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Migration Management and Ethics
Envisioning a Different Approach
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The work of the Ismu Foundation can be divided into four main areas:

− documentation: the collation of available material both here and from other countries;
− promoting studies and research;
− training: including backup available to staff working in both private and public bodies;
− information: by means of seminars, conventions and publications on multiethnicity.

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“Pena”

Pena,
cómo quisiera decirte que siento pena;
cómo quisiera contarte que no te veo,
que no siento tu paso, que no huelo el pesado olor
a tabaco en tus manos, que no escucho tu toz:
Pesa encontrar niños acabados.

Amigo,
compañero,
padre,
cómo deseo volver a reír en tus brazos,
cómo niño, cómo antes, ¿ recuerdas?
Cómo deseo volver atrás.
Pesa encontrar nombres amordazados.

Deseo llorar
¿ Cómo si ya no puedo?
Mis ojos los guardó el mar
confundiéndolos por lluvia de tormenta,
por agua de río blanco,
de río negro,
por arena suelta.
Pesa encontrar nervios atados.

Pena,
cómo quisiera decirte que siento pena,
porque yo decidí,
porque tu estás allá y yo estoy aquí,
porque deseo estar aquí por que tengo que estar aquí.
Pena,
cómo quisiera decirte que siento pena.

(Raul Andres Morales La Mura, “Pena”, in “Seulement Vingt Poemas”, Ateigram, Thionville, 1980)
Opening considerations and executive summary

Fabio Baggio, Laura Zanfrini

For the last ten years, the *International Metropolis Project* has succeeded in organizing an annual gathering of researchers, policy-makers and representatives from non-governmental organizations, who share a vision of better migration policy informed by academic research. During the 2004 Metropolis, a small group of scholars from different parts of the world decided to initiate a shared reflection on specific migration issues which have a global impact. One of the concerns identified by the group was the ethical dimension of modern migration policies. Before the adoption of more restrictive migration policies, quota systems, increased border controls and impressive security measures imposed on “aliens,” an ethical question arises spontaneously: is the welfare of migrants and their families included in the concept of better “management” of migration flows?

The group decided to undertake a study on recent migration policies in South America, North America, Europe and Asia, with the aim of assessing their ethical dimension. The identification of ethical criteria for the assessment of policies was also part of the reflection, since the scholars realized that the very concept of ethics is understood differently across societies marked by diverse cultural and religious backgrounds.

The natural venue for the presentation of the different contributions was the 10th Metropolis International Conference, which was held in Toronto, Canada from 17th to 21st October 2005. The group decided to organize a workshop titled, “Migration Management and Ethics: Envisioning a Different Approach”. The workshop was held on 18 October with the participation of five speakers and two dis-
The goals of the workshop were the following: a) to present an assessment of some migration policies both at national and international levels, highlighting accomplishments and gaps; b) to offer a conducive venue for the discussion of a feasible ethical approach to migration management; and c) to envision possible ways of cooperation among governments, academe and NGOs for the development of new “ethicized” migration policies.

The various contributions of the scholars offered a tentative “ethical” assessment of some migration policies in South America, North America, Europe and Asia, highlighting the role of each stakeholder (governments, non-government organizations and academe) towards a feasible process of “ ethicization” of migration management. An interesting comparison of data and reflections at the international and interregional levels led the participants to define common frameworks of interpretation and strategies toward the “ ethicization” of migration management. Some “best practices” of cooperation in migration policymaking among NGOs, academe and governments were also presented.

Summary of the contributions

1. Ethics and Human Rights in the South American Migration Processes
   Mario Santillo – Centro de Estudios Migratorios Latinoamericanos (CEMLA), Buenos Aires (Argentina)

   For the last six years the governments of the South American countries have been meeting annually in order to negotiate harmonized migration policies, protect their nationals and define a common approach to migrants’ rights. This contribution intends to assess their efforts from an ethical perspective, with particular attention to the respect of human rights.

