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NEW COUNTRY, NEW NEEDS, NEW RESPONSES: *Irregular labour migration to Timor-Leste*

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Carlos Alberto Florindo



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Research Report

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NEW COUNTRY, NEW NEEDS, NEW RESPONSES:

Irregular labour migration to Timor-Leste

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Foreword

This study on irregular migration, migrant smuggling and trafficking in persons in Timor-Leste has been realized by ACEP - Associação Para a Cooperação Entre os Povos, in coordination with the ACP Observatory on Migration and World University Service (WUS) Austria. It emerges from previous exploratory research and consultation with the Government of Timor-Leste, which highlighted the need to improve the state of knowledge on these topics in order to design policies that could promote the migration and development nexus.

Since its independence, Timor-Leste has turned into a destination country for both regular and irregular migrants who migrate to work in sectors such as construction, commerce and services. At the same time, the country has also experienced migratory flows which include the trafficking of women and men for labour exploitation purposes. Up to the moment, there has been limited available quantitative information on these matters. Although an institutional framework has been developed to respond to migration management challenges in the country, some remaining shortcomings still need to be addressed in the next future.

In this light, this study identifies policy proposals to promote the management of migratory movements in accordance with the respect for human rights and their contribution to the development of the country. More specifically, it emphasizes the need to establish priorities in terms of demand for skilled and non-skilled foreign workers and to create channels for migrants to stay regularly in Timor-Leste. Finally, it observes that the legal framework should be strengthened in order to protect victims of human trafficking and to prevent and fight this scourge.

As Chairperson of the National Consultative Committee, I would like to express my acknowledgment to the ACP Observatory on Migration for the relevance given to this priority issue, with the conviction that this work will certainly contribute to the country's programmatic and policy framework on migration and development.

Luis da C. Pereira
Chair, National Consultative Committee (NCC)
Chief of Documents Visa Section
Migration Service of Timor-Leste



Abstract

The main objective of this research is to contribute to a better understanding of migratory phenomenon in Timor-Leste, especially with reference to irregular migration, migrant smuggling and human trafficking.

Timor-Leste is a destination country for migrants, including foreign workers in irregular situations, who come from various parts of the world, but mainly from the region. Within its regional context, factors contributing to this migration pattern are the country's recent history; its geographical position, as well as its economic development and dollar-based economy (the only one in the region).

As far as migrant smuggling and human trafficking are concerned, some cases have been identified, such as women forced into prostitution and men working under forced-labour conditions on fishing boats.

In this context, the Immigration and Asylum Law was adopted in 2003 and an autonomous Migration Service has been created with the objective of improving migration management. Projects to counter human trafficking are also being implemented. Currently, civil society has participation in this realm remains limited; however, unions have begun assisting migrants in irregular situations and local Non-governmental Organizations (NGOs) have supported victims of human trafficking.

Irregular migration is considered an important issue by state and non-governmental institutions, especially given high unemployment rates, particularly among youth. Taking into account the development process, the limitations of vocational training and the education system and increased investment in sectors such as construction, infrastructure and oil, it is possible to anticipate the demand for specialized foreign workers. It is, therefore, fundamental to improve labour migration policy as well as civil society engagement, including the provision of safe immigration channels and the protection of migrants against human trafficking and migrant smuggling networks. Furthermore, a debate about the links between migration and development policies is essential for the strategic management of migration so that its contribution to development can improve.

Acknowledgements

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List of acronyms

ACP	African, Caribbean and Pacific
ASEAN	Association of Southeast Asian Nations
GDP	Gross Domestic Product
HDI	Human Development Index
IGT	Inspeção Geral do Trabalho (General Labour Inspectorate)
HAK Association	Law, Basic Rights and Justice Foundation Association
LAIFET	Labour Advocacy Institute for East Timor
MSS	Ministério de Solidariedade Social (Ministry of Social Solidarity)
MDG	Millennium Development Goals
NGO	Non-governmental Organization
IOM	International Organization for Migration
ILO	International Labour Organization
UNHCR	United Nations High Commissioner for Refugees
PRADET	Psychosocial Recovery and Development in East Timor
SEFOPE	Secretário de Estado da Formação Profissional e Emprego (Secretariat of State of Professional Training and Employment)
UNDP	United Nations Development Programme

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Executive summary

This report aims to contribute to greater knowledge of irregular migration, migrant smuggling and trafficking in persons in Timor-Leste. The report also aims to contribute to the debate on policy proposals that promote the role of migrants in the country's development.

Since gaining independence Timor-Leste has been receiving both regular and irregular migrants, mainly to work in the construction, commerce and services sectors. The construction sector, the lack of skilled human resources within the country and a dollar-based economy with positive growth rates seem to be attractive to migrants.

Institutions and legislation have been developed to respond to migration management challenges, including an Immigration and Asylum Law in 2003 and later, in 2008, an autonomous Migration Service. The Secretariat of State and Vocational Training and Consular Affairs Department is also involved in migration management, providing reports regarding visa applications and visa authorization.

The Immigration and Asylum Law received criticism from civil society organizations, as some of its articles were regarded as not respecting the Constitution in regards to migrants' civil rights, such as freedom of speech and demonstration. Some

aspects of the law still need to be clarified or improved, such as the distinction between tourism and business activities and the definition of what constitutes business. The lack of clarification means that people entering the country with tourism and business visas cannot be sure of what kind of business activities they can perform and therefore can be irregular without being aware. The law can also be improved in areas such as family reunification, permanent residence, work visa authorization and renewal and must be articulated with other legal instruments such as investors' legislation. An update of the law, as well as an analysis of the role of the three institutions involved in visa authorization, is therefore important.

The institutional framework on migration, regular and irregular, still lacks the involvement of civil society organizations, although some steps have been made to improve the consultation mechanisms with the National Consultative Committee on Migration and Development.

Regarding immigrants' profiles, the country mainly receives male adults from Asian countries who work in commerce, construction and services in Dili. Economic, geographical and family reasons play a role in the decision to choose Timor-Leste.

The main issue regarding migration, both regular and irregular, is the concern of competition between migrant and Timorese workers in a context where the great majority of the population works in agriculture in a vulnerable situation. In urban areas like Dili, one of the main concerns has to do with competition with young workers that try to enter the labour market. However it is not possible to establish a connection between immigration and lack of employment for local workers as they have different age profiles and experience and work in different sectors.

Because Timor-Leste lacks specialized workers and is in the process of development, the country is expected to continue to receive migrant workers. Therefore, it is essential to develop a strategic approach to migration, regular and irregular and to its role in development. This strategic approach means the country needs to

establish priorities in terms of demand for foreign workers, including skilled, and to decide how to create channels for migrants to stay regularly in the country. It also needs to decide which skills to prioritize in order to continue to invest in Timorese labour-force capacity-building.

The country is also receiving on boats trafficked women and men in situations of forced labour. The number of cases is low, but taking into account the country's geographical position and its economic situation, trafficking situations are expected to continue. There are already institutions and civil society organizations working on trafficking issues, but it is essential to strengthen the legal framework (currently under review) in order to protect victims and prevent and fight trafficking.

Sumário executivo

O presente trabalho tem como objectivo contribuir para o conhecimento sobre as migrações irregulares, o tráfico ilícito de migrantes e o tráfico de pessoas em Timor-Leste. Procura-se ainda reflectir sobre as políticas que poderão contribuir para o fortalecimento do papel das migrações no desenvolvimento do país.

Depois da independência, Timor Leste tem recebido imigrantes, regulares e irregulares, para trabalhar principalmente na construção, comércio e serviços. A falta de recursos humanos qualificados, as obras em curso e o facto de ser a única economia da região que utiliza o dólar como moeda e com taxas de crescimento favoráveis são atractivos para os migrantes.

Neste processo, instituições e legislação foram construídas para responder aos desafios de gestão das migrações tal como a Lei de Migração e Asilo de 2003 e depois, em 2008, a criação de um Serviço de Migração autónomo. A gestão das migrações inclui também o Secretário de Estado da Formação Profissional e Emprego e o Departamento de Assuntos Consulares na elaboração de pareceres para vistos e na sua autorização.

A Lei de Migração e Asilo de 2003 recebeu críticas das organizações

da sociedade civil na medida em que alguns dos seus artigos foram considerados em contradição com a Constituição em termos dos direitos civis dos migrantes à liberdade de expressão e manifestação. Alguns dos artigos da lei ainda necessitam ser clarificados ou melhorados tal como a distinção entre turismo e negócios e uma clarificação do que constitui negócios na medida em que se pode entrar no país com visto de turismo e negócios e não ter a certeza de que tipo de actividades se pode realizar estar em situação irregular sem dar conta. A lei pode também ser melhorada em temas como a reunificação familiar, a residência permanente, a autorização e renovação de vistos de trabalho e deve estar articulada com outros instrumentos legais como a legislação relativa ao investimento no país. A actualização da lei é assim importante tal como uma reflexão sobre o papel das três instituições na autorização de vistos e pareceres.

A abordagem institucional às migrações, regulares e irregulares, ainda carece de um maior envolvimento da sociedade civil apesar de alguns passos terem sido dados com os mecanismos de consulta como é o Comité Consultivo Nacional sobre Migrações e Desenvolvimento.

Os imigrantes em Timor Leste são essencialmente homens adultos

provenientes de países Asiáticos e que trabalham na construção, serviços e comércio em Dili. Razões económicas, geográficas e familiares têm influência na decisão de escolher o país para residir.

A principal questão que se coloca na migração laboral, regular e irregular, é a preocupação com a competição entre os trabalhadores migrantes e Timorenses num contexto em que a maioria da população trabalha na agricultura em situação de vulnerabilidade laboral. Nas áreas urbanas como Dili, uma das principais preocupações é a concorrência com os jovens que tentam entrar no mercado de trabalho. Contudo, não é possível estabelecer uma ligação entre imigração e falta de emprego para os trabalhadores locais considerando que têm perfis etários e experiência diferente e trabalham em sectores diferentes dos da maioria da população.

Tendo falta de trabalhadores especializados e com o processo de desenvolvimento em curso, é expectável que o país continue a receber trabalhadores migrantes.

Assim, é muito importante elaborar uma estratégia sobre migrações, regulares e irregulares, que promova o seu papel no desenvolvimento do país. Aquela abordagem estratégica significa que se estabelecem prioridades de procura de trabalhadores estrangeiros, incluindo os qualificados, e que se decide sobre a forma de criar canais adequados para a sua permanência no país. Terá ainda de decidir sobre as competências prioritárias a desenvolver pelos trabalhadores Timorenses e investir no seu desenvolvimento.

O país recebeu também mulheres traficadas e homens em situação de trabalho forçado. O número de casos é baixo mas tendo em conta a posição geográfica do país e a sua situação económica é expectável que o tráfico continue. Instituições locais estão já a trabalhar no tema mas é fundamental fortalecer o quadro legal, que está a ser revisto, de forma a proteger as vítimas, prevenir e responder ao tráfico de pessoas.

Résumé analytique

Le présent travail a pour mission de contribuer à la connaissance des migrations irrégulières, du trafic illicite de migrants et du trafic d'êtres humains au Timor-Leste. L'objectif est de réfléchir aux politiques qui pourraient favoriser le renforcement du rôle des migrations dans le développement du pays.

Après l'indépendance, le Timor-Leste a accueilli des immigrants réguliers et irréguliers pour travailler principalement dans la construction, le commerce et les services. Le manque de ressources humaines qualifiées, les travaux en cours, le fait que le pays soit la seule économie de la région à utiliser le dollar comme monnaie et les taux de croissance favorables représentent un attrait pour les migrants.

Au cours de ce processus, afin de répondre aux défis de la gestion des migrations, des institutions et des législations ont été mises en place, telles que la loi sur la migration et l'asile de 2003 et ensuite, en 2008, la création d'un service de migration autonome. La gestion des migrations implique également le secrétariat d'État à la formation professionnelle et l'emploi, ainsi que le département des affaires consulaires dans l'émission d'avis pour l'octroi de visas et leur autorisation.

La loi sur la migration et l'asile de 2003 a fait l'objet de critiques de la part d'organisations de la société civile, dans la mesure où certains de ses articles ont été considérés comme allant à l'encontre de la Constitution en termes de droits civils des migrants à la liberté d'expression et de manifestation. Certains aspects de la loi doivent encore être clarifiés ou améliorés, tels que la distinction entre tourisme et affaires, ainsi que la signification de la notion d'affaires dans la mesure où il est possible d'entrer dans le pays muni d'un visa de tourisme et d'affaires sans savoir avec certitude quelles activités peuvent être exercées et de se retrouver en situation irrégulière sans le savoir. La loi peut également être améliorée sur des thèmes tels que le regroupement familial, la résidence permanente, l'autorisation et le renouvellement de visas de travail et doit être assortie d'autres instruments légaux comme la législation sur les investissements dans le pays. L'actualisation de la loi s'avère aussi importante qu'une réflexion sur le rôle des trois institutions dans l'émission d'avis et l'attribution de visas.

L'approche institutionnelle de la question des migrations régulières et irrégulières manque encore d'implication de la part de la société civile, en dépit du fait que certains

pas ont été franchis grâce aux mécanismes de consultation tels que le Comité consultatif national sur les migrations et le développement.

Les immigrants au Timor-Leste sont essentiellement des hommes adultes originaires de pays asiatiques et qui travaillent dans la construction, les services et le commerce à Dili. Leur décision de résider dans le pays est motivée par des raisons économiques, géographiques et familiales.

La question cruciale que pose la migration de travailleurs, régulière et irrégulière, relève de l'inquiétude que suscite la concurrence entre travailleurs timorais et immigrés dans un contexte où la population travaille majoritairement dans l'agriculture et en situation de vulnérabilité professionnelle. Dans les zones urbaines comme Dili, l'un des soucis majeurs se rapporte à la concurrence avec les jeunes qui essayent d'entrer sur le marché de l'emploi. Toutefois, il s'avère impossible d'établir un lien entre immigration et absence de travail pour les locaux, étant donné qu'ils ont des profils différents en ce qui concerne l'âge et l'expérience et qu'ils travaillent dans des secteurs autres que ceux de la majorité de la population.

Étant donné le manque de travailleurs spécialisés et le processus de développement en cours, le pays devrait continuer

d'accueillir des travailleurs migrants. Aussi, l'élaboration d'une stratégie concernant les migrations régulières et irrégulières revêt une importance de taille afin de promouvoir leur rôle dans le développement du pays. Une telle approche stratégique entraîne l'établissement de priorités pour le recrutement de travailleurs étrangers, y compris les qualifiés, ainsi que la prise de décisions concernant la façon de créer des canaux adéquats favorisant leur permanence dans le pays. Il restera encore à statuer sur les compétences prioritaires à développer chez les travailleurs timorais et à investir dans leur renforcement.

Le pays a également accueilli des femmes victimes de trafic d'êtres humains et des hommes en situation de travail forcé. Le nombre de cas est peu élevé, mais étant donné la position géographique du pays et sa situation économique, le trafic pourrait se poursuivre. Des institutions locales se penchent déjà sur cette question, mais il s'avère fondamental de renforcer le cadre juridique, déjà en cours de révision, de manière à protéger les victimes, prévenir le trafic et y répondre.

I. Introduction

This report presents the research on irregular migration commissioned to ACEP - Associação para a Cooperação Entre os Povos as part of the ACP Observatory on Migration's research into South-South migration. This study emerges from previous exploratory research and consultations with the Timorese Government, which indicated the need to improve knowledge on irregular migration in order to design policies that could promote the role of migration in development.

In fact, Timor-Leste has received migrants including some who enter and stay in the country in an irregular situation, but there is limited quantitative information available on the phenomenon. Some of the migrants in irregular situations are working, though their circumstances are unclear. Some observers have pointed out the presence of women in vulnerable situations in activities related to prostitution who may be victims of trafficking networks (Alola Foundation, 2004; Martins Almeida, 2010).

In this context, the **main goals** of this research are: (a) to characterize the phenomenon of irregular migration in Timor-Leste; and (b) to identify policy proposals that promote the management of migratory fluxes in a way respects human rights and

contributes to the development of the country.

The research is structured around four **specific questions**: (a) what is the profile of irregular migrants in Timor-Leste?; (b) what are the main impacts of irregular migration?; (c) what trends can be identified regarding irregular migration in the country?; and (d) which policies and practices can be designed and implemented to improve the management of irregular migration?

The research process started in June 2012 and was completed in December 2012. It included the following activities: literature review; design of data collection instruments; collection of migration data available in the country, namely from the General Labour Inspectorate and the Secretariat of State of Professional Training and Employment (IGT – SEFOPE) – and the International Organization for Migration (IOM); and fieldwork, conducted in Timor-Leste from October to December 2012. Fieldwork included semi-structured interviews with 18 qualified informants in the sector of migration and the application of a questionnaire to 32 migrants. The report was written in January 2013.

This report is structured in the following way: Executive summary,

Introduction, Methodology and Literature review. In chapter four, an overview of migration in Timor-Leste, including irregular migration and human trafficking and its trends and impacts is provided. The report ends with conclusions and recommendations.

