



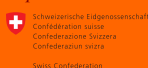
ACP OBSERVATORY ON MIGRATION
OBSERVATOIRE ACP SUR LES MIGRATIONS
OBSERVATÓRIO ACP DAS MIGRAÇÕES

THE EVIDENCE BEHIND THE PICTURE: *Irregular migration in ACP countries and the global South*



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Background Note

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ACP Observatory on Migration

The ACP Observatory on Migration is an initiative of the Secretariat of the African, Caribbean and Pacific (ACP) Group of States, funded by the European Union, implemented by the International Organization for Migration (IOM) in a Consortium with 15 partners and with the financial support of Switzerland, IOM, the IOM Development Fund and UNFPA. Established in 2010, the ACP Observatory is an institution designed to produce data on South-South ACP migration for migrants, civil society and policymakers and enhance research capacities in ACP countries for the improvement of the situation of migrants and the strengthening of the migration–development nexus.

The Observatory was established to facilitate the creation of a network of research institutions and experts on migration research. Activities are starting in 12 pilot countries and will be progressively extended to other interested ACP countries. The 12 pilot countries are: Angola, Cameroon, the Democratic Republic of the Congo, Haiti, Kenya, Lesotho, Nigeria, Papua New Guinea, Senegal, Timor-Leste, Trinidad and Tobago and the United Republic of Tanzania.

The Observatory has launched research and capacity-building activities on South-South migration and development issues. Through these activities, the ACP Observatory aims to address many issues that are becoming increasingly important for the ACP Group as part of the migration–development nexus. Documents and other research outputs and capacity-building manuals can be accessed and downloaded free of charge through the Observatory's website (www.acpmigration-obs.org). Other upcoming publications and information on the Observatory's activities will be posted online.

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1. Introduction

Irregular migration is one of the most sensitive issues at the center of current migration debates, both at bilateral and multilateral level. Much has been written on South-North irregular migration, while little attention has been given to irregular migration within the South. As in the case of labour and regular migration, African, Caribbean and Pacific (ACP) countries tend to be perceived merely as transit or *second best option* countries in a final attempt to reach Europe, Northern America and Australia and New Zealand respectively. However, evidence from ACP countries shows that irregularity is an important aspect of South-South migration presenting a series of specificities which are often overlooked.

UN DESA (2012) estimated that the number of international migrants moving – both regularly and irregularly - between developing countries is almost the same as those going to the North (73 million versus 74 million in 2010). However, figures of international migrants in the South are likely to be higher, due to the general lack of information and inaccuracy of data on irregular migration. Consequently, irregular migration in the South and its specificities are key elements to be taken into consideration both at the research and policymaking level.

After having defined irregular migration and its characteristics, this background note therefore aims at providing a general overview of the main irregular migration patterns in ACP countries and some emerging trends. Some good practices and recommendations tailored to countries in the South will finally be provided.

2. Understanding irregular migration: concepts and definitions

Irregular migration is perceived by destination countries as the entry, stay or work in a country without the necessary authorization or documents required under immigration regulations, while from the perspective of the sending countries, the irregularity is when a person leaves the country without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country (IOM, 2011). Often confused with other phenomena, irregular migration is a particularly politically-sensitive issue, since on the one hand it undermines the legitimate functioning of government authority to regulate the entry and stay of non-nationals in its territory, while on the other hand, irregular migrants are in vulnerable situations, suffering all kinds of dangers, hardships and infringements of their human rights (IOM, 2008).

Defining irregular migration can be particularly challenging, as no consensus on this term currently exists at international level. However, definitions do matter, as an erroneous understanding and labelling of this phenomenon can bring lack of clarity on its characteristics and consequently undermine both the protection of migrants and the adoption of effective and coherent policies. This section is therefore aimed at reviewing the different definitions of irregular migration and to analyze to what extent it is related to the phenomena of mixed movements, smuggling of migrants and trafficking in persons.

In 1975, The United Nations General “request[d] the UN organs and the specialized agencies to utilize in all official documents the term ‘non-documented or irregular migrants workers to define those workers that illegally and/or surreptitiously enter another country to obtain work’”. The adoption of a terminology avoiding the use of “illegal” has also been adopted by other regional bodies, including the Council of Europe in 2006 and the Association of South East Asian Nations (ASEAN) in 2007.

Irregular migration is defined by the International Organization on Migration as ‘a movement that takes place outside the regulatory norms of the sending, transit and receiving countries’ (IOM, 2011: 34). An irregular migrant (or a migrant in irregular situation) is therefore ‘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’ (IOM, 2011: 54). Hence, not only entering a country without authorization but also overstaying a visa implies being in an irregular situation, even if the entry has occurred through regular channels (ICHRP, 2010).

With different degrees of nuances, this phenomenon is often referred to with a variety of other terms, namely clandestine migration, defined as ‘secret or concealed migration in breach of immigration requirements’ (IOM, 2011: 14) and non-documented or undocumented migration, referring to the situation of migrants who lack a legal status in a transit or host country (ICHRP, 2010; PICUM, 2012).

