians are different diaspora having both shared and different characteristics. All of this implies multiple linkages across national borders, allowing for nuanced identities and understanding of connection.

*Source: Diaspora and Development. A Cautionary Note; McCleod Group Policy Brief; 2015 available at <http://www.mcleodgroup.ca/wp-content/uploads/2015/02/McLeod-Group-Policy-Brief-6-Diaspora-and-Development.pdf>*

Diaspora networks have been known to assist countries of origin beyond remittances, such as in times of natural disasters, in creating business networks, in maintaining cross-cultural exchanges by organizing events and in participating in political processes such as activism and as overseas electorates in countries. Recognizing these benefits, many countries of origin have created special Ministries to encourage the contributions of their diaspora overseas, such as the Ministry of Diaspora Engagement in Ethiopia. Likewise, Zambia’s proposed diaspora engagement policy seeks to take stock of the demographic composition of the Zambian diaspora through an internet based tool in collaboration with Zambian embassies. This information would complement the results of the 2010 National Census and inform policies to promote local investment opportunities for Zambians in the diaspora.<sup>[29]</sup>

Turkey also places great importance on transmitting the Turkish language to Turkish nationals abroad and in collaboration with host governments, regularly sends qualified Turkish language teachers to countries with large Turkish communities.<sup>[30]</sup> One of the best known diaspora knowledge networks, the South African Network of Skills Abroad (SANSA), connects skilled people living abroad in contributing to South Africa’s economic and social development. The network has over 2,000 members in more than 57 countries, with expertise in a number of professional sectors, predominantly business and academia.<sup>[31]</sup> Other efforts have also been made by multilateral organizations, think tanks and sending governments to engage overseas diaspora. (See Promising Practice 2).

## Promising Practice 2: Engaging diaspora overseas-international collaborations and initiatives

One of the key findings in the research on diaspora contributions, has been that both host and origin countries need to play a role in supporting diaspora engagement. In order to accomplish this, there have been many different forms of interventions on both sides.

### **Creation of special ministries and agencies in sending countries:**

29 International Organization for Migration, Migration and Transnationalism; Opportunities and Challenges, Final Report; International Dialogue on Migration (Geneva, 2010).

30 International Organization for Migration, Migration and Transnationalism; Opportunities and Challenges, Final Report; International Dialogue on Migration (Geneva, 2010).

31 M, Abella, Effects of Labour Mobility: An Analysis of Recent International Development Literature, The International Indigenous Policy Journal; Volume 4 | Issue 3 (January 2013).

- The Ministry of Overseas Indian Affairs established in 2004, which has now been merged with the Ministry of External Affairs;<sup>[32]</sup>
- The Ministry of Diaspora in Armenia established in 2008;
- The Commission on Filipinos Overseas established in 1980 and chaired by the Minister of Foreign Affairs;
- The Institute for Mexicans Abroad in the Ministry of Foreign Affairs established in 2002.

#### **Multi-lateral Initiatives in migration:**

The EC-UN Joint Migration Development Initiative (JMIDI) project database; JMDIs main objective is to bring the development agenda forward by giving local governments, migrants and local actors a central role in the larger debate of migration and development. The joint database maps out all the migration and development projects active globally and is a resource to allow diaspora among others, to channel their contributions.

The IOM Migration for Development in Africa (MIDA) program; is a capacity building program, which assists to mobilize competencies acquired by African nationals abroad for the benefit of Africa's development. Programs under MIDA include the Qualified Expatriates Somalia Technical Support - Migration for Development in Africa (QUESTS-MIDA) to develop the institutional capacity of Government Ministries in Somalia through short-term capacity building assignments; the Transition Initiatives for Stabilization (MIDA) to provide support to local leadership(s) to enable improved service delivery, increased capacity, and positively affect public perception of governance sectors in Somalia/Somaliland; Capacity Building for Somalia (MIDA) to improve the capacity of services provided by public institutions to migrants and their host communities through skills transfer and training by Somali Diaspora experts. And the MIDA FINNSOM Health Project for the rehabilitation and development of regional health sectors in Somaliland and Puntland (Somalia). (<http://www.iom.int/mida>)

UNDP TOKTEN –Transfer of Knowledge Through Expatriate Nationals, is a global UNDP mechanism for tapping into the knowledge of expatriate nationals who have migrated overseas and achieved professional success there, and mobilizing them to undertake short-term consultancies in their countries of origin, under the aegis of the UN. This approach is regarded as an additional dimension to technical cooperation which can contribute to the adverse effects of brain-drain with relatively low cost of implementation. The program is based on a spirit of volunteerism whereby TOKTEN volunteers are not paid a salary but are entitled to subsidize allowances. A mid-term evaluation of the TOKTEN program in Eastern Sudan, found the project to be very relevant to the human capacity development needs of Sudan, and valuable knowledge and skills were transferred in a number of cases, and showed signs of impacting positively on some beneficiary institutions. However, the project was found to have fallen short of the number TOKTEN Volunteers to be recruited, only 43 out of 200. The project was still to establish strong links with relevant organizations in the Diaspora and TOKTEN partnership links with government also appeared weak.<sup>[33]</sup>

#### **Diaspora Knowledge Networks (DKNs):**

- The Swiss Bilateral Research Program: This program aims to promote scientific cooperation with non-European countries with high or promising research potential and strengthen. For the period 2013-2016, Joint Research Projects (JRPs), are in process with seven priority countries namely, Brazil, China, India, Japan Russia, South Africa and South Korea. This JRPs enable researchers in Switzerland should be considered together with researchers in the partner countries, specific research questions. The projects usually last three years. There are similar categories as in the

32 Ministry of Overseas Indian Affairs To Merge With Ministry of External Affairs, 07 January 2016 <http://www.ndtv.com/india-news/ministry-of-overseas-indian-affairs-to-merge-with-ministry-of-external-affairs-1263259>

33 Mansaray, Abdullah, Mid-term Review of TOKTEN Project. Final Report, UNDP Sudan, December 2009.

SNF project funding financed (equipment, consumables and travel costs and salaries). The SNSF organizes the tenders together with one or two partner organizations in the country. The successful projects will be financed jointly by the two countries, each organization funded researchers in their own country. Most tenders are thematically limited; the topics have been selected for their relevance to the two respective countries involved. (<http://www.snf.ch/de/foerderung/programme/bilaterale-programme/Seiten/default.aspx>)

- The Association of Colombian Researchers in Switzerland (ACIS); In 1992, a group of Colombians working in different academic disciplines came together in Switzerland to create an association of people linked to scientific and technological activities that promote development cooperation with Colombia. Members belonged to disciplines including civil engineering, psychology, sociology, chemistry, biology, international law and criminology. There are currently 80 members of the scientific community who work on these projects in different institutions in Switzerland. ([www.acis.ch/acerca-de-acis](http://www.acis.ch/acerca-de-acis)).

Source: Role of Diaspora in development: International Experiences; Presentation by Piyasiri Wickramasekara; International Workshop on the Economic and Social Impact of Migration, Remittances, and Diaspora; Yerevan, Armenia, June 24-25, 2010

Diaspora also play an important role in the concept of what is known as social remittances. Social remittance exchanges occur when migrants return to live in or visit their communities of origin or through exchanges of communication. The mechanisms of social remittance transmission differ from other types of global cultural dissemination.<sup>[34]</sup> For instance, African diaspora in Europe have acquired a wealth of social remittances in terms of skills and knowledge acquired in the host country which can be transferred back to Africa for positive social change during the process of return migration. However, it is harder to measure and specifically point out social remittances than financial.<sup>[35]</sup>

Return migration or cyclical migration between host and country of origin, has also given rise to transnationalism, an emerging form of cross-cultural migration which has been supported though technology and subsequent shrinking of the global economy. Migrants in one country do not need to be physically connected to their countries of origin or even their host countries, yet they can contribute socially and culturally. In the Caribbean Community (CARICOM) for example, a high level of mobility amongst its member states resulted in the creation of a political framework that consists of a single market, safeguarding the free flow of skills, the free movement of certain categories of persons, as well as the social and economic benefits accruing to them throughout their studies and work in the CARICOM region.<sup>[36]</sup> Other examples include Mexican Hometown Associations (HTAs) which allow the Mexican diaspora overseas to be involved with their communities of origin through various collaborations. (Good Practice 1)

### **Good Practice 1: Promoting social harmony and cultural connections Through Mexican Hometown Associations**

Hometown associations (HTAs) are organizations that allow immigrants from the same city or region to maintain ties with and materially support their places of origin. HTAs exist in many of the major migrant destinations, including the United States, Europe, and parts of East Asia. The total number of HTAs is unknown as these associations change in number every year. Mexican HTAs number somewhere around 3,000, and Filipino groups may amount to 1,000, whereas there are about 500 Ghanaian organizations.<sup>[37]</sup>

34 P. Levitt, *Social Remittances – Culture as a Development Tool*, Wellesley College and Harvard University, (2005).

35 *Social Remittances of the African Diaspora in Europe*; North South Centre of the Council of Europe; (2006).

36 International Organization for Migration, *Migration and Transnationalism; Opportunities and Challenges*, Final Report; International Dialogue on Migration (Geneva, 2010).

37 Orozco and Rouse; *Migrant Hometown Associations and Opportunities for Development: A Global Perspective*, February 2007. Available at <http://www.migrationpolicy.org/article/migrant-hometown-associations-and-opportunities-development-global-perspective>.

In the United States, Mexican HTAs have the longest history and are the best known, but many other Dominican, Colombian, Guatemalan, Haitian, and Salvadoran HTAs have also since emerged from the 1980s and are actively participating in the improvement of their communities of origin and residence. Originally, Mexican HTAs were created to help their communities of origin to obtain basic services such as water, roads, electricity, etc.<sup>[38]</sup> But overtime, as their numbers grew, they moved to more expanded agenda such as the implementation of state public policies to deter migration, the demand of better employment and wages and the restitution of their political rights, both at federal and state levels.

In Chicago for instance, Mexican HTAs have diversified. While they continue to address development in Mexico, they are also increasingly participating in domestic issues such as political participation and human rights of migrants. In 2000, several migrant-led Mexican organizations decided to form the Coalition of Mexican Migrant Organizations in the Midwest (COMMO), an umbrella organization including local branches of Mexican political parties, hometown federations, and civic associations.<sup>[39]</sup> In 2003, many of the Mexican hometown federations created the Confederation of Mexican Federations in the Midwest (CONFEMEX), an umbrella organization representing 9 federations of Mexican migrants which work with the Mexican immigrant community both in Chicago and with those who remained behind in Mexico.<sup>[40]</sup>

Although the factors that have enabled the growth of HTAs varies, they include family ties, material circumstances, cultural identity, and levels of integration. The work of HTAs generally target the most vulnerable populations, with projects in the home country that are ongoing or support income generation rather than one-off projects. For example, the Sankofa Foundation, a Ghanaian diaspora organization in the Netherlands, undertook a long-term, income-generation project in rural communities in Ghana by mobilizing investments from Ghanaian migrants in the Netherlands to provide start-up materials and technical training for Ghanaian women to raise poultry and operate their own businesses. Non-governmental Organizations (NGOs) and international organizations, such as Oxfam Novib, works with the African diaspora in the Netherlands to fund HTA economic development projects in places like Somalia, Ghana, and Burundi. The International Fund for Agricultural Development (IFAD) of the United Nations has also collaborated with HTAs, to fund their work in Mexico, Honduras, and Haiti.<sup>[41]</sup>

A 2005 evaluation of Mexican HTAs operating in Jerez, Zacatecas, found that the development impact of these associations is more effective when they are more organizationally mature, namely, that is, the development potential of HTAs grows over time. HTAs are also more effective as development players when they conduct their work in partnership with other organizations, foundations, or governments.<sup>[42]</sup>

Likewise, migrant-sending countries cannot rely on HTAs alone for their economic growth, nor can receiving countries expect HTAs to be the sole bridge for inter-governmental collaborations. HTAs can complement, but not substitute diaspora engagement and migrants for development.<sup>[43]</sup>

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- 38 B. Xóchitl, The participation of Mexican Hometown Associations (HTAs) in immigrant rights advocacy: New Trends and Challenges in the Chicago Metropolitan Area, date unavailable.
  - 39 B. Xóchitl, The participation of Mexican Hometown Associations (HTAs) in immigrant rights advocacy: New Trends and Challenges in the Chicago Metropolitan Area, date unavailable.
  - 40 B. Xóchitl, The participation of Mexican Hometown Associations (HTAs) in immigrant rights advocacy: New Trends and Challenges in the Chicago Metropolitan Area, date unavailable.
  - 41 Orozco and Rouse; Migrant Hometown Associations and Opportunities for Development: A Global Perspective, February 2007. Available at <http://www.migrationpolicy.org/article/migrant-hometown-associations-and-opportunities-development-global-perspective>.
  - 42 Orozco and Rouse; Migrant Hometown Associations and Opportunities for Development: A Global Perspective, February 2007. Available at <http://www.migrationpolicy.org/article/migrant-hometown-associations-and-opportunities-development-global-perspective>.
  - 43 D, Someville and Terrazas, Hometown Associations: An Untapped Resource for immigrant Integration?, Migration Policy Institute (July 2008).