2. Methodology

In this part of the work we present the methodology used for studying irregular migration, human trafficking and the smuggling of migrants in Timor-Leste, as well as the processes of data collection and sampling and the limitations and the scope of the study.

The main goals of the research were to characterize the phenomenon of irregular migration in Timor-Leste and to recommend policies that allow the migratory flows to be managed in a way that respects human rights and helps accomplish the country's human development goals.

More specifically, the research intends to answer the following questions:

1. What is the profile of irregular migrants in Timor-Leste?
2. What are the main impacts of irregular migration on communities?
3. What irregular migration trends can be identified in the country?
4. What policies and practices are in place for the management of irregular migration?

The research process started with a literature review and continued with the design of data collection instruments and sampling. The team then conducted fieldwork and

worked on the information collected. Finally, the report was produced.

To characterize migration in Timor-Leste, the team collected quantitative information from SEFOPE, Secretary of State of Vocational Training and Employment, and IOM about regular and irregular labour migration and trafficking in persons. Later, the team gathered information through semi-structured interviews with qualified informants from public institutions, international organizations and civil society organizations (the list is presented in the section on the selection of participants in the study). Finally, a questionnaire was administered to migrants.

The methodological strategy thus includes: collecting statistical data from several sources, conducting semi-structured interviews with key actors about migration issues and distribution of a questionnaire to migrants in Timor-Leste.

2.1 Instruments of data collection

The instruments of data collection were designed taking into account the challenges inherent in the present research context.

Taking into account the scarcity of information on migration in Timor-Leste, the sensitivity of the issue and the experience of others through the questionnaire we have tried to design an instrument that would collect quantitative and qualitative data, with open and closed questions.

We have worked in accordance with fundamental ethical principles, including concealing the identity of the respondents and not collecting information that could harm them in any way.

The interviews with qualified informants were conducted with a set of open questions in order to collect experiences and perceptions on irregular migration, the smuggling of migrants and human trafficking and identify probable impacts on receiving communities and institutions. The interview was also conceived to assess which solutions have already been implemented for migration issues and to collect views on solutions which should be implemented. The interviewees were also asked to identify future challenges and tendencies for migration.

2.2 Selection of participants

A snowball sample was used to select participants for this research. Because of the unavailability of data

that could accurately represent the reality of irregular migration, the best strategy was to use a snowball sample, which is non-representative.

This process is of the same type as that used in other countries for similar studies on the issue.¹

The team tried to find a diverse sample of migrants in terms of gender, age, nationality, occupation and education in order to collect information from migrants with various types of experiences and profiles.

Migrants were accessed by means of contacts made available and mediated by individuals and organizations. In this process, local organizations such as workers' associations and international organizations were mediators, as well as individuals using informal networks. Before applying the questionnaire, the team provided information on the research objectives and allowed the migrant to decide if he or she wished to proceed. The respondent also had complete freedom not to respond to any question.

The questionnaire was given to 32 migrants: 13 Indonesian, 3 Chinese, 5 Filipino; 2 Bangladeshi, 1 Malaysian, 2 Ethiopian, 2 Ghanaian, 1 South Sudanese, 2 Cape Verdean and 1

¹ For instance, the research on irregular child migrants and their families living in the United Kingdom, conducted by Sigona and Hughes (2012) from Oxford University.

Croatian.² In terms of gender, 62.5 per cent of the migrants interviewed were men. More than half of the migrants were between 26 and 35 years old, and the other most represented age groups were 41-45 and under 25.

The questionnaire was applied to 13 migrants in regular situations and 19 in irregular situations. More specifically, their legal statuses were the following:

Table 1: Legal status of migrants included in the sampling

Legal status	Frequency
Working with expired work visa	1
No visa	1
Working with valid tourist visa	4
Expired tourist visa	13
Work visa	3
Asylum-seeker	1
Refugee status	1
Authorized residency	8
Total	32

The team was not able to identify any victim of trafficking or smuggled migrant as none of the migrants interviewed reported any kind of deception, coercion or violence or any

kind of intervention of third parties in the migration process for the purpose of making a profit. During fieldwork, local actors intervening in migration and trafficking issues were not able to identify the presence of anyone in those conditions in the country.

The decision to include regular migrants in the sample was made due to the exploratory nature of the study, the need to have a better understanding of the factors that make Timor-Leste an attractive country for migrants and to contextualize irregular migration as part of the various types of migration flows. Also, the condition of irregular migrants is dynamic, subject to change over time, and therefore it is important to understand the influence of the legal and institutional context on it.

With this type of study, it is not possible to draw general conclusions from the results. Nevertheless, it is striking to notice the statistical resemblance of the nationalities represented in the sample and the information provided by qualified informants and by authorities concerning the major States of origin of migrants in Timor-Leste.

The collection of quantitative and qualitative information does provide insight into the profiles and migratory paths of migrants, their integration in the country, the impacts of migration on communities of destination and on development and the perspectives of the different actors regarding

2 Croatia has a very high Human Development Index and therefore belongs to the North according to the United Nations Development Programme (UNDP) index.

solutions to the problems related to migration.

In addition to the questionnaire for migrants, the team also conducted 18 semi-structured interviews with qualified informants:

- Seven interviews with representatives of NGOs;
- Seven interviews with representatives of state institutions;
- One interview with a representative of an international organization;
- Three interviews with representatives of unions.

2.3 Fieldwork

The main goal of the fieldwork was to collect information from various sources — key informants and migrants — on migration, especially irregular migration, migrant smuggling and trafficking in persons. This information was intended to help characterize these phenomena and lead to an understanding of their impacts on the country’s development, as well as contribute to a greater understanding of the impacts of policies already in place and those that could improve migration management.

The fieldwork began in October 2012 and lasted until mid-December of the same year. During the

month of October, two researchers conducted interviews with qualified informants and questionnaires with migrants. After October, only one of the researchers administered questionnaires to migrants.

All interviews with qualified informants were conducted by the two members of the team. Key informants were accessed directly, following a request for an interview that presented the research and its objectives. Some of the migrant questionnaires were administered by the two members of the team and others by only one. The decisions of who would administer the questionnaire were made based on the profile of the migrant, namely concerning gender and language issues. Questionnaires were administered and interviews conducted in Portuguese, English, Tetum and Bahasa, depending on the case. A Timorese member of the team who speaks Tetum and Bahasa served as interpreter.

In this context, ethical issues and issues of access to migrants in irregular situations, which on their own are very complex, become even more difficult because there is no identifiable entity or entities with which the migrants have established trusting relationships³ which

³ It is important to mention that IOM, which cooperated on this study, supports specific groups of migrants, mainly trafficked

could guarantee security for the respondents and the team.

It is also important to mention that there are situations in which some organizations, other than the security forces, have had contact

people and migrants who are in transit in Timor-Leste and who have no means to continue their journey, as part of its mission in Timor-Leste.

with regular and irregular migrants in the course of their activities. There are however no records to identify these organizations. Hence, the research team identified and selected them, trying to find out through the interviews with qualified informants who had direct involvement and established relations with migrants in either regular or irregular situations.

3. Literature review

3.1 Theoretical approaches to migration

Research regarding migration was influenced, for a very long time, by the ideas of Ravenstein, particularly by his laws which tried to explain migratory flows (Ravenstein, 1885; 1889). The main idea of the so-called functionalist theories is that the decision to migrate is made taking into consideration the living conditions in other areas, which appear to be more favorable and thus more appealing when individuals are facing unfavorable economic, geographical and environmental situations in their countries of origin. These explanatory models are called push-pull and are still very important in the academic debate surrounding migration (Peixoto, 2004: 4-5).

The approaches based on that core idea, called neo-classical approaches in economics, look at migration as a process that promotes economic equilibrium by moving labour from places where it is abundant to areas where it is scarce. Under this model, individuals' main reason to migrate and the driving force behind decisions regarding destination countries are criteria related to income maximization (de Haas, 2008: 4).

Other theories centre around the idea that migration is a result of the

disruptive consequences of economic integration of certain regions and countries into the global economy. Migration is therefore an option determined by structural conditions that promote inequality and poverty.

However, more recently other perspectives have tried to reconcile structural factors and individual agency when explaining migration (de Haas, 2011: 11).

The new economy of migration (de Haas, 2011; Castles, 2005) tries to go beyond explanations based either on the individual or on macrostructures, recognizing on the one hand, individuals' ability to make decisions regarding migratory processes— their *agency*— and on the other, the role of structural factors that influence and condition those decisions, such as economic, migration and labour policies.

De Haas (2011: 15) presents an explanation of migration which tries to reconcile economic and non-economic dimensions as well as micro and macro dimensions. The author claims that migration is a result of the aspirations of individuals – which can be of different as far as their motivation to migrate is concerned – but also of the ability to do so, that is, the availability of financial resources, information or

other resources which allow them to migrate.

The theories of migration systems try to explain migration in terms of established relations between origin and destination countries. Hence, historical, political and cultural connections between countries tend to open the way for migration flows. Once those flows are established, they tend to be sustained through family and ethnic ties in origin and destination countries.

Migration flows are therefore supported by intermediates, such as family members and countrymen, but also by service providers who convert the migration process into an economic activity (Castles, 2005: 56). Therefore, individuals or networks can provide support during the migratory process but can also exploit and deceive migrants.

For Castles (2005: 49), migration should be understood as part of the globalization process. This process is more deeply rooted in economic and sociocultural relations as connections of values and ideas. According to the author, the main organizational structure supporting flows of money, people, ideas or products is the transnational network, which can be a multinational enterprise, a governmental organization with an international scope, a civil society organization, a criminal organization or a transnational cultural community.

Bearing in mind the goals of this study, we think it is important to have a broad perspective on migration processes when looking at irregular migration. This implies acknowledging approaches based on economic and non-economic determinants of migration, which allow us to bring the contributions of social, cultural and political processes into the debate, aspects which are key to understanding the phenomenon.

With this perspective, it is essential to look at migration within the framework of the economic, social, cultural and political processes of globalization, which affect countries and regions in different ways and lead to drastic inequalities between them, but also spur new aspirations, values, consumption perspectives, means of transportation and means of communication. In the context of globalization, a better understanding of migration includes a better understanding of the role of different types of transnational networks, such as diasporas, including some that see migration a profitable activity. National governments and regional and global structures also play a role in migration by adopting policies that enhance or restrain migration.

The complex set of determinants of migration and the political responses to the phenomenon necessitate looking beyond the legal categories which define migrants as refugees,

forced migrants, migrant workers and irregular migrants, taking into account that these categories, though important for understanding the condition of migrants, can rapidly change and do not on their own explain migratory processes.

3.2 Irregular migration

An irregular migrant is defined by IOM (2011) as: “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.”

Irregular migration is, due to its nature, difficult to research. In fact, there are significant gaps and inaccuracies in quantitative data which preclude any global characterization of the phenomenon. There is, however, an idea that the phenomenon tends to increase as inequalities in access to resources and employment continue at a global level and with the segmentation of labour markets and the importance of informal markets in the economies of industrialized and emergent countries (IOM, 2010: 29). Restrictive migratory policies also contribute to limiting opportunities for migrants to enter and stay legally in destination countries.

For Skeldon (2009: 3), irregular migration results in reflection of policies that do not respond to economic and demographic change. However, in spite of their condition

of irregularity, migrants contribute to the development of destination and origin countries through sending remittances, creating businesses and sharing knowledge, ideas and information.

On another note, despite the illicit character attributed to migration, irregular migration cannot be understood based solely on an individuals’ legal status at a given moment. A better understanding of the phenomenon must consider the diversity of situations that lead to the condition of irregularity, such as for instance, entering a country without a valid passport; staying in the territory beyond the period granted by the visa, which is usually a tourist visa; or carrying out professional activity without authorization. Migrants can also be in an irregular situation because their authorizations are not renewed, namely when in situations of unemployment.

Therefore, as many studies point out, the situation of irregularity is not static, but is influenced by migration policies and by mechanisms that allow migrants to have access to legal ways of remaining and working in the destination country (IOM, 2010; Peixoto et al., 2005).

Apart from migrants and authorities, other individuals and organizations intervene in irregular migration through legal and illegal activities which facilitate the entry and stay of

migrants in destination countries. In fact, migrant smuggling and human trafficking networks have been playing a stronger role in all regions of the world, in both South–North and South–South migration.

Irregular migrants are sometimes put in situations of great vulnerability when dealing with employers and authorities due to their irregular status and to the role played by smuggling and trafficking networks. Furthermore, irregular migrants are often subject to several forms of exploitation, coercion and abuse, with access to few or no mechanisms of protection and support.

Irregular migration is a complex challenge for States in terms of the management of borders and the implementation of coherent migration policies. On the one hand, migration policies should facilitate access to the human resources necessary for economic development and should guarantee conditions of dignity and respect for human rights on the other.

In this context, States have defined policies and criteria to welcome migrants according to their goals and priorities, facilitating the entry of highly qualified individuals, students or workers for specific sectors with seasonal characteristics and making it more difficult for less qualified workers or asylum-seekers to enter the country (Castles, 2005: 39).

An approach to irregular migration has to take changes in world trends with regard to economic integration into consideration, particularly the great increase in international flows of capital, information and products, but also the increased contact, communication and mobility of peoples. In this sense, the difficulties felt by migrant-receiving countries in controlling those flows reflect broader world and regional processes in which barriers and distance have progressively been reduced due to globalization (Castles, 2005: 39).

Conceptual approach to migrant smuggling and human trafficking

In the 1990s international concern arose regarding migratory flows, including irregular migration flows facilitated by migrant smuggling and human trafficking networks.

The United Nations expressed that concern through the adoption of the *Convention on the Protection of the Rights of all Migrant Workers and the Members of their Families* in 1990, which establishes the basic rights that must be guaranteed to all migrants and their families, whether in regular or irregular situations, and the *Convention against Transnational Organized Crime* in 2000 regarding crimes related to migration.

The latter adopted specific protocols in order to respond to the challenges

of migrant smuggling and human trafficking: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime. These aim to give definitions and forms of preventing and combating the realities of human trafficking and migrant smuggling, thereby contributing to a shared understanding of and international cooperation on these matters.

Migrant smuggling is defined as: “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” (IOM, 2011).

Human trafficking is understood as: “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” (IOM, 2011).

What distinguishes both of the above concepts from other migratory processes and is a part of both definitions is the intervention of external agents that facilitate a specific migratory project by means of illicit activities (Peixoto et al., 2005; Peixoto, 2007). The definitions can be differentiated from each other, fundamentally, because in the case of human trafficking there is often recourse to violence, coercion, exploitation or deceit.

As far as policies are concerned, both definitions have clear consequences concerning the action of States. Migrant smuggling tends to be seen as a matter of territory and border control, whereas in human trafficking, which is considered a criminal offense, migrants are seen as victims and there is concern for the protection of their fundamental rights (Dumienski, 2012: 62).

Several studies have verified that both in migrant smuggling and human trafficking situations there can be forms of violence and exploitation throughout the process, from the recruitment stage until arrival in the destination country (Piper, 2005; Peixoto et al., 2005; Peixoto, 2007).

Human trafficking is also associated with **forced labour**. Jordan (2011: 9) maintains that the focus of the debate on trafficking should be shifted away from issues surrounding the sexual exploitation of women and children,

arguing that more attention should be given to the phenomenon of forced labour that includes the trafficking of men, in addition to women and children, for labour activities in several sectors of the economy.

The International Labour Organization (ILO) defines forced labour as: “Any labour or service demanded from any person under the threat of punishment and for which the individual has not voluntarily offered himself.” This definition dates from 1930, the year of the ILO *Forced Labour Convention*. The institution returned to the matter in the 1950s, in the *Convention for the Abolition of Forced Labour*, where it indicated that forced labour cannot be used for purposes of economic development, political education, discrimination, labour discipline or as reprisal against participation in strikes (ILO, 2012: 11).

As far as children are concerned, the worst forms of child labour are all forms of slavery and practices similar to slavery, such as the sale of and trafficking of children, servitude associated with debts, forced or mandatory labour and the participation of children in armed conflicts (ILO, 2012: 11).

In order to clarify the concept and thus improve the identification of situations of forced labour, the ILO proposes an operative definition. Hence, forced labour refers to: “Labour for which the individual

has not volunteered and which is performed under coercion of the employer or of a third party.” This situation may occur at the moment of recruitment, when the individual is forced to accept a specific labour, during its performance, when the individual may be coerced to perform a specific activity against his will, or to retain the individual working against his will (ILO, 2012: 14).

Forced labour is distinct from other situations of exploitation or precarious labour because of its violent nature and the way in which it limits the rights and freedoms of individuals. It implies labour performed under threats, restriction of liberties, manipulation, including the manipulation of amounts in debt by the migrants, physical and psychological violence, confinement and isolation, non-payment of wages and the restriction of movements by capturing documents of identification such as passports.

There is an obvious connection between forced labour and human trafficking since the existence of a trafficking situation is confirmed by the existence of conditions coincident with forced labour, slavery or servitude due to debts (Jordan, 2011: 7). Whenever those specific conditions of violence and coercion are not present, even if there are situations of exploitation of migrant workers by third parties,

these situations do not meet all the conditions to be considered human trafficking and are usually defined as irregular smuggling of migrants.