The term “illegal migration” is negatively politically-charged, as it carries a devaluating, discriminating, criminalizing and dehumanizing connotation. Commonly used by the media, this term fuels public distrust and anger towards migrants as well as the assumption that irregular migrants are involved in criminal activities (ICHRP, 2010; ACP Observatory, 2011; PICUM, 2012); International Detention Coalition, 2013).

Irregular migration is driven by complex forces, including the lack of livelihood opportunities in the country of origin combined with the lack of regular migration opportunities and the demand of cheap labour in destination countries (GCMI, 2005). Reasons for migrating irregularly can be multiple, including restrictive migration policies in the countries of transit and destination and/or poor understanding of the travel requirements of those countries, among others. In some cases, undocumented migration is chosen due to the high costs to obtain travel documents and visa granting or other procedural constraints, as for instance long waiting times and only centralized entities issuing passports, not always accessible to the population residing in rural areas or far from the capital (Murrugarra et al., 2011).

The condition of irregularity is not static but can vary over the course of the migratory experience (Santos et al., 2013). Asylum seekers fleeing persecution can for instance be forced to use irregular migration channels, but should be recognized as refugees in countries of destination and no longer have irregular status. On the contrary, it is also possible to pass from a condition of regularity to an irregular one. Not only migrants can enter the destination country regularly and then overstay, but also those who have regularized their status can return to a condition of irregularity. This is particularly true in the South, where limited access to services, freedom of movement and lack of opportunities may push refugees to move on irregularly from the country which originally recognized them as refugees - so-called secondary movements (IOM, 2009). This is also the case when blanket refugee status recognition is lifted. In Tanzania for instance, the cessation of refugee status recently left thousands of Burundi migrants with an irregular status. For instance, a significant - although unknown - number of refugees of Burundian, Congolese, Eritrean and Rwandan origin are believed to move irregularly from the Dadaab and Kakuma refugees camps in Kenya in order to look for better opportunities elsewhere outside the country, namely in Southern Africa (UNHCR and IOM, 2010a).

a) Irregular migration and mixed movements

Mixed migration flows are defined as “*complex population movements including refugees, asylum-seekers, economic migrants and other migrants*” (IOM, 2011). Mixed migration is therefore a broad term in which different groups of migrants can overlap, travelling along the same routes and with the same means of transport but with different motivations and objectives (UNHCR and IOM, 2010a).

The main characteristics of mixed migrations flows are therefore a) the multiplicity of factors driving such movements, including the seeking of protection and a better livelihood, or a combination of both; b) the different profiles and needs of migrants involved (IOM, 2008).

Migrant's voices:
"I left Gambia for
Libya because of
poverty. I am the
oldest brother, so
my duty was to make
sacrifices and help my
family." (Interview with
a Gambian migrant,
2011).

Mixed movements are therefore somehow linked to the phenomenon of irregular migration, in the sense that those movements *often* (but not always) involve irregular travel, meaning that migrants move without the requisite documentation and arrive at their destination in an unauthorized manner (UNHCR, 2007; IOM, 2009). Inversely, not all irregular migrants are necessarily involved in mixed migration flows, as for instance migrants who overstayed their visa or migrants violating the rules on sojourn of non-nationals (e.g. migrants working on a tourist visa).

b) Irregular migration and smuggling of migrants

Irregular migration is often incorrectly used as a synonym of smuggling of migrants and trafficking in persons (TiP). Furthermore, smuggling and trafficking are often confused as being the same¹ (Garrett and Mahoney, 2006).

Although an interrelation between irregular migration and smuggling exist in some cases, it is fundamental to emphasize the differences among these terms.

Article 3(a) UN Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention Against Transnational Crime (2000) defines smuggling of migrants 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"* (United Nations, 2000).

Migrants may not be aware of the risks of smuggling, a dangerous and harmful experience which often represents the only option for migrating to seek better opportunities or escape persecution or difficult economic situations in the absence of sufficient regular migration channels. In this context, migrants requesting the services of a smuggler – often referred to as 'facilitator', 'broker', 'guide' or 'agent' – may perceive the latter as a positive figure despite the criminal act smuggling entails.

¹ See for instance Schloenhards (2001) who refers to "the phenomenon commonly known as trafficking in migrants or people smuggling".

While smuggling always implies irregular migration, it is important to stress that irregular migration is not always linked to smuggling. In fact, migrants can enter a country in an irregular way without any help from a smuggling network or enter the country regularly and then overstay.