Recent research also confirms that diaspora organizations have the potential to be considered as prospective new actors in the field of peace building in both host and home societies, as potential agents who can and do make significant contributions to peace building, conflict transformation and post-conflict reconstruction efforts in their respective countries of origin.<sup>[44]</sup> Considering that there are several war-torn nations from where people have fled, the prospect of return and reintegration is one of the key opportunities to assist in rebuilding efforts. (See Emerging Practice 1). However, this will vary according to the amount of time people have been away from their home countries, what skills they have been able to acquire, their own interest and commitment to contributing to the rebuilding of their home society and the level of infrastructure available there on which to build efforts of peace and prosperity.

### **Emerging Practice 1: Supporting post-war rebuilding efforts through diaspora- The Croatian case**

Since the end of the Baltic war of the 1990s, many of the embittered nations in the region have attempted to draw back their citizens who fled the war as refugees or asylum seekers. Croatia was one such Baltic State which has made several overtures to their diaspora abroad to invest and return to the country as part of post-war rebuilding efforts.

Under the Croatian Citizenship Act of 1991, Croatia established several government ministries dealing with returning diaspora. In 2012, the State Office for Croats Abroad was founded with the objective of establishing a legal and institutional framework for cooperation with Croatian diaspora, including Croats in Bosnia and Herzegovina and 12 European and neighboring countries. A “Welcome Office” within the newly-formed State Office is intended to ease return by providing information about legal rights and obligations to Croatians living overseas.<sup>[45]</sup>

Similarly, the Croatian Chamber of Economy (CCE) is an independent professional and business organization of all legal business entities in Croatia. The CCE also has a diaspora engagement program as part of the government’s “Welcome Program”. In principle, the CCE offers services to representatives of the Croatian business community overseas by and providing them with logistical and information support for starting a business in Croatia or for cooperating with Croatian companies.<sup>[46]</sup>

Established in May 2010, the Canadian-Croatian Business Network (CCBN) is a joint initiative of Canadian and Croatian companies, professionals, and entrepreneurs in Croatia committed to promoting and maximizing economic ties between Canada and Croatia. Members of the CCBN include Croatian private sector companies who host returning diaspora, as well as individual Croatian-Canadians who have returned and now live and work in Croatia.<sup>[47]</sup>

In 2012, the Croatian Government developed a draft migration policy which included a section on returning diaspora. The draft policy measures included conducting a poll among the Croat diaspora on their wishes to return to Croatia, drafting a catalogue of opportunities for employment and investment in Croatia, promotional activities in the Croat diaspora communities, and drafting and implementing an action plan to encourage the return of Croatian emigrants.<sup>[48]</sup>

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44 G, Sinatti, Key Criteria for Good Practice for Constructive Diaspora engagement in Peacebuilding, African Diaspora Policy Centre; (August 2010).

45 State Office for Croats Abroad [www.hrvatiizvanrh.hr/en](http://www.hrvatiizvanrh.hr/en).

46 Croatian Chamber of Economy [www.en.hgk.hr](http://www.en.hgk.hr).

47 Croatian Canadian Business Network [www.ccbn.hr/en](http://www.ccbn.hr/en).

48 Government of the Republic of Croatia; Draft Proposal. Migration Policy of the Republic of Croatia for the period 2013-2015; (Zagreb, January 2013).

## 2.3. Measures to Support Cultural Co-Existence

There is no one particular model for achieving diverse and harmonious societies. This is regardless of the fact that host countries differ culturally and economically across the world. However, one common element that holds together the essence of such societies is peaceful co-existence. The key to this has been the concept of integration. But this has not been as simple a task as envisaged, particularly in today's climate of global conflict and sudden and unregulated movement.

For instance, issues surrounding integration into European society was identified as an issue long before the current events of today. For example, debates over the integrations of Muslims particularly in France and Germany, have been underway since the 1990s based on assimilationist perspectives.<sup>[49]</sup> Countries like Denmark, have for decades pursued a strict policy of assimilation which is clearly imbibed in their views on immigration (See Promising Practice 3).

### Promising Practice 3: Migrant integration in Denmark- An evolving assimilationist approach

Integration has long since been a contentious issue in Denmark since the arrival of non-Western immigrants in the 1960s. Following a process of assimilation that was strict in its implementation of policies and regulations and also highly politicized over the years, since 2011, Denmark has adopted an approach that is more pluralistic and pragmatic. However, integration is still viewed as dependent on the migrant to imbibe and reflect Danish cultural and social values.

According to the Danish Integration Act (1999), the aim of integration in Denmark is twofold: to contribute to the newly arrived migrant's possibility for participation on an equal footing with other citizens in the political, economic, work-related, social, religious and cultural life of society; and to induce economic self-reliance.<sup>[50]</sup> Until 2011 Denmark had a specific Ministry for Integration issues; the Ministry of Refugee, Immigration and Integration Affairs. This Ministry was disbanded after the change of government and immigration policies were decentralized to several agencies.

As a result, the Ministry of Children and Education is now responsible for instruction in Danish as a second language; the Ministry of Social Affairs and Integration is responsible for matters with regard to political and social integration of immigrants including prevention of radicalization; the Ministry of Employment handles the integration of refugees and immigrants into the labour market and education and the Ministry of Justice is responsible for asylum, visa and family reunification.<sup>[51]</sup>

The implementation of the Danish Integration Act takes place at the local level in the municipalities, who are responsible for providing immigrants with an integration program and an introduction program which provides instruction in Danish; courses on social conditions and Danish culture and history and job related activities. The municipalities are required to ensure that young people aged 18 to 25, who receive social security benefits and who lack sufficient qualifications, apply for admission to an appropriate education, when this is considered achievable. A distinctive feature of the Danish approach to integration is that generally all immigrant groups are eligible for many of the same policy tools, such as language courses. However, refugees and reunified family members are exempt as they are distinguished from migrant workers, accompanying family members, students, au pairs and EU-citizens, since these "other" categories are not obliged to follow an integration program to the same extent as the former.<sup>[52]</sup>

49 D, Rodriguez-Garcia, Assimilation and Multiculturalism: A Critical Review of the Debate on Managing Diversity, Migration and Integration 11: 251 (2010).

50 P, Mouritsen and C.H, Jensen, Integration Policies in Denmark, INTERACT Research Report 2014/06, European University Institute (2014).

51 P, Mouritsen and C.H, Jensen, Integration Policies in Denmark, INTERACT Research Report 2014/06, European University Institute (2014).

52 P, Mouritsen and C.H, Jensen, Integration Policies in Denmark, INTERACT Research Report 2014/06, European University Institute (2014).

As of August 2010, two further objectives were added to the Integration Act. Firstly, that newly arrived foreigners are conscious of the fact that successful integration is a condition to obtain permanent residence permit, and secondly emphasizing the responsibility of each individual immigrant to integrate into Danish society.<sup>[53]</sup>

In some of the bigger Danish municipalities, like Aarhus and Copenhagen, a specific local integration policy has been formulated. For instance, the Copenhagen municipal integration policy has extended the activities to prevent discrimination with a quarterly survey among citizens, aimed at monitoring the degree of “integration” in the city, with measures including citizens’ experiences of discrimination, inclusion and safety (Integrationsbarometer). Similarly, in the municipal integration policy in Aarhus, one of four focus areas is “Citizenship and anti-discrimination”.<sup>[54]</sup>

The European Commission against Racism and Intolerance (ECRI) has been a central actor in monitoring how Danish legislation against discrimination and racism relate to the directives of the EU and UN. In its final report in 2006, which evaluated the progress of incorporating and implementing laws against discrimination and racism in Denmark, the committee pointed to some progress, but also pointed to the need for further ratification of the European Conventions into its national legislation. It called for a more active implementation of acts prohibiting discrimination, especially a more adequate Complaint Committee and a more proactive approach from the Prosecution Service. As a result, a Law Against Hate Crimes was introduced in 2005, the Complaint Committee was replaced by the Board of Equal Treatment in 2009, and anti-discrimination has been adopted within local municipal policies in the cities of Copenhagen and Aarhus.<sup>[55]</sup>

Assimilation is the polar opposite of multiculturalism and requires complete submission to the values of the host country. However, many supporters of migration are attempting to find a compromise between these two extremes.<sup>[56]</sup> **Interculturalism** is the name given to such attempts and denotes a sympathetic and respectful stance towards ethno-cultural religious minorities, with selected measures targeted at disadvantaged situations. At the same time, it also aims at ensuring commitment to the values, history and traditions of the host nation.<sup>[57]</sup> Europe has attempted to imbibe this narrative and collective attempts have been made to facilitate the integration of immigrants across the continent (See Good Practice 2).

## Good Practice 2: Successful integration approaches in Europe- The European Integration Fund for Third-country Nationals

The European Integration Fund (EIF) was established under the auspices of the European Commission in 2007, to support the successful integration of migrants into their respective host societies. Initiatives under EIF included:

- programs for improving diversity management in neighbourhoods;
- intercultural training and dialogue;

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53 Jensen et al; Analysis of integration policies and public State endorsed institutions at national and regional levels in Denmark; The Danish Centre for Social Research; date unavailable.

54 Jensen et al; Analysis of integration policies and public State endorsed institutions at national and regional levels in Denmark; The Danish Centre for Social Research; date unavailable.

55 Jensen et al; Analysis of integration policies and public State endorsed institutions at national and regional levels in Denmark; The Danish Centre for Social Research; date unavailable.

56 M, Emerson, (ed.), Interculturalism. Europe and its Muslims in Search of Societal Models, Centre for Policy European Studies (Brussels; 2011).

57 M, Emerson, (ed.), Interculturalism. Europe and its Muslims in Search of Societal Models, Centre for Policy European Studies (Brussels; 2011).

- the promotion of courses for better understanding the integration process;
- platforms and tools for comparative learning;
- measures for sharing information and best practices among European integration practitioners;
- activities in the hosting EU state and in the immigrants country of origin on introduction to the host society.<sup>[58]</sup>

Member States were able to submit Request for Proposals under this program for projects that involved integrating immigrant populations including vulnerable groups and children. Twenty-three Member States availed of this Fund. Programs selected by the Fund included among others;

- Setting up a pre-departure education and information program in Greece in cooperation with the IOM;
- A project in Italy carried out by the Venice municipality focused on language and civic training addressed to vulnerable groups categories such as illiterate third country nationals, women and newly arrived youngsters;
- Seminars specifically organized for teachers, in Cyprus, including special training seminars on intercultural education and teaching of Greek as a second or foreign language;
- A project based on an Integration and Monitoring Centre collecting data on migration and integration in Austria;
- A study project focused on integration of migrant children into the education system at elementary school in Slovakia.<sup>[59]</sup>

A mid-term evaluation of the program covering the first three cycles of the fund between 2007-2009, found that overall assessment of the implementation of the EIF was positive in ten Member States, partly positive in eleven Member States and negative in five Member States. Reasons for positive assessments of the program included:

- Cooperation among national and local authorities, as well as between Member States;
- Thorough preparation and selection procedure, including improved quality and increased transparency;
- More efficient integration of third-country nationals thanks to increased awareness of the general public and increased capabilities of national institutions and NGOs. In all Member States except the Netherlands and Portugal, the EIF was perceived as adding value to existing national programs, policies, budgets, and other EU financial instruments in the area of integration.<sup>[60]</sup>

An issue that threatens to imbalance these positive approaches is the recent spread of radicalization and violent extremism that has added a security dimension to multicultural relations. This raises questions about the extent to which governments can restrict immigrants' rights to engage in cultural or religious practices which may be incompatible with the values of the host society, without undermining the civil rights these states seek to

58 See Europe Integration Fund, [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm).

59 Synthesis of the National Evaluation Reports on Implementation of Actions Co Financed by the European Fund for the Integration of third-Country Nationals From 2007-2009 and Report at European Union Level. Final Report; February 2011; Available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index_en.htm).