3.3 Irregular migration in the Asia-Pacific Region

Changes in the political, social and economic systems after the Second World War, as well as the economic development of some of the Asian economies from the 1970s and 1980s onwards, have influenced migratory flows both within the region and into other parts of the world.

As a consequence of the opening to immigration of several European, American and Asian economic powers, migration from Asia has increased significantly. Migration within the region from countries with a surplus of workers to more dynamic economies such as Korea, Malaysia, Singapore, Taiwan or Hong Kong, needing supplementary labour, became particularly significant in the 1990s (Castles and Miller, 2009; Skeldon, 2009: 4).

All Asian countries experience, or have experienced at a specific point in their history, processes of immigration, emigration and transit of migrants, to the extent that South–South migration is also relevant in this context. China, Bangladesh, Cambodia, Myanmar, Indonesia, India, the Lao People’s Democratic

Republic, Nepal, Pakistan, Sri-Lanka and Viet Nam are nowadays recognized as the main countries of origin (Castles and Miller, 2009).

Migration in Asia has some specific characteristics, namely the significant presence of women among the migrants (Piper, 2005; Castles and Miller, 2009), in a process that has been designated the feminization of migration. Another feature is related to the prevalence of irregular migration and its growth in many countries of the region. The International Labour Organization (ILO) estimates that one in every four migrant workers in Asia is in an irregular situation (Castles and Miller, 2009; Skeldon, 2009). Migration in Asia has also been characterized by:

- 1) A lack of mechanisms for managing migration and of legal instruments to enable migrants to enter and stay regularly; this creates insecurity and limits rights. Policies and practices are characterized by restrictions to migrants’ rights regarding residence, especially for those seeking long-term residence and for family reunion (Castles and Miller 2009; Skeldon 2009). The legal channels for entry are usually contracts with a limited duration, for specific positions and migrants must leave the country as soon as they finish them (Martin, 2009: 14; Skeldon, 2009: 14). Nevertheless, an increased dynamism has been

- observed, namely through the work of organizations advocating for defense of migrants' human rights and the inclusion of this issue in the public agenda (Castles and Miller, 2009; Khoo, 2010).
- 2) Restrictive attitudes regarding migrants, particularly in situations of economic crisis during which migrants are often considered to exacerbate unemployment, crime and disease. Evidence shows cases of expulsion of and violence towards migrants (Skeldon, 2009: 5). Some destination countries also have concerns regarding their ethnic composition and try to maintain an ethnic equilibrium by adopting policies that restrict the long-term residence of migrants and family reunification (Castles, 2005; Castles and Miller, 2009; Skeldon, 2009).
 - 3) The presence of groups of refugees from countries with political or military instability, or countries in which major human rights abuses have occurred, such as the Democratic People's Republic of Korea; Sri-Lanka; Tibet, China; Myanmar; the Philippines and Afghanistan. There have also been waves of refugees from Cambodia, the Lao People's Democratic Republic and Viet Nam. Many refugees have settled in countries like India, Australia, Thailand and Bangladesh (Castles and Miller, 2009).
 - 4) The involvement of intermediaries in the migration process, from recruitment to settlement in the destination countries. The intervention of intermediaries is mainly due to the scarcity of legal mechanisms for immigration into higher income countries (Skeldon, 2009). Third party involvement is often linked to family networks and ethnic ties, but it is also associated with organized networks that try to profit from this activity.
 - 5) The importance of geography in influencing irregular migration. For instance, countries that share easily accessed terrestrial borders are more exposed to non-authorized entries and to the intervention of human trafficking (Martin, 2009: 15; Skeldon, 2009: 11).
- Some measures have been taken by the governments of several countries to respond to migrant smuggling and human trafficking. Some countries, such as Malaysia and Thailand, attempted to regularize migrants. These regularization policies were accompanied by strengthening of surveillance and efforts to reduce irregular immigration in the region (Martin, 2009: 28; Skeldon, 2009: 15).
- Countries like Malaysia⁴ signed bilateral agreements in order to

4 With Bangladesh, China, Indonesia, Pakistan, Sri Lanka, Thailand and Viet Nam.

manage migration flows and direct migrants towards the sectors with greatest need for workers (Martin, 2009: 25; Skeldon, 2009: 17).

In terms of regional policy in Southeast Asia, the Association of Southeast Asian Nations (ASEAN) has tried to improve the condition of migrants and the management of migration flows. The *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*, in 2007, represents an attempt to articulate regional guidelines for the conduct of home and host countries. The declaration includes commitments that seek to improve labour conditions, ensure the reintegration of migrants in their origin countries, combat all forms of irregular migration and share information and good practices on the phenomenon.

The Bali Process, initiated in 2002 by Australia and Indonesia, aims to combine the efforts of several countries of the Asian-Pacific region

to respond to migrant smuggling, human trafficking, refugees and asylum-seekers, highlighting the combined responsibility of origin, destination and transit countries. This process also tries to create the basis to support victims of human trafficking, particularly women and children.

Cooperation in the Bali Process is centered on issues related to migration management, the role of courts and the prosecution of traffickers, the medical and social support provided to victims of trafficking and exchange of information and good practices.

At the level of the United Nations, some countries of the region ratified the *Convention for the Protection of the Rights of All Migrant Workers and their Families*, namely the Philippines, Indonesia, Sri-Lanka, Timor-Leste and Cambodia.

4. Migration in Timor-Leste

4.1 Socioeconomic context

Timor-Leste is a Southeast Asian country belonging to the ACP Group of States, with 1,066,409 inhabitants according to the 2010 census.

The Island of Timor is mentioned in writings from the fourteenth century that indicate its integration into the trade routes of the region mainly due to the importance of sandalwood. Archeological studies reveal that the settlement of the island took place at least 37,000 years ago. Traces dating back 13,000 years are attributed to Papuan peoples, and later findings, some dated from 3,000 years ago, are attributed to the arrival of the Austronesian peoples (Durand, 2001: 46-47). The ethnic and linguistic diversity of the country is a result of these early migrations.

Since the sixteenth century, the presence of the Portuguese and Dutch in what is currently known as Timor-Leste and the fight for control over the territory led to an agreement between the two countries that established the country's current borders in the beginning of the twentieth century (Durand, 2001: 51). The Portuguese rule was set to end in 1975 amid civil unrest between Timorese political parties and the Indonesian invasion in the same year, which resulted in decades

of violence, causing between 100,000 and 250,000 deaths and forcing many Timorese to flee the country.

Following a referendum in 1999, Timor-Leste regained its independence, remaining under the administration of the United Nations until 2002 when the government of the country was assumed by the Timorese. This occurred in a context of huge social, economic and political challenges in a nation marked by a long colonial presence and a long resistance towards Indonesian rule. In fact, in 2001 the country was one of the poorest of the world.

Timor-Leste has made significant progress. The economy recorded growth rates (non-oil Gross Domestic Product-GDP growth⁵) of 12.8 per cent in 2009, 9.5 per cent in 2010 and 10 per cent in 2011, according to the data of the Timor-Leste Central Bank. The Central Bank expects a similar growth rate for 2012. The economy is highly dependent on oil and gas exports, which represent around 90 per cent of the revenues of the annual public budget, and Timor-Leste's

5 The Central Bank of Timor-Leste usually calculates the Gross National Product growth rates excluding oil and gas revenues due to the fact that those resources are explored jointly with Australia. The IMF uses the same procedure.

government⁶ has been using those financial resources to improve its infrastructure and invest in human resource development, vocational training, education and health.

The country is also experiencing positive dynamics in terms of private sector development, with 1,691 enterprises registered in 2007 and 3,781 in 2009 (UNDP, 2011: 101).

However, several socioeconomic indicators demonstrate that Timor-Leste continues to face many challenges. According to the Human Development Report of 2011, around 41 per cent of the Timorese population lives on less than 88 cents a day. This is a 9 per cent reduction in comparison to the 49.9 per cent rate verified in 2007 (UNDP, 2011: 40).

Data from the 2010 labour survey conducted by SEFOPE reveal that, even though the unemployment rate is very low at 3.6 per cent, about 70 per cent of the population is in a vulnerable employment situation in which their income is neither guaranteed nor stable.⁷ This is mostly due to the fact that the main livelihood among the population

is agriculture, largely subsistence. Agriculture employs around 66 per cent of the country's active population, according to the 2010 census.

In this context, improving national socioeconomic indicators and reducing dietary deficiencies, which affect about 48 per cent of children and 45 per cent of adults in the country, will require changes in agriculture production. Agricultural policies must help improve productivity levels, investment and the connection to markets. Timor-Leste must also reduce its levels of dependency on imported products (UNDP, 2009: 20).

In 2009, 73 per cent of children had completed five years of schooling. That percentage represents an improvement from 2003, when the percentage was about 56 per cent. Literacy levels increased from 50 per cent in 2001 to 81 per cent in 2007 among individuals between 15 and 24 years of age. The literacy of adults was estimated at 58 per cent in 2007 (UNDP, 2011: 45).

As far as gender equality is concerned, indicators demonstrate that in primary education there is greater enrollment of girls than boys, but the situation is inverted at the secondary and tertiary levels (UNDP, 2009: 31). Women represented 31 per cent of wage earners in the formal labour market, according to the 2010 census, reflecting their low participation.

6 The National Parliament must previously approve the Timorese Government's use of Petroleum Fund revenues.

7 In Timor-Leste the unemployment rate cannot be seen as the main indicator of employment in the country as most people cannot afford to not have some sort of labor activity. Therefore the vulnerable employment indicator, as given in the Labor Survey, is preferable when looking at the country's labor market.

In the health sector, progress has also been made in maternal and child health, with improvements in access to specialized care for mothers and children (UNDP, 2011: 58). The fertility rate is still at around five children per woman, but was at seven children per women in 2001, according to the World Bank, and therefore population growth and pressures on employment opportunities and educational and health systems will remain very high.

Since independence, Timor-Leste has experienced positive changes in levels of human development. At present, the country actually holds a higher position on the Human Development Index (HDI) than some other countries of the region, such as Myanmar and Papua New Guinea (UNDP, 2011: 31). The country shows positive changes in health, infrastructure, education and poverty indicators. However, in the areas of education and reduction of poverty, a lot still needs to be done in order to achieve the Millennium Development Goals (MDG).

4.2 Migration flows in Timor-Leste

The situation in Timor-Leste as far as migratory flows are concerned is still difficult to assess due to the scarcity of information and data. The country has received migrants since its independence in 1999, but flows and contact with peoples of other regions started long before. Information

from the fourteenth century reports the existence of stable trade routes, which included the island of Timor, China, India and Islamic peoples. Afterwards, during the period of the Portuguese colonial occupation, there was a Portuguese presence in Macau, and the territory received Chinese migrants and migrants from some Islamic countries.

With the Indonesian occupation from 1975 onwards, the country experienced migration inflows from the western part of the island and from other regions of Indonesia, such as Bali, as a result of the Indonesian government's migration policies, a transmigration process⁸ with political and economic goals (Aditjondro, 1996). Although most of those migrants left after 1999, it has been reported that some Indonesian migrants may be returning to Timor-Leste.

After independence, Timor-Leste received people from different parts of the world working for the United Nations, as well as

8 Transmigration policies in Indonesia started during the Dutch colonial rule and continued with independence. They consist of moving people from highly populated regions to other parts of the country in order to reduce poverty levels, improve the use of resources and create economic opportunities. However, the programme has caused conflicts between migrants and locals and has been seen as a political instrument to reinforce the power of the state.

other international cooperation organizations and programmes. In 2001, it was estimated that there were around 25,000 foreigners part of those missions in the country (Durand; 2002: 134). Other migratory flows were reestablished, namely migration from China and Indonesia, but also from other countries of the region with no previous connection to Timor-Leste in terms of migration, like Myanmar, the Philippines, and Cambodia.

The main destinations of Timorese emigration were Australia, Portugal and Indonesia, especially during the period of occupation. Currently, due to the problems of unemployment and vulnerable employment, the country has made bilateral agreements with Australia, Malaysia and the Republic of Korea in order to find legal labour migration solutions (Soares and Fernandes, 2012). Also, according to Portuguese law, Timorese citizens born before 2002 can have access to Portuguese citizenship, which facilitates the process of admission into the Schengen Area as workers or students. According to estimates of the World Bank *Migration and Remittances Factbook 2011*,⁹ the Timorese diaspora represents 1.4 per cent of the total population, with more than 14,000 people.

9 Available online <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Timor-Leste.pdf>.

Since 1999 Timor-Leste has suffered outbreaks of instability and violence that have created forced migration flows. After the referendum in 1999, 300,000 people fled, many of whom were forced to do so by the pro-integration militia and Indonesian army. Most of them returned to Timor-Leste when the situation stabilized and were successfully reintegrated. However some still remain in the western part of the Timor island. In 2006 there was a new wave of displaced people caused by violence and insecurity in Dili, a situation that was eventually resolved with the support of the United Nations, through the United Nations Integrated Mission in Timor-Leste (UNMIT) and international security forces.

According to the 2010 census, the foreign population in Timor-Leste represents around 1 per cent of the total population. Because the census processes aimed to include everyone present in the country at that time, the percentage of foreigners includes regular and irregular migrants.

The entry and stay of labour migrants is not always processed in a legal way. There have been instances of workers without authorization who were consequently deported or fined (Alola Foundation, 2004; Martins Almeida, 2010). A study conducted on the presence of networks trafficking women for the sex industry in Dili identified situations of violence and

deception and restrictions of migrants' freedom (Alola Foundation, 2004). In most cases the arrival in Timor-Leste was voluntary, although women did not always have information about the type of work they would perform.

There have been cases of migrants who were forced to work on boats as well as cases of migrants trying to reach Australia by boat that were intercepted by the Timorese police authorities. These migrants were sent back to their country of origin (Martins Almeida, 2010).

In this context, it is important to take some issues-related migration flows in the region into consideration in order to better characterize migration in Timor-Leste:

- a) The country's geographical context influences migration flows. The terrestrial borders with Indonesia and the proximity to Australia are both characterized by strong migratory flows, including irregular migration, Indonesia being a country of origin and transit and Australia one of destination (Wickramasekera, 2002);
- b) Timor-Leste is the only dollar-based economy in the region, with ongoing infrastructure programmes. The construction sector, which lacks specialized human resources, often relies on migrant workforces (Wickramasekera, 2002: 15);

- c) The Southeast Asian region to which Timor-Leste belongs has high levels of irregular migration (Koser, 2005: 9);
- d) The historical background of the country, namely the Portuguese colonial presence and the Indonesian occupation, contributed to migratory flows and to the establishment of family and ethnic networks which tend to encourage migration;
- e) Socioeconomic indicators and the dynamics of internal migration between rural and urban areas and international migration reveal that emigration will continue and, thus, it is important understand the way in which it occurs.

4.3 Legal framework of migration

The legal framework for migration includes international conventions adopted by Timor-Leste, national legislation on migration and other pertinent laws in the fields of investment, employment and commercial licensing.

International conventions

Table 2 summarizes the international commitments of Timor-Leste on migrants' rights and the rights of their families, the fight against human trafficking and migrant smuggling.

Table 2: International conventions ratified by Timor-Leste

<p><i>International Convention on the Protection of the Rights of all Migrant Workers and the Members of their Families</i></p> <p>Ratified 30 January 2004</p>	<p>States undertake to respect the rights of immigrants and of their families:</p> <ul style="list-style-type: none"> • To life, to protection against any form of violence, forced labour, inhuman or cruel treatment; • To freedom of speech, thought and religion, to private life, honor and reputation; • To liberty and security; • To access to urgent health care; • To justice; • To basic education (for migrants' children); • To information on their rights and duties in a language they understand; • To the protection of the consular authorities of their State of origin or of one that represents them; • To participation in associations and in unions; • To benefit from the same rights and duties that apply to nationals in terms of labour legislation in a context of non-discrimination.
<p><i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime</i></p> <p>Ratified 9 November 2009</p>	<p>States should:</p> <ul style="list-style-type: none"> • Adopt legal measures and others for the criminalization of human trafficking; • Ensure the protection of victims and cooperation between States so as to guarantee their repatriation without delay and in dignifying conditions; • The destination State should ensure the migrant the legal stay in the territory when the victim has no conditions to return to the origin or residence country; • Ensure that victims have access to protection and assistance so they can recover physically, psychologically and socially. Support shall be provided by States which may cooperate with non-governmental organizations; • Promote research and raise awareness within the community in order to prevent trafficking and fight against it; • Cooperate with public and private entities; • Adopt measures that reduce the factors of vulnerability to trafficking and that promote the search for trafficked people; • Improve the training and knowledge of migration services workers.

<p><i>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime</i></p> <p>Ratified 9 November 2009</p>	<p>States should:</p> <ul style="list-style-type: none"> • Promote measures that represent a criminal justice response to smuggling so as to attribute responsibilities to the guilty parties; • Origin and destination States should cooperate in the repatriation of the migrants without delay; • Protect migrants from any situation contrary to the respect for their fundamental rights and from any kind of violence or threat. Their repatriation should be completed with respect for their rights.
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National legal framework concerning foreigners' entrance and stay

The Immigration and Asylum Law of 2003 defines the conditions under which foreigners may enter and stay in Timor-Leste, their rights and duties, as well as the penalties for non-compliance. The law also sets the framework for prosecuting crimes associated with migration. The Timorese legal framework also includes articles related to migration in the areas of investment, commerce, labour and border management.

