Human Security, Human Development, and Integration:
Towards a Peaceful and Democratic Coexistence

SIMN
Scalabrini International
Migration Network

Human Security, Human Development, and Integration: Towards a Peaceful and Democratic Coexistence

Proceedings of the Fourth and Fifth International Forum on Migration and Peace

Edited by
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The Scalabrini International Migration Network (SIMN) is a not-for-profit organization established by the Missionaries of Saint Charles, Scalabrinians, to safeguard the dignity and the rights of migrants, refugees, seafarers, itinerants and people on the move worldwide.

The opinions expressed in this book are solely those of the authors and do not necessarily reflect the opinions of the Scalabrini International Migration Network (SIMN).

Human Security, Human Development, and Integration: Towards a Peaceful and Democratic Coexistence

Proceedings of the Fourth and Fifth International Forum on Migration and Peace

First Edition

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Acknowledgments

The *Scalabrini International Migration Network (SIMN)* thanks everyone who made possible the celebration of the Fourth and Fifth International Forums on Migration and Peace.

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SIMN expresses its gratitude to the Konrad Adenauer Stiftung for co-organizing the fifth edition of the Forum and for the support of the Permanent Representation of Mexico in Germany.

A special mention of gratitude and appreciation is due to the Missionaries of Saint Charles, Scalabrinians, and all members of the coordination team of the Forum and staff of SIMN for their commitment and support throug hout the process of organizing and holding these two editions of the Forum.

Finally, SIMN would like to thank all those who share our mission to build a world more just and more fraternal for all, including migrants, their families and communities. Thank you for sharing our commitment to promote a more coherent, comprehensive, and ethical governance of international migration.

Leonir Mario Chiarello, c.s.
Executive Director
Scalabrini International Migration Network (SIMN)

Preface

In a society more complex and globalized than ever before, migration is one of the most powerful forces shaping the economic, social, political, and cultural life in today's world. This phenomenon is often accompanied by critical challenges, which include the unprecedented and appalling number of forced migrants, internally displaced people, unaccompanied children, the migrants victimized by human trafficking, as well as new and complex humanitarian emergencies. Yet it is important to remember that migration results in benefits for countries of both origin and destination, as well as for the migrants themselves. In this context, the international community, including governments, international organizations and civil society organizations, at both regional and global levels, are required to strengthen their commitments and responsibility-sharing in order to promote a more adequate, coherent and consistent governance of international migration.

Despite restrictive immigration policies (including border control and the expulsion of undocumented migrants), pervasive socio-economic asymmetries, poverty, unemployment, natural disasters, armed conflicts, and other international crises will continue to force millions of people to journey across national borders in search of better living conditions. History shows that migrant movements cannot be contained or repelled by building walls and expelling migrants. The most effective policy for migration governance is to build bridges toward international peaceful coexistence and human development.

Even if an increasing number of actors have been working with migrants and refugees over the years, including governments, international organizations and civil society organizations, they have struggled to find a common and sustainable answers to the complex challenges of this phenomenon and seems confused and focused on responding to immediate humanitarian, demographic, economic and political needs, instead of looking for sustainable and systemic solutions. Such solutions require migration policies connected with development policies and inspired by the principles of common good

for all people, social cohesion, tolerance, and non-discrimination, including elements of protection, assistance, integration or reintegration into society and peaceful coexistence between nationals and migrants.

In this context, the Scalabrini International Migration Network (SIMN) has promoted the International Forum on Migration and Peace to stimulate a high-level dialogue and the definition of concrete actions regarding the multifaceted bonds between migration flows and peaceful coexistence between host communities and migrants. Each Forum has a thematic focus with the intent of stimulating an on-going process of dialogue and essential action.

Under the heading "*Borders: Walls or Bridges*", the first International Forum on Migration and Peace was held in Antigua, Guatemala, on January 29 and 30, 2009.

In the framework of the bicentennial of the independence of some Latin American countries, SIMN promoted the second edition of the Forum under the heading "*Migration, Peaceful Coexistence and Independence: Towards New Perspectives on Citizenship*", from September 1 to September 3, 2010, in Bogota, Colombia.

The third Forum was held in Mexico City, on October 20 and 21, 2011, focused on the topic of "*Safe International Migration*".

"*Human Security, Human Development, and International Governance of Migration*" was the topic of the fourth edition of the Forum that was held on June 20 and 21, 2013, in New York. The achieved goal of the fourth edition of the Forum was to propose to the United Nations' Second High Level Dialogue on Migration and Development the topic of human security and human development as one of the best ways to promote effective and legitimate governance of international migration.

The fifth edition of the Forum was held in Berlin, on June 11 and 12, 2014, in the framework of the 25th Anniversary of the fall of the Wall of Berlin, under the heading "*Integration: Towards a Peaceful and Democratic Coexistence*". The goal of the fifth edition of the Forum was to stimulate the dialogue on the need of disintegration of physical and political barriers between peoples and the definition of policies focused on integration of migrants in local communities from

a democratic and intercultural perspective.

Participants of the Forums include Nobel Peace Prize Laureates, Heads of State, representatives of United Nations agencies, international organizations, academia, and migrant organizations; all sharing their thoughts, commitments, and proposals for the promotion of a fully human and peaceful coexistence as a universal right for all.

This publication brings together selected interventions presented by invited speakers of the fourth and fifth editions of the International Forum on Migration and Peace, followed by the final declaration of the fourth Forum and the programs of both Forums.

In their presentations, reflecting different backgrounds and perspectives, the experts bring essential elements to continuing the work initiated at this Forum to promote a systemic change on international governance of migration, focused on the human development and sustainable development, human security, human dignity, and peaceful coexistence for all people, including migrants, their families and communities. From this perspective, in accordance with the goals of the Forum, the authors underline the importance of the cooperation of all political and social actors to create, implement, and strengthen a culture of dignity, justice, solidarity and peaceful coexistence among all peoples.

The opinions expressed in the articles published in these proceedings are those of their respective authors and do not necessarily reflect the opinion of the Scalabrini International Migration Network (SIMN) or the organizations sponsoring the Forum.

Leonir Mario Chiarello, c.s.
Executive Director
Scalabrini International Migration Network (SIMN)

I PART

Selected Topics of the Fourth International Forum on Migration and Peace

Human Security, Human Development and International Governance of Migration: The Commitment of Governments and Civil Society Organizations at the Local, National, and International Level

New York, June 20-21, 2013

Opening Remarks of the Fourth International Forum on Migration and Peace

Leonir Mario Chiarello c.s.
Executive Director
Scalabrini International Migration Network (SIMN)

Distinguished Mr. Jas Eliasson, Deputy Secretary General of the United Nations; distinguished Ms. Mercedes del Carmen Guillén Vicent, Assistant Secretary for Population, Migration and Religious Affairs of Mexico; Most Rev. Nicholas DiMarzio, Bishop of Brooklyn; distinguished Mr. Anthony Crowell, Dean and President of the New York Law School; reverend Alfredo Gonçalves, Vicar General of the Missionaries of Saint Charles, Scalabrinians; distinguished Mr. Luis Fernando Carrera, Minister of Foreign Affairs of Guatemala; distinguished representatives of governments, permanent representations to the United Nations, United Nations Agencies, Organization of American States and International Organizations, General Consulates and other governments agencies; distinguished representatives of civil society organizations, religious organizations and migrant organizations; ladies and gentlemen:

Migration is a phenomenon inherent to human history and human development. In the current process of globalization, human insecurity, lack of development, economic insecurity, along with natural disasters, armed conflicts and violence, are increasing forced migration around the world.

On the other hand, despite the definition of new legal frameworks and extensive institutional responses, so many migrants continue to suffer abuse, exploitation and violence.

Migrants are an increasingly vulnerable group, subject to discrimination, xenophobia, and anti-migrant sentiments. They are victims of human rights abuses, especially via border control and deportation programs.

This situation of such vulnerability and the negative perceptions of migration demands an ethical duty of governments and civil society organizations to implement comprehensive policies and responses to human and safe migration, which are respectful of the

human dignity and rights of all migrants and their families, regardless of their migration status.

International governance of migration from a human and ethical perspective is a condition *sine qua non* for the common good of all people, including migrants, and for international peaceful coexistence.

In this context, the Scalabrini International Migration Network (SIMN) has promoted the International Forum on Migration and Peace to stimulate a high level dialogue between government officials, international organizations and civil society organizations, and construct a definition of concrete actions regarding the interconnections between human security, human development, migration flows and peaceful coexistence between host communities and migrants.

This is a continuation of the process that began in 2009 in Antigua, Guatemala, wherein a discussion was held on the topic, *Borders: Walls or Bridges*? This dialogue resumed in 2010 in Bogotá, Colombia, examining the topic, *New Perspectives on Citizenship and Democracy* and continued in 2011 in Mexico City, discussing the topic *Safe International Migration.* In this fourth edition of the Forum we will focus on the interrelation between *Human Security, Human Development, and International Governance of Migration: the Commitment of Governments and Civil Society Organizations at the Local, National, and International Level.*

In a similar way that the international community, governments, and civil society organizations have not only cut global poverty in half over the last 20 years, from 1990 to 2010, but also learned much about how to do it, the international community and civil society organizations have developed progressive acknowledgement of the limits of a strictly nationalistic approach to migration governance and the importance of international cooperation between governments and collaboration with civil society representatives to foster coherent and comprehensive governance of migration.

We are here today at the IV International Forum on Migration and Peace to define principles and tactics that will be presented in the United Nations II High Level Dialogue on Migration and Development, as foundations for better governance of international migration. This

Forum aims to propose to the High Level Dialogue the consideration of human development as the best ways to promote ethical and global governance of migration.

We would like to thank the Permanent Representation of Mexico to the United Nations for co-organizing this Forum; the advices of Mayor's Office on Immigration Affairs of New York, the collaboration of the Center for Migration Studies of New York (CMS), the New York Law School, the Konrad Adenauer Stiftung, the Humanity Without Borders Foundation, Western Union, the Marin Media Group, the Scalabrini Communication Center, and the Missionaries of Saint Charles, Scalabrinians, for their sponsorship.

We express our appreciation and gratitude for the Missionaries of Saint Charles, Scalabrinians, and all members of the coordination team of the Forum and the staff of SIMN for their commitment and support throughout the process of organizing and conducting the Forum.

Finally, we would like to thank all of you for your participation in the Forum and your commitment to promote a more coherent, comprehensive, and ethical governance of international migration.

Welcome to the IV International Forum on Migration and Peace!

Opening Remarks of the Fourth International Forum on Migration and Peace

Jan Eliasson
Deputy Secretary-General of the United Nations

Fr. Leonir Chiarello, Executive Director of the Scalabrini International Migration Network; Ms. Mercedes del Carmen Guillén Vicente, Assistant Secretary for Population, Migration and Religious Affairs of Mexico; excellencies, ladies and gentlemen:

Let me begin by reminding you that today is World Refugee Day. The most recent figures from the United Nations Refugee Agency show a record high of 45.2 million displaced people worldwide. This translates into someone becoming a refugee or internally displaced person every 4.1 seconds. As the United Nations High Commissioner for Refugees, Mr. António Guterres, said, this means that every time you blink, another person is forced to flee.

As we continue discussions at the United Nations on a new development agenda post-2015, we have to take this new reality into serious consideration.

I thank the Scalabrini International Migration Network, Mayor Bloomberg's Office of Immigrant Affairs, and the Permanent Mission of Mexico for inviting me to the International Forum on Migration and Peace.

This Forum, as well as previous such gatherings in Guatemala, Colombia, and Mexico, demonstrates the usefulness of regional dialogues which bring together policy-makers, international organizations, academia, and civil society.

You have helped focus much-needed attention on the dignity and rights of migrants, refugees, seafarers, and itinerant people. However we label or categorize the newcomer in our midst, you remind us that she or he is our neighbor, with inalienable rights and needs and with important contributions to make to society.

Let us remember that millions of Italians, who left their country in the 19th century, arrived just a few blocks from here. They were the Italians with whom the Scalabrinians originally became engaged.

Your network has become global, as a consequence of the growing international character of migration. We have become effective at lowering the barriers to movements of goods, services and capital, but we have, sadly and paradoxically, done far less well in addressing the cross-border movements of human beings.

Migration is often cited as the oldest form of poverty eradication. Migrants provide vital support for the families, communities, and countries they leave behind. For developing countries, their remittances are often an economic lifeline.

But migrants are also essential for the well-being of the societies to which they venture. They make significant contributions to the economic and social development of the places to which they relocate.

Our discussions of migration should recognize this role and these wide-ranging benefits. We must overcome the stereotyping and scapegoating which occurs all too frequently.

These are important times for migration. In early October, the General Assembly will conduct, for only the second time in its history, a high-level meeting on international migration and development.

The High-level Dialogue on Migration and Development should help us anchor international migration more firmly on the global development agenda. Preparations are under way for the post-2015 development agenda. Our experience since the first dialogue in 2006, confirms that migration is a powerful tool for development, improving the lives of millions of families. That understanding should be part of our deliberations going forward.

At the same time, the High-level Dialogue and its follow-up are important in their own right. We need concrete goals and rigorous data collection. A Finnish President once wisely said: "The source of wisdom is knowing the facts".

Our task is to identify concrete measures that will help us reduce the costs of transferring remittances, ensure support for vulnerable migrants and, not least, stamp out discrimination and abuse.

Civil society will continue to be a key ally of the United Nations and a constructive partner in our efforts and in the International

Forum. I see three ways civil society can contribute to the success of the High-level Dialogue.

First, mobilize your bases. You are the voices of migrants. Engage with your governments about what positions to take. Make sure you are part of the process. Hold your elected leaders accountable.

Second, make practical and constructive proposals. Despite disagreements on some issues, there are many areas where Member States and civil society can interact and cooperate.

Third, attend the civil society hearings which will take place July 15 in New York. The hearings are organized by the General Assembly to ensure that your contributions are known and available to Member States in October.

Migration is a complex and sometimes controversial subject in the public debate and discourse. But I believe we can rise above the noise, find common ground, and promote the realization that migration is a critical catalyst for development in a globalized world.

I thank you again for your engagement and support. Your commitment is vital for progress on placing migration high on a dynamic post-2015 development agenda.

Opening Remarks of the Fourth International Forum on Migration and Peace

Mons. Nicholas DiMarzio
Bishop of the Diocese of Brooklyn

Introduction

The preface to the report of the Global Commission on International Migration, entitled, "Migration: an Interconnected World, New Directions for Action", begins with this sentence: "International Migration has risen to the top of the global agenda." Most social issues in the world today have become global issues. No country can solve, for example, environmental issues without the cooperation of others. The global village cannot solve its problems without cooperation. International migration, by definition, is international and demands the cooperation among states to bring about the common good.

Migration is an age-old process, which aims at human betterment or development. Yet, migration also has its down side. There is uprooting and adjustments that come with migration. The migration of the hunter/gatherers in the early history of humanity created instability. Modern migration, while not good in and of itself, has many positive outcomes. In an era of globalization, governments and civil societies need to cooperate to make migration respectful of human dignity and the rights of migrants. From this perspective, the topics of human security, human development, and international governance of migration, proposed by this fourth *International Forum on Migration and Peace*, are urgent aspects to include on the global agenda in order to promote a comprehensive policy approach to migration.

Principles and Recommendations of the Global Commission on International Migration

The Global Commission on Migration, on which I was privileged to be the only United States representative, was personally a positive and challenging life experience. Its origins followed on the debate on international governance of migration triggered by the International Conference on Population and Development

in Cairo in 1994. Former United Nations Secretary General, Kofi Annan, created in 2003 the Global Commission on International Migration (GCIM) *"with a mandate to provide the framework for the formulation of a coherent, comprehensive and global response to the issue of international migration"* (GCIM, 4). In its principles for action and recommendations, presented in the report to the UN Secretary-General, governments, and other stakeholders, in 2005; the Commission underscored that migrants should be able to realize their potential, meet their needs, exercise their human rights, and fulfill their aspirations in their country of origin, and hence migrate out of choice, rather than necessity. In addition, the Commission recognized the essential role of international migration for development and the challenges of state sovereignty and human security to protect the rights of migrants. From this perspective, the Commission proposed to states and other stakeholders to strengthen social cohesion through integration and enhancing governance of international migration by improved coherence, capacity, and cooperation between states at the regional level, and more effective dialogue and cooperation among governments and between international organizations at the international level.

Role of the United Nations High Level Dialogue, Global Forum on Migration and Development and Regional Processes

Following the principles and recommendations of the Global Commission on International Migration, the United Nations High-Level Dialogue on Migration and Development (HLD) and the Global Forum on Migration and Development (GFMD) are inter-state processes for reflecting, in coordination with other stakeholders, on how to develop a more coherent international cooperation in the area of the international governance of migration. In addition to these global processes, regional processes on migration policies reflect the progressive acknowledgement of the limits of a strictly national approach to migration governance and the importance of international cooperation and collaboration with civil society representatives to foster practical and action-oriented outcomes on governance of migration at the national, bilateral, and international level.

Perspective of the Catholic Church

My membership on the Global Commission on International Migration as the only United States representative, and I might add, as the only formal religious member of the Commission, revealed to me the coherence between the findings of the Global Commission and the long-standing policies of the Catholic Church on migration. For example, in a document of which I was a principle drafter for the Conferences of Catholic Bishops of the United States and Mexico, we read this, *"The (Catholic) Church recognizes that all the goods of the earth belong to all people.[1] When persons cannot find employment in their country of origin to support themselves and their families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right."[2]* Based on this recognition of the universality of human dignity and equality of all people, Catholic agencies are committed to protecting the defenseless and least protected, including migrants and their families, by providing *assistance* to displaced people, devising integration programs for migrants, among several services to protect and promote the dignity and rights of migrants. In addition, Catholic institutions are involved in establishing comprehensive, effective, coherent and ethical approaches on the governance of international migration at global, regional, and national levels.

The Global Commission on International Migration recommended six areas for action, very much in concert with the analysis of the Catholic Church on migration. First, migration should be a choice and not a matter of force. Second, migration should reinforce economic and development aims, both for the sending and receiving countries. Third, irregular migration is neither good for the migrant nor the sending or receiving countries. Fourth, social cohesion should be strengthened by the integration of migrants. Fifth,

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[1] Pope Paul VI, *New Norms for the Care of Migrants "Pastoralis Migratorum"* (August 15, 1969) (Washington, D.C.: USCCB, 1969), no. 7.

[2] *United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, Stranger No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,* (January 22, 2003) (Washington, D.C.: USCCB, 2003), no. 35.

the rights of migrants need to be protected. And, sixth, in order to enhance governance of international migration, capacity building from sending countries and cooperation among all countries is necessary. These simple conclusions were reached by the three-year study that spanned all the continents. We come today building on the work of many in the past. And at this fourth *International Forum on Migration and Peace,* we search for ways of recommending better governance of international migration based on the recognition of the inherent dignity of all persons, including migrants, and, especially migrants regardless of their legal status. Pope Paul VI once said, "If you want peace, work for justice." Justice in migration is so necessary today, as we recognize this global issue; may we today understand it better.

Migration Governance and Policy: the Human Rights, Human Development, and Human Security Vision

Donald Kerwin
Executive Director
Center for Migration Studies of New York (CMS)

I would like to begin by thanking the Scalabrini International Migration Network (SIMN) for organizing this International Forum on Migration and Peace and for their kind invitation to participate in this important gathering. Fr. Leonir Chiarello asked me to speak about human rights, human development and human security, and how migration governance and policies might be reoriented based on these concepts. I am grateful to the Scalabrini International Migration Network (SIMN) for this opportunity and for trying to re-conceptualize migration governance and policy in this way. The Center for Migration Studies of New York (CMS) will be modestly contributing to this effort by releasing this month the first edition of its *Journal on Migration and Human Security*. The journal will combine scholarship and research on international migration, with public policy ideas and analysis, under the broad rubric of human security.

Let me start with an anecdote. I attended the immigration reform rally on the U.S. Capitol lawn two months ago. As I worked my way through the crowd, I came upon a man wearing a placard around his neck that read "No human being is illegal." Of course, that phrase is rooted in a vision of human rights and human dignity. However, this particular, generously proportioned, man was dressed in bright red wrestling tights and wore a frightening mask. He was not exactly a monument to human dignity, but he made a good point. As I continued on my way, I came to what appeared at first glance to be a science fiction poster which read: "How can I be an alien when I was born on earth?" Nativists often ask some version of the question: what don't you get about the "illegal" in "illegal alien?" The correct response from the perspective human rights, security and development is neither the "illegal" nor the "alien." Human beings can break the laws, but they cannot be illegal or alien. The human security riposte might be: what's not to get about human rights, human security, and human development - the "human," the "rights," the "security" or the "development" part?

These two posters reminded me that the idea of human rights arises out of a sense of the radical equality and dignity of all of us. If you speak about "illegals," you are saying that people can be illegal. How you treat "illegals" does not much matter: they are already outside the law, not people – with aspirations, gifts and potential – but an abstract problem that needs to be walled off and fixed in the way that our House Judiciary Committee voted to fix immigration earlier this week by making it illegal simply to be present without status. Why is it that flamboyant wrestlers can grasp the problems with this approach, but it eludes so many of our politicians and commentators?

Of course, it is the human person that links the concepts of human rights, development, and security. Thus, a migration framework based on these concepts would pay close attention to the human beings at the heart of the migration phenomenon; that is, the migrants, their families, their friends, their co-religionists, their co-workers, their neighbors, and the members of their communities of origin and destination.

It seems to me that the most fitting organizational principle for migration policy and governance from a human security perspective is "subsidiarity," the idea that decisions should devolve to the individuals or groups closest to them, most affected by them and most knowledgeable about them. Under this principle, decisions to migrate should be made by the migrants themselves and their families, moving (as necessary) to competent local authorities in receiving communities, to national governments, and on to regional and international bodies.

Human rights, security and (of course) development have emerged as central themes of the migration and development dialogue. This dialogue does not start from the premise that migration and migrants are a problem to be fixed. It asks how the development potential and gains *from* migration can be expanded and better channeled, and how migration-related stresses and problems can be diminished. It seeks to create rights-respecting policies that benefit all of the stakeholders in this process, including sending and receiving communities.

Demographic analysis also suggests the possibility of win-win scenarios that safeguard human beings. A 2010 publication by Barry Mirkin for the Scalabrini International Migration Network (SIMN) on

"International Migration in the Western Hemisphere" found that many Western Hemisphere nations were experiencing a transition from high to lower rates of population growth, and projected that this would lead to a regional *decrease* in the annual rate of population change to 02 percent by 2045-2050.[1] In addition, Mirkin projected that the number of youth in the Hemisphere would decline from 154 million in 2010 to 139 million in 2050, due to declining fertility rates. According to the analysis, declining fertility, combined with improved life expectancy, would lead to a larger aging population, from 123 million persons aged 60 and over in 2010 (14 percent of the population), to 309 million in this same cohort (26 percent of the population) in 2050. In 2010, five workers were supporting one elderly person in the Hemisphere. By 2050, Mirkin projected that there would only be two workers supporting each elderly person.

A major challenge for rapidly aging, developed nations will be how to attract migrant laborers from nations that are experiencing declining fertility rates and decreased pressure to migrate. Perhaps the United States will look back nostalgically on the years of runaway illegal migration from the 1990s to 2007. The migration and development dialogue reminds us of the human rights and human security dimensions of this challenge. If these workers come, they need to be able to come legally and receive full labor standard protections. Two of the seven civil society recommendations at the Global Forum on Migration and Development meeting in Mauritius in 2012 spoke directly to human security concerns: they were to "ensure laws and mechanisms that protect vulnerable workers, including domestic workers and migrants in irregular status" and to "create a protection framework for migrants trapped in dire humanitarian situations."

The concept of human security is implicit in the UN Charter and the Universal Declaration of Human Rights and their vision of international security rooted in human well-being (including rights) in its different dimensions. In the early 1980s, the Olof Palme-chaired Independent Commission on Disarmament and Security Issues argued that "common security requires that people live in dignity and peace,

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1 Mirkin, Barry (2010), International Migration in the Western Hemisphere: An Exploratory Study. Scalabrini International Migration Network (SIMN), New York.

that they have enough to eat and are able to find work and live in a world without poverty and destitution." The "human security" concept became explicit in the 1994 United Nations Development Program (UNDP) *Human Development Report* which defined security, in part, as safety "from the constant threats of hunger, disease, crime and repression."

Sovereignty is often cited in the global immigration debate in support of immigration enforcement strategies that criminalize immigration violations. This reflects an imperfect understanding of the concept of sovereignty. The system of nation-states that emerged from the Treaties of Westphalia offered state residents protection from encroachment by other states, but did not offer much in the way of protection to migrants or to persons persecuted by their own states. However, the notion of sovereignty broadened significantly after World War II, and it needs to be further re-conceived in our interdependent, globalized world whose main challenges, including migration, cannot be solved unilaterally.

Sovereign states enjoy the authority and responsibility to regulate immigration. Yet sovereignty does not support absolute control of borders and the populations inside them. A state's authority must be qualified by its treaty and other international obligations and by the very purpose of states, which is (in part) to safeguard human rights. A human security framework would view forced migration as a failure of sovereignty. In the case of persons driven from their homes by rights violations, sovereignty requires cooperation between states, not strategies of exclusion, detention, and prosecution.

You cannot speak about sovereignty without addressing national identity and membership. Nativists believe that membership should turn on characteristics that people either cannot change or should not have to change, like national origin, race, ethnicity or religion. To nativists, nothing but these characteristics matter in determining who should belong. Not the contributions of immigrants, not their character, hard work, taxation, time in the country, families, public service, why they came, who they are – none of it matters. Yet migrants, their families, and those in their larger circles of association are precisely who do matter in a human rights, human security, and human development framework. Under another view of national

identity, membership should turn on a shared and active commitment to political institutions and to civic ideals. President George W. Bush, not one with a constrained view of sovereignty, spoke from this tradition in his first inaugural speech, making the point that citizenship is not about "blood or birth or soil," but about being "bound by ideals that move us beyond our backgrounds" and "lift us above our interests."

The rule of law is another frequently misused term in the global immigration debate. Properly understood, the concept supports a human security approach to migration. As it stands, the rule of law is typically equated with law and order and cited in support of zero-tolerance, immigration enforcement strategies. In its earliest form, the "rule of law" meant that leaders needed to be bound by the law. But obedience to the law, which repressive governments demand, cannot be the full meaning of this term. The rule of law does not mean rule *by* law. When the American Bar Association and other entities evaluate nations for compliance with the "rule of law," they are analyzing whether their laws resulted from democratic processes, respect rights, and afford basic procedural protections. Laws that separate families for years, and make compliance nearly impossible by pitting legal duties against family unity, do not honor this concept.

Moreover, a system that honored the rule of law would seek to delimit rights and responsibilities *within* the law. It would not put persons *outside* the law's protections or criminalize activities that allow migrants to subsist. The rule of law does not support "self-deportation" strategies and, as Governor Romney learned, neither does the U.S. electorate.

Let me end with a few reflections on the U.S.-Mexico border region which is driven by stark human rights, security, and development deficiencies and has again emerged as a flashpoint in the U.S. immigration debate. What is happening on the border from a human security perspective? The U.S. immigration enforcement system has been constructed from a national security, not human security, framework. Despite immense enforcement investments, no terrorists have been caught entering across the U.S.-Mexico border. However, migrant death rates have increased dramatically in recent years, while apprehensions have fallen to levels not seen in four decades. The Tucson, Arizona, medical examiner, which covers just

one border zone, has examined the remains of 2,238 migrants since 1990, 761 of whom remain unidentified. The obscenity of these deaths violates human rights and security in the most fundamental way.

Unprecedented numbers of unaccompanied minors, who are trying to escape violence and privation in Mexico, are entering South Texas and elsewhere. Central American migrants face unspeakable dangers in Mexico on their journeys – murder, kidnapping, rape, extortion, and other crimes. Organized and predatory smuggling rings increasingly control migration routes. You might say that "rule of law" strategies have empowered the lawless.

The Obama administration will deport 2 million people in five years, compared to 2.3 million removed during the 20 years of the last three Republican administrations, at grave cost to U.S. families and communities. In 1990, the total Immigration and Naturalization Service budget in 1990 was $1.2 billion. In the fiscal year 2012, appropriations to the two Department of Homeland Security enforcement agencies, Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), were a combined $17.6 billion. The $17.6 billion figure does not count the Department of Homeland Security (DHS) enforcement programs like US-VISIT or E-Verify that are not within CBP's or ICE's jurisdictions, or the substantial enforcement costs of other federal agencies, the federal court system, or states and localities. In the fiscal year 2012, the funding and staffing levels of CBP and ICE exceeded the combined levels of the four major Department of Justice law enforcement agencies, and were 16 times greater than the combined budgets of the main three U.S. labor standards enforcement entities.