60 Synthesis of the National Evaluation Reports on Implementation of Actions Co Financed by the European Fund for the Integration of third-Country Nationals From 2007-2009 and Report at European Union Level. Final Report; February 2011; Available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index_en.htm).

promote.<sup>[61]</sup> **Counter radicalization measures** have emerged as one of the responses from host countries, particularly in Europe, in order to better cope with such issues and focus on providing support to not just radicalized youth, but also to migrants who are invariably caught up in this storm (See Emerging Practice 2).

## Emerging Practice 2:

### The increasing prominence of counter radicalization measures in Europe

The spread of radicalization and violent extremism has created many divisions in countries such as Canada, France, Germany and the United Kingdom, where migration is being blamed for the spread of these vices. As yet, there is still weak evidence on whether this is actually so and on whether interventions on de-radicalization are the solution to this issue. However, there are some striking examples of how some host countries are seriously addressing this issue, not just in the light of recent terror threats, but also in helping to integrate more vulnerable migrants, such as youth.

One of the earlier programs to combat violent extremism is Channel, the UK Home Office's main anti-radicalization program. Channel forms a key part of the Prevent Strategy published by the Government in 2011, and part of the UK's overall counter-terrorism strategy, CONTEST, whose aim is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. The approach of the program is to match youngsters – between the ages of 14-24 years – who are vulnerable to Islamist and other extremist tendencies, to “mentors” who can guide them down a more positive path. These mentors belong to the approximately 50 community groups who work in partnership with Channel.

Since its inception in 2006, a total of 3,934 people have been referred to Channel, about 20 per cent of whom require further intervention. The program has gained popularity overtime with only 80 people being referred in the first two years to over 1,281 in 2015.<sup>[62]</sup> Since 2012, over 500 of these have so far received support through a joint collaboration between frontline staff in police, prisons, schools, social services and health.<sup>[63]</sup>

A similar initiative is the Aarhus Model, based in the city of Aarhus in Denmark, which has produced more Islamic jihadist fighters per head of population since 2012 than any other western European country except Belgium. This has led the country to be at the forefront of exploring new ways to prevent extremism.<sup>[64]</sup> Unlike Sweden, which has taken stringent legal measures by enforcing anti-terror laws, Denmark has chosen a softer approach. Established in early 2014, the Aarhus Model aims to create trust between authorities and the social circles in which radicals operate. Roughly 250 people work with the project, with 120 to 130 of those being so-called “scouts”, whose job it is to spot young Muslim men who have become radicalized or who display signs of dangerous radicalization. Once identified these men are approached by police authorities in conjunction with a local Muslim cleric in the hopes of turning them away from violent extremism. Perhaps the most controversial, yet the most effective part of this program, is that the authorities are in contact with the Grimhojvej Mosque in Aarhus, which is openly supportive of ISIS.<sup>[65]</sup>

61 A, Gheorghiu, New Paradigms of Immigration: Multiculturalism, Assimilation and Integration of Islam in Europe, GIDNI, date unavailable.

62 Talking and walking – UK mentors steer young people away from radicalization, The Guardian, February 5, 2015, <https://www.theguardian.com/world/2015/feb/05/uk-mentors-steer-youth-away-from-radicalisation>

63 Hundreds of young people have received anti-radicalization support, The Guardian, 26 March, 2013, <https://www.theguardian.com/uk/2013/mar/26/hundreds-people-anti-radicalisation-support>

64 Crouch, D and Henley, J., A way home for jihadis: Denmark's radical approach to Islamic extremism, The Guardian, February 23, 2015, <https://www.theguardian.com/world/2015/feb/23/home-jihadi-denmark-radical-islamic-extremism-aarhus-model-scandinavia>

65 Italy's 'Cultural Allowance' For Teens Aims To Educate, Counter Extremism, NPR, September 27, 2016, <http://www.npr.org/sections/parallels/2016/09/27/495648319/italys-cultural-allowance-for-teens-aims-to-educate-counter-extremism>

What separates the Aarhus program from so many other such projects is its use of street workers, teachers and parents as scouts, all of whom are provided with psychological training to prepare them for the work they are asked to do. The focus is on inclusion based on sustained dialogue among a number of groups, including families, friends, law-enforcement and religious organizations. Despite the fact that so far, police have been unable to prove any of the city's returnees actively supported, or engaged in, terrorism, the initiative has so far been able to attract a great deal of attention globally. The Mayor of Aarhus has recently flown to Washington D.C. at the invitation of President Barack Obama to talk about the project, and the city has received 150 requests from across the globe for more information and delegations are constantly visiting.<sup>[66]</sup>

Yet another initiative, though not directly linked to jihadist terrorism, has been a recent one in Italy to protect youth from falling into radical hands. Beginning in September 2016, Italy is offering its 18-year-old residents the equivalent of USD 563 to spend on culture, from concert tickets, books and museum admission to other qualifying events.<sup>[67]</sup> With exposure to cultural events, including pop culture, the Italian government is hoping the program will educate children born in Italy as well as help in integrating a growing population of migrants and refugees who continue to arrive in Europe given the current crisis. While some are skeptical of the venture, as Islamic radicals tend to use Western cultural experiences against them; namely, that is, the Paris attacks, the Government believes that by encouraging the youth, many of whom are unemployed, in participating in such experiences, which also include learning Italian and accessing libraries, may prevent them from being lured into more radicalized spaces.<sup>[68]</sup>

In **North America** as well, the focus on multiculturalism and integration has been one of polar opposites. In the United States, immigrant integration has followed the assimilationist approach through the “melting-pot” analogy where immigrants are expected to imbibe all the values of the host countries. In Canada, on the other hand, the multicultural approach has formed the basis for the country's policies on immigration and integration, known as the “mosaic”, where immigrants are encouraged to retain their cultural and religious values and beliefs. In fact, this is clearly articulated in the country's constitution via the Canadian Charter of Rights and Freedoms, as well as through the country's official Multiculturalism Act of 1988. Canadian cities are constantly geared to the arrival of immigrants and cultural events form a backbone of Canadian society (See Good Practice 3)

### **Good Practice 3: Grassroots involvement in integration – The Local Immigration Partnerships in Ontario Province, Canada**

The Canada-Ontario Immigration Agreement (COIA), which was signed in 2005, first created the concept of Local Immigration Partnerships (LIPs), which for the first time in Canada, committed federal and provincial governments to involve municipalities in immigration planning and decision-making. Consultations were held with 700 stakeholders in 10 communities across the province of Ontario to supported the development of LIPs to address community needs. The consensus that emerged out of this focused on the attraction, retention, settlement, and integration of immigrants.

In 2010, the Standing Committee on Citizenship and Immigration Canada (CIC) - now Immigration, Refugees and Citizenship Canada - recognized the Local Immigration Partnerships as a best practice. It

66 A Danish Answer to Radical Jihad, Spiegel Online, February 23, 2015, <http://www.spiegel.de/international/europe/aarhus-program-for-returning-jihadists-from-syria-a-success-story-a-1019633.html>

67 Italy's 'Cultural Allowance' For Teens Aims To Educate, Counter Extremism, NPR, September 27, 2016, <http://www.npr.org/sections/parallels/2016/09/27/495648319/italys-cultural-allowance-for-teens-aims-to-educate-counter-extremism>.

68 Italy's 'Cultural Allowance' For Teens Aims To Educate, Counter Extremism, NPR, September 27, 2016, <http://www.npr.org/sections/parallels/2016/09/27/495648319/italys-cultural-allowance-for-teens-aims-to-educate-counter-extremism>.

recommended that CIC continue to support LIPs in Ontario and to expand the model to other regions.

A successful example of a LIP is the Ottawa Local Immigration Partnership (OLIP), a multi-sectoral partnership involving 60 local organizations designed to build local capacity to attract, settle, and integrate immigrants in 5 sectors: (1) settlement and orientation; (2) economic integration; (3) health and wellbeing; (4) language training and interpretation; and (5) socio-civic integration capacity development. OLIP partners include the City of Ottawa, local universities and colleges, the four school boards, employers and employer associations, settlement, social, and health service providers, and regional planning bodies.

Now in its fourth year, some of the notable achievements of OLIP are:

- The Ottawa Immigration Strategy which was developed collectively by OLIP partners and local stakeholders and sets long-term community direction to improve immigrants' and newcomers' integration outcomes while enhancing Ottawa's prosperity and vitality.
- The Ottawa Immigration Forum which is hosted annually by the OLIP Council, provides a space to communicate and celebrate our collective progress on the goals identified in the Ottawa Immigration Strategy, while facilitating the development and deepening of shared understanding on key aspects of immigrant settlement and integration. The Forum is also a means for OLIP partners to seek community input on planned directions and actions.
- The OLIP Open House for Immigrant leaders is held annually and serves as a visible and predictable channel for communicating with local immigrant communities. At the Open House, OLIP partners share information on emerging opportunities, build relationships with immigrant leaders who are seen to be community connectors, and solicit input on key questions to inform planned action.
- "Welcoming Ottawa Week" is also an annual, week-long series of dialogues, cultural and celebratory events, sports activities, documentary screenings and other events designed to convey the welcome and hospitality of Ottawans to newcomers, while providing opportunities for quality interactions between old and new residents.

Source: <http://olip-plio.ca/>

**Joint collaboration between international institutions** is also a new way of approaching the intersectionality of migration and peaceful co-existence. This is particularly so, given the importance of sharing good practices and innovations between various host countries. Cities are playing a larger role in this area, both in terms of hosting the largest number of migrants and also the ones that can most benefit economically and socially from them. The World Migration Report 2015, acknowledges this fast rate of urbanization, and rising migration to cities, as well as the risks and opportunities this brings with it for migrants, communities and governments.<sup>[69]</sup> As a result, several urban hubs that receive migrants are constantly in the process of devising new ways to make sure that urban planning and infrastructure takes into account these rising levels of migration.<sup>[70]</sup> (See Promising Practice 4).

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69 International Organization for Migration. World Migration Report 2015. Migrants and Cities: New Partnerships to Manage Mobility (Geneva 2015).

70 See also paper on sub-theme 3, Governance of Migration and Development for further examples of cities and migrant integration.

## Promising Practice 4: Promoting global cities as hubs of migrant integration- Cities of Migration and Hire Immigrants

Cities of Migration is an international initiative launched by the Maytree Foundation Canada and various partners in 2008, to identify and disseminate local practices of integration in major immigrant receiving countries globally. The project has been surprisingly successful and is the first of its kind and has an international following of over 7000 international experts, practitioners, policy-makers and showcases successful policy practices and innovation from global cities. Through evidence-based research and analysis, peer-to-peer learning exchange and a growing network of city and community leaders including Mayors, the project aims to build an international consensus around migration as a critical dimension of urban prosperity and growth.

### **Its main activities include:**

- Good Ideas of Integration @Cities of Migration.ca: an online collection of over 250 profiles of successful integration practice and policy innovation from 80 plus cities;
- Learning exchange: A monthly series of webinars that bring local integration actors together for city-to-city information sharing and peer learning – and has the added benefit of a lower carbon footprint;
- Conversations in Integration: A bi-monthly newsletter offering good ideas, opinion, promising local practices, reports and news to migration experts and practitioners around the world;
- Municipal Leadership report series: A compendium of good practice, country reports and “Practice to Policy” analysis by international experts explore the institutional authority, policy levers and leadership of local governments on immigrant integration.

<http://citiesofmigration.ca/>

**Hire Immigrants** is another initiative that targets immigrants arriving in cities. It is a national, single point of entry to increase Canadian employer awareness of the value of immigrant skills and immigration to their business. With counterparts in other Canadian cities, the organization, also part of the Maytree Foundation, provides them with practical tips and tools to benefit from immigrant talent. It is now being re-conceptualized and reimagined as a global resource accessible not only to local, national and global employers, but also to institutions, governments, academics, non-governmental organizations and policy makers, globally.