2. Migration Policies and Ethics in East and South East Asia
   Fabio Baggio – Scalabrini Migration Center (SMC), Manila (Philippines)
Through an objective assessment of contemporary migration policies and their impact on both the sending and receiving countries in East and South East Asia, this contribution highlights the urgent call for the “ethicization” of migration management and proposes feasible paths of solution involving governments, the academe and NGOs.

3. Immigration in the 21st Century – The Need for an Ethical Approach

Christine Baghdady, Richard Vanderberg – Grant MacEwan College, Edmonton, Alberta (Canada)

This contribution attempts to demonstrate the urgent need to reconcile current migration policies with the widely accepted recognition of fundamental human rights. Particularly for those countries which have signed the Universal Declaration of Human Rights, like Canada, all immigration related issues should be rethought within an ethical context.

4. The Ethics of Migration. Reflections on Recent Migration Policies and “Non policies” in Italy and in Europe

Laura Zanfrini – Fondazione ISMU, Università Cattolica, Milano (Italy)

This introductory presentation describes current trends in international migration policies, focusing attention on their contradictory elements. The existence of a “gap” between empirical phenomena and the assumptions of laws and policies is the major cause of failure in the governance of international migration. And a corollary to all this is an overall underestimation of the ethical implications of decisions in this field.

5. Colombia: Including Emigrants in Their Societies of Origin

Urs Watter – Foundation for Population, Migration and Environment (PME), Zurich, Svizzera

The increased emigration of Colombians in recent years raised public concern about migration matters. This contribution aims to discuss from an ethical perspective some
new governmental policy measures and initiatives aimed at emigrants’ inclusion as well as cooperation with international organizations, NGOs and academia.

The diversity of approaches to ethics and migration management constituted both the limitation and the richness of the workshop, and it was clear that further reflection is needed to advance the ethicization of migration policies in different contexts.

The workshop was organized thanks to the cooperation between the Scalabrini Migration Center of Manila and the Fondazione Ismu of Milan.

Thanks to the initiative of Fondazione Ismu of Milan, it has been possible to collect the contributions and publish them in a book, which we are pleased to offer to the attention of any interested reader. We hope this publication will encourage other researchers to join the ethical reflection, so as to help policy makers to commit to upholding the rights and welfare of all the people involved in the migration process.
1. Ethics and Human Rights in the South American Migration Processes

Mario Santillo

On December 10th, 1948, at the second General Assembly of the United Nations held in Paris, human rights were stated in relation to the society and the State in the passing of the Universal Declaration of the Human Rights. This statement consists of 30 articles. In its preamble we can read that “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Human rights are inalienable (we are born with rights, no government can deny them), universal (they belong to everybody, equality principle), indivisible (they complement one another), interrelated and non-discriminatory. Some examples of human rights are: the right to life, liberty, non-discrimination, education, etc. 1

After this Assembly, the International Covenant on Economic, Social and Cultural Rights was realized. And then the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights followed. At the American Convention on Human Rights the “Pact of San Jose, Costa Rica” is released.

The importance of the human person’s dignity has become stronger as a consequence of world wars, international conflicts and fundamental right violations by dictatorial regimes around the world. Nowadays, governments are measured in terms of their respect or disrespect towards people’s rights at the international forums. Though much progress has been achieved in this matter, there

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1 For more information on Human Rights in general and Migrants’ Human Rights, see special issue of Migrations and News on Human Right, n. 53, 2000.
still are many regions of the world where people’s values and respect towards their rights are unknown.

Governments have to be guarantors of equal law for everybody and should be the first to respect people by guaranteeing work, health, housing, welfare and security for everybody.

Human rights are used by many people and they are also interpreted in different ways; there are those who use them politically as an amulet of the past, and there are those who use them only to get closer to more progressive and combative sectors, and, finally, there are those who even ignore them. René Ugarte, in his article “Los Derechos Humanos, Ayer, Hoy y Siempre” (Human Rights, Yesterday, Today and Forever), mentioned the different interpretations that are given to this term: “promise-rights”, “programs-rights”, “ideals-rights”, “flag-rights”, etc, few of them are used as actual rights.2

Another international instrument that can be applied to migrants’ rights is the “Convention on the rights of the Child” (1989). “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” (art.2) Right to a name and to acquire a nationality, to watch over the stateless child (art. 7), right of the child to preserve his or her identity (art. 8), the right of the child and his or her parents to leave any country, including their own, and to enter their own country (art. 10), the right of the child belonging to ethnic, religious, linguistic or indigenous minorities (art.30).