The legislation now being debated in the U.S. Senate (S. 744) provides for multi-billion funding increases in enforcement at a border between two nations that are, in fact, allies. It is easy to forget this point. The bill requires 24/7 surveillance and a 90 percent migrant effectiveness rate (i.e., percentage of apprehensions and "turn backs" of would-be crossers) across the entire border. It will double the Border Patrol on the southern border and build or fortify 700 miles of fencing. The main debate has been whether the bill's enforcement targets would trigger and potentially delay a legalization program, and whether the Administration or Congress will make this determination.

Can the 90 percent rate be reached? It is hard to say because we don't know officially what current effectiveness rates are. We do know that U.S. arrest and prosecution rates for violent crime, including murder, are far lower than 90 percent, which raises a question from a human security perspective: does illegal migration present a greater threat to human security than violent crime? We also do not know what human security opportunities-development, anti-poverty, infrastructure and other programs - will be foregone based on the massive investment in border enforcement. S. 744 would also authorize more criminal prosecutions for immigration violations and deploy the National Guard to the border, further militarizing this region.

The Border Patrol has reached saturation levels in many border communities, and there are recurrent human security and rule-of-law problems related to abuses by rogue agents of migrants. In 2006, a team of scholars reported that 20 percent of the 300 deported El Salvadoran migrants that they interviewed reported being shoved, thrown to the ground, hit, kicked, slapped or otherwise abused during their arrests. Twenty-five percent said that agents directed racial slurs and taunts at them.

In another survey of 1,113 deportees interviewed in Mexico between 2010 and 2012, 11 percent reported physical abuse by U.S. authorities, 23 percent reported verbal abuse, and 39 percent said their valuables had been confiscated and not returned, including identification cards, money and cell phones. Other reports document the separation of family members during the deportation process, including women deported at distant ports-of-entry in dangerous border cities without their husbands. Several reports and legal complaints have highlighted the inhumane treatment of migrants – insufficient food, prolonged exposure to the cold and undignified conditions – in Border Patrol holding cells. Perpetuating these problems, DHS's complaint and investigation process has been dysfunctional for decades.

The popular press reports on a chaotic, violent and lawless border region. Yet violent crime in border communities has fallen dramatically over the years and border cities are among the safest in the nation. Border residents take justifiable pride in the safety of their communities and many reject the image of an out-of-control border

region. Most local sheriffs and police chiefs attribute low crime rates in their communities to the cooperation they receive from their residents. They believe that local police enforcement of immigration laws would create a wedge between the police and those they protect and service, and would thus undermine public safety.

Under the Secure Communities program, nearly everybody arrested in the United States is screened against criminal and immigration databases. The DHS-appointed Task Force on Secure Communities affirmed that immigrants will not report crimes or otherwise cooperate with the police if it might lead to their deportation. In domestic violence cases, police often arrest both the abuser and the victim, and investigate the crime more thoroughly post-arrest. In the typical scenario, unauthorized victims would be deported if they reported being abused, undermining safety and emboldening criminals, and all in the name of the rule of law. "Secure Communities" is a misnomer: the program does not secure human beings or communities. It makes them less secure.

Border residents also seethe at a level of government intrusion into their lives in the form of stops, searches, delays, and walls that would be unthinkable elsewhere in the nation and that many believe has changed the very nature of their communities.

The Obama administration has made immigrant detention reform a priority, but at the end of the day the reformed system will still look a lot like a prison system. It will still be governed by jail standards, although nobody in ICE custody is serving time, and the law will still require the detention of people that would not represent a flight risk, if they were properly supervised.

Last month in El Paso, I met a young woman who was brought to the United States as a child. She had three young U.S.-citizen children. Seven years ago, her husband was arrested for speeding and he was deported for lack of status. He re-entered the country to support and to live with his family. He was eventually arrested by the Border Patrol and was sentenced to 10 months in prison for illegal re-entry. After serving his sentence, he was deported. At his criminal sentencing, the judge threatened to sentence the man to 70 months in prison if he appeared before him again. The young man entered again, was arrested sometime later, and the judge was true to his word. He

sentenced the young man to 70 months in prison, leaving his wife to raise and support their three children alone. The man has now finished serving his sentence and has been deported yet again.

His young wife said like every DREAMer, the first DREAMer in her family was her mother. Her mother's dream what that her daughter would grow up to be "somebody." The young woman said that she was not so sure anymore that this dream would be fulfilled. Human security starts from the premise that this young woman is "somebody." It argues for reuniting this family and legalizing this young woman who is a U.S. citizen in everything but legal status. It supports enforcement of the law, but would not rely entirely on walls, prosecutions, removals, and detention to regulate migration. It would seek to address the causes of migration, safeguard migrants on their journeys, and integrate immigrants in receiving communities. It would look to create policies that benefited both sending and receiving communities. This is the human security vision and it is the right vision for national and global migration policy and governance.

Human Development and Human Rights: Challenges for International Migration Policies

Dr. Colleen Thouez
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Participants, distinguished panelists, it is my pleasure to address you on the subject of: *"Human Development and Human Rights: Challenges for International Migration Policies."*

I will concentrate my remarks on two areas which have an impact on protecting migrants' rights and promoting their human development. The first is a time-bound policy discussion at the United Nations (UN) namely, whether migration will be explicitly flagged in the post-2015 development agenda (the next generation of Millennium Development Goals (MDGs)). The second is how the field of migration is broached within local and regional government (LRAs). In this brief statement, I will emphasize both areas' potential impact on public perceptions of migrants, and how they can and do contribute to gaining a foothold in the arduous public relations campaign for social inclusion.

Let me begin then by sharing information about the status of discussions about whether migration will be enshrined in the next generation of MDGs. Many of you will recall that back in 2000, when 189 states committed to reducing poverty and multiple deprivations, migration was not explicitly mentioned as an "enabler" for development.

Today, we can say that there has been a fundamental shift in our understanding from perceiving migration simply as an outcome of development failure, to viewing migration also as promoting development and growth.[1] As we speak, there are several parallel processes working to clarify just what this new development agenda will look like, the main ones being a UN Task Team dedicated to this

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[1] See "Global Partnerships and Challenges: the Role of Migration in the Post-2015 Development Agenda", Background Paper on Migration and Mobility within the Post 2015 Agenda produced by Sarah Rosengaertner, UNDP, 12 March 2013.

topic and the Open Working Group on Sustainable Development Goals (SDGs). It is still far from certain whether migration's role in promoting development, and the connection between migrants' rights and migration's social/economic contributions, will be included in the new development framework that the UN Task Team proclaims must lead to "transformative changes".[2]

The roadblocks appear to be a mix between the old and the new: i.e. the "old" states' continued wariness about framing migration through a multilateral prism and domestic pressures on what remains a highly politicized subject, combined with the migration community's failure to adequately articulate and demonstrate thus far the connection between migration and development; with the "new": the overall tone of what is shaping up to be a new development agenda concentrating on universality, sustainability, and equality.[3]

Nevertheless, what we might call a forceful lobbying effort has begun such that migration would be explicitly understood within the post-2015 development agenda, and more specifically (though again tentatively) with references to multi-stakeholder partnerships on mobility that:

i.   reduce discrimination against migrants and protect their rights;

ii.   lower the human, social, and economic costs of migration, including those related to recruitment, remittances, and obtaining documentation such as visas and residency permits;

iii. expand opportunities for migrants to more productively invest their earnings and share their knowledge; and

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[2] See: "*A Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*", May 2013, The Report of the High Level Panel of Eminent Persons on the Post 2015 Development Agenda. See: http://www.un.org/sg/ management/ beyond2015.shtml

[3] Further described as: "…the absurd conceptualization of countries as either developed or developing; the ruinous failure to integrate the environment into development; the self-serving attempt to relegate the distribution of wealth to an afterthought – all now consigned to the dustbin." ("The radical nature of development in the near future is already assured", Jonathan Glennie, The Guardian, http://www. guardian.co.uk/global-development/poverty-matters/2013/mar/12/radical-nature-development-future-assured?CMP=twt_gu

iv. enlist migrants and diaspora organizations in enhancing development in their communities of origin and destination.[4]

What would the inclusion of migration in the post-2015 development agenda represent? First, migration would likely become a more significant and systematic variable in development planning. Second, we might expect additional attention and resources invested in addressing gaps in data, capacities, etc. And third, fundamentally, migration's explicit references in the global pro-development agenda would certainly have an impact on perceptions, the public's perceptions of migrants not as people looking for hand-outs but quite the opposite, individuals pursuing opportunities to contribute, and in many (most?) cases, doing just that.

Indeed, the issue of perceptions is at the core of protecting migrants' human rights and providing the space (legal, physical, etc.) for them to develop to their full potential. The Office of the High Commissioner for Human Rights (OHCHR), in a recently circulated draft paper on strengthening the normative framework of migrants' rights in preparation for the General Assembly High Level Dialogue on Migration and Development on 3-4 October 2013, describes what it calls "the two main rationales for implementing a human rights-based approach to migration". These are: "(1) the intrinsic rationale, acknowledging that a human rights-based approach is the right thing to do, morally and legally, and (2) the instrumental rationale, recognizing that a human rights-based approach leads to better and more sustainable outcomes."[5]

And, while in practice, as the OHCHR confers, "the reason for pursuing a human rights-based approach will usually be a blend of these two (rationales)", we might ask ourselves whether one rationale is more effective than another in surmounting the public relations campaign on social inclusion, to which I alluded earlier.

The second area I wish to discuss is the key role played by local and regional governments, by drawing out two observations linked to

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[4] Text drafted by an informal working group led by the UN Special Representative on Migration and Development circulated in June 2013.

[5] OHCHR, *"Migration and Human Rights: Improving Governance, Protecting Rights"*, Draft Paper, June 2013.

fostering a pro-migrant agenda within public administration based on what I have observed in my 15 years of working with government officials in all parts of the world on migration and refugee policies.

Since before the existence of RCPs in all world regions, an international definition of human trafficking, the establishment of diaspora offices in over 100 governments – it was evident that national governments needed to rely on Civil Society Organizations (CSOs) due to their: "… critical on-the-ground knowledge of what migrants need and want…",[6] and also for their abilities as implementing agents, and for their watchdog capacity.[7] Interestingly, it is more recently that greater international recognition has been drawn to the role of local and regional government in addressing the challenges of migrants' rights and human development. This is in no small measure influenced by what the author and journalist Doug Saunders describes as the "largest migration in human history", with 3.9 billion people moving to city centers by 2030 (as compared to 309 million in 1950).[8]

Indeed, with few exceptions around the world, cities and regions facilitate access to rights, benefits and services for migrants. This is why, as a 2012 Cities of Migration Report concludes: *Cities are lead actors on the stage of global migration. As the level of*

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[6] Natalia Bonelescu-Bogdan (2011) Improving U.S. and EU Immigration Systems: The Role of Civil Society in European Migration Policy: Perspectives on the European's Engagement in its Neighborhood. http://www.migrationpolicy.org/pubs/ EUcivilsociety. pdf

[7] Thouez (2004) in The Global Commission on International Migration (GCIM), The Role of Civil Society in the Migration Policy Debate" Global Migration Perspectives, No. 12 available at http://www.unhcr.org/refworld/docid/42ce4ac54.html [accessed 14 September, 2012].

[8] Douglas Saunders, "Arrival Cities: How the Largest Migration in History is Shaping our World", 2011. In its 2009 Report, UNDP also speaks of the need to examine internal migration when developing international migration policies: *"Conventional approaches to migration tend to suffer from compartmentalization... Categories originally designated to establish legal distinctions for the purpose of governing entry and treatment can end up playing a dominant role in conceptual and policy thinking. Over the past decade, scholars and policy makers have begun to question these distinctions, and there is growing recognition that their proliferation obscures rather than illuminates the processes underlying the decision to move, with potentially harmful effects on policy-making"*, p. 12.

government closest to the people, local governments are most directly and immediately impacted by the lives, successes and challenges of immigrants… local governments can succeed where many national governments are challenged". [9] At a meeting convened by the Mayor of New York last April, this view was echoed from personal experience when one mayor stated that his city has implemented its version of immigration reform, while Washington figures out what it plans for the country.[10]

While international law outlines clear principles for how we should treat all human beings, including migrants, *and* there is a growing body of research on how we should incorporate elements of migration policy into development planning (including, as stated, possibly iterated through the 2015 development agenda), the question becomes how these objectives materialize on the ground.

In other words, if local and regional governments are key players in implementing migration policies that are reflective of states' international human rights obligations, and which foster human development based on what we know to be pro-migrant development policy, by what means are they informed, equipped, and motivated to adopt and implement such policies?

Representing a training institute couched in the UN system whose bread and butter is accounting for the impact of learning on individual and organizational change, I would argue that while lack of knowledge and resources are barriers to implementation, there are other factors closely tied to the human condition and again – to public perceptions – that affect whether a city adopts what we could describe as, a "New York City state of mind" towards migrants: i.e. an attitude that is open and non-discriminatory.

These two factors are: one, "empathy in practice", and two "solidarity in leadership".

On empathy in practice. Let me speak first of what I have

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[9] Good Ideas from Successful Cities Report (September 2012), Cities of Migration Report, Maytree Foundation, citiesofmigration.org, p.12.

[10] "Convening of Cities for Immigration Integration: Supporting and Engaging Immigrant Communities", hosted by the Office of the Mayor, City of New York, 25 April 2013.

observed in successful interaction with public administration regarding migrants and migrants' rights. First, public officials are more likely to acknowledge the rights of migrants (and other minorities for that matter) if they can relate to them. This is why: putting a human face to migrants (as UNHCR has done for years through its refugee campaigns, a more recent focus through the UNOAC, IOM and elsewhere on migration also, focus on public perception, role of the media, etc.) is so important, as are projects which "connect" people of diverse backgrounds through art, culture, history, such as museum projects (which generally serve to acknowledge migrants' contributions; foster a sense of belonging through integration and identity building; and strengthen awareness and deconstruct stereotypes).[11]

Second, public officials are more likely to understand and support migrants' rights if they see that other "successful" cities are doing the same. Such efforts are encouraged through City2City exchanges, for example.

Third, the message of rights promotion and human development will resonate when government officials can learn from places where their own citizens form a significant migrant community whose rights and development contributions are respected and supported.

In short, success in influencing whether public administrations really get behind a pro-migrant agenda/enabling policies for migrants also depends on building empathy.

We frequently hear about the role of empathy in situations of post conflict reconstruction: with a need to understand and build bridge between people/communities. In a recent TED Talk, Ms. Jo Berry, who works with warring parties (after her personal experience with the IRA) states it quite simply: *"If I care about you, I am going to want your dignity, your security, your human rights and your needs to be met."*[12]

Does this fall under the moral/intrinsic rationale as to why we

[11] Reflected in, for example, the UNESCO-IOM Migration Museums Initiative: http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/projects/unesco-iom-migration-museums-initiative/

[12] Jo Berry, "Disarming with Empathy", http://www.internationalpeaceandconflict.org/ video/video/show?id=780588%3AVideo%3A848181&xgs=1&xg_source=msg_share_video

should protect rights? Possibly, though there is also an instrumental element in understanding what works in other municipalities. In Saunders' book, he eliminates the false choice of embracing (or not) diversity, stating that: *"(arrival cities) are not just the sites of potential conflict and violence but also the neighborhoods where the transition from poverty occurs, where the next middle class is forged, where the next generation's dreams, movements, and governments are created." [13]*

On solidarity in leadership. There is also a need to look at what one colleague describes as a City's body language, which is inevitably shaped from the top. The (2012) AMICALL Report (on attitudes to migrants, communication and local leadership) concludes that municipal leadership, while not a sufficient requirement, is a prerequisite criterion for municipalities' support of migrants' rights and wellbeing beginning with how migrants are perceived in host communities.[14]

And while this may appear to be a self-evident statement, what we have observed is that rather than a lack of political will, the deficit is an untapped push for solidarity amongst political leaders who see migration (human mobility) as a positive, unbridled force for the 21st Century and beyond.

As with any initiative, strength often comes in numbers. And to the extent that political leaders – city leaders for example, are supported in their messaging with both intrinsic and instrumental undertones, in other words, that migrants are human beings whose rights must be respected, *and* people who bring economic growth – leaders with similar convictions are likely to step forth and more publicly endorse what an expert meeting convened last July by UNITAR in the City of Antwerp prescribed, namely that: *"There is little alternative but for local authorities to think, plan, vision with courage, and design cities to emancipate".[15]*

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[13] Saunders, Doug. (2010) Arrival Cities: How the Largest Migration in the World is Reshaping our Cities, p. 3.

[14] AMICALL Report (2012) http://www.compas.ox.ac.uk/research/urbanchange/amicall/

[15] UNITAR "Expert Meeting on The Learning Platform on Human Mobility: Capacity Development for Local Leaders", 9-10 July 2012, Antwerp, Outcome Document available on: www.unitar.org/governance

Economic and Social Security: the Challenges Related to the Fight against Inequality and the Social and Economic Integration of Migrants

Olaf Jacob
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The very same title of this panel already hints at the great complexity of the topic that we will be discussing this morning. The event organizers have posed a quite difficult task: to bring together the concepts of inequality, on the one hand, and economic integration, on the other hand, with the concept of social and economic security in just ten minutes.

Personally, I believe there is only one common denominator that allows us to bring together the proposed concepts by the organizers. This common denominator is democracy.

All of us here today know that democracy implies much more than just the freedom to choose our representatives. Democracy also means equality of opportunities to all citizens who live together in the same territory. Democracy cannot thrive without social justice and without policies oriented to decreasing the inequality gap between citizens. When we discuss equality of opportunities we are aware that many Latin American countries have implemented conditional direct cash transfers programs, such as *Bolsa Familia* in Brazil or *Oportunidades* in Mexico, with the aim of improving the income of the poorest families as well as providing better access to basic education and healthcare. Nonetheless, access to basic education and healthcare is only one small contribution to achieving fairer societies in terms of equality of opportunity for the development of individuals. Latin America remains the most unequal region of the world. Inequality can only be fought by measures that guarantee better access to all citizens in terms of education, healthcare, and infrastructure. Moreover, an increase in education and healthcare coverage must go together with an increase in their quality. Without an improvement in quality, the increases in educational and health infrastructure become mere statistics, without a major impact in terms of the distribution of opportunities in our societies.

Through measures oriented to reducing the inequality of opportunities, we can achieve the integration in society of groups who have been marginalized during many years. The truth is that for many decades the countries that received migrants made little efforts in developing and implementing measures that help their integration, despite the fact that migrants have been a group of people whose work, determination, and strength constituted the engine of development for nations like the United States or many of the European powers. In addition, this is not a new development. During the 17th century, the Huguenots who migrated from France to Prussia drove the ascent process of the Prussian Empire. The migration of Poles to the Ruhr region in Western Germany at the end of the 19th century initiated the mining boom in the region, which then became the backbone of Germany's industrialization. Nevertheless, the majority of migrants, especially in Europe, suffered from social marginalization for many years, as they did not find opportunities to integrate themselves into the societies where they lived. Until very recently politics did not give migrant integration the priority it deserved.

I believe this situation is changing in Europe, and especially so in Germany. Nowadays, out of the 80.2 million people in Germany, 16.2 million are immigrants or the children of immigrants. That is to say, one out of every six Germans is an immigrant or the direct descendent of an immigrant. The challenge now consists in integrating in the best possible way not only the immigrant to German society but also integrating German society to the immigrant. The current slogan is "Diversity as an Opportunity".

During the sixth Migrant Integration Summit, which took place at the end of May, Chancellor Angela Merkel was able to present a very encouraging result with respect to what has been done since the first summit six years ago. These results include more places in public day-care for children coming from immigrant families, all immigrants having access to state funded German language courses, and a reduction of 39 percent in the school dropout rate from 2004 to 2009. The immigrant unemployment rate decreased from 23.7 percent in 2006 to 16.5 percent in 2012.

Nevertheless, there are many challenges ahead: 31.6 percent of young immigrants or children of immigrants in Germany do not

have a professional degree. A professional degree in Germany is a requirement to obtain skilled work. This percentage is twice as high as that of young Germans without a professional degree, meaning that the opportunities to obtain skilled work are much lower for young people with immigrant backgrounds compared to young Germans overall.

Therefore, the road towards a society with greater equality of opportunities is still long. Equality of opportunities in school and in the professional world is the basis for a successful integration. For this reason, every effort put towards the integration of migrants must always begin with policies that stimulate the creation of opportunities for migrants and in this way moving one step closer to a greater equality of opportunities for all citizens.

Creating policies oriented towards achieving a greater equality of opportunities is one of the necessary conditions for integration. Successful integration into society is conditioned by a greater access to healthcare and education for immigrants and their descendants. Without these elements, integration will not produce the desired outcomes. As in past centuries, immigration is the engine that drives the success and the cultural, economic, and social diversity of a society. Policies that stimulate a greater access to opportunities also give rise naturally to greater economic security as access to quality education opens the door to employment and thus to a secure income.

At the same time, measures that support the integration of immigrants provide an important aid to the immigrant's social security, as their integration is closely linked to an intense interaction of immigrants with the society where they live and of society with the arriving immigrants. This allows for a process of mutual learning and enrichment. Personally, I am convinced that mutual learning is the *sine qua non* condition for the development of a modern and thriving society.

Chancellor Angela Merkel concluded the Integration Summit with the following words: "Integration leads to participation" and, as 'participation' is one of the axes of democracy, we can use Chancellor Merkel's words to go back to where we started to end this presentation.

We began by saying that without equality of opportunities

a democracy cannot be viable. Then, by discussing integration, we reached the conclusion that integration is the basis for greater participation. In turn, greater participation is the basis for a democracy that enriches itself with an increased participation of all citizens. Migrants are, therefore, essential actors in the permanent process of perfecting the democratic model.
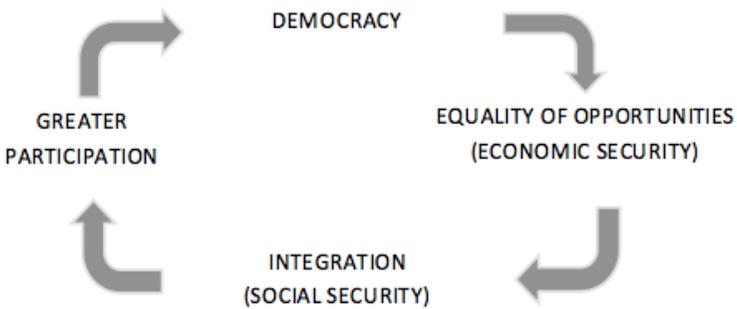
DEMOCRACY

GREATER PARTICIPATION

EQUALITY OF OPPORTUNITIES (ECONOMIC SECURITY)

INTEGRATION (SOCIAL SECURITY)

Human Security, Human Development, and Human Rights: Trends and Challenges for International Migration Policies from the Perspective of the Inter-American Commission on Human Rights

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Inter-American Commission on Human Rights (IACHR)*
Organization of American States (OAS)

I. Introduction

This presentation is based on my intervention in the Fourth International Forum on Migration and Peace to which I was invited by the Scalabrini International Migration Network (SIMN). On many occasions, in the promotion and protection of the rights of migrants the Inter-American Commission on Human Rights (IACHR) has benefitted from the work done by the organizations and shelters of the Scalabrinian Congregation. The work of the Scalabrinian Congregation is an example of a civil society organization whose work fills the void that is often left by the states in effectively guaranteeing the human rights of migrants.

As an example, the Rapporteurship on the Rights of Migrants constantly receives information from organizations like the "Scalabrinian Mission for Migrants and Refugees in Mexico", the "Nazareth Migrant House", and the "Beato Juan Bautista Scalabrini Center for the Human Rights of Migrants" in Nuevo Laredo, in the state of Tamaulipas were beneficiaries of precautionary measures from the IACHR.[1] Therefore, I hope that these words express the gratitude

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* The IACHR is a main independent organ of the Organization of American States (OAS) whose mandate arises from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has the mandate to promote the observance of human rights in the region and acts as a consultative organ of the OAS on the matter. The IACHR is formed by seven independent members who are elected by the OAS General Assembly in a personal capacity and do not represent their countries of origin or residence. For more information about the IACHR visit: http://www.oas.org/en/iachr/

[1] The IACHR issued precautionary measures in favor of the members of Casa del Migrante Nazareth A.C. and the Center for the Human Rights of Migrants "Beato

and admiration that we have for the work they do in favor of migrants.

It is for me a great honor and at the same time a great responsibility to share some of the main reflections of the Inter-American Commission on Human Rights with respect to the crucial topic of "Human Security, Human Development, and Human Rights: Trends and Challenges for International Migration Policies." Addressing this issue is not an easy task; one of the main challenges in enforcing human rights for migrants is obtaining their recognition as subjects of the law and thus the recognition of their human rights both at the domestic and international levels.

Although it is true that the basic premise of international human rights law is that all persons, by virtue of their inherent dignity as human beings, must have all their human rights respected and guaranteed without discrimination, that is, regardless of their nationality, their migration status, statelessness, or any other condition; the fact is that there is a wide gap between the rights these people are entitled to and the realities they face in the countries where they are. On account of their not being nationals of that country or their foreign origin, migrants are in a situation of otherness (foreigners/outsiders) that makes them more vulnerable to human rights violations.[2] This situation is particularly dire for migrants with irregular status, who, despite being victims of crimes and violations of their human rights, prefer to become invisible to the authorities due to the fear that, upon reporting these events, they would be detained and then deported from the countries where they live. In this sense, I would just like to emphasize that we must return to the basic principles: human rights derive from our condition as human beings and not from the fact that we are nationals of a determined state and, therefore, states must

Juan Bautista Scalabrini" of Nuevo Laredo, Tamaulipas, Mexico, on May 16, 2011. In early 2012, the IACHR received a communication from the claimants of these measures requesting that said measures be lifted. See, IACHR, PM-270-10, *Nazareth Migrant House and Human Rights Center, Nuevo Laredo, Mexico.*

[2] De GUCHTENEIRE, Paul y PÉCOUD, Antoine, "Introduction: The UN Convention on Migrant Workers' Rights" in De GUCHTENEIRE, Paul, PÉCOUD, Antoine y CHOLEWINSKI, Ryszard (editors), *Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights*. Paris and Cambridge: UNESCO Publishing and Cambridge University Press, 2009, pp. 2-3.

guarantee these rights to every person in their territory or under their jurisdiction. This is known as the portability of rights.

Firstly, please allow me to start with an acknowledgement to many of our states because their actions demonstrate the timeliness of this presentation. That is, the measures that many states are implementing or omitting to implement to guarantee the effective enjoyment of the human rights of migrants, not only in the Americas but worldwide, confirm the need of discussing these topics and of defining strategies and actions that must be taken by each and every one of us as well as those to be taken in an integrated manner in the different fields of responsibility.

I would like to emphasize that the adjectives I used to describe this topic are no coincidence. Despite the many negative connotations that are often associated with it, international migration and, on a broader level, human mobility, is an issue of vital importance as it represents one of the main features of humanity throughout time, as well as being a phenomenon that is expected to continue increasing in the next decades. In fact, that we are meeting today in a city like New York is a clear example of the impact that international migration has had, and continues to have, on the history of this city and this country, which have been shaped by the dreams and the work of millions of migrants from many different latitudes. A few kilometers from here, or rather a few miles from here, under the shadow of the Statue of Liberty, we find the first federal immigration station in this country, Ellis Island, where more than twelve million migrants arrived between 1892 and 1954. These immigrants formed the first big wave to settle in and populate the United States of America, a country whose DNA is determined by migrants, as is that of Mexico, my country, as well as all other countries in the world where international migration shows its multidimensional character in one way or another. This may be due to the fact that they are countries of origin, transit, destination, or return for migrants or because many of these dimensions are present at the same time.

Nowadays it is estimated that there are around 214 million international migrants worldwide and that by 2050 the number of international migrants could reach 405 million as a consequence of the increasing demographic and economic inequalities, new dynamics

in politics and the global economy, persecution generated by diverse forms of violence, the effects of climate change, technological revolutions, and social networks.[3] Out of the total number of international migrants worldwide, more than 57 million are in the Americas, close to 50 million in North America, mainly the United States, and 7.5 million in the rest of the continent. Even though the number of international migrants is quite significant with respect to the total population worldwide, a much larger number that usually receives less attention is the millions of relatives and loved ones that every migrant leaves behind.

Additionally, this is an issue of vital importance because beyond the limitations that we have with the available statistical information regarding the size of the group of international migrants and their characteristics, beyond those numbers, what lies are the lives and deaths, the tragedies and the dreams of millions of people. A great proportion of these millions of people were forced to migrate from their places of origin to flee from diverse forms of violence, of armed conflicts, of generalized violence, of human rights violations, of natural disasters or as a form of survival in the face of poverty, inequality or its most palpable form: hunger.