It will focus on “what works” in immigrant employment, be it through policy, practice or legislation and regulations. It will be local, national and international in scope. It will go beyond formal employment to the large and expanding field of immigrant entrepreneurship and business growth, as well as diversity and inclusion in the workplace. In addition to highly skilled immigrants – a current focus – Hire Immigrants will now also focus on the employment potential and labour market integration of immigrants in trades and lower-skilled occupations, permanent and temporary.

By profiling good (replicable) practices, analyzing policy across jurisdictions, tracking and analyzing labour market trends and ideas, and convening, Hire Immigrants will be a global hub for useful practice, policies, research, debate and ideas on leveraging immigrant skills and immigration for businesses and the economy.

source : <http://www.hireimmigrants.ca/>

Despite these plethora of initiatives, successes and emerging new ways to address integration, one of the issues identified in the literature has been the lack of clarity in identifiable and measureable indicators and benchmarks to assess the success of such interventions. This is particularly so since the impacts of

such interventions can only be verified over a long period of time, as they include behavioural and attitude changes. Furthermore, since each group of immigrants come from a different socio-cultural background, how they respond to integration initiatives will also differ. This is vital in being able to understand the utility, replicability and sustainability of integration interventions and, in turn, how migration can positively impact on creating diverse and harmonious societies.

### **Box 3: Cultural integration indicators and benchmarks**

Integration comes in various forms, for example, social, political, economic and even civic. However, measuring the success of interventions in these areas, is not as simple as it sounds. Integration is a multi-disciplinary process and a long-term one at that. Migrants have to settle in various capacities in their host countries and the process varies for men, women and children.

In order to be able to obtain levels of success, many countries have had to come up with a series of indicators and benchmarks to be able to gauge the success of migrant integration initiatives. Foremost, integration can be measured through a number of levels.

Socio-economic integration is measured via practical approaches such as employment, income level, social security, housing and level of education.

Cultural integration can be measured via attitude towards basic rules and norms of the host country, frequency of contact with host country and country of origin, choice of spouse (marrying outside migrants' community of origin), language skills, and delinquency.

Legal and political integration can be measured by numbers of migrants naturalized annually or who obtain a secure residence status, numbers of migrants with dual citizenship, participation in politics and in civil society.

Attitudes of recipient countries is an important indicator which includes benchmarks such as reported cases of discrimination against migrants, perceptions of migrants by the host society, incidence and effects of diversity policies and the role of media towards migrants.

It must be remembered, however, that many of these indicators will vary according to countries and their definitions of migrants to begin with, but also the level of support and integration services afforded to different types of migrants. Furthermore, many of these indicators are also quite ambiguous and their implementation depends on how host countries interpret integration themselves.

*Source: Entzinger, Han and Biezeveld, Renske; Benchmarking in Immigrant Integration; European Research Centre on Migration and Ethnic Relations (ERCIMER); Rotterdam, August 2003*

# 3 PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS IN ALL SITUATIONS (ROUNDTABLE 2.2)

Within the discussion of the possibilities of migration, it is all too easy to ignore the vital issue of human rights. Like all other citizens, migrants both regular and irregular, legal or illegal, are entitled to a set of basic human rights. The cause of their migrant status should not be seen as an impediment in denying them basic rights, such as shelter, health, education and legal assistance. This is also enshrined in the United Nations Universal Charter of Human Rights. Yet, many migrants, particularly refugees, are continually denied such rights by both their countries of origin, as well as the countries where they seek refuge. The same can be said of labour migrants and other vulnerable groups, especially the children of migrants. Many child migrants are exposed to serious violations of basic rights, and also often experience interrupted education, all of which can perpetuate social problems over time and generations. Therefore addressing this issue, is one of great importance for policy-makers worldwide.

## 3.1. An Overview of Migrant Rights

All migrants are in principle protected by international human rights law and in situations of conflict by international humanitarian law. Legal or regular migrants are perhaps those who are most advantageous as they are fully entitled to all rights and benefits of their host country, barring some political rights, until they are full citizens. On the other hand irregular migrants such as migrant labourers, trafficked persons, asylum seekers and refugees benefit from only specific protection regimes, while those migrants who are caught in crises, such as the stateless, often have no specific international legal, normative, or institutional framework at all.<sup>[71]</sup>

### Box 4: Selected international human rights treaties relevant to governing migrant rights

- Universal Declaration of Human Rights (UDHR), 1948;
- International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979;
- Convention on the Rights of the Child, 1989 and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, 2001;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, 2000;
- Protocol Against the Smuggling of Migrants by Land Sea and Air, Supplementing the UN Convention Against Transnational Organized Crime, 2000;
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007
- C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- Convention concerning Migrations in Abusive Conditions and the Promotion of equality of

71 International Organization for Migration, Protecting Migrants During Times of Crisis: Immediate responses and Sustainable Strategies. Background Paper Intersessional Workshop; International Dialogue on Migration (Geneva, 2012).

Opportunity and Treatment of Migrant Workers Entry into force; 09 Dec 1978;

- Migration for Employment Convention and Recommendation (Revised), 1949;
- Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955;
- Convention on the Reduction of Statelessness, 1961;
- Convention on the Status of Stateless Persons, 1954.

Many of these instruments and conventions have still not been signed by all member countries of the United Nations (a total of 192). This is particularly the case for those conventions that relate to migrant workers. Only 49 member countries have ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (See Table 1).

**Table 1: Status of Ratification of International Legal Instruments Related to International Migration**

Instrument	Year of Entry into Force	Parties to International Instruments	
		Number	Percentage
<b>Refugees</b>			
1951 Convention relating to the Status of Refugee	1954	144	75
1967 Protocol relating to the Status of Refugees	1967	146	76
<b>Migrant Workers</b>			
1949 ILO Convention concerning Migration for Employment (Revised 1949) (No. 97)	1952	49	26
1975 ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality	1978	23	11
1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2003	49	26
2011 ILO Convention concerning Decent Work for Domestic Workers (No. 189)	2013	23	11
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and	2003	170	89
2000 Protocol against the Smuggling of Migrants by Land, Sea and Air	2004	142	74

*Source: Adapted from United Nations Department of Economic and Social Affairs/Population Division International Migration Report 2013*

Vulnerable groups that require immediate policy intervention from a rights perspective, are trafficked persons, particularly women and children in the context of South-South migration where human trafficking and smuggling is more common and spurred by poverty and weakening security. There is a particularly a strong push in South East Asia/South Asia to view trafficked persons as part of the smuggling, trafficking, labour migration nexus – recognizing the overlapping nature of the experience of trafficking. Many institutional mechanisms to counter trafficking across borders have been initiated between different countries, but these by the very nature of their cross-border arrangements, require greater cooperation and strong national mechanisms to prevent cross-border trafficking (See Promising Practice 5)

### **Promising Practice 5: Transnational referral mechanisms to prevent human trafficking- The South East Europe case**

A Transnational Referral Mechanism (TRM) refers to mechanisms and the associated procedures designed for the comprehensive assistance and transnational support of trafficked persons. The TRM integrates the process of referral from initial identification through return and assistance between countries of transit, destination and origin. They involve cooperation between different government institutions and non-governmental actors. The recent European Union (EU) Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, also recognizes that currently, when victims move across borders, arising issues are generally solved bilaterally on an ad-hoc basis. For this reason, it also foresees the development of a model for an EU Transnational Referral Mechanism, in line with a victim-centred approach.

Between 2006 and 2012, in order to contribute to the improvement of transnational cooperation among countries of origin, transit and destination of trafficking in human beings, the International Centre for Migration Policy Development (ICMPD) implemented three projects, including the Program to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South-East Europe (TRM-SEE) funded by USAID. This program was implemented between 2006 and 2009. The TRM program was implemented over 5 years within 10 countries in the region and reached out to over 2000 professionals who shaped the transnational referral mechanism into a set of harmonized standards and streamlined approaches to victim protection. Prior to this, transnational elements of comprehensive victim and victim witness assistance and protection schemes were largely missing.

A good example of transnational cooperation to ensure protection and assistance of child victims of trafficking is the agreement signed between the Government of the Hellenic Republic (Greece) and the Council of Ministers of the Republic of Albania in 2006. A result of a long-standing collaboration between the two countries, the Greek and the Albanian authorities set a common framework to harmonize methods and procedures and to fully cooperate in a wide range of child trafficking-related matters, namely prevention, protection, investigation, and prosecution.

In December 2007, a Joint Investigation Team (JIT) was set up between the Metropolitan Police Service of the UK and the Human Trafficking Centre of the Romanian National Police to investigate cases of trafficking involving hundreds of Romanian Roma persons – mainly children – exploited as beggars and thieves in London and nearby areas. The UK-Romania JIT was initiated and funded for almost two years by the European Commission with the specific goal to investigate these trafficking cases and prosecute the criminals apprehended in the UK and in Romania; break the activities of the criminal networks profiting from human trafficking; confiscate the criminal assets; and improve the British and Romanian police officers' skills as to the identification and assistance of child victims. The work of the JIT led to the identification and support of 272 victims and the arrest of 87 criminals charged for trafficking in human beings, child neglect, money laundering, and perverting the course of justice.

A study of this project found that developing a TRM is an ongoing process and such mechanisms have to be regularly updated in order to remain effective before they can be expanded to other countries. An effective TRM is also inextricably connected to a well-functioning National Referral Mechanism (NRM). There is also a need to raise awareness about the TRM model amongst various new stakeholders (for example, labour inspectors, child care and welfare professionals etc.) and to mobilize a broader network of skilled and trained professionals to customize tools as needed.

*Source: The Way Forward in Establishing Effective Transnational Referral Mechanisms. A Report Based on Experiences in Cases of Human Trafficking in South-Eastern Europe; ICMPD; 2012*

The rights of women and children left behind are also often overlooked as a vulnerable group when designing rights-based approaches to migration. For example, gender is a key determinant of family migration. While by and large, the migration of men improves a family's well-being and allows women to take on greater decision making roles in the absence of men, it can also create vulnerable situations for women and their children, particularly in patriarchal societies.

## Case Study 2

### Social costs of migration on children left behind

With increasing mobility, the positive developmental impacts of migration for sending countries, especially in terms of remittances, have been extensively researched, while the negative impacts of migration on families have received considerably less attention. In many parts of the globe, remittances have translated into increased expenditure on education and healthcare among households with family members abroad. Yet, greater attention needs to be paid to the psychological aspects and well-being of children who are left behind.

Parental migration, of either one or both parents, can place a child left behind in a country of origin in a vulnerable situation. Corporal punishment, mental, physical and sexual abuse in the absence of primary caregivers (parents) remains a matter of concern. In China, it was found that, parental migration leads to children undertaking a greater level of household, particularly by female children.<sup>[72]</sup> In Tajikistan, migration has been found to have positive impacts on educational, health and nutritional outcomes while, the psychological outcomes were affected negatively.<sup>[73]</sup> In Mexico, US-Mexico migration of parents leads to a lower level of aspiration among children to complete or attend tertiary level education.<sup>[74]</sup> In Ghana, Angola and Nigeria, it was found that migration of parents led to reduced well-being of the children<sup>[75]</sup>. There is also evidence that around 18 per cent of the girls face sexual abuse when their mother migrates.<sup>[76]</sup> Another four country study, covering Indonesia, Philippines, Thailand and Vietnam, it was found that in Indonesia and Thailand, children from migrant households have a poorer state of psychological well-being.<sup>[77]</sup> Almost all studies identify gaps in data, and the need to record households with migrant parents, so that children can be better supported in the absence of parents.

