

N° 25

International
Migration
Law

**Glossary
on
Migration**
2nd Edition



IOM International Organization for Migration

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Publisher: International Organization for Migration
17 route des Morillons
1211 Geneva 19
Switzerland
Tel: +41.22.717 91 11
Fax: +41.22.798 61 50
E-mail: hq@iom.int
Internet: <http://www.iom.int>

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Richard Perruchoud and Jillyanne Redpath-Cross, eds.



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FOREWORD TO THE SECOND EDITION

The inaugural edition of the IOM Glossary on Migration has been widely disseminated since its publication in English in 2004 and it has now been translated into Russian, Tajik, Arabic, Spanish, Slovenian, French, Albanian, Bosnian, Chinese, Turkish, Greek, Portuguese, Italian and Macedonian. The Glossary continues to meet its objectives in being a valuable tool for practitioners, government migration officials, students and others and has been effectively utilized in regional and international fora discussing migration issues. IOM is pleased with the positive response that it has generated; it has clearly met a need and there is ongoing demand for translations into other languages.

However, even at the time of its initial publication, we recognized that it was a first attempt, with room for improvement, revisions of definitions and additions of terms. In the Foreword to the 2004 edition, we alluded to the possibility of a subsequent, more complete, edition. We are pleased now to be able to introduce a second edition of the IOM Glossary on Migration which we consider to be more comprehensive and which takes into account invaluable input from users of the glossary. Great care has been taken in revising and adding definitions and an effort has been made to streamline definitions to ensure consistency with partner organizations who have, since IOM's publication, also issued glossaries on migration and related topics. Nevertheless, we consider the glossary to be a "living document" which will continue to need to be updated from time to time with the evolving nature of migration and, in this respect, we continue to welcome feedback from users.

It is IOM's hope that this improved edition will continue to move the international community toward a common language when discussing migration issues. Uniformity of usage of terms serves to greatly enhance research and statistics gathering, and the exchange of information between and among States. Mutual understanding of critical terms is therefore an important first step in achieving coordinated responses to the challenges of global migration.

As a final point, acknowledgement needs to be made of the dedication of IOM staff who have worked on this revision, and in this respect, we wish to thank our colleagues Shyla Vohra, Paola Pace, Cara Wulf, Anna Lillicrap and Ryszard Cholewinski for their contributions to this important work.

Richard Perruchoud
Jillyanne Redpath-Cross
Editors

FOREWORD TO THE FIRST EDITION

Migration is increasingly being acknowledged as an issue that needs a global approach and coordinated responses. States are not only discussing migration issues at the bilateral level, but also regionally and lately in global arenas. A commonly understood language is indispensable for such coordination and international cooperation to be successful. This glossary attempts to serve as a guide to the mire of terms and concepts in the migration field, in an effort to provide a useful tool to the furtherance of such international cooperation.

This glossary has been some time in the making. Informal drafts were prepared by IOM in the seventies and used by its staff. A renewed attempt to a consolidation was made in the late eighties by IOM technical cooperation centre in Vienna and its output was published in 2001 in the “Migration Handbook” edited by P. J. Van Krieken. In the context of IOM’s recent initiative to strengthen and enhance its involvement in the field of international migration law, the decision was taken to produce this glossary and to consolidate into one definitive text the terminology used in the migration field in order to provide a reliable reference for practitioners, government migration officials, students and others. The present product cannot be said to be exhaustive and any comments or suggestions for an eventual second, and more complete, edition will be welcome.

When compiling the glossary, it became quickly apparent that definitions in this field are often vague, controversial or contradictory. There is an absence of universally accepted definitions, which stems partially from the fact that migration is something which has traditionally only been addressed at the national level; the result is that the usage of migration terms varies from country to country. Further, even within a country, terms can vary as to the meaning or implication. Definitions – and this is true of all terminology, not only that related to migration – may vary according to a given perspective or approach. Migration is of concern to a number of bodies, including governments of both sending and receiving countries, police and border authorities, governmental and non-governmental organizations, migrants themselves. Where there are no universally accepted definitions, the potential exists for each group to decide, formally or informally, on its own definition, according to its perspective. By way of example there was a wide array of definitions for the term “trafficking”, which have only recently been consolidated with a definition being provided in a formal treaty at the international level; many other terms have not yet been internationally agreed upon. Within this glossary, care has been taken to provide the international definition where it exists; in other cases, a general definition is provided and mention made of alternative definitions.

Another challenge faced in this compilation was the variety of terms used to describe the same or similar phenomenon. For example, there may be nuances between the terms “illegal migration”, “clandestine migration”, “undocumented migration” and “irregular migration”; however, to a large extent they are used loosely and often interchangeably. To this end, some cross-referencing of terms has been inevitable in order to guide the reader to alternative or interchangeable terms.

Last but not least, I wish to express my gratitude and appreciation to Shyla Vohra, Jillyanne Redpath and Katarina Tomolova, my colleagues in Legal Services, who contributed to this endeavour and made it happen: their competence, smiling dedication and untiring efforts were instrumental in bringing the glossary to life.

Richard Perruchoud
Editor

A

- abduction** The act of leading someone away by force or fraudulent persuasion. When used in relation to child abduction, this term means the removal or retention of a child in breach of custody rights.
See also child exploitation, kidnapping, trafficking
- absconding** The action by which a person seeks to avoid legal proceedings by not surrendering to the custody of a court.
- accession** ““Ratification”, “acceptance”, “approval”, and “accession” mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty” (*Art. 2(1)(b), Vienna Convention on the Law of Treaties, 1969*).
See also ratification, reservation to a treaty, treaty
- accommodation centre** *See holding centre*
- accord** In a general sense, a meeting of the minds. In public international law, it is a term used synonymously with treaty or convention.
See also agreement, convention, covenant, instrument, treaty
- accredited State** State which receives a diplomatic agent.
See also accrediting State
- accrediting State** State which sends a diplomatic agent.
See also accredited State
- acculturation** A series of changes in cultural mores (ideas, words, values, norms, behaviour, institutions) resulting from direct and continuous contact between groups of different cultures, particularly through migratory movements or economic exchanges. Acculturation can occur when one group adopts the traits of the dominant culture of a society in public life while keeping its own culture in the private sphere. Acculturation may also result in the creation of a new culture, one that synthesizes elements of the two original cultures.
See also assimilation, culture, integration

acquisition of nationality	<p>Obtaining the nationality of a State by a person who is a non-national by birth, whether on the person's application, following from a change in personal status, or as the result of the ceding of territory from one State to another.</p> <p><i>See also denationalization, loss of nationality, nationality</i></p>
adjudication	<p>In the migration context, a decision as to whether an applicant is qualified for the visa, refugee status, or other immigration status he or she seeks.</p>
adjudicator	<p>In the migration context, an individual who is authorized by law to make decisions as to whether an applicant is qualified for the visa, refugee status, or other immigration status he or she seeks.</p> <p><i>See also interview</i></p>
adjustment of status	<p><i>See change of status</i></p>
administrative detention	<p>A measure to deprive a person of his or her liberty taken by the competent administrative authority of a State. Legislation in many countries foresees the placement in administrative detention of migrants in an irregular situation, either on their arrival in the territory, or with a view to their expulsion.</p> <p><i>See also detention, migrant in an irregular situation</i></p>
admission	<p>The granting of entry into a State. A non-national has been 'admitted' if he or she passed through a checkpoint (air, land or sea) and is permitted to enter by border officials. A non-national who has entered clandestinely is not considered to have been admitted.</p> <p><i>See also border officials, checkpoint, entry, non-admission</i></p>
adoption	<p>The statutory process of terminating legal rights and duties between the child and the natural parents, and substituting similar rights and duties between the child and the adoptive parents.</p> <p>In public international law, the term is used to refer to the formal act by which negotiating parties establish the form and content of a treaty. The treaty is adopted through a specific act expressing the will of the States and the international organizations participating in the negotiation of that treaty, e.g., by voting on the text, initialling, signing, etc. Adoption may also be the</p>

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- mechanism used to establish the form and content of amendments to a treaty, or regulations under a treaty.
See also child adoption (international)
- affidavit (of support)** A certified legal document, containing written testimony given under oath before a competent authority. In the migration context, an affidavit is normally signed by a sponsor, guaranteeing full cost of maintenance of a migrant to enable entry to be granted into the country, frequently required for elderly migrants and those who are ill and unable to fend for themselves.
See also guarantee, sponsorship
- agreement** A mutual understanding (written or unwritten) between two or more parties intended to have a legally binding character.
See also accord, convention, covenant, instrument, treaty
- alien** A person who is not a national of a given State.
See also foreigner, non-national, undocumented migrant
- alternatives to immigration detention** Measures that can and have been applied by States to migrants and asylum-seekers on their territories where some form of control is deemed necessary: these can range from non-custodial community-based and casework-oriented models to more restrictive options such as directed residence in semi-open centres. Alternative measures should be explored before recourse to detention is considered.
- amnesty** A general pardon, “regularization” or “legalization” that is extended to people who can show residence in a country for which the amnesty is granted, despite the fact that such residence was unauthorized.
See also legalization, regularization
- ancestry-based settlers** Foreigners admitted to a country other than their own because of their historical, ethnic or other ties with that country, who, by virtue of those ties, are immediately granted the right of long-term residence in that country or who, having the right to nationality in that country, become nationals within a short period after admission.
See also foreigner, national, nationality, non-national, permanent settlers

- appeal** A procedure undertaken to review a decision by bringing it to a higher authority; often the submission of a lower court's or agency's decision to a higher court for review and possible reversal.
See also judicial review
- applicant** In the migration context, a person who formally requests government or legal action, such as the granting of refugee status, a visa or work permit.
See also bona fide, bona fide applicant, refugee, visa, withdrawal of an application, work permit
- application** In the migration context, a request (usually written) submitted to the government by an individual or organization seeking governmental or legal action.
See also claim
- arbitrary** In an unreasonable manner, related to the concepts of injustice, unpredictability, unreasonableness and capriciousness.
- armed conflict** “All cases of declared war or of any other armed conflict which may arise between two or more...[States], even if the state of war is not recognized by one of them” (*Art. 2, Geneva Conventions I-IV, 1949*). “An armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state” (*Prosecutor v. Dusko Tadic, No. IT-94-I-AR 72, International Criminal Tribunal for the Former Yugoslavia Appeals Chamber*).
See also law of armed conflict (international)
- arrival/departure card** A card which is filled out by an individual prior to or upon arrival in the country of destination and presented (along with passport and, if requested, a visa) to officials at the border checkpoint. In some States, border officials collect the card upon entry, while in other States, the card or portion of it is returned to the traveller and must be presented upon departure from the State. International standards for such cards are defined by the International Civil Aviation Organization (ICAO) in *Annex 9, Convention on International Civil Aviation, 1944*.
See also checkpoint, identity documents, passport, visa

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- assets forfeiture** The taking of property by the government due to its, or its owner's, involvement in criminal activity, such as the impounding of a vehicle used for smuggling or trafficking human beings into a State.
See also smuggling, trafficking in persons
- assimilation** Adaptation of one ethnic or social group – usually a minority – to another. Assimilation involves the subsuming of language, traditions, values, mores and behaviour or even fundamental vital interests. Although the traditional cultural practices of the group are unlikely to be completely abandoned, on the whole assimilation will lead one group to be socially indistinguishable from other members of the society. Assimilation is the most extreme form of acculturation.
See also acculturation, culture, inclusion, integration
- assisted migration** The movement of migrants accomplished with the assistance of a government, governments or an international organization, as opposed to spontaneous, unaided migration.
See also assisted voluntary return, spontaneous migration, spontaneous return
- assisted voluntary return*** Administrative, logistical, financial and reintegration support to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.
See also repatriation, return, spontaneous migration, spontaneous return, voluntary repatriation, voluntary return
- asylum** A form of protection given by a State on its territory based on the principle of *non-refoulement* and internationally or nationally recognized refugee rights. It is granted to a person who is unable to seek protection in his or her country of nationality and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.
See also asylum-seeker, right of asylum, non-refoulement, refugee status determination, State of refuge

asylum (diplomatic)

The refuge which States may grant beyond the boundaries of their territory, in places which are granted immunity from jurisdiction, to an individual seeking protection from the authority who persecutes or claims him or her. Diplomatic asylum may be granted at diplomatic missions and the private residences of the heads of mission, warships or aircrafts, but not in the premises of international organizations, nor consulates. There is no right of an individual to obtain diplomatic asylum, nor an obligation of a State to grant it. *See also asylum (territorial), asylum-seeker, non-refoulement, right of asylum*

asylum (territorial)

Protection granted by a State to a non-national on its own territory against the exercise of jurisdiction by the state of origin, based on the principle of *non-refoulement*, leading to the enjoyment of certain internationally recognized rights. *See also asylum (diplomatic), asylum-seeker, non-refoulement, right of asylum, State of refuge*

asylum-seeker

A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds. *See also application, non-national, refugee, right of asylum*

B

best (effective) practices

Means to further the application of existing norms and principles, both at the international and the national levels. Best practices may be translated into operational directives, codes of conduct or other manifestations of soft law, but should not lead to a weakening or erosion of positive law. They are characterized by: being innovative, developing creative solutions; showing a positive impact on the level of implementation of the human rights of migrants; having a sustainable effect, especially by involving migrants themselves; and having the potential for replication.

See also capacity building, regional consultative processes, soft law, technical cooperation

bilateral

Involving two parties or two States.

See also extradition, multilateral, treaty

bilateral labour migration agreements

Formal mechanisms concluded between States, which are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc.

See also bilateral, labour migration, treaty

biometrics

The study of measurable biological characteristics. “Biometric identifiers” (BIs) are pieces of information that encode a representation of a person’s unique biological make up (e.g. fingerprints, retinal scans or voice scans). Some governments have introduced the use of biometrics as an improved security measure in issuing passports, visas or residence permits.

See also lookout system, passport, visa

birth certificate

An original document, usually issued under governmental or religious authority, stating, *inter alia*, when and where an individual was born.