II. Main Trends in International Migration in the Americas

1. Mixed Migration Flows

To begin the discussion on the main migration trends and challenges that we have identified in the Commission with regard to human rights and policies on international migration, I believe that the first thing to highlight is that international migration trends in the region have changed noticeably in recent years. We are no longer facing the more easily identifiable migration flows, such as flows of migrant workers or flows of asylum seekers and refugees. Nowadays, the states in the Americas receive mixed migration flows, which are complex and irregular movements of people encompassing people who require international protection, such as asylum seekers,

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[3] See, IOM, *World Migration Report 2010*, p.3.

refugees, people who require complementary attention and stateless persons. Also included are other migrants in vulnerable situations such as those who are victims of human trafficking, victims of smuggling of migrants, victims of crimes, unaccompanied children and teenagers or those separated from their families, victims to other forms of violence such as gender violence (women and LGBT), migrants with disabilities, senior migrants, migrant workers and their families, cross-border traders, and environmental migrants. These new dynamics in international migration in the region are one of the factors that influenced the Commission, last March, to broaden the mandate of the Rapporteurship on the Rights of Migrants (formerly the Rapporteurship on the Rights of Migrant Workers and their Families), to include in a more formal manner other forms of human mobility, both at the international and domestic levels.[4]

The challenges raised by the protection of the human rights of people who make up mixed migration flows are not exclusive to the Americas; they are also valid for the rest of the states at the global level.[5] With regards to mixed migration flows, I would like to highlight that given the diversity of the groups of people that form them, many of which are in extremely vulnerable situations, rather than a control and deterrence approach to migration flows, we need states to adopt measures that respond with a differentiated approach to the international protection and special protection needs of these people.

2. Increase in the Migration of Children and Teenagers and the Feminization of Migration

Given the brief time available, I would simply like to draw attention to the fact that during the last few years we have seen a

[4] For more information about the work done by the Rapporteurship on the Rights of Migrants visit: http://www.oas.org/en/iachr/migrants/default.asp

[5] As an example we can see the situation of violence, discrimination and lack of protection affecting people from Mexico, Central America, the Caribbean or from outside the continent who migrate to the United States through the migration corridor of Mexico and Central America. Another example is the lack of protection for refugees fleeing from countries like Libya, Tunisia, Egypt, or Syria face in the Mediterranean.

progressive increase in the number of children and teenagers that migrate, which can be easily evidenced by just looking at the detention and deportation statistics of countries like the USA and Mexico. We have also seen an increase in the feminization of migration, i.e. a greater number of women in the region are migrating year after year.

3. Decrease in the International Protection and Increase in the Number of People in Need of International Protection

Since we are commemorating the World Refugee Day today, it is of vital importance to consider the data published by the United Nations High Commission for Refugees (UNHCR) yesterday, where they showed that nowadays forced displacement is at its highest in the last 18 years. By the end of 2012, more than 45.2 million people were in a situation of forceful displacement, in comparison to the 42.5 million at the end of 2011. This number includes 15.4 million refugees, 937,000 asylum seekers, and 28.8 million internally displaced persons.[6] These numbers are also reflected in the increase of asylum seekers, refugees, and other people in need of international protection in the Americas, and those who have been forced to flee from their countries in the last few years due to persecution for the causes established in the 1951 Convention Relating to the Status of Refugees. These include persecution due to race, religion, nationality, belonging to a certain social group, and political opinions. There has also been an increase in persecution due to the reasons established in the 1984 Cartagena Declaration on Refugees, that is, threats to life, security, or liberty by generalized violence, internal conflicts, massive violations of human rights, foreign aggression, or other circumstances that may have severely affected public order.

What I just mentioned has special relevance if we observe that, during recent years, an increasing number of people from the Northern Triangle, i.e. El Salvador, Guatemala and Honduras, as well as Mexico, have been forced to migrate or are internally displaced as

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[6] UNHCR, New UNHCR report says global forced displacement at 18-year high. Geneva, June 19, 2013. Available at: http://www.unhcr.org/51c071816.html [Date of access: 19 June 2013].

a consequence of the criminal violence that afflicts these countries, as well as due to massive violations of human rights. This trend is extremely important, even more so if we consider that, instead of increasing protection to asylum seekers and refugees, some states in the region are adopting measures to restrict and hinder access to international protection by putting in place greater procedural obstacles to the determination of the condition of refugee. Examples of this are the reforms instituted by Ecuador and Canada last year. As we come close to the 30th anniversary of the Cartagena Declaration, I consider it is imperative that we start adopting strategies to preserve the valuable legacy of this Declaration, which the Inter-American Commission contributed to draft, as well as to increase international protection to the people who need it.

4. Securitization, Militarization and Externalization of Borders

At a moment in which this country is discussing a broad migration reform, which we hope will be able to restore the dignity to over 11 million human beings who live in an irregular migration situation in the United States, one of the main measures that political parties are discussing within the framework of the reform is to have a completely secure border by means of an increased securitization and even militarization of the border. Nonetheless, an issue that nobody is talking about is the responsibility for the impact that these measures are having in terms of human rights. Concretely, I am referring to what the state must do to prevent the deaths of irregular migrants when crossing the border, as well as the measures that must be adopted so that the migrants who die may be identified and their fate communicated to their loved ones. This trend towards securitization, militarization, and externalization of borders is one of the main challenges the Commission has been identifying in the past few years with regards to human rights and policies on international migration, and that extends from North to South within the countries of the region. Different studies demonstrate that the increase in measures that tend towards the securitization or militarization of borders, as well as their

externalization,[7] leads to forcing migrants to take greater risks to arrive at their destinations, which in turn is reflected in an increase in the number of migrant deaths in migration corridors, border zones, and in the open sea.[8]

5. The Search and Identification of Missing and Unidentified Migrants

A couple of weeks ago, the Binational Migration Institute of the University of Arizona presented a report on migrants who died when crossing the border through the Arizona desert between 1990 and 2012 in which they indicated that in this period the remains of 2,238 migrants had been examined. More than a third of these deaths (761 cases) were still unidentified when the report was published.[9] In the 2012 fiscal year alone, 171 migrants died in the border zone of Pima County in Arizona, which means that as a result of the "funnel effect",[10] a migrant died every two days in the past year. The inherent difficulties in identifying the migrants who die in this border zone in Arizona also mean that it is very likely that many of the families of the 171 who passed away in 2012 remain in Mexico, Central America, or

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[7] A clear example of what is known as the externalization of borders or the externalization of migration control are the operations for the interception or interdiction of vessels by the U.S. Coast Guard in the high seas or within the territorial seas of some Caribbean states, like Bahamas.

[8] See, SPIJKERBOER, Thomas (2012), "Moving Migrants, States and Rights: Human Rights and Migrant Deaths", to be published in Law and Ethics of Human Rights; GRANT, Stephanie (2011), "Irregular migration and frontier deaths: Acknowledging a right to identity" in DEMBOUR, Marie-Bénédicte and KELLY, Tobias (eds.), *Are Human Rights for Migrants? Critical Reflections on the Status of Irregular Migrants in Europe and the United States.* Routledge: Abingdon & New York, pp. 48 & ff.

[9] BINATIONAL MIGRATION INSTITUTE, *A Continued Humanitarian Crisis at the Border: Undocumented Border Crosser Deaths Recorded by the Pima County Office of the Medical Examiner, 1990-2012.* June 2013, p. 12.

[10] The "funnel effect" is how we call the phenomenon that was produced from the strengthening of border control strategies in the late 1990s and the early 2000s, which effectively pushed migrants to the most remote zones of the Arizona-Mexico border, where many perished. For more information, see, BINATIONAL MIGRATION INSTITUTE, *The Funnel Effect.* Visit: http://bmi.arizona.edu/funnel_effect

elsewhere in the world without knowing the fate and the whereabouts of their loved ones.

As I mentioned before, the deaths of irregular migrants are not exclusive phenomena to border regions or to the harsh conditions of the journey. Migrants are dying in large and indeterminate numbers along the main migration routes across Mexico and as a consequence of the violence generated by criminal organizations, which in some cases have had direct cooperation or tolerance from state authorities. I am sure many of you remember events like the massacre of the 72 migrants in San Fernando, Tamaulipas, in August 2010, who were executed in cold blood by the Los Zetas Cartel when they refused to work for them in their criminal activities, which include, among others, drug trafficking, smuggling of migrants, human trafficking, and kidnapping of migrants. You may also remember the discovery of the remains of 193 persons, many of them migrants, found in over 40 clandestine graves in San Fernando, Tamaulipas, between April and May of 2011. Many of these people also remain unidentified, which in turn leads to a great burden of suffering in the search efforts of their relatives. In this regard, it is necessary to emphasize that according to international human rights obligations, states have the duty to safeguard the life and integrity of all persons under their jurisdiction, an obligation they must guarantee regardless of the nationality or migration status of the person.

6. Criminalization of Migration

Another of the trends and challenges that we observe with special concern in the Commission is that of the criminalization of migration, in particular irregular migration, by some states in the region. This phenomenon has also been what Stumpf has called "crimmigration law", which consists of laws and policies developed in the intersection of criminal legislation and legislation on migration matters.[11] In this sense, I would like to reiterate what the Commission

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[11] STUMPF, Juliet P., "Introduction", in GUIA, Maria João, van der WOUDE, Maartje and van der LEUN, Joanne, *Social Control and Justice: Crimmigration in the Age of Fear.* La Haya: Eleven International Publishing, 2013, pp. 8-9.

has already said on many occasions, namely that the fact of crossing a border without the required documentation or overstaying the period allowed by a visa is not in itself a crime, but at most, an administrative infraction. Therefore, generalized measures and measures of punitive nature that tend towards the criminalization of migrants and of those who assist them lead to diverse human rights violations.

During the last two decades, we have witnessed how the consequences of migration have become more severe, particularly through the expansion of the grounds for deportation or expulsion based on previous criminal convictions. The grounds for deportation now go far beyond serious crimes and include administrative infractions and minor crimes. There has also been an increase in the use of criminal law as a way of regulating migration, particularly irregular migration. This has implied greater levels of criminal prosecution for irregular entry and reentry. Rules that criminalize people who provide help or assistance to migrants have also been included in this expansion, with clear examples in many of the provisions in laws such as Arizona SB 1070 or Alabama HB 56.

Other measures to criminalize irregular migration also include the automatic and mandatory detention of migrants with irregular status, deportations without due process or without a proper assessment of the family ties of the person to be deported, the excessive and disproportionate use of force during migration control operations, as well as xenophobic declarations in which authorities and the media promote the stigmatization of migrants.

7. The Generalized Use of Detention of Migrants

The detention of migrants, asylum seekers, refugees, stateless persons, and other persons in need of international protection has been one of the issues that the Commission has given the most attention to during the last few years. In the Americas, the generalized use of migration detention is not a minor issue, especially if we consider that every year thousands of people are detained indefinitely or for periods that can go from months to years, in countries such as the United

States, Mexico, and Canada. Hence, for the 2011 fiscal year,[12] the US Immigration and Customs Enforcement (ICE) detained 492,247 migrants for reasons related to their migration status. This number is a historic maximum for that country and meant an 18 percent increase with respect to the number of detained people in 2010.[13] Meanwhile, in Mexico the authorities of the National Migration Institute detained 88,501 asylum seekers and migrants with irregular status in 2012,[14] which represented a 33 percent increase in comparison to the 66,582 asylum seekers and migrants with irregular status that were detained in 2011.[15] In Canada, Bill C-31 (also known as "Protecting Canada's Immigration System Act"), which recently came into effect, increases the scope of mandatory detention of migrants and asylum seekers over the age of 16.[16]

In respect to detention conditions, migrants are often detained in overcrowded places and in dangerous and unhealthy conditions. In addition to the above, these people are also denied contact or communication with their families, access to legal aid, or the option to appeal their detention. The Commission has also observed that civil society organizations that monitor the places of detention of migrants and persons who need international help are often denied access. In some cases, these people are detained in prisons with people who are being processed or who have been convicted for crimes.

8. The Normalization of Abuse against Migrants

For those who are able to overcome all the dangers that migration entails, as well as avoid being detained and deported, the situation is still not easy. Migrants who are able to work are

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[12] In the United States, the fiscal year goes from October 1st to September 30th.

[13] Department of Homeland Security, *Annual Report 2011: Immigration Enforcement Actions.* September 2012, p. 4.

[14] Instituto Nacional de Migración, *Boletín mensual de estadísticas migratorias 2012.* México, Table 3.1.

[15] Instituto Nacional de Migración, *Boletín estadístico anual 2011*. México, 2012, Table 3.1.

[16] Bill C-31 became effective on June 28 2012. See, Section 55 of the Immigration and Refugee Protection Act.

often in unprivileged sectors of the economy and are affected disproportionately as a consequence of the lack of respect and the absence of safeguards of their labor rights. In many cases, migrants state that they obtain lower wages than nationals receive, in some cases no pay at all, and many are victims of human trafficking, be it for labor or sexual exploitation. Their working days are often longer than eight hours and, in many cases documented by the Commission, they are not given days off and they do not have social security or access to basic healthcare and education. These situations are even grimmer for working women, children, and adolescent migrants, for whom the sum of their other conditions of vulnerability – being women or minors – and the vulnerability of being a migrant leads to their often enduring simultaneously many types of discrimination. The sum of these situations has led the Commission to conclude that within the context of migrant workers there is a "normalization of abuse" on the grounds that they are not considered subjects of rights because they are migrants.

9. The Vulnerability of Defenders of Human Rights of Migrants

Combined with all of these worrying trends we also find that the vulnerability and violence that affects migrants has extended to the defenders of human rights of migrants. The Commission has observed with concern that due to the situation of violence and discrimination that affects migrants in Mexico, defenders of the human rights of migrant have to do their work in an adverse context, which has had on many occasions a direct impact on the life, integrity, liberty, security, and reputation of the defenders. The Commission is seriously concerned with what was pointed out by the National Commission on Human Rights of Mexico to the effect that the work done by individuals and civil society organizations in the defense of human rights, now exposes them increasingly to threats, abuse, acts of harassment, intimidation, and attacks on their fundamental freedoms. These are perpetrated both by state and non-state actors and led human right defenders now constitute a group in a situation of extreme vulnerability.[17]

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[17] CNDH, *El derecho a defender. Informe Especial sobre la Situación de las y los Defensores de los Derechos Humanos en México.* México, 2011. Available at: http://

A particularly worrying situation within this trend is that of defenders who work in shelters, migrant houses, and human rights centers for migrants in Mexico. Since 2009, the Commission has received many requests for precautionary measures in favor of these defenders and from 2010 to this day the IACHR has granted precautionary measures to five shelters, migrant houses, and migrant human rights centers, four of which remain in effect.[18] In its Second Report on the Situation of Human Rights Defenders in the Americas, the Commission held that the situation of people who work in defending and assisting migrants is especially worrying in Mexico due to the current context of violence generated by organized crime and the militarization that affects certain areas of the country.[19] I would just like to highlight what has already been said by the Commission by pointing out that acts of violence and other attacks against human rights defenders not only affect the safeguards that are inherent to every human being but also infringe on the key role these safeguards have in society, especially in face of the helplessness of the people for whom the defenders work. The work of defenders is essential for the construction of a solid and lasting democratic society, and plays a fundamental role in the road towards the full realization of the rule of law and the strengthening of democracy. Therefore, states have the obligation to offer appropriate protection so that human rights defenders may perform their important work.

www.cndh.org.mx/sites/all/fuentes/ documentos/Gacetas/252.pdf [Accessed on XX of XXXXXX of 2013].

[18] See, IACHR, Precautionary Measure, 273-11, *Fray Tomás González Castillo, Ruben Figueroa, staff Home-Shelter migrants 'La 72' and others, Mexico, as well as the migrants lodged there,* Municipality of Tenosique, Tabasco, Mexico. 19 April 2013; IACHR, Precautionary Measure,152-11, *Members of the House for Migrants "Frontera Digna", Municipality of Piedras Negras, Coahuila, México. 17 August 2012;* IACHR, Precautionary Measure, 270-10, *Nazareth Migrant House and Human Rights Center "Beato Juan Bautista Scalabrini"*, Nuevo Laredo, Tamaulipas, Mexico. 16 May 2011, this measure was lifted upon request of the claimants; IACHR, Precautionary Measure, 312-09, *Presbítero Pedro Pantoja Arreola and his team in Albergue Belén Posada del Migrante,* México. 23 April 2010; IACHR, Precautionary Measure, 250-09, *Father Alejandro Solalinde Guerra and Members of Albergue del Migrante Hermanos en el Camino,* Mexico. 23 April 2010.

[19] IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas.* OAS/Ser.L/V/II. Doc. 66, approved 31 December 2011, par. 338.

III. Conclusion

All of us who work with migrants have asked ourselves at some point why people decide to migrate despite all the risks, abuses, and discrimination. The answer is simple and is provided by migrants themselves: usually nobody leaves their families and friends behind for the "pleasure" of migrating. People who dare to migrate in the back of "The Beast" or to assume the many risks that migration entails, in particular irregular migration, do so not just for a better life; in many cases, they do it as a matter of survival.

So long as states do not address the factors that produce the attraction and expulsion of migrants, so long as we do not overhaul the bases of our current economic model, forced migration will continue to exist and no migration control policies will be sufficient to regulate and manage the flows. On the contrary, those who benefit are the industries that formally or informally profit from the control and the facilitation of international migration. This is an industry that yields millions of dollars to migrant smugglers, human traffickers, criminal organizations, and corrupt migration officers. Fortunately, there are companies in charge of implementing measures to create more secure borders or of managing migrant detention centers, among many others. Just to give one example, Father Pedro Pantoja, General Advisor to the organizations Humanity Without Borders, Borders With Justice and Belén Migrant Shelter, pointed out that in 2009 over 18,000 migrant kidnappings took place in Mexico. These crimes could yield around 50 million dollars annually for organized crime gangs which engage in migrant smuggling, human trafficking, and drug trafficking. Whether it is 50 million dollars, or more or less, what is clear is that this is not a business which criminal organizations are eager to relinquish. The international migration industry seems to be here to stay.

As you can see, many of the current trends in international migration that we have been identifying in the Inter-American Commission are deeply concerning and the challenges that they present in terms of human security, human development, and human rights are urgent. Nonetheless, I do not want to end my intervention leaving the impression that all is lost. At the same time that we are experiencing the trends I mentioned before, civil society organizations and human rights defenders have emerged to claim the protection of the human

rights of migrants. The capacity that has been installed by civil society organizations to look after migrants has often surpassed, by far, the capacity installed by the states and has filled the void left by them to guarantee the effective enjoyment of human rights by all migrants. In the Commission we have been able to witness a greater articulation on the part of civil society organizations, not only in the work of migrant assistance but also in the protection of their human rights both at the national and the trans-national levels, what Mary Kaldor has called the "global civil society." This is an important base on which to continue working and one from which we must build bridges of cooperation among states. Nonetheless, it is important to emphasize that states have the primary responsibility to safeguard human rights, and thus the job of the states is to lead in the construction of public policy, with a vision towards a democratic state under the rule of law, which facilitates the work of civil society.

Five Immigration Laws that Changed the Face of America

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The basic history of U.S. immigration laws, and the principles and policies that underlie them, reveal the following:

- this country is a nation of immigrants; except for Native Americans, we can all trace our ancestry back to another country;

- as a nation, we have experienced periods of encouraging and excluding immigrants, periods marked by outright racial bias, religious intolerance, and anti-immigrant political ideologies, as well times characterized by generosity and optimism;

- our laws reflect the mood of the country at the time they were enacted, and

- on balance and over time, we are viewed as a welcoming country, allowing more refugees, families, and skilled workers to settle here than all other countries in the world combined.

Though the welcoming words of the Emma Lazarus poem engraved on the Statue of Liberty may be an overstatement, the history of U.S. immigration law does embody the country's recognition of the importance and need for a continuous flow of new immigrants. Our current immigration policies are built on four pillars: (1) restrictions on who can immigrate; (2) support for family unification; (3) encouragement of skilled laborers in need in the U.S. economy; and (4) protection for those fleeing persecution. The following is a brief description of five laws that helped shape these current policies and our ethnic make-up, laws that may not have been viewed as landmark at the time, but in hindsight reflect important turning points.

1. Delaware Colony, Act of 1740

Most people assume that our country's immigration laws had their beginning shortly after the founding of this country. In fact, they began much earlier and sprang from those passed by the colonies and later the states. It wasn't until the mid to late-1800s that the

federal government began to play a dominant role in the regulation of immigration and the assumption of control over this area. Before then, colonists passed rules that revealed their concerns about the latest wave of newcomers. The states believed that they retained the power to regulate immigration and continued passing laws until 1875 when the U.S. Supreme Court settled the issue and held that Congress possessed exclusive right to regulate commerce.

The colonists passed laws that tried to control or monitor the flow of immigrants through the maintenance of ship manifests, imposition of head taxes, and the posting of bonds to ensure that passengers would not commit crimes or become public charges. They employed citizens to patrol their land and sea borders to discourage ship captains from landing at other than designated ports of entry. They prohibited the settling of those of certain religious faiths, in an effort to maintain homogeneity.

The law I include as the first turning point, which was passed by the Delaware Colony in 1740, was titled "An Act Imposing a Duty on Persons Convicted of Heinous Crimes and to Prevent Poor and Impotent Persons being Imported," and is chosen almost at random. It is characteristic of many laws passed at that time that sought to prevent the influx of certain undesirables, particularly the sick, the young, the aged, the "lunatick," the infirm, and the indigent. They are common in their attempt to prevent the importation of those likely to become a public charge unless the province or town where the immigrant would reside gave specific consent and the transporter paid a surety bond.

This Delaware law, like others at that time, also prohibited the transportation of those who had committed certain crimes, since it was the British custom at that time to ship convicts to the colonies in lieu of having them serve their sentence in their home country. These laws usually identified specific crimes, such as "murder, burglary, rape, sodomy, forgery, perjury, or any other felony." They prohibited the convict from landing until the ship captain had paid both a fine and a bond, which would be released if the alien demonstrated good behavior for a certain period of time.

The immigration laws enacted by the states and colonies in the 1700s provided a starting point for the federal government to begin asserting control in this area. In many ways, the immigration

issues 300 years ago do not look significantly different from those of today, and our current grounds of exclusion, border enforcement, and requirements of pre-inspection flow directly from them.

2. The Chinese Exclusion Act of 1882

The Chinese Exclusion Act of 1882 marked a turning point in this country's history because it was the first law that banned a group of immigrants based solely on their race or nationality. It banned almost all Chinese from entering the country for a ten-year period, authorized the deportation of "any Chinese person found unlawfully within the United States," and prohibited them from naturalizing, and thus being able to vote.

The justification for the ban included the following arguments – most of them specious – which originated in California but later spread nationwide: most Chinese do not enter voluntarily to live in this country but rather to work as indentured servants under punishing labor contracts; they are willing to work at wages and under conditions that lower the standards for domestic workers; they fail to assimilate or evidence any interest in naturalizing; they are untrustworthy and prone to criminality; they worship a pagan religion; and their women engage freely in prostitution.

What began as an effort to protect the U.S. workers from unfair competition – the "coolie" labor – swept eastward and took on openly racist tones. Politicians used this issue to create stereotyping, incite ethnic hatred, and appeal to working class voters. Unfortunately, it proved to be an effective political strategy, forcing many moderates and liberals to either join the growing tide or at least remain silent.

The ban on Chinese admission and naturalization was written to expire after ten years, but it was renewed in ten-year increments, each time with less opposition, until 1904, at which point it was extended indefinitely. The Chinese exclusion laws were relaxed in 1930 and finally repealed in 1943, more than 60 years after their enactment. But they opened the door to allow for race to become a viable basis for excluding persons. They allowed for later laws to be debated and even passed, laws that targeted those from Eastern and Southern Europe by the imposition of a literacy test; that created an

"Asiatic Barred Zone" that excluded those from South Asia, a large swath stretching from Arabia to Indo-China and the Pacific Islands; and that culminated in passage of the Quota Act, which attempted to freeze the national origin make-up of the country as it existed in 1910.

The intent of the quotas was to encourage immigration from certain favored nations while lowering the rate from disfavored ones. The result was that persons from central, northern, and western European countries were allowed to immigrate in much larger numbers than their counterparts from other parts of the continent or other parts of the world. This racial bias continued until mid-century, when the system was finally abolished in 1965. But by then the national origin make-up of the country had been weighted heavily in favor of persons from Great Britain, France, Germany, and Scandinavia.

3. The Bracero Program

The *Bracero* Program was initially designed as a short-term answer to Southwestern growers' needs for farmworkers due to a labor shortage during World War II. It began as an executive agreement between the United States and Mexico in 1942, and was revised and legalized by Congress in 1943. It allowed Mexicans to enter and work during the growing months, but then return to their country after the harvest. After the war ended, however, growers were unwilling to relinquish this cheap source of labor, and the program continued until 1964 when it was formally abolished.

During the intervening 22 years, nearly five million agricultural workers – almost all from Mexico – were imported or enrolled in the program. Most of the Mexicans came from small farms in Northern or Central Mexico and traveled to the United States to perform seasonal farm labor in California or Arizona, typically returning to their homes in the off-season. A substantial number entered the country illegally and, when apprehended by Border Patrol officers, instead of being deported, were enrolled in the program and transported to a local grower. The message quickly spread that the most efficient way to find work in the United States was to enter illegally rather than going through the proper channels. In addition, many growers preferred undocumented workers over *Braceros* because they could

avoid paying the prevailing wage and providing established working conditions.

The *Bracero* program led to a certain co-dependence between Mexico and the United States and changed prior migration flows, labor practices, and employment options. Farmers and growers in the Southwest became reliant upon undocumented or imported laborers; Mexicans on the other side became dependent on the cash they could earn working over a four- to six-month period in the United States. It resulted in the expansion of labor-intensive agribusiness in the United States and the concomitant evaporation of certain industries south of the border, in addition to the often long-term separation of families left behind in Mexico. It created channels of illegal migration and networks designed to bring Mexicans into the country without inspection. These cultural and economic changes have profoundly affected both countries to this day, and spawned the large-scale undocumented influx across the southern border over the last 30 years.

4. The Immigration Act of 1965

If the Chinese Exclusion Acts represent the nadir in immigration law and policy, the 1965 Immigration and Nationality Act served to put this country on a more humanitarian, pro-immigrant course. An equally extraordinary law in many ways, it marked a turning point from this country's image as a dominantly "Western" country to being a "multicultural" one. Racial and ethnic minorities have already gained majority status in California, and are expected to gain majority status in this country before mid-century; their growing political clout is already affecting election outcomes and influencing decisions at almost every level of government.

What did the 1965 Act do to effect this change? First, it ended the national origin quota system developed by the Immigration Act of 1924, which favored European immigrants, and replaced it with one that encouraged immigration from all countries. Second, it increased the number of immigrant visas that could be issued. It gave preference to family-based categories and expanded the groups of immigrants who could enter outside the annual worldwide quota. It also enlarged the categories and number of skilled workers who could immigrate

and set a higher cap for refugees. But third, it imposed per-country limits that adversely impacted Western hemisphere countries, such as Mexico, without providing a meaningful and streamlined way for them to enter legally as guest workers. This resulted in an increase in illegal immigration.

What change did it bring about? Over the next 30 years, the United States admitted approximately 20 million immigrants, who came mainly from Latin America and Asia. When one factors in the number who entered unlawfully and settled here – between 500,000 to 1,000,000 annually from the 1980s through the mid-2000s – the impact is even greater. Today the number of foreign-born is approximately 40 million, or more than 10 percent of the population. But the largest percentages of the foreign-born come from Mexico, China, the Philippines, India, and Vietnam – countries whose immigrant populations were negligible 60 years ago.

5. Illegal Immigration Reform and Immigrant Responsibility Act of 1996

The 1996 law was the result of anti-immigrant sentiment that had been building due to the perceived failure of the 1986 law to curb undocumented immigration. Employer sanctions, which attempted to shift enforcement from border patrol and immigration officials to employers, were unsuccessful. Instead of preventing or discouraging employers from hiring undocumented workers, it created a largely meaningless bureaucracy and a thriving industry in forged documents. Congress responded to the public outcry for tougher sanctions and penalties against those who had entered illegally.

In addition to increasing appropriations for border enforcement, Congress imposed strict income requirements on those petitioning for other family members, a one-year filing period for those seeking asylum, expedited removal of those who attempt to enter the United States with false documents or no documents, mandatory detention of those convicted of certain crimes or found to be inadmissible at the border, reduction in possible relief for those in removal proceedings, expansion of the crime-based grounds of inadmissibility and deportability, and limitations on judicial review.