Existing interventions usually focus on the welfare of the migrants themselves rather than focusing on the family members of the migrant.<sup>[78]</sup> One best practice to address the issue was found in Philippines, where an NGO, Athika is promoting financial literacy, saving practices, peer counselling, education among caregivers and children.<sup>[79]</sup> IOM Italy and IOM Ukraine are also working together to develop educational and psychological training for teachers working with children left behind.<sup>[80]</sup> In Moldova,

- 72 Chang, H., Dong, X.Y. and MacPhail, F., 2011. Labor migration and time use patterns of the left-behind children and elderly in rural China. *World Development*, 39(12), pp.2199-2210.
- 73 UNICEF, 2011. Impact of labour migration on "children left behind" in Tajikistan. UNICEF Publication: Dushanbe, Tajikistan.
- 74 Kandel, W., & Kao, G. (2001). The Impact of Temporary Labor Migration on Mexican Children's Educational Aspirations and Performance. *The International Migration Review*, Vol. 35 , 1205-1231.
- 75 Mazzucato, V., Cebotari, V., Veale, A., White, A., Grassi, M., Vivet, J., International Parental Migration and the Psychological Well-being of Children in Ghana, Nigeria, and Angola, *Social Science & Medicine* (2014), doi: 10.1016/j.socscimed.2014.10.058.
- 76 Bakker, C., Elings-Pels, M., & Reis Paper, M. (2009). The Impact of Migration on Children in the Caribbean. Barbados and Eastern Caribbean: UNICEF.
- 77 Graham, E., & Jordan, L. P. (2011). Migrant Parents and the Psychological Well-Being of Left-Behind Children in Southeast Asia. *Journal of Marriage and Family* .
- 78 Kolitha Wickramage, Chesmal Siriwardhana and Sharika Peiris. 2015 Promoting the health of left-behind children of Asian labour migrants: Evidence for policy and action. Bangkok and Washington, D.C.: International Organization for Migration and Migration Policy Institute.
- 79 UNICEF, 2010. Examples of Good Practices in the Implementation of the International Framework for the Protection of the Rights of the Child in the Context of Migration. New York, Draft, 18.
- 80 [http://www.migration4development.org/sites/default/files/children\\_left\\_behind\\_consolidated\\_reply.df](http://www.migration4development.org/sites/default/files/children_left_behind_consolidated_reply.df)

a National Action Plan on the Protection of Children without Parental Care (2010-2011) and Child Rights Information Centre were put in place. Guides were produced for parents and professionals who work with children, like teachers, psychologists, youth workers and NGOs. Microsoft supported the Tulay Project in the Philippines, to provide access to technology and training for migrants and members of migrant families so that they could maintain regular communication through internet applications.<sup>[81]</sup> IOM Dhaka is also currently embarking on a research study to identify the social impacts of labour migration on children left behind, in partnership with Save the Children Bangladesh, BRAC Bangladesh and the Government of Canada.

Studies also show that women's migration can alter men's traditional role in the family and society, with repercussions for their health and well-being. This in turn has an impact on the rest of the family including women and in turn, their families.<sup>[82]</sup> Moreover, migration of mothers contributes to a decline in children's school attendance, an increase in early marriage of adolescent girls, as well as heightened risk of drug abuse and other negative social behaviors.<sup>[83]</sup> As a result, attention needs to be given not only to those that bear the ultimate burden of undertaking migration, but also their children, who are often caught up unawares and remain without voice. (See Promising Practice 6)

### **Promising Practice 6: Protecting the rights of the children of migrants**

Children of migrants have as much right to basic needs as their parents. In the rush to focus on needs of individual migrants or entire family units, the fact that children, migrant or otherwise have a specialized set of needs, often tends to be ignored, particularly in crisis situations. For instance, neo-natal health for newborns or babies, elementary education for young children, as well as psychological support for children, are a specific set of needs that children of migrants must be entitled to.

For example, the migration of children and adolescents from Guatemala to Mexico is part of an ancient process of the Mam indigenous group. Children are not just companions, but important players in the migration process in terms of obtaining employment in Mexico. Children and adolescents can migrate on their own provided they are at least 16 years of age and have a document that demonstrates parental permission. However, most of them cross the border as guests of other adult family members. When in Mexico, these migrant indigenous children have the option to start or continue their studies in schools located on the farms on which they live and work. These schools are a joint effort between the owners of the farms and a government program "Primary Education for Migrant Children" (PRONIM). The program aims to promote an intercultural approach to pre-primary and primary education for migrant children of farm labourers.

In France, a system created specifically for undocumented migrants, "State Medical Assistance" (Aide Médicale de l'Etat - AME) allows undocumented migrants and their dependents, who have been residing in France for more than three months and who are below a certain economic threshold, to access publicly subsidized health care upon compliance with certain conditions. For undocumented migrants who do not comply with these conditions, only emergency care is covered by the state, with the exception of children who are entitled to access all types of health care, free of charge, regardless of their eligibility for AME. The assistance is initially granted for one year but can be renewed, and eligibility documentation has to be shown every time undocumented migrants seek care, tests or medicine.

81 Berumen, S. & Calleros, J.C. (2010). Roundtable 2 - Human mobility and human development RT Session 2.2: Migration, Gender and Family, Background Paper, GFMD 2010.

82 International Organization for Migration, Migration and Families; International Dialogue on Migration No. 24 (Geneva, 2015).

83 International Organization for Migration, Migration and Families; International Dialogue on Migration No. 24 (Geneva, 2015).

In 2009, the Inter-Institutional Panel on Unaccompanied Child and Adolescent Migrants and Migrant Women, established in 2007, secured an increased national budget allocation in Congress for the new protection model for unaccompanied children, and developed an operational manual for better inter-agency implementation. Over 20,000 children a year in situations of repatriation (either migrating to or from Mexico) now count on this system for their protection, including immediate care, specialized attention and separate accommodation from adults, as well as communication with and safe return to their families and communities of origin. Services in the model include:

A network of 23 transitory shelters run directly or in conjunction with non-governmental organizations and child protection services to protect children identified as unaccompanied;

Telephone lines have been installed in migration units and special care units have been established in 21 states so that migrant children, especially those from other countries, can contact their families free of charge, reducing the considerable anxiety caused by separation;

To ensure immediate and appropriate care for repatriated children, four special care units for children have been set up next to Migration Units in northern border areas of Mexico. Medical attention is offered and basic needs (such as food, water, rest and communication with their families) are met before they are interviewed to evaluate their situation.

The massive repatriation of migrants from the United Republic of Tanzania has also put pressure on providers of social services in return areas. The reintegration of returnees remains a substantial challenge, especially in terms of providing education, water, sanitation, and hygiene. The Ministry of Education in Tanzania and local partners designed an integrated plan of action and budget in early 2008 to respond to the educational needs of repatriated children. This plan included the construction of classrooms in returnee areas and other special programs to address the educational needs of different categories of children including: the Early Childhood Development Program; a pilot Intensive Language Program for primary and secondary school-aged children coming from a different education system; a Teacher Emergency Package for out-of-school children (aged 9-14 years) who desire to return to school; and vocational training for youth.

*Source: Examples of good practices in the Implementation of the International; Framework for the Protection of the Rights of the Child in the Context of Migration; United Nations Children's Fund, Draft, May 2010.*

In 2013, women migrants comprised 48 per cent per cent of the international migrant stock worldwide.<sup>[84]</sup> Commonly perceived to be a family's prime nurturers and care givers, women often represent the most suitable and the only available candidates for foreign domestic and care jobs. However, women often do not receive fair wages, adequate and safe working conditions, access to health and childcare services and protection against harassment, including sexual harassment, particularly when they migrate overseas as migrants. The institutional mechanisms to support them in obtaining these rights are few and far between, thus leading to the creation of informal ways of voicing their concerns. (See Emerging Practice 3)

### **Emerging Practice 3: Recognizing women as migrants- ASEAN female migrant workers**

Temporary labour migrants, have contributed significantly to the Association of Southeast Asian Nations (ASEAN) Member States' economic growth in recent years. In 2007, ASEAN adopted its Declaration on the Protection and Promotion of the Rights of Migrant Workers and established a Committee to implement this Declaration. However, gaps have been evidenced in the implementation

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84 United Nations, Department of Economic and Social Affairs, Population Division, International Migration Report 2013, UNDESA (Geneva, 2013).

of such legislation, particularly since a large majority of labour migration from this region comprises undocumented female labour in the informal economy and female sex workers.

The four major regional destination “hubs” for migration within ASEAN are Brunei Darussalam, Singapore, Malaysia, and Thailand. The Philippines records the most out-going migrant workers. In 2008, it was estimated that migrant workers represented around 30 per cent of Singapore’s labour force, approximately 20 per cent in Malaysia, and higher than both countries in Brunei Darussalam. Women migrant workers in these countries, tend to work as domestic workers, care-givers, entertainers, retail assistants, as well as in low-end manufacturing and cottage industry jobs.

Many ASEAN Member states currently have, or are in the process of implementing labour migration laws and policies to address migrant workers’ human rights. However, labour migration governance in Southeast Asia has largely been developed without the participation of women migrant workers and their advocates, including women’s organizations and Ministries of Women’s Affairs.

Therefore, in the absence of legal regulations governing labour migration, particularly for female migrants, many NGOs have taken steps to improve protection of human rights. In Malaysia, domestic workers groups are joining the Malaysian Trade Union Confederation (MTUC), through which they formed a 250-member strong Migrant Worker Forum in 2011, as an alternative to a domestic workers’ union, that voices human rights concerns to the Government of Malaysia.

In Singapore, supported by an NGO called the Home Organization for Migration Economics (HOME), women migrant domestic workers are organizing via social media. As of July 2012, over 9,000 Filipino domestic workers were connected to “HOME Gabriela”, while, over 2,000 Indonesian domestic workers were connected to “HOME Kartini”. These networks provide a forum for female migrant workers to communicate with each other given lack of time and resources.

*Source: UN Women; Managing Labour Migration in ASEAN. Concerns for Women Migrant Workers; 2013*

**Temporary Foreign Workers (TFWs)** are also a category of migrants who are exposed to many rights violations and can be classified as vulnerable. TFW programs in countries like Canada have recently come under intense scrutiny in terms of exploiting migrant workers and not providing them with adequate rights, leaving them vulnerable to deportation. This has made such a form of migrant labour highly controversial and open to interpretation. But there are also examples where such programs are extremely beneficial to both TFWs and the communities in which they work. (See Good Practice 4)

#### **Good Practice 4: Seasonal worker programs: Successes and lessons from New Zealand and Australia**

Despite the prevalence of seasonal worker programs throughout the Organization for Economic Co-operation and Development (OECD), there is little evidence on the impacts of participating in such programs for migrants, their families, and their home countries. However, one such program has been extremely successful on many fronts.

The Recognized Seasonal Worker (RSE) Program in New Zealand was launched in 2007 to assist in labour shortages in the New Zealand horticulture and viticulture sectors, but more so to encourage economic development in the Pacific Island States. With an initial annual cap of 5,000 seasonal workers, who could come to New Zealand for a maximum of seven months per 11 month period. Bilateral interagency understandings were negotiated between New Zealand and five Pacific states: Kiribati, Samoa, Tonga, Tuvalu and Vanuatu. One of the key policy features of the RSE was circularity. By allowing workers the opportunity to return again to work in subsequent seasons, the policy hoped to provide incentives for workers to return home at the end of each season, and the potential for

employers to benefit from the training they have provided to workers in the current season.

The RSE Policy mandates that employers provide “pastoral care” to workers, including accommodation, transportation, recreational and religious opportunities, etc. Workers hired under the program are subject to the same employment and workplace legislation as native workers, including minimum wage laws and work safety laws, and are also eligible to join unions. Labor inspectors investigate complaints and issues raised by workers<sup>[85]</sup>.

In addition, sending Pacific states such as Samoa and Tonga provided liaison officers drawn from their diaspora in New Zealand who were availed upon to address issues around migrant worker welfare. These efforts appear to have prevented many of the horror stories sometimes reported by captive guest workers in other countries<sup>[86]</sup>.

