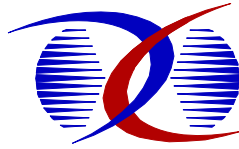The Berne Initiative

INTERNATIONAL AGENDA
FOR
MIGRATION MANAGEMENT

COMMON UNDERSTANDINGS AND EFFECTIVE PRACTICES FOR A
PLANNED, BALANCED, AND COMPREHENSIVE APPROACH TO THE
MANAGEMENT OF MIGRATION

Berne, 16-17 December 2004

The Berne Initiative

The Berne Initiative process was launched by the Government of Switzerland in 2001. In 2003, the Berne Initiative produced a study on international legal norms and migration as well as a compilation of significant international statements on migration. The "International Agenda for Migration Management" is the next major product of the Berne Initiative and is designed to assist government migration practitioners in developing effective measures for the management of migration. It offers a non-binding yet comprehensive reference system for dialogue, cooperation and capacity building at the national, regional and global level.

The "International Agenda for Migration Management" represents views of States throughout the world. Its main elements – common understandings and effective practices – have been developed in a process of consultations among States from all regions, fully respecting their sovereignty in the field, and with other stakeholders in migration.

Further information and documentation on the Berne Initiative are available in English, French and Spanish at the website of the Swiss Federal Office for Refugees **www.asyl.admin.ch/deutsch/newsd.htm** and at the website of the International Organization for Migration (IOM) **www.iom.int/berneinitiative**.

IOM's Migration Policy and Research Department (MPR) serves as Secretariat for the Berne Initiative.

IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

International Agenda for Migration Management

Table of Contents

THE INTERNATIONAL AGENDA FOR MIGRATION MANAGEMENT

I. Introduction

1. Migration Realities

The movement of people across borders is an important feature of today's global political, social and economic life. Since 1965, the number of international migrants has doubled. In 2000, the Population Division of the United Nations estimated the total number of international migrants to be 175 million.[1] Thus, approximately 2.9 per cent of the world's population, or one in every 35 persons, are international migrants.[2] There are multiple reasons for this, including the collapse of long-standing political barriers to movement, the development of worldwide communication systems, the relative affordability of modern means of transport, wage and opportunity disparities between countries, and the changing need for labour and provision of services in many countries. While migration is rooted in human history, migrant flows today are more diverse and complex than in previous eras, with more temporary and circular migration. The demands of an increasingly globalized and integrated world economy and demographic forecasts for the century to come indicate that migration will remain an unavoidable reality.

Migrants have contributed significantly to world cultural exchange, economic development and social progress. They have made and will continue to make dynamic and valuable contributions to societies at home and abroad. Migration, if properly managed, is great positive potential of migration for countries of origin and destination, as well as for migrants and their families. The challenge for States is to maximize the positive effects while minimizing the negative implications of migration for States, societies and the migrants themselves. In addition, migration management structures need to take into account the human dimension of migration, through measures such as the protection of human rights and provision of special assistance to those in need.

One aspect of a State's responsibility to protect its own population and territory is the authority to determine who may enter and remain. In exercising this sovereign responsibility, most States have pursued a primarily unilateral approach to migration, with the general tendency to develop ad-hoc strategies on migration issues to respond to domestic needs and interests. As a result, different or even contradictory national migration policies and practices have sometimes been developed and put into practice. Moreover, there is no comprehensive and harmonized system on the basis of which States cooperate in the management of international migration.

However, it is increasingly noted that international migration is, by definition, a trans-national phenomenon that presents major policy and management challenges and opportunities for governments and other stakeholders in all regions of the world. States have come to realize that nearly all States are simultaneously countries of origin, transit and destination and that in order to manage migration to the benefit of all, they need to shift from an isolated and uni-sectoral focus to more comprehensive approaches.

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[1] This number includes refugees, some of whom may not be foreign-born. Source: The Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *International Migration Report 2002,* available at www.unpopulation.org.

[2] See International Organization for Migration: *World Migration 2003*, Chapter 1.

Against this background, migration has been making its way steadily to the top of the international affairs agenda and now calls insistently and urgently for the attention of all governments, whatever the nature of their involvement or interest in the management of migratory processes. It is increasingly observed that that there is a need for a comprehensive and managed approach to migration, at national, regional and global levels including more dialogue and cooperation between all States while engaging other relevant stakeholders in migration. In addition, migration has to be addressed in a balanced way in economic, social and development domains, and migration policies have to be accompanied by pertinent political measures, such as the training of Government officials. There is also a need for more transparency of policy measures, in particular regarding legal access to the labour market, combined with enhanced information sharing among Governments with the aim of providing objective, reliable and accurate information to all parties concerned.

2. The Berne Initiative

The Berne Initiative is a states-owned consultative process with the goal of obtaining better management of migration at the national, regional and global levels through cooperation between States. It assists governments in identifying their different policy priorities and offers the opportunity to develop a common orientation to migration management, based on notions of cooperation, comprehensiveness, balance and predictability.

The Berne Initiative responds to the need for closer cooperation and confidence building at the international level. Its inspiration is the recognition that migration is an essential feature of contemporary life, and that all States share a common challenge in finding ways to manage it more effectively, to make it safe, orderly, and beneficial for migrants and societies.

At the International Symposium on Migration (June 2001), government officials and experts from international organizations and academia encouraged the Swiss Government in launching the Berne Initiative with the objective of working towards the development of a non-binding policy framework on migration at the international level to facilitate effective migration management and inter-state cooperation to this end.

At the subsequent Berne Initiative Consultations (July 2003), government officials from all regions of the world strongly supported the development of a policy framework in the form of an "International Agenda for Migration Management". The objective of the "International Agenda for Migration Management" is to assist government migration practitioners and policy makers in developing effective mechanisms for inter-state cooperation on migration, fully respecting their sovereignty in this field. Thus, it is aimed at leading to the progressive development of more orderly and humane management of migration at the national, regional and global levels, for the benefit of migrants and societies.

The Berne Initiative is not aimed at creating new migration law. The "International Agenda for Migration Management" gives due regard to relevant international and regional law, regarding, for example, human rights and humanitarian issues, refugees, migrant workers as well as the smuggling of migrants and trafficking in persons. In this context, the Swiss Government, in coordination with IOM, commissioned the preparation and publication of an expert stocktaking of existing international legal norms relevant to migration.

The study "Migration and International Legal Norms"[3] clarifies the existing legal framework and identifies gaps and grey areas not adequately covered by international law where the elaboration of effective practices might be useful.

The format of an "agenda" has been chosen to highlight the non-binding and practical character of the document. This agenda consists of two essential components:

> A set of common understandings outlining fundamental shared assumptions and principles underlying migration management, and

> An accompanying set of effective practices on a comprehensive range of migration issues drawing on the actual, practical experience of governments.

To facilitate the development of the "International Agenda for Migration Management", IOM prepared a compilation of non-binding international statements on migration.[4] This compilation contains significant substantive statements on migration matters from declarations, plans of action, and other such conclusions adopted at relevant international and regional migration conferences. Taken together, these statements provide an indication of the migration subjects of concern to the international community and identify where consensus on the international level could be possible. The compilation reveals that States have already acknowledged certain common understandings on migration at the regional and international level. The challenge was to gather these common understandings in a comprehensive framework that addresses major aspects of migration including human rights of migrants, labour migration, integration, irregular migration, human trafficking and migrant smuggling, trade and health issues, return as well as migration and development.

The "International Agenda for Migration Management" responds to the need for a comprehensive and balanced approach to migration taking into account migration realities and trends as well as linkages between migration and other key economic, social, political and humanitarian issues. Important cross-cutting issues such as the protection of rights, gender, health, public information as well as regional and international cooperation are inherent to every area of migration management and therefore, have their place in the "International Agenda for Migration Management". The gender dimension of migration requires the particular attention of Governments. Policy and legislation in many countries need to be reviewed and updated to take into consideration the increasing feminization of migration, with gender consideration being systematically included therein to avoid implicit gender discrimination.

The plight of refugees raises complex issues for States as well as for those who have been displaced. The regime for international protection of refugees, including asylum, is a separate, distinct but complementary regime from the process of international migration management, but reference to this regime is included in the "International Agenda for Migration Management" to ensure that refugee protection considerations are given due weight and are not overlooked in the context of migration management. The Berne Initiative is not intended to duplicate or supplant the work of specifically mandated fora, such as UNHCR or its Executive Committee. Rather, it attempts to view the movement of all persons, including refugees in a comprehensive way, and to bring to the attention of all Governments the specific protection needs involved as appropriate.

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[3] T. Alexander Aleinikoff, Vincent Chetail, *International Legal Norms and Migration* (The Hague: TMC Asser Press, 2003). The introductory chapter was published by IOM, International Dialogue on Migration No. 3, International Legal Norms and Migration: An Analysis (Geneva: IOM, 2002).
[4] *Significant International Statements on Migration: A Thematic Compilation* (Geneva: IOM, 2004, CD-ROM)

The Berne Initiative and its outcome, the "International Agenda for Migration Management" take due account of the importance of root causes of migration, but recognize the limitations of seeking to tackle these root causes through migration management tools and in migration fora.

To enable Government officials and migration experts from all regions of the world to explore the concept and to elaborate the "International Agenda for Migration Management", a series of regional consultations were held in 2004. The regional consultations for Africa took place in Addis Ababa (March 2004), for Europe and Central Asia in Budapest (June 2004), for Asia and the Pacific in Guilin, China (July 2004) and for the Americas in Santiago de Chile (September 2004). The engagement of Governments from around the world consolidated the content of the "International Agenda for Migration Management" and the direction of the Berne Initiative process.

In all four regional consultations, participants stressed the timeliness of developing a process for dialogue and consultation on migration management at the international level, as migration has become an issue of prime importance at the national, regional and global levels. As most countries are now *countries of migration*, they are showing greater willingness to focus on what unites them rather than on what divides them in this realm and, as a consequence, areas of consensus are emerging. The time is ripe to consolidate these common understandings as a basis for effective national migration policy and capacity development, and for inter-state cooperation on migration management.

Participants at all four meetings repeatedly stressed the positive contributions that migration and migrants make to the social, cultural and economic development of countries of origin and destination alike. They emphasized the need to achieve a balance between facilitation of migration for legitimate purposes, and control. Migration has to be managed in such a way as to contribute to social and economic development – for both countries of origin and destination – rather than be seen by the community as a threat to public security.