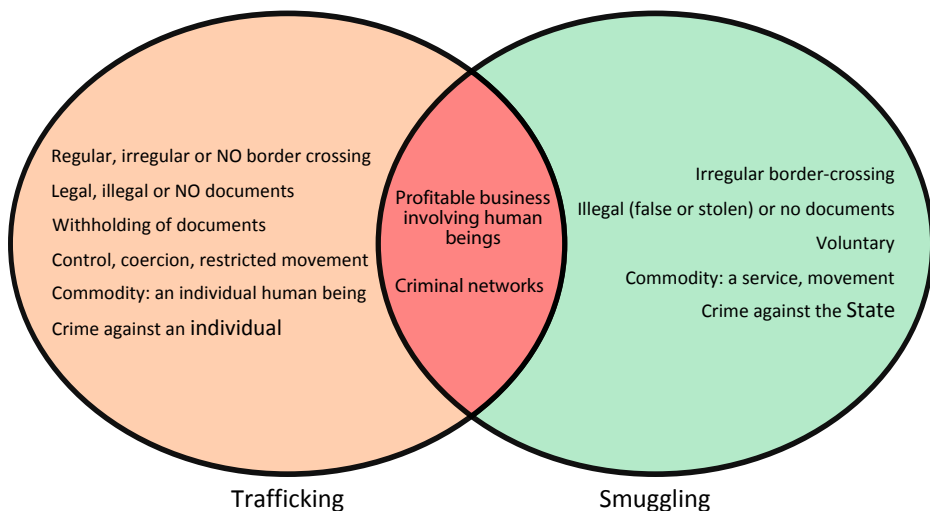
Smuggling should not be perceived as the *cause* of irregular migration, but rather as the *consequence* of the lack of legal migration opportunities and restrictive policies (De Haas, 2007). Furthermore, differently from the common perception, smugglers are not always part of large international organised criminal networks but instead tend to be independent small or medium size groups which operate locally (De Haas, 2007).

c) Irregular migration and trafficking in persons

Smuggling of migrants must be distinguished from trafficking in persons, is defined under international law 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”* according to Article 3(a) of the *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime*.

Smuggling of migrants refers therefore to the facilitation of irregular transit across borders, while cross-border trafficking is the movement of migrants to be forced into an exploitative situation. To clearly distinguish these two phenomena, the motive and perspective of the smuggler or trafficker should be taken into consideration. In fact, while the intent of a smuggler is to facilitate irregular border crossing in order to earn money from this ‘service’, a trafficker aims at obtaining financial gain from the exploitation of the persons he is trafficking (Garrett and Mahoney, 2006).

Although the international debate often focuses on the irregular migration aspects of trafficking, it is important to highlight that this crime cannot be considered as a manifestation of irregular migration, as it involves both international and internal migration and can be perpetrated also through regular migration channels (Cherti et al., 2013).



Source: Adapted from IOM.

3. Irregular migration in ACP countries: trends, figures and routes

a) Africa

Irregular migration patterns in Africa are extremely complex due to the imposition of artificial borders by colonial powers often not recognized by the population, the difficulties of border control and the high level of informal migration within the continent. Apart from undocumented migration within and from the continent, African countries are increasingly becoming a destination for low-skilled Asian migrant workers from Bangladesh, China, India and Pakistan, among others. Often recruited to work in Africa by illegal travel agencies, these workers are frequently brought to the destination country continent on a tourist visa in exchange of high fees (Gong, 2007). African countries might also be used as transit points to Europe for an unknown number of Asian migrants, who usually enter on a tourist or business visa and then join the African migration routes (Liberti, 2008; Politzer, 2008).

Five major macro-routes classified per sub-region used by migrants in mixed flows can be identified within the African continent. However, it is fundamental to stress not only that this classification per sub-region is merely indicative, but also that the migration process may last several years and include several stages of regular migration, as for instance within the ECOWAS area (Van Moppes, 2006). Furthermore, many locations can simultaneously be a place of origin, destination and transit.

i. The Northern routes

- *The Libyan corridor*

Among the estimated 1.8 million migrant workers living in Libya before the 2011 crisis, more than half (1 to 1.5 million) were in an irregular situation (IOM, 2012).

The city of Agadez, in central Niger is the current major junction of migration routes connecting Sub-Saharan and Mediterranean Africa (De Haas, 2007). Migrants proceeding from Western Africa, namely Burkina Faso, Ivory Coast, Ghana, Togo and Benin reach Agadez from Niger's capital Niamey, while Central African migrants arrive through Nigeria. According to recent figures, 42 per cent of migrants transiting through Agadez are from Niger, followed by Nigerians (33,5%); Ghanaians (15,30%), Senegalese and Malians (4,6%) (Tabapssi, 2010).

The crossing of the Sahara desert towards North Africa may include different stop-overs, which can vary in length from a few weeks to several years. From Agadez, the Libyan route continues towards Dirkou oasis in Northern Niger and Sebha oasis in Southern Libya. Migrants proceeding from Darfur, Ethiopia and Eritrea enter through Kufra oasis in the South-eastern part of the country (De Haas, 2007).

The journey usually takes place in big trucks or pick-ups, in which migrants are crammed in extremely precarious and dangerous conditions, and it is facilitated by different *connection men* (also referred to as *tchzga* or *cokser*) organized per nationality or ethnicity. Prices start from 25 Euros, which rapidly increases up to more than 200 Euros including bribes for border police and army (Liberti, 2008).