According to the Immigration and Asylum Law, foreigners are entitled to the rights and subject to the duties established in the Constitution of Timor-Leste (Article 5), with some limitations to the rights of political participation, speech and demonstration (Article 11). These limitations have been criticized by civil society in their comments on the law in 2003, and the Timorese Court of Appeals has considered the articles

of the law that restrict the political participation of foreign citizens unconstitutional. However, the Law has been published without changing those articles.

The legal framework that regulates foreigners' entrance and stay in Timor-Leste, the Immigration and Asylum Law, includes four classes of common visas: a work visa and a visa to establish residence and two types of permits. Visas refer to short-term stays and residence permits to long-term permanence in the country. In order to enter and stay in Timor-Leste with any of these visas, the foreigner must have the financial resources required by the Immigration Law: USD 100 per entrance and USD 50 for each day of stay. If the foreigner does not have those amounts, a national citizen or a foreigner living in the country can assume the responsibility of providing resources for his or her stay (Article 18).

The **Class I visa is the tourism or business visa**. It is valid for up to 90 days and is granted to foreigners who intend to visit the country for tourism, visits and business meetings (Article 35, No. 1). This visa is authorized by the Migration Service and can be requested at the border.

Because the visa includes tourism, visits and business activities, foreigners who enter the country under this visa to conduct business and work activities might not be aware of specific rules and limitations, as it is not clear what are considered business activities. For instance, people who represent private organizations and enter the country for a short-term visit to participate in workshops and training activities, promote products in meetings, find business partners or undertake other kinds of professional activities may be considered to be conducting professional activities without the proper visa.

On the other hand, the Immigration and Asylum Law does not include a specific visa for investors. However, subsequent specific legislation on private investment, the Private Investment Law number 14/2011 of 28 September 2011, Article 26, establishes that the state allows foreign investors to access temporary or permanent residence permits if they stay in the country for more than three consecutive years. This law

also establishes a specific procedure to allow foreigner workers who are part of investment agreements to access work visas in order to develop professional qualified activities in investment projects.

The **Class II visa is the transit visa** and is granted to foreigners who are in transit through the national territory en route to another country or between two international flights (Article 35, No. 3). It is valid for maximum of 72 hours and is also authorized by the Migration Service.

The **Class III visa, the study visa**, is for foreigners intending to study in national territory. It is valid for up to a year and is renewable for the same period of time depending on proof of academic performance, enrolment and demonstration of means of subsistence and lodging (Article 35, No. 4).

The **Class IV visa is for cultural visits and scientific research**, and is intended for foreigners who are in national territory for cultural purposes or for scientific research. The holder must be an artist, athlete or a correspondent of a foreign media organization. This visa allows a stay that corresponds to the duration of the agreement or mission up to 180 extendable days, and it can be issued for one or multiple entries (Article 35, No. 5). However, this visa is for to two kinds of situations — cultural

visits and academic research — which are of a different nature and usually have different goals and timelines. Scientific research is connected with educational purposes and academic institutions, and it is not clear why these researchers are subject to the same visa requirements as artists, athletes or media correspondents and not to those of the study visa.

In 2010, in the area of border management, a **Border Pass** was created as a result of the Agreement between the Democratic Republic of Timor-Leste and The Republic of Indonesia on the Traditional Border Crossing and Regulated Markets, which was ratified by Resolution 21/2009. This pass is available to populations that border Indonesia, and its main goal is to simplify legal entrance into both countries, taking into account family ties and work and business activities.

However, the implementation of this legal instrument still faces difficulties reaching the entire population living in border areas as the Migration Service is still concentrated at the Mota Ain, Bobonaro post (Mahein Foundation, 2013: 18). Mahein Foundation's report (2013) on border management points out situations of irregular border crossings stemming from the fact that people do not have the required documents, border pass or passport, or the financial resources to access them. People who live

in border areas and cross due to family ties, participation in cultural and religious activities or business activities report border crossings at specific points without the control of the border authorities.

The **work visa** is granted to foreigners to work in Timor-Leste. Therefore, the holder can enter the country in order to temporarily perform a remunerated professional or independent activity (Article 36 of the Immigration and Asylum Law). The foreigner can only carry out the professional activity which he or she claimed when applying for the visa, and any change must be authorized by the Migration Service and also have the approval of the Secretary of State for Labour and Solidarity (Article 8 of the Immigration and Asylum Law).

The work visa is valid for a year and can be renewed for equal periods up to three years (Article 42 of the Immigration and Asylum Law). A positive report from SEFOPE is required for the renewal process, even if the foreigner's work situation remains the same. However, SEFOPE's criteria to approve or deny the renewal of the work visa are not set in the Immigration and Asylum Law. Furthermore, although the Law states that the work visa can only be renewed for up to three years, it is not clear about the conditions under which migrants that have work visas can apply for residence permits.

Migrant workers have the same rights as the Timorese under the Labour Law, Article 77, No. 1. However, there are some limitations regarding access to certain independent work activities, such as ambulant vending or selling in the traditional markets set forth in the commercial licensing law No. 24/2011 of 8 June 2011, Article 6, No. 3. This limitation is especially significant for migrants who are ambulant vendors and can be in irregular situations by undertaking those activities.

The purpose of the **visa to establish residence** is to allow a foreigner to enter national territory in order to request a residence permit. In order to access the visa to establish residence and by extension the residence permit, the foreigner must prove that he or she has the means to support him or herself, state the aim of the work that he or she is going to perform in Timor-Leste, have a clean criminal record and have the means to leave the country (Article 37 of the Immigration and Asylum Law).

The **residence permits** (Articles 49 to 53 of the Immigration and Asylum Law) are temporary (two years) or permanent (no time limit). Temporary residence permits must be renewed every two years, and the permanent permit must be renewed every five years. In order to be considered for a permanent residence permit, the foreigner has to be a legal resident in

Timor-Leste for at least 12 consecutive years (Article 53), while for investors the requirement is three years.

The Immigration and Asylum Law also establishes a special category under which residence permits can be granted to foreigners who do not fully comply with the usual requirements for accessing the permit (Article 54 of the Immigration Law). The decision on this matter is the responsibility of the Prime Minister and the Interior Ministry. The request is made in the Migration Service. The law does not clarify what kind of situations can be considered as falling under that special category or what criteria or documents must be submitted.

Family reunification is possible for foreigners who possess a residence permit or refugee status. Family members eligible for family reunification are children under 18 years old and spouses (Article 44 and 45 of the Immigration and Asylum Law). The Law does not clarify whether foreigners who have work, education or cultural visas are eligible for family reunification.

Asylum can be requested at the border or at the police. The Law states that the request should be submitted within 72 hours of entering the country (Article 92 of the Immigration and Asylum Law). This requirement has been criticized by civil society organizations due to the logistical, language and information

challenges that can complicate the asylum request. The analysis of the request and ensuing decision must take no more than 20 days, also considered insufficient by civil society organizations, considering that investigating asylum requests might include exchanging documents and information with other countries' authorities and international organizations. The timelines for presenting an appeal to the refusal of an asylum request (five days) and deciding on appeals (48 hours) have also been considered short by those organizations.

The Law establishes that the asylum request process is to be followed by the United Nations High Commissioner for Refugees (UNHCR) but this agency is no longer present in Timorese territory. Asylum-seekers are entitled to social support from the government in partnership with NGOs, however, during fieldwork no NGO working on refugee and asylum issues was identified.

In terms of **immigration policy and migration management**, the Immigration and Asylum Law of 2003 states that if a foreigner intends to perform a professional activity as an employee or as an independent worker, the aims of providing a specialized workforce for the different sectors of the economy, increased productivity and the assimilation of technology will be used as criteria

for the decision on the permit. The Law thereby opens the possibility of regulating labour migration fluxes, giving priority to more skilled workers.

However, the ability of the country to attract highly qualified workers has to be seen in connection with other aspects of immigration law, such as family reunification, for which it is currently not clear who can apply. If a foreigner plans on a short-term stay with a work visa, the law is not clear regarding the possibility of bringing his or her dependents. The same can be said for researchers.

After the Immigration and Asylum Law of 2003, other legislation in the fields of commerce licensing and investment was developed. It is important to take these laws into consideration as they are linked to immigration law. They establish specific frameworks and processes for foreigner workers in investment projects and for investors. On the other hand, legislation on commerce also limits foreigners' activities in that sector, especially the activity of ambulant vendors. The purpose of these legal instruments is to manage migration in a way that promotes international investment and, in the second case, protects Timorese ambulant vendors and those who sell in traditional markets.

The process of applying for a work visa or for a visa to establish residence has to be done at Timor-Leste's diplomatic

missions abroad. In countries where there is no diplomatic representation, the request must be made directly to the Department of Consular Affairs, although the Law does not clarify how. Also, the visa authorization process includes mandatory reports from SEFOPE and the Migration Service. However, the Law does not establish the timelines for this consultation process, and it is important to take into account that the time and administrative requirements associated with visa requests can contribute to deterring migrants from applying and lead them to try to enter and stay irregularly in the country.

The terms under which the renewal of a work visa can be rejected by SEFOPE if the foreign worker's situation remains the same are not clear. This question was pointed out by civil society organizations in 2003. Furthermore, the Immigration and Asylum Law does not state whether, after the maximum three years of the work visa, a migrant can apply for a residence permit or how to do it. It is especially important to clarify these questions in order to prevent situations of irregularity due to visa overstays/non-renewal. The Immigration and Asylum Law does not establish any process to allow the regularization of migrants already living in Timor-Leste.

The number of foreigners to be accepted and the sectors of the economy in which they can undertake

activity are annually established by a resolution of the Council of Ministers. The Law is not clear about who must be consulted, and how and when, in the process of establishing the numbers of migrants to be accepted for different sectors of the economy. Furthermore, strategic documents on the country's development, such as the Strategic Development Plan 2011–2030, do not refer to migration management policies even though in certain sectors like the oil sector, it is reasonable to assume that the country will need migrants.

Legal framework on irregular migration and migration crimes

According to the Immigration and Asylum Law, foreigners that enter or stay irregularly in the country are subject to expulsion from national territory (Article 63). The expulsion can only be enforced after the due process has been organized (Article 71) by the Migration Service and decided by the Ministry of the Interior.

During the proceedings, the person against whom the process was initiated is ensured a hearing and the person has all the guarantees of defense (Article 73). After the decision, it is possible for the foreigner to appeal to the Court of Appeals (Article 76).

However, before beginning the expulsion process, the foreigner

can be notified to voluntarily leave Timorese territory before a certain deadline – between 24 hours and 10 days. If the person does not leave the country in the time period set to do so, a process of expulsion will begin and detention measures will be applied (Article 64).

Fines can also be applied in certain situations, namely foreigners who overstay their visa, foreigners who work without a proper visa and employers who have irregular migrants working for them (Articles 116, 118 and 119). A foreigner must pay the fines if intending to apply for any kind of visa or visa renewal (Article 127).

Carriers are also subject to fines of between 750 and 1,500 dollars for each passenger if they transport people not authorized to enter the country (Article 117 of the Immigration and Asylum Law). The Immigration and Asylum Law also states that carriers are responsible for foreigners who are not allowed to enter the country, including their return transportation (Article 25).

Because of Timor-Leste's geographical context, with its proximity to an important destination country, Australia, but also to an origin and transit country, Indonesia, a clear definition of carriers' responsibility is essential in order to address the practices of professional smuggling

networks involved in transporting migrants by boat to Australia. However, from a preventive perspective, the Immigration and Asylum law does not clarify what kind of information about passengers and crew carriers must provide, or their responsibility for checking the legal status of all passengers before embarking to Timor-Leste.

In terms of **immigration crimes**, the Immigration and Asylum Law identifies three types: aid to irregular migration, solicitation of irregular labour and trafficking in persons. Aid to irregular migration (Article 79) refers to anyone who, by any means, assists or facilitates the irregular entrance or stay of a foreigner in national territory. This crime is punished with imprisonment of up to three years, and if the person has an intent to gain from the irregular entry or stay, the imprisonment will be one to four years. Solicitation of irregular labour (Article 80) is defined as the act of hiring, or aiding in the hire, through cash or in-kind rewards, a foreigner to work in any sector of economic activity. This crime is punishable with imprisonment of up to three years.

The Law also includes the crime of human trafficking and trafficking minors (Article 81) as the act of recruiting, transporting, transferring, harboring or receiving persons by means of threat or use of force or

other forms of coercion, of fraud, of deception, of the abuse of power or of a position of vulnerability with the purpose of exploiting them or introducing them into circuits of sexual exploitation, forced labour, slavery or trafficking human organs. The crime is punished with imprisonment of three to eight years.

Although the international convention on trafficking in persons states that destination countries must allow victims to recover, providing them support and also a legal status during that process, Timorese law does not mention the legal status of trafficking victims while recovering, the procedures for their protection nor the responsibilities of the State in this matter. Specific legislation is now being created.

The Law also punishes criminal association to commit migration crimes with two to five years imprisonment (Article 82).

4.4 Migration management institutional framework

Migration management is overseen by several public institutions — the Migration Service, the Secretary of State for Professional Training and Employment (SEFOPE) and the Department of Consular Affairs — which are the three main institutions responsible for controlling foreigners’

entrance, stay and exit from the Timorese national territory.

As shown in figure 1, the Migration Service plays a central role in migration management through issuance of class I and II common visas, visa renewals, the creation of advisory reports on work visas and visas to establish residence, and processing, authorization and renewal of residence permits. Also, it is responsible for conducting operations to monitor foreigners in Timorese territory and to initiate processes of expulsion from the country. It is the police force that investigates crimes related to migration.

The Migration Service is an autonomous department of the Ministry of Defense and Security under the Secretary of State of Security, in accordance with Organic Law 30/2009 of 18 November 2009. According to that law, the Migration Service is a security service whose main objective is to control the circulation of people in border areas and the stay and the activities of foreigners in Timorese territory. The Migration Service is also a criminal police.

Besides the Migration Service, migration management involves the Department of Consular Affairs and SEFOPE. The Migration Service and SEFOPE are responsible for drawing up mandatory advisory reports that

support the authorization or denial of work visas and visas to establish residence and their renewal, and the Department of Consular Affairs is responsible for granting them.

SEFOPE is also responsible for monitoring labour conditions, including the labour of foreigners. However, besides the core migration management activities

mentioned above, governmental and non-governmental actors intervene on migration issues through other types of activities. During interviews with qualified informants, we have identified the types of experiences and roles performed by different institutions and organizations in Timor-Leste on migration issues, as presented in table 3.