Participants often noted that to develop a "common language" on migration, a commonly understood terminology on migration terms is needed. Definitions in this field are often vague, controversial or contradictory. There is an absence of universally accepted definitions, which stems partially from the fact that migration has traditionally been addressed primarily at the national level; the result is that usage of migration terms varies from country to country. In response to the need for clarification of migration terms and definitions, IOM prepared a glossary[5] which is designed to serve as a tool for enhancing understanding and international cooperation in the field of migration.

Positive developments in the field of international migration management have emerged through regional processes on migration. These regional dialogue mechanisms provide a useful complement to bilateral discussions on migration and allow for a broader exploration of issues and approaches. It was emphasized that the Berne Initiative is complementary to the excellent work taking place on international migration at the regional level, providing States from all regions of the world the opportunity to bring together the work achieved in each.

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[5] *International Migration Law: Glossary on Migration* (Geneva: IOM 2004).

Launched in June 2001, the Berne Initiative was the first consultative process addressing inter-state cooperation in the field of migration at the global level. Today, it is complementary to but distinct from two other global processes: (1) IOM's International Dialogue on Migration[6], launched in November 2001 with a view to fostering better understanding of migration dynamics and migration policy matters globally and facilitating cooperative approaches to their management; and (2) the Global Commission on International Migration[7], set up in December 2003, with the aim of placing international migration on the global agenda and expected to complete its final report to the United Nations Secretary General in summer 2005. The Berne Initiative complements these efforts by focusing on promoting inter-state cooperation in the management of migration through the development of a non-binding policy framework or reference system on migration.

The process towards the development of an "International Agenda for Migration Management" comes to an end at "Berne II" (December 2004). Like the first International Symposium on Migration, this conference will be an important step in the process of the Berne Initiative, by bringing together the results of each of the regional consultations and presenting the finalized "International Agenda for Migration Management", but will not be the last. The future of the Berne Initiative will be guided by States and their efforts to manage migration more effectively through cooperation at the international level.[8]

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[6] More information on the International Dialogue on Migration is available at www.iom.int.

[7] More information on the Global Commission on International Migration is available at www.gcim.org.

[8] All documents on the Berne Initiative are available at www.iom.int/berneinitiative and at www.asyl.admin.ch/deutsch/newsd.htm.

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II. Common Understandings for the Management of International Migration

The International Agenda for Migration Management is based on the following common understandings:

1. The continuing movement of people across borders is an integral feature of a rapidly globalizing world.

2. Humane and orderly management of migration benefits both States and migrants.

3. The prime responsibility for the management of migration lies with States: each State has the right and duty to develop its own legal framework on migration and to protect the security and well-being of its population, consistent with existing international principles and norms.

4. According to customary international law, States are required to protect and respect the fundamental human rights and dignity of migrants, irrespective of their status; the special needs of women and children, the elderly and the disabled require particular attention. Similarly, migrants are required to comply with the laws of the host State.

5. All States share a common interest in strengthening cooperation on international migration in order to maximize benefits.

6. The implementation of comprehensive and coherent national migration policies is key to effective international migration policies and cooperation in this field. Support for capacity building in those States lacking adequate resources, structures or expertize can make a useful contribution in this regard.

7. Relevant bilateral, regional and global instruments provide a solid foundation for the development of cooperative approaches to migration management.

8. Compliance with applicable principles of international human rights, refugee, humanitarian, migrant workers and transnational organized crime laws is an integral component of any migration management system, at the national, regional and international levels.

9. Cooperation and dialogue among all interested stakeholders, in particular Governments, international organizations, non-governmental organizations, civil society, including migrant associations, employer and worker organizations, and the media, are important elements for effective migration management partnerships and the development of comprehensive and balanced migration management policies.

10. Bilateral, regional and inter-regional consultative processes are key to the development of cooperative migration management and contribute to cooperation at the global level.

11. Effective migration management is achieved through balanced consideration of economic, social, political, humanitarian, developmental, health and environmental factors, taking into account the root causes of migration.

12. There is a close and complex relationship between migration and development; properly managed, that relationship can contribute to the development of States and their populations.

13. Providing adequate and regular channels for migration is an essential element of a comprehensive approach to migration management.

14. Prevention and reduction of irregular migration is a shared responsibility among all States with the support of other stakeholders.

15. Enhanced efforts are needed to combat human trafficking, migrant smuggling and other forms of international criminality affecting migrants and to provide support to victims.

16. Integration of migrants fosters social cohesion and political stability, maximizes the contributions migrants can make, and reduces instances of racism and xenophobia.

17. The family is the basic unit of society and deserves special attention. In the context of migration, family separation impedes integration, whereas facilitation of family reunion can contribute to maximising the positive effects of social and cultural integration of migrants in the host community.

18. The dissemination of accurate, objective and adequate information on migration policies and procedures enables migrants to make informed decisions. It is also needed to inform public opinion and ensure support for migration and migrants in host societies.

19. The systematic collection, analysis and exchange of timely, accurate and comparable data on all aspects of migration, while respecting the right to privacy, are important for migration management at national, regional and global levels.

20. Further research on all aspects of migration is needed to better understand the causes and consequences of international migration.

III. Effective Practices for a Planned, Balanced, and Comprehensive Approach to Management of Migration

The following effective practices emanate largely from existing Declarations, Plans of Action, and instruments on migration at the regional and international level adopted by States around the world, in particular from the various regional consultative processes on migration, as well as from State practice. They reflect the diverse needs and concerns of States on migration and the breadth of elements to be considered in a comprehensive approach to migration management. They are offered as a flexible tool for the development of comprehensive national and international migration policies and practices, and can assist States by making use of the identified practices in accordance with their needs, priorities and capabilities. These effective practices are particularly designed to facilitate inter-state cooperation in the international management of migration.

1. International Cooperation

The migration life cycle is a process involving complex relationships between the migrant and various public and private stakeholders in the country of destination, transit and origin. Effective management of this process and the relationships involved requires cooperation among all interested stakeholders in migration, including States, international organizations, non-governmental organizations, the private sector, civil society, including local migrant associations, and the migrants themselves. It is only through such an effort that the international community will be able to fully and effectively address the challenges and opportunities of migration. Cooperation in the field of migration can take various forms, ranging from dialogue and sharing of information, experience and practices to cooperation in policy development and operational implementation. Cooperation at the international level will contribute to more effective national policy development, avoiding overlap and duplication and facilitating a more effective use of resources at national, regional and international levels.

a. Dialogue and Cooperation among States

The management of migration is a sovereign right and responsibility and, consequently, migration policies have traditionally been developed at the national level. Given the trans-national nature of migration and the many common challenges that confront States, national migration strategies and policies developed cooperatively among States are more likely to yield effective and sustainable results. Dialogue and cooperation among States on policy and programme activities can contribute to achieving and maintaining the orderly movement of people while deterring irregular migration. The recent development and strengthening of regional consultative processes on migration on every continent shows particular promise for promoting more safe, orderly and humane migration. Lessons and effective practices drawn from these regional and inter-regional fora provide a useful foundation for greater dialogue and cooperation at the international level.

Effective practices for dialogue and cooperation among States:

➢ Regular engagement in a comprehensive, balanced and better informed political and operational dialogue between States, inter-governmental and non-governmental organizations, including the private sector, on migration at the national, regional and global level, with a view toward enhancing understanding and cooperation in the management of migration.

➢ Identification of issues of common concern and adoption of appropriate responses and effective mechanisms beneficial to all stakeholders.

➢ Consideration of regional and sub-regional consultative processes on migration as effective means to enhance cooperation among States in the field of migration.

➢ Inter-regional exchange, as well as exchange at the global level, are complementary to these efforts and can be mutually reinforcing.

➢ Coordination of measures with a view to avoiding unnecessary overlap, responding to gaps and securing an efficient use of available resources.

b. Partnerships in Managing Migration

Migration management is an area for partnerships between interested stakeholders and for consideration of responsibility sharing between States involved in or affected by particular migratory movements. Continued exploration is required to identify additional ways by which governments, international organizations, non-governmental organizations and other private sector and civil society organizations can work together to develop greater confidence and effective and joint management tools, technical cooperation, cost and other responsibility sharing.

Effective practices with regard to partnerships in migration:

➢ Promotion of transparent and focused dialogue and information exchange among States sharing an interest in particular migratory patterns to facilitate possible responsibility-sharing arrangements.

➢ Exploration of the roles and possible contributions of various stakeholders from governments to inter-governmental and non-governmental organizations, the private sector, members of civil society, including migrants themselves, and the media in contributing to more effective management of migration, on their own and through enhanced concerted, collaborative and complementary efforts.

➢ Consideration of bilateral and regional agreements to facilitate migration management in areas such as mutual recognition of temporary entry visas, facilitation of transit for returns, the recognition of permanent residence status, for visa waiver purposes and other operational agreements.

➢ Development of more equitable and effective burden and responsibility sharing arrangements, in particular, in reducing the burdens to first asylum countries and to those hosting large numbers of refugees.

➢ Consideration of the fact that inter-state cooperation may include some States providing assistance to others, for example in the form of technical cooperation.

2. National Migration Policy

Migration is linked to policy in the economic, social, labour, trade, health, cultural and security domains, among others. Considering these interrelationships while identifying the essential components of a comprehensive national migration policy is an important step in developing strategies to manage migratory flows.

For many States, migration is a new field of governmental activity, and they face the challenge of having to set up or improve their legislative frameworks, as well as their administrative infrastructures.

National migration policy includes: (1) managing the entry, transit, departure and return of foreigners into and out of national territory; (2) determining who is allowed to remain on the territory, and for what time period, for what purposes, and with what rights and responsibilities; (3) facilitating the integration of those authorized to remain to become functional members of society, ensuring that temporary migrants respect the laws and norms of the society and that their rights are respected; (4) ensuring access to opportunities and fair treatment for nationals abroad, while maintaining links with these nationals to enhance the prospects of return of remittances, skills and investment; and (5) respect for refugee protection principles. All countries share a concern with irregular migration, and particularly with trafficking in persons and smuggling of migrants. As more and more countries are becoming simultaneously countries of origin, transit and destination, all of the considerations elaborated above are relevant to national migration policy.