See also identity document

- bona fide** “In good faith”; made without fraud or deceit; sincere, genuine. In public international law, it connotes a duty on the part of subjects of international law to honour their international obligations. This includes executing treaties in such a way as not to deprive them of their substance, interpreting treaties in the spirit in which they were written, prohibition on abuse of the law, and prohibition on perfidy in the international law of armed conflict.
See also bona fide applicant, good faith, legitimate, mala fide
- bona fide applicant** In the migration context, a person who genuinely intends to enter the State for a lawful purpose, and who, in the opinion of a consular or immigration officer, is not likely to remain unlawfully and is not likely to breach the conditions of entry.
See also applicant, bona fide, burden of proof
- bond** In the migration context, a monetary sum collected by the State as an assurance that a non-national will take some required action, usually leaving the State. Departure bonds might be collected upon visa issuance or entry. Funds held as a bond are typically refunded upon proof of departure, such as when the person visits the State’s consulate in his or her home country. Bonds may also be paid in order to be released from detention.
See also guarantee
- bondage** The state of being under the control of another person.
See also bonded labour, debt bondage
- bonded labour** Service rendered by a worker under condition of bondage arising from economic considerations, notably indebtedness through a loan or an advance. Where debt is the root cause of bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid.
See also bondage, debt bondage, migrant worker, trafficking
- border** A line separating land territory or maritime zones of two States or subparts of States. It can also refer to a region that is found at the margin of settled and developed territory.
See also green border

border control	<p>A State's regulation of the entry and departure of persons to and from its territory, in exercise of its sovereignty, whether this is conducted at the physical border or outside of the territory in an embassy or consulate.</p> <p><i>See also border management, border officials, checkpoint, sovereignty</i></p>
border crossing	<p>The physical act of crossing a border either at an established check point or elsewhere along the border.</p> <p><i>See also border, border control, border officials, checkpoint</i></p>
border management	<p>Facilitation of authorized flows of persons, including business people, tourists, migrants and refugees, across a border and the detection and prevention of irregular entry of non-nationals into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.</p> <p><i>See also border control, carrier liability law, sovereignty</i></p>
border officials	<p>A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed 'border guards', 'border police' or 'aliens police'.</p> <p><i>See also admission, border control, border management, checkpoint, non-admission</i></p>
boundary	<p><i>See border</i></p>
brain drain*	<p>Emigration of trained and talented individuals from the country of origin to another country resulting in a depletion of skills resources in the former.</p> <p><i>See also brain gain, emigration, qualified national, reverse brain drain</i></p>
brain gain*	<p>Immigration of trained and talented individuals into the destination country. Also called "reverse brain drain".</p> <p><i>See also brain drain, immigration, reintegration (economic)</i></p>

burden of proof

A party's duty to prove a disputed assertion or charge. In the migration context, a non-national seeking entry into a foreign State generally bears the burden of proof; that is, the non-national must prove that he or she is entitled to enter and not inadmissible under the laws of the State.

In the context of refugee status procedures the applicant must establish his or her case; i.e. to show on the evidence that he or she has a well-founded fear of persecution.

See also bona fide applicant

business migrant

A person who is granted entry for a limited term to take up a pre-nominated position with approved national sponsor-employer, generally in a professional or managerial capacity.

business visitor

A person who is granted entry under a business visa or for the purposes of conducting business.

C

- capacity building** Building capacity of governments and civil society by increasing their knowledge and enhancing their skills. Capacity building can take the form of substantive direct project design and implementation with a partner government, training opportunities, or in other circumstances facilitation of a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally acceptable benchmarks of management practices.
See also best (effective) practices, technical cooperation
- carbon dioxide sensors** Equipment (either stationary or portable) used to determine whether carbon dioxide is present in a closed container, such as a railway car or the back of a truck. Such sensors are used to determine whether persons are being moved clandestinely across a border.
See also sensors
- carrier** ‘Carrier’ in relation to conveyance means the owner or charterer of the conveyance. A carrier usually refers to an airline, bus or rail company, or cruise line. Under the laws of some States, the term includes any owner of a means of conveyance, which carries a person onto its territory.
See also conveyance, transportation
- carrier liability law** In the migration context, a law imposing a series of administrative or penal sanctions, including fines or other penalties, upon carriers who bring in to the territory of a State persons who do not have valid entry documents.
See also border management, passenger, traveller
- certificate of identity** A document (other than a passport) issued by a government to an individual in order to facilitate his or her entry into or exit from the country.
See also temporary travel documents, travel documents, travel documents (Convention), visa

- cessation clauses** Legal provisions in an instrument that set out the conditions under which refugee status comes to an end because it is no longer needed, such as in *Art. 1(c), 1951 Convention Relating to the Status of Refugees* and *Art. 1(4), 1969 Organization for African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa*.
See also exclusion clauses
- change/switching of status** Procedure whereby a non-national present in a State may seek a different immigration status. For example, provision may be made by law by which a non-national holding a student visa, on completion of studies, is able to seek a change of status so that his or her student visa is replaced by a work visa.
See also immigration status, non-national, visa
- checkpoint** A location (on the land border or at an airport or seaport) where persons are stopped by border officials for inspection and clearance, in order to enter the State.
See also arrival/departure card, border, border control, border crossing, border officials
- child** An individual being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier (*Art. 1, UN Convention on the Rights of the Child, 1989*).
See also minor, separated children, unaccompanied children
- child adoption (international)** Adoption of a child from a foreign country, implying the relocation of the child from his or her country of origin to the country of the adoptive family.
See also adoption
- child exploitation** According to the *Convention on the Rights of the Child, 1989* and the *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999*, child exploitation includes: economic exploitation (any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development), sexual exploitation (sexual abuse, prostitution, child's pornography) and abduction of, sale of or trafficking in children, or any other forms of child exploitation.
See also abduction, child labour, exploitation, kidnaping, trafficking, worst forms of child labour

- child labour** Any work performed by a child which deprives him or her of his or her childhood, potential, and dignity, is detrimental to his or her health, education, physical, mental, spiritual, moral or social development. (See *Convention on the Rights of the Child, 1989*).
See also child exploitation, slavery, worst forms of child labour
- circular migration** The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.
See also labour migration
- citizen** *See national*
- citizenship** *See nationality*
- civil and political rights** Commonly used to describe the various rights contained in the *International Covenant on Civil and Political Rights, 1966* (e.g. right of self-determination; of free disposition of natural wealth and resources; of non-discrimination; of equal rights of men and women; right to life; freedom from torture, cruel, inhuman or degrading treatment or punishment; of freedom from slavery and servitude; of freedom from arbitrary arrest or detention; of freedom of movement within a State; right to liberty and security of the person; equality before the courts; right to a fair and public hearing by an impartial tribunal in respect of criminal charges; prohibition of retroactive criminal liability; right of privacy of the family, the home or correspondence; freedom of thought, conscience and religion; freedom of expression; right to peaceful assembly; freedom of association and of participation in public affairs).
See also economic, social and cultural rights, human rights, derogation, non-derogable human rights
- civil detainees** In the law of international armed conflict, protected persons, or, occasionally, neutral civilians placed in detention by a State party to the conflict for imperative reasons of security.
See also law of armed conflict (international), protected persons

- claim** An assertion made to a government agency or court seeking an action or determination of a right or benefit, such as refugee status, or the right to compensation or legal redress in civil proceedings.
See also application
- clandestine migration** Secret or concealed migration in breach of immigration requirements. It can occur when a non-national breaches the entry regulations of a country; or having entered a country legally overstays in breach of immigration regulations. The generic term “irregular migration” should preferably be used.
See also documented migrant, illegal entry, irregular migrant, irregular migration, regular migration, undocumented migrant
- climate refugee** *See environmental migrant, environmentally displaced person*
- coercion** Compulsion, whether legitimate or not, by physical force or threat thereof. Coercion may also be economic in nature, where one uses his or her control over a particular resource to influence the behaviour of another.
See also forced/compulsory labour, forced migration
- complementary protection*** Formal permission, under national law or practice, to reside in a country, extended by that country to persons who are in need of international protection even though they do not qualify for *1951 Convention* refugee status.
See also protection
- constitution** The fundamental and organic law of a State, establishing the conception, character, and organization of its government, as well as prescribing the extent of its sovereign power and the manner of its exercise. In public international law, it denotes a treaty establishing an international organization and defining its mandate and functioning.
- consular functions** Consists of the protection of the interests of the sending State and of its nationals in the receiving State; furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State (*See Art. 5, Vienna Convention on Consular Relations, 1963*).
See also consular officers, consular protection

- consular officers** Government officials representing the State abroad in visa and residency issues. *Art. 1(d), Vienna Convention on Consular Relations, 1963* provides that a consular officer is “any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions”.
See also consular functions, consular protection
- consular protection** Consular functions aiming at helping nationals abroad, including assisting in the protection of their rights and interests before local courts. In particular, protection extended to migrants arrested or committed to prison or custody pending trial or detained in any other manner; such migrants must be informed without delay of the right to communicate with consular authorities.
See also consular function, consular officers, consular registration
- consular registration** Inscription in a consular register of a national of that State’s principal details (identity, family situation, place of residence, etc.). The object of consular registration is to facilitate the action of the consular mission, particularly the exercise of consular protection.
See also consular function, consular protection
- (pre-) consular support services** Services that assist governments and migrants in facilitating visa applications prior to the submission of the application. They may include: assistance in completing visa application forms; assistance in compiling supporting documentation for the visa application; verification of legal, educational and employment-related papers; translation of documents.
- contiguous zone** A maritime area adjoining the territorial sea of a coastal State. In its contiguous zone, a State may exercise the necessary control to (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea and (b) punish infringement of the above laws and regulations committed within its territory or territorial sea. (*Art. 33 United Nations Convention on the Law of the Sea, 1982*).
See also high seas, territorial sea

contractual labour	Labour supplied for a specific purpose over a fixed period of time by a contractor.
convention	<i>See treaty</i>
conveyance	Any form of aircraft, ship, train, automobile or other vehicle or vessel capable of being used to transport a person to or from a State. <i>See also carrier; transportation</i>
country of destination	The country that is a destination for migratory flows (regular or irregular). <i>See also host country, receiving country, third country</i>
country of habitual/ usual residence	The country in which a person lives, that is to say, the country in which he or she has a place to live where he or she normally spends the daily period of rest. Temporary travel abroad for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage does not change a person's country of usual residence. <i>See also habitual/usual residence, residence</i>
country of origin	The country that is a source of migratory flows (regular or irregular). <i>See also safe country of origin, sending country, source country, State of origin, third country</i>
country of transit	The country through which migratory flows (regular or irregular) move. <i>See also State of transit, transit</i>
covenant	<i>See treaty</i>
credibility assessment	Step taken in adjudicating an application for a visa, or other immigration status, in order to determine whether the information presented by the applicant is consistent and credible.
crime, international	Act that qualifies as a penal infraction under a norm of international law. There is no precise definition of international crimes, but international law generally recognizes the following as international crimes: crimes against humanity; war crimes; genocide; apartheid; terrorism; slavery and other forms of cruel,

inhuman and degrading treatment; trafficking of drugs; piracy; trafficking or smuggling of persons; the taking of hostages, etc. Every State has a duty to prosecute or extradite individuals responsible for the commission of those crimes; individual responsibility for those crimes is also enforceable at the international level (International Criminal Court, International Criminal Tribunals for the Former Yugoslavia and Rwanda).
See also crimes against humanity, genocide, terrorism, torture, universal jurisdiction, war crimes

crimes against humanity

As identified in *Art. 7 of the Rome Statute of the International Criminal Court, 1998*, crimes against humanity are crimes “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” The crimes contemplated under this definition include murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collective on political, racial, national, ethnic, cultural, religious, gender (as defined in paragraph 3 of *Art. 7*), or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons; the crime of apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
See also crime, international, genocide, terrorism, universal jurisdiction, war crimes

crimes against peace

Acts including the planning, preparing, initiating, or waging of a war of aggression or a war that is in violation of international treaties, agreements or assurances.
See also crime, international, crimes against humanity, war crimes

cross-border migration

A process of movement of persons across international borders.

- cultural orientation** Training courses provided to migrants that seek to impart knowledge of the host country, and may include its history, geography, language.
See also culture, integration
- culture** Term used to describe the symbolic organization of a social group, the values that the group chooses for itself in its relations with other groups. It may also refer to the aggregation of customs, beliefs, language, ideas, aesthetic tastes, technical knowledge, value systems and lifestyles.
See also acculturation, cultural orientation
- custody** Responsibility for the care and control of an individual. A court might assign custody of a minor to a relative or other guardian. In the migration context, a person who is detained by authorities is ‘in custody’.
See also administrative detention, detention
- customary law, international** A source of international law. The two criteria for a norm to be recognized as “customary law” are state practice and *opinio juris* (the concept that the practice is required by or consistent with the prevailing law).
See also general principles of international law, international law (public), subject of international law

D

- data protection** The systematic application of a set of institutional, technical and physical safeguards that preserve the right to privacy with respect to the collection, storage, use and disclosure of personal data.
See also data subjects, personal data
- data subjects** Individuals that can be directly or indirectly identified by the reference to a specific factor or factors. Such factors may include a name, an identification number, material circumstances and physical, mental, cultural, and economic or social characteristics.
See also data protection, personal data
- de facto** Existing as a matter of fact; having effect even though not formally or legally recognized.
See also de jure
- de facto partner** A union existing as a matter of fact. A growing number of States recognize not only spouses, but also certain relationships between unmarried adults, for purposes of granting permanent residence or other immigration status. Examples of “de facto partners” include partners in a heterosexual or same-sex relationship who have been living together in a genuine and stable relationship for a defined period of time.
See also dependant
- de facto protection** Protection granted as a consequence or effect of the implementation of the purpose of an organization.
See also protection
- de facto refugees** Persons not recognized as refugees within the meaning of the *UN Convention Relating to the Status of Refugees, 1951* and *Protocol Relating to the Status of Refugees, 1967*, and who are unable or, for reasons recognized as valid, unwilling to return to the country of their nationality or, if they have no nationality, to the country of their habitual residence.
See also displaced person, externally displaced persons, internally displaced persons, refugee

de facto statelessness	<p>Situation of individuals who possess the nationality of a State but, having left the State, enjoy no protection by it, either because they decline to claim such protection or because the State refuses to protect them. De facto statelessness is a term often connected with asylum-seekers and recognized refugees.</p> <p><i>See also nationality, statelessness</i></p>
de jure	<p>Existing by right or as a matter of law.</p> <p><i>See also de facto</i></p>
debt bondage	<p>The status or condition arising from a pledge by a debtor of his or her personal service or those of a person under his or her control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined (<i>Art. 1(a), UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Abolition of Practices Similar to Slavery, 1956</i>).</p> <p><i>See also bondage, bonded labour, exploitation, servitude, slavery, trafficking, worst forms of child labour</i></p>
deception	<p>In the migration context, this term not only refers to false or wrong information, but also to the intentional abuse of capitalizing on the lack of information available to the migrant.</p> <p><i>See also fraud, fraudulent document, trafficking in persons</i></p>
defendant	<p>A person sued in a civil proceeding or accused in a criminal proceeding.</p>
demography	<p>The study of human populations, especially with reference to size and density, distribution and vital statistics.</p>
denationalization	<p><i>See loss of nationality</i></p>
dependant	<p>In general use, one who relies on another for support. In the migration context, a spouse and minor children are generally considered ‘dependants’, even if the spouse is not financially dependent.</p> <p><i>See also child, de facto partner, derivative applicant, members of the family, minor</i></p>

deportation*	The act of a State in the exercise of its sovereignty in removing a non-national from its territory to his or her country of origin or third state after refusal of admission or termination of permission to remain. <i>See also expulsion, refoulement, removal</i>
deportation order	An administrative or judicial decision or act ordering a removal. <i>See also deportation, expulsion</i>
derivative applicant	A person, typically a spouse or minor child, who might receive immigration status on the basis of another's application. <i>See also child, de facto partner, dependant, members of the family, minor, principal applicant</i>
derogation	Restriction or suspension of rights in certain defined situations. For example, the <i>International Covenant on Civil and Political Rights, 1966</i> permits a State to derogate from certain obligations under the Covenant "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed". States Parties to the Covenant "may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." Derogation also refers to the partial repeal or abrogation of a law by a subsequent act that limits its scope or impairs its utility and force. <i>See also human rights, non-derogable human rights</i>
detainee	A person held in detention. <i>See also detention</i>
detention*	Restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority. There are two types of detention: criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of countries, irregular

migrants are subject to administrative detention, as they have violated immigration laws and regulations that are not considered to be crimes. In many States, a non-national may also be administratively detained pending a decision on refugee status or on admission to or removal from the State.