One of the changes was the imposition of a three- or ten-year bar on admissibility for those who had acquired "unlawful presence" in the United States, which would be triggered by departing the country. A waiver was available, but only if the applicant demonstrated extreme hardship to the U.S. citizen or LPR spouse or parent. Those who were required to leave the United States to consular process and who filed the waiver were forced to wait abroad for up to a year while the application was being adjudicated. Those who had illegally reentered or even attempted to reenter the United States after accruing one year of unlawful presence were required to remain outside the country ten years before being eligible for a waiver.

The three- and ten-year bars adversely affected those who had entered illegally across the U.S.-Mexican border. It served to discourage or prevent the lawful reunification of close family members. Instead of leaving the country to attend an immigrant visa interview – and thus risking a potentially long absence – the spouses, parents, and children of U.S. citizens and LPRs simply remained in the United States illegally. Tougher border enforcement caused Mexican and Central Americans living here, who had been accustomed to traveling back and forth to their home countries, to remain in the United States indefinitely. Many of them arranged to have their family members smuggled in so they could all live together rather than returning to their home countries for periodic visits. The irony is that one of the direct consequences of the 1996 law, which was meant to discourage and punish illegal crossings, was to drive up the number of undocumented persons permanently residing here. By 2008, the country's undocumented population was estimated to be between 11 to 12 million persons, about two-thirds of whom had entered illegally across our southern border.

The Role of Civil Society in Shaping Immigration Policy in the United States

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To talk about the way civil society influences immigration policy in the United States is to tell the story of the immigrant rights movement in the U.S. It began as a one-man operation at the National Immigration Forum and grew into hundreds of organizations that are now engaged in comprehensive immigration reform. The story is one involving conflict between restrictionists seeking to curb immigration and advocates seeking legalization for the 11 million undocumented immigrants currently residing in the U.S. It is a story of highs and lows, most of which coincide with challenging economic times or foreign policy concerns. Yet, with each setback, the immigrant rights movement has grown stronger, more resilient, mature, sophisticated, and increasingly diverse.

The story begins with the passage of the Immigration Reform and Control Act of 1986, or what we call IRCA. In 1981, when the National Immigration Forum announced its formation, immigration was not a major concern among the few ethnic and civil rights organizations in Washington. IRCA brought more attention to the issue and its enactment created the need for structure. IRCA provided a mechanism for legalizing undocumented immigrants and the government was concerned that immigrants would be too fearful of applying directly with the government. It therefore created Qualified Designated Entities (QDEs), community organizations that helped undocumented immigrants fill out their applications. The U.S. Conference of Catholic Bishops mobilized the largest network of QDEs in the country.

In addition to QDEs, philanthropies began to invest in the immigrant rights field. The Ford Foundation, an established New York philanthropy, together with a few other foundations, granted resources to create immigrant rights' coalitions in New York, Boston, Chicago, Los Angeles, and San Francisco. These coalitions provided scaffolding for the movement. They were comprised of immigrant-run

community organizations, faith-based groups, unions, and other local groups. The coalition executive directors served as board members of the National Immigration Forum. Thus, the structure operated both vertically and horizontally. Through conferences and meetings, these groups forged working relationships.

One of the first tests of the new movement and its influence came in the late 1980s. Civil wars were raging in Central America and when refugees sought asylum in the U.S., the government summarily denied their claims. Moved by the testimonies of violence-fleeing refugees, faith-based groups offered them protection. The U.S. government charged them with harboring unauthorized immigrants. The churches in turn sued the government on first amendment and equal protection grounds. Ultimately, the government settled the case and agreed to install newly trained asylum officers who would re-adjudicate the asylum claims for a class of Salvadorans and Guatemalans. These changes dovetailed with the passage of the Immigration Act of 1990 which among other things created Temporary Protected Status (TPS) for Salvadorans and gave the attorney general authority to grant it to other nationals. The fledgling immigrant rights movement had largely prevailed.

Their gains were short-lived, however. In the 1990s, the nation was in the midst of an economic recession. In 1994, Pete Wilson, the governor of California, was running behind in his bid for a second term and gained traction with an anti-immigrant platform. At the same time, a grassroots group organized and collected enough signatures to qualify an initiative onto the November ballot. Proposition 187 would prevent undocumented immigrants from receiving social or welfare benefits, ban them from public schools and universities, and prevent them from receiving publicly-funded non-emergency health care. Undocumented immigrants were not eligible, and continue to be ineligible, for cash assistance.

The post-IRCA coalitions in California waged a passionate campaign to stop Proposition 187. Advocates organized and sought allies, prepared talking points, and fielded questions from the press. The lawyers prepared for litigation in case the initiative went into effect. The initiative did pass by a wide margin of 59 percent to 41 percent, but state and federal courts enjoined it from taking effect.

Despite the injunction, the hotly contested issues in California soon entered the national stage. Pete Wilson announced he was running for president with his anti-immigrant platform.

What followed was an intense period in which lawmakers in Washington introduced countless anti-immigrant bills. One would have drastically cut legal immigration; another would have denied public education to children. The bills were pushed by restrictionists who repeated the steady refrain that "illegal immigrants were draining welfare benefits from Americans." The work overwhelmed immigrant rights advocates and victories came with the defeat of the most draconian of the proposed laws. Nevertheless, in 1996, Congress passed a trio of sweeping laws that significantly altered the immigration landscape – an anti-terrorism bill, a welfare reform act, and an immigration law. All of them proved devastating for legal and undocumented immigrants.

The immigration legislation had unintended consequences. Because of increased security at the border, many undocumented immigrants chose to remain in the U.S. rather than leave. Thus, the undocumented population began to rise. By the year 2000, with President Bush in office and the economy on the upswing, talk of legalization surfaced again. NGOs from the U.S. and Mexico began holding bilateral meetings to discuss potential legalization. Presidents Bush and Fox met in early September of 2001, and for a moment, legalization looked as though it was within reach. Days later, the September 11th attacks occurred.

Because the attackers entered the U.S. as foreign students, the government carried out numerous policies that trampled upon the civil liberties of Middle Eastern, Muslim, and South Asian men. Once again, immigrant advocates were on the defensive. Litigators challenged the government's use of racial profiling while advocates in Washington sought to curb government overreaching. It was several years before legalization was broached again.

In 2004, President Bush delivered a major speech on immigration and for the next several years advocates attempted to pass an overhaul bill. After Senators McCain and Kennedy introduced a bi-partisan bill, Representative Sensenbrenner (R-WI) introduced a bill that would have made presence in the U.S. without a valid visa

a crime, barring most immigrants from legalizing. After the House bill passed, community leaders mobilized a series of demonstrations and from March 10 to May 1, 2006, approximately five million immigrants marched in protest. Advocates hoped the mobilizations would lead to legislative action, but this wasn't the case. In 2006 and 2007 comprehensive immigration reform failed and badly divided the field of immigrant rights.

Moreover, because the government did not act, states and municipalities began implementing their own laws. In April of 2010, Arizona passed a law that gave police broad power to detain anyone suspected of being in the country illegally and made the failure to carry immigration papers a misdemeanor. Advocates poured resources into Arizona, litigators challenged the law, and organizers staged protests. Advocates also urged the federal government to sue the state. The case ended up at the U.S. Supreme Court and the court upheld parts of the law while declaring others illegal. Meanwhile other states followed Arizona and enacted similar laws. Advocates were successful in enjoining most of these laws and the proliferation of so-called Arizona-copycat laws has dwindled.

In the meantime, a group of young undocumented immigrant students had begun organizing, first, to offer each other mutual support at large universities and, later, to engage in policy. In 2008, they formally organized the United We Dream Network (UWDN) which became the largest immigrant youth organization in the country, representing 47 immigrant youth-led groups from 24 states. Their goal was to obtain the Dream Act. The Dream Act was bipartisan legislation that would grant legal status to young undocumented students who were in school or the military.

The Dream Act passed the house in 2010, but was 5 votes short in the Senate. The DREAMers, the bill's young beneficiaries, began staging acts of civil disobedience: they stopped traffic and a group held a mock graduation at the capital; one group walked through a conservative swath in the South. These immigrants had lived clandestinely most of their lives and were now telling their stories to the press. They captivated the media. After significant advocacy, the Obama Administration granted them administrative relief. It was not legalization, but a reprieve from deportation that provided

young people the right to remain and work to pursue their schooling and careers. The new relief gave the field a victory and spurred new energy into the Obama campaign for re-election. It also galvanized the immigrant rights field.

Another effort that injected energy into the field was the work of civic engagement. Efforts to boost voter participation in the Latino community had begun after the passage of Proposition 187 and started in Los Angeles before moving to other states. Before the 2012 elections, the Service Employees International Union (SEIU) teamed up with other organizations and the Spanish language media to promote voter registration and voting in the Latino community. The result was a tremendous hike in the Latino vote, 71 percent of which went to President Obama. That vote led to a sea change such that on election night President Obama expressly promised comprehensive immigration reform. Washington advocates describe the overnight shift to the change from black and white to color in the Wizard of Oz.

At the moment, hundreds of immigrant advocates are deeply engaged in comprehensive immigration reform. Nongovernmental organizations (NGOs) have negotiated with lawmakers, analyzed the 867-paged legislation and have submitted countless amendments. Advocates are also involved politically. They are broadening the coalition to include allies such as chambers of commerce, law enforcement, and Evangelical Christians and are confident in their ability to obtain this goal that has eluded the field for 13 years.

I will address the different sectors engaged in this work as well as in immigration policy generally.

National organizations: Traditionally the national immigration organizations based in Washington have led efforts on immigration policy. The National Immigration Forum often took the lead and worked with a cluster of labor, ethnic, faith, and civil rights groups. A new coalition called the Alliance for Citizenship is now managing the work. It is a much broader coalition.

State and local coalitions: Over the last several years, states have had to defend against anti-immigrant legislation. After several successful challenges, advocates are now affirmatively working to enact driver's licenses and in-state tuition for undocumented workers and students. These gains are the result of state advocate collaboration

with national organizations.

Organized Labor: Historically, U.S. Labor has had a mixed stance on immigration. However, as its base has grown, it has embraced undocumented immigrants.

- The U.S. Chamber of Commerce and the President of the AFL-CIO negotiated a compromise on a guest worker program for low-skilled, temporary workers who would be allowed to pursue a path to citizenship.

- Lawmakers also negotiated with agribusiness and the United Farmworkers Union (UFW) to arrive at a similar compromise on behalf of farmworkers.

- Organized labor is also funding civic education as well as advertising in support of comprehensive immigration reform.

Faith community: The faith community has had a long tradition of ministry, refugee resettlement, advocacy, and direct service on behalf of immigrants. One of the largest networks of service providers is the Catholic Legal Immigration Network (CLINIC) with almost 300 field offices in 47 states. They deliver a host of individual services, training, technical assistance as well as policy advocacy. Its parent organization, the U.S. Catholic Conference of U.S. Bishops (USCCB) is both deeply steeped in policy at the national level and grounded by daily communication with its affiliates.

Women's Organizations: Over the last two decades, women's organizations have played a significant role in developing immigration policy. In the 1990's, at a time when the anti-immigrant movement was surging, a small coalition of women managed to insert protections for immigrant victims of domestic violence into the Violence Against Women Act (VAWA) affecting all women. They did so by seeking allies in the women's movement as well as within law enforcement.

Philanthropy: Philanthropies are also involved. They not only fund the substantive work but seek to shape it. In 1998, funders created an affinity group called Grantmakers Concerned with Immigrants and Refugees to build its own base of immigrant funders.

Think Tanks: Think tanks research and frame issues, and inform the public on the consequences of certain immigration policies.

Over the years, the number of groups that study immigration has proliferated, encompassing not only those with a particular focus on immigration but also those with a broader scope such as the Brookings institute and Council on Foreign Relations. Think Tanks also include groups that seek to curb immigration such as the Center for Immigration Studies.

Media and Media-organizations: One of the lessons gleaned from previous attempts at reform was the field's need for improved communications. America's Voice was created to fill that void and set up as a communications war room and integrated hub aimed at winning broad immigration reform. In addition, established organizations are also seeking to use media in a more sophisticated way. They are using media experts to help frame messages that resonate better with the public and are training immigrants who are directly affected by policies to become spokespeople for issues.

Welcome America and Integration Work: Welcoming America is a relatively new organization that fosters dialogues between foreign-born newcomers and U.S.-born residents. The organization offers tools for neighbors to engage with each other in a low-pressured, non-politicized way, with cultural events and potlucks rather than discussions on politics. It has diffused tensions between immigrants and native residents. The effort began in Tennessee and now has affiliates in 21 states.

Restrictionists: Of course, civil society also includes restrictionist groups. Nonprofits such as the Federation for American Immigration Reform, Numbers USA, and others have sought to defeat comprehensive immigration reform in the past. Their donations are down and they are in a much weaker state today than five years ago. Yet, much of their activism has moved to the Tea Party so we can expect a contentious battle for comprehensive immigration reform in the future.

In sum, the immigrant rights movement has become stronger and more sophisticated and fully engaged not only on comprehensive immigration reform but on a number of immigration policy issues throughout the country. And whether comprehensive immigration reform happens this year or in five years, it will be because civil society has been part of the debate.

Human Security, Human Development, and Human Rights: Trends and Challenges for Government Policies in Mexico

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Secretary of the Interior of Mexico

Introduction

Thank you very much for the opportunity to participate, along with all of you, in this effort that, since January 2009, has offered a forum to share experiences and knowledge in pursuit of a common cause: an ordered and safe migration and a positive perception of it.

I would like to begin my intervention with a reflection on the importance of celebrating our meeting in this great city of New York and at this precise moment when the topics at hand are getting greater and greater interest in the international community, particularly in the nations of the Americas. Coming to speak and share opinions on migration in this city makes a lot of sense.

There is no controversy among us as to how positive people's international mobility can be. The prominent presence of immigrants has gone hand in hand with the history and the development of this city. Their contributions to social and cultural life and to productivity are unquestionable, thus providing an example of a successful integration that allows New York City to be what it is today: a global and cosmopolitan city, the city of diversity *par excellence*, with a great influence around the world.

On its part, the government of Mexico recognizes that the migratory phenomenon demands a continuous international dialogue. This phenomenon also demands, from states and societies, a greater response capacity and a broad and effective public intervention precisely so that this migration can become another opportunity for the development of our nations.

For this reason, the National Development Plan presented by the President of the Republic in Mexico on May 20, 2013 considers that the migratory phenomenon is a challenge of increasing importance for the Mexican state. In consequence, the migratory policy agenda of our country is inscribed in a process of deep, structural reforms

that are taking place in Mexico and that include new instruments and programs. These reforms also include crosscutting actions that go beyond the sphere of migration and cover multiple factors, such as the specific topics of this panel. I am talking about the obligation to provide full validity and protection to human rights, the commitment to increasing human security and the general imperative to achieve significant changes in the levels of human development.

In this context, I will address briefly the commitments and actions that Mexico has undertaken, with national scope, in these different issues and then discuss some specific actions we have introduced to improve the management of migration.

1. Mexico's Commitment to Human Rights

The Mexican government has ratified the universal nature of human rights. Our commitment to promote them, protect them, and guarantee them is unwavering. To this end, with broad participation, we are building a new vision on human rights, which begins with the need to make effective the constitutional reform on the issue as the basic requirement to move from a government policy to a state policy on the matter.

2. Mexico's Commitment to Human Security

As many of you know, the first of the main national goals that the President has devised is to achieve a peaceful Mexico, a society of rights. With this purpose, a fundamental change in the security and justice strategy of our country has been launched. Nowadays, besides fighting the effects of criminality, we are also investing resources to deal with its structural causes. There has been a clearer and more evident emphasis on social prevention of violence, a profound institutional transformation is being launched, federal programs are being aligned with local efforts, there is greater cooperation between levels of government, and we have a focalized strategy towards five operative regions which guarantee actions that are more appropriate to specific realities and problems.

3. Mexico's Commitment to Human Development

I must also mention that in March 2013 our country hosted the worldwide presentation of the Human Development Report, made annually by the United Nations Development Program.

This document illustrates Mexico's improvement and the increase in the indicators for the basic dimensions of human development that are included in said report. Nonetheless, the social challenge remains, there is still a long road to be counted among the nations with very high human development, and we are still the second most unequal nation of the OECD. In the face of this, the government has started a new generation of social policy which aims to consolidate social mobility and close the disparity gap that still severely affects broad, vulnerable social sectors, in different regions of our country.

I would like to highlight as relevant elements of this policy the focalization of efforts towards the poorest 400 municipalities in the country, the ongoing educational reform, the long-term goal to achieve universal social security, and the effort being done, with great urgency, in terms of healthcare, so that Mexico fulfills its international commitment regarding the Millennium Development Goals. In this sense, the country's changes in terms of human development indicate a shifting Mexico as it becomes a more equal and inclusive society.

4. Mexico: Challenges in Migration Policy

These nationwide goals also imply and include concomitant actions from our migration agenda. As we know, during the first years of this century, there have been significant changes in Mexico's migration dynamic. At this stage, we can see that we are consolidating, with different nuances, our nature as a nation of origin, destination, transit, and return of migrants.

Recent investigations show that each of these dimensions exhibits considerable challenges which call on us to innovate and respond with a sense of reality and urgency in the face of the complex and new patterns of migration.

Nowadays in Mexico, irregular migration is not criminalized and the protection of the rights of migrants is the responsibility of the

state. We now need to facilitate and promote regular and documented migration, improve the border management and regulations model, improve the existing migrant protection programs, increase their reach, and start new ones. These new programs include:

a) the humanitarian, prevention, and protection work performed by the Beta group in border and migrant transit zone; the southern border program that facilitates access using regional visitor and regional worker cards; our participation in the regional conference on migration which aims to harmonize technological platforms and to exchange information; the work of the high level groups on security and justice; the Mexico-SICA (Central American Integration System) dialogue, and the Attention and Follow Up Group on Central American Security.

b) the adoption of a memorandum for the dignified, prompt, and safe repatriation of Central American citizens from Mexico.

We must also reduce the levels of violence and risk that migrants in transit are exposed to in Mexico. In this aspect, since last November, we have formalized our participation in the international initiative: "Supporting the Strengthening of Government Institutions and Civil Society Capacities to Improve the Protection of Migrants in Transit".

In the same way, facing a net migration rate close to zero, which is what our country is approaching, the humane and effective reception of Mexican citizens who return to the country is perhaps one of the most urgent challenges. To this end, we have formed an integral program for the productive reinsertion of returning Mexicans, with the participation of strategic actors in civil society, productive sectors, and the international community.

Likewise, faced with an increase in the migratory flow of women and vulnerable minors, it has become a priority to provide specialized attention with greater coverage and better quality in order to safeguard their rights in the processes of detention, repatriation, providing shelter, family reunification and in their requests for social or legal assistance.

A key part of this vulnerable migrant initiative is the presence of 32 delegations of Childhood Protection Officers (OPIS) throughout

the country who are responsible for guaranteeing that the rights of children and adolescent migrants are respected, with special attention to those who are not accompanied.

Finally, the circular migration that occurs between Mexico and the United States demonstrates a mobility that is concentrated in certain times of the year. The Paisano Program is an institutional response which involves participation from the three levels of government with a wide contingent of observers from civil society who are established in strategic points along the main transit routes for Mexican residents abroad and foreigners of Mexican origin.

To conclude, I would like to take up a statement by the International Organization for Migration: "Humane and orderly migration benefits migrants and society," and to reiterate our willingness to cooperate in the task of designing and implementing strategies that respond to the migratory phenomenon. From the perspective, that always attributes more advantages than harm to migration and that conceives it as a liberty for which the peoples of the international community must join efforts, I thank you for your time and attention. I express my total disposition to remain in this discussion and to assume the commitments that arise from the conclusions of this forum.

At a Crossroads: Migration Policies and
the Role of NGOs in Mexico

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1. Migration Policies at a Crossroads

Migration flows have changed according to economic cycles since the start of the Industrial Era. In the Americas, the search for better living standards has led to large scale South-North migration flows; initially from rural to urban areas within the developing country of origin, and then across the border towards a developed country with a labor shortage.

Wars have been another driver of major migration flows. This was particularly the case with military coups in South America during the 1970s and with civil wars in Central America during the 1980s. On a smaller scale, natural disasters as witnessed in Honduras during the 1980s and the violent spiral of organized crime in Mexico and Central America have also been catalysts for further displacement.

However, new trends are emerging: there is now greater diversity in the types of migrants, the places of transit and destination; the connections between migrants and employers are greater and easier to establish; demand for labor is gradually shifting up the value chain from low skilled workers to medium and/or highly skilled workers; and the fact that the demographic impact of migrants on towns, counties and cities is also changing. These new trends have coincided with a stronger agenda for the respect of migrants' rights, as well as with greater antagonism that tends to criminalize irregular or unauthorized migrants.

Restrictions on immigration permits became a constraint across the western world during the 1970s. The U.S.-Mexico relationship illustrates this point. Traditionally, migrant labor from Mexico helped to satisfy the needs of the U.S. economy and immigration controls were managed in a pragmatic way. As the scale of immigration flows soared during the 1990s, and homeland security concerns intensified post 9/11, undocumented border crossings became a matter of national

security.[1] This approach to migration, via the lens of national security, led to a USD 30 billion budget for border control in the period 2004-08, when it reached its peak.

From the South-North point of view, part of this expenditure on border controls could have been allocated to development aid, but the national security approach is expected to remain a core factor of U.S. attitudes towards immigration.

It is important to point out that the traditional South-North migration flows no longer account for the majority of migrants. Since 2007, the financial and economic crises in the U.S. and Europe, together with geopolitical changes in Asia and certain developing countries, have caused a realignment of migration flows. As a result, South-South flows account for more than 50 percent of all international migration today.

South-South migration has become increasingly important in Latin America. On the one hand, some economies such as Argentina and Brazil have experienced an increasing need for labor.

On the other hand, countries that have implemented social policies to benefit their own migrants, have been compelled to reciprocate towards transmigrants and immigrants from neighboring countries in the region.

Nowadays the world is engaged in population movements along the axis between the four cardinal points, drawing a crossroads on the globe.

In terms of North-South mobility, countries like Spain have adapted their migration policies as they transition from being a place of immigration to a place to emigration. Although no massive demographic movements have taken place, an unemployment rate of 26 percent[2] has led to the implementation of repatriation programs as

[1] Meissner Doris,Kerwin Donald,Chishti Muzaffar, Bergeron Claire, Immigration Enforcement in the United States: The Rise of a Formidable Machinery, MPI, Jan. 2013.

[2] Eurostat. Spain-Standardized unemployment, Rate, Total (all ages), Total (male & female); unspecified; Eurostat; Seasonally adjusted, not working day adjusted, percentage of civilian workforce. http://sdw.ecb.europa.eu/quickview.do?SERIES_KEY=132.STS.M.ES.S.UNEH.RTT000.4.000

a matter of the highest urgency while it has also encouraged Spanish professionals to seek better work opportunities overseas. The top destinations for Spanish migrants to Latin America are Argentina, Venezuela, Brazil and Mexico, where economic and sociopolitical conditions have been gradually improving.

In the case of Portugal, more than 2 percent (i.e. 240,000 people) of the total population has emigrated since 2011; most migrants have been young, educated professionals. Portuguese migration flows have headed both southwards (to Mozambique, Angola and Brazil), and northwards (to Germany, the Netherlands, and the UK).[3]

After more than 30 years of debate on migrant rights, the obligations of host and transit countries towards them, and the need for multilateral cooperation on migration policies, we are finally witnessing a move towards greater harmonization of national laws with international human rights treaties.

Twenty-two years after the crafting of the *International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families,* 46 emigrant countries have adhered to the convention and 16 of them have signed. Meanwhile, some destination countries like Germany and Spain have acknowledged their responsibilities and the need to integrate immigrant populations residing in their territories.

In Latin America, countries including Argentina, Ecuador, Guatemala, Mexico and, more recently, Cuba, have reformed their migration policies in order to accommodate the spread of globalization and the growing focus on the rule of law and the role of civil society.

2. From South-North to a More Complex Reality: the Mexican Experience

Migration dynamics are shaped by the particular specifics of each country. In the case of Mexico, the backdrop is provided by the constant flow of people over the past 160 years towards its northern

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[3] Watson Pelaez Marina, "Emigration: Brain drain" as Young People look for Opportunities Abroad". Portugal Daily News, 18 Jan, 2013. Accessed May 19, 2013. http://www.portugalailynews,com/what-news/statitics

neighbor: the United States. Their geographical proximity and their economic and technological disparity has created strong labor links between the two countries. This has been particularly the case in the agricultural sector (mainly in the Southwest) and, more generally, in low-skilled jobs in small, medium, and large cities. Over this long period, the number of Mexican migrants crossing the border each year and settling in the United States increased steadily; the rate accelerated in the 1970s, reaching an annual level of approximately 500 thousand migrants per year in the 1990s. This was reflected in the rising population of Mexican immigrants, which grew from 2.2 million in 1980 to 4.5 million in 1990, and 9.4 million in 2000; a four-fold increase in just twenty years. The latest figures from the 2011 U.S. Census Bureau estimate the Mexican-born population at 11.7 million, equivalent to 29 percent of the total immigrant population and outnumbering the combined immigrant population from the next eight largest origin countries[4].

A large immigrant population has created strong links between the two countries even though an estimated 6.5 million (out of 11.7 million) are irregular immigrants[5]. In the absence of comprehensive immigration reform, this segment of the population will remain cut out from the mainstream and will continue to lead instead a secluded and disenfranchised way of life.

Mexico currently encompasses several migration dynamics: emigration (with 95 percent of migrants headed to the United States), transit migration (mainly from Central America and headed north) as well as temporary and permanent immigration from Central America and other regions.

According to the Mexican Census Bureau, emigration came to a standstill in 2010. Many factors are at play, including a) more muscular border controls by U.S. authorities, b) a high rate of deportations, c) the slowdown of the U.S. economy, d) a lower birth rate and e) an improved outlook for the Mexican economy.

Conversely, transit migration has evolved from a marginal

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[4] Alba Francisco, Mexico: The New Migration Narrative. MPI, April, 2013.

[5] MPI calculations using Hoefer, Rytina, and Baker, *Estimates of the Unauthorized Immigrant Population Residing in the Unites States: January 2011.*

issue of limited interest to a high profile topic, both from a national security and human rights perspective. In addition to these inflows from the South, a higher rate of deportations from the U.S. implies another inflow from the North. This new reality presents the Mexican government with the complex challenge of integrating over two million returning citizens, often joined by their U.S.-born children. Meanwhile, organized crime gangs present a significant threat both to transit migrant headed north and to the increasing number of immigrants whose final destination is now Mexico.

3. Implementing Migration Policies for a New World: a Work in Progress

This new paradigm has called for a new approach, both within Mexico and in collaboration with its neighbors to the North and South. Over the past 20 years, the Mexican government has expanded its consular network to a total of 50 branches in the U.S. The range of services that Mexican consulates offer has also been expanded, prioritizing protection programs for Mexican citizens abroad.

On the legislative front, Mexican migration policies were defined in the General Population Law, in place for nearly 40 years. However, the government eventually responded to its new challenges by enacting the Migration Law, with a greater focus on human rights. This was also better aligned with the spirit of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,* of which Mexico was an active promoter.

Mexico, along with several other countries in Latin America, has enacted new regulations that are gradually less restrictive. The new immigration law recognizes the right to migrate, reaffirms the equality of treatment regardless of citizenship, provides access to the judicial system as well as to social services, education and health; it also provides the right to family reunification. The law enshrined twelve guiding principles including:

- a modern and comprehensive vision of migration must be embraced;
- deregulation must be used to facilitate the entrance, residency, and departure of migrants seeking new opportunities;
- migrant's human rights must be guaranteed;

- security, order and the rule of law must be enforced;
- national policies must meet the same standards expected for Mexican nationals residing abroad (i.e. reciprocity).

The National Migration Institute is responsible for the management of immigration flows. A sophisticated information system has been developed in order to gather timely and reliable data on migration flows, although its implementation in the southern and coastal regions remains a work in progress.

Mexico may boast updated migration policies and new information systems, but much remains to be done before migration controls and regulations are rights-based in practice. First, some improvements have been made in screening staff at migration agencies, but corruption and the lack of an established culture built around human rights remain ongoing challenges.[6]

Second, the protection offered to migrants at risk and the reach of government agencies remain limited. Mexico has become a region of mixed migration flows that include victims of human trafficking and other crimes, unaccompanied children, extra-continental migrants and asylum seekers and refugees. Victims among these demographic groups at risk have received special attention and support from government agencies, although not always to the full degree indicated in the new legislation. In other words, the Migration Law has not created on its own a new, fully functioning system that embodies the objectives of a comprehensive migration policy; this is a pending task for the new Mexican administration.

In fact, there is an inherent tension in the present system between the focus on legislation and the respect for human rights, on the one hand, and a restrictive approach to immigration controls set against a backdrop of organized crime, corrupt civil servants, bureaucratic hurdles and an inefficient judicial system, on the other hand.