Vienna declaration of human rights (1993) represents the first official recognition by the international community that women’s rights are human rights. “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights”.

2 Ibidem: 15.
1.1 Migrants’ Rights

After barely going through human rights in general, we shall go deeply into migrants’ human rights. The first objection we may have is: why should we differentiate as regards treatment of people’s fundamental rights? The answer is given by the very nature of the dynamics of migration, people who are in movement. Many authors number a series of rights, for instance, Lelio Marmora (1997) mentions the following ones:

1. *Right not to emigrate*. People have the right to be in the place where they live and to be guaranteed to lead an economical, political and social life, with no need to go anywhere else. This contains all the rights enacted in the Universal Declaration of Human Rights.

2. *Right to freedom of movement and circulation*. Many times, people choose to leave to improve their welfare and life quality. People have the right to move from one place to another, with no one to prevent them from doing so; however, sometimes restrictive laws in some countries do not allow free mobility; for example, in Europe only members of the European community have this right; in the South Cone, there is a MERCOSUR project of agreement for free residence, already approved by the Presidents and Ministers of the Interior. Article 13 of the Universal Declaration states: “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country”. By these two principles practically anyone would have the right to belong to a State, if they stop leaving in this

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3 For further information, see L. Marmora (1997).
4 The Congress of most countries in the region still need to ratify this; Argentina already did at the level of MERCOSUR and associated countries (Chile, Bolivia, and Peru), whereas Brazil only did with MERCOSUR. This will allow people to reside and work in another associated country provided that they have solved their migratory situation.

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State, they would have the right to “belong” or “be assigned to another one”.

Several philosophical movements have debated on whose the primacy was, the individual or the State; for example, Universalistic philosophy considers that rights are inherent in individuals and not in states. For Communitarian philosophy instead, individuals do not have social existence outside the Community. 5

3. Right to Social Justice. This points at fairness, and egalitarian treatment. Whether he or she has documents or not, the migrant cannot be considered as “a second-category citizen” who has no rights, just duties to the State.

Equality of opportunity is having a fair salary, guaranteed good working conditions, not accepting informal work or labour exploitation and slavery. Unfortunately, in many countries where there are restrictive policies, migrant workers and their families do not have beneficial working conditions, they are frequently forced to live in secrecy with high-risk jobs and no protection at all.

We can complete this right with articles 7 and 15 of the Universal Declaration; they refer to non-discrimination and equality before the law (art. 7) with no distinction of migratory situation. 6 Article 15 refers specifically to the right to a nationality and the right not to be deprived of it.

Social justice is the opportunity for migrants in their access to basic resources such as health, housing, education. In Argentina, for instance, these rights have been denied to migrants in irregular situation for over 20 years, because of law n° 22.439 of the Military Dictatorship.

The situation has changed substantially nowadays, with the

6 An analysis of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) will be presented below. This principle has caused controversy among the states that have refused to ratify it; it involves granting immigrants in irregular situations the same rights as migrant workers who are legally working in receiving countries.

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new law 25.871 on migration. The following articles illustrate the differences:

Article 6 - The State in all its jurisdictions, will ensure equal access of migrants and their families in the same protection and rights as the local people, particularly in reference to social services, public welfare, health care, education, justice, work employment and social security.

Article 7 - By no means will the migratory irregularity of any foreigner prevent him or her from being accepted as a student at an educational institution, being this public or private; national, provincial, or municipal; primary, secondary, tertiary or university. Authorities at educational institutions will have to advise about the necessary steps and procedures to rectify the migratory irregularity.