See also administrative detention, custody, detainee

determination

See adjudication

development

The United Nations Development Programme (UNDP) defines development as the process of “creating an environment in which people can develop their full potential and lead productive, creative lives in accordance with their needs and interests...[and] expanding the choices people have to lead lives that they value”. This definition marks a shift away from the strict emphasis on economic development measured by growth or income indicators and encompasses the human dimension of the process.

diasporas

Diasporas are broadly defined as individuals and members or networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second-/third-generation migrants.

See also exodus, qualified national

diplomatic asylum

See asylum (diplomatic)

diplomatic protection

“An elementary principle of international law that a State is entitled to protect its subjects, when injured by acts contrary to international law committed by another State, from whom they have been unable to obtain satisfaction through the ordinary channels. By taking up the case of one of its subjects and by resorting to diplomatic action or international judicial proceedings on his behalf, a State is in reality asserting its own rights - its right to ensure, in the person of its subjects, respect for the rules of international law” (*Mavrommatis Palestine Concession Case (Jurisdiction)*, P.C.I.J.1924 at I).

See also international law (public)

- discrimination** A failure to treat all persons equally where no objective and reasonable distinction can be found between those favoured and those not favoured. Discrimination is prohibited in respect of “race, sex, language or religion” (*Art. 1(3), UN Charter, 1945*) or “of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (*Art. 2, Universal Declaration of Human Rights, 1948*).
See also non-discrimination, persecution, racial discrimination, racism, xenophobia
- discretion** A public official’s power or right to act in certain circumstances according to personal judgment and conscience, often in an official or representative capacity.
- displacement** A forced removal of a person from his or her home or country, often due to armed conflict or natural disasters.
See also displaced person
- displaced person** A person who flees his or her State or community due to fear or dangers for reasons other than those which would make him or her a refugee. A displaced person is often forced to flee because of internal conflict or natural or man-made disasters.
See also de facto refugees, environmentally displaced person, externally displaced persons, forced displacement, internally displaced persons, refugee
- documented migrant** A migrant who entered a country lawfully and remains in the country in accordance with his or her admission criteria.
See also documented migrant worker, migrant worker, irregular migrant, undocumented migrant, undocumented migrant workers/migrant workers in an irregular situation
- documented migrant worker** A migrant worker or members of his or her family authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party (*Art. 5(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

See also documented migrant, migrant worker, undocumented migrant, undocumented migrant workers/migrant workers in an irregular situation

domicile

The place at which a person is physically present and that the person regards as home; a person's true, fixed, principal, and permanent home, to which that person intends to return and remain even though currently residing elsewhere.

See also habitual/usual residence, residence

dual/multiple nationality

Simultaneous possession of the nationality of two or more countries by the same person.

See also nationality

Dublin II Regulation

Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 50/1), named "Dublin II," which replaces the provisions in the *Dublin Convention* (Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990). Under the Dublin II Regulation, Member States have to assess, on the basis of objective and hierarchical criteria, which Member State is responsible for examining an asylum application lodged on its territory. The system is designed to prevent "asylum shopping" (where an asylum-seeker submits several requests for asylum in various States) and at the same time to ensure that each asylum applicant's case is processed by only one Member State.

See also asylum (territorial), asylum-seekers, right of asylum, refugee, refugees in orbit, Schengen Agreement

due process

The conduct of legal proceedings according to generally accepted rules and principles providing for the protection and enforcement of private rights, including notice and the right to a fair hearing before the court or administrative agency with the power to decide the case.

See also fair trial

durable solution*

Any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to lead normal lives. Traditionally this involves voluntary repatriation, local integration or resettlement.

See also integration, refugee (recognized), repatriation, resettlement, voluntary repatriation

E

economic migrant*

A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life. This term is often loosely used to distinguish from refugees fleeing persecution, and is also similarly used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without *bona fide* cause. It may equally be applied to persons leaving their country of origin for the purpose of employment.

See also frontier worker, migrant worker, seasonal worker

economic, social, and cultural rights

Rights aiming, according to principles of equality and non-discrimination, to ensure the provision of adequate economic, social, cultural, material and intellectual welfare of persons. The effective implementation of economic, social and cultural rights often requires the active intervention of the State. In public international law, these rights are enumerated in the *International Covenant on Economic, Social and Cultural Rights, 1966*: right to work; to just and favourable working conditions; to form and join a trade union; to strike; to social security; to protection of the family; to an adequate standard of living; to housing; to health; to education.

See also civil and political rights, human rights

emigrant

A person undertaking an emigration.

See also emigration, immigrant

emigration

The act of departing or exiting from one State with a view to settling in another.

See also brain drain, immigration, re-emigration, right to leave

empowerment

A process that allows human beings to take greater control over the decisions, assets, policies, processes and institutions that affect their lives. It aims at developing the capabilities of individuals and communities to make informed choices and act on their own behalf. This implies a bottom-up approach,

- in contrast with protection which often implies a top-down approach.
See also human security, protection
- entry** Any entrance of a non-national into a foreign country, whether voluntary or involuntary, authorized or unauthorized.
See also admission, non-admission
- entry ban** An administrative or judicial decision preventing entry into and stay in the territory of the State of issuance, for a specified period.
- entry into force** The moment at which all provisions of a treaty are legally binding on its parties. According to *Art. 24, Vienna Convention on the Law of Treaties, 1969*, the entry into force of a treaty takes place in such a manner and on such date as the treaty may provide or the negotiating States agree, or, failing any such provision or agreement, as soon as all the negotiating States have consented to be bound. Where a State joins the circle of parties after a treaty has already come into force, unless the treaty otherwise provides, it enters into force for that State on that date. Provisional application may be allowed by the terms of a treaty, for example, in commodity agreements, or when a number of parties to a treaty that has not yet entered into force decide to apply the treaty as if it had entered into force. (*Art. 25(1), Vienna Convention on the Law of Treaties, 1969*).
See also treaty
- entry stamp** A mark made by a border official in a person's travel document stating the date and place at which that person entered the State.
See also exit stamp
- environmental migrant** Environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move within their country or abroad.
See also environmentally displaced person

environmentally displaced person	Persons who are displaced within their country of habitual residence or who have crossed an international border and for whom environmental degradation, deterioration or destruction is a major cause of their displacement, although not necessarily the sole one. This term is used as a less controversial alternative to environmental refugee or climate refugee that have no legal basis or <i>raison d'être</i> in international law, to refer to a category of environmental migrants whose movement is of a clearly forced nature. <i>See also environmental migrant</i>
exclusion	The formal denial of a non-national's admission into a State. In some States, border officials or other authorities have the power to exclude non-nationals; in other States, exclusion is ordered by an immigration judge after a hearing.
exclusion clauses	Legal provisions that deny the benefits of international refugee protection to persons who would otherwise satisfy the criteria of refugee status. In the <i>1951 Refugee Convention</i> , the exclusion clauses are found in Article 1D, 1E and 1F. <i>See also cessation clauses, war crimes</i>
exit stamp	A mark made by a border official in a person's travel document stating the date and place at which that person left the territory of the State. <i>See also entry stamp</i>
exit visa	Visa issued for individuals with expired visas who need to extend them before leaving the country. Some countries also refer to this as a "bridging visa". <i>See also visa</i>
exodus	Movements in groups (isolated and sporadic) out of the country of origin. Mass exodus is a movement in large numbers or of a section of the community at a given time.
expatriate	One who lives in a foreign country. <i>See also expatriation, loss of nationality</i>
expatriation	A person who voluntarily withdraws (him/herself) from residence in or allegiance to one's native country; who leaves his or her home country to live elsewhere. If done with the intention to change allegiance from one

country to another, an absolute termination is effected of all civil and political rights as of the date of such act.

See also expatriate, loss of nationality

exploitation

The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

See also bonded labour, child exploitation, debt bondage, forced labour, servitude, slavery, trafficker (human), trafficking in persons

expulsion

An act by an authority of the State with the intention and with the effect of securing the removal of a person or persons (non-nationals or stateless persons) against his or her will from the territory of that State.

See also deportation, expulsion en masse, expulsion order, refoulement, removal

expulsion en masse

Also called mass expulsion; massive, collective expulsion. Collective expulsion of non-nationals is prohibited by several instruments of international law (*Art. 4, Protocol 4 of the European Convention on Human Rights, 1950; Art. 12-5, African Charter on Human and People's Rights, 1981; Art. 22-9, American Convention on Human Rights, 1969*). According to the European Court of Human Rights, collective expulsion is any measure compelling non-nationals, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual non-national of the group (*Andric v. Sweden, No. 45917/99, 23 February 1999* and *Čonka v. Belgium, No. 51564/99, 5 February 2002 at para. 59*). Mass expulsion may also occur when members of an ethnic group are sent out of a State regardless of nationality.

See also expulsion, expulsion order

expulsion order

The judicial or administrative order of a State obliging a non-national to leave its national territory.

See also deportation, expulsion, expulsion en masse, refoulement

- extension** The continuation of a visa or immigration status beyond the original period of validity.
- externally displaced persons** Persons who have fled their country due to persecution, generalized violence, armed conflict situations or other man-made disasters. These individuals often flee en masse. Sometimes they are also referred to as ‘de facto refugees’.
See also de facto refugees, displaced person, internally displaced persons, uprooted people
- extradition** The formal surrender by one State to another of an individual accused or convicted of an offence outside its territory and within the jurisdiction of the other, for the purpose of trial and punishment. The process of extradition is usually based on a combination of national legislation, bilateral treaties, and in some cases multilateral conventions (e.g. European Convention on Extradition, 1957).
See also refoulement

F

- facilitated migration** Fostering or encouraging of regular migration by making travel easier and more convenient. This may take the form of a streamlined visa application process, or efficient and well-staffed passenger inspection procedures.
- fair trial** A trial by a court or tribunal following both institutional rules (requiring an impartial and disinterested tribunal established by law) and procedural rights (i.e., to confrontation, to a public trial, to a prompt trial, to avoid self-incrimination in a criminal case, to have the decisions published, and to avoid double jeopardy). Under the law, everyone is entitled to a fair trial.
See also due process, judgment
- family members** *See members of the family*
- family migration** A general concept covering family reunification and the migration of a family unit as a whole.
See also family reunification/reunion, family unity, right to, members of the family
- family reunification/reunion** Process whereby family members separated through forced or voluntary migration regroup in a country other than the one of their origin.
See also dependants, family migration, family unity, right to
- family unity, right to** A family's right to live together and, as a fundamental unit of a society, to receive respect, protection, assistance and support. This right is not limited to nationals living in their own State and is protected by international law (e.g. *Art. 16, Universal Declaration of Human Rights, 1948; Art. 8, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; Art. 16, European Social Charter, 1961; Art. 16, European Social Charter (revised), 1996; Arts. 17 and 23, International Covenant on Civil and Political Rights, 1966; Art. 1, International Covenant on Economic, Social and Cultural Rights, 1966; Art. 17, American Convention on Human Rights,*

1969; Art. 18, *African Charter on Human and Peoples' Rights*, 1981). It does not include a right to family reunification/reunion, nor is it an absolute right to live together as a family unit in the country of one's choice especially when it is possible for the family members to take up residence in another country.

See also human rights, family reunification, members of the family

female genital mutilation (FGM) The cutting of genital organs for non-medical reasons, usually performed at a young age. It can include partial or total cutting, removal of genitals and stitching for cultural or other non-therapeutic reasons.

feminization of migration The growing participation of women in migration (some 49 per cent of all migrants globally are women). While the proportion of migrants who are women has not changed greatly in recent decades, their role in migration has changed considerably. Women are now more likely to migrate independently, rather than as members of a household, and they are actively involved in employment.

The increase of women in migration has led to certain gender-specific vulnerable forms of migration, including the commercialized migration of domestic workers and caregivers, the migration and trafficking of women for the sex industry, and the organized migration of women for marriage. Because of the unregulated nature of some of this employment, women migrants are often at greater risk of exploitation.

first country of asylum First country in which a refugee or a displaced person outside of his or her country benefits or could benefit from protection. The notion of first country of asylum is frequently used as a condition of access to the asylum determination procedure.

See also asylum (territorial), Dublin II Regulation, refugee, right of asylum, safe third country

flag State The flag State is the state of nationality of a vessel. The flag State is responsible for ensuring that the vessels under its flag respect relevant obligations under customary and conventional international law.