Figure 1: Role of institutions in migration management in Timor-Leste

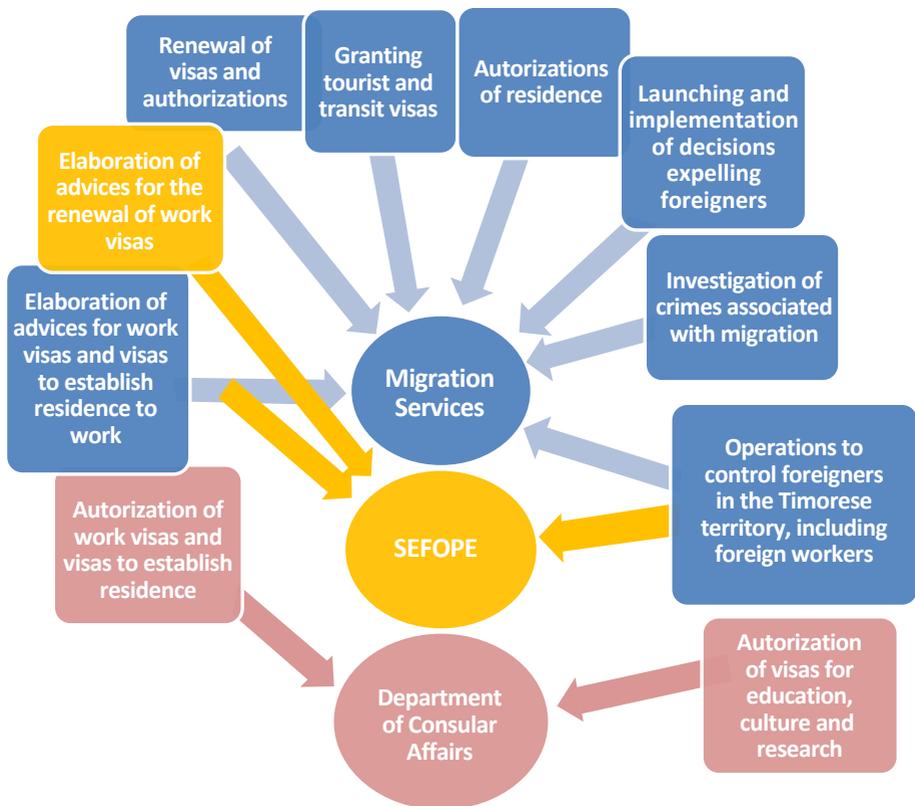


Table 3: Interventions carried out by institutions and organizations in the migration sector

Type of intervention in migration issues		Organization
Support to migrants	<ul style="list-style-type: none"> Resolution of issues related to the abuse of migrants' rights Support to stranded migrants 	<ul style="list-style-type: none"> Unions LAIFET (Labour Advocacy Institute for East Timor) Law, Basic Rights and Justice Foundation Association (HAK Association) IOM
Monitoring	<ul style="list-style-type: none"> Monitoring labour migration Monitoring the number of foreigners working for enterprises in Timor-Leste Monitoring migration from a human rights perspective Monitoring the conduct of security and defense forces in migration matters Monitoring foreigners that inhabit the <i>suco</i> Gathering statistical data on migration 	<ul style="list-style-type: none"> Unions and LAIFET HAK Association Mahein Foundation Suco Chiefs Migration Service
Information sharing	<ul style="list-style-type: none"> Gathering and sharing information on migrants living in <i>sucos</i> (subdistricts) Sharing information between public institutions working on migration management Sharing information with enterprises 	<ul style="list-style-type: none"> Suco (subdistrict) chiefs Unions Migration Service Department of Consular Affairs SEFOPE Chamber of Commerce and Industry of Timor-Leste
Advocacy	<ul style="list-style-type: none"> Advocacy to limit labour immigration 	<ul style="list-style-type: none"> Unions

Type of intervention in migration issues		Organization
Support	<ul style="list-style-type: none"> • Social support 	<ul style="list-style-type: none"> • Associations that support victims of trafficking • IOM
Monitoring	<ul style="list-style-type: none"> • Monitoring human trafficking • Monitoring the issue of human trafficking and irregular migration through other issues 	<ul style="list-style-type: none"> • Alola Foundation • HAK Association • Mahein Foundation
Participation in working groups	<ul style="list-style-type: none"> • Exchange of information • Participation in the elaboration of the law on human trafficking 	<ul style="list-style-type: none"> • Department of Consular Affairs • Alola Foundation • Psychosocial Recovery and Development in East Timor (PRADET) • Ministry of Social Solidarity (MSS)
Advocacy	<ul style="list-style-type: none"> • Advocacy on human trafficking for the rights of victims 	<ul style="list-style-type: none"> • Alola Foundation
Connection to service providers	<ul style="list-style-type: none"> • Forwarding victims to services 	<ul style="list-style-type: none"> • Alola Foundation • MSS
Training	<ul style="list-style-type: none"> • Raising awareness • Training service providers 	<ul style="list-style-type: none"> • Alola Foundation • PRADET • IOM
Financing	<ul style="list-style-type: none"> • Financial support to service providers 	<ul style="list-style-type: none"> • IOM • MSS

Looking at the broader institutional context, migration is an issue that cuts across the work of several organizations. At present, the types of work and roles performed by civil society organizations, public institutions and international organizations in migration issues include:

- Support to migrants in regular and irregular situations, in cases of abuse of their labour and human rights, and support to stranded migrants from civil society organizations, unions and IOM (just for stranded migrants). The types of support include mediation with employers and

public institutions, presentation of abuse cases to the relevant public institutions, and social support in the case of stranded migrants.

- Monitoring migration — the number of foreign workers and work performed by them, migrants’ human rights, irregular migration and border control by civil society organizations like labour unions, LAIFET, the HAK Association and the Mahein Foundation. Also, the Migration Service monitors the phenomena through data collection. Suco chiefs register information on foreigners living in sucos.
- Sharing information about migration issues between the main State institutions working on migration management but also with other actors through the National Consultative Committee on Migration and Development coordinated by the Migration Service.
- Advocacy for the control of labour migrants by labour unions and LAIFET.

As far as the issues of trafficking in persons and migrant smuggling are concerned, the types of roles performed include:

- Monitoring trafficking in persons by international organizations, namely IOM, and by civil society

organizations like the Alola Foundation and PRADET;

- Participation in work groups, as the group working to create the law on trafficking in persons, coordinated by the Department of Consular Affairs, which includes other public institutions and civil society organizations;
- Training service providers and information and capacity-building on trafficking in persons in communities by PRADET, Alola Foundation and IOM;
- Support to victims of trafficking in persons by Alola Foundation and PRADET, including direct social support and connection to other service providers;
- Advocacy on victims’ rights;
- Financial support to projects in the domain of trafficking in persons by IOM and MSS.

In general, civil society organizations approach migration, especially irregular migration, through other issues like labour, human rights and security and border control. Therefore activities associated with informing, integrating, and providing social support to migrants in vulnerable situations and advocacy for migrants’ rights are limited.

In contrast to human trafficking, there were no activities identified related to training the service providers on

issues related to regular and irregular labour migration and migrant smuggling.

In the case of human trafficking, the organizations that intervene work on issues such as gender or provide services related to psychosocial recovery but have human trafficking as one of the components of their work. Intervention in human trafficking has been focused on women trafficked for sexual exploitation, but Timor-Leste has had mainly situations of men in forced labour, which might indicate the importance of involving labour organizations.

Other organizations providing support to victims are also active in advocacy and in providing information to communities, as well as in organizing capacity-building and training

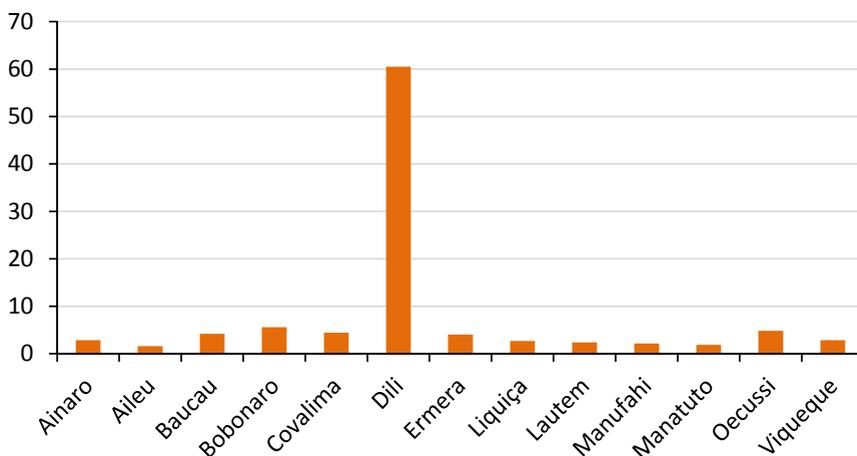
activities on the topic of trafficking in persons.

Finally, no migrants associations were identified apart from the Commercial Association of the Chinese Community Timor Oan of Timor-Leste, even though they are provided for in the Immigration and Asylum Law of 2003, Article 9.

4.5 Characterization of the foreign population in Timor-Leste

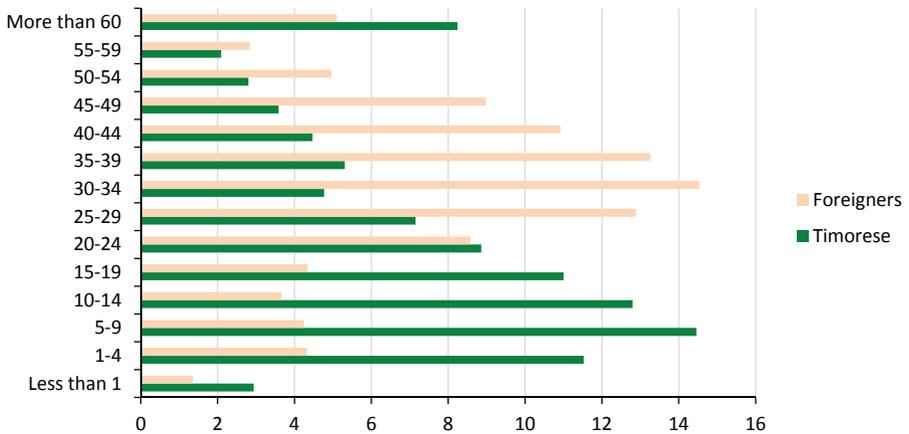
According to the 2010 census, the population of other nationalities represents 1.03 per cent of the population of Timor-Leste, that is 10,983 people. Its distribution across the country (see annex 2), however, is very uneven, with a huge concentration of migrants in Dili.

Figure 2: Distribution of the foreign population by districts (in %)



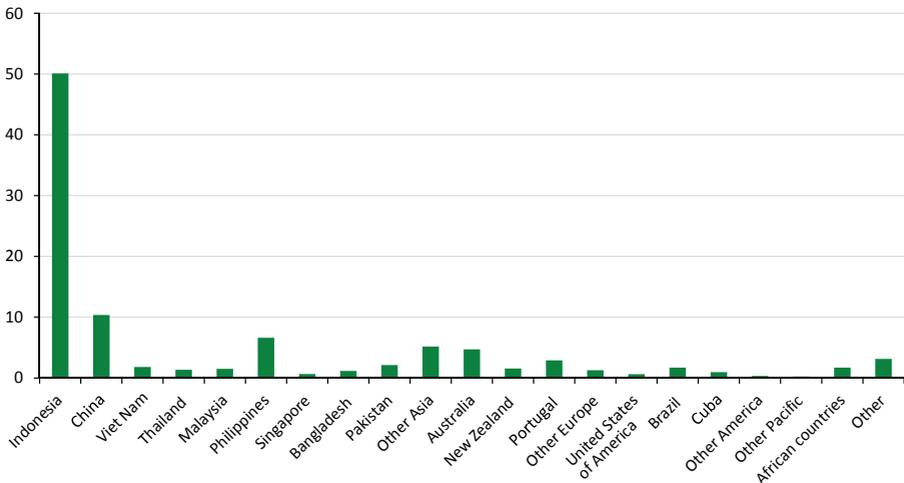
Source: Timor-Leste Census 2010.

Figure 3: Distribution of the Timorese and foreign population by age (in %)



Source: Timor-Leste Census 2010.

Figure 4: Distribution of the foreign population by nationality (in %)



Source: Timor-Leste Census 2010.

As seen in figure 2, the capital Dili has more than 60 per cent of the foreign population of the country. The districts of Bobonaro and Oecussi, both border districts with Indonesia,

hold second and third place with 5.6 per cent and 4.83 per cent respectively. The foreign population is older than the Timorese population, as shown in figure 3.

The largest age groups of the foreign population in Timor-Leste are those between 25 and 39 years and between 40 to 49 years, meaning adults of working age. This is very different from the demographic pattern of the Timorese population which has a much younger structure, with individuals from 0 to 19 years comprising around 50 per cent of the population.

The majority of the foreign population in Timor-Leste is male, but the percentage of females, 41 per cent, is also significant.

Around 50 per cent of the foreign population in Timor-Leste is from Indonesia, followed by China and the Philippines. Also from Asia but in lower numbers are citizens of Pakistan and Viet Nam. Other than Asians, the largest number of foreigners comes from Australia, Portugal and Brazil, reflecting the role those countries have performed in cooperation with Timor-Leste in sectors such as security, defense and education, among others, which leads to the presence of their citizens in Timorese territory.

4.6 Choosing Timor-Leste as a destination country

To better understand migration paths and immigrant's integration in Timor-Leste, the team administered a

questionnaire to 32 foreigners living and working in the country.

Regarding **migrants' motivations to leave their countries**, 19 of the 32 immigrants who responded to the questionnaire administered in this study mentioned economic reasons. Other motivations had to do with new personal and professional experiences (7 references) and family motivations (5 references). There were also motivations related to persecution and fear for security in origin countries.

The **main reasons for choosing Timor-Leste as a destination country** have to do with economic issues — the availability of opportunities, the possibility of improving living conditions and the search for employment. Other factors were also important to the migrants questioned. For instance, having support networks in the country, namely family and friends, facilitated their integration and influenced their decision to migrate. Geographical proximity was also considered a reason to choose Timor-Leste as a destination country.

Migrants surveyed emphasized economic motivations for moving, although not all cases of migration had underlying economic issues. That pattern of motivations seems to coincide with the approaches of authors like de Haas, who cites

the importance of aspirations and capacities as determinants of migration. People migrate if they have the ability and resources to do so. Migrants see the migratory project as the accomplishment of certain aspirations such as the improvement of economic conditions and new personal and professional experiences.

In terms of **access to resources to migrate** to Timor-Leste, about half of the respondents (48.65%) used their own income to migrate. However, 29.7 per cent borrowed from relatives and friends, 13.5 per cent requested loans and 8.1 per cent had their journey financed by their employer. However, when analysing the resources that enable migration, it is important to take into account not only financial resources, but also other resources such as education and access to transportation, the latter of which is usually greater for those who live in urban areas, as well as information and support networks that facilitate the journey and integration in the destination country.

Labour migration in Timor-Leste

Timor-Leste receives migrants looking for employment and/or business opportunities. In many cases, the decision to migrate to Timor-Leste is associated with the presence of relatives or friends in the country, who have a role in migrants' social

and work integration. In some cases migrants are brought into the country by employers back home, when they start business or contracts in Timor-Leste.

Access to labour markets by foreigners is covered in Article 8, No. 1 of the Immigration and Asylum Law of 2003, which states that: "Foreigners are permitted to engage in remunerated activity, whether independently or as an employee, with the restrictions established by law." Article 8, No. 2 states that: "Engaging in remunerated activity is not permitted to foreigners who do not possess an appropriate visa or documentation as required by the present law."

Timorese labour legislation establishes that a foreign worker who is employed is entitled to the same rights and subject to the same obligations as those applicable to national workers, in Article 77 of the Labour Law of 2012. Paragraph 2 of Article 77 states that the employment contract concluded with a foreign worker shall be in writing and authorized by the competent authority, observing the rules provided for in the specific legislation. This law establishes that no worker or job applicant shall, directly or indirectly, be favored, disadvantaged, deprived of any right or released from any duty on grounds of their color, race, marital status, gender, nationality, ancestry or ethnical origin, social status or economic

situation, political or ideological beliefs, religion, instruction, physical or mental condition, age or state of health (Article 6).

The qualified informants interviewed for the present study noted that labour migration is one of the main challenges in migration management in Timor-Leste.

Concerns regarding labour immigration have to do with its impact on the competition between Timorese and foreign workers for job opportunities, which are scarce. An idea exists that foreigners occupy jobs that could be held by Timorese in areas such as commerce, construction, restaurants and hospitality.¹⁰

There are also concerns about discrimination between foreign workers and Timorese workers, to the disadvantage of the latter, in terms of income levels. Unions have reported workplace conflicts in which Timorese workers have complained about the difference of salaries and other benefits between foreigners and nationals.¹¹

During interviews, concerns were also raised about the competition between Timorese and foreign sellers. In fact, some conflicts in the traditional markets of Baucau, Comoro and Suai

have been reported by three NGOs.¹² However, as far as the promotion of commercial activities by foreigners is concerned, the law of Commercial Licensing determines that: “The exercise of commercial activity in traditional markets or the itinerant trade is reserved to Timorese citizens” (Article 6, paragraph 3 of the Decree-Law No. 24/2011 of 8 June 2011). Those activities are then forbidden to immigrants.

Although there are preoccupations about job opportunities and competition, the idea that the country needs foreign qualified workers to develop also exists. Those workers should be able to stay temporarily, contribute to the training of Timorese workers, and then leave.¹³

Control of foreigners working in Timor-Leste

Labour migrants in Timor-Leste are controlled in two different ways at two stages of the process: through the issuance of work visas or of visas to establish residence for the exercise of professional activities, and by the controlling of foreigners working in the country. The work of foreigners in Timor-Leste is supervised by SEFOPE, in cooperation with the Migration Service.

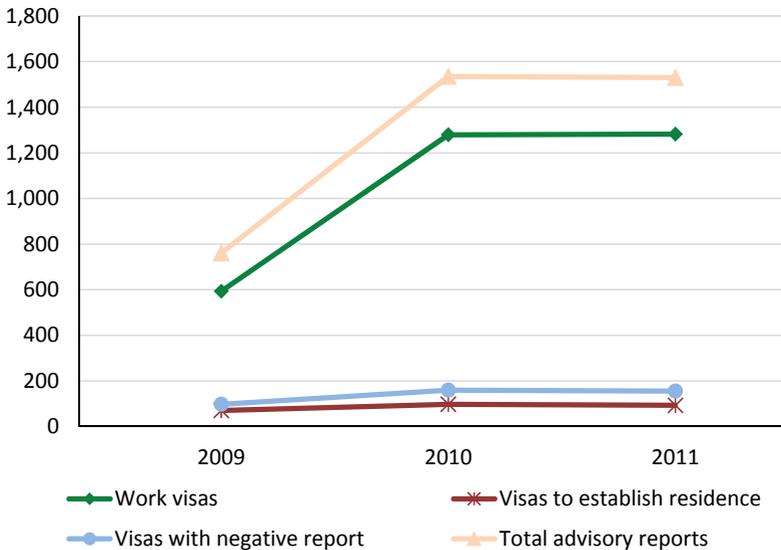
10 Interviews with two State institutions, three unions and four NGOs in October 2012.