- *The Algerian/Moroccan corridor*

This route connects Agadez (Niger) with Tamanrasset, in southern Algeria and continues north to Maghnia, from where irregular migrants eventually enter in Morocco through Oujda, in the north-east part of the country (Liberti, 2008). Traditionally a country of emigration and transit, in the last decade Morocco became a major destination hub for Sub-Saharan migrants, partially as a result of the externalization of the European borders (Cherti and Grant, 2013). Furthermore, the instability faced by neighboring countries since the rise of the Arab Spring is likely to have an impact on the increasing number of irregular migrants reaching the country (ibid.)

Nigeria, Mali, Senegal, the Democratic Republic of Congo Ivory Coast, Guinea and Cameroun are believed to be the main nationalities of irregular migrants residing in Morocco (Machichi et al., 2008; Cherti and Grant, 2013), whose undocumented status deeply affects their daily life. In particular, the lack of work or residence permit obliges migrants to live in a clandestine status which exposes them to labour exploitation as well as different types of discrimination (including for instance higher rents compared to locals) and violence (Cherti and Grant, 2013; MSF, 2013).

ii. The Western Africa route

In Western Africa, undocumented migrants from Sub-Saharan Africa, but also from Asia, move together with regular migrants in the region in the framework of the ECOWAS protocol, which makes it impossible to quantify the number of migrants transiting and residing irregularly in the region (Van Moppes, 2006; Tabapssi, 2010).

Thanks to both its growing economy and its strategic geographical position for migrants en route to the Maghreb, Niger is a major migration hub within West Africa being at the same time an origin, destination and transit country. The main countries of origin are Nigeria, Burkina Faso, Benin, Ivory Coast, Ghana, Togo, Senegal, Chad and Sudan. Out of the estimated 202,163 international migrants residing in the country in 2010, only 10 per cent have a regular status (Tabapssi, 2010). (Tabapssi, 2010).

As a result of the increased restriction of European and North Africa migration policies, Mauritania, Cape Verde and Senegal became new transit and eventually or destination countries (De Haas, 2007; Mohamed-Saleh, 2008; Ndiaye and Robin, 2010). Irregular migrants in Mauritania mainly proceed from neighboring countries as Senegal and Mali, but anecdotal evidence of Indian, Pakistani and Bangladeshi nationals has also emerged (Mohamed-Saleh, 2008). At the same time, Mauritania is also an origin country with a high number of labour migrants informally moving to Angola, the Democratic Republic of Congo and the Republic of Congo (Salem, 2010).

iii. The Eastern African route

Mixed migration flows from Ethiopia, Eritrea and Somalia toward Yemen and Gulf States across the Gulf of Aden and the Red Sea also represent an important flow with some 107,500 African migrants and asylum seekers arriving by sea from Obock, Djibouti and Bosasso to Yemen registered in 2012 (Van Moppes,

2006; UNHCR, 2013). Djibouti itself has become a de facto destination country for several thousands of undocumented migrants (RMMS, 2013).

While in the past years, Somali asylum seekers constituted between a quarter and a third of all arrivals to Yemen, the number of Ethiopians has been rapidly increasing and currently dominates irregular migration flows into Yemen, with roughly 84,000 irregular arrivals only in 2012, meaning 80 per cent of the total irregular arrivals (UNHCR, 2013; RMMS, 2013).

A very low percentage of Ethiopian undocumented migrants intend to seek asylum. They are usually considered economic migrants by Yemenite authorities, and they often try to travel onward to Gulf States (RMMS, 2013). Their irregular status exposes them to the risk of exploitation, violence and sexual abuse in both transit and destination countries (UNHCR, 2013; RMMS, 2013).

iv. The Southern route

Mixed movements from East Africa, the Horn of Africa and the Great Lakes region to the southern part of the continent by land, sea and to a less extent by air have been rising over the past decade, although their magnitude is largely unknown (UNHCR and IOM, 2010). Estimated 17,000 to 20,000 people travel irregularly from Somalia and Ethiopia per year (Horwood/IOM, 2009). While South Africa is the main destination, Malawi, Mozambique and Zambia are also becoming alternative destinations (IOM, 2013). The most popular transit countries include Kenya, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe (Ministry of Home Affairs of the United Republic of Tanzania, 2008; IOM, 2013). Over four million undocumented migrants are believed to live in this country, but this figure is a mere estimation (UNHCR and IOM, 2010a). While a substantial number of migrants travel by water, sea travel has decreased in popularity due both to piracy and increased patrolling by authorities. Overland travel seems, therefore, to be the most common (IOM, 2013).

Irregular migration from the Great Lakes region is also poorly researched and documented. A significant number of undocumented migrants from the Democratic Republic of Congo, Burundi, Rwanda and Uganda have been settling in the northwest regions of Tanzania in the past years. Figures are, however, extremely inaccurate, rising up to 'hundreds of thousands of persons' in 2008 (Ministry of Home Affairs of the United Republic of Tanzania, 2008). Since the 1990s, mixed movements from the Democratic Republic of Congo

(DRC) have been growing, with 30,000 to 40,000 Congolese estimated to live in South Africa in 2010 (UNHCR and IOM, 2010a). Burundi, Mozambique, Rwanda, Tanzania, Zambia and Zimbabwe have been identified as the main transit country used by Congolese migrating to South Africa (IOM, 2013). In comparison with Somali and Ethiopian migrant groups, DRC ones tend to travel as family units comprising more women, children and elderly (IOM, 2013).