See also high seas, rescue at sea, vessel

- forced/compulsory labour** All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (*Art. 2(1), ILO Convention No. 29 on Forced Labour, 1930*).
See also child labour; coercion
- forced displacement** In the law of armed conflict, the individual or collective movement of civilians in the interior of an occupied territory. In the terms of *Art. 49, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949* and *Art. 85, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 1977*, forced displacement constitutes a war crime, unless it is justified by imperative military reasons.
In a more general sense, forced displacement – or displacement – is the involuntary movement, individually or collectively, of persons from their country or community, notably for reasons of armed conflict, civil unrest, or natural or man-made catastrophes.
See also displaced person, displacement, externally displaced persons, internally displaced persons
- forced marriage** An arranged marriage against a person’s wishes. Often, a dowry is paid to the family; when refused, there are frequently violent and/or abusive consequences.
See also coercion
- forced migration** A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).
See also coercion, internally displaced persons, refugee
- forced repatriation** *See involuntary repatriation*
- forced resettlement/relocation** Involuntary transfer of individuals or groups within the jurisdiction of a State away from their normal residence as part of a government policy.

- forced return** The compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act.
See also deportation, expulsion, involuntary repatriation, refoulement, repatriation, return, voluntary repatriation, voluntary return
- foreigner** A person belonging to, or owing an allegiance to, another State.
See also non-national, third-country national
- fraud** A misrepresentation of the truth or concealment of a material fact in order to obtain some benefit.
- fraudulent document** Any travel or identity document that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or that is being used by a person other than the rightful holder (*Art. 3(c), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*). In a broader migration context, such documents may also include false education certificates in connection with the recognition of diplomas and qualifications as well as fraudulent documents relating to employment such as curricula vitae (CVs) and reference letters from employers.
See also deception, identity document, travel documents
- freedom of movement** A human right comprising three basic elements: freedom of movement within the territory of a country (*Art. 13(1), Universal Declaration of Human Rights, 1948*: “Everyone has the right to freedom of movement and residence within the borders of each state.”), the right to leave any country and the right to return to his or her own country (*Art. 13(2), Universal Declaration of Human Rights, 1948*: “Everyone has the right to leave any country, including his own, and to return to his country.”). *See also Art. 12, International Covenant on Civil and Political Rights*. Freedom of movement is also referred to in the context of freedom of movement arrangements between States at the regional level (e.g. European Union).

See also human rights, right to leave, right to return, Schengen Agreement and Convention

frontier

See border

frontier worker

A migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week (*Art. 2(2)(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

See also economic migrant, itinerant worker, migrant worker

fundamental human rights

A view reflecting the notion that within the large scope of human rights, some human rights are claimed to be of particular significance when considering the dignity and worth of the human person, equal rights of men and women and the promotion of social progress and better standards of living. Support for this view comes from the non-derogable nature of certain rights. Thus, *Art. 4(1), International Covenant on Civil and Political Rights, 1966*, permits derogation “in time of public emergency threatening the life of the nation” but prohibits any derogation from Arts. 6 (right to life), 7 (torture), 8(1) and (2) (slavery and servitude), 11 (imprisonment for breach of contractual obligation), 15 (retroactive criminal liability), 16 (recognition everywhere as a person before the law) and 18 (freedom of thought, conscience and religion). This notwithstanding, the trend is to regard all human rights as universal, indivisible, interdependent and interrelated, to be treated in a fair and equal manner, on the same footing and with the same emphasis.

See also human rights, non-derogable human rights, prohibition of torture, slavery, torture

G

- gender** Refers to the set of roles, responsibilities, constraints, opportunities, and privileges of women and men in any context. Those attributes are learned and socially constructed, changeable over time and can vary within and between cultures. The concept of gender is relational and refers not simply to women or men but to the relationship between them.
- gender based violence** Any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a person due to his or her gender, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life *See Art. 1, Declaration on the Elimination of Violence against Women, 1993.*
See also violence against women
- general principles of international law** Source of international law consisting of principles common to different national legal systems that have been transposed into the international legal order.
See also customary law, international, international law (public)
- genocide** “Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such as: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group” (*Art. II, Convention on the Prevention and Punishment of the Crime of Genocide, 1948, Art. 6, Rome Statute of the International Criminal Court, 1998*).
See also crime, international, crimes against humanity, universal jurisdiction
- genuine and stable marriage** A marriage that a consular or immigration officer determines to be genuine, because it has been entered into with the intention of being maintained on a long

term and exclusive basis, and to be stable because it is likely to endure. In many States, if officers are unable to determine whether the marriage was entered into with the intention of maintaining it on a long term and exclusive basis, there is a presumption that it is genuine, unless there is evidence to the contrary.

globalization

A process of interaction and integration among the people, corporations, and governments of different States; a process driven by international trade and investment and aided by information technology. This process has effects on the environment, culture, political systems, economic development and prosperity, and human well-being in societies.

good faith

A state of mind denoting honesty in belief or purpose, freedom from intention to defraud or to seek unconscionable advantage.

See also bona fide, legitimate, mala fide

governance of migration*

System of institutions, legal frameworks, mechanisms and practices aimed at regulating migration and protecting migrants. Used almost synonymously with the term “migration management”, although migration management is also sometimes used to refer to the narrow act of regulating cross-border movement at the state level.

See also migration management, orderly migration

green border

Term used to describe a State’s land border between checkpoints. A water border (river or coastline) might also be referred to as a ‘blue border’.

See also border, checkpoint

green card

An identity card issued by the U.S. Government to non-nationals which grants permanent resident status in the United States. Also called a Permanent Resident Card, it is evidence of a non-national being a lawful permanent resident with a right to live and work permanently in the United States. A person may qualify for a green card through employment or through sponsorship by a family member who is a citizen or permanent resident. In addition to the right to live and work in the United States, a green card also allows the holder to travel abroad for periods of time, gives the right to apply for U.S. citizenship after a period of time, and the right to petition for a green

card for the applicant's spouse and unmarried children under 21 years of age.

See also permanent residence

grounds of inadmissibility

Definitions set forth in migration law or regulations, of reasons for which non-nationals may be prohibited from entering the State. Even where a person is otherwise eligible for a visa or other immigration status, if he or she falls within a ground of inadmissibility, the visa or other status will be denied. Grounds of inadmissibility are typically designed to preclude entry of undesirable non-nationals, such as persons without valid travel documents, persons with criminal convictions, persons who are believed to be a danger to public health or public safety, persons who have been previously deported.

See also rejected applicant, waiver

guarantee

An agreement to be responsible for another's debt or obligation should the other be unable to pay or perform. In the migration context, a guarantee may be demanded of non-nationals seeking entry to a State, that they intend to depart from the State at the end of their stay.

See also affidavit (of support), bond, sponsorship

guardian

One who has the legal authority and duty to care for another's person or property, usually because of the other's incapacity, disability, or status as a minor. A guardian may either be appointed for all purposes or for a specific purpose.

guest worker

Generally considered to be an economic migrant recruited for a restricted time of settlement and employment. This term is more or less restricted to migration flows in the fifties and sixties of the 20th century, and is no longer used.

See also economic migrant, migrant worker

H

- habeas corpus** An action before a court to test the legality of detention or imprisonment. In addition to being used to test the legality of an arrest or commitment, the writ may be used to obtain review of the regularity of an extradition process, the right to or amount of bail, or the jurisdiction of a court that has imposed a criminal sentence.
- habitual/usual residence** A place within a country where a person lives and where he or she normally spends the daily period of rest.
See also country of habitual/usual residence, domicile, internal migration
- health** According to the preamble of the World Health Organization Constitution (1946), health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.
- health assessment** In the migration context, the function of reducing and better managing the public health impact of population mobility on receiving countries as well as to facilitating the integration of migrants through the detection and cost-effective management of health conditions and medical documentation. Pre-departure health assessments offer an opportunity to promote the health of assisted migrants in providing an occasion to initiate preventive and curative interventions for conditions that, if left untreated, could have a negative impact on the migrants' health status and/or public health of the host communities.
- hearing** The opportunity to be heard or to present one's side of a case before a tribunal.
- high seas** All parts of the sea that are not included in the exclusive economic zone, the contiguous zone, the territorial sea or internal waters of a State, or in the archipelagic waters of an archipelagic State. The ocean spaces considered by the concept of the high seas are not under the territorial sovereignty of any State. Controls envisioned on the high seas are those

exerted on a ship by the flag State or those exerted in the fight against activities prohibited on the high seas (e.g. slave transporting, trafficking in persons, piracy, illicit traffic in narcotic drugs or psychotropic substances and hot pursuit, smuggling).

See also contiguous zone, flag State, immigration zone, territorial sea

highly skilled/qualified migrant

While there is no internationally agreed definition, two overlapping meanings are often intended. In very general terms a highly skilled migrant is considered to be a person with tertiary education, typically an adult who has completed at least two years of post-secondary education. In a more specific sense, a highly skilled migrant is a person who has earned, either by tertiary level education or occupational experience, the level of qualifications typically needed to practice a profession.

See also skilled migrant, qualified national

holding centre

A facility lodging asylum-seekers or migrants in an irregular situation on arrival in a receiving country, while their status is determined; in practice, such facility is very often a detention centre. Also known as a reception centre.

host country

See country of destination, receiving country, State of employment

human rights

Those liberties and benefits based on human dignity which, by accepted contemporary values, all human beings should be able to claim “as of right” in the society in which they live. These rights are contained in the *International Bill of Rights*, comprising the *Universal Declaration of Human Rights, 1948*, the *International Covenant on Economic, Social and Cultural Rights*, and the *International Covenant on Civil and Political Rights, 1966* and have been developed by other treaties from this core (e.g. *The Convention on the Protection of All Migrant Workers and Members of Their Families, 1990*).

See also civil and political rights, economic, social and cultural rights, fundamental human rights, non-derogable human rights, protection of minorities, sovereignty

human security

Concept concerned with the security of individuals which promotes the protection of individuals' physical safety, economic and social well-being, human dignity, and human rights. The Member States of the UN made the following statement about the importance of human security at the 2005 World Summit: "We stress the right of people to live in freedom and dignity, free from poverty and despair. We recognize that all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential."

See also empowerment, protection

human trafficker

See trafficker

humanitarian assistance*

Aid that addresses the needs of individuals affected by crises. It is primarily the responsibility of the State but also supported by international organizations, non-governmental organizations (NGOs) and the Red Cross/Red Crescent Movement. This assistance is provided in accordance with the humanitarian principles, particularly the principles of humanity (human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as children, women and the elderly; the dignity and rights of all victims must be respected and protected), neutrality (humanitarian assistance must be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature), and impartiality (humanitarian assistance must be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress).

See also humanitarian law (international), humanitarian principles

**humanitarian law
(international)**

In its strictest sense, the rules of international law especially designed for the protection of the individual victim in time of armed conflict. More generally, it is a synonym for the law of armed conflict. The four *Geneva Conventions* of 1949 and the two *Additional Protocols* of 1977 are the main sources of international humanitarian law.

See also humanitarian assistance, humanitarian principles

humanitarian principles

Ethical standards applicable to all humanitarian actors, which have their underpinnings in international human rights and humanitarian law, and seek to protect the integrity of humanitarian action. The first explicit statement of humanitarian principles is found in the “*Fundamental Principles of the Red Cross and Red Crescent*” adopted in 1965.

See also human rights, humanitarian assistance, humanitarian law (international), non-discrimination

I

identity document	A piece of documentation issued by the competent authority of a State designed to prove the identity of the person carrying it. <i>See also arrival/departure card, birth certificate, passport, travel documents</i>
illegal alien	<i>See irregular migrant, undocumented migrant</i>
illegal entry	“Act of crossing borders without complying with the necessary requirements for legal entry into the receiving State” (<i>Art. 3(b), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000</i>). <i>See also irregular migration, undocumented migrant, smuggling, unauthorized/unlawful entry/admission</i>
illegal migrant	<i>See irregular migrant, undocumented migrant</i>
illegal migration	<i>See irregular migration</i>
immigrant	A person undertaking an immigration. <i>See also emigrant</i>
immigration	A process by which non-nationals move into a country for the purpose of settlement. <i>See also brain gain, emigration</i>
immigration liaison officer	A representative of a State posted abroad with a view to contributing to the prevention and combating of irregular migration, and the return of irregular migrants.
immigration quota	A quota established by a country for the entry of immigrants, normally for the purposes of labour migration.
immigration status	Status of a migrant under the immigration law of the host country. <i>See also change of status, migration management</i>

immigration zone	<p>The zone of the high seas and land territory of a State, in which the State's immigration laws are applicable (also called "migration zone").</p> <p><i>See also high seas, interception</i></p>
inalienable	<p>Used in the context of human rights, it denotes the character of a right that cannot be taken away from an individual or transferred, assigned, or renounced.</p>
inclusion	<p>A process designed to allow and achieve the full participation of all in economic, social, political and cultural life of a given community or society. Although there is no commonly agreed definition, the idea of an inclusive society is based on respect for all human rights and fundamental freedoms, cultural and religious diversity, social justice and the special needs of vulnerable and disadvantaged groups, democratic participation and the rule of law (<i>Chapter 4, Point 66, 1995 UN Social Development Summit</i>).</p> <p><i>See also assimilation, integration</i></p>
individual migration	<p>Cases where persons migrate individually or as a family. Such movements generally are self-financed or have individual, organizational or Government sponsorship, as opposed to mass scheme programmes.</p> <p><i>See also mass/collective migration</i></p>
influx	<p>A sudden arrival of non-nationals in a country, in large numbers.</p> <p><i>See also mass/collective migration</i></p>
inhuman treatment	<p>Treatment that causes grave mental or physical suffering. It is a violation of human rights (<i>Art. 7, International Covenant on Civil and Political Rights, 1966</i>) and a violation of international criminal law (<i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; Geneva Conventions, 1949, common Art. 3</i>).</p> <p><i>See also torture</i></p>
injunction	<p>A court order commanding or preventing an action. To obtain an injunction, the complainant must show that there is no plain, adequate, and complete remedy at law and that an irreparable injury will result unless the relief is granted.</p>

instrument	<p>A formal or legal document in writing such as a contract or treaty. In the case of ratification, acceptance, approval or accession to a treaty, it is the document which establishes the consent of the State to be bound by the treaty.</p> <p><i>See also ratification</i></p>
integration	<p>While the term is used and understood differently in different countries and contexts, “integration” can be defined as the process by which migrants become accepted into society, both as individuals and as groups. It generally refers to a two-way process of adaptation by migrants and host societies, while the particular requirements for acceptance by a host society vary from country to country. Integration does not necessarily imply permanent settlement. It does, however, imply consideration of the rights and obligations of migrants and host societies, of access to different kinds of services and the labour market, and of identification and respect for a core set of values that bind migrants and host communities in a common purpose.</p> <p>Local integration is one of the three durable solutions to address the plight of refugees. It may also be applied to victims of trafficking and unaccompanied children.</p> <p><i>See also acculturation, assimilation, cultural orientation, culture, durable solution, inclusion, reintegration, reintegration (cultural), reintegration (economic), reintegration (social), resettlement, voluntary repatriation</i></p>
interception	<p>Any measure applied by a State outside its national territory to prevent, interrupt, or stop the movement of persons without required documentation from crossing borders by land, air or sea, and making their way to the territory of that State.</p> <p><i>See also country of destination</i></p>
inter-country adoption	<p><i>See child adoption (international)</i></p>
internal migration	<p>A movement of people from one area of a country to another area of the same country for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration).</p>