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[6] Pablo Ceriani C. "Lights and shadows in South American Migration Policy Making" in Conference Report, A Liberal Tide: Towards a Paradigm shift in Latin American Migration and Asylum Policy-Making? 18 March 2013, Senate House, School of Advanced Study ESRC, www.americasc.org.uk/Eccles/IUSS.gif

4. The Role of CSOs in Mexican Migration Policies

Civil society organizations (CSOs) have been entitled to receive federal funding and resources since 2004. They can also collaborate with the Government in the formulation, execution and evaluation of policies and programs in the area of social development.

CSOs and human rights advocates are therefore an important player in Mexican migration policy since they often provide the only channel available to migrants seeking access to social services or the judicial system. It is through this network of humanitarian help that migrant demands are materialized and articulated, providing the Government with valuable information that can be used to calibrate an adequate response to social problems along the migration routes.

Mexican migrants residing abroad also benefit from CSOs. When the Mexican government began to implement large scale social programs in the 1990s, the Hometown Associations grew in number and several of them co-invest in their communities of origin jointly with local and federal government agencies. This successful scheme has been emulated by other emigration countries.

CSOs for migrants initially focused on establishing shelters for migrants. These number around 50 spread along the main migration routes; with the onset of massive migration flows, these shelters not only provide support to migrant victims of organized crime, but they also suffer directly from it.

The Congregation of the *Missionaries of Saint Charles; Scalabrinians* (founded by Blessed John Baptist Scalabrini), were early pioneers in the establishment of migrant shelters in South, Central and Northern Mexico. Besides the Scalabrinians, Jesuits have a long tradition of collaboration with universities and, along with other non-religious organizations, provide assistance as well as orientation and advocacy services.

The number of CSOs for migrants has grown and importantly,[7]

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[7] Civil society in collaboration with government and the United Nations achieved an important reform in human rights in the Mexican Constitution in 2011. This new mandate sets the rights of all individuals at the core of government actions in the three branches of the State, and is an essential instrument to stimulate the support for a

the degree of cooperation with the Mexican government has improved. The current administration of Enrique Peña Nieto has reiterated its focus on migration issues through its six-year National Development Plan. A new Office of Migration Policy has been created at the Ministry of the Interior (SEGOB) with a view to delineate migration policy programs and to involve, and coordinate, a wide range of government departments. Meanwhile, CSOs have been putting aside the confrontational attitude of the past and now follow a more constructive approach. For instance, CSOs were very active working with Congress during the crafting of the current Migration Law. They have also raised their voices against the violent attacks that transit migrants suffer at the hands of criminal gangs which are sometimes in collusion with corrupt public servants.

In yet another instance of positive collaboration, around 60 CSOs have joined under the group *Colectivo Plan Nacional de Desarrollo-Migracion* and have shown a positive attitude to further improvements in migration policy. However, they have also voiced their opposition to a key objective of the National Development Plan known as *Mexico en Paz* (Mexico in Peace). This aspect of the plan revolves around reinforced security at the border, at the expense of migration law and the negative impacts that such an approach may have on migrants and their families. In this case, CSOs argue for an overhaul of the Southern border rather than its militarization[8].

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more equitable societal system, because human rights issues cannot be separated from problems such as extreme poverty, social inequality and/or exclusion.

[8] As released on May 20 in the Official Bulletin of the Federation, the PND as part of one of its programs (Mexico with Global Responsibility) integrated by 5 objectives and 33 guidelines for implementation, points out a series of different actions directed to protect the human rights of the migrant population. Amongst these measures, PND is to "watch over the interests of Mexicans abroad, and protect the human rights of the migrant population in our territory." It also includes a provision (objective 5.3) so as to "facilitate the free transit of goods, services, investments and people." The strategies considered include: 1) to offer consular assistance and protection to all Mexicans who request it; 2) to create mechanisms for the reintegration of returning migrants and strengthen repatriation programs; 3) to facilitate the international mobility of people collaborating to national development; 4) to design coordinating mechanisms for inter institutional and multi-sector coordination, for the creation, implementation, follow up and evaluation of public policy related to migration; and

On that basis, CSO members of the collective will continue to advocate for further changes to migration policies in Mexico that go beyond mere words and that make a difference in the field in terms of the security and wellbeing of migrants, their families, and their communities of origin, transit, destination and/or return. CSOs are also compiling a list of priorities for public information policies, exercising their right to freedom of information in order to make recommendations to both local and federal governments.

4. Closing remarks

The legislative and political approach to migration in Latin America, and in Mexico in particular, is being shaped by the emergence of new migration flows and by an aspiration to uphold human rights. Countries in the region have long fought for migrant rights in the international arena, but the shift towards more progressive policies has gone hand-in-hand with a rising level of violence and a greater focus on security, giving rise to an inherent contradiction in migration policy.

Violence in Central America has spread out, and thousands of young migrants have fled in search of better opportunities. Violence targets those most at risk such as undocumented migrants and particularly women and children. To deal with these challenges, migration policies in Mexico have been improved and new programs have been implemented; namely, to assist the victims of aggression.

The inherent tension between human rights and security will be addressed when the rule of law is effectively implemented and when the social causes of migration are taken care of at a regional level; CSOs will have a crucial role to play in achieving that outcome.

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5) to guaranteeing the rights of migrant people, refugee seekers and beneficiaries of complimentary protection.

The Governance of International Migration:
The Role of the International Organization for Migration (IOM)

Michelle Solomon
Permanent Representative International Organization for
Migration to the United Nations

From discussions over these past two days, it is clear that migration itself should not be seen as a problem but instead as a contribution towards peace, and that migrants must be seen as bridge builders and not turned away by walls.

Brief IOM intro: founded in 1951, an IGO with 151 member states, headquartered in Geneva, maintains more than 440 field locations across 175 countries. IOM's support to global processes: Committee of Migrant Workers (CMW); Global Forum on Migration and Development (GFMD); High Level Dialogue on Migration and Development (HLD); regional processes (RCPs); and national level: human rights of migrants, labor migration, migrant health, migrants in crises, technical expertise, capacity building, counter-trafficking, diaspora.

As the global agency on migration, IOM knows from first-hand operational experience on the ground – working with migrants, host communities, governments, the private sector, and civil society organizations – the importance of including the migrant voice in discussions on the global governance of migration.

Migration is recognized as one the defining issues of our time. Much of the international discussions on migration are centered on development, acknowledging that it has been, and continues to be, a key enabler for equitable, inclusive, and sustainable socio-economic development for countries of origin and destination, as well as the human development of migrant men, women, and children across the world. Research and policy debate have focused on migration as a process and on its socioeconomic impacts in aggregate terms. Many reports on migration and development focus on the broad socioeconomic consequences of migratory processes – remittances, diaspora, etc.

But an essential element of making migration work for development is putting the focus on the migrant. This perspective

treats migrants as active subjects who should be given the opportunity to tell their stories as we have heard over these past two days. An emphasis on the experiential dimension, as opposed to the usual focus on disembodied socioeconomic dynamics, will open the door to policymaking that is more attuned to human needs.

Behind the rhetoric regarding the benefits and challenges associated with migration, there are human beings with dreams, goals, and aspirations for themselves, their families, and the communities looking to be a part of countries of origin, destination, or in the process of their transit.

The time is ripe for this narrative – a human narrative – to come to the fore and into the formulation, as well as implementation, of policies that safeguard the human rights and well-being of migrants, and ensure that migration translates into human development.

1. High-Road Scenario

For migration governance to adequately include the migrant's voice, there needs to be a "high road scenario" for migration: evaluating migration not purely from a narrow economic/financial perspective but instead from a human-centered focus. It allows for expanded possibilities for people to realize human development aspirations and potential through mobility. And it also acknowledges that where the experience of migration has been humane, dignified, and safe; migration has also enhanced human security outcomes.

2. Making Migration a Choice – the Personal/Family Decision to Migrate; and, Where Possible, Avoiding Forced Migration

Throughout history, human beings have migrated in search of greater opportunities and a better life. While migration is driven by many complex factors, most migrants simply want to earn a better living, to live in a more agreeable environment, or to join family or friends abroad. Many, however, do not move of their own free will but are forced to do so – those forcibly displaced escaping persecution, for instance; people devastated by conflict or natural disasters; or victims of trafficking. But those who willingly choose to migrate are largely

driven by the desire for greater happiness, prosperity, and well-being.

A high-road scenario would acknowledge opportunities for migration – whether for employment, schooling, family reunification, etc. – and support means to achieve them through offering information on regular migration and minimizing the human, economic, social, and environmental costs of migration.

3. Life in a New Place – Integration as the Process of Mutual Adaptation between Host Society and Migrant

Accurately informing relevant stakeholders and the wider public about migration may be the single most important policy tool in all societies faced with increasing diversity.

Societies with a rich diversity of skills and experiences are better placed to stimulate growth through their human resources, and migration is one of the ways in which the exchange of talent, services, and skills can be fostered. This was made clear in the example yesterday made by NYC Immigration Commissioner, Fatima Shama. Yet migration remains highly politicized and often negatively perceived, despite the obvious need for diversification in today's rapidly evolving societies and economies.

A high-road scenario would address perceptions about migrants and migration – through the media, public discourse, policy discussions at the local and national levels, and promote a rights-based and gender-sensitive approach to migration that ensures access by all migrants to their human and labor rights. This means fair and transparent migration policies; grounding in due process of law; the principle of non-discrimination; accounts for differentiated vulnerabilities stemming e.g. from gender, age, health, and legal status.

4. Connection to Host and Home Communities

As an active and engaged member of the diaspora, migrants can connect places, spaces, individuals, communities, nations, regions and the world at large – enriching both countries of origin and destination – examples include "twin cities/twinning of cities" and hometown associations that have sprung up all over the world.

A high-road scenario would envision many ways in which to promote these connections including: multiple-entry visas; dual citizenship laws; portable social security benefits; and circular or virtual migration programs.

In order to fully realize the potential of migration to strengthen human development and human security, the human rights of all migrants need to be respected, protected, fulfilled and promoted by governments, CSOs, international organizations, UN agencies and other stakeholders working together for the benefit of migrants and societies. This tenet is the cornerstone of migration governance, which IOM considers to be the system of institutions, legal frameworks, and mechanisms and practices aimed at regulating migration and protecting migrants. Often this is discussed almost synonymously with the term "migration management", although migration management is also sometimes used to refer to the narrow act of regulating cross-border movements at the state level.

5. Explanation of What IOM Means by "Migration Management"

IOM's approach to migration governance looks to a humane, orderly, equitable arrangement that acknowledges national sovereignty on population movements, as well as States' expectations that migrants will respect host country culture and laws; whilst simultaneously recognizing people's age-old desire to migrate to improve their lives as well as the expectation that their rights will be respected. In rationalizing these aspects, IOM strongly believes in promoting multi-level and multi-stakeholder dialogue, cooperation and partnerships, encompassing countries of origin, transit and destination without losing sight of the human beings at the center of this equation.

Migration is a reality that is here to stay and the question should now no longer be whether to allow migration or not but how to effectively manage migration in a safe, orderly, and humane way that promotes human security, human development, and benefits migrants and society alike.

IOM lends its support to inclusive multi-stakeholder action, partnership and cooperation to enhance the benefits of migration while minimizing associated challenges. IOM believes that the 2013

HLD represents an important opportunity to improve the governance of migration, as well as the migration-development nexus in particular, at local, national, regional and global levels, while keeping the rights and well-being of migrants at the center of the debate.

6. Conclusion: IOM-High Level Dialogue Position Paper

6.1. Improve Public Perceptions of Migrants

Call for a fundamental shift in the public perception of migration, as a process to be managed not a problem to be solved. Specifically, move away from a narrow and inadequate view of the phenomenon as an escape from poverty with a negative impact on host communities to an acknowledgement of the important role migrants can and do play as partners in host and home country development.

6.2. Factor Migration into Development Planning

Encourage mainstreaming of migration into development and broader sectoral planning, at local, national, and global levels both in developing and developed countries. Specifically, recognize that migration today is relevant to all three pillars of sustainable development-economic, social and environmental - and that migration needs to be appropriately factored into the post-2015 UN development agenda, setting clear targets.

6.3. Protect the Human Rights of all Migrants

Ensure respect for and protection of the human rights of all migrants. Specifically, promote a more rights-based approach to migration that ensures access by migrants to their social and economic rights, taking into account differentiated vulnerabilities based on gender, age, health, legal status, and other factors.

6.4. Manage Migration in Crises Situations

Draw attention to the implications of humanitarian crises for migration and migrant populations, including in terms of protection

and development. Specifically, consider the role of human mobility in disaster risk reduction strategies, disaster preparedness, national climate change adaptation programs, and sustainable urban planning.

6.5. Enhance Evidence-Building and Knowledge-Based Policymaking on Migration

Raise the quality of research and data collection on migration. Specifically, invest in more systematic evaluation and impact assessments of migration policies and migration and development initiatives.

6.6. Promote Policymaking and Institutional Coherence

Improve policymaking processes at national, regional, and international levels through the effective participation of a range of partners.

Choosing Alternatives to Chaos: Toward Better International Governance of Migration and Peace

John K. Bingham
Head of Policy, International Catholic Migration Commission
Coordinator of Civil Society Activities in the UN High Level
Dialogue on International Migration and Development

Introduction

Governance is complicated, and it is not.

Good governance is first about paying attention to human beings.

Good governance of *migration* pays attention to people who are vulnerable or hurt. Last week in Geneva, one of our NGO partners in Italy described how 8,000 people arriving on boats, half dead from hunger, thirst and war in Libya, made it clear that the need for greater governance in migration today is not theoretical. Governance must be practical.

Good governance of migration also pays attention to people achieving their human potential. Governance that is good provides bridges for human potential, including out of vulnerability. One of many indicators: migrant men and women sending home half a *trillion* dollars last year just in *reported* remittances. More than three times the level of overseas foreign assistance (government development aid), this is hard-earned, private money—most of it going to the families of migrant workers, in developing countries and for classic development outcomes: housing, education, and healthcare. This, too, is not theoretical.

Finally, as migrants are part of their communities, good migration governance must further embrace whole societies: promoting social cohesion, appropriate public order, and integration.

To be clear, however, people aren't the only thing moving in migration; so is migration governance.

Some of the movement in governance is forward: like the title of this panel: movement *"toward"* international governance. But, like human migration, some of the movement in governance is also quite irregular, and even dangerous. Questions on governance then are the

typical questions for migration: what is the situation now and in what directions is—or should it be—moving?

1. What is the Situation of Migration Governance Now, and Why is Movement Needed?

Governance in any field-health, trade, finance, and migration also - is multi-level and multi-actor. It is local, national, regional and international, and engages civil society as well as national governments and international bodies.

As a starting point, every human being has the unequivocal right to seek asylum in another country, and every migrant-citizen or not, with regular status or not - has the same set of fundamental human rights as every other human being on the planet. At the international level, there are specific conventions and UN bodies created to provide *additional* governance - much of it legally binding on states - in specific slices or pieces of migration, e.g., refugees, children on the move, and migrant workers to name a few. But most governance is left to individual states, acting as they see fit alone, bilaterally, or internationally.

In simple terms, governance is an alternative to chaos; good governance is a guarantor of human security and peace. So to consider the need for more or different governance of migration, let's first look at the chaos - *conspicuous* chaos - that we see in migration today, and consider the human cost of that chaos. Of particular concern worldwide:

» **Civil Society is Alarmed about Policy Choices Taking Governance Towards More Chaos:**

- Record lows in the numbers of refugees being resettled, with low and inconsistent rates of asylum even for refugees from wars in Afghanistan, Iraq, and Syria;

- Deepening policy disdain of family in migration:

  - The relentless atomization of migrants: workers, children, women, victims of trafficking - but also as if they didn't have families; (e.g., "labor export", "brain drain", as Bishop Di Marzio often observes, it's not just brains

leaving, it's people we're talking about),

- The endemic break-up of families where one or both parents migrate to support the family but then lose it for years (or forever) because the laws of the country in which they work in do not allow them family unity there. Kevin Appleby of the U.S. Conference of Catholic Bishops is right when he calls forced migration one of the world's greatest threats to family unity,

- Breakup of families by deportation of the father or mother, even where spouses and children have legal status;

- Reducing admissions for family reunification in order to increase admissions for labor purposes: a zero-sum driver of family breakup that ignores the human right to family life *and* impedes integration, social cohesion, and public order. It is important to watch the U.S. immigration reform on this!

- Erasing labor rights and social protection in jobs of all kind—increasingly for citizen workers as well as migrant workers: cynically diminishing long-term, permanent, and essential workers as only "temporary" in status, and security and eviscerating core rights of workers to organize and bargain collectively;

- The criminalization reflex - not everywhere (Mexico recently repealed a law in that direction) but quite widely, and the emergence of the "enforcement industrial complex": mega-patrols and controls; detention-first policies and forced return.

» **Governance Must Address the Chaos of Horrific Pain and Profit on Migration Journeys**

- The deaths and disappearances each year of tens of thousands of boat people and other migrants crossing deserts and other land borders, in every region of the world: lost, many anonymous, where their lives and dreams end;

- The boom in "human fracking" where, beyond human trafficking, beyond migrant smuggling, and a giant step beyond more common forms of "commodifying" migrants,

increasingly sophisticated quasi-state and non-state criminal networks are squeezing every last value out of migrants in transit-dollars, sex and human organs - using systemic kidnapping, rape, and telephoned torture, with relatives listening *live.* Last week in Geneva, our Catholic and NGO partners working in Mexico, the Horn of Africa, and the Middle East spoke of a sudden explosion in such practices. One reported that among 100 migrants from the Sinai desert interviewed since January, "almost all" of the women had been raped along the way, many repeatedly, with the *average* ransom being paid: USD 30,000;

- Finally: rising xenophobia. But consider: even in good economic times, an enormous pump for xenophobia is the public's fear of chaos - the lack of effective governance.

The particular cruelty of all this chaos is that it is turbocharged by bad governance which *forces* people to migrate and then further forces much of that migration to be irregular and unsafe, with the following formula: inadequate development and no decent work to survive on at home, work and demand for migrant workers in other countries (even in bad economic times) but few legal channels to migrate. Our members in Asia, Africa and Latin America remind us that the first right is to not migrate. The second right is *to be able to choose to migrate* when necessary, and then safely.

So where is the actual *governance* in all this today? There are widely ratified international conventions and many national laws that touch on these things. But which mix of governments and other stakeholders is effectively implementing that governance appropriately at all levels?

In the recent encyclical ***Caritas in Veritate,*** among others, the Church has called for better global governance, not exclusive of state sovereignty, but as a clear, complementary, and effective exercise of shared interest, shared responsibility, and shared solidarity to reduce this chaos.

2. What Might Better International Governance Look Like?

- *Does global governance mean "one (new?) UN institution"?* Not necessarily. International governance can take multiple forms: possibly multiple institutions, processes, each focusing on slices and pieces of migration, but they must be better connected, with greater coverage, cooperation, and coherence in their work.

- *Does international governance of migration spell the "end" of state sovereignty?* Not at all: we must avoid false opposites! Regional and international governance of migration are actually exercises of state sovereignty, extensions of state interest and action, even a pooling of sovereignty. It is complementary governance.

- *Is such governance of migration completely "new" and untried - or too controversial specifically in migration?* Let us recognize that all sorts of global governance of migration already exist: well-known regimes and protocols for tourists and foreign students, refugees, victims of human trafficking and highly skilled migrant workers.

- *Is improved governance needed just for vulnerable migrants, i.e., the "victims" or only for "economic" migrants and actors?* Often these are also presented as false opposites. Governance needs to address both, with coherence, including migrant-and business-friendly legal frameworks for visas, investment, and other diaspora engagement in countries of origin.

3. Civil Society Thinking and Role in where International Governance of Migration Needs to Move:

The multiple movements of civil society are increasingly unified in message, worldwide, led by:

- migrants and diaspora associations,

- NGOs - very much the NGO Committee on Migration here in New York; trade unions, and worker organizations,

- Church and other faith-based groups e.g., the Scalabrinians, Jesuits, ICMC, and Caritas; of course this third migrant Pope in a row, who himself took the name of a man-become-saint who embraced and was converted by lepers *on the road.*

On governance, a growing convergence of civil society actors says two things, loudly:

[1] Given that so much chaos exists in international migration today, and the human cost of that chaos, the world needs to improve migration governance, urgently. For us, it is not a question of "Will that happen?", but when, and in what form.

[2] Whether we improve governance of migration with a new institution and/or a better system of cooperation, it must be norms-based and fully within a UN human rights framework.

This urgency and unity is a major element of the *"5-Year Action Agenda"* that civil society leaders and networks from around the world have proposed to governments for a concrete outcome of the High-Level Dialogue (HLD) at the UN General Assembly this October.

What is the governance outcome we ask from the HLD? A firm commitment of governments and civil society-servants, citizens and migrants - to work these next five years, collaboratively, co-responsibly, and with determination, to figure out better governance across international conventions, institutions, and actors. A distinct target for new governance is protecting migrant victims of violence and trauma in transit.

Is there hope only for slow progress? For miracles? There is more of both than we realize.

In this conference on migration and peace then, permit me to close with the words of an Irish poet:

"History says, Don't hope
On this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme,

So hope for a great sea-change…
Believe that a further shore
is reachable from here.
Believe in miracles…

If there's fire on the mountain
Or lightning and storm
And a god speaks from the sky

That means that someone is hearing
The outcry and the birth-cry
Of new life at its term.
It means that once in a lifetime
That justice can rise up
And hope and history rhyme."

/from *The Cure at Troy,* Seamus Heaney.

DECLARATION FROM THE FOURTH INTERNATIONAL FORUM ON MIGRATION AND PEACE (IN NEW YORK CITY)

Human Security, Human Development and International Governance of Migration:

A Statement by Participating Governments and Civil Society Organizations at the Local, National, and International Levels

The participants in the Fourth International Forum on Migration and Peace, held in New York City, on June 20 and 21, 2013; its sponsor and convener, the Scalabrini International Migration Network (SIMN); its co-organizer, the Permanent Representative of Mexico to the United Nations; its consultant, the Mayor's Office on Immigration Affairs of New York; in collaboration with the Center for Migration Studies of New York (CMS), the New York Law School, the Konrad Adenauer Stiftung, the Humanity Without Borders Foundation, Western Union, the Marin Media Group, the Scalabrini Communication Center; the Missionaries of Saint Charles, Scalabrinians; Government institutions, foundations and civil society organizations that collaborated in organizing the process of the Forum; as well as other participating institutions and individuals that participated in this event;

In continuation of the process that began in 2009 in Antigua, Guatemala, where we considered the theme, *Borders: Walls or Bridges?,* continuing in 2010 in Bogotá, Colombia, where we discussed, *New Perspectives on Citizenship and Democracy* and in 2011 in Mexico City, where we took up *Safe International Migration;*

In recognition of the potential of migration to contribute to human security and human development, and to promote the common good and peaceful coexistence of all people;

Considering that:

1. The inherent dignity and rights of every human being – regardless of their immigration status – should be promoted and respected by all governments, civil society organizations and international organizations;

2. Human insecurity and lack of development, along with social

instability, inequality, economic disparities, natural disasters, armed conflicts, and institutional and political weaknesses, are the main causes of forced international migration;

3. Notwithstanding, the significant contribution of migrants to the development of sending and receiving countries, negative and misguided perceptions of migration are being used to justify and implement restrictive policies and legal barriers to international migration;

4. Despite comprehensive legal frameworks and extensive institutional responses, most migrants are at risk of abuse, exploitation, violence and discrimination;

5. The different initiatives promoted by the international community to address relevant aspects of international migration and development, such as the Global Forum on Migration and Development (GFMD), the High Level Dialogue on Migration and Development (HLD), regional processes and other cooperation initiatives, reflect the progressive acknowledgement of the limits of a strictly national approach to migration governance and the importance of international cooperation between governments and of collaboration with civil society representatives in order to foster coherent, comprehensive and rights-based governance of migration at national, bilateral and international levels;

6. Migrants are actively involved in generating conditions for human and sustainable development and are key actors in promoting international peaceful coexistence, by becoming bridges of communication and intercultural exchange, as well as contributors to the economic, political, social and cultural development of both host and origin communities;

    We commit ourselves to:

7. Promoting a shift in the perception of international migration from a threat to an opportunity.

8. Developing a coherent and comprehensive approach to international migration which honors human security and development and which affords migration a prominent role in the United Nations post-2015 development agenda;

9. Directing our joint efforts to tackle the root causes of forced migration, including eradication of poverty, creation of decent jobs, and promotion of human security and human development;

10. Promoting concrete actions – by a joint effort and with a sense of shared responsibility among political and social actors – to help eradicate all forms of violence that cause migration and violence against migrants, as well as all forms of racism, xenophobia, discrimination, and abuse in societies of migrant origin, transit, and destination;

11. Contributing with governments, international organizations and civil society organizations to create synergies between migration policies and development processes, in order to maximize the development benefits of international migration both in the sending and receiving countries;

12. Promoting the respect of human, political, economic, social and cultural rights of migrants and their families, regardless of their migration status;

13. Urging governments at local, national and international levels to commit themselves to defining and implementing public policies and programs on migration that will protect the dignity and rights of migrants and their families and to ensure the safety of migrants;

14. Highlighting the opportunity presented by the High-level Dialogue on International Migration and Development (HLD) to give political guidance to the United Nations System in addressing international migration through a comprehensive, coherent and balanced approach with a person-centered focus;

15. Ensuring a substantive and meaningful result from the HLD that demonstrates the commitment of the UN Member States to integrate the issue of international migration into the post-2015 development agenda from a perspective of safe migration.

II PART

Proceedings of the Fifth International Forum on Migration and Peace

Integration: Towards a Peaceful and Democratic Coexistence

Berlin, June 11-12, 2014

Opening Remarks of the Fifth International Forum on Migration and Peace

Leonir Mario Chiarello c.s.
Executive Director
Scalabrini International Migration Network (SIMN)

Distinguished Gerhard Wahlers, Deputy Secretary General of Konrad-Adenauer-Stiftung; Rev. Alessandro Gazzola, General Superior of the Missionaries of Saint Charles, Scalabrinians; Most Reverend Archbishop Silvano Tomasi, Apostolic Nuncio and Permanent Representative of the Holy See to the United Nations and International Organizations in Geneva; distinguished Armin Laschet, Member of Landtag and Deputy Chairman of the CDU Germany; distinguished Argentina Szabados, Chief of Mission of the International Organization for Migration in Germany; distinguished Mercedes del Carmen Guillén Vicent, Assistant Secretary for Population, Migration and Religious Affairs of Mexico; distinguished representatives of governments, civil society organizations, religious organizations and migrant organizations, ladies and gentlemen:

Human insecurity, lack of development, political marginalization, inequality, poverty, along with natural disasters, armed conflicts and violence, are increasing forced migration and displacement processes around the world.

Despite increasing legal frameworks and extensive institutional responses, so many migrants continue to suffer abuse, exploitation and violence.

Migrants are increasingly a vulnerable group. On one hand, the enlarged number of unaccompanied minors who are fleeing extreme violence in their home countries, in Central America and crossing Mexican territory to arrive to the United States, asylum seekers trying to desperately escape war in Syria, migrants risking their lives trying to desperately arrive at the shores of Europe from African countries, and migrants who are smuggled and trafficked around the world, are examples of this humanitarian emergence.

On the other hand anti-migrant sentiments, based on fears of immigrant invasion and the increase of irregular migration, are fueling

populist parties and figures who are campaigning on anti-immigrant platforms focus on immigration restrictions and deportation of irregular migrants.

This situation of vulnerability and distorted perceptions of migration entails an ethical duty of governments, international organizations, and civil society organizations to implement comprehensive policies and responses to human and safe migration, which are respectful of the human dignity and rights of all migrants and their families, regardless their migration status.

International governance of migration from a human and ethical perspective is a condition *sine qua non* for the common good of all people, including migrants, and for international peaceful coexistence.

From this perspective, the Scalabrini International Migration Network (SIMN) has promoted the International Forum on Migration and Peace to stimulate a high-level dialogue between government officials, international organizations, and civil society organizations and the definition of concrete actions on the interconnections between human security, human development, migration flows, integration policies, democratic societies, and the peaceful coexistence between host communities and migrants.

In continuation of the process that begun in 2009 in Antigua, Guatemala, where we discussed the topic, *Borders: Walls or Bridges?,* continued in 2010 in Bogotá, Colombia, discussing the topic, *New Perspectives on Citizenship and Democracy*, followed in 2011 in Mexico City by the discussions on *Safe International Migration,* continued in 2013 in New York, on the relationship between *Human Security, Human Development and International Governance of Migration: the Commitment of Governments and Civil Society Organizations at the Local, National and International Level,* in this fifth edition of the Forum we will focus our discussions on *Integration: Towards a Peaceful and Democratic Coexistence.*

Our deliberations in this fifth Forum will focus on four important topics: "dignification" of migration processes and policies, integration policies, inclusive democracies, and participation of migrants.