Effective national migration policy needs to find and maintain a balance among measures addressing various migration-related issues, without improving one sphere to the detriment of another. Some core values on which a migration policy could be based include: (1) non-discrimination in terms of race, religion, gender and ethnicity; (2) contribution to the national economic and social interest; (3) achievement of the capacity to manage the movement of people across borders in an orderly and efficient manner; (4) facilitation of family reunion; (5) contribution to the resettlement of those most in humanitarian need; and (6) management of migration programmes through the participation of all relevant Government ministries and agencies with the support of other relevant stakeholders. In addition, a comprehensive, transparent, coherent and adequately resourced national migration policy would contribute to more effective inter-state cooperation, which in turn would support national migration policy implementation. Close cooperation among the numerous Government agencies involved in the management of migration, such as ministries of interior and justice, of foreign affairs, of social security as well as trade and health ministries is a top priority.

Effective practices with regard to national migration policy:

➢ Establishment of policies that do not consider regular migration and irregular migration in isolation from each other and that address migration in a comprehensive and balanced manner, considering its causes, manifestations and effects, taking into account the linkages between migration and other relevant policy areas.

➢ Development of national migration policies that serve the needs of the labour market, facilitate family reunion, meet humanitarian obligations and address domestic security while promoting predictability and flexibility.

➢ Development of national migration policies based on comprehensive legislation governing the admission, residence, expulsion and naturalization of foreigners.

- ➢ Establishment of policies, domestic legislation and institutions that are transparent and flexible, provide consistency, offer better information and allow for review and development.

- ➢ Creation or strengthening of administrative structures for migration management and provision of sufficient capacity to manage migration.

- ➢ Facilitation of coordination among responsible authorities at all stages in the migration process including through inter-ministerial consultations and, where appropriate, consideration to centralising migration in a dedicated ministry or agency oriented toward increasing fairness, speed and efficiency of administrative decisions and procedures.

- ➢ Development of national migration policies that take account of and are consistent with regional and sub-regional processes on migration.

- ➢ Development of national migration policies in active consultation and cooperation with important stakeholders in the field of migration including the private sector, non-governmental organizations and other members of civil society, in order to enhance the public acceptance and effectiveness of policies and promote social cohesion.

3. Entry and Stay

States have the responsibility to determine the conditions for the entry and stay of non-nationals in their territories, for the protection of their citizenry and national interests, subject to applicable international law requirements. Policies in this domain are designed to achieve a balance between facilitation and the control of the number and composition of persons crossing international borders and the conditions under which entry is authorized or denied. Types of authorized entry can include permanent entry, such as for labour, family reunion or on humanitarian grounds, as well as temporary entry to visit, study, and work for defined periods of time. Refusal of entry can be based on such grounds as criminality, terrorism, public health and the desire to protect the domestic labour market. Certain benefits and opportunities may be made available only to nationals and authorized non-nationals.

Effective practices with regard to entry and stay:

- ➢ Authorized entry needs to be facilitated and administrative procedures streamlined.

- ➢ All procedures governing entry and stay of non-nationals need to respect and protect the rights of the individuals involved.

- ➢ Regular exchange of information among Governments about national policies concerning entry and stay.

a. Visa Requirements

The criteria and process for granting visas are key aspects of national sovereignty and a means of regulating migration flows and combating irregular migration. As a pre-entry control mechanism, visa systems offer the opportunity for States to examine the admissibility of persons before arrival and to facilitate the entry of selected non-nationals prior to their arrival at the border and offer migrants transparency and predictability regarding their opportunities for entry and stay.

Effective practices with regard to visa requirements:

➢ Implementation of effective procedures to manage and control the entry and stay of migrants and harmonisation of entry policies more efficiently to combat irregular migration.

➢ Implementation of fair, transparent, expedient and user friendly visa procedures, including comprehensive and easily accessible information on visa procedures and requirements.

➢ Facilitation of delivery of multi-entry visas based on available technology and information sharing for tourists, family visits and other temporary purposes.

➢ Exchange of information and cooperation among, in particular, neighbouring countries on visa obligations and effective practices in visa procedures.

➢ Consideration of harmonisation of visa regimes, particularly at the regional or sub-regional level.

➢ Implementation of visa procedures that specify pre-approval requirements for temporary entrants as well as the requirements for permanent residence.

➢ Provision of transparent and humane treatment of the person who requires a visa.

➢ Consideration of waiving visa requirements for particular countries and in the case of certain refugees and others in need of international protection in order to help them to escape persecution or other serious human rights violations.

b. Border Control

Border control is an important means to regulate the movement of people in and out of territories, for reasons, among others, of economic stability, security, public order and health. The challenge for policy makers is to develop effective, efficient, fair and transparent border control procedures that are consistent with international human rights, refugee protection and humanitarian standards.

Effective practices with regard to border control:

➢ Implementation of procedures that ensure fair and non-discriminatory entry and exit procedures, and which avoid, with regard to the admission of migrants, discrimination on the basis of race, religion, sex and disability.

➢ Establishment of appropriate structures and mechanisms for the control of borders ensuring well-functioning border crossing procedures, including pre-screening of arriving persons, pre-reporting by carriers of passengers who will be arriving, and use of modern technology such as biometrics.

➢ Exchange of information and cooperation among neighbouring States to increase the efficiency of border control procedures and consideration of the harmonisation of border controls to avoid burden shifting.

➢ Identification and promotion of full compliance with international standards related to the issuance, information contained in, and security control of travel documents, incorporating safeguards against forgery.

➢ Training of border officials on relevant national and international law requirements.

➢ Strengthening of cooperation in border management in order to combat smuggling and trafficking.

➢ Provision of assistance to migrants stranded or in danger.

c. Residence

Every State determines which non-nationals can reside in its territory and under what conditions, subject to applicable international law requirements. National regulations regarding stay of non-nationals, whether temporary or permanent, and for what purpose, such as training, employment, leisure or studies, are one component of a comprehensive migration policy. Residence policy can provide transparency and predictability for migrants and create favourable conditions for their social and economic integration.

Effective practices with regard to residence:

➢ National residency policy and procedures should clearly distinguish between permanent and temporary residence status and requirements, and provide clear criteria for extension, change or withdrawal of residency status.

➢ Provision of information to migrants about residence requirements and procedures.

➢ Exchange of information and cooperation among neighbouring States to increase the efficiency of residence policy.

4. Regular Migration

Today, all States are affected by migratory flows and are challenged to address the implications and opportunities of migration for their national economies, security and development, in particular, in view of demographic trends and development needs. Debates regarding *whether* to have immigration or not are being replaced by debates on *how to manage* migration to maximize the positive effects that migration – skilled and unskilled, temporary and permanent – can have. Regulated migration can help ensure the availability of labour when the host country requires it. It can permit family reunion with minimum delay and disruption to migrant households and relevant communities. Regular migration can provide opportunities for education, training, skill acquisition and employment, and can result in substantial flows of remittances to individual households, and of capital, investment

and skills to support development in home countries. A key element to achieve a more humane and orderly movement of people is a systematic, managed approach to migration, including consideration of different categories of migration.

Given the complexity of contemporary population movements, it is not easy to draw a sharp line between temporary and permanent migration. However, for policy formulation purposes, it is useful to make a conceptual distinction between the two.

a. Temporary Migration[9]

Temporary migration for purposes of business, employment, tourism, family visits, education, training and research is an essential feature of modern life. As communications and transportation revolutions have made it easier to know about other countries and easier to travel, more people are choosing to pursue opportunities outside their countries of origin. Economic, social and other ties are developing between individuals and communities in distant lands, with resulting greater integration of international economic and social life. Multinational corporations provide employment opportunities for and draw employees from around the world, frequently for temporary periods of stay, involving regular transfer from one country to another. Services are provided cross-border in skilled and less-skilled sectors such as accounting, law, medicine, IT, nursing, domestic work and construction. Seasonal migrant workers provide the labour foundation for many agricultural enterprises. Educational and training opportunities have become truly international in many fields.

Temporary migrants are very diverse and include tourists; students; business people for short stays; people with specialist skills, such as managers, academics and medical practitioners; people who make a social or cultural contribution to the community, such as media and film staff, sports people, religious workers, public lecturers; and people who contribute to the development of international relations, such as diplomatic personnel and participants in exchange programmes.

The effective management of temporary migration offers States the opportunity to channel migration to address a range of domestic needs and policy priorities, such as short-term labour market requirements or the acquisition or improvement of skills, knowledge and resources through training and work abroad. Different criteria and conditions may be developed for each temporary migration category. The key elements of a comprehensive and balanced temporary migration programme are that it is transparent, non-discriminatory, orderly, efficient, reliable and safe.

Effective practices with regard to temporary migration:

➢ Promotion of the use of certain forms of temporary migration, such as short-term and project-related migration, as a means of meeting labour market needs, improving the skills of nationals of countries of origin, especially developing countries and countries with economies in transition.

➢ Facilitation of regular consultations on a bilateral or multilateral basis to identify and meet temporary migration needs through orderly channels, including through conclusion of bilateral or multilateral agreements.

➢ Identification of employment sectors that would be designated as suitable for temporary migrant workers.

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[9] As labour migration can be either temporary or permanent, and in view of its central importance, labour migration is also treated as separate section 5.

➢ Definition of categories for temporary migrants according to specific intended objectives, for example business, family visit or study.

➢ Implementation of measures to enable and facilitate temporary migration and multiple short stays, including through efficient registration systems and delivery of multi-entry visas based on available technology and information sharing for tourists, business visitors, family visits and other temporary purposes.

➢ Provision of clear, accessible and user-friendly information on temporary migration opportunities and procedural requirements, migrant rights and responsibilities, as well as means to access such information, including through such services as migrant information centres.

➢ Implementation of temporary migration programmes which provide temporary migrants with a secure legal status, with rights and responsibilities that reflect their temporary status.

➢ Promotion and implementation of measures to ensure that temporary migration remains temporary, such as conditioning subsequent re-entry on timely return.

➢ For those States utilising temporary migration programmes as a possible route to permanent migration, articulation of clear conditions under which those who qualify can gain permanent status.

➢ Promotion of data collection and analysis regarding temporary migration.

(1) Migration for Educational or Training Purposes

Student and training programmes can constitute an important source of skills acquisition and transfer, both for a dynamic international labour market as well as for promoting development in countries of origin. Foreign students and trainees can be the bridge that permits businesses in home countries and host countries to develop mutually beneficial economic opportunities. Moreover, student and training programmes encourage a better understanding of other societies and cultures.