See also de facto refugees, habitual/usual residence, internally displaced persons, international migration, rural-rural migrants, rural-urban migrants, urban-rural migrants, urban-urban migrants

**internally displaced persons/
IDPs**

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (*Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.*).
See also de facto refugees, displaced person, externally displaced persons, uprooted people

international airport

Airport designated by the State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out (*Annex 9 to the Convention on International Civil Aviation, 1944*).

international assistance

Support provided by the international community such as assistance in kind, financial contributions and services of trained personnel.

international law (public)

The legal principles governing the relationships between subjects of international law. The contemporary law of international relations embraces not only States but also such participants as international organizations, and even individuals (such as those who invoke their human rights or commit war crimes). Also termed law of nations, public international law and, in the past, law of nations or *jus gentium*.
See also customary law, international, subject of international law

international migration*

Movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country. An international frontier is therefore crossed.
See also internal migration

international migration law*	International norms and principles relating to migration deriving from State sovereignty – such as the right to admit, detain and expel migrants, to combat trafficking and smuggling, to protect borders, to confer nationality – and from human rights instruments. These two elements constitute the main pillars of international migration law. Instruments of international migration law are spread across various branches of law, such as human rights law, humanitarian law, labour law, refugee law, consular law, trade law and maritime law. <i>See also international law (public), migration</i>
international minimum standard	The doctrine under which non-nationals benefit from a group of rights directly determined by public international law, independently of rights internally determined by the State in which the non-national finds him or herself. A State is required to observe minimum standards set by international law with respect to treatment of non-nationals present on its territory (or the property of such persons), (e.g. denial of justice, unwarranted delay or obstruction of access to courts are in breach of international minimum standards required by international law). In some cases, the level of protection guaranteed by the international minimum standard may be superior to that standard which the State grants its own nationals. <i>See also national treatment, right to leave</i>
international protection	<i>See de facto protection, protection</i>
interview	The process of questioning or talking with a person in order to obtain information or determine the personal qualities of the person. An interview is a common step in the adjudication of an application for refugee or other immigration status. <i>See also adjudicator, application, primary inspection, secondary inspection</i>
intra-corporate transferee	An employee of a firm who is temporarily transferred to a foreign affiliate of that firm (branch, subsidiary, office, joint venture, etc.).
involuntary repatriation	The return of refugees, prisoners or war and civil detainees to the territory of their State of origin induced by the creation of circumstances which do not leave any other alternative. Repatriation is a personal right (unlike expulsion and deportation which are primarily within the domain of State sovereignty), as

such, neither the State of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of an eligible person, whether refugee or prisoner of war or civil detainee. According to contemporary international law, prisoners of war, civil detainees or refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from *refoulement* and given, if possible, temporary or permanent asylum.

See also deportation, expulsion, forced return, refoulement, repatriation, return, voluntary repatriation, voluntary return

irregular migrant*

A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term “irregular” is preferable to “illegal” because the latter carries a criminal connotation and is seen as denying migrants’ humanity.

See also clandestine migration, documented migrant, illegal entry, irregular migration, undocumented migrant

irregular migration*

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons. *See also clandestine migration, irregular migrant, regular migration, unauthorized/unlawful entry/admission, undocumented migrant, undocumented migrant workers/workers in an irregular situation*

itinerant worker

A migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation (*Art. 2(2) (e), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

See also frontier worker; migrant worker

J

- judgment** A court's final determination of the rights and obligations of the parties in a case.
See also fair trial
- judicial review** A court's power to invalidate legislative and executive actions as being unconstitutional or being contrary to law; a court's review of lower court's or an administrative body's factual or legal findings.
See also appeal
- judiciary** Branch of government responsible for interpreting the laws and administering justice; a system of courts; a body of judges.
- jurisdiction** A government's general power to exercise authority over all persons and things within its territory, or, the geographic area within which such authority may be exercised. More specifically, it may refer to the legal power or authority to hear and determine a cause of action.
See also personal jurisdiction, sovereignty
- jus cogens*** Rule of law which is peremptory in the sense that it is binding irrespective of the will of individual parties. A peremptory norm of general international law (*jus cogens*) is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character (*Art. 53, Vienna Convention on the Law of Treaties, 1969*), for example the prohibition of torture.
See also prohibition of torture, torture
- jus sanguinis*** The rule that a child's nationality is determined by its parents' nationality, irrespective of the place of its birth.
See also jus soli
- jus soli*** The rule that a child's nationality is determined by its place of birth (although nationality can also be conveyed by the parents).
See also jus sanguinis

K

kidnapping

Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party. Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

See also abduction, trafficking in persons

L

labour migration

Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

See also bilateral labour migration agreements, circular migration

laissez-passer

A travel document issued in exceptional circumstances by the consular officials of a country to nationals of a country of origin (for example in the case of loss or theft of their passport) or to strangers to whom the State has assured protection (for example the nationals of States that are under the protection of a given State in the absence of diplomatic representation or consular officials, in the case of loss or theft of their passport). It may also refer to a travel document issued by an international organization to its agents. In the terms of *Art. VII, section 24, Convention on the Privileges and Immunities of the United Nations, 1946*, “The United Nations can issue the laissez-passer for its civil servants. These laissez-passer shall be recognized and accepted by the authorities of the Member States.”

See also temporary travel documents, travel documents

lawful

Not contrary to law; conforming to or permitted by law.

lawful admission

Legal entry of a non-national into the country, including under a valid immigrant visa.

law of armed conflict (international)

Body of rules of international law applicable to situations of armed conflict. The international law of armed conflict essentially regulates international armed conflicts. It governs non-international armed conflict to a lesser extent.

See also armed conflict, civil detainees, humanitarian law (international)

law of nations

See international law (public)

legalization	The act of making lawful; authorization or justification by legal sanction. <i>See also amnesty, regularization</i>
legitimate	Something that is genuine, valid, or lawful. For example, a legal migrant enters with a legitimate intent to comply with the migration laws, and present legitimate travel documents. <i>See also bona fide, good faith</i>
Less/low skilled and semi-skilled migrant worker	There is no internationally agreed definition of a less or low skilled and semi-skilled migrant worker. In broad terms, a semi-skilled worker is considered to be a person who requires a degree of training or familiarization with the job before being able to operate at maximum/optimal efficiency, although this training is not of the length or intensity required for designation as a skilled (or craft) worker, being measured in weeks or days rather than years, nor is it normally at the tertiary level. Many so-called “manual workers” (e.g. production, construction workers) should therefore be classified as semi-skilled. A less or low-skilled worker, on the other hand, is considered to be a person who has received less training than a semi-skilled worker or, having not received any training, has still acquired his or her competence on the job. <i>See also skilled migrant</i>
lineage	Ancestry and progeny; family, ascending or descending.
local remedies, exhaustion of	The rule that local remedies must be exhausted before international proceedings may be instituted is a well-established rule of customary international law; the rule has been generally observed in cases in which a State has adopted the cause of its national whose rights are claimed to have been disregarded in another State in violation of international law. Before resort may be had to an international court in such a situation, it has been considered necessary that the State where the violation occurs should have an opportunity to redress it by its own means, within the framework of its own domestic legal system (<i>Interhandel Case (Preliminary Objections)</i> , ICJ 1959). <i>See also customary law, international, diplomatic protection</i>

long-term migrant

A person who moves to a country other than that of his or her usual residence for a period of at least a year, so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure, the person will be a long-term emigrant and from that of the country of arrival, the person will be a long-term immigrant. *See also permanent settlers, short-term migrant*

lookout system

A State's official list, usually (but not necessarily) automated, of persons who should be investigated further, prevented from entering the country, or who should be arrested upon arrival. A lookout system (also called a "watch list" system) is typically an inter-agency project, which receives input from all law enforcement, intelligence, and migration agencies. Whether on computer or in book form, the lookout list is routinely checked by consular and border control officials when making decisions about granting a visa or allowing someone to enter the State. *See also biometrics, primary inspection, secondary inspection*

loss of nationality

Loss of nationality may follow an act of the individual (expatriation, deliberate renunciation of nationality by an individual, or automatic loss of nationality upon acquisition of another nationality) or of the State (denationalization). Denationalization is a unilateral act of a State, whether by decision of administrative authorities or by the operation of law, which deprives an individual of his or her nationality. Although there are no uniform provisions for denationalization, some States have developed a number of statutory grounds for it, including: entry into foreign civil or military service, acceptance of foreign distinctions, conviction for certain crimes. Although acquisition and loss of nationality are in principle considered as falling within the domain of domestic jurisdiction, the States must, however, comply with norms of international law when regulating questions of nationality, such as *Art. 15(2), Universal Declaration of Human Rights*: "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." *See also acquisition of nationality, denationalization, expatriate, expatriation, nationality, statelessness*

M

- mala fide** In bad faith; with intent to deceive or defraud.
See also bona fide, treaty
- mandate refugee** *See refugee (mandate)*
- mass/collective migration** The sudden movement of large number of persons.
See also individual migration, influx
- members of the family** In the broadest sense, the group of persons descendant from a common ancestor and tied together by marriage or filiations. For the purposes of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 (Art.4)*, the expression refers to “Persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.”
See also child, dependant, derivative applicant
- membership of a particular social group** One of the grounds of the refugee definition provided in the *1951 Refugee Convention*, it refers to a group that is composed of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity or conscience.
See also refugee
- migrant*** At the international level, no universally accepted definition for “migrant” exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor; it therefore applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.

The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Under such a definition, those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work planting or harvesting farm products.

See also documented migrant, migration, traveller

migrant in an irregular situation

See administrative detention, irregular migrant, undocumented migrant workers/migrant workers in an irregular situation

migrant flow

The number of migrants counted as moving or being authorized to move, to or from a given location in a defined period of time.

migrant stock

The number of migrants residing in a country at a particular point in time.

migrant worker

“A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (*Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

See also documented migrant worker, frontier worker, itinerant worker, project-tied worker, seafarer, seasonal worker, self-employed worker, specified employment worker, worker on an offshore installation

migrant worker in an irregular situation

See undocumented migrant workers/migrant workers in an irregular situation

migrants for settlement

Foreigners granted permission to stay for a lengthy or unlimited period and subject to virtually no limitation regarding the exercise of an economic activity. (e.g. employment-based migrants, family-based migrants, ancestry-based migrants, migrants with the right to free establishment, or foreign retirees).

migration*

The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition

and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.

See also net migration, total migration, tourism

migration management*

A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.

See also governance of migration, orderly migration

minimum standard

See international minimum standard

minor

A person who, according to the law of the relevant country, is under the age of majority, i.e. is not yet entitled to exercise certain civil and political rights.

See also child, separated children, unaccompanied children

minority

Although there is no universally accepted definition of minority in international law, a minority may be considered to be a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity directed towards preserving their culture, traditions, religion or language.

See also protection of minorities, vulnerable groups

mixed flows*

Complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.

multiculturalism

Integration approach that recognizes, manages and maximizes the benefits of cultural diversity. Migrants remain distinguishable from the majority population through their language, culture and social behaviour without jeopardizing national identity.

multilateral

In relation to treaties and negotiations, multilateral (or multipartite) connotes the involvement of more than two States in the process.

See also bilateral, treaty

N

- national** A person, who, either by birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil and political rights and protection; a member of the State, entitled to all its privileges.
A person enjoying the nationality of a given State.
See also nationality, naturalization, third-country national
- national territory** The geographical areas belonging to or under the jurisdiction of a State.
- national treatment** According to this standard, the non-national can expect no better legal protection than that accorded by a host State to its own nationals. However, the national standard cannot be used as a means of evading international obligations under the minimum standard of international law.
See also international minimum standard
- nationality** Legal bond between an individual and a State.
The International Court of Justice defined nationality in the *Nottebohm case, 1955*, as "...a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties...the individual upon whom it is conferred, either directly by law or as a result of the act of the authorities, is in fact more closely connected with the population of the State conferring the nationality than with any other State." According to *Art. 1, Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930* "it is for each State to determine under its own laws who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality." The tie of nationality confers individual rights and imposes obligations that a State reserves for its population. Founded on the principle of personal

jurisdiction of a State, nationality carries with it certain consequences as regards migration such as the right of a State to protect its nationals against violations of their individual rights committed by foreign authorities (particularly by means of diplomatic protection), the duty to accept its nationals onto its territory, and the prohibition to expel them.

See also acquisition of nationality, de facto statelessness, diplomatic protection, dual/multiple nationality, loss of nationality, national, naturalization, personal jurisdiction, statelessness

naturalization

Granting by a State of its nationality to a non-national through a formal act on the application of the individual concerned. International law does not provide detailed rules for naturalization, but it recognizes the competence of every State to naturalize those who are not its nationals and who apply to become its nationals.

See also acquisition of nationality, national, nationality

net migration

Difference between the number of persons entering the territory of a State and the number of persons who leave the territory in the same period. Also called “migratory balance.” This balance is called net immigration when arrivals exceed departures, and net emigration when departures exceed arrivals.

See also total migration

neutrality

The condition of a State that in times of armed conflict takes no part in the dispute but continues peaceful dealings with the parties to the conflict.

See also armed conflict

neutralized zones

In the context of international armed conflict, areas established in the actual combat zone to protect both combatant and non-combatant wounded and sick, as well as all members of the civilian population who are in the area and not taking part in the hostilities, from military operations in the neighbourhood.