Irregular and mixed movements from other countries of origin to southern Africa states also have to be mentioned. The presence of Bangladeshi, Indian and Pakistani irregular migrants along the southern routes has been reported, probably moving onwards from the Gulf States (UNHCR and IOM, 2010a; IOM, 2013).

b) Caribbean

Irregular migration in the Caribbean has been increasing in the last decade. Several countries in the region are rapidly turning from origin and transit locations into final destinations as a result of both restrictive migration policies in the United States and the economic prosperity that several Caribbean countries are currently experiencing (Thomas-Hope, 2003; Kairi Consultants, 2013; Anatol et al., 2013). Two main trends of irregular migration can currently be identified in the region, as in recent years the traditional intraregional movements have been flanked by a growing phenomenon of undocumented extraregional migration in the past five years (Kairi Consultants Ltd., 2013).

i. Intraregional migration

The Caribbean region has always been characterized by high level of mobility, further encouraged by the existing disparities among the different Caribbean countries in terms of GDP, standards of living and human development (Thomas-Hope, 2003). Due to the region's morphology, irregular migration within the Caribbean logically occurs mainly by boat, with Haiti, Cuba, the Dominican Republic and Jamaica being the main countries of origin (Thomas-Hope, 2003). Bahamas and the Turks and Caicos Islands², but also Antigua, Anguilla³ and the U.S. Virgin Islands are major destinations within the region for Haitians and Dominicans. Minor - but significant if compared with the total population of the countries involved - irregular movements also exist in the south-eastern part of the region, with citizens from Guyana, Grenada,

² British Overseas Territory.

³ British Overseas Territory.

St. Vincent and the Grenadines and Dominica moving irregularly to Trinidad and Tobago and Barbados. Interregional movements usually involve relatively short but dangerous journeys usually organized by smugglers, which take place in small boats and which may involve multiple stages (ibid.).

Irregular migration between Haiti and the Dominican Republic is of particular importance with hundreds of Haitians crossing the border daily. These migrants are mainly labour migrants, irregularly hired as a cheap labour force primarily in the cane-cutting sector but also other agricultural sectors like coffee and rice production as well as construction, manufacturing and tourism (Ferguson, 2006). The total number of Haitians currently living and working in the Dominican Republic is unknown, also because the phenomenon of short-stay labour migration is increasing. Estimates vary between 500,000 and 700,000 people in the past decade, of whom only 4,000 holding a visa or a work permit (Achieng, 2006; Ferguson, 2006).

ii. Extraregional migration⁴

In the past years, the Caribbean region has been experiencing increasing irregular migration from outside the region, a trend which has been registered in Latin and Central America in general and which has been defined by the Organization of American States as “new and growing” (CEAS-OAS, 2010; FLACSO 2011). Initially intended as strategic transit points towards Northern America, the Caribbean islands often become the final destination of undocumented migrants proceeding from Asia and Africa.

Most Asian irregular migrants residing in the Caribbean are believed to be Chinese nationals, with approximately 200,000 people smuggled into the region every year in the framework of the increasing economic interaction between the Caribbean Community and Common Market (CARICOM) and the People’s Republic of China (Thomas Hope, 2002; Manente, 2012). In general, the presence of Asian undocumented migrants from Bangladesh, Nepal, China, India, Iraq and Sri Lanka in the Central America region has been registered (FLACSO, 2011). More recently, flows from the Middle East have been identified, namely from Syria and Lebanon into Trinidad and Tobago (Kairi Consultants Ltd., 2013), while anecdotal evidence of Vietnamese and Indonesian irregular migrants in the country also exists (Waldropt-Bonair et al., 2013).

⁴ For a more in-depth overview on extraregional migration in the South, please consult the ACP Observatory Background note 8 (Manente, 2012). <http://www.acpmigration-obs.org/sites/default/files/EN-BN%2008%20extrag.pdf>.

Despite African migration being mainly oriented towards South America, thus representing a transatlantic migration corridor which connects the Senegalese coasts with the Brazilian ones, a sharp increase of undocumented migrants from Africa moving to the Caribbean has been registered in the past few years. Both air and sea routes connecting the African continent with Trinidad and Tobago through Venezuela and Brazil seem to exist (Waldropt-Bonair, 2013). In fact, Trinidad and Tobago is currently facing a major increase of irregular arrivals from West African countries, namely Ghana, Nigeria, Senegal and Liberia (Kairi Consultants Ltd., 2013).