Twenty five years ago the Wall of Berlin fell, opening a new perspective of international dialogue and cooperation to deal with the political, economic, social, and cultural challenges of our societies. We are here today in the V International Forum on Migration and Peace to define principals and tactics that will serve as foundations for better governance of international migration: toward democratic and peaceful coexistence. Our challenge is to promote a systemic change in international migration governance by shifting the securitization perspective focus from the construction of walls and fences to coherent, comprehensive and ethical migration policies focused on human development and human security for all, including migrants and refugees. If we deny this challenge, or postpone decisions and actions, in the current context of the celebration of the 25th anniversary of the fall of the Berlin wall and, at the same time, witnessing increased migration and refugee flows in Europe, there is a risk of a setback of new physical and political walls separating the different countries of Europe and the world. We want to embrace this challenge, with renewed commitment and leadership, to promote an international governance of migration focus on the protection and promotion of the dignity and the human rights of all migrants, refugees, and their families.

We would like to express our gratitude to the Konrad Adenauer Stiftung for co-organizing this Forum (especially Olaf Jacob and Dominik Reinertz) and the support of the Permanent Representation of Mexico in Germany.

We express our appreciation and gratitude for the Missionaries of Saint Charles, Scalabrinians, and all members of the coordination team of the Forum and staff of SIMN for their commitment and support throughout the process of organizing and holding the Forum.

Finally, we would like to thank all of you for your participation in the Forum and your commitment to promote a more ethical governance of international migration and peaceful coexistence.

Welcome to the V International Forum on Migration and Peace!

Opening Address

Alesandro Gazzola c.s.
General Superior
Missionaries of Saint Charles Borromeo, Scalabrinians

Ladies and Gentlemen:

On behalf of the Congregation of the Missionaries of St. Charles Borromeo, Scalabrinians, I would like to thank you for your participation in this V International Forum on Migration and Peace. In its 128 years of existence, 128 years working in the world of migration, the Congregation has closely accompanied migratory processes at the international level through programs of integral human and Christian care and promotion responding to the needs of each specific historical period. Our Congregation was founded in 1887 by Blessed John Baptist Scalabrini to assist millions of Italians who at that time were migrating to the American continent, fleeing from the consequences of the Industrial Revolution in Europe. From the end of the nineteenth century until post-World War II, the Congregation of the Scalabrinian Missionaries accompanied this process very closely by establishing parishes, schools, hospitals, migrant service centers, cultural centers, orphanages, nursing homes, cooperatives, migrant associations, and service committees.

Since the 1960s, the Scalabrinian Congregation has extended its services to all migrants and expanded its outreach worldwide. As a result, the Congregation's programs and services for migrants have multiplied, especially for the neediest. In order to strengthen coordination of these services and political impact worldwide, the Scalabrinian Missionaries established in 2006 an international network called *Scalabrini International Migration Network (SIMN),* which promotes a series of programs and activities in the field of development and advocacy for individuals, families, and communities of internal and international migrants.

At present, we are facing increasingly restrictive migratory policies, the effects of which can be perceived in the constant rise in the figures of irregular migrants and the negative perception of migrants, who are being held responsible for unemployment, crime, and social conflicts. Against this background, the *Scalabrini*

International Migration Network is implementing a campaign to promote a culture of international peaceful coexistence. This culture of peaceful coexistence between local communities and migrant communities requires the participation of all, but mainly of civil society and governmental agencies. Social organizations, churches, ecclesial communities, the media, academic institutions, and other social sectors must encourage and develop the culture of migrants if they want to build societies with peaceful coexistence. Governments, in turn, have the responsibility to define and implement public policies on migration that are appropriate to the current socioeconomic and political challenges, based on a political project that organically integrates development policies, population policies, and respect for the human rights of all, including migrants. Without these policies, countries will continue to face the asymmetries generated by increasing economic growth and decreasing social development. This dichotomy lies at the basis of the injustices and the social exclusion that trigger migratory processes and social conflicts.

To address this need for dialogue and articulation between the various political and social actors we convened for the first International Forum on Migration and Peace in Antigua, Guatemala, in 2009. Since then, this International Forum has aimed to generate a high level dialogue on the relationship between migratory processes and the construction of peaceful coexistence worldwide, a discussion involving all social and political sectors in the actual construction of bridges of peace between nations.

Brothers and sisters, welcome to the Forum. Thank you for your participation and for your commitment in the construction of peaceful coexistence worldwide.

Migration and Democracy: New Challenges for Inclusive and Democratic Societies

Joseph Chamie[1]
Former Director of the United Nations Population Division
and the Center for Migration Studies of New York (CMS)

Distinguished Guests, Colleagues, Ladies and Gentlemen:

It is an honor and pleasure for me to address the fifth International Forum on Migration and Peace being held in this exciting city of Berlin, especially as it is being convened within the framework of the celebrations of the 25th Anniversary of the fall of the Wall of Berlin.

I would like to begin by thanking the organizers and hosts of this event, Konrad Adenauer Stiftung and the Scalabrini International Migration Network (SIMN), for their kind invitation to participate in this Forum.

1. Introduction

The title of my presentation today is "Migration and Democracy: New Challenges for Inclusive and Democratic Societies".

Yes, it is an interesting title. But what precisely is the intended message? Often the message is slow in coming, hard to understand, and difficult to decipher. What is my message today?

Perhaps it may be best explained by relating to you a short story concerning the brilliant physicist Albert Einstein.

As you may know, Professor Einstein was associated with Princeton University in the United States. One day his colleague, Professor von Neumann, drove him to the nearby train station and helped him board the train.

After about 15 minutes, the train conductor entered the rear of the car where Professor Einstein was sitting and announced, "All

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[1] The views expressed in this paper are those of the author and do not necessarily reflect those of the Konrad Adenauer Stiftung or the Scalabrini International Migration Network.

tickets, please!" Einstein now began to look into his pockets of his pants, his shirt, and then went through the many pockets in his suit jacket, but to no avail. He then searched through his overcoat, but still he found no ticket. Finally, Professor Einstein pulled down his suitcase from up above and quickly set it in the aisle.

In a few minutes, Einstein had thrown his socks, shirts and other clothing all over the aisle floor in search of his train ticket. Hearing the commotion, the conductor walked down the train car. As he approached, he recognized the famous physicist, who was madly searching through his belongings apparently for his train ticket.

The conductor quickly went to him and said: "Professor Einstein, please don't worry about your train ticket. I'm sure that the University will cover the costs of your misplaced ticket."

In reply, Professor Einstein said: "My dear Mr. Conductor, I'm not concerned at all about the cost of the train ticket. The challenge that I am facing is trying to figure out: Where am I supposed to be going?"

All of us on this planet are on a kind of trip together. This journey of life is certainly extraordinary. The challenge facing us on this exciting trip is that, not only must we keep track of where we started and the significant achievements along the way, but also, and most importantly, we need to understand as fully as possible, "Where are we headed?"

Today I would like to talk about where I believe we are headed, with particular reference to international migration and democracy.

2. Past Population Change

For most of human history, life was especially harsh. Due to high birth and death rates, world population rates grew very slowly.

At the beginning of the 19th century - approximately 1804 - world population reached its first billion (Table 1).

Table 1
World Population Milestones

Population	Year	Years to add 1 billion
1 billion	1804	start of humanity
2 billion	1927	123 years later
3 billion	1959	32 years later
4 billion	1974	15 years later
5 billion	1987	13 years later
6 billion	1998	11 years later
7 billion	2011	13 years later
8 billion	**2025**	**perhaps 14 years later**
9 billion	**2043**	**perhaps 18 years later**
10 billion	**2083**	**perhaps 40 years later**

In striking contrast to earlier periods, the 20th century was a century of revolutionary demographic developments, unparalleled during all preceding centuries.

In fact, the 20th century set more world demographic records - especially noteworthy rapid population growth - than any other century in the world's recorded history. In particular, the 20th century experienced:

- *Nearly a quadrupling of the world population.* At the beginning of the 20th century, the world population was approximately 1.6 billion; by the end of the century, it had reached 6.1 billion inhabitants.

- *Highest annual population growth rate.* In the late 1960s, the world reached an unprecedented annual growth rate of 2.0 percent. The current rate of population growth is about 1.0 percent per year.

- *Largest annual population increase.* The world was adding a record 86 million people per year in the late 1980s. At present, the annual increase is 77 million.

- *Shortest duration to add one billion people.* The growth of the world's population from five billion to its current six billion took 11 years, i.e., between 1987 and 1998.

- *Revolutionary improvements in mortality and longevity.* Infant, child, and adult mortality rates are a fraction of what they were at the beginning of the century. With lower mortality rates, life expectancies have increased dramatically. For example, life expectancy at birth for the world in 1900 was around 30 years; today it is roughly 65 years. Improvements in decreasing mortality rates and increased longevity constitute one of the greatest, if not the greatest, achievements of humanity.

- *Unprecedented declines in fertility and family size.* Throughout much of the 20th century, the average number of children was five or more; today the average number of children per woman for the world is about half that earlier level, i.e. under three children per woman.

- *Significant international migration.* Today, the world is seeing increasing numbers of people migrating (or wishing to migrate) from less developed regions to more developed regions. Also, during the last ten years alone, the number of refugees has more than doubled.

3. The 21st Century

What demographic changes will the 21st century bring?

First, the world's population will be larger in the future:

a. 8 billion by 2025;
b. 9 billion by 2043;
c. 10 billion by 2083.

Second, most of the population growth is taking place in the developing regions. Nearly all of the world's future population growth will be taking place in the less developed regions. While the population of individual countries may decline (e.g., those of Europe and Japan) or increase (e.g., United States, Canada, and Australia), the population of the more developed regions, taken as a whole, is projected to remain near its present size of approximately 1.2 billion inhabitants.

Six countries – India, China, Pakistan, Nigeria, Indonesia, and Bangladesh – account for about half of the world's population

growth. And India – soon to have the world's most populous nation – contributes more than a fifth (22 percent) of the annual growth of the world population.

These demographic changes are altering the population distribution among the world's major regions. For example, whereas in 1950 the population of Europe was about three times as large as Africa's, today Africa is larger than Europe and by 2050 the African population is expected to be three times as large as Europe's. Clearly, Europe's dominant position demographically has passed, with Africa's growing population surpassing Europe's declining population.

Figure 1. Population of Europe by Variant: 1950-2100 (millions)
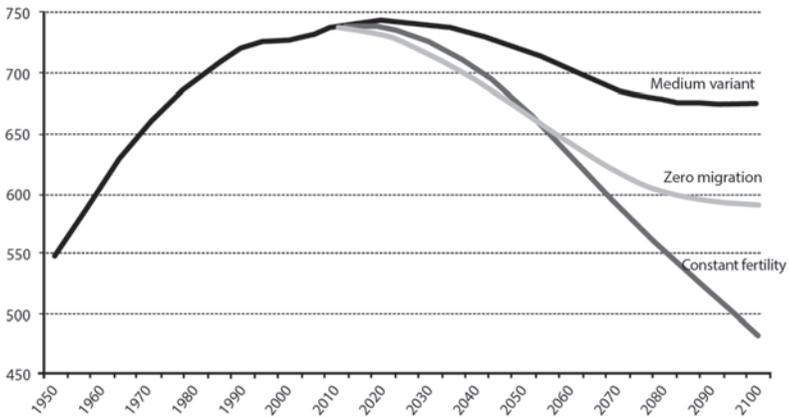
A closer look at Europe's future illustrates the impact of both international migration and fertility levels (Figure 1). If European immigration were to cease altogether, the continent's population would decline more rapidly than expected according to the United Nations' medium variant projection. However, even assuming some immigration occurs, this decline in population size would be even more rapid if Europe's current fertility level were to remain constant.

Turning to the situation in Germany, a cursory examination of trends in births and deaths clearly illustrates what is likely to happen to Germany's population during the coming decades (Figure 2). In brief,

as the number of deaths has exceeded that of births for at least the past four decades and this pattern is expected to continue throughout the 21st century; consequently, Germany's population is projected to decline considerably, perhaps reaching two-thirds or less of its current size.

Figure 2. Births and Deaths for Germany: 1950-2100
(thousands)
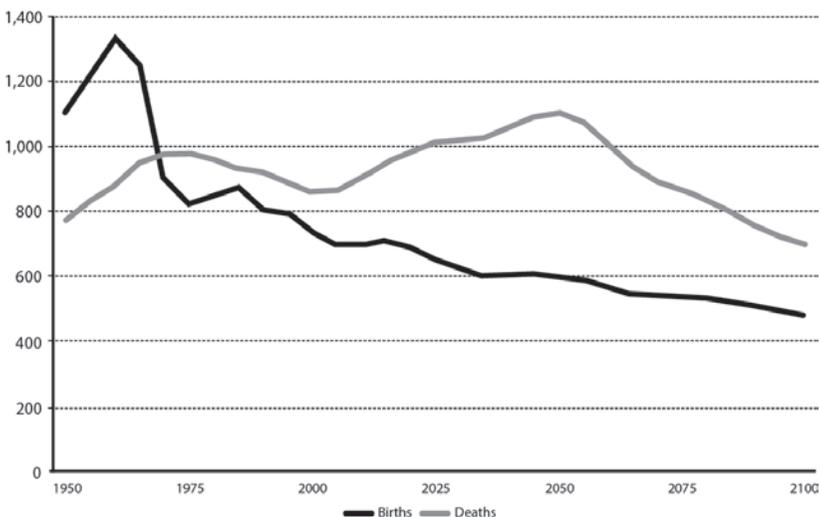
Of course, one critical factor impacting Germany's demographic future is its fertility rate. As most of you know, fertility in Germany is around 1.4 births per woman, well below the replacement level of two children per woman. Moreover, few believe that it will return to the replacement level any time soon.

The world is also facing an older population. Increasing numbers of the elderly will be evident in virtually every society, especially the developed countries. In a few years, the number of persons 65 years or older in the world is expected to exceed - for the first time in world history - the number of children under age 5.

As mentioned earlier, the world will see increased international migration flows. International migration is expected to remain high

during the 21st century. Also, in my view, taking into account current trends, today's global estimate of approximately 214 million migrants may exceed 500 million by mid-century.

Today, many developed countries already rely on international migration for their modest population growth. Although fertility may rebound in the coming decades, demographic observers do not expect fertility levels in most developed countries to recover sufficiently to reach replacement level in the near future. Moreover, because of fertility levels are low, often falling below 1.5 births per woman in many developed countries, international migration will continue to have significant impacts on population growth, age structure, and ethnic composition in the more developed regions.

What is driving international migration? Well, among the countries of destination, important factors include: (a) sub-replacement fertility and rapidly ageing population; (b) labor shortages, especially in the younger age groups; (c) high-skilled brain gain with emphasis on acquiring high tech workers; (d) employment with higher wages and benefits; and (e) globalization with greatly improved and less costly transportation and communication networks.

Many of the factors driving international migration among the countries of origin are nearly the opposite of those in the receiving nations. They include: (a) rapid population growth; (b) high levels of unemployment; (c) low wages with few benefits; (d) difficult living conditions; and (e) political, social and ethnic instability and unrest.

And of course we have many messages being circulated, and sometimes they are conflicting. On the one hand, we have sizeable demand for labor at various levels in many immigrant-receiving countries. Governments and businesses are seeking to maintain economic growth advantage with technical as well as lower-cost immigrant workers.

On the other hand, there are increasing objections, and social and political resistance, to additional immigration, especially when economic and social conditions for native workers are unfavorable and possibly worsening. For example, in France, Britain, and elsewhere, voters turned against traditional parties to support anti-immigrant groups opposed to the European Union.

In this regard, it is instructive and useful to consider the magnitude or numbers of immigrants that would be needed for Europe under various scenarios. The following statistics are some of the results from a study done by the United Nations Population Division about 10 years ago, "Replacement Migration: Is It A Solution to Declining and Ageing Populations?"

A. The medium variant of the United Nations projections: 376,000 immigrants per year;

B. The medium zero migration variant: 0 immigrants per year;

C. Constant population: 1, 917,000 immigrants per year;

D. Constant 15-64 age group: 3,227,000 immigrants per year;

E. PSR (potential support ratio – number aged 15-64 per person 65+) greater than 3: 4,701,000 immigrants per year;

F. The current PSR (potential support ratio) remains constant: 27,139,000 immigrants per year.

4. Conclusion

At the outset of this presentation, the central question posed was: Where are we headed?

In brief, some major features of our future world are as follows:

1. Larger world population (billions more);

2. Population declines and increases, redistribution;

3. Older populations virtually in every region;

4. More international migration and ethnic diversity;

5. Increased controversy and tensions associated with immigration.

Given these expected outcomes, what should be done during the coming decades? Well, some people begin with denial. These people maintain that the future is uncertain; the evidence is mixed or unclear; and the results are inconclusive and therefore should be ignored.

Denial is often followed by delay. The strategy is to postpone

action and decisions until a later date. Perhaps they may even establish a blue-ribbon committee of elected officials, experts, and activists to thoroughly study the issues.

When that later date eventually arrives, the decision that then comes is to do nothing. Doing nothing is appealing because; (a) everything is going along fine; (b) people can take care of themselves; (c) don't interfere; and (d) the market will take care of things.

What do I recommend should be done? Well, I recommend a very different course of action, namely, to embrace future challenges.

For example, let's begin by acknowledging that, for hundreds of millions of people, their economies are failing them; their governments are failing them; and the international community is failing them.

While some are in urgent need of help for their basic needs; i.e., food, shelter and clothing, others seek to improve their conditions by migrating to places perceived as more promising, which increasingly include overseas destinations, especially to more developed regions of the world.

Also, for many more developed countries, population decline and ageing will have far-reaching consequences, forcing governments to reconsider many of their existing economic, social, and political policies and programs, including those relating to international migration. These consequences will be especially relevant for women, who outlive men and are usually the principal caregivers for family members.

In order to embrace these challenges effectively, I identify at least three important ingredients:

1. First is bold vision. We must anticipate change and probable critical trends; extend the focus beyond the immediate to include the medium and long term; and address the big picture rather than parochial concerns. In particular, we need adopt explicit policies and programs to facilitate peaceful coexistence.

2. Second, strong and enlightened leadership is needed. The consequences of strong and enlightened leadership, combined with bold vision, are of seismic proportions.

3. Third, and finally, resources are required. Financial resources of all sorts are needed, including sound and healthy environmental resources and human resources, based on respect for internationally recognized human rights.

      All three ingredients – bold vision, strong and enlightened leadership, and resources - are essential to implement the necessary actions in the future.

      Finally, I am often asked this question: "Is Demography Destiny?" Well, no, it isn't … but it's way ahead of anything in second place!

International Migration, Human Dignity and the Challenge of Sovereignty

Donald Kerwin
Executive Director
Center for Migration Studies of New York (CMS)

I wanted to thank the Scalabrini International Migration Network (SIMN) and Konrad Adenauer Stiftung for organizing this important gathering. We need more forums that treat migrants not as a "management" problem, but as potential agents and instruments of a more just, equitable and peaceful world. Our hosts do not only convene on these themes every year or two, but they live and promote this vision in their work each and every day.

Our panel's topic is the inviolability of human dignity, a concept rooted in the understanding that every person possesses inherent rights. In the international migration field, we witness the disastrous human toll exacted by state and non-state actors that violate rights and dishonor the concept of human dignity. We experience the baleful influence of states that think and act as if they are the exclusive source of rights for their citizens. We decry failed states that make no pretense of safeguarding the rights of their members. We see states in which the elite operate as if no social or moral compact binds them to their fellow citizens. We debate politicians who insist that persons without immigration status have no rights and are "illegal" and "alien."

However, we also celebrate the way that human dignity and the rhetoric of rights have taken hold in our world. Human rights have been called the world's secular religion (Weisel 1999, 3), although religious communities champion this cause as well. Rather than speak on human dignity and rights at the outset, I would like to address a concept that is used both to defend rights and to deny their exercise; that is, the concept of sovereignty. This concept, as it is used in political and public discourse, too often presents a barrier to person-centered, rights-respecting migration policies. Sovereignty has been called a legal fiction, but like other fictions it can have very concrete consequences. I will speak to the narrow use of this idea in the international migration debate and of the need to conceive of sovereignty in ways that honors human dignity.

By way of disclosure, I have spent most of my career working for an institution, the Catholic Church, which has had a long and complex relationship with sovereign states. The church's historical assertion of sovereignty over spiritual matters (souls), its emphasis on the equality of individuals as the children of God, and its creation of a legal system (canon law) inspired the establishment of the modern nation-state (Siedentop 2014, 216-221, 252-254). Yet its teaching on individual free will, conscience and moral equality gave rise to the idea of subjective human rights (ibid., 243-247), which acts as a constraint on sovereignty.

The two treaties that constitute the Peace of Westphalia 1648 have been widely credited with ushering in the modern system of sovereign nation-states. In an interesting historical note, Pope Innocent X condemned the treaties in the papal bull *Zelo Domus Dei* as "null, void, invalid, iniquitous, unjust, damnable, reprobate, inane, empty of meaning and effect for all time." (Philpot 2010). He was particularly concerned with the loss of Church property in Protestant regions, the fact that agreements on ecclesiastical matters had been made without papal consent and the toleration of Protestantism (Ryan 1948, 596-597).[1]

Of course, the Catholic Church has since accommodated itself to nation-states and has become a unique kind of sovereign state. However, it does not conceive of sovereignty in the sense of the unconditional and "supreme authority within a territory" (Philpot 2010). Instead, it seeks to reconcile rights and sovereignty by teaching that states bear the responsibility to promote the common good and safeguard rights, even across territorial boundaries (John XXIII, §98). [2] This vision of sovereignty will be my frame of reference today.

The Misuse Sovereignty and the Human Consequences

As we meet, hundreds of thousands of desperate Middle-

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[1] The Peace of Westphalia also affirmed the principle of "cuius regio, eius et religio" (to whom belongs the region, also belongs the religion).

[2] The Catholic view of sovereignty also requires legitimately constituted states (A.A. North 2003, 371-72; Kerwin 2009).

Eastern, African, Asian and Central American migrants are fleeing states that have utterly failed to safeguard their rights or promote their well-being. An estimated 3,279 migrants perished in the Mediterranean Sea in 2014 and nearly 3,100 have died through the first three-quarters of 2015, with hundreds of additional migrant deaths along the U.S.-Mexico border, in South-east Asia, in the Saharan desert and elsewhere (IOM 2015, IOM 2014, BBC News 2015). According to a recent article, Eritrean refugees are so ill-served by their state and so imperiled on their journeys that their only vestige of protection is the cell phone number of a single priest who they call from overcrowded smuggler's boats and detention centers (Schwartz 2014).

The Syrian refugee crisis represents the failure of sovereignty on many levels, starting with the predations of the Assad regime and moving to the cascading failures of the international community to stem the Syrian civil war, to prevent the rise and spread of a murderous cabal of terrorists posing as a theocracy, to provide sufficient support to Syria's neighbors that host millions of displaced persons, and to develop a generous and coherent response to the worst global refugee crisis since World War II. In January 2013, Bashar Assad attributed the crisis to disregard for a different kind of sovereignty, one that does not privilege rights but that stresses the "independence and territorial integrity of countries."[3] He said that "Syria has always been, and will remain, a free and sovereign country that won't accept submission and tutelage." To the Assad regime, which barrel-bombs and engages in chemical warfare against the Syrian people, sovereignty is a carapace for gross human rights violations.

In the United States, Europe and Asia, a different vision of sovereignty plays out in migrant interdiction, interception and detention policies that seek to prevent desperate people from reaching protection and to deter others from migrating (Kerwin 2015, 210-211, USCCB-MRS and CMS 2015, 176-177). Australia's "Pacific solution," for example, has been defended as an exercise of sovereignty aimed at stemming illegal migration and preventing abuse of the asylum

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[3] "Bashar al-Assad's Opera House Speech," January 6, 2013. Washington, DC: Carnegie Endowment for International Peace. http://carnegieendowment.org/syriaincrisis/?fa=50513

system, but in practice it involves the interdiction of vessels packed with desperate migrants and their long-term detention. Similarly, the European Union's system of border control and detention policies have been described as "an interlocking chain of diffusion processes whereby detention pressures and practices are exported from main migration destination countries to the periphery of the EU and beyond." (Flynn 2014, 185). Supporting these policies have been private prison corporations to whom states have ceded their sovereign responsibilities in this area, making it far more difficult to ensure state adherence to rights norms (USCCB-MRS and CMS 2015, 185-186).

In the United States, the failure of sovereignty has been evident in the mass migration of unaccompanied children and families from Central America. The number of unaccompanied minors arrested after crossing the U.S.-Mexico border increased from 38,759 in FY 2013 to 68,541 in FY 2014, and the number of persons arrested in family units - mostly young children and their mothers - rose from 14,855 to 68,445 (CBP 2015). These migrants are being driven by gang violence (some at the hands of U.S. deportees), rampant criminality, police brutality, single-digit prosecution rates for murder, extreme poverty, and broken families. Nation-states have failed in their responsibility to provide them a minimum level of security and opportunity, much less to create the conditions that would allow them to flourish at home. Yet the United States has mostly treated these children and young families as a threat to sovereignty, pressuring transit states to intercept them, bolstering border enforcement, and creating vast new family detention centers.

With notable exceptions like Germany's response to the refugee crisis, this is a familiar pattern: the greater the failure of sovereign states, the larger the number of migrants, the more developed states invoke sovereignty to justify their inaction and to deny protection. U.S.-supported migrant interception initiatives in Mexico have led to tens of thousands of arrests of desperate Central American migrants in 2015 and to the murder of migrants deported from the United States and Mexico (Nozario 2015). Sovereignty also trumps rights in U.S. border regions where constitutional protections involving searches and seizures do not apply.

In addition, several U.S. states have adopted "attrition through

enforcement" policies that seek to make conditions so unlivable for unauthorized immigrants that they will be forced to leave. These measures – which deny fundamental rights as a means to an end – have been justified as a necessary step given the federal government putative failure to meet its sovereign responsibility to secure the nation's borders.

Sovereignty and Rights

Can we reclaim the idea of sovereignty and put it in service to human dignity and rights? In its original sense, sovereignty meant the authority to command and be obeyed within national boundaries and to prevent incursions from without.[4] Over the course of time, the sovereign's legitimacy has been variously located in natural law, divine law, the supreme law of the land (reflected in constitutions), and the will of the people.

Jean Bodin, a 16th century French philosopher and early theorist on state sovereignty, viewed the sovereign as the source of social order and the law, constrained only by divine or natural law (Turchetti 2014). A century later, Thomas Hobbes created the fiction that citizens transferred and alienated their rights to the sovereign (the Leviathan) which then exercised absolute authority over them. Legal positivism, which arose in the late 18th and early 19th centuries, holds that the law consists of the fixed, established and obeyed rules of the sovereign, apart from any moral code or natural law constraints (Green 2003).[5]

In the early 20th century, "pluralist" political and legal theorists, like the Anglican priest John Figgis, sought to qualify an absolutist view of state sovereignty by emphasizing the role of "small associations" in society (Figgis 2013, 48-49). The pluralists argued that

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[4] Sovereignty is traditionally circumscribed by state borders. As such, it can both unify diverse people and serve as a flash point for strife since ethnic, religious and other groups typically spill over borders.

[5] In the migration debate, we see a strong strain of legal positivism in the insistence of politicians and anti-immigrant groups on full, zero-tolerance enforcement of unworkable immigration laws.

human development occurred through a process of interpenetration with self-governing institutions like families, churches and labor unions, which served as intermediaries to the state. According to the pluralists, civil society associations could only perform this role if they could operate free from state control. Today, liberal democracies recognize strong non-state affiliations to be a central characteristic of robust states.

The ascendancy of subjective human rights, defined as a force or power than inheres in individuals which states do not create and cannot revoke, has offered the greatest challenge to the notion of unqualified sovereignty. According to the eminent scholar Brian Tierney, canon lawyers in the 12th and 13th centuries first recognized subjective human rights in their commentaries on *Gratian's Decretum – A Concordance of Discordant Canons* (Tierney 1997, 56-77). The *Decretum*, which appeared in 1140, was a compilation and synthesis of centuries of canon law by the teacher, scholar and (likely) monk Gratian. The canonists spearheaded the intellectual shift in the conception of "nature" from "an objective and harmonious hierarchy," to a "force or power inherent" in human persons (Siedentop 2014, 244). As such, they privileged human agency and freedom (ibid.).[6]

By 1776, the U.S. Declaration of Independence spoke of the "unalienable" rights which governments had been "instituted" to secure. In the second half of the 20th century, human rights instruments further eroded the absolutist view of sovereignty. The Universal Declaration of Human Rights calls on states to promote and achieve its inventory of rights and freedoms. Likewise, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights require states to safeguard the rights of persons within their territories.