Article 8 - Access to health, social and sanitary assistance shall not be denied or restricted to any foreigners that may need it, whatever their migratory situation might be. Authorities at sanitary institutions will have to advise about the necessary steps and procedures to rectify the migratory irregularity.

The first article concretely refers to right equality with the local people in relation to the use of all the services; in the next two articles, the law refers specifically to migrants’ access to health and education beyond their migratory situation. In the past, national, provincial and municipal civil servants were supposed to inform on illegal migrants. Nowadays, they are asked to advise migrants in order to facilitate regularization.

This law has not been regulated yet, but its principles have been an achievement after long debates in the civil society, 7

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7 The major agents that have impelled this initiative are the members of the Board of Organizations for the Defense of Migrants’ Rights: Buenos Aires City Archbishop’s office, Migrations Department, Permanent Assembly for Human Rights (Asamblea Permanente de los Derechos Humanos - APDH), Argentinean Workers Union (Central de Trabajadores Argentinos), Migrations Department (CTA), Legal and Social Studies Centre (Centro de Estudios Legales y Sociales - CELS), Latin American Migratory Studies Centre (Centro de Estudios Migratorios Latinoamericanos - CEMLA), Migrations Argentinean Catholic Commission Foundation (Fundación Comisión Católica Argentina de Migraciones - FCCAM),
human right organisations, churches, and different governmental instances. There is still a lot of hard work to do trying to sensitize civil servants and get them to change their attitude towards migrants.

Another right that has to do with social justice is the migrant’s political participation in their country of origin and the receiving country. In many national legislations, migrants are not allowed to vote in their receiving country, with the exception of some municipal elections. On the other hand, their countries of origin are suspicious of allowing them to vote for the candidates from their own country, for instance, in Bolivia it was not approved by the Congress, in Mexico it is put forward as something that may not permit full integration of migrants in the receiving country. In Peru, Peruvians living abroad are compelled to vote; Italy gives emigrants the possibility to vote for Senate candidates who live outside Italy. In Buenos Aires, there is a provincial law, n. 11.700, which allows foreign people of both genders who have lived for more than two years in Buenos Aires Province to vote for governor, vice governor, provincial legislators, municipal intendants, councilors, school councilors, constituent Members of Parliament, and they can also participate in every public consultation or plebiscite (art. 1). Many countries are afraid their emigrants being able to change their own country’s destiny as they express their preferences when they vote. For instance, in Galicia’s last elections, Galician migrants living in Argentina and their descendants strongly influenced the final results.

Peace and Justice Service (Servicio de Paz y Justicia - SERPAJ), Ecumenical Advice and Support Service for the Immigrant and the Refugee (Servicio Ecuménico de Apoyo y Orientación al Inmigrante y al Refugiado - CAREF), Net of Researchers on Contemporary Migrations in Argentina (Red Investigadores en Migraciones Contemporáneas en Argentina - RIMCA). For further detail, see: C. Violeta (2004).

8 Law 11.700, known as Mercury Law, allows immigrants that have DNI and residents in Buenos Aires Province to vote for authorities. It is made of 14 articles. The making of a special registry for foreign electors residing in the several municipalities is being planned.

9 The same appened in Italy last elections, April 2006 (note by the editors).
4. **Right to a cultural identity.** This is one of the most difficult rights to achieve. Migrants feel tense because they want to keep their own identity, their roots, their cultural heritage, and at the same time, they want to integrate into the receiving society.

Some countries have adopted assimilating policies; for instance, in the past the United States, as a young country that needed to build its own national identity, adopted severe measures, asking immigrants to learn the language, to respect their National Symbols, to become American citizens, to wear their clothes, to follow their traditions and customs. This led to a process in which impurities were “joined” and “shaped” immigrants into a pre-established model. This model resulted in a total, fast, and forced assimilation that created a new culture.

Other countries such as Canada, Australia, and to some extent France, have applied multicultural and pluriethnic theories and policies. This is not only about respecting different cultures in multiculturalism, but it is also about having a real interrelation among the different cultures, where we can go from tolerance to appreciation of the other, of diversity, of what is different. Being different is also a right.