See also safe haven, vulnerable group

next of kin

The person or persons most closely related by blood to an individual.

nomad	An individual, often a member of a group, who does not have a fixed place or residence and migrates from place to place, often searching for water, food, or grazing land.
non-admission	Refusal by a State to permit entry to its territory. <i>See also admission, entry</i>
non-derogable human rights	Human rights of an absolute character which must be recognized and respected at all times. The <i>International Covenant on Civil and Political Rights, 1966</i> , establishes the following rights as non-derogable: the right to life, freedom from torture, inhuman or degrading treatment or punishment, freedom from slavery, the prohibition of imprisonment for inability to fulfil a contractual obligation, the non-retroactivity of criminal law, right to recognition as a person before the law, right to freedom of thought, conscience and religion. The listing of non-derogable human rights notwithstanding, the tendency in the international community is to consider all human rights as universal, indivisible, interdependent, and to be treated equally. <i>See also civil and political rights, derogation, fundamental human rights, human rights, inalienable</i>
non-discrimination	The refusal to apply distinctions of an adverse nature to human beings simply because they belong to a specific category. Discrimination is prohibited by international law, for example in <i>Art. 26, International Covenant on Civil and Political Rights, 1966</i> , which states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." <i>See also discrimination, humanitarian principles</i>
non-documented migrant workers	<i>undocumented migrant workers/migrant workers in an irregular situation</i>
non-national	A person who is not a national or citizen of a given State. <i>See also foreigner, third-country national</i>

non-refoulement*

Principle of international refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of *non-refoulement* is considered by many authors as part of customary international law, while for others the two requirements for the existence of a customary norm are not met.

See also asylum, complementary protection, sovereignty

O

- oath** A solemn pledge of truthfulness, usually given force by being said in connection with something viewed as sacred (such as a god or gods) or something revered. In the legal context, making an oral or written statement under oath invokes a legal obligation to tell the truth. In most countries, one who does not tell the truth while under oath commits a criminal offence.
See also witness
- offshoring** The relocation of business activities of an entity to another country.
See also outsourcing
- ombudsman** An independent official appointed to receive, investigate, and report on private citizens' complaints about the administration of a non-governmental organization (such as a company or university) or of the government (in some national jurisdictions, dealing as well with migration issues).
- orderly migration*** The movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the destination or host country.
See also governance of migration, migration management, regular migration
- organized crime** Usually refers to large-scale and complex criminal activities carried out by tightly or loosely organized associations and aimed at the establishment, supply and exploitation of illegal markets at the expense of society. Such operations are generally carried out with a ruthless disregard of the law, and often involve offences against the person, including threats, intimidation and physical violence.
See also smuggling, trafficking in persons
- orphan** A child, both of whose parents are known to be deceased. In some countries, a child who has lost one parent is called an orphan.
See also child

outsourcing

The sub-contracting by an entity of specific business processes such as design or manufacturing to another company. Also referred to as global resourcing.
See also offshoring

overstay

To remain in a country beyond the period for which entry was granted. Also sometimes used as a noun, e.g. 'the undocumented migrant population is evenly divided between overstays and those who entered irregularly'.
See also irregular migrant, residence permit, undocumented migrant

P

- Palermo Protocols** Supplementary protocols to the *Convention against Transnational Organized Crime, 2000: Protocol Against the Smuggling of Migrants by Land, Sea and Air, 2000; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials, 2001*.
See also smuggling, trafficking in persons
- passenger** A person riding in a vehicle (boat, bus, car, plane, train, etc.) who is not operating it.
See also carrier liability law
- passport** A document issued by the competent authority in a State identifying a person as a national of the issuing State, which is evidence of the holder's right to return to that State. In Western traditions, passports have been used for foreign travel purposes, not as domestic identity documents. The passport is the accepted international certificate or evidence of nationality, although its evidentiary value is prima facie only.
See also arrival/departure card, identity document, travel documents, travel documents (Convention), visa
- penalty** A punishment. In the migration context, penalty usually means a fine, but could also be a prohibition on future entry.
- permanent residence** The right, granted by the authorities of a host State to a non-national, to live and work therein on a permanent (unlimited or indefinite) basis.
- permanent resident** A non-national benefitting from the right of permanent residence in a host State.
See also long-term migrant
- permanent settlers** Legally admitted immigrants who are accepted to settle in the receiving country, including persons admitted for the purpose of family reunion.
See also ancestry-based settlers, long-term migrant, short-term migrant, visitor

permit	Documentation, usually issued by a governmental authority, which allows something to exist or someone to perform certain acts or services. In the migration context, reference to residence permits or work permits is common. <i>See also residence permit, visa, work permit</i>
persecution	In the refugee context, a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group. Persecution comprises human rights abuses or other serious harm often, but not always, perpetrated in a systematic or repetitive way. Discrimination does not always amount to persecution, although it may do so if it affects a fundamental right of the person concerned, or if the effect of several discriminatory measures cumulatively causes serious harm. <i>See also discrimination, refugees sur place, well founded fear (of persecution)</i>
persona non grata	“Person not wanted.” An unwanted or undesirable person. In the diplomatic context, a person rejected by the host government.
personal data	All information that could be used to identify or harm data subjects. <i>See also data protection, data subjects</i>
personal jurisdiction	A court’s power to bring a person into its adjudicative process; jurisdiction over a defendant’s personal rights, rather than merely over property interests. It may also refer to the competence of a State to act with regards to its nationals who are in a foreign country, governing their status and offering them protection. <i>See also jurisdiction, nationality, sovereignty</i>
petition	<i>See sponsorship</i>
place of habitual residence	<i>See country of habitual/usual residence</i>
plaintiff	A party who brings a civil suit (by filing a complaint) in a court of law. <i>See also defendant, respondent</i>
point of entry	<i>See checkpoint</i>
point of exit	<i>See checkpoint</i>

-
- policy** General principles by which a government is guided in its management of public affairs.
See also governance of migration, migration management
- political opinion** One of the grounds under the *1951 Refugee Convention*, political opinion as a ground for persecution implies that a person holds and/or is attributed an opinion that either has been expressed or imputed, and has come to the attention of the authorities. This ground is relevant even on the assumption that an opinion, although not yet expressed, will be expressed and will not be tolerated by the authorities when it is expressed.
See also refugee
- population displacement** *See displacement*
- prima facie** Latin expression meaning “at first sight”; on first appearance but subject to further evidence or information. It provides sufficient proof to establish a fact or raise a presumption unless disproved or rebutted.
In the migration context, an application for immigrant status may undergo preliminary review to determine whether there is a prima facie showing of all the basic requirements (often as a condition for receiving financial assistance or a work permit).
See also refugee, refugee (mandate), refugee (prima facie), screening
- primary inspection** In international practice, review of applicants for admission at checkpoints is divided into ‘primary’ and ‘secondary’ inspection. The vast majority of applicants for admission undergo only a short screening at primary inspection points prior to admission. Any applicant about whom the migration official has doubts or who is registered on the State’s lookout system is referred to secondary inspection, where the applicant undergoes an interview or additional investigation. The use of this two-step approach is more efficient and minimizes delays for the majority of legitimate travellers.
See also admission, checkpoints, interview, lookout system, secondary inspection

principal/primary/ main applicant	<p>In the migration context, the person who applies for refugee or other immigration status. General international practice is that dependants (usually a spouse and any minor children) are considered derivative applicants and receive the same status afforded to the principal applicant.</p> <p><i>See also derivative applicant, migrant, refugee</i></p>
private international law	<p>Branch of domestic law which deals with cases having a foreign element, i.e. contact with some system of law other than the domestic system. Not a branch of public international law.</p>
pro bono	<p>“For the public good”, being or involving uncompensated legal services performed especially for the public good.</p>
prohibition of torture	<p>Torture is prohibited by numerous international documents, such as: <i>Art. 5, Universal Declaration of Human Rights, 1948</i>; <i>Art. 7, UN International Covenant on Civil and Political Rights, 1966</i>; <i>Art. 2, Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment, 1984</i> and various UN resolutions; <i>Art. 3, the European Convention on Human Rights, 1950</i>; <i>Art. 26, American Declaration of Rights and Duties of Man, 1948</i>. Torture is an international crime; the protection against torture is an obligation of States and is seen as a fundamental human right. The prohibition of torture is generally viewed as having reached the level of <i>jus cogens</i>, a peremptory norm of international law.</p> <p><i>See also jus cogens, fundamental human rights, torture</i></p>
project-tied worker	<p>A migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer (<i>Art. 2(2) (f), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
prosecution	<p>A criminal action or proceeding usually brought by a government in which an accused person is tried. Broadly, the maintaining of an action or proceeding, whether civil or criminal.</p>

protected persons

In an armed conflict, nationals who are not combatants of an enemy State who are found on the territory of a State at war or on a territory occupied by such State. Protected persons have the right to leave that territory, as long as their departure is not against the national interests of the State at war. States at war have the legal right to restrict, for reasons of security, the freedom of movement of protected persons by adopting, for example, measures prohibiting a change of domicile, prohibiting entry into certain zones, prohibiting travel, as well as, under certain circumstances, measures of house arrest and internment.

See also civil detainees, freedom of movement, law of armed conflict (international)

protection*

“The concept of protection encompasses all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)” (Inter-Agency Standing Committee).

Protection given to a person or a group by an organization, in keeping with a mandate conferred either by international instruments, in application of customary international law, or by the activities of the organization. Such protection has as its aim to ensure respect for rights identified in such instruments as: *1951 Refugee Convention, 1949 Geneva Conventions, and 1977 Protocols*, right of initiative of the International Committee of the Red Cross, de facto protection by the International Organization for Migration, International Labour Organization Conventions, human rights instruments. *See also complementary protection, de facto protection, empowerment, human security*

protection of minorities

Legal rules offering protection to minority groups and individual members of such groups, safeguarding such rights as the right to freely use their native language, the right to freely practice their religion, etc. See also the provisions of *Art. 27, International Covenant on Civil and Political Rights, 1966*.

See also human rights, minority, vulnerable groups

push-pull factors

Migration is often analysed in terms of the “push-pull model”, which looks at the push factors, which drive people to leave their country (such as economic, social, or political problems) and the pull factors attracting them to the country of destination.

Q

- qualified national** In the migration context, an expatriate national with specific professional skills in demand in the country or region of origin.
See also brain drain, diasporas, highly skilled migrant, skilled migrant
- quarantine** Sanitary measures imposing temporary isolation of persons, animals, merchandise, land vehicles, ships, or airplanes afflicted with or coming from a country affected with a contagious or infectious disease.
- quasi-judicial** Relating to, or involving an executive or administrative official's adjudicative acts. These acts are often undertaken by an administrative body that is otherwise not part of the judiciary. Quasi-judicial acts, which are valid if there is no abuse of discretion, often determine the fundamental rights of nationals. They are subject to review by courts.
- quota** A quantitative restriction in the migration or asylum context. Many countries establish quotas, or caps, on the number of migrants to be admitted each year.
See also migration management

R

- race** One of the grounds for refugee status under the *1951 Refugee Convention*, race is understood in its widest sense to include all kinds of ethnic groups that are referred to as ‘races’ in common usage.
See also racism, refugee, xenophobia
- racial discrimination** Racial discrimination is “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (*Art. 1(1), International Convention on the Elimination of All Forms of Racial Discrimination, 1965*).
See also discrimination, racism, xenophobia
- racism** An ideological construct that assigns a certain race and/or ethnic groups to a position of power over others on the basis of physical and cultural attributes, as well as economic domination and control over others. Racism can be defined as a doctrine of or belief in racial superiority. This includes the belief that race determines intelligence, cultural characteristics and moral attitudes.
See also racial discrimination, xenophobia
- rape** The invasion of any part of the body of a victim with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force, coercion, taking advantage of a coercive environment, or against a person incapable of giving genuine consent.
See also sexual assault
- ratification** Ratification refers to the “acceptance” or “approval” of a treaty. In an international context, ratification “is the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty” (*Art. 2 (1)(b), Vienna Convention on the Law of Treaties, 1969*). Instruments of ratification

establishing the consent of a State take effect when exchanged between the contracting States, deposited with a depositary or notified to the contracting States or to the depositary, if so agreed (*Art. 16*). In a domestic context, it denotes the process whereby a State puts itself in a position to indicate its acceptance of the obligations contained in a treaty. A number of States have in their Constitutions procedures which have to be followed before the government can accept a treaty as binding.

See also accession, instrument, reservation to a treaty, treaty

readmission

Act by a State accepting the re-entry of an individual (own national, third-country national or stateless person).

See also readmission agreement

readmission agreement

International agreement which addresses procedures, on a reciprocal basis, for one State to return non-nationals in an irregular situation to their home State or a State through which they have transited.

See also agreement, bilateral, return

receiving country

Country of destination or a third country. In the case of return or repatriation, also the country of origin.

Country that has accepted to receive a certain number of refugees and migrants on a yearly basis by presidential, ministerial or parliamentary decision.

See also country of destination, country of origin, host country, third country

reception centre

See holding centre

re-emigration

The movement of a person who, after having returned to his or her country of origin, again emigrates.

See also emigration, return

refoulement

See deportation, expulsion, forced return, involuntary repatriation, non-refoulement, persecution, return

refugee

A person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (*Art. 1(A)(2), Convention relating to the Status of Refugees,*

Art. 1A(2), 1951 as modified by the 1967 Protocol). In addition to the refugee definition in the *1951 Refugee Convention, Art. 1(2)*, *1969 Organization of African Unity (OAU) Convention* defines a refugee as any person compelled to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality.” Similarly, the *1984 Cartagena Declaration* states that refugees also include persons who flee their country “because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.”
See also applicant, de facto refugee, displaced person, forced migration, prima facie, refugee in orbit, refugee status determination, refugees in transit, refugees sur place, uprooted people

refugee (mandate)

A person who meets the criteria of the UNHCR Statute and qualifies for the protection of the United Nations provided by the High Commissioner, regardless of whether or not he or she is in a country that is a party to the *Convention Relating to the Status of Refugees, 1951* or the *1967 Protocol Relating to the Status of Refugees*, or whether or not he or she has been recognized by the host country as a refugee under either of these instruments.
See also refugee

refugees in orbit

Refugees who, although not returned directly to a country where they may be persecuted, are denied asylum or unable to find a State willing to examine their request, and move or are moved from one country to another in a search of asylum.
See also asylum, refugee

refugee (prima facie)

Persons recognized as refugees, by a State or UNHCR, on the basis of objective criteria related to the circumstances in their country of origin, which justify a presumption that they meet the criteria of the applicable refugee definition.

refugee status determination	A process (conducted by States and/or UNHCR) to determine whether an individual should be recognized as a refugee in accordance with applicable national and international law. <i>See also asylum, refugee</i>
refugees in transit	Refugees who are temporarily admitted in the territory of a State under the condition that they are resettled elsewhere. <i>See also refugee, resettlement, transit</i>
refugees in situ	<i>See refugees sur place</i>
refugees <i>sur place</i>	Persons who are not refugees when they leave their country of origin, but who become refugees (that is, acquire a well-founded fear of persecution) at a later date. Refugees <i>sur place</i> may owe their fear of persecution to a coup d'état in their home country, or to the introduction or intensification of repression or persecutory policies after their departure. A claim in this category may also be based on bona fide political activities, undertaken in the country of residence or refuge. <i>See also persecution, refugee</i>
regional consultative processes*	Non-binding consultative fora, bringing representatives of States, civil society (Non Governmental Organizations (NGOs)) and international organizations together at the regional level to discuss migration issues in a cooperative manner. Some regional consultative processes (RCPs) also allow participation of other stakeholders (e.g. non-governmental organizations or other civil society representatives). <i>See also migration management</i>
regular migration	Migration that occurs through recognized, authorized channels. <i>See also clandestine migration, irregular migration, orderly migration, undocumented migrant workers/ migrant workers in an irregular situation</i>

regularization

Any process or programme by which the authorities in a State allow non-nationals in an irregular or undocumented situation to stay lawfully in the country. Typical practices include the granting of an amnesty (also known as ‘legalization’) to non-nationals who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible.