11 Interviews with unions and NGOs in October 2012.

12 Interviews with NGOs in October 2012.

13 Interviews with three Unions and two NGOs in October 2012.

Figure 5: Advisory reports issued by SEFOPE between 2009 and 2011



Source: SEFOPE, 2009, 2010, 2011.

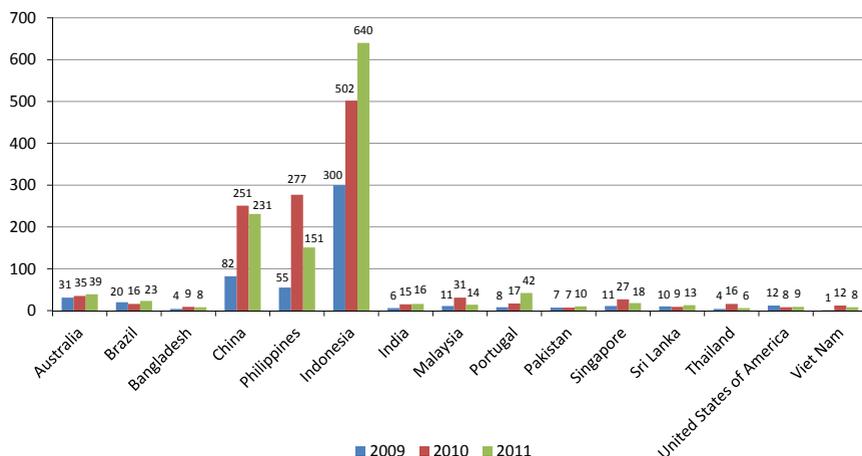
In figures 5 through 10, we summarize the information on the intervention of the General Labour Inspectorate (IGT) and SEFOPE regarding oversight of foreign labour in Timor-Leste.

As shown in figure 5, SEFOPE issued 760 advisory reports in 2009 for the authorization of work visas and visas to establish residence. This number more than doubled to 1,535 in 2010 and to 1,530 in 2011. Most of the visas applications were approved: 87.2 per cent in 2009; 89.6 per cent in 2010 and 89.9 per cent in 2011. Most

of the visas with a positive response issued were work visas: 89.44 per cent in 2009, 92.95 per cent in 2010 and 93.24 in 2011. The visa to establish residence represents 10.56 per cent of the visas with positive responses issued in 2009, 7.05 per cent in 2010 and 6.76 per cent in 2011.

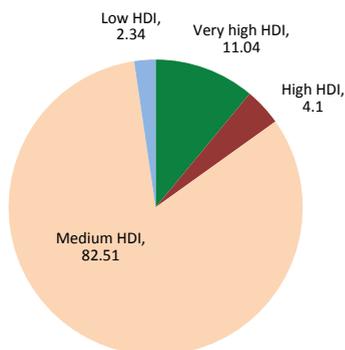
After analysing the results regarding the advisory reports issued for the authorization of work visas and visas to establish residence, the following figure examines the origin of the visa applicants over the last three years.

Figure 6: Distribution of applicants for work visas from the 15 top visa requesting countries



Source: SEFOPE, 2009, 2010, 2011.

Figure 7: Distribution of visa applicants by level of human development of origin countries



Source: SEFOPE, 2009, 2010, 2011 and United Nations, 2012.

Figure 6 shows that most work visas were requested by citizens from three Asian countries, namely Indonesia, China and the Philippines. Also, significant numbers of visa applicants came from the Asian countries of Malaysia, Singapore, Sri Lanka and

Thailand. From other continents, the number of visas requested by Australians, Portuguese and Brazilians was noteworthy.

An analysis of immigrants' origin countries by level of human

development, according to the classification of the United Nations, is presented in figure 7.

As illustrated in figure 7, the majority (83%) of applicants for work visas and for visas to establish residence and perform a professional activity come from countries with a medium level of human development, highlighting the importance of South-South migration in Timor-Leste. The applicants who come from countries with a very high HDI constituted 11 per cent. Only 2 per cent come from countries with a low HDI.

It is important to take into account that these numbers do not include United Nations personnel who have access to a Special Stay authorization granted by the Minister of the Interior, according to the Immigration and Asylum Law, Article 17. Foreigners working in cooperation projects between Timor-Leste and other countries also have this type of visa.

4.7 Irregular labour migration in Timor-Leste

Irregular labour migration was mentioned by 11 of the 18 qualified informants interviewed as the most usual kind of irregular migration. Irregular labour migration includes various kinds of situations: foreigners working or doing business with a valid tourist visa (which can be renewed up

to 90 days), foreigners working with an expired tourist visa and foreigners working with an expired work visa or residence permit.

As far as irregular immigration is concerned, some cases of foreigners irregularly entering Timorese territory by the terrestrial and maritime borders have also been mentioned. Cases of foreign fisherman fishing illegally in Timorese waters have been reported, with 32 cases in 2010.¹⁴ Irregular crossings of the land border for work and business reasons have also been reported by the Foundation Mahein in its 2013 report.

The IGT evaluates the conformity of the working conditions and the legal situation of foreign workers during inspection visits to workplaces. The IGT visited more than 641 enterprises in 2009 (in all 13 districts), 684 in 2010 (in 11 districts) and 751 in 2011 (in 11 districts). Although the number of enterprises inspected increased, the total number of workers, Timorese and foreign, checked in those visits went from 10,091 in 2009 to 8,210 in 2010, increasing again to 9,675 in 2011. The total number of cases of non-conformity with the Labour Law identified by the IGT during inspection visits decreased from 6,376 cases in 2009 to 2,480 in 2010 and 2,229 in 2011. Those numbers represent a decrease of more than 50 per cent.

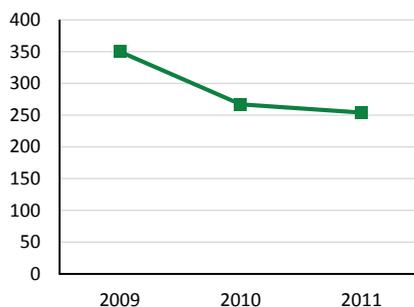
¹⁴ Interview with NGOs in October 2012.

Concerning the legal situation of immigrants, figure 8 shows the number of foreign workers identified by the IGT working without a proper visa, between 2009 and 2011.

Between 2009 and 2011, a total of 871 foreigners were identified as working in an irregular situation in Timor-Leste: 662 were men, and 209 were women. Figure 8 shows that the number of foreigners recorded working without a proper visa decreased between 2009 and 2011 by about 100 cases, from 350 to 254.

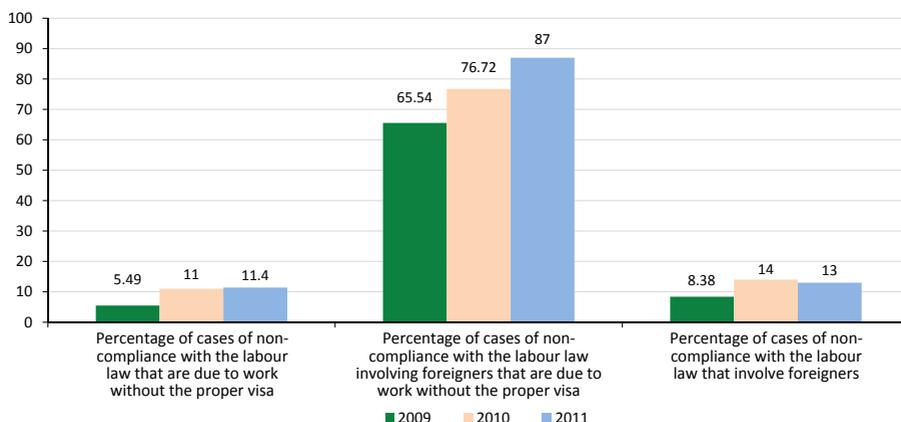
It is also important to put these figures in the context of the total cases of non-conformity with the labour law involving foreigners, as shown in figure 8.

Figure 8: Identification of cases of migrants in irregular situations by the General Labour Inspectorate of SEFOPE



Source: SEFOPE 2009, 2010, 2011.

Figure 9: Identification of cases of migrants in irregular situations in SEFOPE's supervision work

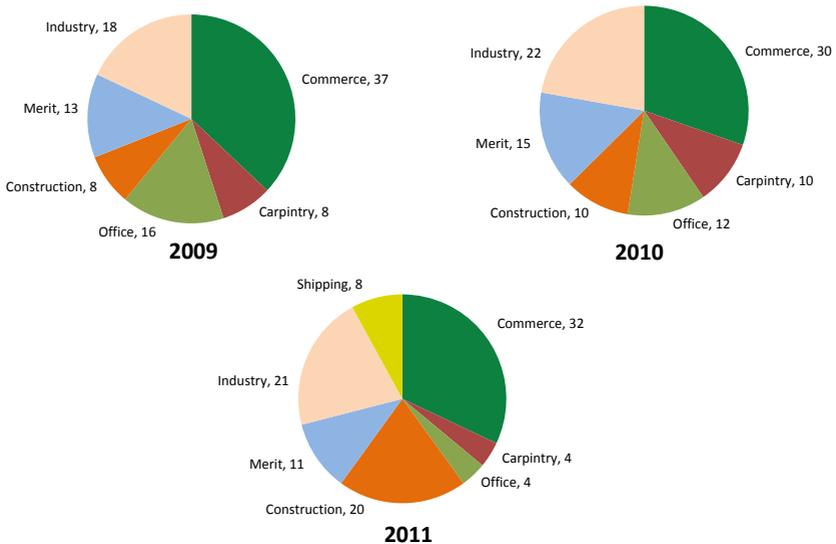


Source: SEFOPE, 2009, 2010, 2011.

Although the number of foreigners working without the appropriate permit decreased from 2009 to 2011, as a share of all cases of non-conformity with the labour law this number increased from 5.49 per cent in 2009 to 11.4 per cent in 2011. Also, the number of cases which involve foreigners increased from 8.38 per cent in 2009 to 13 per cent in 2011. Figure 9 also shows that most cases of non-conformity with the law involving foreigners are issues related to visas. The share of such cases has been increasing from 66.4 per cent of all the cases with foreigners in 2009 to 87 per cent of all cases with foreigner

workers in 2011. Figures 8 and 9 show a significant decrease in the number of cases of non-conformity with the labour law identified by the Labour Inspectorate. The number of foreigners identified without the proper visa has decreased by about 100 workers. However, in part, this may be because labour inspections are more watchful of foreign workers legal status; although the number of cases of non-compliance decreased, its share in the total of cases increased. Figure 10 shows the share of irregular migrants identified during labour inspections in different economic sectors.

Figure 10: Percentage of foreign workers without proper visa, by sector of activity in 2009, 2010, 2011



Source: SEFOPE, 2009, 2010, 2011.

According to figure 10, the commerce sector recorded the highest number of situations of foreigners working without the proper visa between 2009 and 2011, with at least 30 per cent of the cases annually. This is followed by the industry sector at close to 20 per cent. In the construction sector there was an increase from 18 per cent of all cases in 2009 to 20 per cent in 2011. In contrast, the percentage of cases of foreigners working irregularly in workshops has decreased from 16 per cent in 2009 to 4 per cent in 2011. There were no cases reported in the agriculture sector.

4.8 Migration paths and legal status

In order to better understand migration paths and migrants' legal status, the questionnaire administered to migrants in Timor-Leste included questions related to information available to migrants, support and legal status.

For 28 of 32 migrants questioned, it was their first time in Timor-Leste. In 20 of the 32 cases, migrants travelled directly from their country of origin, and 12 stopped in other countries, usually Indonesia. Timor-Leste was the final destination of 87.5 per cent of respondents.

Regarding the **information migrants had before travelling to**

Timor-Leste, it was found that 9 of the 32 respondents had generic information about the country, knowing little or nothing at all about it, and six mentioned they had information that there were job and/or business opportunities. Some respondents mentioned that they knew Timor-Leste had undergone a conflict, that it was a new nation and a catholic country. In most cases, migrants mentioned their families and friends as sources of information about Timor-Leste. Other sources of information were the Internet or other people that had travelled or lived in the country.

Of 32 respondents, 21 said they had received help when travelling to Timor-Leste through support with documents and finances, and information about the country. The migratory process then included support from other people in terms of access to resources and information and in some cases, as previously demonstrated such support is actually a motivation to migrate to Timor-Leste.

Regarding the **legal status of migrants** when entering Timor-Leste, 25 of the 32 respondents entered the country with a tourist visa and five with a work visa. There was one case of an entry without a visa and one case of entry with refugee status. The current visa situation of the respondents is summarized in table 4.

Table 4: Type of visas currently held by respondents

Visa type	Frequency	%
Expired work visa	1	3,12
No visa	1	3,12
Works with valid tourist visa	4	12,50
Expired tourist visa	13	40,62
Work visa	3	9,38
Asylum-seeker	1	3,12
Refugee status	1	3,12
Residence permit	8	25,00
Total	32	100,00

Source: Questionnaires distributed to migrants.

An analysis of table 4 shows that 13 of the 32 respondents are working in Timor-Leste with an expired tourist visa. Less frequent situations of irregularity involve exercising professional activities with valid tourist visas, corresponding to four of the respondents. One reported performing professional activities with an expired work visa and one was staying in the country without a visa. Of the respondents currently in a regular situation, eight had a residence permit and three had work visas. One respondent was awaiting the result of a process of asylum, and one was a refugee. As far as documentation is concerned, basically all respondents reported having their documents in their possession. There are only two reports of migrants who lost their documents.

In terms of the **regularization process**, 75 per cent of the 32 respondents had tried to regularize their situation in Timor-Leste. More than half of the respondents had no difficulty with the process. Those who mentioned difficulties noted the large amount of paperwork necessary, the high costs of the process, the waiting time and the difficulties linked to the lack of knowledge of the language. Other difficulties were the scarcity of information provided throughout the process; the scarcity of information on the possibility of legal support; inhuman treatment; a lack of professionalism; and a lack of transparency.

4.9 Socioeconomic situation of migrants in Timor-Leste

Questions about migrants' socioeconomic situation in Timor-Leste and their perspectives on their integration were also included in the questionnaire. Although these results cannot be considered representative of the experience of all migrants in the country, they present questions to explore in further research.

In terms of **family relations**, which can play an important role in support and integration, 13 of the 32 respondents reported having family in Timor-Leste, including spouses, children, fathers, uncles, cousins, grandparents and brothers. The majority of the respondents lived with friends or family.

About 81 per cent, or 26 of 32 migrants surveyed, were **working** at the time of the survey. They principally worked in shops and hotels and in construction, all part of the service and industry sectors, respectively. It is important to consider that both those sectors have current growth rates of around 11 per cent and 9.5 per cent, respectively, according to the estimates for 2009 to 2014 of the 2011 Human Development Report (UNDP, 2011: 124).

Table 5: Type of work performed by respondents in Timor-Leste

Type of work	Frequency
Door-to-door salesperson	2
Supervisor in a shop	4
Hotel supervisor	1
Construction supervisor	1
Welder	1
Businessman	2
Merchant	1
Hotel/ restaurant worker	3
Construction worker	3
Call girl	3
Legal advisor	1
Shop assistant	1
Teacher	1
Volunteer	1
Office worker	1
Total	26

Source: Questionnaires distributed to migrants.

In the area of commerce, migrants who responded to the questionnaire worked as door-to-door salespeople, supervisors and shop assistants. In the area of hospitality, migrants worked in hotels and restaurants. In construction, they worked as supervisors, welders and workmen. Other respondents were working

as teachers, volunteers or in offices. Three of the respondents worked as call girls. In most situations, the jobs migrants perform in Timor-Leste are in sectors which are similar to those in which they worked in their country of origin.

The questionnaire reveals that 13 of the 32 respondents **got a job** through friends. Other respondents applied for job opportunities, came as part of a United Nations mission, got an invitation from institutions that operate in Timor-Leste or came with a company that had invested in the country. Of the 32 respondents, 21 had no difficulties finding a job. The friend and family networks of those migrants performed an important role in helping them access employment. These results coincide with what was previously stated about access to resources to migrate and information about the country acting as determinants of migration.

In terms of **working time**, 50 per cent of the 26 respondents working in Timor-Leste worked eight hours a day and nine did not have a fixed working time. Twelve of the respondents worked six days a week, five worked every day and five did not have a set number of days of work. As far as **working conditions** were concerned, 12 types of situations of abuse had been reported by three migrants. Three situations of violence, threats, coercion to perform tasks and dangerous working conditions were

reported. Other situations include withholding wages (one reference), wage manipulation (one reference) and verbal abuses (one reference).

Most of the respondents, 26 of the 32 migrants surveyed, reported **sending money** to their country of origin. Recipients were parents, spouses and children, or to the family in general. The remittances were used to help with the education, nutrition, housing and health expenses of the family of the respondents. There were two cases in which the remittances were used to pay the loan procured in order to travel to Timor-Leste.

We have also tried to better understand other dimensions related to the integration of migrants in Timor-Leste, such as access to health care, informal networks of solidarity, social participation and knowledge of the languages spoken in the country.

Regarding **access to health care** in Timor-Leste, out of the 17 respondents that cited a need for medical care, 14 claimed that they had access to assistance in the country, evaluating it as reasonable or good.