In criminalizing genocide and compelling states to prevent and punish it, the Convention on the Prevention and Punishment of the Crime of Genocide constrained sovereignty in both its internal

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[6] My colleague Leonir Chiarello, c.s. has produced a superb primer on the evolution of the notions of human dignity, rights and individualism from medieval Catholic theologians and philosophers like Augustine, Thomas Aquinas, and William of Ockham, through the Renaissance, Reformation and Enlightenment (Chiarello 2015).

(authority within a territory) and external (freedom from outside interference) dimensions. The Report of the International Commission on Intervention and State Sovereignty in 2001 recognized the responsibility of states to protect the rights of persons in states that persecute and grossly violate the rights of their own residents.

The concept of human security has further contributed to the evolution in the meaning of sovereignty by emphasizing the role of states - individually or in collaboration - in creating the social, economic and political conditions that allow persons to flourish (Vietti and Scribner 2013). Likewise, the 1980 report of the Independent Commission on International Development, the 1982 Report of the Independent Commission on Disarmament and Security (the "Palme Commission"), and the UN Human Development Report 1994 all strike the theme that lasting security depends on development, co-operation between states, and human security.

International law places affirmative duties on states to safeguard the rights of foreign nationals. The concept of surrogate protection, for example, holds that refugees who cannot rely on their home states for protection can turn to other states and the international community (Goodwin-Gill and McAdam 2007). Article 33 of the 1951 Convention Relating to the Status of Refugees prohibits states from expelling or returning a refugee to a state where his or her "life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Finally, the concept of the rule of law has evolved from its narrow original sense (dating to the ancient Greeks) of making rulers accountable to the law, to a richer understanding that speaks to the need for properly constituted states, rights-respecting laws, and procedural protections (Tamanaha 2010, 110).

The Post-Westphalian Era?

Some scholars aver that the post-Westphalian system of nation-states is in irreversible decline, soon to be overtaken, if not already captured, by market forces (Bobbitt 2002). Others argue that citizenship has lost its status as a distinctively intense, valued and affective bond, and is becoming an affiliation among many others

(Spiro 2008). If so, this may be less cause to celebrate than to assess the manifold responsibilities that we expect and depend upon states to meet.

First and foremost, states confer citizenship, which Hannah Arendt characterized as "the right to have rights." Arendt wrote persuasively about how the revocation of citizenship in Nazi Germany meant the loss of any political institution willing to vindicate the rights of its Jewish residents. In addition, states protect their members from foreign domination and oppression. At their best, they also contribute to a level of social cohesion and ordered liberty that promotes the common good; give people a say in the decisions affecting their lives; and place decision-making in the hands of the most affected and knowledgeable communities. In addition, the system of nation-states safeguards the rights of distinct political, social and cultural groups to self-determination. States have also united to create supranational and international institutions to respond to needs and challenges that cross borders.

What set of institutions or affiliations will meet all of these needs in the future? Some argue that any new world order is just as likely to be a dystopia of warring tribes, as a beneficent and cohesive set of institutions devoted to human rights, freedom and cosmopolitanism. In any event, we will continue to depend on states - for better and worse - to defend and safeguard our rights into the foreseeable future.

Winning Sovereignty

To make sovereignty a reliably positive force on international migration, we need to reclaim this concept in the public realm. To start, sovereignty is not only about national defense, border control, or homeland security. Sovereign states also exist to safeguard rights and (more broadly) to provide the conditions that allow their residents to thrive, which invariably requires that they maintain a level of social order, peace and cohesion.[7] This purpose aligns well with the intuition

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[7] Some argue that the litany of internationally recognized rights should be seen less in juridical terms, and more as a way to outline the conditions that allow persons to flourish (Glendon 1991). According to this view, rights language has become a way to describe what some traditions call the common good.

that the people confer the state with authority and should benefit from its exercise of sovereignty.

This vision of sovereignty also reflects the view that the law is rooted in a broader set of values like justice, mercy, and rights. In the international migration field, these values can be found in state action to create the conditions that allow individuals to live fully realized lives in their home communities, in the fair application of generous legal immigration and integration policies, in robust refugee protection systems, and in the sovereign exercise of discretion in immigration cases based on factors like the probability of an immigrant's victimization at home and his or her family ties in the host nation.

Sovereignty should not force states to sit idly by while other states persecute their own residents. Nor should it immunize the rulers of predatory states from the consequences of their actions. Instead, it requires greater individual and collective state action to defend the undefended rights of citizens in other states, to intervene in situations of grave and sustained human rights abuses, and to protect forced migrants. Sovereignty also requires states to act collaboratively to respond to the growing litany of challenges – like peacemaking, international migration, climate change and security threats – that cannot be resolved unilaterally.

As the United Nations High Commissioner for Refugees has long argued and the European Court of Human Rights has held, the sovereign responsibility to protect refugees and others imperiled persons should be triggered wherever the state exerts itself and uses force (Von Sternberg 2015, 332-336).

Rights and the common good encompass all residents, not only citizens. In the aftermath Hurricane Katrina in 2005, many U.S. unauthorized residents could not access relief and humanitarian assistance, and immigration officials reportedly conducted enforcement activities in emergency shelters. By contrast, after Hurricane Sandy in 2012, federal, state and local officials extended emergency and humanitarian aid without reference to status. From the perspective of sovereignty, this latter decision was the right one because it safeguarded rights that do not turn on citizenship.

Sovereign states must also recognize the legitimate role played by faith communities and civil society institutions in human development and well-being. Totalitarian states try to dominate and suppress other forms of association and seek to atomize people. However, independent associations foster human dignity and, thus, further a core purpose of states. They also serve to mediate the participation of individuals in the broader community and advance immigrant integration. To the furor of many politicians, even unauthorized persons can participate as full members in faith communities, civic associations and select U.S. states and localities.

We cede so many of the concepts at work in the international migration debate that we lose the ability to frame migration in human terms and to develop appropriate legal, policy and operational responses to this phenomenon. Sovereignty is not solely about exclusion. It is also about realizing human potential and advancing the legitimate goals and aspirations of individuals, including through migration. Properly understood, sovereignty serves human dignity and rights. It is a concept we need to win and own.

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Migrants' Integration from a Catholic Perspective: Trends and Challenges

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I would like to begin by thanking the organizers and hosts of fifth International Forum on Migration and Peace, Konrad Adenauer Stiftung and the Scalabrini International Migration Network (SIMN), for their kind invitation to participate in this Forum.

My presentation will focus on six main topics: 1. A current issue; 2. Different policies linked to national self-perception; 3. Some critical positions of the Church; 4. Practice and Role of the Churches; 5. Principles' supporting Catholic action on behalf of immigrants; 6. Conclusion: the future and continuing evolution of identities and approaches.

1. A current issue

Immigration is a fact. It affects practically all societies and projections predict its continuation into the foreseeable future. This reality translates into clear statistics: considering that there are currently more than 232 million international migrants and 740 million internal migrants, 1 in 7 people is a migrant today. Billions more feel the impact of so many persons being on the move. Looking ahead, the World Bank estimates that, by 2050, there will be more than 400 million international migrants. If further evidence were needed, the boat loads of "human cargo" reaching Lampedusa, the Canary Islands, Florida, Yemen, the thousands of victims drowned at sea, or the bodies scattered in the Arizona or Sinai deserts, this tells the story of determined people seeking freedom, a decent life, or simple survival even at the risk of their lives. Tragically, too many never reach their destination. Confronted with a phenomenon of such proportions, policymakers in the international and national communities, and researchers on all continents, analyze the causes, trends, and consequences of people on the move.

Migrants contribute to economic growth, but they also leave

an impact on the social and cultural spheres of life, and their presence elicits strong emotions on many fronts. A critical question raised in the public debate about the enormous transnational social phenomenon of human mobility relates to the place newcomers should have in a host society. Such debates are fueled by the fact that immigrant integration is a profoundly local and national experience and it is determined by the actions of municipal, regional and state actors and by the attitudes of the immigrants themselves. Responses range from open hostility, to generous partnerships that promote civility among newcomers and long-standing residents and their institutions. Demographic trends during the 2001-2011 decade show that the 28 countries now forming the European Union had almost 14 million persons more than would have been the case with the natural movement of births minus deaths. The rise of immigration as a Pan-European issue became particularly evident and controversial during the past May 2014 election of the European Parliament. Anti-immigrant rhetoric abounded and helped far-right parties to make their most conspicuous gains since direct elections to the European Parliament were first held in 1979. Moreover, across the globe, immigration elicits similar emotional reactions. In the United States, a seriously needed immigration legislation overhaul remains blocked by constant appeals to identity preservation and protection of local employment by vocal groups advocating politics of rejection and isolationism.

In developing countries as well, the concern is quite openly debated as to how to weave the newcomers into the social, political and economic fabric of their new country of residence taking into account that there are as many international migrants born in the South living in other countries in the South.

Much of the preoccupation and populist reactions bring into the open a deep contradiction. The population is ageing and globally average fertility is already down to about 2.5. But, for Europe as a whole it is 1.6, and well below that in several Southern and Eastern countries. In Japan, fertility has been declining for decades, to 1.4 now, and the population already is shrinking. South Korea, at 1.3, has the lowest rate of any big country. Numbers are also slipping below replacement level, which is set at 2.1 fertility rate. Last February, the government of Japan released a report recommending that the country

accept 200,000 new permanent immigrants from 2015 onwards. But immigration that provides needed workers is not an easy option, since the receiving population has a hard time accepting new cultural expressions and tends to associate immigrants with crime and anti-social behavior. The economy calls for new immigrants, and the public culture supports their exclusion. Caught in the middle of contradictory policies are the immigrants themselves who pay the price of eventual discrimination and marginalization in host countries.

The answer to the question on how and where immigrants should fit in the countries of arrival becomes more urgent since, to a large degree, it determines the rational approach to the intake of new people: how many, what type, specialists or general workers. More attention is given to the defense of national sovereignty and the related criteria for admission of newcomers. Control of borders and extensive and expensive security measures prevail in national legislative discussions and decisions. Although walls were built by Roman and Chinese emperors to block out invading 'barbarians', the exercise proved useless and new populations overcame the barriers and settled in the protected territories. The fences and walls erected at the borders between Greece with Turkey, between the United States and Mexico, between Israel and Palestine, will probably not work today either. A certain inevitability of immigration, then, should be obvious and should redirect public concerns toward equally or more important aspects than control: legal channels of movement that may prevent so many migrants' deaths, a recognition and solution of the causes that force people to abandon their home, the immigrants' integration in their new environment and the development of a culture of coexistence open to the dynamic evolution of national identities jointly developed by old and new population groups that form a given society.

2. Different Policies linked to national self-perception

Notwithstanding its recognized importance, there is no officially shared integration policy. The national self-perception of the population, institutional and political organization, the immigrants' background, all affect the modalities leading to a constructive form

of living together. There are countries where immigration is seen as a component of nation-building and others where immigrants are feared as weakening the social fabric. On the other hand, in the immediate encounter between newcomers and natives, there is a common worry that immigrants take away jobs, drain resources, threaten the language, introduce false gods, mongrelize the race, increase criminality. Indeed the process of pluralizing society can be daunting. For example, today the United States is home to a record 42 million immigrants and 37 million U.S. born children of immigrants. It is not a simple addition of numbers. In 1960, the American population was 85 percent white; by 2060 it will be 43 percent white. A similar racial, religious and linguistic sweeping makeover accompanies the European population evolution where demographic ageing and steady immigration combine to change its face. The first step to be taken regards the management of any new surge of arrivals that usually is greeted as a crisis without precedent, but in reality a crisis that disappears with unexpected speed. It is an easier process in countries with a historic tradition of immigration (U.S., Canada, Australia, Argentina) than in those supporting a strong uniform national identity (France, for example). If, however, we consider the immigrants as more than units of economic output, room must be made for their accommodation as they opt to remain in the country. Integration is an incremental process in which the newcomers are engaged with learning the language of the place, reaching out to local friends, being open to intermarriage; adhering to the main legal, political and societal values of the country of residence; offering their gifts to the adopted country; and eventually becoming rooted in the national mainstream.

Although new forms of migration are taking place with repeated returns by immigrants to their original homes, a form of circular migration, for millions the choice of a permanent resettlement prevails. The task, therefore, is to create the proper cultural climate to ease the process of integration. Contrary to much media and popular belief, the overall impact of migration is positive for all concerned; country of origin, of arrival, and for the immigrants themselves. Research has amply documented this conclusion, even without ignoring the difficulties of the first impact of immigration. For example, it has been demonstrated that a significant gap often exists between the number of migrants European states say they

want to admit and the number who are admitted, larger because the real benefits that labor migration brings to European economies. In addition, despite public support for deportation policies, the public often opposes their enforcement. The basic values of a society guide reactions to the presence of new immigrants. Again, an example is provided by the fact that anti-immigrant reactions are not linked either to the number, or unexpected inflows of immigrants, or to their legal status. In Spain, the foreign-born share of the population soared from 3.6 percent in 2000 to 14 percent in 2010; and, in Ireland, it increased from 7 percent in 2005 to 12.8 percent in 2010; yet neither country has produced a political party with an anti-immigrant platform on the national stage.

Contrary to the period of mass migration in the 19th and early 20th centuries, contemporary migrations enter the social context of an existing pluralism that should facilitate the adaptation in the new environment. On the other hand, the convergence of these different concerns may point in the direction of making migration the scapegoat of anxiety created by the process of change.

The positive contribution, the values of the receiving society, the pluralism characterizing most modern societies are important factors to be taken into account in the process of integration.

Against such a background, what are the requirements for successful integration? The emergence of a feeling of belonging is facilitated by early family reunification, which gives stability to the individual as well as personal motivation to sink roots into the new society. Secondly, participation in public life helps integration by providing the right to vote to permanent immigrants in administrative elections since local decision-making directly affects their lives, and since this is the place where they contribute through payment of taxes and through their daily activities. Thirdly, integration happens best from a position of strength. These are measures that contribute to reassuring newcomers in the new environment and favor a successful process of integration.

Fears of the future are allayed by involving permanent residents and newcomers to shape the cultural norms and values for future generations and by giving them a sense of ownership over the evolution of the national identity. This inclusive approach allows for

a peaceful coexistence and the enrichment of society through the gifts of everyone. However, in a globalized world, identities transcend national borders and more effective integration combines ethnic and national identities while maintaining an openness to an ever more universal sense of belonging.

Political discourse, educational systems, the world of work, and the media need to take into account the new modalities of integration of immigrants that are intrinsically linked to the rapid pace of change that the world experiences today. John P. Martin makes the following pertinent observation with specific regard to the situation in OECD countries: "The active participation of immigrants and their children in the labor market and, more generally, in public life, is vital for ensuring social cohesion in the host country and migrants' ability to function as autonomous and productive citizens, and also for facilitating the acceptance of immigrants by the host country population."[1]

The old concept of assimilation is obviously no longer applicable, and even integration takes on new dimensions that reflect the overall global situation and development where the unity of the human family takes precedence over local and regional interests.

3. Some critical positions of the Church

Confronted with the increasing pluralization of society and the arrival of ever more diverse people, in terms of geography, culture and historical tradition, the Church has adapted to the changes and is taking a clear position on some urgent issues based on human rights and largely shared by international specialized agencies. First of all, it rejects the extremist positions and related policies that are intolerant and manipulative of arriving newcomers. Prior to national divisions, the common good of the entire human family has to be taken into account. Therefore, borders and national identities are not absolute values. At the same time, the concept of the common good takes into account also the receiving society and its rights of self-preservation and

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[1] John P. Martin, Editorial, from "Settling in: OECD Indicators of Immigrant Integration 2012, http://dx.doi.org/10.1787/9789264171534-en

of democratic participation without forgetting the duty of solidarity.

Secondly, a core group of fundamental values have to be accepted by everyone to guarantee social conviviality and the enjoyment of all human rights, including the right to freedom of assembly, of religion, and of other fundamental rights and duties related to taxation and equitable access to education and services to assure the basic necessities of life. Finding a balance in the exercise of these rights and duties is a particular challenge given the emotional responses elicited by immigration, but this is the challenge to be taken up by the churches through their educational and moral role in society.

Thirdly, the construction of identity is seen as a joint venture where all groups of society contribute their gifts and insights to developing a common future. The Church also recognizes that, today, various layers of identity overlap in a person. This type of identity looks like the master plan of an expert architect who superimposes various sheets of transparencies, each with an aspect of the complete design, and only the completed superimposition of these sheets presents the final image of the projected structure.

In the Church's experience of integrating newcomers into a society, therefore, exclusionary approaches that keep migrants separate and disadvantaged are not acceptable. Equally unacceptable is an assimilation that requires a total rejection of the immigrant culture and traditions. Instead, a balanced interaction of the institutional set-up and sense of identity of the receiving society with the talents and cultural patrimony brought by the immigrants opens the way to a more respectful appreciation of every person and therefore the possibility of working together for a more enriched future identity. Moreover, independent of how membership is organized in society, either around the individual or a group, this balanced approach realistically takes into account national sovereignty and the de-territorialized fundamental human rights that protect citizens and non-citizens alike and gives both the possibility to respond and cooperate toward the general betterment of the world in today's context of interdependence.

4. Practice and Role of the Churches

The role of religion in the integration of immigrants, in

addition to offering doctrinal insights, provides practical resources that could be categorized under three forms of contribution: refuge, respect, and resources (Hirschman). In the new homeland, the immigrant searches for meaning and a sense of belonging in order to overcome the anomie that results from being uprooted from a familiar environment. This psychological comfort offers a sense of orientation and of self-worth in the early period of immigration when uncertainty and anxiety prevail. Secondly, religious institutions, and participation in them, generally add some reassurance and respectability, as well as involvement in a network of relations that could give rise to leadership experience. In some countries, religion serves as a resource because it organizes a multiplicity of social assistance services, such as housing, education, language training, employment, and health care. Exemplary is the case of the Church in the United States in her response to arriving waves of immigrants. It developed thousands of primary and secondary schools, and many colleges and hospitals. However, religion is not always such a positive instrument for integration. In Europe, in particular, where secularization dominates, religion is institutionally more limited and can play more a psychological role than offering practical help for economic incorporation. This happens, in particular, in today's global cities, such as New York, Los Angeles, London, Paris, Bangkok, etc., where immigrants find themselves doing the menial jobs in industry and in the services and living in the poorer neighbourhoods. Hundreds of small independent churches mushroom as oases in the desert where the immigrants re-charge their sense of worth. Coming from Geneva, let me start with this city to show how migrants develop their churches and congregations as a first step of adaptation in a new environment. Churches of foreign origin in Geneva as of the end of 2007 were 90, without counting worshipping communities from different regions of the world that belong to the Roman Catholic Church. These are usually small Pentecostal Churches, African Independent Churches, Charismatic and Evangelical communities.

At the end of 2008, the finding of a new research in Ireland showed that 361 migrant-led churches and chaplaincies existed across the country. The largest group, the Redeemed Church of God, a Pentecostal ministry recorded as having 70 different centers in the Republic and three in the North. Some are branches of major

African institutions and others are created by immigrants themselves. Seventy were Catholic chaplaincies associated specifically with faith communities from countries such as Poland, Brazil, France, and the Philippines.

The Protestant Church in the Netherlands is working with migrant churches in the hope of evangelizing the country's increasingly secular population. The 2007 Guide for Christian Migrant Communities in Rotterdam describes more than 100 migrant churches. Dutch is the general language used in 46 of the churches, with English in 21, Portuguese in 8, French in 8, Spanish in 6, Indonesian in 5, Papiamento in 4, with still other languages including Amharic, Urdu, Norwegian, German and Greek. More than forty churches have fewer than 50 members each, but five of them have over 500 members. The Guide observes: "Members of migrant churches themselves do find support within their congregation, where their culture, background and language are understood, but have to face Dutch society as well, which makes assistance in integration one of the greatest personal needs."

In the United Kingdom, after a 2006 survey of the country's 37,000 churches, the conclusion of the press was that the rate of decline in church attendance has been slowed by an unexpected factor – the influx of Christians from Africa and Europe. The media recently has also commented that hundreds of people from the Philippines, India, and Africa have boosted the congregation of Norwich's Catholic Cathedral from a weekend average of around 800 up to 1200. These are examples of how migrants feel that the Church can be their own, in their control, and a socially acceptable place for preserving a sense of community, a home away from home, where the process of integration can begin without external trauma.

If, in various ways, many migrants tend to look to religion for spiritual and social support, churches in countries of destination, especially in the case of the Catholic Church, play a critical bridge role for immigrants vis-à-vis the larger society. Thus a 2006 study of U.S.-based Protestant and Catholic Churches pointed out that they reaffirm old traditions, practices, and beliefs from migrants' countries of origin, and simultaneously expose migrants to the culture, institutions, and traditions of their new home. Since it is truly trans-national, our own

Catholic Church plays other important functions. It keeps immigrants in contact with their hometown churches, and it can engage migrants as co-participants in strategies for development across borders. A coherent Church policy could endeavour to link international aid with migration flows. As the Social Doctrine and legislation of the Church have steadily developed over the years, and the significance of religion for the first and following generations has become clearer, so too the teaching, advocacy, and services of the local Churches have assumed a more systematic shape. This is a rich development that has become evident on all continents. Thus it becomes clear that, today, local Churches cannot address the issue of migration as an isolated segment of pastoral responsibility: coherence in policy-making is needed so that all structures of the local Church may act in concert. In a similar way, coherence is a felt need in the various international agencies dealing with migration, a field of cooperation where a systemic reassessment is urgent and desirable.

Another role of the churches is advocacy on behalf of immigrants. In the United States, for example, in Italy, in Australia, in Argentina, and in many other countries, a protagonist role is played by the churches to advocate for fair legislation that would open legal channels for immigrants, especially for forced migrants, and prevent disorderly flows that would result in tensions and delay integration.

The development of a "theology of migration" is worth noting, since it is a systematic reflection based on biblical analysis, on the pastoral experience of faith communities, and on the lived experience of the migrants themselves. The result of this theology refines the motivation that prompts society to look at migration as basically a positive phenomenon.

In this age of migration, the churches see a new opportunity. Through their teaching, their pastoral and social action, and their advocacy, they defeat the fears and anxieties that newcomers may raise and instead focus the attention of society on the possibility of new synergies for the solution of the many problems our planet faces.

5. Principles Informing Catholic Action on Behalf of Immigrants

In the Catholic tradition, its social doctrine has formulated

some basic principles that provide the mandate for advocacy, services, and accompaniment of immigrants in their journey toward integration. Such principles are derived from pastoral experience, the doctrinal developments that have come about in social encyclicals and conciliar documents, the Catechism of the Catholic Church, as well as statements of national Bishops Conferences. They provide an ethical foundation and can be summed up as follows:

1) Persons have the right to remain in their homeland and lead a decent life. Although the Church holds that people have a natural right to emigrate, that is, to leave their country in search of better economic and social conditions for themselves and their families, it gives priority to the right not to emigrate. The necessity to emigrate is evidence of the failure of development.

2) Persons have the right to migrate and to support themselves and their families considering that the goods of the earth belong to all people. When life-sustaining conditions cannot be found in the country of origin, people have the right to migrate and seek entrance in another place.

3) Sovereign nations have the right to control their borders. Disorderly migration can cause "harm and be detrimental to the common good of the community that receives the migrant." On the other hand, the notion of common good has to include concern for potential migrants and for their human need.

4) Refugees and asylum seeker a should be accorded protection and this should be provided without incarceration.

5) Migrants, regardless of their legal status, maintain their fundamental human rights and, like all human beings, possess inherent human dignity that should be respected.

6) Authentic integration of immigrants is a two-way street of give and take without creating ghettos and instead developing together a common future.

This brief summary of teaching regarding immigration, as found in the Social Doctrine of the Church, points us in the right direction. But the doctrine must be translated into action and guide the public debate.

6. Conclusion: The Future and Continued Evolution of Identities and Approaches

Interdependence and diversity have become the norm in most countries, and policy-makers can anticipate the continuation of this trend. It affects society in many ways. "Amongst the most important are issues of political participation, cultural pluralism, and national identity. Immigration and the formation of ethnic groups have already had major effects on politics in most developed countries. The importance of minority voting in the U.S. Presidential Elections of 2012 has been widely discussed. The effects of growing immigrant populations and increased ethnic diversity are potentially destabilizing, if long-term residents find themselves excluded from politics. The only resolution appears to lie in broadening political participation to embrace immigrant groups, which in turn may mean rethinking the form and content of citizenship and decoupling it from ideas of ethnic homogeneity or cultural assimilation."[2]

Citizenship can be perceived in the form of concentric circles: nationals, legal residents, refugees and asylum seekers, undocumented migrants. The energy generated within such a dynamic circle should lead toward the recognition of the equal dignity of all persons, the progressive overcoming of any form of social and political exclusion, and the development of conditions for "living together" in a process of integration that is mutually enriching, a conviviality of differences that is the strength of any democracy.

In a parallel way, the Catholic Church, for example, sustains a vision of integration that lines up criteria of political, socio-economic, and cultural aspects of integration within the larger vision of integral development and communion between diverse peoples, starting from the universal values of solidarity, equal dignity, and mutual interdependence in the one human family

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[2] Stephen Castles, Hein De Haas, and Mark J. Miller (2014). *The Age of Migration: International Population Movements in the Modern World,* 5th Edition, United Kingdom: Palgrave Macmillan, p. 329.

Integration Policies in Germany:
Background, Developments and Desiderata[1]

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I am very pleased to have this opportunity in this forum to contribute to the discussion on an adequate integration policy, in the hope that the efforts of all parties benefit those who, from a human perspective, carry the main burden of the globalization process and its effects: migrants and, in particular, refugees.

Allow me to begin this talk with a brief appreciation of the efforts that have been made in Germany since the fall of the Berlin Wall 25 years ago concerning what we can sum up under the label of "integration".

First, we must mention the enormous achievements in the area of the German reunification itself, which was to some extent more difficult than expected. I consider it must be mentioned here because, as I will argue below, integration must always have both dimensions in view: the integration of the citizens and the integration of immigrants. Integration of society will succeed only if both aspects are given proper consideration.

The fall of the Iron Curtain paved the way for the development of a new citizenship model. The Act to amend the Effects of the War of 1992 and the reform of the Nationality Act from the year 2000, which included for the first time elements of the *ius soli* principle, are evidences of the steps taken towards this new citizenship.

The Immigration Act of 2005, which was passed on the basis of the report of the Süssmuth Commission, despite the numerous setbacks in the process of finding a compromise, created a statutory basis for integration and put an end to the denial of the immigration

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[1] The author is an advisor to the Commission for Migration of the German Episcopal Conference. This presentation on integration policy is made independently and is the sole responsibility of the author.

situation. The Integration Summit, the National Integration Plan, and the German Islam Conference are only some of the most salient examples of the efforts in this area. The current effort to achieve a concrete implementation of the abolition of the obligation to choose between nationalities for those born in Germany of foreign parents (Optionspflicht) shows that integration policies are still "on the ball". Certainly, I am not the only one to assess integration policy measures in this way as evidenced by the following quote from the 2014 Annual Report of the independent Expert Council of German Foundations:

> "Germany has started to actively manage immigration […]. The Immigration Act of 2005 was a first step towards a dynamic immigration policy and provided solid foundations for further brave steps that legislators and policy have undertaken in the last five years. With the implementation of the EU Blue Card Directive, the introduction of a small point system, and opening the labor market also for professionals without a degree, Germany has rapidly moved from a policy of deflecting immigration to a policy to attract immigration. After many years of a position that was in the best of cases hesitant about labor migration, since August 2012 Germany has now legislation in place regarding immigration opportunities that are, in international comparison, liberal and open".[2]

With this, I have outlined the context for the following statements. I am particularly pleased that the conference organizers have successfully attracted conversation partners from politics renowned for their commitment and good instinct in the areas of immigration and integration.

I would like to begin my presentation with some reflections on the question as to why the topic of integration is considered of great importance in the framework of immigration. The term integration is used in many contexts with different meanings and, consequently,

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[2] Expert Council of German Foundations on Integration and Migration (2014), Germany's transformation into a modern land of immigrants. Annual report 2014 with Integration Barometer. URL: http://www.svr-migration.de/content/wp-content/uploads/2014/04/SVR_JG_2014_WEB. Pdf [31.05.2014], p. 15.

it has lost some of its sharpness.[3] Additionally, when we talk about integration, we have to take into account the skepticism many immigrants have towards this notion.[4] This skepticism springs from the fact that integration can be easily associated with assimilation, but also because it is related to the ambivalence that immigrants experience in the way the topic is dealt with politically. The notion of integration in the sense of participation tends to be associated with assimilation understood as adjustment and fitting in, an association that can be attributed to the fact that social adjustment is rewarded and, as such, it makes participation in society easier. People may feel ambivalent towards integration when they sense that policies are limited to symbolic gestures while at the same time tougher restrictions are imposed, for example, on the entry of spouses from the country of origin or on naturalization.[5] It is worth taking a closer look at this situation.