Effective practices with regard to migration for educational and training purposes:

➢ Enhanced international cooperation in facilitating educational, cultural, vocational and other training through short-term migration and scholarship arrangements, with the expectation that participants return to their country of origin upon termination of the study or training.

➢ Consideration of giving foreign students access to the host country labour market during the educational period in order to enable them to gain practical work experience.

➢ Consideration of mutual recognition of educational qualifications.

➢ Consideration of return and re-integration incentives for students, such as job opportunities, increased salary, earmarked funds and scholarships.

➢ Consideration of establishing programmes to maintain communications with students abroad and offer re-integration and employment assistance upon return.

(2) Migration for Business and Tourism

The globalisation of economic life has resulted in a highly mobile international business community and a corresponding need for safe, transparent, efficient, user-friendly and reliable means to facilitate international business travel and temporary stay abroad. Whether as business visitors, intra-corporate transferees, or to seek to fill short term employment vacancies abroad, mobility of business personnel and other persons for temporary labour purposes abroad, requires concerted international attention and cooperation.

Tourism represents a significant and growing component of the movement of people. It is an important source of income for many States, both developing and developed; has a significant impact on entry systems and associated infrastructure; and provides an opportunity for cross-cultural exchange.

Effective practices with regard to migration for business and tourism:

➢ Promotion of a positive understanding of tourism as a phenomenon creating both income and cultural-exchange opportunities for national, regional and local industries.

➢ Promotion of reciprocal tourism agreements between States.

➢ Promotion of consultative and collaborative efforts among States to develop tools to facilitate business migration for defined purposes, such as multi-country business visitor visas.

➢ Facilitation of bilateral and multilateral temporary worker agreements to meet labour market and employment needs, and to enhance the safety and predictability of travel, access and treatment abroad.

➢ Promotion of regional economic integration schemes to facilitate intra-regional business mobility.

(3) Family Visits

Temporary family visits allow migrants to maintain links with family members in their home countries and, thus, contribute to their well-being. This, in turn, can have positive effects for host societies. Opportunities for regular and predictable family visits may contribute to reducing the incidence of overstays or irregular entry.

Effective practices with regard to family visits:

➢ Facilitation of temporary family contacts and visits.

➢ Establishment of adequate measures to avoid long delays in the entry of close family members.

b. Permanent Migration

Facilitation of permanent migration is often considered in order to build or replenish the population base, to enhance economic competitiveness, to allow family reunion and to meet humanitarian objectives. Key challenges focus on how to develop and implement a fair and transparent permanent migration policy that can flexibly respond to economic, labour market, family unity, humanitarian and demographic needs.

(1) Immigration Programmes

Immigration programmes can help to address the consequences of demographic trends and labour market needs in a planned, balanced and predictable way. Programmes may be supply based, where migrants are selected according to pre-determined selection criteria, or demand based, where migrants apply with a confirmed offer of employment.

Effective practices with regard to immigration programmes:

➢ Development of immigration programmes that provide transparency in elaborating and publicising the criteria and procedures for eligibility and avoid unnecessary administrative delays and expenses.

➢ Consideration of making available pre-departure programmes to prepare migrants for transition to their new societies, such as language and cultural orientation, as well as post-arrival programmes to help integration and adjustment to the new society, with relevant costs to be borne by the sponsoring employer, family member or new immigrant.

➢ Provision of access to benefits such as health care, education and employment, to facilitate integration.

➢ Provision of clear, accessible and user-friendly information to migrants about legal avenues for permanent migration.

(2) Family Reunion

The family is the basic unit of society and deserves special attention and protection. Family reunion contributes to the integration of migrants in the host community and can encourage participation in economic, social, cultural and political life.

Effective practices with regard to family reunion:

➢ Facilitation of family reunion for immediate family members of migrants with permanent residence status or eligible for this status.

➢ Implementation of measures to conduct reunion in a positive, humane and expeditious manner, particularly in the case of children.

➢ Consideration of a sponsorship process for family reunion, which sets out who may sponsor a family member and under what circumstances.

> Consideration of limiting rejections of family reunion applications to issues such as security, serious criminality, threats to public health or public health systems, or inadequate financial ability to support.

> Consideration of harmonisation of a definition of family unit, taking into account different cultural norms.

(3) Humanitarian Resettlement

Third country resettlement of refugees and other persons in need of international protection has been an important component for addressing humanitarian crisis. Resettlement is not a requirement of the 1951 Geneva Convention relating to the Status of Refugees and as such it is a voluntary activity of States to design resettlement programmes on humanitarian grounds. It can be used as either a protection tool or a durable solution tool. A number of countries have also operated successful protection programmes taking potential refugees directly out of their countries of persecution.

Effective practices with regard to humanitarian resettlement:

> Regular consultation among States, UNHCR and other relevant stakeholders, to identify humanitarian resettlement needs in a balanced and comprehensive manner, and to develop coordinated approaches to addressing them.

> Clarification of relevant roles and responsibilities of resettlement partners, with a view to facilitating the planned, orderly, and safe resettlement of identified humanitarian cases.

> Preparation of persons for resettlement, through language training, cultural orientation, and appropriate medical and mental health care, as well as post-arrival assistance such as vocational training and employment assistance, to facilitate social, cultural and economic integration into the new society and early independence.

5. Labour Migration[10]

Domestic economies throughout the world are dependent on migrant workers, whether in countries of destination to fill skills or workforce gaps, or in countries of origin as sources of skills acquisition, training, investment and foreign exchange earnings through remittances. The demands of an increasingly global economy and workforce coupled with persistent disparities in demographic trends, development, wealth, political stability and wages, result in persons seeking work outside their own country on a scale that exceeds the capacity of existing and officially sanctioned labour opportunities abroad. The result has been a growing dependency of many employers and economies on the work of migrants in an irregular situation, as a cheap and reliable source of labour. Migrants in an irregular situation are vulnerable and at risk of exploitation.

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[10] Labour or economic migration can be temporary or permanent, and consequently is addressed here as a separate section in addition to being treated under the temporary migration section.

Regulated labour migration may help to ensure the availability of labour when the host country needs it, provide safety and security for the migrants and regularize the inflow of migrant workers' remittances. In addition, it can contribute to preventing or stemming irregular migration. The challenge for policy makers is to assess national workforce requirements and to develop a flexible and transparent labour migration policy to meet domestic needs, in view of changing international realities and the benefits of cooperation between countries of origin and destination in addressing these needs. The significant economic impact and potential of labour migration, and the challenge of how to manage it to best effect, needs however to take into account the human dimension.

Effective practices with regard to labour migration:

➢ Consideration of developing national measures that regulate supply of and demand for human resources, that are linked to bilateral and multilateral efforts and are developed in consultations with key stakeholders.

➢ Consideration of labour migration schemes for highly skilled, skilled and lower skilled migrant workers that are systematically developed to meet labour demand in countries of destination and respond to labour supply and unemployment in countries of origin.

➢ Consideration of bilateral programmes in order to meet the specific needs of both source and destination countries, addressing the rights and responsibilities of all parties and providing for the protection of migrant workers including by ensuring access to consular officials of the country of origin.

➢ Transparency of legislation and procedures defining categories of labour migrants, selection criteria as well as length and conditions of stay.

➢ Consideration of consultation both at the national and international level bringing together relevant officials to address labour market and labour migration issues.

➢ Enhanced information-sharing and consultations on policy, legislation and procedures more systematically to identify surplus and deficits in respective labour markets and possibilities for matching labour demand and supply.

➢ Consideration of measures to prepare potential migrant workers for entry into foreign labour markets, and arrange for pre-departure assistance, such as language and cultural orientation, and vocational training as needed.

➢ Provision of information to departing migrant workers on working conditions, health and safety, their rights and sources of support potentially available in the country of destination.

➢ Exploration of measures for the mutual recognition of qualifications.

➢ Consideration of programmes to foster skills development and savings and investment schemes that will provide incentive for and assist migrants returning to their home countries.

➢ Protection of migrant workers through implementation of public information campaigns to raise awareness of migrants' rights, and ensuring that migrants receive the social and employment benefits that they are due.

> Promote the enjoyment by authorized migrant workers of the treatment accorded to citizen workers, such as access to training, minimum wage, maximum hour rules, prohibition of child labour and right to establish unions.

> Adoption of measures to ensure respect for the rights of female migrant workers.

> Provision of full access for temporary migrant workers to consular assistance.

> Adoption of measures for the integration of migrant workers in order to encourage cultural acceptance, and to ensure that the rights of migrants and members of their families are respected and protected.

> Implementation of measures to recognize and facilitate the use by highly skilled workers of their skills in the country of destination.

> Consideration of providing information on employment vacancies to potential migrants, on the recognition requirements for occupational qualifications and other practical information, such as taxation and licensing.

> Promotion of research and analysis on the impact of migrant workers on the local labour market.

6. Irregular Migration

Irregular migration takes various forms ranging from avoidance of entry controls to the use of false documents, to overstay of the authorized stay in the host country. Irregular migration results from the voluntary choices of individuals seeking better opportunities for themselves and their families as well as compulsion resulting from armed conflicts, human rights violations, environmental degradation, or severe lack of economic opportunity. Policy responses need therefore to take account of root causes.

The negative associations from abusive types of irregular migration are often not separated in public opinion from the migrants themselves and from migration in general and, therefore, result in a negative image of migrants as a whole and fuel xenophobia. This, in turn, diminishes the perception of the positive contribution migrants may make to the host society.

Criminal trafficking and smuggling organizations play a pervasive role in facilitating irregular migration, and this has resulted in an alarming rise in abuse of government procedures, potential security risks and exploitation of migrants.

More systematic and comprehensive migration policies are needed to prevent or stem irregular migration movements, recognising the interplay between the movement of people and other policy spheres. One of the greatest challenges for governments is to establish transparency and credibility in their ability to manage irregular flows of migrants, by providing authorized channels of entry and stay as well as clear information about these channels while at the same time employing measures to deter irregular movement.

a. Trafficking in Persons and Smuggling of Migrants

As trafficking and smuggling have risen on the political agenda, so the enormous complexities inherent in them have become more apparent. The Protocols supplementing the UN Convention against Transnational Organized Crime draw a definitional distinction between the willing compliance of a smuggled person and the victimisation of a trafficked person, and provide a solid foundation for addressing these phenomena. More and more States find their ability to manage their borders and protect their populations challenged by traffickers and smugglers and recognize that greater efforts are necessary to raise awareness, to combat and prevent trafficking in persons and smuggling of migrants, to protect the victims and to prosecute the perpetrators.