Regarding **integration of migrants in solidarity networks** or forms of aid, 24 of the 32 respondents claimed to have someone to help them in case of need, whereas nine did not have anybody. Those who claimed to have support relied on friends, relatives or colleagues. In terms of support to migrants, NGOs, churches,

mosques, and spouses/partners were also mentioned by the respondents. Twenty-six of the migrants surveyed said they did not participate in any type of social, cultural, religious or sporting activity. Seven respondents attend religious, social, sporting, or cultural activities.

Of the 32 respondents, 18 had a basic **knowledge of the language spoken in Timor-Leste (Tetum)**; 7 had a good knowledge and 2 had a very good knowledge. Five migrants claimed to have no knowledge of the language. In 75 per cent of cases, respondents learned the language with friends and colleagues.

Of the 32 respondents, 27 were satisfied with their decision to move to Timor-Leste. In terms of their general **evaluation of their situation in Timor-Leste**, 21 of the respondents evaluated their condition as good and 5 as reasonable. On the contrary, 5 of the 32 respondents considered their situation to be bad or very bad. The explanations given for positive evaluations were essentially related to the fact that the respondents had a reasonable income or a good socioeconomic situation and had adapted well to society. Reasons for negative assessments were lack of employment, irregular situations, lack of friends and a desire to return to the country of origin.

In terms of **perspectives on the future**, 13 of the 32 migrants did not

know how long they would remain in Timor-Leste. Four migrants planned to stay in Timor-Leste long term and two intended to live in the country permanently. Five respondents wanted to stay in Timor-Leste for three to ten years and four wanted to remain in the country up to one year more. In terms of future prospects, 9 of the 32 respondents wanted to start a business and 7 did not know. Six of the respondents intended to return to their country of origin. Two migrants planned to find a job and another two intended to retain good employment.

Of the 32 respondents, 12 did not **suggest any policies for the reception of migrants**. Some of the most frequently mentioned suggestions were access to employment, access to information on rights and on the treatment given to asylum-seekers. Some suggestions on access to health care and to medicines as well as to education for immigrants' children were also given. Other suggestions were related to the need for more institutions intervening in this sector, the simplification of visas and the simplification of processes to start up businesses.

Situations of abuse of migrants in Timor-Leste

Irregular migrants are usually more vulnerable, both at the workplace and when dealing with the authorities

and the community in general. To obtain more insight into the situation of irregular migrants in Timor-Leste, we tried to understand more about the experiences of local actors who play a role in irregular migration in their contact with migrants.

Unions from the construction and services sectors and also LAIFET are some of the non-state entities that have regular contact with immigrant workers in general, including those who are in an irregular situation. As unions and NGOs indicated during interviews, migrants often approach them when facing labour conflicts, doing so on their own or with the help of colleagues that recommend those organizations to them as a way of receiving aid to resolve a conflict.¹⁵

Table 6 gives the number of cases of abuse of migrant workers' rights

¹⁵ Interviews with unions and workers' rights organizations in October 2012.

reported by organizations which intervene in the defense of workers' rights. Between 2009 and 2012, these organizations were involved in the resolution of cases that involved at least 115 people from 6 different countries. Among the most represented nationalities were Chinese, Indonesians and Filipinos. In qualitative terms, many sorts of abuses of migrant workers' rights were described, illustrating situations of vulnerability. One frequently reported situation had to do with wages not being paid or promises made at the time of recruitment not being kept. In such cases the migrants' irregular situation limited their ability to demand their rights. Other situations reported involved the retention of migrants' passports by their employers. In these cases workers were unable to return to their country, quit their job or regularize their situation in Timor-Leste.

Table 6: Cases of abuse of migrant workers' rights, by nationality of migrant, as reported by workers' defense organizations, 2009– 2012

Nationality	Frequency
Chinese	35
Indonesian	29
Bangladesh	10
Indian	5
Philippine	35
Myanmar	1
Total	115

Oral source: Interviews conducted in Dili with unions and labour organizations.

Description of cases of abuse of migrant workers' rights from workers' rights defense organizations

There are also cases of Chinese, Pakistani, and Malaysian workers whose bosses promise higher wages and, when they arrive, these promises are not fulfilled. Sometimes they do not have lodging. The bosses do not take care of the work visa.

There are situations of lack of payment of wages or of retention of documents. Sometimes the contracts are not written. The employers say they withhold the passports because the contracts are still not completed and thus keep the worker from quitting the job or going to another job if the conditions which were given them are not fulfilled.

Oral source: Interview conducted with an NGO in October 2012.

They have had situations in which they were the mediator of conflicts between the migrant workers and the employers. There was a situation in which Indonesian workers had their passports withheld. Afterwards those passports were taken to be stamped as if the workers had already left the country. This was performed so as to limit the chances that these workers would change jobs. The workers went to the union and explained the situation. There was mediation work with the company. The workers had a tourist visa. The employer organized the journey to Timor-Leste. These workers were not being paid for their work. They would only get money for their daily expenses and only when requested. They had eight months of wage arrears. A deal was reached with the employer and he paid the wages and the journey back to Indonesia.

Oral source: Interview conducted with an NGO in October 2012.

Two situations with workers from Bangladesh who weren't paid after the end of the project. The company is Timorese. The workers had a visa and they were in the country since 2003. Later on, the payment was completed.

From the Philippines. Thirty-two people in one company. They were working in construction but got no payment. They reported it and mediation was done with the SEFOPE. Results were achieved. Five or six had a visa.

From Indonesia. Fourteen people who worked for a Timorese company and were not paid. The company was awaiting payment from the State. They eventually managed to resolve the situation.

Myanmar. One person. They paid wages for a short period of time. The person was working in Same. 50 per cent is still to be paid.

Oral source: Interview conducted with a union in October 2012.

Besides abuses of migrant workers' rights, there were also cases reported to a human rights organization of human rights violations at border crossings.¹⁶ In 2010, the organization recorded four cases of mistreatment of migrants. Two complaints were made against the border police and two against the immigration police. In two cases, women were victims of sexual harassment and four men suffered from physical abuses. These cases led to disciplinary processes in two or three instances, but there was not much social pressure and the victims did not know the identity of the aggressor. The human rights organization has presented the case to the Department of Justice, to the Department of Security and Defense and to the Prime Minister.¹⁷

4.10 Human trafficking in Timor-Leste

It is the responsibility of the Migration Service of Timor-Leste to investigate cases of human trafficking. There are, however, other organizations that engage in this area, providing support to victims and doing advocacy work.

The debate on human trafficking in Timor-Leste has been heightened by the 2004 report of the Aloia Foundation, a local NGO, on providing

support to victims of human trafficking for sexual exploitation. The report identified 115 potential victims, all foreigners, working in the sex industry in Dili. In 2006 two cases of human trafficking were investigated and sent to trial. One of these cases involved women who were forced to work as prostitutes. The second case had to do with an attempt to traffic Timorese women into Syria.

Between 2008 and 2012, 33 victims of human trafficking were identified by the responsible institutions. These victims were identified by the Migration Service or by the National Police of Timor-Leste, which together identified 24 of the victims. The nine remaining were identified by civil society organizations, service providers or others. As far as the profile of the victims is concerned, according to the data gathered and systematized by IOM in Timor-Leste, the victims' average age was 25 years; however, some cases reported involved victims aged 15 to 39. Fourteen of the victims were women and 19 men. Thirteen victims were from Myanmar, eight from Indonesia, six from Cambodia, three from China and three from Timor-Leste. Of the victims, 19 were trafficked for forced labour, 12 for sexual exploitation and two were the target of an attempt of trafficking. The cases of forced labour were fishermen being exploited on boats. In the cases of sexual

¹⁶ Interview with an NGO in October 2012.

¹⁷ Interview with a human rights organization in October 2012.

exploitation, the victims were forced to prostitute themselves.¹⁸

During the fieldwork, some information was collected regarding the operations of human trafficking networks in the areas of recruitment, transportation and strategy to enter the country. Generally, victims of human trafficking came to Timor-Leste after being promised good jobs and wages. These promises were never fulfilled. Victims arrived by air and sea, and overland from Indonesia. Strategies used to enter the country include making women pretend they are daughters or companions; changing the names of the victims to make it more difficult to track them down; concealing the names of the traffickers so that victims cannot identify them; paying bribes or entering the country without passing through official border controls.

Support to victims of human trafficking

A project implemented by IOM, with the support of the MDG Achievement Fund, Spain, promotes aid to victims of human trafficking and gender violence. The project also aims to train service providers and raise community awareness on trafficking issues. This project, called “Supporting Gender Equality and Women’ Rights

in Timor-Leste Joint Programme” is run in partnership with the United Nations Population Fund (UNFPA) and the Aloia Foundation and works to promote gender equality and women’s rights.

Since early 2012, the State of Timor-Leste has assumed full responsibility for providing support to victims of human trafficking through the MSS, which provides resources to respond to instances of human trafficking. The MSS works in partnership with Psychosocial Recovery and Development in Timor-Leste (PRADET), a local NGO that ensures protection, lodging and aid for victims of trafficking.

As far as information and building awareness are concerned, communication materials on the issue of human trafficking – including informational campaign posters and services directories – mainly target trafficking of women for the purpose of sexual exploitation. However, so far most victims of trafficking are men. There is still a tendency to associate human trafficking with prostitution. It is, therefore, important to reflect on the work which must be done in order to help men who were victims of human trafficking, as well as to look at sectors or activities other than prostitution in which women may also become victims of trafficking.

Apart from aiding victims of human trafficking, organizations working in

¹⁸ Data collected during an interview with IOM staff.

this field carry out training activities and awareness raising campaigns. Their goal is to prevent instances of human trafficking in the Timorese population. Furthermore, they also try to strengthen the means of identifying victims. An interministerial and inter-institutional group including the Department of Consular Affairs, the Migration Service, the MSS, the Alola Foundation, PRADET and others is operating with the goal of creating a specific law on human trafficking.

4.11 Migration trends

It is difficult to identify precise trends for irregular migration due to the very nature of the phenomenon. However, some indicators associated with migration flows, regular and irregular, can be pointed out in order to discuss the future of immigration in Timor-Leste.

The Timorese economy recorded a 10 per cent growth rate¹⁹ in 2011 in a context of international crisis. Oil exports constitute 90 per cent of the country's revenues come. Also, it is the only dollar-based economy in the region. Looking at the Timorese Strategic Development Plan 2011–2030, it is possible to identify sectors in which immigrant

workers are expected. According to the Plan, the country intends to improve its oil and gas industry, something for which foreign workers, namely skilled workers, might be needed. The development of the tourism and hospitality sector, considered strategic, can also be attractive to immigrant workers in hotel and restaurant work. The country is investing in infrastructure development, especially in roads, electrification and communication networks. Construction is currently one of the main sectors employing migrant labour and is expected to continue to be attractive for migrant workers.

The Timorese economy is highly dependent on imported goods. Its main economic partners and suppliers are Indonesia and China; both also origin countries of immigrants. Commercial relations and economic networks can contribute to migration flows as foreign investors might bring workers from their home countries, and immigrants contribute to the establishment of economic partnerships with their countries of origin.

Additionally, there are important geographical factors that contribute to migration flows, including irregular migration, to Timor-Leste. The country is located in a strategic position as a transit country for migrants attempting to reach Australia through

19 The International Monetary Fund (IMF) and the Central Bank of Timor-Leste exclude oil revenues from the measurement of the real GDP growth rate.

Indonesian intermediaries. In 2012, 26 people from Myanmar were captured on board an Indonesian boat which was trying to reach the Australian shore.²⁰ Observers have also pointed out the porous nature of the terrestrial border with Indonesia. Citizens from both sides have been reported crossing the border without the supervision of authorities (Mahein Foundation, 2013). According to the Mahein Foundation, irregular entries into Timorese territory over its terrestrial borders are associated with family and ethnic ties but are also due to work and business reasons. Informal networks of friends and family play a role in the decision to migrate and in the integration of migrants. These networks contribute to the continuance of migration flows from Indonesia, the Philippines and China since communities from these countries are already established in Timor-Leste.

In terms of Timor-Leste's integration into the Southeast Asia region, the country has been working to become part of the ASEAN Community. If accepted, the country might receive specialized migrant workers as part of the ASEAN Economic Community Blueprint, an agreement that includes measures to facilitate the

mobility of skilled professionals in the industrial and service sectors. The implementation of those measures is expected to begin in 2015, in a pilot stage. Since independence, Timor-Leste has also received migrant workers associated with the United Nations (UN) mission in the country. With the closure of that mission in 2012, a reduction of foreign workers especially from outside the region, can be expected. In the future, the ability to attract migrants from countries with a very high HDI, at the moment the second largest group of foreigners in the country, will depend on the progress of the Timorese economy. With regards to migration from countries like Portugal and Brazil, the flows may continue due to historical and linguistic reasons. Migration from Australia will probably also continue due to its geographical proximity to the country.

In addition to internal and external economic factors and geographical conditions, migration flows and the presence of irregular migrants are linked to the legal framework and to the migration management framework established in the country. In terms of the control of labour migrants, according to available data the number of foreign workers in irregular situations identified in labour inspections carried out by SEFOPE has decreased between 2009 and 2011. The number of advisory

20 Radio Timor-Leste, March 30, 2012 cited in <http://easttimorlegal.blogspot.pt/2012/03/viqueque-police-present-more-than-20.html>.

reports issued by SEFOPE regarding applications for work visas has doubled between 2009 and 2011, from 750 to more than 1,500. Positive responses to visa applications have also increased from almost 600 to around 1,200. These numbers may be attributed to various factors, such as an increase of labour migrants and a greater awareness among employers and foreign workers of legal entry and stay in the country, which in turn can be attributed to the increase in supervision. It can also be attributed to an improvement of services' capacity to reply to applications for work visas and visas to establish residence.

Human trafficking trends

The cases of human trafficking recorded in Timor-Leste have involved only 33 victims since 2008, an average of merely 8 victims a year. There are no available estimates of the total number of victims. So far, only two cases related to human trafficking went to trial. However, due to its nature, it is difficult to identify and quantify the phenomenon. Older studies, such as the one carried out by the Alola Foundation, cite the presence of possible victims of trafficking in the sector of prostitution.

Some factors which may contribute to an increase in cases of human trafficking were pointed out during

fieldwork, namely the existence of trafficking networks in the country or with connections to the country, the porosity of border crossings, the lack of priority given to the topic and the fact that Timor-Leste has an economic situation that may be attractive in terms of human trafficking. These factors can, however, be counteracted by projects already underway, by raising awareness and distributing information and through preparation of the legal framework.

4.12 Impacts of migration on development

This research found the impacts of regular and irregular migration on development in destination countries to be related mainly to issues such as skills and employment, private sector development, housing and consumption.

Regarding skills and employment, migration allows employers to access manpower, especially skilled workers, in order to fill gaps in the local labour market. Through migrant workers it is also possible to transfer knowledge and skills to local workers and contribute to reducing the skills gap, as pointed out by some of the qualified actors interviewed (3 references). These impacts are especially important in a context where the shortage of qualified manpower is a pressing issue. A *Youth Employment*

Study carried out by SEFOPE and ILO in 2007 concluded that 60 per cent of employers considered young job applicants to be poorly prepared in relation to technical and professional skills (SEFOPE and ILO, 2007: 26).

During fieldwork, concerns were raised about the impact of migration on employment. The issue most frequently mentioned by qualified informants interviewed (6 references) was competition in the job market between Timorese workers and migrants. However, we do not have enough data to allow us to draw a direct connection between unemployment, namely youth unemployment, and migration in Timor-Leste. According to the data available on employment collected from the Labour Force Survey conducted by SEFOPE and the ILO in 2010, we can say that levels of unemployment are low in Timor-Leste, at around 3.6 per cent, but the level of vulnerable employment is very high, at around 70 per cent.²¹ This number is associated mostly with the importance of agriculture in the GDP and in employment; 66 per cent of the working population works in the agricultural sector for themselves or as a contributing family member. However, foreign

workers' distribution in the various sectors of the economy indicates that the number of regular and irregular migrants in the agricultural sector and outside the capital Dili is very low.

Looking specifically at the urban context, urban unemployment is 6.9 per cent, almost double the national rate, according to the *Labour Force Survey* (2010). Research conducted by the World Bank in 2007 surveyed formal employers in urban contexts about employment and workers' skills. That study concluded that manual and service workers enter enterprises with low qualifications and that less than half the workers were fully proficient at their work. Gaps were identified in technical and language skills as well as in customer handling skills and finance (Das and O'Keefe; 2007). However, data on skills demand and surpluses and also on migrants' profiles are essential tools for better understanding issues related to competition between Timorese and foreign workers. Those statistics weren't available for the present study.

In Timor-Leste, migrants contribute to private sector development through the creation of enterprises. In a report of the Peace Dividend Trust in 2009, which surveyed 2,384 companies, 504 were reported to be owned by foreigners and 46 were partnerships between Timorese and foreign investors. Migrants can also contribute to the creation

²¹ According to the *Labor Force Survey* of Timor-Leste (2010: 14) vulnerable employment refers to self-employed workers or contributing family members, and the vulnerable employment rate is obtained by calculating this sum as a proportion of total employment.

of economic ties with their origin countries in sectors such as commerce and tourism.