The program has generated benefits so great that it has been called “one of the most effective development interventions for which rigorous evaluations are available”.<sup>[87]</sup>

Through baseline and methodological surveys, Gibson and McKenzie found that the RSE led to sizeable increases in household income in both Tonga and Vanuatu. Their evaluation also found that subjective standards of living in sending households had improved, households were spending more and accumulating more assets, school attendance of children from sending households increased, and community leaders viewed the policy as having an overall positive impact.<sup>[88]</sup>

The evaluation of the first two years of the program had similar findings. Overall, it found that as the policy enters its third year, there were indications many employers are now also benefiting from skilled labour as workers returned for successive seasons. The labour supply crises of previous years have been avoided and employers are now able to plan and manage their businesses with confidence. Significant productivity gains were reported in the second year, together with improvements in harvest quality. Alongside the employer ‘wins’, Pacific workers and three Pacific states have benefited financially from participation in the RSE Policy. Skills development has also been identified as a positive outcome for workers.<sup>[89]</sup>

A major lesson from the RSE experience pointed out in Gibson and McKenzie’s evaluation, has been the importance of good monitoring and evaluation from the very start of the project and an openness by participants to being researched, providing measureable impacts and indicators that can make policy work more effectively, as well as contribute to future research.<sup>[90]</sup>

Following the success of New Zealand’s program, a similar initiative was implemented in Australia, however it has faced a number of challenges and the contrasting experience offers important learnings and insights for policy makers considering developing similar programs elsewhere. The Australian Seasonal Worker Program (SWP) began initially as a pilot in 2009. Since its inception, only 65 per cent of the available places have been filled.

One of the central challenges in the Australian case, is that the SWP – targeted at Pacific workers – is

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- 85 J, Gibson and D, McKenzie, Development through Seasonal Worker Programs: The Case of New Zealand’s RSE Program; Discussion Paper Series CDP No 05/14; Centre for Research and Analysis of Migration; (2014).
- 86 J, Gibson and D, McKenzie, Development through Seasonal Worker Programs: The Case of New Zealand’s RSE Program; Discussion Paper Series CDP No 05/14; Centre for Research and Analysis of Migration; (2014).
- 87 Clemens, M, Two Guest Worker Programs that are Working, 11/12/13, <http://www.cgdev.org/blog/two-guest-worker-programs-are-working>.
- 88 J, Gibson and D, McKenzie; The Development Impact of a Best Practice Seasonal Worker Policy; date unavailable.
- 89 Evaluve Research; Final Evaluation Report of the Recognized Seasonal Employer Policy (2007—2009), Department of labour New Zealand (2010).
- 90 J, Gibson and D, McKenzie; Development through Seasonal Worker Programs: The Case of New Zealand’s RSE Program; Discussion Paper Series CDP No 05/14; Centre for Research and Analysis of Migration (2014).

in direct competition with a larger, and less regulated migration scheme in Australia, the “Working Holiday Maker” scheme, which has been popular with backpackers or tourists who want to stay longer in Australia than the standard tourist visa allows. As these workers may often work for less, and require less support from employers, they have tended to fill jobs on farms that may otherwise be open to workers from the Pacific. Also, under the SWP, farmers who want to recruit migrant workers must be “approved employers” and demonstrate good immigration practices, and a history of compliance with Australian workplace laws, and work place health and safety legislation. In contrast, farmers engaging workers through the Working Holiday Maker scheme do not have to establish or prove any credentials. This is despite reports from workers employed under the scheme that they are vulnerable to exploitation and abuse because of such lack of regulation.<sup>[91]</sup>

Reviews of the program suggest that the SWP in Australia works well for larger farms that can afford the initial financial investment in the scheme, as they benefit over time from training a seasonal workforce that may return the next season as skilled, dependable workers, which is a positive feature of the SWP. For smaller farms, the cost of training, travel and accommodation required through the SWP has been a deterrent.<sup>[92]</sup>

It is noteworthy that many of these issues seem to have been addressed under the New Zealand model, the RSE. For example, New Zealand also has a similar holiday maker worker scheme, which could potentially compete with the RSE. However, as tourists are only able to extend their visa for a short period (3 months) if they engage in work in the horticulture and viticulture industries, it is thought that this shorter time period accounts for why it has not detracted from the success of the RSE. Another factor which differentiates the schemes, is that in New Zealand employers only need to guarantee workers 6 weeks of work, at 40 hours per week. Under the Australian scheme, approved employers need to provide work for 14 weeks at around 30 hours per week.<sup>[93]</sup>

The recent World Bank report, entitled, Australia’s Seasonal Worker Program: Demand-side Constraints and Suggested Reforms, provides an analysis of the current status of the program and suggests ways forward.<sup>[94]</sup> It is acknowledged by many stakeholders that these seasonal worker programs, if managed well, have huge potential to contribute positively to the Pacific and Australia, as well as to Australia’s relationship with the Pacific Island states.

Irregular migrants are also entitled to a host of social services but are often excluded from these supports. These migrants include refugees and undocumented migrants. This is a particular area of concern and interest for Europe given the high levels of undocumented migrants who arrive there from various parts of North Africa, Eastern Europe and the Middle East. (See Promising Practice 7)

### **Promising Practice 7: Providing social services to irregular migrants and their families- cases of institutional and state practices**

There have been several legal and institutional arrangements within Europe and the European Union which stipulate equal access to social services for irregular migrants. There are a number of examples where these principles have been followed in EU countries.

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- 91 P. Mares, Comparing Apples and Oranges, 5 July 2016, National Affairs - Inside Story, available from <http://insidestory.org.au/comparing-apples-and-oranges>.
  - 92 J. Doyle and S. Howes, Australia’s Seasonal Worker Program: Demand-side Constraints and Suggested Reforms, Discussion Paper - World Bank Group and Australian National University, (2015).
  - 93 J. Doyle and S. Howes, Australia’s Seasonal Worker Program: Demand-side Constraints and Suggested Reforms, Discussion Paper - World Bank Group and Australian National University, (2015).
  - 94 J. Doyle and S. Howes, Australia’s Seasonal Worker Program: Demand-side Constraints and Suggested Reforms, Discussion Paper - World Bank Group and Australian National University, (2015).

The **European Parliament** “Resolution of 8 March 2011 on reducing health inequalities in the EU” calls on member states “to ensure that the most vulnerable groups, including undocumented migrants, are entitled to and are provided equitable access to health care; to promote public policies aimed at ensuring healthy life conditions for all infants, children and adolescents, including pre-conception care, maternal care and measures to support parents and more particularly, pregnant and breast-feeding women, in order to ensure a healthy start to life for all newborns and avoid further health inequalities; and to ensure all pregnant women and children, irrespective of their status, are entitled to and effectively benefit from social protection as defined in their national legislation.”

The European Parliament has also adopted two additional resolutions which call for improvements in the provision of health care for undocumented migrants. Namely: the European Parliament Resolution of 4 July 2013, “Impact of the crisis on access to care for vulnerable groups” and the European Parliament “Resolution of 4 February 2014 on undocumented women migrants in the European Union.”

The **EU Fundamental Rights Agency** (FRA) has stated in an opinion that “In light of Article 24 of the CRC, every child present on the territory of an EU Member State is entitled to the same healthcare services as nationals. This should also include immunizations, which are a major preventative healthcare measure.” Concerning all migrants in an irregular migration situation, they should “at a minimum, be entitled by law to access necessary healthcare services.”

**Spanish** legislation on gender-based violence applies to all women in Spain regardless of their residence status, and establishes the state’s responsibility to guarantee women in special personal and social circumstances, such as migrant women, the use of the services provided by the law. The Spanish Immigration Act grants specific protection to undocumented women survivors of violence. A reform in 2011 removed the obligation, established by previous legislation, for the police to automatically open an expulsion file for undocumented women who contact them.

The Municipality of Utrecht in the **Netherlands** supported the Dutch non-profit organization STIL to set up a shelter for undocumented women and children called Fanga Musow (“Strong Women”) in 2005. This initiative offered undocumented women and children safe and stable accommodation, financial help, legal assistance, education and medical services.

The **Swedish** city of Gothenburg implemented a local initiative to facilitate undocumented women’s access to emergency shelters. After almost a year of campaigning by “Ain’t I A Woman”, an initiative of Sweden’s “No One Is Illegal” network, local politicians agreed to address the administrative barriers preventing undocumented women from accessing state-funded shelters. On 19 February 2011, the municipality of Gothenburg voted in favour of a motion to reimburse shelters offering undocumented women protection against violence.

In **Belgium**, apprehended families with children are placed in designated family homes in the community (“return houses”). Family members are allowed to exit the house, providing that one adult member of the family remains present in the unit at all times. Children are allowed to attend school and families have access to health care. The duration of stay is 2 months, which can be extended to a maximum of 5 months. During this time, families are given counseling from a “return coach” to encourage cooperation with return. While Belgium has been lauded for its promising practice in developing alternatives to detention, there remain serious concerns around “open return houses.” It is common for the family to be separated and one parent or other family members detained while the children and their mother are kept in the open return house. A new law introducing the possibility for some undocumented families to reside in their own homes during the accompaniment procedure addresses some of these concerns. The conditions include that they are a home-owner or have an official rental contract or an agreement with the owner, that the family meets regularly and cooperates with their case officer, and that they can meet their subsistence needs.

*Source: Protecting undocumented children: Promising policies and practices from governments; Platform for International Cooperation on Undocumented Migrants (PICUM); Brussels; February 2015*

### 3.2. Challenges to Securing Equality in Migrant Rights

There are many gaps and challenges to support the promotion of rights for all migrants. For instance, **lack of accurate data** on migrants, particularly refugees, irregular migrants, IDPs and diaspora, makes it difficult for governments and different migration agencies to provide adequate evidence for policy-making in these areas. The particular need for migration and development data depends largely on the interests and circumstances of each country. For instance, for countries that have had a shared colonial history in the past, such as France and East African countries such as Algeria and Morocco, there is an interest in migratory movements between such countries.<sup>[95]</sup>

Several organizations, such as the OECD, the EU's EUROSTAT and the United Nations Population Division maintain significant data sets on migration, while other international organizations develop data sets relevant to development (for example, the World Trade Organization, the World Bank and the International Monetary Fund). Similarly, UNICEF has promoted greater desegregation by age group and gender in routine government information gathering and statistics generation. The National Geography and Statistics Institute (INEGI) and National Population Council (CONAPO) regularly produce information on migration trends. Since 2008, the Migration Institute now has separate figures on children in migration.<sup>[96]</sup> However, more work is needed to combine migration and development data sets, and research is needed to fill the gaps.<sup>[97]</sup> Data sharing in the area of migration and development can be most effective if cooperation between agencies and national authorities of countries of origin and destination is increased.<sup>[98]</sup> (See Good Practice 5)

#### Good Practice 5: The CLANDESTINO Project- Capturing data for successful policy

The CLANDESTINO Project, formally known as Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe, was a project implemented by the European Commission between 2007-2009. It was developed as a response to the need for supporting policy makers in designing and implementing appropriate policies regarding undocumented migration. It involves a core partnership of four academic institutions, one policy institute and one NGO, as well as a wider network of auxiliary partners. The project has aimed to:

- provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries;
- analyze the data compiled comparatively;
- discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use;
- propose a new method for evaluating and classifying data/estimates on undocumented migration in the EU.

The project addressed these objectives in selected EU countries (Greece, Italy, France and Spain in Southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe;

Poland Hungary, Slovakia in Central Eastern Europe). It also looked at transit migration in countries and regions used as key “stepping stones” by undocumented migrants en route to the EU, notably Turkey, Ukraine and Morocco. Where relevant, the project considered factors affecting the shift between legal and undocumented status among migrant populations.

95 International Organization for Migration, International Dialogue on Migration; Data on Migration and Development Report, Workshop 8-9 September year.

96 United Nations Children's Fund, Examples of Good practices in the Implementation of the International; Framework for the Protection of the Rights of the Child in the Context of Migration, UNICEF (2010).

97 United Nations Children's Fund, Examples of Good practices in the Implementation of the International; Framework for the Protection of the Rights of the Child in the Context of Migration, UNICEF (2010).

98 United Nations Children's Fund, Examples of Good practices in the Implementation of the International; Framework for the Protection of the Rights of the Child in the Context of Migration, UNICEF (2010).