Effective practices with regard to trafficking in persons and smuggling of migrants:

➢ Ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the 2000 UN Convention against Transnational Organized Crime.

➢ Implementation of measures to prevent trafficking in persons, for all purposes, whether sexual or other type of exploitation.

➢ Involvement of all stakeholders concerned, including international and regional organizations, the civil society and the private sector in activities to prevent and combat trafficking in persons and smuggling of migrants.

➢ Adoption of effective legislation including sanctions against those who exploit migrants or engage in trafficking as well as those who profit from trafficking and smuggling.

➢ Strengthen cooperation, bilaterally and multilaterally, and mutual assistance between all competent authorities, to prevent and combat irregular migration and criminal activities, particularly trafficking in persons, often related to irregular migration, such as illegal drugs and arms trafficking.

➢ Strengthen efforts to raise awareness at all levels, including through public information campaigns training and dissemination, and publicize the adverse effects of irregular migration, smuggling, trafficking and related abuse, as well as available assistance to victims of trafficking to discourage those considering irregular movement and to warn those susceptible to being trafficked, particularly women and children.

➢ Facilitation of bilateral and multilateral exchange of experience and information at operational levels in order to improve the knowledge base on trafficking and obtain a more complete picture of smuggling and trafficking activities and other forms of irregular migration and to enhance inter-state cooperation including on documentation and identity verification.

➢ Mutual assistance in criminal matters for the prosecution and penalisation of traffickers, especially international organized criminal groups, and adoption of adequate national measures to provide this assistance including, if necessary, assistance in capacity building.

➢ Adoption of national legislation that allows the confiscation of direct or indirect proceeds obtained as a result of smuggling of migrants as well as means of transport which are owned by smugglers or their accomplices and which are used for smuggling of migrants.

b. Protection of Victims of Trafficking in Persons

Efforts are needed to assist and protect the victims of trafficking in persons who are increasingly recognized as victims of serious crime. The protection and assistance needs of victims of trafficking in persons can include access to shelter, medical care and counselling, witness protection, access to legal procedures and assistance, including access to asylum procedures, and assistance in facilitating return and reintegration into their home countries.

Effective practices with regard to victims of trafficking in persons:

➢ Adoption of national legislation establishing the necessary measures, structures and resources for the protection and assistance of the victims of trafficking, including the right to temporary residence in countries of destination, access to applicable legal protection, including assistance, such as interpretation, in the host country as well as assistance for the return and reintegration in the countries of origin.

➢ Implementation of measures providing a distinction between the trafficker and the trafficked person with regard to the principles, necessary protection, types and levels of sanctions.

➢ Adoption of appropriate legislation to ensure the protection of the human rights of migrants, regardless of their legal status, particularly of those who have been victims of trafficking.

➢ Cooperation with States whose nationals have been trafficked in developing return and re-integration programmes for victims of trafficking.

➢ Protection of victims and other witnesses willing to testify and help convict and jail traffickers, and who serve as witnesses in court proceedings against traffickers and smugglers.

7. Human Rights of Migrants

Respect for and protection of the human rights and dignity of migrants is fundamental to effective migration management. Human rights norms of a general nature and, in more limited instances, specifically relevant to the treatment of migrants, have been adopted by States through various conventions protecting such rights, and in other cases, form part of customary international law. These norms have been adopted by States in recognition of shared values and commitment to basic standards of individual freedom and well-being. Migration policy that is founded on respect for human rights, democracy and the rule of law will contribute to respect, tolerance and appreciation of migrants on the part of society.

a. Basic Human Rights

States are facing growing challenges in protecting the rights of migrants. These include addressing growing xenophobia discrimination, exploitation, violations of labour standards in the workplace and other abuses, especially by traffickers. Migrants in an irregular situation are entitled to protection of their fundamental human rights, but are particularly vulnerable in practice to discrimination and to exploitation and do not enjoy access to a range of social services and other forms of protection of the host society. A central challenge for States is to prevent and combat xenophobic and racist tendencies towards migrants.

Effective practices with regard to the human rights of migrants:

➢ Accession to existing human rights treaties and effective implementation at the national level.

➢ Adoption and implementation of measures to prevent violations of human rights of migrants as well as their exploitation and to ensure that their basic human rights are protected in all stages of the migration process, including expulsion.

➢ Ensure that the particular needs of women and children, the elderly and the disabled are given special attention.

➢ Distribution of information regarding the human rights of migrants, including refugees, to promote respect for their dignity and counteract anti-migrant attitudes, as well as information regarding the obligations and responsibilities of migrants in and to the host country.

➢ Implementation of human rights standards and principles in national law and practice including through provision of training opportunities for officials and establishing effective enforcement and oversight mechanisms both within governmental administrations and national judicial systems.

➢ Implementation of measures to ensure that migrants have effective access to judicial institutions and remedies for violations of their human rights, including consideration of possible compensation for victims and punishment for the perpetrators.

➢ Implementation of measures to ensure issuance of all documents necessary for the enjoyment and exercise of legal rights in order to give effect to the right to recognition everywhere as a person before the law.

➢ Promotion of respect, by competent authorities of a State where a migrant is detained, of the obligations related to consular assistance and protection.

➢ Support to civil society institutions to promote understanding and respect of the human rights of migrants.

b. Principle of Non-Discrimination

The principle of non-discrimination is fundamental to international law and applies to migrants as well as to citizens, but does not prohibit all distinctions between nationals and migrants as settled, temporary and undocumented migrants will enjoy different rights. Distinctions, generally, are to be reasonable in serving legitimate governmental aims pursuant to measures proportionately linked to migration status. Implementation of applicable international instruments that promote respect of the principle of non-discrimination and incorporation of these standards into national legislation and practice can be an important element of effective migration policy.

Effective practices with regard to the principle of non-discrimination:

➢ Implementation of measures to ensure the appropriate treatment of migrants, regardless of their status, and to prevent racist or xenophobic actions and policies and to eliminate discriminatory practices against migrants.

➢ Implementation of measures to ensure that non-nationals, like nationals, are protected against discrimination based on race, religion, sex, national origin and other protected grounds.

➢ Adoption of measures to ensure that the physical integrity, dignity, religious beliefs and cultural values of migrants and their families are respected.

➢ Promotion, in particular, of the protection of persons belonging to minorities against unjustified discriminatory treatment.

➢ Adoption and implementation of measures to grant to authorized long-term migrants the same rights, protection and freedoms under national and international law as other citizens, permanent residents or persons lawfully present in the country.

c. Principle of *Non-Refoulement*

The principle of *non-refoulement* in international refugee law prohibits the return of a refugee to a country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group of political opinion. This principle is the cornerstone of international refugee protection and is widely regarded as customary international law. International law also forbids the return of any person to a place where he or she risks being tortured or treated in a cruel or inhuman way. Effective safeguards against refoulement are necessary in any national or international system for the management of migration.

Effective practices with regard to the principle of non-refoulement:

➢ Consideration of adoption and implementation of legislation and mechanisms ensuring that refugees are protected against *refoulement*.

➢ Consideration of adoption and implementation of legislation and mechanisms ensuring that migrants are not returned to a place where they risk being tortured or treated in a cruel or inhuman way.

d. Statelessness

The Universal Declaration of Human Rights provides that "everyone has the right to a nationality" and "no one shall be arbitrarily deprived of his nationality". Nonetheless, many migrants still lack the security and protection that nationality can provide and procedures for the acquisition of nationality can be complex and lengthy. Statelessness has many causes: An individual may lose his or her nationality and fail to acquire a new one as a result of an extended stay abroad or through marriage to (and subsequent divorce from) a person of a different nationality, or through the individual renunciation of one nationality without first acquiring another one. Although it is the right of every child to acquire a nationality, children who are born to stateless parents may have no nationality. One objective of a managed migration policy is to avoid situations in which migrants are arbitrarily or accidentally deprived of nationality, so as to protect the rights of individual migrants and facilitate identification of migrants, as well as the delivery and management of Government services and policies.

Effective practices with regard to statelessness:

➢ Adoption of appropriate measures at national and international levels to prevent and reduce statelessness, and provide a legal status to stateless persons - including accession to the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and regional instruments preventing statelessness such as the 1969 American Convention on Human Rights, the 1990 African Charter on the Rights and Welfare of the Child and the 1997 European Convention on Nationality, and implementing national legislation to give them practical effect.

➢ Consideration of implementing simplified procedures for facilitated acquisition of nationality by migrants who otherwise would be stateless.

➢ Consideration of legislation to register birth of children born on the territory and granting of nationality to any child born or found on the territory who would otherwise be stateless as provided for by Article 7 of the Convention on the Rights of the Child..

e. Internally Displacement

Internal displacement resulting from conflict, natural and man-made disasters and other violations of rights has become the major type of forced migration and has increased in scope and complexity. While responsibility for the protection of internally displaced persons rests first and foremost with national governments and local authorities, the subject is of growing concern and is increasingly considered both an internal issue and a proper domain for international concern and action. The Secretary General's Special Representative on IDP's developed and issued *Guiding Principles on Internal Displacement* to guide governments as well as international agencies in providing assistance and protection to IDPs. The Guiding Principles identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return, resettlement or reintegration.

Effective practices with regard to internally displacement:

➢ Promotion and adoption of measures to ensure the protection of and assistance to internally displaced persons including protection by their national authorities as nationals of the State in which they are located.

➢ Dissemination and promotion of the "Guiding Principles on Internal Displacement", including training of governmental, inter-governmental and non-governmental officials in their application.

8. Asylum and International Protection of Refugees

The special situation of refugees and others who have been forcibly displaced from their homes and countries of origin by persecution, generalized violence, conflict, and human rights violations marks these individuals as particularly vulnerable and entitled to international protection on the part of States and the international community. However, refugees and others in need of international protection often move within broader mixed migratory flows. It has become increasingly important that all stakeholders achieve a better understanding and management of the interface between asylum and migration. As States look for ways to better manage migration, they need to be able to provide protection to and sustainable solutions for refugees and other in need of international protection.

Between 2000 and 2002, many of these key issues were addressed through a series of Global Consultations, steered by UNHCR, which engaged States and other partners in a broad-ranging dialogue on contemporary issues relating to refugee protection. One of the most important results of the Global Consultations process is the Agenda for Protection, which consists of a Declaration of States Parties and a Programme of Action identifying a wide range of specific objectives and activities grouped according to six inter-related goals. Goal 2, which relates to the protection of refugees within broader migration movements, is particularly relevant when considering effective migration management practices that take due account of refugee protection concerns.