See also amnesty, legalization

reintegration*

Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his or her country of origin or habitual residence. *See also assimilation, integration, reintegration (cultural), reintegration (economic), reintegration (social)*

reintegration (cultural)

In the context of return migration, re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology, and traditions of the country of origin’s society.

See also integration, reintegration, return, return migration

reintegration (economic)

In the context of return migration, the process by which a migrant is reinserted into the economic system of his or her country of origin, and able to earn his or her own living. In developmental terms, economic reintegration also aims at using the know-how which was acquired in the foreign country to promote the economic and social development of the country of origin.

See also brain gain, integration, reintegration, return, return migration

reintegration (social)

In the context of return migration, the reinsertion of a migrant into the social structures of his or her country of origin. This includes on the one hand the development of a personal network (friends, relatives, neighbours) and on the other hand the development of civil society structures (associations, self-help groups and other organizations).

See also integration, reintegration, return, return migration

rejected applicant	<p>In the migration context, an applicant refused by a consulate or embassy, as not meeting the criteria for migration to its country.</p> <p><i>See also grounds of inadmissibility</i></p>
religion	<p>One of the grounds under which a refugee is recognized as such under the <i>1951 Refugee Convention</i>. Persecution on the grounds of religion may assume various forms, including prohibition of membership in a religious community, of worship in private or public, of religious instruction, or serious discriminatory measures imposed on persons because they practice their religion or belong to a particular religion's community.</p>
remittances*	<p>Monies earned or acquired by non-nationals that are transferred back to their country of origin.</p> <p><i>See also repatriation of funds, social capital transfer</i></p>
removal	<p>Enforcement of the obligation to return; physical transportation out of the country.</p> <p><i>See also deportation, expulsion, refoulement</i></p>
renunciation	<p>Act by which an individual, in giving up a right voluntarily, loses the possibility to benefit from it.</p> <p><i>See also statelessness</i></p>
repatriation	<p>The personal right of a refugee, prisoner of war or a civil detainee to return to his or her country of nationality under specific conditions laid down in various international instruments (<i>Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907</i>, human rights instruments as well as customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. In the law of international armed conflict, repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals at the end of hostilities. Even if treaty law does not contain a general rule on this point, it is today readily accepted that the repatriation of prisoners of war and civil detainees has been consented to implicitly by the interested parties. Repatriation as a term also applies</p>

to diplomatic envoys and international officials in time of international crisis as well as expatriates and migrants.

See also assisted voluntary return, involuntary repatriation, return, right to return, voluntary repatriation, voluntary return

repatriation of funds

In the migratory context, the total monetary transfers made by migrants towards their country or origin.

See also remittances

replacement migration

Internal migration that occurs where the vacuum created by workers departing for another country is filled by workers from other parts of the country, or the international migration that a country would need to offset population decline and population ageing resulting from low fertility and mortality rates.

rescue at sea

Situation in which a vessel renders assistance to person or ship in distress at sea. The duty to rescue those in distress at sea is firmly established by both treaty and customary international law. The State responsible for the coordination of the rescue effort will negotiate disembarkation to a place of safety. The State providing assistance can refuse the unloading of the ship and may require that the crew leave its territory. It may also place conditions on the disembarkation that must be met by the flag State, a third State, or an international organization, such as resettlement, an interview, return, etc.

See also flag State, vessel

reservation to a treaty

“A unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State” (*Art. 2 (1)(d), Vienna Convention on the Law of Treaties, 1969*).

See also ratification, treaty

- resettlement** The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. In the refugee context, the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them. The refugees will usually be granted asylum or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalized.
See also durable solution, forced resettlement, integration, permanent settlers, refugee (mandate), repatriation
- residence** The act or fact of living in a given place for some time; the place where one actually lives as distinguished from a domicile. Residence usually just means bodily presence as an inhabitant in a given place, while domicile usually requires bodily presence and an intention to make the place one's home. A person thus may have more than one residence at a time but only one domicile.
See also country of habitual/usual residence, domicile, habitual/usual residence, residence permit
- residence permit** A document issued by the competent authorities of a State to a non-national, confirming that he or she has the right to live in the State concerned during the period of validity of the permit.
See also overstay, permit, residence
- respondent** A person required to answer a complaint filed in a civil suit.
See also defendant, plaintiff
- restitution** Return or restoration of some specific thing to its rightful owner or status; compensation or reparation for the loss caused to another; compensation for benefits derived from a wrong done to another.
- return** In a general sense, the act or process of going back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants; or between a host country (either transit or destination) and a country of origin, as in the case of migrant workers, refugees, asylum-seekers, and qualified nationals. There are subcategories of return

which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as sub-categories which describe who is participating in the return, e.g. repatriation (for refugees).

See also assisted voluntary return, deportation, expulsion, readmission agreement, re-emigration, refoulement, reintegration, reintegration (cultural), reintegration (economic), reintegration (social), repatriation, voluntary repatriation, voluntary return

return migration

The movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.

See also circular migration, forced return, reintegration, reintegration (cultural), reintegration (economic), reintegration (social), voluntary return

reverse brain drain

See brain gain

right of asylum

A generic term, used in two senses: the right to grant asylum (a State may grant asylum in its territory to any person at its own discretion) and the right to be granted asylum either vis-à-vis the State in whose territory asylum is requested, or vis-à-vis the pursuing State.

See also asylum, first country of asylum, State of refuge

right to leave

“Everyone has the right to leave any country, including his own...” (*Art. 13 (2), Universal Declaration of Human Rights, 1948*). This right was set down in other international law instruments, for example in *Art. 12(2), International Covenant on Civil and Political Rights, 1966* which states: “Everyone shall be free to leave any country, including his own.” It is an aspect of the right to freedom of movement, and it applies to all persons without distinction. There is, however, no corollary right to enter the territory of a country under international law.

See also emigration, freedom of movement, human rights, international minimum standard, repatriation, return

right to return

Another aspect of the right to freedom of movement. According to Art. 13(2) of the Universal Declaration of Human Rights, 1948; “Everyone has the right to ... return to his country”. Art. 12(4), International Covenant on Civil and Political Rights, 1966, states that: “No one shall be arbitrarily deprived of the right to enter his own country”.

See also freedom of movement, human rights, repatriation, voluntary repatriation

rural-rural migrants

Internal migrants who move from one rural area to another, consisting also of both short and longer distance movements of traders, pastoralists and agricultural workers.

See also internal migration, rural-urban migrants, urban-rural migrants, urban-urban migrants

rural-urban migrants

Internal migrants who move from rural to urban areas, often in response to poverty, low agricultural incomes, low productivity, population growth, shortages, fragmentation and inequitable distribution of land, environmental degradation, and the relative lack of economic opportunities in rural areas.

See also internal migration, rural-rural migrants, urban-rural migrants, urban-urban migrants

S

safe country of origin

A country of origin of asylum-seekers is considered safe if it does not, or does not generally, produce refugees. Receiving countries often use the concept of safe country of origin as a basis for rejecting summarily (without examination of the merits) particular groups or categories of asylum-seekers.

See also country of origin, safe third country

safe haven

Neutralized zones intended to shelter from the effects of war “the wounded and sick combatants or non-combatants” and “civilian persons who take no part in hostilities.” (Art. 15, *Geneva Convention concerning the Protection of Civilian Persons in Time of War, 1949*)

See also asylum, neutralized zones

safe third country

A country in which an asylum-seeker could have had access to an effective asylum regime, an in which he or she has been physically present prior to arriving in the country in which he or she is applying for asylum.

See also country of origin, first country of asylum, receiving country, safe country of origin

Schengen Agreement and Convention

By the Schengen Agreement signed on 14 June 1985, Belgium, France, Germany, Luxembourg and the Netherlands agreed that they would gradually remove controls at their common borders and introduce freedom of movement for all nationals of the signatory Member States, other Member States or third countries. *The Schengen Convention* supplements the Agreement and lays down the arrangements and safeguards for implementing freedom of movement. The Agreement and the Convention, the rules adopted on the basis and the related agreements together form the “Schengen acquis”. Since 1999, this has formed part of the institutional and legal framework of the European Union by virtue of a protocol to the *Treaty of Amsterdam*.

See also Dublin II Regulation

screening	<p>The process of checking for a particular attribute or ability. In the migration context, a preliminary (often cursory) review to determine if a person is ‘<i>prima facie</i>’ eligible for the status applied for.</p> <p><i>See also prima facie</i></p>
seafarer	<p>In the migration context, the term refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national (includes persons on shipping vessels) (<i>Art. 2(2)(c), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
seasonal migrant worker/ migration	<p>A migrant worker whose work, or migration for employment, is by its character dependent on seasonal conditions and is performed only during part of the year (<i>Art. 2(2)(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also economic migrant, migrant worker, temporary migrant worker</i></p>
secondary inspection	<p>In cases of doubt in the primary inspection during the admission procedure, or if the applicant appears on a lookout system, the applicant undergoes an interview or additional investigation.</p> <p><i>See also interview, lookout system, primary inspection</i></p>
secondary migration	<p>A movement of a migrant within a host country or to a third country, away from the community in which he or she originally resided.</p>
self-employed migrant worker	<p>“A migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and [to] any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements” (<i>Art. 2(2) (h), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>

- sending country** A country from which people leave to settle abroad permanently or temporarily.
See also country of origin, State of origin
- sensors** Equipment designed to detect the movement or presence of persons. This includes motion sensors and carbon dioxide sensors. Some sensors require a human operator, while others are fixed in remote places along the border and transmit information to a border control facility.
See also carbon dioxide sensors
- separated children** Children who are separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other family members. In the terms of the *Statement of Good Practice, 2004* in the Separated Children in Europe Programme (SCEP), separated children are “children under 18 years of age who are outside their country of origin and separated from both parents or their previous legal/customary primary caregiver.” The SCEP uses the term “separated” rather than the term “unaccompanied” because “while some separated children appear to be “accompanied” when they arrive in Europe, the accompanying adults are not necessarily able or suitable to assume responsibility for their care.”
See also child, minor, unaccompanied children
- servitude** State of a person deprived of liberty and subservient to another person.
See debt bondage, exploitation, slavery, worst forms of child labour
- sexual assault** Actual or threatened physical intrusion of a sexual nature by force or under unequal or coercive conditions.
See also rape
- sexual exploitation** Any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

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- short-term migrant** A person who moves to a country other than that of his or her usual residence for a period of at least three months but less than a year, except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business or medical treatment. For purposes of international migration statistics, the country of usual residence of short-term migrants is considered to be the country of destination during the period they spend in it.
See also long-term migrant, permanent settlers, temporary migrant workers
- skilled migrant** A migrant worker who, because of his or her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification).
See also highly skilled migrant, less/low-skilled and semi-skilled migrant worker, qualified national
- slavery** The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (*Art. 1, Slavery Convention, 1926 as amended by 1953 Protocol*). Slavery is identified by an element of ownership or control over another's life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g., traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).
See also bonded labour, child labour, debt bondage, servitude, worst forms of child labour
- smuggled person/migrant** A migrant who is enabled, through providing financial or material benefit to another person, to gain illegal entry into a State of which he or she is not a national or a permanent resident.
- smuggler (of migrants)** An intermediary who moves a person by agreement with that person, in order to transport him/her in an unauthorized manner across an internationally recognized state border.
See also smuggling

- smuggling** “The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (*Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights.
See also assets forfeiture, carbon dioxide sensors, illegal entry, organized crime, Palermo Protocols, sensors, smuggler (of migrants), trafficking in persons
- social capital transfer** Competencies, skills, knowledge, practices and ideas transmitted by international migrants to their country of origin.
See also remittances
- soft law** Standards that are not legally binding.
See also best (effective) practices, capacity building, regional consultative process
- source country** *See country of origin, sending country*
- sovereignty** Sovereignty as a concept of international law has three major aspects: external, internal and territorial. The external aspect of sovereignty is the right of the State freely to determine its relations with other States or other entities without the restraint or control of another State. This aspect of sovereignty is also known as independence. The internal aspect of sovereignty is the State’s exclusive right or competence to determine the character of its own institutions, to enact laws of its own choice and ensure their respect. The territorial aspect of sovereignty is the authority which a State exercises over all persons and things found on, under or above its territory. In the context of migration, this means the sovereign prerogative of a State to determine which non-nationals should be admitted to its territory subject to the limitations of the *non-refoulement* principle, human rights, and provisions in bilateral or regional agreements (e.g. free movement or integration agreements).
See also border management, human rights, jurisdiction, non-refoulement, personal jurisdiction, State, territorial jurisdiction, universal jurisdiction

- specified-employment worker** A migrant worker: (i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or (iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work (*Art. 2(2) (g), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).
See also migrant worker
- sponsorship** The act of promising support, in particular financial support, for a non-national who seeks to enter and stay in the State, generally for a defined period of time. Some States require either sponsorship or proof of adequate income as a condition of entry for certain categories of migrants as well as visitors.
See also affidavit (of support), bond, guarantee
- spontaneous migration** An individual or group who initiate and proceed with their migration plans without any outside assistance. Spontaneous migration is usually caused by push-pull factors and is characterized by the lack of State assistance or any other type of international or national assistance.
See also assisted migration, assisted voluntary return, push-pull factors, spontaneous return
- spontaneous return** The voluntary, independent return of an individual or group, including refugees, internally displaced persons (IDPs), or asylum-seekers, to their country of origin, usually without the support of States or other international or national assistance.
See also assisted voluntary return, spontaneous migration, voluntary return
- standard of proof** The degree or level of persuasiveness of the evidence required in a specific case. For example, in the refugee context, ‘well-founded’ is a standard of proof when assessing the fear of persecution.