The Final Report of this Project outlined some key findings of this project:

- Research on irregular migration must be conducted and disseminated in a way that prevents enforcement agencies from identifying the whereabouts of individual or collectives of irregular immigrants. Research must also avoid disclosing information that facilitates enforcement agencies' planning and operations.
- Easy access to well-documented and structured information is a necessary first step for creating more transparency concerning the size of irregular migration. The database on irregular migration developed in CLANDESTINO is an important step in this direction.
- The CLANDESTINO country reports and related outputs discuss national situations and policies, as well as the relationship between these and policies at the EU level, showing the interdependence of member states in this regard. The country-by-country analysis, however, also shows that while EU policies make a useful addition to the national migration control mechanisms and are sometimes more efficient and fair, they often fail to recognize local realities or regional needs and interests, and may present important variance and contradictions at the national and local level of implementation.
- Despite the political intention of preventing and reducing irregular migration various legislations instead contribute to its emergence. Thus, a considerable discrepancy can be identified between policy goals and policy outcome.
- One can conclude that migrants switch between both categories and a single label such as transit migrants' is inappropriate. Because migration processes are dynamic, the categories of irregular and transit migration are fluid, the phenomena is complex in nature and definitions are blurred. It should be noted that countries in the neighbourhood of the EU simultaneously accommodate immigrants, irregular immigrants and are used as transit zones. The constant movement poses substantial problems in categorizing or quantifying these migrant groups.

*Source: CLANDESTINO Project, Final Report; Hellenic Foundation for European and Foreign Policy; 23 November 2009*

Lack of accurate data on diaspora also makes it difficult for governments and other stakeholders to fully acknowledge diaspora and their potential. Current stock data estimates from censuses and flow data are insufficient and not sub-nationally disaggregated to adequately reflect internal and international stocks or flows. Similarly, internally displaced persons (IDPs) have not been adequately addressed by the international community either, for a variety of reasons. One of the reasons concerns the lack of data required to put the issue more firmly on the agenda of policy-makers and provide a solid basis for decision-making<sup>99</sup>. (Emerging Practice 4)

#### **Emerging Practice 4: Collecting and disseminating migration data- The Migration Integration Policy Index**

The Migrant Integration Policy Index (MIPEX) is a unique online tool which measures policies that integrate migrants in 38 countries: all EU Member States as well as Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the USA. It analyses eight policy areas of integration: labour market mobility, education of children, political participation, family reunion, access to nationality, health (a recently included policy area), permanent residence and anti-discrimination. The index is used as a tool to evaluate and compare what governments are doing to promote the integration of migrants in all the countries analyzed.

99 KNOMAD; Summary report; Workshop on "Quantitative Assessment of Environmentally-Induced Migration" May 9 and 10, 2016 World Bank, Washington, D.C.

MIPEX is part of the project “Integration policies: Who benefits? The development and use of indicators in integration debates”, led by the Barcelona Centre for International Affairs (CIDOB), and the Migration Policy Group (MPG) and co-funded by the European Fund for the Integration of Third-Country Nationals.

The project informs and engages key policy actors about how to use indicators to improve integration governance and policy effectiveness. It identifies and measures integration outcomes, integration policies, and other contextual factors that can impact policy effectiveness; describes the real and potential beneficiaries of policies; and collects and analyses high-quality evaluations of integration policy effects.

The project also identifies and measures integration outcomes, other contextual factors that can impact policy effectiveness and describes the real and potential beneficiaries of policies. In order to monitor policy outcomes, the research team designed a set of 167 international indicators of immigrant integration. The EU integration indicators were taken as the starting point for this and adapted accordingly in order to determine the key outcome indicators in the 7 policy areas (except health), with a focus on the various specific target groups of the policies being measured by MIPEX. In the same way, real and potential beneficiary indicators were designed to quantify the share of immigrants potentially eligible or affected by a given policy for the 7 areas of integration.

One of the key features of the Index is that it collects and analyses high-quality evaluations of integration policy effects. The evaluation research consists of an extensive and systematic literature review on integration policy effectiveness research regarding different policy areas in the EU as well as some other major immigration countries such as the United States, Canada and Australia.

MIPEX has been recognized as a common quick reference guide across Europe for use by policymakers, NGOs, researchers, and European and international institutions who use its data not only to understand and compare national integration policies, but also to improve standards for equal treatment. Building on its ongoing success, the MIPEX project is now entering its fourth edition with a new policy strand and additional indicators.

*Source: Huddleston, Thomas; Bilgili, Ozge; Joki, Anne-Linde and Vankova, Zvezda; Migrant Integration Policy Index 2015; Available at [www.mipex.eu](http://www.mipex.eu).*

The social inclusion of migrants in regular processes such as employment, education, healthcare and shelter, is challenged by a lack of resources and appropriate policy regulations that can provide equal access to all sorts of migrants, particularly refugees. A case in point is the Canadian Governments Designated Countries of Origin (DCO) which was designed in 2012, to deter abuse of the refugee system by people who come from countries generally considered safe.<sup>[100]</sup> However, this barred several refugee's coming from these so-called “safe countries” who were discriminated or persecuted due to other reasons such as sexual orientation or religious and ethnic beliefs. This created a discrimination within the refugee category in itself by distinguishing between two different tiers of countries, as failed refugee claimants from the DCO list were disallowed from appealing their cases. This was ultimately found to be violating the Canadian Charter of Rights and Freedoms and was overturned.<sup>[101]</sup> (See Case Study 3)

100 Government of Canada, Designated Countries of Origin, 2016-01-12, <http://www.cic.gc.ca/english/refugees/reform-safe.asp>.

101 Levitz, S., Conservatives' refugee system overhaul dealt another blow by Federal Court, CBC News, July 23, 2015, <http://www.cbc.ca/news/politics/conservatives-refugee-system-overhaul-dealt-another-blow-by-federal-court-1.3165544>.

### Case Study 3

#### Denying migrants access to health services in developed states – The Canadian case

Section 12 of the Canadian Charter of Rights and Freedoms, an integral part of the Canadian Constitution, states that everyone has the right “not to be subjected to any cruel and unusual treatment or punishment.” This includes anything that degrades human dignity, is out of proportion to the offense or shocks the public conscience.

This was quoted at a landmark ruling of the Federal Court in July 2014 which found that cuts to refugee healthcare in Ottawa violated this aspect of the Charter.<sup>[102]</sup> The ruling also observed that “in this case intentionally targeted an admittedly vulnerable, poor and disadvantaged group for adverse treatment, making the 2012 changes to the [interim federal health program] the express purpose of inflicting predictable and preventable physical and psychological suffering on many of those seeking the protection of Canada.”<sup>[103]</sup>

The changes to the program in question, in place to support refugees claimants to Canada and those whose cases were awaiting status, denied access to healthcare services to these claimants. Coverage was allotted either based on which countries refugees were coming from or only in a case deemed to be a public health emergency.<sup>[104]</sup> The purpose as stated for these changes, were to prevent “queue jumpers” or those who were illegally or falsely portraying themselves as refugees. As a result of this ruling, services were provided to some refugees but not all, leading advocates to further pursue the case.

Ultimately, the successive Liberal Government annulled these changes in 2015 upon taking office and gradually restored the provision of access to healthcare for all refugee applicants.<sup>[105]</sup>

Migrant labour has become a necessity in many poor countries with wage earners flocking to go overseas in order to support their households. But many of them from South Asia and North Africa, end up in situations of forced and almost bonded labour, particularly in the Middle East. There is as yet no systematic policy in sending and receiving countries to provide these workers with their rights to decent treatment and wages, as well as legal protection. In Saudi Arabia, for instance, prior to 2013, no legislation offered protection against violence, which left both local and migrant women highly vulnerable to abuse with no recourse. As a result, the Protection from Abuse Law was passed by Saudi Arabia’s Council of Ministers, which introduced the first laws in the kingdom criminalizing physical and sexual abuse of women, children and domestic workers. Under Article 17 of the Act, perpetrators of physical or psychological abuse could face prison sentences of up to one year and up to 50,000 riyals (SRI) (USD 13,000) in fines. However, reports suggest this law is not being implemented due to a lack of competent authorities to enforce it.<sup>[106]</sup> (See Promising Practice 8)

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102 Broadley, L. ‘Cruel and unusual’: What does the refugee health ruling mean? Global News, July 24, 2014, <http://globalnews.ca/news/1433062/cruel-and-unusual-what-does-the-refugee-health-ruling-mean/>.

103 Broadley, L. ‘Cruel and unusual’: What does the refugee health ruling mean? Global News, July 24, 2014, <http://globalnews.ca/news/1433062/cruel-and-unusual-what-does-the-refugee-health-ruling-mean/>.

104 Refugee health advocates return to court, pushing feds to comply, CBC News, January 27, 2015, <http://www.cbc.ca/news/politics/refugee-health-advocates-return-to-court-pushing-feds-to-comply-1.2933071>.

105 Liberal government fully restores refugee health care program, CBC News, February 25, 2016, <http://www.cbc.ca/news/politics/mcallum-philpott-interim-federal-health-program-refugees-1.3453397>.

106 International Organization for Migration, The Other Migrant Crisis. Protecting Migrant Workers against Exploitation in the Middle East and North Africa; IOM, (Geneva, 2015).

## Promising Practice 8: Protecting migrant labour in the MENA region- IOM's PAVE Project

The exploitation of migrant labour in the Middle East and North African region (MENA) is known for its exploitation and misuse of migrant labour from mostly South Asia and South East Asia. Employer abuse particularly towards illegal labour migrants including women, is one of the major issues affecting this region. Traditional systems such as the kafala (sponsorship) system, operational in Iraq, Jordan, Lebanon and Saudi Arabia, is a way for governments to delegate oversight and responsibility for migrants to citizens or companies, who in turn are able to use this system to prevent workers from leaving the country or from changing jobs, effectively tying them to employers.

In 2011, in order to address such gaps in the protection and support of migrant workers in the MENA region, the IOM developed a 36-month regional level Action to Protect and Assist Vulnerable and Exploited Migrant Workers in MENA (PAVE) Project. The overall objective of the project is to contribute to the protection of migrant workers in five target countries; Egypt, Iraq, Jordan, Lebanon and Saudi Arabia, particularly to prevent exploitation, exclusion, discrimination and xenophobic treatment. The PAVE Project conducts regional dialogues, study visits, regional

awareness raising and country-level engagements addressing individual, institutional and societal capacity to combat trafficking and exploitation. During the course of the PAVE Project, IOM identified and assisted 253 victims of trafficking across the five countries of interest. All victims had had their passports withheld and almost 90 per cent were confined to their place of employment. With over 70 per cent having had wages withheld or experienced abuse.

Under this project, the five countries have experienced several interventions. In Lebanon, the PAVE Project has actively sought to bring together relevant ministries to ensure all stakeholders' objectives and activities are coordinated in the identification and referral of victims - the first time such collaboration had occurred. An evaluation of the project and its impact is still being awaited. In Jordan, there has been a concerted effort to train law enforcement officials, labour inspectors, and in particular high-risk areas, the public, on victim identification. IOM has conducted trainings in partnership with the government, both as part of the PAVE Project and in broader programs assisting highly vulnerable communities.

However, a policy study conducted as part of the project, has highlighted several steps taken by Arab states over the last 5 years to create stronger frameworks to respond to human trafficking. The League of Arab States (an associate of the PAVE project) issued Resolution No. 879-27 – 15/2/2010 in February 2012, which formalizes the Comprehensive Arab Strategy for Combating Trafficking in Human Beings (CASCTHB) and supports the recently established Anti-Human Trafficking Coordination Unit (AHTCU). The United Nations Office on Drugs and Crime (UNODC), through its Regional Office for the Middle East and North Africa (ROMENA), has been instrumental in establishing "The Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries."

The Jordanian Protection Against Trafficking of Human Beings Law (2008) criminalizes all forms of trafficking for sex and labour, and prescribes punishments of 10 years' imprisonment for crimes of forced prostitution and other aggravated circumstances, including trafficking of children. Victims of trafficking in Lebanon are afforded some protection under Law No. 164 Punishment for the Crime of Trafficking in Persons. In 2009, the United Arab Emirates adopted an electronic wage protection system (WPS) to address frequent reports of non-payment of wages by ensuring workers are paid their salaries on time and in full. By the end of 2013, almost 3.6 million workers received wages through the WPS.

*Source: The Other Migrant Crisis. Protecting Migrant Workers against Exploitation in the Middle East and North Africa; IOM; 2015*

There are other significant efforts being made to bring the rights of migrants, particularly labour migrants into line with human rights approaches.<sup>[107]</sup> (See Emerging Practice 5)

### **Emerging Practice 5: New measures to address human rights concerns of overseas labour migrants**

Several countries are still in the early stages of policy efforts to protect their migrant workers' rights abroad. There are gradually emerging policy initiatives on behalf of both sending and receiving countries to be able to protect migrant labour overseas.