The Caribbean islands are also a common destination for migrants moving from Latin American countries as for instance Colombia, Venezuela and Guyana, who often enter on a tourist or student visa and then overstay (Waldropt-Bonair et al., 2013). Although no absolute figures are available, an important gender difference can be observed. While irregular migrants proceeding from African countries are overwhelmingly male, the majority of irregular migrants from Latin America are female (Kairi Consultants Ltd., 2013; Waldropt-Bonair et al., 2013).

c) Pacific

Little information regarding irregular migration in the Pacific region is available. The number of international migrants in Asia and the Pacific was estimated at 31.5 million in 2010 (UN DESA, 2011), of whom up to one in four is believed to be in an irregular situation (Castles and Miller, 2009). Irregular migration within the region is rapidly growing, and it is therefore an issue of concern, with an estimated number of 3.8 million irregular migrants in Southeast Asia in the past decade (Graeme, 2005).

With regard to the Pacific Islands, migratory movements are mainly oriented towards Australia and New Zealand, the leading destination for migrants from Pacific countries (IOM, n.d.). For this reason, little attention is given to irregular migration in the Pacific Island context, even though it is rapidly becoming not only a new destination hub but also the location for offshore camps for irregular migrants as a result of Australian borders externalization policies. Anecdotal evidence of migrants from China, Kiribati and Tuvalu, who reached the Marshall Islands irregularly, was reported in the last years, while the presence of undocumented migrants from different Asian countries was also registered in New Caledonia and Fiji (Schloenhardt, 2001). Papua New Guinea seems to be an important transit point for irregular migration within the Pacific (Schloenhardt, 2001). Furthermore, the growing mining, natural

gas and related construction sectors is increasingly attracting Asian migrant workers who joined the local labour market either evading immigration controls or entering as short-term migrants (Cifuentes Montoya and Sai'l Au, 2013). The country is increasingly becoming a destination country also as a result of increasing border control in the Torres Strait operated by Australia, a trend confirmed by the *Regional Settlement Agreement* signed between Australia and Papua New Guinea in July 2013. Strongly criticized by UNHCR, the media and civil society organizations, under this agreement, asylum seekers irregularly arriving by boat to Australians coasts, will be moved to detention centers in Papua New Guinea while waiting for the assessment of their asylum claims (BBC, 2013). Similarly, in the framework of the so-called *Pacific Solution* implemented by Australia, Nauru is currently hosting 400 asylum seekers from Afghanistan, Azerbaijan, Iran, Iraq, Pakistan, the Palestinian Territories and Sri Lanka who recently protested the poor conditions in the detention centers and the uncertainty regarding the length of their detention (Amnesty International, 2012; BBC, 2013; The Guardian, 2013). After its independence in 1999, Timor Leste has been attracting an unknown number of irregular migrants, mainly Indonesians and Filipinos but also Chinese, Bangladeshi, Indian, Malaysian and Africans citizens (Hamilton, 2004; Regional Thematic Working Group on International Migration including Human Trafficking, 2008; ACEP, 2013; Fundasaun Mahein, 2013).

Despite the general concerns regarding undocumented arrivals by boat in the region, it is important to notice that these involve a relatively small number of migrants. In fact, air routes are also very common, and often migrants enter on a tourist visa and then overstay (IOM, n/a; Schloenhardt, 2001 and Castles and Miller, 2009). In Timor Leste for instance, a recent qualitative study showed that the majority of the migrants interviewed were in an irregular situation due to the expiring of their tourist visa or residence permit, although some had entered the country irregularly through its terrestrial and maritime borders (Santos et al., 2013).

4. Understanding irregular migration in ACP countries: different regions, recurrent trends

When analyzing irregular migration in ACP countries, the specificities of African, Caribbean and Pacific States must be taken into account in order to fully understand this phenomenon. Mobility has always been a fundamental feature for African societies and economies, whose system was subverted by the imposition of artificial borders during the colonial period (UNHCR and IOM,

2010). The arbitrary nature of African borders imposed by the colonial powers makes the distinction between internal and international migration muddled, as such borders often separated members of the same community (Bakewell and De Haas, 2007). In Nigeria, for instance, the movement of members of the same ethnic group across the borders to neighboring countries is considered by law as an international movement. However, in the perception of these persons traveling to another area inhabited by members of their own ethnic group, the (Western imposed) border does not exist - a phenomenon that can be defined as “intra-ethnic migration” (Oyeniya, 2013). Similarly, strong cultural and religious linkages as well as family relationships between the population of East Timor and Indonesian citizens living in the Indonesian province of West Timor exist. Members of both groups move regularly from one country to the other, always through irregular channels (Fundasaun Mahein, 2013). Finally, the influence of the Islamic religion and culture can lead Muslim migrants to disregard the irregular character of undocumented migration. As Mohammed secretly left the Mecca for Yatrib (Medina) in 622 A.D., (irregular) migration can be considered as a virtuous and rewarding act aimed at building a better future (Salem, 2010).