- State** A political entity that has legal jurisdiction and effective control over a defined territory and the authority to make collective decisions for a permanent population; a monopoly on the legitimate use of force; and an internationally recognized government that interacts, or has the capacity to interact, in formal relations with other entities. The criteria of statehood for purposes of international law are commonly held to be possession of a permanent population, a defined territory, government and capacity to enter into international relations with other States (*Art. 1, Montevideo Convention on the Rights and Duties of States, 1933*).
See also sovereignty, subject of international law
- State of employment** “A State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be” (*Art. 6(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).
See also migrant worker, receiving country
- State of origin** “The State of which the person concerned is a national” (*Art. 6(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).
See also country of origin, sending country, third country
- State of refuge** State granting territorial asylum.
See also asylum (territorial), right of asylum
- State of transit** In a general sense, a State through which an individual travels during his or her journey towards a destination country.
In terms of *Art. 6(c) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*, a State of transit is “any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.”
See also country of transit, third country, transit, transit passengers, transit visa

- stateless person** “A person who is not considered as a national by any State under the operation of its law” (*Art. 1, UN Convention relating to the Status of Stateless Persons, 1954*). As such, a stateless person lacks those rights attributable to nationality: the diplomatic protection of a State, no inherent right of sojourn in the State of residence and no right of return in case he or she travels.
See also de facto statelessness, nationality
- statelessness** The condition of an individual who is not considered as a national by any State under its domestic law. Statelessness may result from a number of causes including conflict of laws, the transfer of territory, marriage laws, administrative practices, discrimination, lack of birth registration, denationalization (when a State rescinds an individual’s nationality) and renunciation (when an individual refuses the protection of the State).
See also de facto statelessness, denationalization, loss of nationality, nationality, renunciation
- step migration** Where a person moves to one or more locations within the country before emigration to another country, or from one country to another before moving to his or her ultimate or final country of destination.
- student** A person following a course of study at an accredited institution.
- stock (foreign)** The number of foreign nationals in a given area on a certain date (e.g. 1 January or 31 December) of the year in question.
See also migrant flow
- subject of international law** An entity possessing international legal personality and that, therefore, under that title, holds rights and is subject to obligations in international law. States were originally the only subjects of international law. Other subjects of international law have been identified over time, essentially international organizations and private persons. The extent of their legal personality is variable, but it is always more limited than that of States.
See also international law (public), international organization, State

suit	Any proceeding by a party or parties against another in a court.
summons	A notice requiring a person to appear in court or before an administrative agency to serve as a juror or witness.

T

- technical cooperation** Coordinated action in which two or several actors share information and expertise on a given subject usually focused on public sector functions (e.g. development of legislation and procedures, assistance with the design and implementation of infrastructure, or technological enhancement).
See also best (effective) practices, capacity building
- temporary (labour) migration** Migration of workers who enter a foreign country for a specified limited period of time before returning to the country of origin.
- temporary migrant workers** Skilled, semi-skilled or untrained workers who remain in the destination country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise. Also called contract migrant workers.
See also seasonal worker, short-term migrant
- temporary protection** An arrangement developed by States to offer protection of a temporary nature to persons arriving en masse from situations of conflict or generalized violence, without prior individual status determination.
- temporary travel documents** Documents issued to individuals, who are most often without passports, to enable them to return to their country of origin. Typically, such documents are issued for a short duration of time and expire upon the owners' entry into their country of origin.
See also certificate of identity, laissez-passer, passport, travel documents, travel documents (Convention), visa
- territorial asylum** *See asylum (territorial)*
- territorial jurisdiction** Jurisdiction over cases arising in or involving persons residing within a defined territory. Also a territory over which a government, one of its courts, or one of its subdivisions has jurisdiction.
See also jurisdiction, sovereignty
- territorial sea** The adjacent belt of sea over which the sovereignty of the coastal State extends. The territorial sea may not extend beyond twelve nautical miles.
See also contiguous zone, high seas

terrorism

In the absence of a generally accepted definition under international law, “terrorism” can be defined as the intentional and systematic use of actions designed to provoke terror in the public as a means to certain ends. Terrorism can be the act of an individual or a group of individuals acting in their individual capacity or with the support of a State. It may also be the act of a State, whether against the population (human rights violations such as forced labour, deportation, genocide, etc.), or in the context of an international armed conflict against the civil population of the enemy State. Certain categories of terrorist acts are specifically mentioned by the international treaties annexed to the *International Convention for the Suppression of Financing of Terrorism, 1999*. This same Convention qualifies terrorism as “any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature and context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing an act.”(*Art. 2(1)(b)*).

See also crime, international

third country

A country or territory other than one within the European Union.

third-country national

Means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community, including stateless persons.

torture

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him [or her] or a third person information or a confession, punishing him [or her] for an act he [or she] or a third person has committed or is suspected of having committed, or intimidating or coercing him [or her] or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions” (*Art. 1, Convention Against Torture and*

Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984). Torture constitutes a violation of international law (*Art. 7, International Covenant on Civil and Political Rights, 1966, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Geneva Conventions, 1949, common article 50/51/130/147*).

See also crime, international, fundamental human rights, inhuman treatment, jus cogens, prohibition of torture

total migration

The sum of the entries or arrivals of immigrants, and of exits, or departures of emigrants, yields the total volume of migration, and is termed *total migration*, as distinct from *net migration*, or the migration balance, resulting from the difference between arrivals and departures.

See also net migration

tourism

Movement of one person or a group of people, whether internationally or within one country, for purposes of leisure, sport, or discovery. Tourism does not imply a change of habitual residence for those participating, and it is not a form of migration in the strict sense, even though the term “tourism migration” is occasionally used.

See also migration, traveller, visitor

trafficker, human

An intermediary who is involved in the movement of person in order to obtain an economic or other profit by means of deception, physical or psychological coercion for the purpose of exploitation. The intent *ab initio* on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.

See also exploitation, smuggler, trafficking in persons, victim of human trafficking

trafficking in persons

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (*Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons,*

Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

See also abduction, assets forfeiture, carbon dioxide sensor, coercion, deception, exploitation, fraud, organized crime, Palermo Protocols, sensor, smuggling, trafficker, human, victims of human trafficking, worst forms of child labour

transit

A stopover of passage of varying length while travelling between two or more countries.

See also country of transit, refugees in transit, State of transit, transit passengers, transit visa

transit passengers

Persons who arrive by air or boat from one State in the airport or port of a second State with the sole object of continuing their voyage to a third State.

See also State of transit, transit

transit visa

A visa issued to a non-national passing through the country en route to a third destination. A transit visa authorizes the holder to pass through the territory of the issuing State or to stay there for a very short time, usually 24 or 48 hours.

See also State of transit, transit, transit passengers, visa

transnationalism

The process whereby people establish and maintain socio-cultural connections across geopolitical borders.

transportation

The movement of goods or persons from one place to another by any carrier.

See also carrier, conveyance

travel documents

Generic term used to encompass all documents issued by a competent authority which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents. Some States also accept certain identity cards or other documents such as residence permits.

See also certificate of identity, fraudulent document, laissez-passer, passport, travel documents (Convention), visa

**travel documents
(Convention)**

Travel documents issued to refugees in lieu of a national passport by a country which is a party to the *1951 Refugee Convention* according to *Art. 28(1)* of that *Convention*, which provides: “The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a document to any other refugee in their territory...”

See also certificate of identity, passport, refugee, temporary travel documents, travel documents, visa

traveller

A person who passes from place to place, for any reason.

See also carrier liability law, migrant, tourism, visitor

treaty

“An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (*Art. 2.1(a) Vienna Convention on the Law of Treaties, 1969*).

See also accession, accord, agreement, bilateral, bilateral labour migration agreements, convention, covenant, instrument, multilateral, ratification, reservation to a treaty

U

- ultra vires** Unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law.
- unaccompanied children** Persons under the age of majority in a country other than that of their nationality who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied children present special challenges for border control officials, because detention and other practices applied to undocumented adult non-nationals may not be appropriate for children.
See also child, minor, separated children
- unaccompanied minors** *See unaccompanied children*
- unauthorized/unlawful entry/admission** “Act of crossing borders without complying with the necessary requirements for legal entry into the receiving state” (*Art. 3(b), Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*).
See also illegal entry, irregular migration, undocumented migrant
- undocumented migrant** A non-national who enters or stays in a country without the appropriate documentation. This includes, among others: a person (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters or stays using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.
See also illegal entry, irregular migration unauthorized/unlawful entry/admission
- undocumented migrant workers/migrant workers in an irregular situation** Migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State.
See also documented migrant workers, irregular migrant, migrant worker, regular migration

- universal jurisdiction** Principle stating that national courts can investigate and prosecute a person suspected of committing a crime anywhere in the world regardless of the nationality of the accused or the victim or the absence of any links to the state where the court is located. Universal jurisdiction is considered to be absolute. The Preamble of the *Rome Statute of the International Criminal Court, 1999*, supports the application of universal jurisdiction: “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.” The objective of universal jurisdiction is to increase the effectiveness of international law in repressing certain infractions, including, specifically, the grave crimes of genocide, crimes against humanity, war crimes, torture, extrajudicial executions and “disappearance.” The view of the international community is that such crimes are so serious that they amount to an offence against the whole of humanity and therefore all States have a responsibility to bring those responsible to justice.
See also crime, international, crimes against humanity, sovereignty, war crimes
- unlawful entry** *See illegal entry, unauthorized/unlawful entry/admission*
- uprooted people** Those who are forced to leave their communities, who flee because of persecution and war, who are forcibly displaced because of environmental devastation, and who are compelled to seek sustenance in another community or abroad because they cannot survive at home.
See also environmental migrant, environmentally displaced person, externally displaced persons, internally displaced persons, refugee
- urban-rural migrants** Internal migrants who move from urban to rural areas either for “new settlement” purposes or as return migration for those who have been rural-urban migrants.
See also internal migration, rural-rural migrants, rural-urban migrants, urban-urban migrants
- urban-urban migrants** Internal migrants who move from one urban area to another, generally for the purpose of employment.
See also internal migration, rural-rural migrants, rural-urban migrants, urban-rural migrants

V

vessel

In the general sense, “the word “vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water” (*Convention on the International Regulations for Preventing Collisions at Sea, 1972, rule 3*).

Paralleling this general definition, international conventions propose very different definitions depending on the object of the convention. In the terms of *Art. 3(d), Protocol Against Smuggling of Migrants by Land, Sea and Air, 2000*, a vessel is “any type of water craft, including non-displacement craft and seaplane, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.”

See also flag State, high seas, rescue at sea

victim of human trafficking

Any natural person who is subject to trafficking in human beings.

See also trafficker, trafficking in persons

violence against women

“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (*Art. 1, Declaration on the Elimination of Violence against Women, 1993*).

See also gender-based violence

visa

An endorsement by the competent authorities of a State in a passport or a certificate of identity of a non-national who wishes to enter, leave, or transit the territory of the State that indicates that the authority, at the time of issuance, believes the holder to fall within a category of non-nationals who can enter, leave or transit the State under the State’s laws. A visa establishes the criteria of admission into a State. International practice is moving towards issuance of machine-readable visas which comply with ICAO

- (International Civil Aviation Organization) standards, printed on labels with security features.
See also applicant, biometrics, business visitor, certificate of identity, change of status, exit visa, passport, permit, temporary travel documents, transit visa, travel documents (Convention), visa refusal
- visa refusal** Decision by the competent national authorities to reject a visa application. Refusal may be inter alia for reasons of public order, public health or because the applicant has insufficient resources, etc.
See also visa
- visitor** In the migration context, the term is used in some national legislation to designate a non-national authorized to stay temporarily on the territory of a State without participating in a professional activity.
See also permanent residence, permanent settlers, tourism, traveller
- voluntary repatriation** Return of eligible persons to the country of origin on the basis of freely expressed willingness to so return. Most often used in the context of refugees, prisoners of war, and civil detainees. Also, one of the three durable solutions to address the plight of refugees.
See also assisted voluntary return, durable solution, integration, involuntary repatriation, repatriation, resettlement, return, right to return
- voluntary return** The assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.
See also assisted voluntary return, forced return, involuntary repatriation, return, return migration, repatriation, spontaneous return, voluntary repatriation
- vulnerable group** Any group or sector of society that is at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; any group or sector of society (such as women, children, the elderly, persons with disabilities, indigenous peoples or migrants) that is at higher risk in periods of conflict and crisis.
See also minority, protection of minorities

W

- waiver** The voluntary relinquishment or abandonment, express or implied, of a legal right or advantage. A migration law might provide that certain legal requirements or grounds of inadmissibility not be applied in specific compelling cases, giving the appropriate agency the authority to exercise judgement as to whether the requirement should be ‘waived’ in a given case.
- war crimes** Violations of the laws or customs of war. These crimes include, but are not limited to, grave breaches of the four *1949 Geneva Conventions*, including the wilful killing, torture, inhuman treatment, unlawful detention or deportation of persons who are no longer taking part in hostilities, and the destruction or appropriation of property protected by the four *1949 Geneva Conventions*. Civilian or military personnel can commit war crimes.
See also crimes, international, crimes against humanity, crimes against peace, exclusion clauses, universal jurisdiction
- watchlist** *See lookout system*
- well founded fear (of persecution)** A key element of the 1951 Refugee Convention’s definition of a refugee. Well-foundedness of fear contains both a subjective element (fear of persecution) and an objective element (the fear must have an objectively justifiable basis). According to the *1951 Convention*, persecution must be linked to any one of the five specified grounds: race, religion, nationality, membership of a particular social group and political opinion.
See also persecution, refugee
- withdrawal, of an application** Request that an application previously filed be cancelled or returned, or indication to relevant officials that the person who filed it no longer seeks the benefit or status requested.
See also applicant, application

- witness** One who has personal knowledge of certain events or facts by direct experience. In the legal context, a person with such knowledge who is legally qualified to present this knowledge in a court of law. To observe some event or action. In the legal context, to observe the execution of a written instrument, such as an agreement or contract.
See also oath
- worker on an offshore installation** “A migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national” (*Art. 2(2)(d), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).
See also migrant worker
- work permit** A legal document issued by a competent authority of a State giving authorization for employment of migrant workers in the host country during the period of validity of the permit.
See also applicant, permit
- worst forms of child labour** Expression referring to “a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (*Art. 3, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999*).
See also child exploitation, child labour, debt bondage, exploitation, servitude, slavery, trafficking in persons

X

xenophobia

At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. There is a close link between racism and xenophobia, two terms that can be hard to differentiate from each other.

See also discrimination, race, racial discrimination, racism

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