Since it is intended that this International Agenda for Migration Management be developed in a way that is complementary to but not duplicative of the process embarked upon in the Agenda for Protection, the main headings of Goal 2 of the Agenda for Protection are repeated here as *effective practices with regard to asylum and international protection of refugees*:

➢ Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management.

➢ Strengthened international efforts to combat smuggling and trafficking.

➢ Better data collection and research on the nexus between asylum and migration.

➢ Reduction of irregular or secondary movements.

➢ Closer dialogue and cooperation between UNHCR and IOM.

➢ Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking.

➢ Return of persons found not to be in need of international protection.

9. Integration

The effective integration of migrants is an important element of any comprehensive approach to migration management. Integration is a two-way process involving adaptation of migrants to the host community and the host community welcoming and adapting to migrants, respecting basic values and institutions that are part of the common societal framework while promoting policies of cohesion in diversity. Policies and programmes targeted towards encouraging integration of authorized migrants can benefit migrants, communities and society. Well-planned integration policies are essential to social stability and to protecting the rights and dignity of migrants. The concept of integration is not fixed in time and nature, and policies may, therefore, need to be adjusted in response to ongoing social changes. The challenge for policy makers is to develop integration measures addressing both the needs and willingness of the host and migrant community and the realities in the host country. This task could be facilitated by involving relevant stakeholders within society, in particular, representatives of the private, political, social and cultural sectors as well as migrants themselves in the integration process.

Effective practices with regard to integration:

➢ Promotion of the integration of migrants having the right to long-term residence and facilitation of that process through educational and social policies.

➢ Development of comprehensive integration policies and programmes that address linguistic, social, health, educational, political and economic integration, and respect the human rights and dignity of migrants.

➢ Consideration of extending elements of integration programmes to temporary migrants to facilitate their effective functioning in the host country.

➢ Development and implementation of training, language and cultural orientation programmes in countries of origin to initiate the integration process.

➢ Encouragement of the active involvement of migrants in integration programmes and, thus, in the integration process in general.

➢ Development of integration programmes considering participation of relevant stakeholders within society, in particular representatives of the private, political, social and cultural sectors in the integration process to develop broad-based support for the integration of migrants.

➢ Adoption of measures to extend to regular migrants and to members of their families whose stay in the receiving country is regular, enjoyment of basic social, political, civil, economic and cultural rights.

➢ Implementation of integration programmes avoiding discrimination between beneficiary groups, as well as between them and the local population.

➢ Provision and dissemination of adequate information about integration programmes and services for migrants.

➢ Adoption of anti-discrimination programmes to prevent private and public discrimination.

- ➢ Implementation of a national migration policy that grants general access for regular migrants to social services.

- ➢ Consideration of granting local voting rights and access to political party membership to migrants.

- ➢ Implementation of measures ensuring that migrants receive medical care and attention they require, without distinction on any grounds other than medical ones.

- ➢ Implementation of measures ensuring that children have access to educational services.

- ➢ Adoption of measures that provide availability of training facilities to migrants, in particular adolescents and women, as soon as conditions permit.

- ➢ Assistance to integrating migrants through finding employment, such as through job-placement services, vocational training and re-training schemes.

- ➢ Promotion of measures for the recognition of qualifications and skills of migrants.

10. Naturalization and Nationality

Each State has the sovereign right to confer its nationality to those persons it chooses. Nationality provides a sense of belonging and identity, entitles the individual to the protection of the State and provides a legal basis for the exercise of many civil and political rights. Non-national residents may find it difficult or impossible to engage in a range of activities that nationals take for granted and to integrate fully in the host community. In many situations, nationality enables people to find employment and housing, to make use of public services, to participate in the political process and to have access to the judicial system. A fair and transparent policy will give due regard to the importance of nationality as an element of human security.

Effective practices with regard to naturalization and nationality:

- ➢ Adoption and dissemination of clear and transparent standards and procedures applied equitably for the acquisition of nationality through naturalization.

- ➢ Consideration of linking nationality policies including naturalization with immigration and integration programmes.

- ➢ Consideration of establishing procedures and criteria for naturalization of long-term migrants.

- ➢ Consideration of measures to facilitating the acquisition of nationality for stateless persons.

11. Return

Most return migration is spontaneous, unassisted and based on the migrant's decision to go home. Government policy for managing return - voluntary or mandatory, temporary or permanent – is an integral component of migration management. Underpinning consideration of return policy is the right of host and transit States to determine who can stay within their borders and the obligation of countries of origin to accept the return of their nationals. In all instances, return policies and programmes are most effective and sustainable when carried out in a humane and orderly way to maximize the possibilities for successful reintegration into the home community with the cooperation of and efforts by the individual. Procedures are necessary to maintain the dignity and respect the human rights of returning migrants Return activities require cooperation between the country of origin, transit and destination, taking into consideration the needs and concerns of each as well as of the migrants themselves.

a. Return Policy

The integrity of migration systems depends on transparent, fair, efficient and humane policies and practices for the return of those persons who are not authorized to remain in the host country. Return policies or programmes are implemented for the return of regular and irregular migrants and enable them to return home in dignity and safety and in full respect for their human rights. They may also serve as a deterrent measure to irregular migration in sending a message to other potential irregular immigrants. Reintegration assistance possibilities, where appropriate, can encourage the sustainability of return. Moreover, programmes for the return of migrants – whether temporarily or permanently – who have acquired skills abroad can make an important contribution to the development of countries of origin.

Effective practices with regard to return policy:

➢ Strengthen cooperation of the authorities of the country of origin, transit and destination to manage return effectively with a view to facilitating return and reintegration.

➢ Conclusion of bilateral agreements to facilitate the voluntary or mandatory return of unauthorized migrants including measures needed for humane and orderly return.

➢ Promotion of the participation of migrants in the planning and management of their return and reintegration.

➢ Adoption of adequate measures to ensure that migrants who have returned to their homes or places of habitual residence are not subject to discrimination, prosecution or punishment for having left their former places of residence.

➢ Adoption of migration policies that provide for the transferability of pensions and other work benefits, as well as the portability of assets and skills, thereby facilitating and enhancing the sustainability of return.

➢ Promotion of cooperation between countries of origin and destination to facilitate the implementation of the obligation of States to accept return of their nationals.

➢ Consideration of inclusion of return in broader inter-State migration cooperation agreements or arrangements.

➤ Consideration of measures to provide assistance to returning migrants before, during and after their return, carried out by Government authorities, international organizations, non-governmental organizations and other relevant stakeholders.

b. Assisted Voluntary Return

Voluntary return flows form the inalienable right of an individual to go back to his/her country, and therefore it is necessary to provide the opportunity for the individual to make an informed decision. When it comes as the free and informed choice of the individual, return is most likely to be orderly and sustainable. Assisted voluntary return (AVR) allows the returnee to prepare for return and avoid the stigma of deportation with its potential negative repercussions for successful reintegration. AVR is more politically palatable and cost-effective for countries of destination than mandatory return and is seen by many States as the preferred option. Moreover, it ensures the integrity of regular migration systems and of international principles and standards with respect to migrants in irregular situations. It may include organisational and financial assistance for return, as well as assistance towards reintegration.

Effective practices with regard to assisted voluntary return:

➤ Provision of objective and reliable information, including on conditions in the country of origin, and counselling to enable the migrant to make a free and informed decision on his/her return.

➤ Adoption of measures that establish conditions and provide the means to allow migrants to return voluntarily, in safety, with dignity and in respect for their human rights.

➤ Promotion of the active engagement of the migrant in planning his/her return in order to facilitate the return.

c. Mandatory Return

Mandatory return by government authorities under national law enforcement procedures takes place when migrants having no lawful right to remain in the host State do not leave the country voluntarily if required to do so. Mandatory return is seen by many countries as an important component of an effective return policy and properly functioning migration management system and as necessary for the credibility of the system. The existence of mandatory return procedures often creates an incentive for individuals to choose to return voluntarily. It is important that mandatory return be conducted in safety and dignity, consistent with applicable human rights and humanitarian law, and that returnees are not stigmatized for having returned involuntarily.

Effective practices with regard to mandatory return:

➤ Promotion of mandatory return policies that are transparent, humane and fair.

➤ Promotion of measures to ensure that mandatory return is conducted in safety and dignity.

➤ Promotion of measures that avoid forced return to conditions of danger.

➢ Ensuring the conformity of mandatory return with international law standards.

➢ Implementation of mandatory return with the full knowledge and agreement of the country of origin including through such measures as conclusion of bilateral and multilateral agreements.

d. Temporary Return

Migration today is often not uni-directional or permanent but instead circular in pattern. Temporary return enables a migrant to maintain contact with his/her family and community of origin while retaining authorisation to re-enter the host country. It contributes to strengthening relations between migrants and their countries of origin and to facilitating the voluntary (final) return of migrants.

Effective practices with regard to temporary return:

➢ Consideration of visa and other administrative measures to facilitate the temporary return and re-entry through, for example, the issuance of multiple-entry visas in appropriate cases.

➢ Promotion of opportunities for the temporary return of migrants to their homes or places of habitual residence, without loss of the ability to re-enter the host country.

➢ Consideration of providing opportunities for temporary return while maintaining access to certain host country benefits.

e. Reintegration of Migrants

Effective reintegration of migrants back into their home communities is an essential element in their ability to lead productive lives upon return and to facilitate the sustainability of return. As with integration into a host country, effective reintegration consists of many elements, including social, political and economic, and requires the active engagement of the migrant. Productive re-integration into local economic and social activity enables the migrant to attain self-sufficiency and the country of origin to more effectively use the skills, expertise and resources gained in the host countries. Programmes which facilitate reintegration, including vocational training, micro-enterprise development and other forms of targeted assistance, not only assist returning migrants but can assist their communities of return to create a climate of receptivity to returning migrants and opportunities for the community as a whole.

Effective practices with regard to the reintegration of migrants:

➢ Promotion and facilitation of reintegration of returning migrants including facilitating the use of their skills and resources.

➢ Promotion of full and equal participation of returning migrants in community life through such measures as providing equal access to public services.

➢ Development of tailored reintegration measures that take into account the particular situation and needs of the returning migrant as well as of the community to which he/she returns.