Allow me, then, to use the system-theoretical concept of inclusion to explain the context in which these integration issues have emerged, whereby I use inclusion to mean the same as integration. A consequence of the process of social differentiation is that individuals no longer have a particular social status or are included in a professional group on the basis of birth (descent?). Social inclusion displays now two central features: it is differentiated according to individual social

[3] See Thomas Kunz (2006), Integrationskurse auf kommunaler und auf Bundesebene. Eine kritische Auseinandersetzung mit einem neuen Steuerungsinstrument am Beispiel der Stadt Frankfurt am Main [Integration Courses at the Local and at the Federal Level. A Critical Discussion of a new Governance Instrument in the Case of the City of Frankfurt am Main], in: Sigrid Baring Horst, Uwe Hunger, Karen Schönwälder (Eds.): Politische Steuerung von Integrationsprozessen [Political Governance of Integration Processes], Wiesbaden, 175-193, p. 183.

[4] See Scheidler Monika (ed.) (2010), Interkulturelle Katechese. Herausforderungen und Anregungen für die Praxis (Intercultural Catechesis: Challenges and Suggestions for the Practice), Munich, p. 46.

[5] See Karl-Heinz Meier Brown (2010), Migration und Integration in Deutschland. Chronologie der Ereignisse und Debatten (Mai 2009 – Dezember 2010) [Migration and Integration in Germany. Chronology of events and debates (May 2009 - December 2010)], in: Marianne Kruger-Potratz, Werner Schiffauer (Ed.): Migrationsreport 2010. Fakten – Analysen – Perspektiven, [Migration Report 2010. Facts-Analysis – Perspectives], Frankfurt am Main, 271-357, p. 233.

functions (that is, the question of integration is not defined as an either/or, but as a more/less situation; this implies that I can have an apartment but no work, health insurance but not the right to vote) and it is now linked to performance. Society becomes a meritocracy, and individuals compete for inclusion opportunities.

However, different circumstances and living conditions lead to discrimination of a portion of the citizens. Against this background, and in the light of modern values of freedom and equality, the welfare state comes into being in order to create mechanisms of social compensation.[6] Thus, a relationship is established between the state and its citizens based on performance and loyalty, a relationship that immigration could possibly undermine, or at least this is expressed as a concern. This is one of the reasons why, although the economy, for example, profits from an open borders policy, politically there is an interest in limiting immigration as well as in maintaining a distinction, that is, an unequal status, between citizens and immigrants. In other words, it becomes evident that the modern welfare state in the context of global migration is an entity that privileges citizens.

So far, we have said three things about integration: Firstly, there is a need to make efforts towards social integration regardless of the globalization of the migration phenomenon. Secondly, the state's integration efforts – at least formally – are oriented towards modern principles of freedom and equality. In the context of global migration, integration becomes especially relevant as the principles of freedom and equality take on a completely new dimension.

Political scientist Axel Schulte, whose ideas I follow in the next statements, shares the conviction "that processes and policies for integration of immigrants should be based, in principle, on the same values governing the integration of society, that is, the integration of the political community as a whole".[7]

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[6] See Michael Bommes (2011), Nationale Paradigmen der Migrationsforschung [National paradigms of migration research], in: Michael Bommes. (Ed.): Migration und Migrationsforschung in der modernen Gesellschaft. Eine Aufsatzsammlung [Migration and Migration Research in Modern Society. An Essay Collection] (IMIS-Beiträge; vol. 38), Bad Iburg, 15-52.

[7] Axel, Schulte (2006), Integrationspolitik – ein Beitrag zu mehr Freiheit und

The unequal treatment of foreigners by the State "is in principle permitted under both international and constitutional law and considered as compatible with the principle of equality; however, with permanent settlement this fact becomes increasingly problematic,"[8] because when the host country becomes a permanent place of residence foreigners become residents without German nationality.

The democratic principle of the sovereignty of the people requires that the political rights of all the individuals who are permanently subjected to state power be equal.[9] In this context, the perpetuation of the foreigner status implies a constitutional discrimination of the affected part of the resident population.

This situation is practically emblematic of German immigration policy. Contrary to the normative goals of a freedom and equality-oriented integration policy, German immigration policy continues, on the whole, to maintain the distinction between nationals and immigrants. This development, which over time and in view of the permanent subjugation of immigrants to the power of the state under invariably limited participation opportunities leads to a "democratic deficit",[10] is the result of a complex interaction of varied and loosely-linked elements including historical legacies,[11] the modern nature of the political system,[12] and the more recent transformation of the welfare state.[13]

Gleichheit in der Einwanderungsgesellschaft? [Integration Policy - A Contribution to Greater Freedom and Equality in the Immigration Society?], in: Sigrid Baringhorst, Uwe Hunger, Karen Schönwälder (Eds.): Politische Steuerung von Integrationsprozessen [Political Governance of Integration Processes], Wiesbaden, 27–58, p. 28.

[8] Ibid, p. 31-32.

[9] See Ibid. p. 38.

[10] See Schulte, 2006, p. 39.

[11] See Koopmans, 1999.

[12] See Bommes, Michael (2011), Migration und Migrationsforschung in der modernen Gesellschaft. Eine Aufsatzsammlung [Migration and Migration Research in Modern Society. An Essay Collection] (IMIS-Beiträge; Vol. 38), Bad Iburg.

[13] See Irene, Dingeldey (2006), Aktivierender Wohlfahrtsstaat und sozialpolitische Steuerung [The Enabling Welfare State and Socio-political Governance], in: Aus Politik und Zeitgeschichte [From Politics and History], Vol. 56, Number 8–9, pp. 3–9.

The distinction between citizens and foreigners becomes less substantial from the perspective of the activating welfare state – what counts is performance – with a significant difference: the state's hesitation about granting citizenship enables it to put additional pressure on immigrants. This situation becomes evident in the fact that in Germany naturalization is not an incentive for and an instrument of integration, but rather functions as a reward for an already successful integration. In this context, as well as against the background of the still dominant ethical and cultural tradition of the German citizenship model, integration is ultimately synonymous with cultural assimilation. The more effectively immigrants integrate, the higher will the state's yardstick be to determine the immigrant's ability to integrate as a step towards naturalization. Thus, successful integration in Germany is subjected to a proof of loyalty that represents high personal costs for the immigrants, such as having to relinquish their own values and traditions.[14]

This development is reflected in the area of immigration and integration policy especially in the discrepancy between measures to restrict immigration, on the one hand, and the excessively symbolic staging of integration by the state, on the other, which mainly serves to maintain the belief in the possibility of successful integration even when barriers are set high. In this context, according to Thomas Kunz, an optimistic outlook regarding migration governance is created by means of self-serving acknowledgment strategies which lack any empirical basis.[15] At the same time, through this mechanism, it is possible to blame immigrants when the integration process is unsuccessful and, thus, a diagnosis of sustained integration deficit creates the conditions for the further processing of integration through the relevant actors. In this situation, according to Thomas Kunz, it would be appropriate:

> "to analyze also from the perspective of a critique of institutions the descriptions on which these governance

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[14] Thus, harmless behavior such as being involved with a migrant organization may be interpreted as segregating, even if the migrant's only pursuit is to cultivate also this dimension of his/her identity.

[15] Cf. especially the contribution of Kunz, 2006.

scenarios are based. This would include, for example, the issue of the internal political advantage that can be obtained from constructing immigrants as apparently homogeneous and largely as a group that needs to be integrated, or even as an unwilling collective, and the question of who is benefiting from this and from the resulting demand for governance. Additionally, it would be equally relevant to ask to what extent assumptions of governance and impact fantasies simulate some form of political action. From this perspective, it would be worth exploring whether this is a field of practice in which, by means of their own descriptions, different institutional actors validate governance requirements, claim authority, and legitimize their actions and their existence (as well as their future)".[16]

The act of "rendering immigration abnormal"[17] (that is, representing it as exception or deviation from the expected normality of an ethically and culturally homogeneous society), which is continuously fostered by this symbolically charged but actually restrictive integration policy, is as unrealistic as it is harmful regarding the relationship between locals and immigrants, since it responds to the crossing of physical state borders by enforcing legal barriers and setting up symbolic-discursive hurdles. In a speech held on May 22 on the occasion of the 65th anniversary of the Constitution, Federal President Joachim Gauck rightly referred to the continued, relatively widespread idea of a "homogeneous, enclosed, almost monochrome Germany"[18] as absurd. In fact, such ideas completely ignore the

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[16] Ibid, p. 186.

[17] Michael, Bommes (2011), "Integration findet vor Ort statt". Über die Neugestaltung kommunaler Integrationspolitik (2008), [Integration takes place locally. On the reorganization of local integration policy] in: idem. (Ed.): Migration und Migrationsforschung in der modernen Gesellschaft. Eine Aufsatzsammlung [Migration and Migration Research in Modern Society. An Essay Collection] (IMIS-Beiträge; Vol. 38), Bad Iburg. 191–224.

[18] Joachim, Gauck, 22.05.2014: Speech at the naturalization ceremony on the occasion of the 65th anniversary of the Constitution, Schloss Bellevue. URL: http://www.bundespraesident. de/SharedDocs/ Downloads/DE/Reden/2014/05/140522-naturalization Integration.pdf?__ blob=publication file [27.05.2014, p. 3.

changed reality of globalized societies.

The central mechanism to achieve equality for immigrants in relation to citizens is unmistakably their naturalization. The fact that this step implies giving up the original nationality should be seen as anachronistic in the context of advanced globalization and transnationalization. In his speech, Joachim Gauck continued thus:

> "Dual citizenship is an expression of the reality of life for an increasing number of people. It is a positive thing that it is no longer regarded as a necessary evil or as a privilege of certain groups. Our country is learning that people have bonds with different countries and yet feel at home in our country. It is learning that a society becomes more attractive if it accepts different identities and nobody is forced to live a purist ideal that has nothing to do with real life".[19]

But precisely such purist ideal that has nothing to do with real life is what is still being demanded from first-generation immigrants, regardless of whether they have been living in Germany for eight or for forty years. The Expert Council of German Foundations considers that this stands in blatant contradiction with the (far-reaching) abolition of the obligation to choose between nationalities (Optionspflicht) and reiterates therefore its proposal of introducing dual nationality with a generation cut, which is understood as follows:

> "For the transition generations the dual nationality is a solution; for the following generations, who except for holidays and family visits often do not have any relationship with the country of their grandparents and great-grandparents, the real change regarding the place that is central to their life should be completed through naturalization".[20]

Some authors can also see here the possibility of introducing

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[19] Ibid, p. 5.

[20] Sachverständigenrat deutscher Stiftungen für Integration und Migration, 2014: Deutschlands Wandel zum modernen Einwanderungsland. Jahresgutachten 2014 mit Integrationsbarometer. [The Expert Council of German Foundations on Integration and Migration, 2014: Germany's transformation into a modern land of immigrants. Annual report 2014 With Integration Barometer]. URL: http://www.svr-migration.de/content/wp-content/uploads/ 2014/04/SVR_JG_ 2014_WEB.Pdf [31.05.2014], p. 19.

a so-called "denizen" status, that is, the category of "resident". In this regard, Axel Schulte writes:

> "With such a status, foreigners who have been living for a long time in the country and who do not want to become naturalized or give up their nationality of origin could enjoy safe residence, a free and equal access to the labor market, as well as (largely) equal social and political rights".[21]

Regardless of the specific model that the policy adopts, it must be noted that the ongoing condition of legal and political inequality between citizens and permanent residents who have immigrated from other countries is incompatible with the principles of freedom and equality. To accept immigration in the context of demographic developments and economic interests includes the acceptance and recognition of the transnational location and identity of immigrants but also implies that facilitating dual citizenship or an equivalent solution is of the utmost urgency, precisely in the sense of encouraging the integration of the persons concerned and of normalizing the relations between locals and immigrants.

[21] Schulte, 2006, p. 34.

Migrants as Agents of Social Democracy

Fr. Florenzo Rigoni c.s.
Director of Casa del Migrante Belen, Tapachula, Mexico

1. Preamble

My talk today will not address the tragedies of migration in Central America and Mexico, but will focus rather on the potential that all migrants represent in a globalized world that requires social, cultural, and democratic networks while at the same time avoiding the temptation to reduce migrants to a simple economic factor.

We must invent every day the reasons for our hope. This has been the quiet whisper and the smiling invitation that has guided my 30 years of work with migrants in Mexico and Central America. To this day, it has been my ideological stance and my point of departure for any assessment of migration.

From the point of view of the man in the street, the chances of success for the great majority of migrants, asylum-seekers, and displaced persons are minimal or non-existent. After having spent 10 years in Germany among the Italian Gastarbeiter in the 1970s and 1980s, when I first arrived in Tijuana, this was also my feeling. We were at the beginning of 1985, the year in which the U.S. Border Patrol deported 1,767,400 Mexicans, the highest figure ever. This was my first shock. Watching the masses of people in the naked Mexican border waiting until nightfall to evade the Border Patrol, I had the impression I was witnessing a biblical exodus. To give you an idea of the situation, suffice it to say that in a single night 4,875 undocumented persons were arrested in the city of Tijuana.

The second shock I experienced was the chaos in the streets, the lack of reliability, the long hours queuing in front of government offices. My spontaneous reaction was: "Where have I landed?" But I was wrong. To use the vision of the prophet Ezekiel, those cold statistics and the nonetheless codified chaos had to do with the living, with people. These people, who in the United States and here in Europe are called "illegals" or "sans papiers", became then, and still are, the reason for my audacity.

I guess that some of you in this auditorium may see me as

a dreamer and yet I remain firm in my conviction. Migrants always create and find reasons for hope.

2. Historical Analogies

To sketch a historical overview, I would like to start with the fall of the Berlin Wall. The people on the other side of the wall, in the GDR, thought and dreamed of what lay beyond the wall. The Berliner and Germany on this side of the wall thought of what was above the wall, surpassing it, in spite of the military and social border. Both sides have joined efforts to fill the abyss, bending over, defying logics, to overcome division.

That is what migrants are like: They are always forward-looking and plan accordingly, because deep down they are free. When someone breaks away from his homeland, culture, family, and language, he becomes a citizen of the world and part of a story that he will create along with new companions. He or she is prepared and open to join the new caravan that is already under way in this common history. To use an image, I would say that his heart defies any obstacle and burns the ships, even if this means giving up, at least temporarily, part of his identity. This is why I believe that migrants are always an instrument for the construction of society, of the existing society and of the society of the future.

You can contest this vison and argue that many migrants create ghettos and raise psychological and cultural barriers as protection and separation… They even create religious borders, they dig trenches… And I agree. At the same time, though, I am convinced that the *other, the foreigner, the stranger, the Minimoys* sometimes have to create defense mechanisms to survive our rejection and preserve their identity.

Since the 1960s, when our Center for Migration Studies in Rome was inaugurated, we have defined migration as a *flaw detector* or in English a *control gauge*, in the sense that if migration becomes a problem in a particular society, in politics, or for a specific culture or religious group, this reveals that there are serious problems that are being aggravated by migration. In recent history, within Europe, we have seen some countries that have been able to deal with migration

and have created long-term and short-term solutions.

In the 1960s, Germany opened a path beyond its own borders. When its own economy was in full speed, it looked south, to Italy and the Mediterranean, coining a new concept for the migrant as *Gastarbeiter*. Guest sounds always a little bit like friend and Germany created an *offene Tür (open door)* for migration. With the fall of the wall, West Germany implemented again *die Politik der offenen Tür, (the open door policy)* for citizens from the former GDR and reunited the country as Bundesrepublik Deutschland.

3. The New Typology of Migration

Migration today has other faces and this is something that we must take into account at the political, social, and economic level to plan accordingly. We have immigrants, displaced persons, asylum-seekers, some potential terrorists and the so-called *mixed flows*. I would like to dwell for a moment on this last category. It consists of women, single mothers, children and people who, due to structural violence, aggravated by assaults, abductions, and chronic poverty, live in a permanent state of danger and persecution. The only way out is escaping from the situation. They inhabit the periphery of our humanity, the one Zygmunt Bauman calls the dumping sites for useless waste ready to be recycled. We need to recognize our defeat, despite technological and economic progress and the developments in medicine. Each day in our Casa del Migrante, on the Mexico-Guatemala border, I hear cries for help in an emergency situation that has become permanent. In the past, we used to quote this statement by Max Frisch: *Wir haben Armen gerufen und es kamen Menschen* [We wanted workers, but we got people]. Today people are still arriving, but they have been wounded in their dignity, their dreams reduced to ashes… And yet, they trust us and rely on someone to lend a hand, offer them shelter or find their skills useful.

Another aspect that defines migration nowadays in some areas of the world is its *invisibility*, a feature it displays in Mexico and Central America, for example. Migrants are undocumented or *Sans Papiers* who cross borders without official identification and simply do not exist for the State; they are neither citizens nor people. They move

in the shadows, change their name, face, and provenance each time. They are food for vultures of human flesh, as our Founder Scalabrini defined their destiny at the end of the nineteenth century. I am in full agreement with governments, lawyers, and people of goodwill when they say that migration has to be regulated and regularized, because a planned and regulated migration confers personal dignity and value to the migrant. This leads us to create the premises for a permanent dialogue between migrants, state, and society.

4. Changing our Perspective of the Migrant

Almost always, unless they are impoverished people, migrants have low educational level, do not speak our language, settle at the edge of our cities, keep a low profile, and remain almost hidden. However, I am convinced believer in the axiom of the Carolingian School that says that *we are dwarves who stand on the shoulders of giants.* Yes, because every migrant, even the illiterate, leaves his land and takes the heritage of a people and an at times millenary culture, with different Weltanschauungen. As stated by the Vietnamese theologian Peter Phan, who was a refugee in the United States, the migrant is always *in between, in the middle of two cultures and peoples.* In the Central and North American hemisphere, there has been much emphasis in the last decade on the human rights of migrants in general. We have seen more PhD thesis on violations of these human rights, on the treatment migrants receive, on their physical health, and on the psychological dimensions of their plight. This growing interest is a good thing, and I have personally contributed to a good number of these works, as well as participated in many conferences. However, there is a risk, in my opinion, that we turn the migrant into someone permanently in need, someone who we must protect and heal. We turn migrants into objects of intervention by lawyers who defend them or NGOs that give voice to the voiceless, when actually it is they who overcome thousands of miles of uncertainty on roads, deserts, and in the open sea.

If we do not take some distance from this approach, we risk losing the great values that migration has created throughout history in the whole world. Migrants are people who break with their past and present, who are defined, as I said at the beginning, by the future;

they are open to all types of risk, because they have burned their ships. They constitute a living core in our society that can build new ties in the richer nations, but they are also experiencing some fatigue, an unidentified fear of the future, some quiet resignation, and, mostly they are losing the strength that can be drawn from dreaming. The migrant, as she leaves her land, is open to new democratic prospects, social relations, and collective responsibilities. We have a clear example in the Mexicans who return voluntarily or after being deported from the United States after years of having lived there. They have learned values such as respect for the law; they reject corruption and bribes, and assume punctuality as a form of respect and fairness towards others.

Flexibility at all levels is a typical feature of the migrant: we make fun of the *Jack of all trades,* and yet there is a profound truth in what it means: *I am a wildcard,* as they say in Mexico, *you can count on me.*

Let me explain this with an anecdote.

The executive of a multinational had to go to an important meeting somewhere in Asia and on that particular occasion chose a different travel agency as he found their slogan *We offer opportunities* very appealing. Indeed, he was truly impressed by every minute detail from the moment he checked in at the airport, when he arrived at his destination, as well as when he was driven on a limousine and generously welcomed at his hotel. An employee of the hotel accompanied him to the VIP lift and then to his room. When he walked into the room, he noticed that there were two large double beds and that a gorgeous woman was sitting on one of them. Without a word, he left his luggage in the room and went back down to the reception. Very firmly, he addressed the same lady who had taken his registration information and said: *I have a problem.* The employee was writing on the computer and without interrupting what she was doing, pointed with one hand at the sign behind her. The business executive, feeling slightly annoyed, repeated: *I have a problem.* And when the woman at the reception made the same gesture for the second time, very angrily he raised his voiced and said: *Miss, I already told you I have a problem.* At this point the employee stood up, smiled at him like the sun at noon, and read the sign out loud: *We do not have problems; we*

always provide new opportunities.

The morals of this story – and I will perhaps exaggerate a bit here – is that today, as in the past, we have to invest in migrants; we must desire their presence as a contribution to our human, economic, social, spiritual, and, I may add, religious development. I am not referring to the impoverished, the engineers, or some other highly qualified person. These diplomas are another wall that divides humanity: those who have a degree are someone; those who don't are nobodies, and this is how we get trapped in the vicious circle of discrimination.

5. Conclusion

For over a century, our society has had a historical appointment with migration. The geography, typology, flows, and routes may change; but in spite of everything, there is always an opportunity to reach agreements, arrange meetings, and create bridges that can cross any wall or border. To economic, industrial, or policy planning we must add cultural planning in order to take into account the contribution of migrants as a social and historical factor. We accept the technology that has spilled all over the planet without asking what language it speaks or what race it belongs to; how dare we raise walls and barriers against peoples who are creators not of technology but rather of our humanity?

Appendix I

Program of the IV International Forum on Migration and Peace

Human Security, Human Development and International Governance of Migration:

The Commitment of Governments and Civil Society Organizations at Local, National and International Levels

New York, June 20-21, 2013

Welcoming of the Forum
Moderator: Leonir Chiarello, *Executive Director of Scalabrini International Migration Network (SIMN)*
Anthony W. Crowell, *Dean and President of New York Law School*
Mercedes del Carmen Guillén Vicente, *Assistant Secretary for Population, Migration and Religious Affairs of Mexico*
Alfredo Gonçalves, *First Councilor and Vicar General, Missionaries of St. Charles Borromeo, Scalabrinians*

Opening Remarks of the Forum
Jan Eliasson, *United Nations Deputy Secretary-General*
Nicholas DiMarzio, *Bishop of the Diocese of Brooklyn*

I Panel – Economic Security and Social Security: The Challenges of Inequality and Social and Economic Integration of Migrants
Moderator: Mario Hernández, *Director of Public Affairs, Western Union*
Luis Fernando Carrera, *Minister of Foreign Affairs of Guatemala*
Fatima Shama, *Commissioner, Mayor's Office of Immigrant Affairs, New York*
Olaf Jacob, *Coordinator for South America, Konrad Adenauer Stiftung*
Maria Tangonan, *Kairos Youth Coordinator, Filipino Pastoral Ministry*

II Panel – Human Security, Human Development and Human Rights: Trends and Challenges for International Migration Policies
Moderator: Ruti Teitel, *Co-Director of the Institute for Global Law,*

Justice & Policy, New York Law School
Mercedes del Carmen Guillén Vicente, *Assistant Secretary for Population, Migration and Religious Affairs of Mexico*
Emilio Álvarez Icaza, *Executive Secretary of the Inter-American Commission on Human Rights*
Donald Kerwin, *Executive Director of the Center for Migration Studies of New York (CMS)*
Colleen Thouez, *Senior Research and Training Advisor, United Nations Institute for Training and Research (UNITAR)*
Ilma Paixão, *General Manager, Langer Broadcasting Group.*

III Panel – South-South and South-North Migration: Policies and Civil Society Participation
Moderator: Fr. Flor Maria Rigoni, *Director, Casa del Migrante Albergue Belén, Tapachula, Chiapas, México*
Paulo Sérgio de Almeida, *President of the National Immigration Council, Labor Ministry of Brazil*
Jorge Martínez Pizarro, *Researcher at the Population Division of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC)*
Gabriela Rodríguez, *Director of Centro Internacional para los Derechos Humanos de los Migrantes (CIDEHUM) - Costa Rica, Former United Nations Special Rapporteur on the Human Rights of Migrants*
Nimbe González, *Director, Department of Social Services, Casa del Migrante Tapachula, Chiapas, Mexico*

IV Panel – North-North and North-South Migration: Migration Policies and Civil Society Participation
Moderator: Austin T. Fragomen Jr., *Partner Fragomen, Del Rey, Bernsen & Loewy, LLP*
Joseph Chamie, *Former Director of United Nations Population Division*
Charles Wheeler, *Director of National Legal Center for Immigrants, Catholic Legal Immigration Network*
Sara Campos, *Independent Writer and Consultant, Former Staff Attorney with the National Immigration Law Center and Director of the Asylum Program for the Lawyers Committee for Civil Rights in San Francisco*
Cecilia Imaz, *Professor-Researcher, National University of Mexico*

V Panel – Toward an International Governance of Migration: Citizenship and the Inclusion of Migrants
Moderator: Bela Hovy, *Chief of Migration Section Population Division of the United Nations (DESA)*
Mårten Grunditz, *Ambassador and Permanent Representative of Sweden to the United Nations*
Yanerit Morgan, *Deputy Permanent Representative of Mexico to the United Nations*
Michele Klein Solomon, *Permanent Observer of the International Organization for Migration to the United Nations*
Fatima Shama, *Commissioner, Mayor's Office of Immigrant Affairs, New York*
John Bingham, *Coordinator of Civil Society Days of the Global Forum on Migration and Development*

Appendix II

Program of the V International Forum on Migration and Peace

Integration: Towards a Peaceful and Democratic Coexistence

Berlin, June 11-12, 2014

Opening of the Forum
Dr. Gerhard Wahlers, *Deputy Secretary General, Konrad Adenauer Stiftung* Leonir Chiarello, *Executive Director, Scalabrini International Migration Network (SIMN)*
Sandro Gazzola, *General Superior of the Missionaries of Saint Charles, Scalabrinians*

The role of Migration in International Relations
Moderator: Olaf Jacob, *Head of Department Latin America, Konrad Adenauer Stiftung* Armin Laschet, *Member of Landtag, Deputy Chairman of the CDU Germany*
Argentina Szabados, *Chief of Mission of the International Organization for Migration in Germany*
Archbishop Silvano Tomasi, *Permanent Representative of the Holy See to the United Nations and International Organizations in Geneva*

I Panel – Dignity: "Human Dignity is Inviolable"
Moderator: Fabio Baggio, *Director of the Scalabrini International Migration Institute (SIMI), Rome*
Donald Kerwin, *Director of the Center for Migration Studies of New York (CMS)*
Nele Allenberg, *Legal Advisor/Consultant of the German Evangelical Church for Migration, Integration, Immigration and Asylum Law, Human Rights*
Rafael Fernández de Castro, *Head of the Department of International Studies at Instituto Tecnológico Autónomo de México (ITAM)*

II Panel – Integration: Achievements and Setbacks of the Integration Policies over the last 25 Years
Moderator: Alfredo Gonçalves, *General Counselor of the Congregation of the Missionaries of Saint Charles, Scalabrinians, and Director of Scalabrini International Migration Network (SIMN)*
Serap Güler MdL, *Spokeswoman of the CDU of the Working Committee for Integration, Landtag of North Rhine-Westphalia*
Tobias Keßler, *Director of the Center for Migration Studies of Basel, Staff Member of the Institute for Global Church and Mission in Frankfurt and Advisor of the German Episcopal Commission for Migration*
Mercedes del Carmen Guillén Vicente, *Assistant Secretary for Population, Migration and Religious Affairs of Mexico*

III Panel – Democracy: Contributions of Immigrants in Democratic Processes
Moderator: Olaf Jacob, *Head of Department Latin America, Konrad Adenauer Stiftung*
Cemile Giousouf MdB, *Member of the Bundestag, Consultant in the North Rhine-Westphalian Ministry of Labour, Integration and Social Affairs*
Dr. Joseph Chamie, *Former Director of the United Nations Population Division and Former Director of Research of the Center for Migration Studies of New York*
Franz Wolf-Maier, *Director of the Austrian Integration Funds*

IV Panel - Participation: Best Practices for Participation of Migrants
Moderator: Katharina Senge, *Coordinator Immigration and Integration, Konrad-Adenauer-Stiftung*
Flor Maria Rigoni, *Director of Casa del Migrante Belen, Tapachula, Mexico*
Nisha Agarwal, *New York City Mayor's Office of Immigrant Affairs*
Giovanni Borin, *Regional Superior of the Blessed John Baptist Scalabrini Region (Europe-Africa)*
Sylvie Nantcha, *Coordinator of Migrants Network for Women in Baden-Württemberg, The African Network*
Sezen Tatlici, *Typisch Deutsch e.V.*

Closing of the Forum
Patricia Espinosa, *Ambassadress of the United Mexican States in Germany*
Leonir Chiarello, *Executive Director of SIMN*
Olaf Jacob, *Head of Department Latin America, Konrad Adenauer Stiftung*