In the commerce sector, issues were raised by qualified informants during interviews about competition between migrants and Timorese ambulant vendors (4 references). Conflicts attributed to such competition have occurred in the districts of Baucau, Comoro and Suai in the traditional markets. A law was published in 2008 that limits ambulant vending and trade in traditional markets to Timorese citizens according to the Commercial Activities Licensing Law No. 24/2008 of 8 June 2008.

The presence of migrants can also be associated with a greater demand for rented houses as well as with increases in local consumption, mainly in Dili, where immigrants are concentrated. Looking at the consumer price index for Dili for the last three years, housing prices have had a variation of 5.6 per cent in 2009/2010, 8.8 per cent in 2010/2011 and 9.3 per cent in 2011/2012. Food prices underwent variations of 11.4 per cent in 2009/2010, 17.3 per cent in 2010/2011 and 11.9 per

cent in 2011/2012. However, it is not possible to draw a direct connection between the presence of migrants in Dili and changes in prices of goods and services.

Impacts of human trafficking

Some public health impacts of human trafficking were mentioned in relation to situations in which trafficking was associated with sexual exploitation. Even if questions arise, it is crucial to bear in mind that most of the victims of human trafficking identified in Timor-Leste are men in situations of forced labour. Moreover, the association between human trafficking and prostitution is not immediate. It is therefore important to distinguish between the phenomena of prostitution and human trafficking so as to better clarify causes and impacts.

Furthermore, some concerns have arisen regarding the possible impacts of human trafficking networks in the country that are sending Timorese abroad. In fact, an attempt to traffic Timorese women has already been recorded.

5. Conclusion

Irregular migration, human trafficking and migrant smuggling have to be contextualized in the broader framework of migration in general, taking into account the historical, economic, social and geographical context of Timor-Leste. The majority of migrants in the country are male adults from Asian countries. In Timor-Leste, migrants reside mainly in Dili. The questionnaire administered to migrants living in the country revealed that economic and family reasons are important factors in choosing Timor-Leste as a destination country.

The impacts of migration, including irregular migration, are associated with employment, social cohesion, the housing market, consumption, private sector development and the introduction of new technologies and knowledge. Qualified informants interviewed raised some concerns regarding the impacts of migration on competition between national and migrant workers, although there are no data available to confirm these concerns. Conflicts related to competition between migrant and Timorese ambulant vendors were specifically mentioned. Regarding the positive impacts of migration, several points were referred to such as the search for housing in the rental market, migrants' local consumption,

the creation of employment and the introduction of new technologies and competences in the case of skilled migrants. However, the existence of any relation between these impacts and migration requires further research.

As far as future migration trends are concerned, some conditions that could lead to greater inflows of migrants were identified, such as construction works and planned infrastructure, which could create new employment opportunities and greater opportunities in commerce. Timor-Leste is expected to continue attracting citizens from neighboring countries due to its geographical position and to the migratory flows already established through migrant networks. With the pull-out of the UN mission, it is not clear if the country will attract migrants from outside the region.

Regarding human trafficking and migrant smuggling, the country has recorded few cases. There are already ongoing projects which may contribute to the prevention of human trafficking. However, given the geographical position of the country between one of the main destinations of migrants and asylum-seekers, Australia, and one of the main countries of origin, and transit, Indonesia, it is probable that more

cases of trafficking will be identified in the future. In effect, the region is characterized by large-scale migratory dynamics which have been the topic of debate within the framework of ASEAN. The topic has also been addressed in bilateral relations with Australia. Discussions dealt with the establishment of an Australian center for migration management in Timor-Leste. However, there was no consensus reached on the issue.

In order to improve the management of migration flows, information must be made available and mediation spaces with migrant communities must be created. Civil society may play a fundamental role as a partner in receiving migrants and asylum-seekers, providing information and promoting respect for human rights.

Although migration is not mentioned in Timor-Leste's Strategic Development Plan for 2030, it is likely that there will be a need for migrant workers, especially skilled ones, in sectors like construction, tourism and oil and gas infrastructure as the country faces shortages of specialized manpower. A strategy to manage migrants' entry and stay in the country must be designed to strengthen the positive impacts of immigration, such as the transfer of skills, private sector development and the establishment of commercial links and business opportunities with migrants' countries of origin.

6. Recommendations

In this section we make key recommendations for tackling obstacles encountered in the implementation of policies and programmes for issues surrounding irregular migration, migrant smuggling and human trafficking in Timor-Leste.

6.1 Government

1. A proactive migration policy that identifies needs and priorities for migration:
 - 1.1 Conduct a needs assessment of workers and skills for each economic sector;
 - 1.2 Assess the professional skills of migrants already living in Timor-Leste;
 - 1.3 Assess, for each sector, needs regarding recruitment foreigner workers;
 - 1.4 Assess, for each sector, needs regarding sending Timorese workers and students abroad;
 - 1.5 Develop consultations with all stakeholders in this process.
2. Revision of the Immigration and Asylum law
 - 2.1 Revise the Immigration and Asylum Law to eliminate aspects that contradict the Constitution;
 - 2.2 Complement the Immigration and Asylum Law with other laws concerning migration, notably the Investment Law and the Commercial Licensing Law in order to clarify the legal framework for migrant workers;
 - 2.3 Simplify the visa process, especially the demand for mandatory opinions, in order to use resources more efficiently;
 - 2.4 Clarify the transition between visas in order to request a residence permit one needs a visa to establish residence. For those who have a work visa, it should be clarified whether the process is the same;
 - 2.5 Specify the business visa conditions;
 - 2.6 Create a legal framework for the family dependents of students, researchers and workers;
 - 2.7 Expand the concept of family dependent to include dependent parents, especially for long-term permits;
 - 2.8 Integrate research visas and student visas into the same article and have a duration compatible with the research process;

- 2.9 Integrate the Border Pass into the Immigration and Asylum Law and simplify and decentralize its issuance;
 - 2.10 Grant trafficking victims a legal status while recovering in the country;
 - 2.11 Reduce the 12 year residence requirement needed in order to get permanent residence;
 - 2.12 Specify 'irregular entry and stay' with regards to expulsion conditions;
 - 2.13 Clarify what is meant by 'offense to good morals' as a basis of expulsion;
 - 2.14 Give special attention to carriers in response to migrant smuggling and trafficking. Fines should be increased in cases where carriers transport people without the legal conditions to enter the country;
 - 2.15 Increase punishments in cases of migrant smuggling and human trafficking if the migrants have been subjected to human rights abuses or endured life-threatening situations;
 - 2.16 Increase fines to employers of irregular migrants, especially for repeat offenders;
 - 2.17 Adjust demands for making an asylum request, which currently must be done in 72 hours. This demand can be difficult to fulfill for geographical and logistical reasons;
 - 2.18 Allow for a longer time period to conduct investigations on asylum requests;
 - 2.19 Adjust length of time in which an appeal of asylum decisions must be presented; the current time of 24 hours is too brief;
 - 2.20 Adjust how the follow-up of the asylum requests process is conducted. Currently, UNHCR is the reference organization for following up on the asylum request process, yet the organization no longer has representation in Dili;
 - 2.21 Eventually could separate asylum and migration into two different laws; asylum and migration are two different situations.
3. Migration institutional framework
- 3.1 Concentrate authority on migration issues in the Migration Service — including all matters related to visas, permits, migration crimes and control of foreigners;

- 3.2 Ensure resources at the disposal of the Migration Service are suited to that mission;
 - 3.3 Promote greater cooperation such that the Migration Service can request opinions from other institutions and work in cooperation with other state institutions on issues related to migration;
 - 3.4 Develop Timor-Leste's consular network and, in coordination with Migration Service, develop skills to issue visas and permits;
 - 3.5 Consult stakeholders and identify a partner organization to support asylum-seekers;
 - 3.6 Improve national and international cooperation on migration issues;
 - 3.7 Strengthen consultation instruments such as the National Consultative Committee and take steps to include representatives of the country's migrant communities.
4. Information, public awareness and training
 - 4.1 Provide information on immigration law and migrants' rights and duties to all key stakeholders: NGOs, employers, employers' organizations, unions and media;
 - 4.2 Translate information on immigration law into the languages of the main immigrant communities (Indonesian, Chinese and Filipino) as well as Tétum and English;
 - 4.3 Promote the continuous training of all state and non-state players on migration issues;
 - 4.4 Integrate migration issues into human rights awareness campaigns, public school curricula and public officer training;
 - 4.5 Create a database of people that can be used as interpreters and translators, especially in emergency situations.
- ## 6.2 Civil society
1. Strengthen civil society capacities to work on migration and asylum issues, including on irregular migration;
 2. Promote initiatives to improve dialogue and mediate relations with migrant communities in Timor-Leste;
 3. Develop projects that promote immigrants' access to information, awareness and integration;

4. Develop new services related to migration such as information on immigration law, counselling, legal support and courses on language and culture;
5. Engage in consultative dialogue promoted by public institutions about migration;
6. Provide special attention to asylum-seekers in partnership with public institutions.

6.3 Universities and research centers

1. Develop training and research activities in the field of migration;
2. Cooperate with public and non-state organizations in order to contribute to an informed debate on migration issues.

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8. Annexes

Annex I: Questionnaire

Guidelines

All respondents must contribute in a voluntary way. Their participation is fundamental and must be thanked.

Before the interview, the respondents must be informed about the purpose of the work. He/she must be explained that this study aims to contribute to a better understanding about migrations in Timor-Leste including irregular migration, smuggling of migrants and trafficking in persons.

Respondents must also be informed that all data is confidential and anonymous and that the interview will take 30-45 minutes.

If the respondent does not want, for any reason, to answer to any question he/she must be respected. If he/she wishes to have a pause in the interview at any time, he/she must be granted the time to do it.

The interview must be conducted in a place where the respondent feels comfortable, without being subject to interruptions and where there's privacy.

In all times, respondents must be treated with respect and cordiality.

Questionnaire

1. Socioeconomic data

1.1 What is your country of origin?

1.2 In what region of your country of origin did you live?

1.3 What's your date of birth (day/month/year) __/__/__

1.4 Sex

01 Female 02 Male

1.5 What is your marital status?

01 Single 04 Widower

02 Married 00 Other. Specify _____

03 Divorced NR

- 1.6 How many children do you have?
- 1.7 What's the higher educational level you completed at school?
- 1.8 What kind of work did you do in your home country?
- 1.9 How would you describe your region in your home country?
 - 01 City/urban area
 - 02 Village/small town
 - 03 Outskirts of an urban area
 - 04 Agricultural/rural area
 - 00 Other? Specify _____
 - NR
- 1.10 In general, how do you evaluate your living conditions before migrating?
 - 01 Very unsatisfactory 04 Good
 - 02 Unsatisfactory 05 Very good
 - 03 Reasonable NR
- 1.10.1 Why (economic reasons, political reasons, other?)

2. *Migration experience*

- 2.1 Why did you decided to leave your country of origin?
- 2.2 How did you get the resources to leave the country? (you can choose more than one option)
 - 01 Sold good 04 Was left with a debt to pay later
 - 02 Had savings 05 Support from family/friend
 - 03 Borrowed 00 Other? Specify _____
- 2.3 Was this the first time you left your country of origin?
 - 01 Yes Proceed to question 2.5
 - 02 No Proceed to question 2.3.1
 - NR
- 2.3.1 If No, to which other countries have you been?
- 2.5 Why did you come to Timor-Leste?
- 2.6 When did you arrive in Timor-Leste? (year/month/year)
- 2.7 Was this your first time in Timor-Leste?
 - 01 Yes 02 No NR

- 2.8 Did you come directly from your home country?
01 Yes Proceed to question 2.10
02 No Proceed to question 2.9
NR
- 2.9 If no: which other countries did you pass?
- 2.10 Was Timor-Leste your destination country?
01 Yes Proceed to question 2.11
02 No Proceed to question 2.12
NR
- 2.11 If No, what was it?
- 2.12 If Yes: Why was Timor-Leste your destination country?
- 2.13 What did you know about Timor-Leste before leaving your country of origin?
- 2.14 How did you get that information? (you can choose more than one option)
01 From family members
02 From friends
03 From people already living in Timor-Leste
04 From people that traveled to Timor-Leste
05 From the Internet
00 Other? Specify _____
NR
- 2.15 Did you travel with someone else?
01 Yes 02 No NR
- 2.16 Did you have any help to travel to Timor-Leste?
01 Yes 02 No NR
- 2.17 If yes, what kind of help? (You can choose more than one option)
01 Information about the country
02 Documentation
03 Financial support
04 Transport
05 Accommodation
00 Other? Specify _____
NR

2.18 What was your legal status when you entered in Timor-Leste?

- | | |
|-----------------|-------------------------|
| 01 No visa | 04 Refugee status |
| 02 Tourist visa | 00 Other? Specify _____ |
| 03 Work permit | NR |

2.19 What legal status do you have now?

- | | |
|------------------|-------------------------|
| 01 No visa | 05 Refugee status |
| 02 Tourist visa | 00 Other? Specify _____ |
| 03 Work permit | NR |
| 04 Asylum-seeker | |

2.20 Do you have your travel documents with you?

- 01 Yes 02 No NR

2.19 Did you try to get a permit to stay legally in Timor-Leste?

- 01 Yes 02 No NR

2.20 If yes, did you face any difficulties? If yes, please specify the difficulties you faced?

3. *Migrants socioeconomic situation in Timor-Leste*

3.1 Do you have any family in Timor-Leste?

- 01 Yes Proceed to question 3.2
 02 No Proceed to question 3.3
 NR

3.2 If yes, who? (you can choose more than one option)

- | | |
|---------------|-------------------------|
| 01 Wife | 06 Cousin |
| 02 Children | 07 Grandparents |
| 03 Mother | 00 Other? Specify _____ |
| 04 Father | NR |
| 05 Uncle/Aunt | |

3.3 With whom do you live in Timor-Leste? (you can choose more than one option)

- | | |
|---------------|-------------------------|
| 01 Wife | 06 Cousin |
| 02 Children | 07 Grandparents |
| 03 Mother | 00 Other? Specify _____ |
| 04 Father | NR |
| 05 Uncle/Aunt | |

3.4 Are you working now?

01 Yes Proceed to question 3.5

02 No Proceed to question 3.6

NR

3.5 If yes, what kind of work do you do?

3.6 If no, have you already worked in Timor-Leste?

01 Yes Proceed to question 3.7

02 No Proceed to question 3.9

NR

3.7 If yes, what kind of work have you had?

3.8 If works or worked, how did you find work in Timor-Leste?

3.9 Did you find had any difficulties when searching for work? If Yes please specify.

3.10 Do you send money to your country of origin?

01 Yes Proceed to question 3.10.1

02 No Proceed to question 3.11

NR

3.10.1 If yes, to whom do you send?

3.10.2 What is the money used for? (you can choose more than one option)

01 Food

04 Housing expenses (electricity, water, rent)

02 Education expenses 00 Other? Specify _____

03 Health expenses NR

3.11 Have you ever used public health services in Timor-Leste?

01 Yes Proceed to question 3.11.1

02 No Proceed to question 3.11.3

NR

3.11.1 If yes, assess the care provided.

01 Very good 04 Poor

02 Good 05 Very poor

03 Fair NR

3.11.2 Did you face any difficulties to access health care? If Yes, what kind of difficulties?

3.11.3 Have you ever needed health services?

01 Yes 02 No NR

3.12 If you need help or assistance of any kind (for example food, shelter, emotional support) in Timor-Leste do you have anyone to ask?

01 Yes Proceed to question 3.12.1

02 No Proceed to question 3.13

NR

3.12.1 If yes, who? (you can choose more than one option)

01 Friends

05 Church

02 Family

00 Other? Specify _____

03 Colleagues

NR

04 NGO

3.13 Do you participate in some activity in Timor-Leste? (you can choose more than one option)

Yes No

01 Social activity

02 Religious activity

03 Cultural activities

04 Sports activities

00 Other? Specify _____

NR

3.14 What is your level of knowledge of the language spoken in Timor-Leste?

01 None

04 Very good

02 Basic

NR

03 Good

3.14.1 If have any knowledge of the language, how did you learn? (you can choose more than one option)

01 With friends

00 Other? Specify _____

02 With relatives

NR

03 Took classes

3.15 In general, how do you evaluate your current situation in Timor-Leste?

01 Very good

04 Poor

02 Good

05 Very poor

03 Fair

NR

3.15.1 Why?

3.16 What prospects do you have for your future?

3.17 How long do you intend to stay in Timor-Leste?

3.18 Have you changed your opinion about the level of life that you had in your country?

01 Yes 02 No NR

3.18.1 Why? Please elaborate

4. *Policies*

4.1 What changes do you think should be made to improve the reception of migrants (e.g. laws, health, education, employment) in Timor-Leste?

Annex 2: Map of Timor-Leste



Map No. 4111 Rev. 11 UNITED NATIONS
November 2011 (Colour)

Department of Field Support
Cartographic Section

Source: United Nations.