In India, the Ministry of External Affairs has established the Indian Community Welfare Fund (ICWF) in the 43 Indian Missions across the world in countries that have a significant overseas Indian population. The ICWF provides “on site” welfare services including:

- Boarding and lodging for distressed overseas Indian workers in Household/domestic sectors and unskilled labourers;
- Extending emergency medical care to the overseas Indians in need;
- Providing air passage to stranded overseas Indians in need;
- Providing initial legal assistance to the overseas Indians in deserving cases;
- Expenditure on incidentals and for airlifting the mortal remains to India or local cremation/burial of the deceased overseas Indian in such cases where a sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost.<sup>[108]</sup>

The Sri Lanka Bureau for Foreign Employment set up by the Ministry for Foreign Employment, provides pre-departure services to migrant workers going overseas, as well as provides recruitment agencies with services to obtain and maintain licenses.<sup>[109]</sup> It also reports on its website the incidence of various types of complaints received from migrant workers.

In 2009, the Bulgarian labour inspectorate and the UK Gangmasters Licensing Authority (GLA) signed a cooperation agreement on regulating and monitoring contractors that provide Bulgarian seasonal workers to the United Kingdom, to prevent cases of illegal employment, provide good and fair living and working conditions, and guarantee fair pay. This agreement follows complaints from Bulgarian agricultural workers in the United Kingdom who experienced exploitative employment conditions in the United Kingdom.<sup>[110]</sup>

The Swiss Federal Council adopted the Private Household Employees Ordinance (PHEO) in 2011. The ordinance specifies the minimum standards with regard to wages and working conditions and requires that domestic workers be covered by health, accident, invalidity and pension insurance. It provides advice to prospective migrants in at least one of the six languages spoken in Switzerland. Prospective domestic employees are required to apply for a visa unaccompanied and in person, at the appropriate Swiss diplomatic mission where they receive information on Switzerland and on their rights and obligations. In addition to the visa requirement, domestic employees have to acquire a “legitimization card” which acts as the residence permit and has to be renewed annually in person. This procedure creates an opportunity for Swiss officials to form a rapport with the domestic workers, making it easier for the workers to report exploitation and at the same time making it easier for the Swiss authorities to remind the workers of their rights.<sup>[111]</sup>

107 For further best practice examples, see 100 Best Practices in the Protection of Migrant Workers; A Series of 100 best practices Volume II; The Protection Project/ Johns Hopkins University; 2013.

108 <http://www.mea.gov.in/icwf.htm>.

109 <http://www.slbfe.lk/>.

110 <http://www.slbfe.lk/>.

111 Abella et al, A Triple Win in Migration: Ensuring Migrant Workers' Rights to Protect All Workers, Asia-Europe Foundation/Fredrich Ebert Stiftung (2014).

In 2013, the Philippine Overseas Employment Administration (POEA) and the German Federal Employment Agency entered into an open-ended agreement on the employment of Filipino health professionals in Germany, which covered mutual responsibilities, working conditions, social security and accommodation, for Filipino health professionals. The agreement also included the possibility to exclude employers that violated the terms, as well as cooperation on improving practices over time and jointly studying labour issues. If through no fault of the Filipino health professional the employment contract is prematurely terminated, the German authorities are obliged to try and find a new position for them. The agreement explicitly states that administrative costs are to be borne by the organizations making the agreement, not by workers.<sup>[112]</sup>

The Philippines has moved one step further by incorporating labour migration within its national development plan.<sup>[113]</sup> In addition, the Government has also revised the Philippines Overseas Employment Administration (POEA) Rules and Regulations Governing the recruitment of Overseas Filipino workers in 2016. These regulations include safeguarding the rights of overseas Filipino workers, including women; securing equal opportunities for all overseas workers and providing reintegration support to returning workers.

One of the biggest hurdles however, in ensuring that the rights of all migrants are protected, all migrants can access rights, is the weak implementation of regional and international institutions and processes to support the protection and promotion of all migrants' rights. There are several international Conventions that have been drafted to ensure migrant rights, however many of them have still not been ratified by host countries. Those that have ratified them have been unable to show clear evidence of their utility towards particular situations. Gaps still remain in many areas particularly in basic rights such as shelter, health and education.

### **Box 5: Protection of rights for irregular migrants- gaps and obstacles**

There are clear provisions made in several European Union charters to provide basic rights for undocumented and irregular migrants. However, despite these legal provisions, many undocumented migrants can still not avail of these provisions due to local discrimination, fear of persecution and existing loopholes in the law. Four key rights and perceived gaps are as follows:

**Employment:** The right to fair working conditions, as stipulated in Article 31 of the EU Charter, entitles all workers, regardless of status, to minimum labour standards including compensation for work accidents, the right to sick leave and rest periods, along with the right to fair pay (provided for by Article 23.2 of the Charter).

**Gaps:** Formal exclusion from the labour market leads undocumented migrants to seek informal, undeclared work, putting them beyond the reach of standard safeguards and frequently making them victims of labour exploitation. Furthermore, lack of awareness of labour standards and the right to judicial redress, sometimes stemming from an absence of trade unions in certain sectors, such as domestic work, can pose obstacles. In addition, fear of expulsion, linked to intimidation by employers or mistrust of police, also hampers the reporting of violations.

**Healthcare:** Access to healthcare is stipulated in Article 35 of the EU Charter, while the International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates that every person has the right to the highest attainable standard of physical and mental health, obliging states to give access, at a minimum, to essential primary healthcare and primary and emergency medical care.

112 Abella et al; A Triple Win in Migration: Ensuring Migrant Workers' Rights to Protect All Workers, Asia-Europe Foundation/Fredrich Ebert Stiftung (2014).

113 Hickey et al; A Review of Internal and Regional Migration Policy in Southeast Asia, Working paper No. 8; Migrating out of poverty; University of Sussex, (September 2013).

**Gaps:** There are many differences between national legislations of EU member states in terms of access to healthcare for irregular migrants. For instance, Germany, Greece and Switzerland limit access to emergency care only. Lack of information on the right to healthcare is not only a problem among migrants themselves but also among medical practitioners and health providers. Certain EU countries lack clear regulations on access to healthcare for undocumented migrants, creating confusion at the level of implementation.

**Housing:** The right to an adequate standard of living includes (but is not limited to) adequate housing and is closely linked with the protection of other rights, such as that of human dignity (Article 1, EU Charter) and where families are implicated, the rights of the child (Article 24).

**Gaps:** Only a few member states grant explicit rights for undocumented families to access housing and undocumented migrants, including families with children, are generally not eligible for housing assistance due to the lack of a residence permit. Families also encounter several practical obstacles, including a chronic shortage of housing in several member states, made worse by discrimination in the allocation of social housing. Access to private housing is restricted by migrants' precarious financial position (and further impeded by national laws forbidding and in most cases, criminalizing the renting of private housing to irregular migrants). For instance, the assignation of houses to irregular migrants constitutes a criminal offence sanctioned with a fine and/or imprisonment in Italy, France, Germany, Greece, Denmark, Hungary, Romania, Czech Republic and Malta.

**Education:** The right to education, as stipulated in Article 14 of the EU Charter, together with a range of international protection instruments, obliges the provision of free and compulsory access to primary education and access to secondary education and to vocational training on an equal basis with nationals of the state concerned regardless of official status.

**Gaps:** Barriers are created by administrative difficulties associated with registering in national school systems. For instance some schools require a residence permit or other identification documents for enrolling pupils and schools in certain regions in Germany have been obliged to denounce undocumented migrants to the police. Even where there is no such duty on schools, fear of detection among parents can prevent them from registering children in education systems. Irregular migrants are also affected by practical barriers which stem from their position of economic and social marginalization, including a lack of assistance in covering school-related costs, linguistic problems and precarious living conditions which can interrupt schooling.

*Source: Carrera, Sergio and Parkin, Joanna; Protecting and Delivering Fundamental Rights of Irregular Migrants at Local and Regional Levels in the European Union; The Centre for European Policy Studies; European Union, 2011*

# 4 THE FUTURE OF HARMONIOUS SOCIETIES AND MIGRANT RIGHTS

Migration has many social and economic impacts on societies, however, in order to ensure that the full range of positive benefits of migration are enjoyed by migrants and host societies, there are certain considerations that must be kept in mind, as also illustrated by the practices and cases featured in this report.

## Roundtable 2.1: Migration, diversity and harmonious societies

- **Safe migration management:** In order to ensure the smooth flow of migrants, as well as their social and economic well-being, migration must be managed appropriately. Ensuring that migration is managed in a way that is safe, orderly, regular and responsible, depends not only on appropriately designed programs, but more importantly on real and extended inter-State cooperation and partnership. While fields such as trade and finance are governed by numerous binding regulations between States, there is no such system for dealing with migration. There are also a number of international multilateral institutions involved in the global migration, in particular the IOM and UNHCR, and many other non-governmental organizations. Coordinated efforts between these institutions in managing particular aspects of migration is critical for a well-organized effort, particularly in the case of irregular migrants and refugees.
- **Integration management:** Managing migration is an inter-State responsibility, but managing the process of integrating or promoting multi-culturalism (or in some cases, assimilating) migrants, is the responsibility of individual receiving states. As the featured cases have shown, integration can occur in different forms depending on the country context at hand. But it is also a long-term and constantly evolving phenomena, based on cultural experiences of incoming migrants. Integration also impacts differently on the types of migrants. For instance, regular migrants are perhaps less sensitive and more aware of the societal state of their host country and therefore more easily accepting of integration practices. Refugees on the other hand, may be more susceptible to discrimination and access to services and may require more support to integrate. Therefore, integration measures need to be designed specifically for different types of migrants and outcomes need to be assessed based on country and migrant context.
- **Stakeholder identification and involvement:** Strategies for international migration and integration management demand the participation of a whole range of stakeholders ranging from governments, bilateral and multilateral agencies, the private sector, civil society, academia, migrants themselves and diaspora associations, among others. Each stakeholder must be responsible for a particular element of the migration and/or integration process, even while some responsibilities may overlap. But knowing which stakeholder is key in which element of the migration and integration process, is vital in the implementation of such measures.
- **Accessing diaspora groups:** Overseas diaspora have been identified as one of the main stakeholders in bridging sending and receiving states and in creating peaceful co-existence between various diaspora in host countries. However, diaspora groups have only recently been tapped for their contributions and even then, mostly in the form of financial remittances. There is a great deal more that diaspora have to offer in terms of cultural ties, adaptive skills and knowledge transfer, as well as political activism and support for political change in home countries. As such, host governments need to be more inclusive of such groups particularly when planning integration policy and programming and benefit from the knowledge that diaspora have of their own community, both in host and sending countries.

## Roundtable 2.2: Human rights of migrants in all situations

- **Availability and collection of data:** The paucity of available and useable data on migration is one of the biggest bottlenecks in being able to prepare evidence-based policy. Given the enormity of the current situation, with growing numbers of migrants and refugees every year, specific information about migrant groups is still scarce. Even where data is available, it is scattered within different organizations. While data is being collected at the ground level in many countries as well, the co-habitation of various country and situational datasets is weak. If a global policy regime is to be considered, then this data must be easily accessible for all stakeholders and its collection must be mandated on a regular basis.
- **Awareness of migrant rights:** While every category of migrants may not be entitled to the same set of rights (for example, voting rights), all migrants are entitled to some rights. Therefore, it is very important receiving countries to have in place the ratification of global conventions on human rights of migrants, as well as their own national frameworks on allowing migrants, including refugees, with access to basic services such as shelter, health and education. More importantly, migrants themselves must be aware of their own rights. This points to the need for more accessible options for migrants, particularly refugees or trafficked persons, to be provided by receiving countries.
- **Tools for accountability:** One of the biggest gaps identified has been the inability of States to implement the norms and regulations of international conventions and agreements on migrant rights. Despite many having ratified such agreements, there are very few accountability mechanisms in place to monitor the implementation, or lack of, these stipulations. This leads to many issues being overlooked and a lack of standardization in global monitoring regimes. Moreover, monitoring and evaluation is itself a major gap in assessing the utility of these global conventions in various countries, which if rectified, could provide important evidence to convince other countries to ratify them.

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