Irregular migration can be driven by a variety of push factors, often in combination. Reasons for migrating usually include the lack of opportunities in the country of origin and a social system unable to provide an adequate education and health care, combined with a general lack of safety due to conflict situations, political instability and environmental changes. Differently from the common perception, irregular migration is not a desperate escape from poverty, but it is intended as a veritable investment often planned and supported by the family of origin (Tabapssi, 2010).

While reasons for migrating are widely investigated, less attention is given to pull factors both at the research and policy level. Irregular migration often occurs due to an underlying structural demand for cheap migrant workers in destination countries during periods of economic growth. In Trinidad and Tobago, for instance, irregular migrants are mainly young economic migrants. Attracted by the availability of jobs, these undocumented migrant workers provide services to labour-starved sectors, working for extremely low wages and exposed to abuse and exploitation (Waldropt-Bonair, 2013). Similarly, in the Dominican Republic, undocumented Haitians are filling the gaps left by local workers. Easy to exploit and non-unionized, these workers are usually expelled when the labour demand is lower, especially at the end of the cane-cutting

session (Achieng, 2006; Ferguson, 2006). In Timor Leste irregular migrants are overwhelming young male adults driven by economic reasons, working in the construction and in the third sectors. Also in this case, their irregular status leads to vulnerability and abuse, including retention of documents and not payment of wages (Santos et al., 2013).

Whenever irregular movements occur, migrants are a risk of exploitation at all stages of their experience. During their journey, undocumented migrants and refugees are under a constant risk of extortion and violence by smugglers and other agents (Thomas-Hope, 2002), and they are vulnerable to the risk of official sanctions, including deportation and detention. Disrespect of the *non-refoulement* principle by national authorities is widely perpetrated. Serious concerns regarding conditions in detention center all over the ACP region are widely reported, ranging from the uncertainty regarding the prolonged detention period, unhealthy living conditions and spread of diseases to violation of human rights including torture, mutilation and sexual violence (Waldropt-Bonair, 2013; Migreurop, 2012; Human Rights Watch, 2006; Laughland, 2013). In the host and transit countries, non-access to services including health care and social security is a major issue for irregular migrants, who often see themselves obliged to live in precarious living conditions and to hide due to a constant fear of raids, arrest and expulsion (Thomas-Hope, 2002; El Yessa, 2008; MSF, 2013). Migrants' physical and psychological health is also at risk due to their frequent contact with violence at all the stages of their migration process (IOM, 2013). Irregular migrants' vulnerability is particularly high for women, who often have to face a triple discrimination based on their gender, foreign origin and irregular status (PICUM, 2012). Furthermore, restrictive immigration policies and border controls as well as the lack of legal migration opportunities can lead migrants to taking on great risks during their clandestine journeys, including reliance on smugglers and increasingly dangerous and remote travel by sea or through deserts.





5. Conclusions, recommendations and good practices

As shown in this background note, despite the existing differences among African, Caribbean and Pacific countries, a series of common trends and challenges related to irregular migration exist, as irregularity and lack of documentation often prevent migrants from benefitting of the advantages of migration, exposing them to a wide range of vulnerability and abusive situations both at the psychological and physical level.


Migrants' voices:
"I thought migration
was going to be
the solution to our
problems, but soon the
whole dream became a
nightmare."
Interview with a
Nigerian migrant, 2011)

Irregular migration is an extremely complex issue which can be approached from a wide range of perspectives. Therefore, comprehensive recommendations are impossible to elaborate. Nevertheless, the list below is aimed at providing initial proposals for better addressing this phenomenon in the interest of migrants as well as origin, transit and destination countries.


a) Recommendations at research level


-  Research on irregular migration tends to focus on the South-North corridors, while little attention is given to informal movements within the ACP regions. Further research on irregular migration in the South is therefore recommended, as the lack of data can wrongly lead to the assumption that irregular migration movements are always destined for the North.
-  Concrete and updated data on irregular migration are fundamental in order to adopt effective migration policies. Non-governmental and local organizations can play a key role in gathering quantitative and qualitative information about undocumented migrants and their efforts should be supported by the national authorities (PICUM, 2005; UNHCR, OAS and IOM, 2009; UNHCR and IOM, 2010b).
-  The specificities of ACP countries should be taken into consideration when researching irregular migration in the South, including migrants' perception and reasons for moving, porosity and arbitrariness of borders and the influence of religious and cultural traditions. In particular, the concept of "intra-ethnic" migration (Oyeniyi, 2013) should be taken into consideration when analyzing the patterns of irregular migration in ACP countries.
-  Stakeholders are encouraged to follow up on the findings of already existing research and implement the recommendations formulated in such studies (UNHCR and IOM, 2010b).


b) Recommendations at policy level


-  The fundamental discrepancy between the official discourses of "combatting irregular migration" and the sustained demand for cheap irregular migrant labour has to be addressed (De Haas, 2008). Establishment of regular migration opportunities through the formulation of labour migration agreements between origin and destination countries should be adopted.

Possible options include for instance temporary, seasonal or circular labour migration programmes (IOM, 2008; UNHCR and IOM, 2010).