➢ Promotion of support for reintegration programmes by the country of destination, in appropriate cases, and other relevant stakeholders.

➢ Preparation of the local community in the country of origin to accept and facilitate the reintegration of returning migrants.

12. Capacity Building

For many States, migration is a new field of government administration. This is equally true for developing and developed countries, and even those States that have migration management structures are looking to adjust these to address new needs and priorities. As a consequence, States are continually striving to increase their capacity to effectively manage population movements; they recognize that it is in the interest of all States that each has the capacity to effectively manage migration. While the creation of national legislative and administrative structures is a national responsibility, international cooperation and capacity building have become increasingly necessary. Training of government officials on the full range of migration management issues is crucial to this effect.

Effective practices with regard to capacity building:

➢ Reinforcement of the capacities of States to better manage migration in all of its varied aspects.

➢ Promotion of efforts at regional and international level to mobilize resources and to engage in mutual assistance and technical cooperation to contribute to better management of migration with the support of relevant stakeholders, including international organizations and non-governmental organizations.

➢ Development and implementation of capacity building programmes in migration management at the local, national and international level.

➢ Fostering support of the international community for capacity building in managing migration for those States that lack the necessary means and mechanisms.

➢ Strengthening of mechanisms for States to share their practical experience in managing different aspects of migration as a means of capacity building.

➢ Development and implementation of training programmes in migration management at local, national and international levels that target migration officials to ensure that they have the skills and expertise needed for implementing legislative acts and administrative regulations in an effective manner.

13. Migration and Development

The relationship between migration and development is close and complex. Properly managed, international migration can contribute to the development of both countries of origin and destination. International migration has the potential to contribute to sustainable development through remittances, investments, skills transfer, brain circulation (reducing the impact of brain drain) and diaspora networks. Migration policies dealing with the migration-development nexus may include facilitating voluntary return and reintegration either temporary or permanent – particularly of the highly skilled, facilitating the transfer of remittances while reducing transfer costs, as well as encouraging investment in the country of origin by migrants and diasporas.

a. Cooperation in Migration and Development

In the past, States and the international community formulated and implemented separate policies on poverty reduction, globalisation, security, refugees and migration with sometimes different or even conflicting objectives. As the symbiotic relationship between migration and other global issues becomes more apparent, it is important that the issues not be dealt with in isolation. For migration to be managed in such a way so as to impact positively on sustainable development, dialogue and cooperation at the national level between agencies and at the international level are required.

Effective practices with regard to cooperation in migration and development:

➢ Consultations between countries of origin and destination on approaches to migration and development that are mutually beneficial.

➢ Consideration of the close inter-relationship between migration and development during the formulation of national development and regional integration policies with a view towards achieving sustained economic growth and sustainable development.

➢ Promotion of inter-departmental, national and international policy coherence and coordination, including between development policies and migration polices.

➢ Development of migration strategies taking into account possibilities for reducing poverty, improving living and working conditions, creating employment and developing training.

➢ Development of partnerships to promote the development potential of migration between and among States as well as other relevant stakeholders.

b. Diaspora Support

Diasporas can be an important resource for development, a fact which is being recognized by more and more countries of origin. In addition to their financial engagement, diasporas can help to foster innovation, learning processes, and civic participation in their countries of origin. But they can also play a significant role within the countries of destination, for example participating in formulating development agendas, in representing migrants' interests, or in facilitating contacts and relations with the country of origin. Increasingly, diasporas are pooling their resources to support home country development.

Effective practices with regard to diaspora support:

➢ Fostering of consultative arrangements, partnerships and cooperation between States and diasporas.

➢ Engagement of diasporas in policy development on migration and development.

➢ Facilitation of diaspora support to community based initiatives, such as home town associations and migrant networks.

➢ Development and promotion of knowledge sharing networks among members of diasporas to the benefit of the country of origin.

➢ Establishing and maintaining channels of communication and information to encourage diasporas to continue participation in the home country, by, for example, providing websites advertising opportunities for consular services, voting and investment.

c. "Brain Drain" or "Brain Gain"

Migration may be detrimental to the community of origin if the labour force is depleted by the departure of its most productive and/or qualified members ("brain drain"). The development and improvement of skills of nationals through education and training abroad can play an important role in the transfer and infusion of knowledge, skills and technology into the countries of origin ("brain gain"). Opportunities exist for making effective use of skills within a region. Moreover, there are many ways in which migrants and their skills can contribute to the development of their countries of origin, including by transferring their skills through virtual or actual, temporary or permanent return. The challenge is to develop mechanisms to avoid as far as possible the negative effects of "brain drain" and to encourage the return of qualified nationals resulting in "brain gain" and their contribution and investment in the development of the country of origin.

Effective practices with regard to "brain drain" and "brain gain":

➢ Promotion and facilitation of return – virtual or actual, temporary or permanent – on a voluntary basis of qualified migrants in order to transfer knowledge, skills and technology.

➢ Development of incentives to return, including employment opportunities and targeted reintegration programmes through cooperation between countries of origin and countries of destination.

➢ Consideration of temporary training programmes abroad to facilitate the acquisition of skills needed in the country of origin.

➢ Promotion of international cooperation on ethical recruitment practices to mitigate brain drain.

d. Remittances

Remittances are an essential component of the global economy, of the economies of countries of origin and of the economies of individual households. Remittance flows are large, stable and reach a broad spectrum of beneficiaries. The most obvious impact of remittances is to increase the income of the migrants' households in the countries of origin and increase the total purchasing power of a given economy. Policies may be developed which encourage the transfer of remittances through formal channels, while reducing transfer costs, which may, in turn, enhance the productive use of these funds. In addition, Government policies are needed to create incentives for the transfer of remittances and to encourage productive investments.

Effective practices with regard to remittances:

➢ Reduction of the transfer and transaction costs of remittances.

➢ Creation of a climate favourable to investment and transfer of remittances through adoption of a sound exchange rate and monetary and economic polities.

- ➤ Development of incentives to encourage the transfer of remittances and investments through initiatives, such as facilitation of accessible banking services and tax breaks.

- ➤ Cooperation with banks and other appropriate institutions towards the development of effective remittance management policies.

- ➤ Facilitation of legal bank transfers to avoid money laundering and money going to illegal activities while respecting the privacy of the person.

- ➤ Promotion of conditions necessary to increase household savings and channel them into productive investment.

14. Migration and Trade

The international trade regime of the General Agreement on Trade in Services addresses migration only insofar as it relates to the temporary movement of persons as service providers yet is the principal multilateral treaty framework for regulating the movement of people. Liberalisation of the movement of persons as service suppliers holds promise of substantial welfare gains for both countries of origin and destination and is directly linked to the needs and implications of an increasingly global labour market. Challenges for policy makers include facilitating the administrative aspects of movement of service suppliers such as visa and work permit requirements. Capacity building may be necessary to ensure that adequate systems are put in place to this end. In addition, measures are needed to ensure that temporary movement remains temporary, and to maximize the potential economic, developmental and personal gains from freer movement of service suppliers. At the same time, account must be taken of legitimate host country priorities and requirements, flexibility in addressing domestic labour market needs, implications for social and other public services, as well as security concerns. The links between trade and migration require greater exploration, including regarding complementary measures, such as selection and preparation of temporary migrants that help provide greater confidence that temporary service providers meet the skills profile needed, as well as entry and stay requirements.

Effective practices with regard to migration and trade:

- ➤ Promotion of dialogue and information exchange between trade, labour and migration specialists and policy makers at both the national and international level to explore the links between migration, development and trade, and to enhance mutual understanding of dynamics and opportunities in this realm.

- ➤ Promotion of dialogue and information exchange between relevant international organizations, such as the WTO, OECD, UNCTAD, the World Bank and IOM to ensure complementarity and efficiency of their efforts.

- ➤ Promotion of cooperative approaches to maximize the economic growth and development prospects from potential trade liberalization, with the long-term aim to reduce poverty and, thus, address one of the root causes of migration.

- ➤ Promotion of orderly and efficient movement of service providers, including by consideration of administrative streamlining mechanisms such as multiple entry visas in appropriate cases.

- Encourage the development and implementation of measures to identify potential migrant service providers, to match those migrants with temporary labour possibilities, and to facilitate relevant selection, preparation and training.

- Implementation of measures to ensure the successful return of labour migrants at the end of the period of their service provision abroad.

15. Migration Health

It is natural that in today's mobile world with tourists, students, business visitors and others travelling regularly between countries that infectious diseases travel with them and connect health environments. The world is moving toward a truly global public health environment. Yet, the link between the movement of people and individual and public health is not sufficiently understood or adequately addressed, due in part to lack of awareness and of reliable information. As human mobility is unlikely to abate, the challenge for policy makers is to prevent insofar as possible the spread of disease and prepare migrants and the home, host and transit communities to address today's public health needs.

Migrants in an irregular situation are particularly vulnerable to stigmatization and discrimination, with consequences for their health and well-being, and victims of trafficking are at particular risk. They often lack access to health care for policy reasons that include the implications for publicly funded health services and do not provide access to public services to persons who are not authorized to enter or stay. But the consequences of lack of access to health care can be highly problematic for individuals and communities alike.

There is great international demand for health care workers in light of ageing populations in much of the developed world. Coupled with great disparities of wages and working conditions, there is an increasing outflow of health care workers from the developing to the developed world, with implications for the health care systems of both.

Well-managed migration health can lead to higher levels of individual and public health through targeted preventative, preparatory and curative measures. Greater awareness can also lead to better planned health resources globally, and facilitate needed investment in training and preparing adequate numbers and types of healthcare providers for the health care needs of today and tomorrow. Cooperation between governments and with other relevant stakeholders is key to realizing the positive potential for migration health and global public health.

Effective practices with regard to migration health:

- Promotion of awareness of the links between migration and health and, in particular, the challenges and opportunities of migration for national and global public health.

- Recognition of the particular policy challenges posed by migrants in an irregular situation, including the impact on national health care systems, their greater vulnerability to stigmatization and discrimination, and the heightened health risks for victims of trafficking.

- Consideration of the link between migration and health in national migration policies and programmes, including consideration of the human rights and public health aspects.

➢ Facilitation and promotion of cooperation among States, international organizations and relevant stakeholders to address the public health challenges posed by international migration.

➢ Strengthening collaboration between States, in particular countries of origin and destination, on migrants' health issues including sharing of information, data, technical expertise and materials while addressing concerns about the migrant's right to privacy.