 Legal channels for migration should be fostered, as strengthening of border control and repressive measures including mass expulsions do not lead to a decrease of irregular migration, but inversely fuel the spread of new, complex and dangerous migration routes as well and reinforce the role of smuggling networks.

 The dialogue between sending, transit and receiving countries should be promoted in order to guarantee the harmonization of laws and policies for the protection of migrants and to draw up mutually beneficial frameworks for their protection.

 Trade unions can play a key role in advocating for human rights' respect, improvement of undocumented migrants working and living conditions and access to social security, as currently happening in Timor Leste and Morocco (PICUM, 2005; Santos et al., 2013, Organisation démocratique du travail, 2013).


 The social and economic presence of undocumented migrants should be acknowledged in hosting countries and regularization programmes should be implemented in order to avoid exploitation and abuse. Regularization facilitates the social integration of migrants, formally recognizing their significant contribution to the labour market (PICUM, 2005; IOM, 2008; UNHCR, OAS and IOM, 2009; UNHCR and IOM, 2010b; Waldropt-Bonair, 2013).





Leaflet of the 1st congress of the Democratic Organization of Migrant Workers in Rabat, 1 July 2012

Good practice: In Morocco, the Democratic Organization of Migrant Workers has been established as an independent section of the Democratic Organization of Labour (Organisation démocratique du travail – ODT). The first trade union of undocumented workers in Africa and directly managed by migrants, its objectives are to: defend the rights of migrant workers of all origins living in the country, raise awareness on the precarious situation of undocumented workers, promote the right to education, social security, equal pay and equal work conditions; demand regularization of undocumented workers and promote integration of migrants within the Moroccan society.

Good practice: In 2006 Argentina started the implementation of the 'Patria Grande' Programme, aimed at regularizing irregular migrants proceeding from the MERCOSUR and associated countries area.

 Destigmatisation of irregular migration in public discourse is needed. States are encouraged to adopt national and regional measures to combat xenophobia, discrimination, threats and attacks against undocumented migrants. This could include for instance information campaigns on the positive contribution of migration and close cooperation with the media. (IOM, 2008; UNHCR, OAS and IOM, 2009; UNHCR and IOM, 2010b).

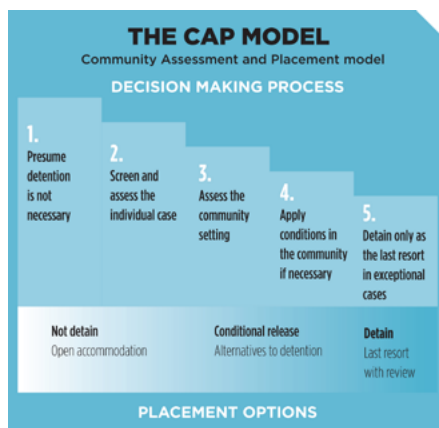
 The effectiveness of detention centers should be seriously questioned, as on the one hand this system implies high costs for the host country and on the other hand it criminalizes undocumented migrants exacerbating the human cost and suffering of those involved, especially in the case of vulnerable migrants such as pregnant women or children. Alternative solutions, including open or in some cases semi-open facilities allowing migrants to leave the premises or release with registration and reporting requirements should be taken into consideration. In the case detention centers are maintained, human rights respect and decent standards of living must be guaranteed (UNHCR, OAS and IOM, 2009; UNHCR and IOM, 2010b).




 Voluntary return programmes should be preferred to deportation and expulsion and returnees should be involved in awareness campaigns on the risks and challenges of irregular migration targeting potential migrants. (IOM, 2008; UNHCR, OAS and IOM, 2009).

The CAP Model

The International Detention Coalition Community Assessment and Placement model (CAP) is a five-step conceptual and practical framework designed for policymakers to ensure that detention of irregular migrants and asylum seekers is only used as a final option in exceptional cases after all other alternatives have been tried or assessed as inadequate in the individual case.

Source: IDC, 2011.



-  Capacity building activities for front line officers to identify and refer vulnerable migrants to appropriate services, including the asylum application process as well as direct assistance and protection for children and victims of trafficking, should be carried out in transit and destination countries.
-  The needs of particularly vulnerable migrants in irregular situations as for instance women and children, but also sick migrants and elders, survivors of shipwrecks and stranded migrants and trafficked should be paid particular attention and direct assistance provided.
-  Policies aimed at fighting social exclusion and gender inequality against undocumented women should be prioritized and migration management practices putting women at risk of violence and abuse should be avoided (PICUM, 2012). Children protection should be guarantee regardless their migration status (UNHCR, OAS and IOM, 2009).

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Despite the common perception of irregular migration as a challenge affecting primarily developed countries, irregular flows also constitute an important aspect of the South-South migration context and present a series of specificities often overlooked.

This background note is aimed at defining irregular migration and its characteristics and at presenting a general overview of the main irregular migration patterns and emerging trends in African, Caribbean and Pacific (ACP) countries and the global South. Based on those elements, initial proposals for better addressing this phenomenon in the interest of migrants as well as origin, transit and destination countries will be provided.