➢ Promotion of the access for migrants to national health systems, including, insofar as possible, migrants in an irregular situation.

➢ Implementation of fair and transparent migration health assessment procedures before or after arrival in host States in accordance with applicable international standards.

➢ Promotion of adherence to relevant international health standards.

➢ Recognition that the migration of health workers can further drain overstretched health systems in developing countries and the need for effective international cooperation and planning to limit such negative effects and create adequate health care resources for the health needs of today and tomorrow.

➢ Promotion of research, data collection and exchange of information among States and provision of accurate and timely information on the issue of migration and health.

16. Migration and Environment

Natural disasters, man-made catastrophes and ecological degradation are causes of population displacement. In turn, migration movements can have significant impacts on the environment, including in urban context. States more and more recognize the increasing significance of ecological issues and the interdependence of disaster reduction, protection of national resources, and environmental management and call for an intensification of international cooperation and efforts to protect and improve the environment.

Effective practices with regard to migration and environment:

➢ Consideration of the link between natural and man-made disasters, man-made catastrophes and ecological degradation on one side and population displacement on the other in national migration policies.

➢ Promotion of the need to reduce the causes and consequences of natural disasters and environmental degradation.

➢ Intensification of international cooperation and efforts among States, international organizations and other interested stakeholders to protect and improve the environment.

➢ Implementation of measures to reduce the incidence and scope of natural disasters and the displacements associated with them.

➢ Promotion of activities to avoid serious environmental impacts of population displacement, in particular the impacts of prolonged stay.

➢ Sensitization of migrants to the importance of environmental preservation.

17. International and National Security

The recent terrorist attacks and new forms of international terrorism have highlighted security concerns associated with migration. Such concerns have included consideration of whether and in what ways greater geographical mobility, in particular, temporary movements might have security implications for States and societies. At the same time, concerns have increased about the resurgence of xenophobic and racist tendencies, including, scapegoating of and discrimination against migrants both in governmental policies and public attitudes. The challenge for policy makers is how to ensure and facilitate mobility to serve the needs of dynamic economies and communities while ensuring the safety and security of the host community, and without stigmatising migrants.

Effective practices with regard to international and national security:

➢ Strengthen national enforcement and security systems as well as procedures without establishing obstacles to regular migration or discriminating action against migrants.

➢ Strengthen mechanisms for information sharing and collective international enforcement action to reduce the risks of terrorist activities associated with the movement of people.

➢ Enhance information and awareness campaigns to avoid "scapegoating" of migrants and unleashing of xenophobic tendencies.

➢ Promotion and facilitation of cooperation among States, international organizations and other relevant stakeholders to deal with security issues that may arise in the context of international migration.

➢ Promotion of inter-state cooperation in security related activities, such as activities to prevent and combat document fraud, smuggling and trafficking as well as activities concerning the safety of international transport and early warning measures.

➢ Protection of human rights and dignity with regard to the use of personal information.

➢ Increasing integration for migrants to reduce alienation from the host society and thereby, reduce security risks.

➢ Strengthening mechanisms for evaluating security risks in order to prevent and respond to emerging threats to security.

18. Public Information

Greater awareness of and attention to the reality of today's mobile world are required to create better-informed public opinion and concerted effort at the international level. It is important that all actors involved in the migration process have access to consistent and unambiguous information on roles, rights, procedures and expectations. Migrants need to be made aware of legal migration opportunities in order to limit the incidence of trafficking in persons and smuggling of migrants. An improved supply of information to potential migrants on conditions and procedures in destination countries could help promote more orderly migration flows. To reduce xenophobia and discrimination in host societies, migrants need to understand and comply with local laws, and migrant-hosting societies need to be aware of the positive contributions migrants can make to their communities. Information campaigns are indispensable tools in countries of origin and destination for achieving these goals.

Effective practices with regard to public information:

➢ Recognition of the importance of providing accurate, reliable, objective and timely information to ensure support for migrants, migration and migration management structures.

➢ Dissemination of information in order to promote a better understanding of the complex phenomenon of migration and to raise awareness among home and host communities of the positive contributions that migrants can make to society.

➢ Promotion of information activities with a view to making potential migrants aware of available opportunities, including employment in countries of destination, the legal conditions and procedures for entry and stay, thereby reducing the risks of irregular migration.

➢ Creation of awareness of the risks of irregular migration, in particular the dangers of trafficking in persons and smuggling of migrants, to discourage those considering irregular movement and to warn those susceptible to trafficking.

➢ Tailoring both the content and form of information dissemination to the aims of the information and the needs of the target groups , such as migrants themselves, politicians, other actors in civil society or the general public.

➢ Facilitation of migrants' understanding of relevant information through providing the information in the migrants' own language, where possible, and through readily accessible means such as the Internet.

➢ Creation of migration information centres for migrants in countries of origin and destination to serve as a "central point" for information on all aspects of the migration process.

➢ Promotion of cooperation among governments and other stakeholders in migration regarding information in order to increase the transparency and acceptance of information both for the general public and potential migrants.

➢ Recognition of the need to engage the media to provide accurate and balanced information on migrants and migration, and to promote better informed public opinion.

➢ Promotion of information activities that draw attention to the linkages between migration and other policy areas such as development, health, security and that include both positive and negative aspects.

19. Research and Data

An essential prerequisite for a successful migration management system is statistical and documentary information that is timely, accurate, reliable, and accessible. Information and data are required by national and local governments, non-governmental agencies and institutions, the general public and migrants themselves . Exchange of information between governments is also needed to facilitate cooperation and coordination in the field of migration. There is, in particular a need for systems to ensure the efficient flow of information relating to migration matters between relevant government departments, and between central and local government institutions. An efficient and comprehensive information framework and system capable of responding flexibly to policy issues as they arise needs to be able to take advantage of all available and relevant sources, and to address the requirements of all migration stakeholders.

a. Research

Migration research may contribute strongly to policy development, for example, when a government is actively looking for policy solutions, commissions a piece of research and acts on some or all of its findings. Or, research may increase awareness about a particular policy issue and by influencing public attitudes may lead to policy changes. The challenge for all States, whether of origin, transit or destination, is to define their migration research needs and to find ways to develop their research capacities.

Effective practices with regard to research:

➢ Acknowledge the importance of research and data in formulating and implementing effective migration management policies.

➢ Enhancing the relevance of research to Governments and policy making.

➢ Acknowledge the need for increased scientific research on the full range of migration themes, including such diverse issues as the impact of remittances, the impact of migration on families, the relationship between migration and environment, and the implications of an increasing global labour market.

➢ Promotion of collaboration between States in research work, including comparative studies, exchange of experiences and findings.

b. Collection and Analysis of Data

The availability of meaningful data on migration stocks and flows is a key element of effective migration management. At present, much of the statistical and documentary information required for sound decision-making is simply not available or does not reach policy makers in a timely way. National capacities and resources for the collection and analysis of migration data are currently inadequate in many countries. Efforts are also often hampered by incompatibility of data as different measurement methods and operational definitions for migrant categories are employed from country to country.

In addition to problems with migration data collection, the information that exists is frequently not shared among governments, for legal, practical or political reasons. Reliable data is essential for monitoring flows and understanding trends as a basis for policy and programme development and cooperation.

Effective practices with regard to the collection and analysis of data:

➢ Collection of objective, reliable and accurate data on all aspects of migration, including on flows and stocks of international migrants.

➢ Development of national networks to collect, analyse and disseminate information on a wide range of migration phenomenon, including on labour migration, the gender perspective, sudden and massive population displacement, irregular migration and trafficking.

➢ Clarification of who is collecting data, for what purpose and for what audience.

➢ Strengthen coordination among relevant ministries at national level as well as at the international level on data collection.

➢ Progressive development of compatible systems for collecting, processing and exchanging information through such measures as approximation and gradual harmonization of definitions and criteria for data collection.

➢ Promotion of technical assistance and capacity building activities for those countries requiring technical and financial assistance with regard to migration data collection and management.

c. Exchange of Information and Data

A more global approach to migration management includes an exchange of information on migratory flows, migration trends, national migration policy and legislation. The exchange of information and data between States contributes to a better mutual understanding of migration issues, in particular economic and social aspects of migration in different regions, such as the effects of labour migration and integration as well as causes and effects of trafficking and smuggling in human beings. States are more and more recognising that concerted efforts are needed to enhance and improve the exchange of information and sharing of experiences on migration management among States.

Effective practices with regard to the exchange of information and data:

➢ Promotion of bilateral and multilateral exchange of information, data and experience at policy and operational levels.

➢ Strengthening the exchange of information and data on migration legislation and procedures for analysis and review including, in particular, regulations governing the admission and stay of migrants, migrant experiences as well as policy and operational responses.

➢ Promotion of data and information sharing arrangements between States, including other relevant stakeholders where appropriate, taking due account of privacy and security concerns.

d. Data Protection

The increasing need for the exchange of data at all levels between States with a view to combat irregular migration has highlighted the issue of protection of personal data. The challenge facing policy makers is to ensure the protection of personal information guaranteeing the privacy of individual migrants while developing mechanisms to show relevant data which would not infringe upon privacy rights.

Effective practices with regard to the protection of data:

➢ Promotion of an exchange of information on the constraints of national laws and arrangements governing the protection of personal data.

➢ Collection and exchange of data in accordance with national data protection requirements, including the protection of human rights and fundamental freedoms.

➢ Promotion of respect for the integrity and rights of privacy of individuals when pooling or sharing data from various data sources in accordance with national legislation.

➢ Promotion of the implementation of data protection in national policy and legislation.

20. Other Policy Linkages and Accompanying Measures

Effective migration policies have to take into account that international migration is a complex phenomenon which is rooted in human history and behaviour and is closely associated with political, social and economic aspirations and human security factors of each State and region. States increasingly recognize that migration should be addressed in a balanced manner, considering its relationship to economic, social, demographic, political, developmental and environmental issues. Moreover, accompanying measures may be necessary in relevant adjoining policy fields, such as conflict resolution and conflict prevention.

Effective practices with regard to other policy linkages and accompanying measures:

➢ Consideration of the links between migration and other policy issues, such as poverty and conflict, and the need for concerted action to mitigate these root causes of population displacement, while recognizing the limitations of migration fora and migration management mechanisms to resolve such other policy issues.

➢ Fostering of cooperation between migration management officials and officials of other policy domains at the national and international level to ensure mutual recognition and policy coherence.