Nowadays we hear about interculturality as a necessary process for migrant integration and for preventing migrants from losing their own identity. Xenophobic and discriminatory discourse arise when there is fear of the other, the migrant, and if he is poor he does not fit homogeneous or well-off societies, it also happens in moments of economic crisis, he is to blame for thefts, unemployment, using services, and changing the city’s appearance.

### 1.2 International Instrument for Migrants’ Defence

On July 1st, 2003, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force.

However, 1990 United Nations General Assembly had already...
adopted it as an international instrument for defence and protection of migrant workers.

This delay has been caused by many industrialised countries which consider that this instrument contains too many privileges for migrant workers, especially for those who are in an irregular situation. Some other issues are family reunification, national security, migratory policy criteria, etc.

We face here some kind of international jurisdiction problem. Who should protect foreigners’, migrants’ rights in a country which is not theirs? Should their country of origin protect them? Or should the receiving country do so, even caring for those who are in an irregular situation, that is, “with no documents”? These and other questions arise in migrants’ everyday reality. Giuseppe Della Torre (2004)10 refers to the increasingly-frequent need to speak about a “transnational law” and not about a law that is limited to a territory, the states to which they belong should be compelled to protect their extraterritorial citizens and receiving countries should protect both their own citizens and foreigners equally.

Such an instrument should compel all the states to fulfil their rights and obligations. Unfortunately, few countries have accepted it. In fact, the ones that have signed are among the poorest countries in the world. In Latin America: Argentina, Chile, Paraguay and Perú.

The structure of the Convention is the following: in the first part (art. 1-6) it refers to scope, definitions and addressees. Article 2 establishes a typology of migrant workers, but no distinction is made of sex or race.11 Article 7 speaks about the Non-discrimination principle and the right to equality. In articles 8 to 35 it refers to workers and their families’ fundamental rights, even those who are in an irregular situation, right to freely leave any State including their State of origin (art. 8), right to life (art. 9), no torture or cruel, inhuman or degrading treatment or punishment, no slavery or servitude (art. 10-11), freedom of thought and expression (art. 12-17).

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10 In an article on Human Rights efficacy, Della Torre makes reference to the contradictions found in international law and national rights. For more information, see G. Dalla Torre (2004).

11 R.Baratta analyses the application of the convention in the italian norm on migration, for further detail, see R. Baratta (2004: 97-128.

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Other articles are concerned with workers who are documented or in a regular situation (art. 36-56), the right to liberty of movement (art. 39), the right to form associations and vote (art. 40-41), the right to equality of treatment with nationals (art. 43), family protection and reunification (art. 44), the right to transfer their earnings and savings through remittances (art. 47).

From articles 57 to 63 there is a series of provisions applicable to particular categories of migrant workers, as for instance, frontier, seasonal, self-employed workers, etc.

From article 64 to 71 commitments and obligations of States Parties are outlined, among which we can mention exchange of information, appropriate services to deal with questions concerning international migration, the return, the elimination of illegal or clandestine employment, etc.

For the purpose of reviewing the application of the convention, a committee of ten experts elected by the States Parties was established (art. 72-78). Their mission will be to give a complete report of factors and difficulties affecting the implementation of the Convention as far as the States are concerned. The report will be presented to the Secretary-General of the United Nations for its examination.

Finally, the Convention has a set of general and final provisions (art. 79-93)\(^{12}\) that do not affect States Parties internally or migrant workers’ rights and liberties, but which compel countries which ratify the Convention not to exclude the application of any part of it.

### 1.3 Some Final Reflections

We find many contradictions between government discourses and declarations, or observance and application of law, when it comes to migrants’ human rights.

The first contradiction takes place in more industrialised societies where unskilled labour or service workers are needed, but who do anything they can to stop migration from poorer countries. The Melilla case speaks for itself. Spain and Morocco have set up a disproportionate and ruthless security operation to control Sub-

\(^{12}\) For reading the complete text of the convention, see appendix in R. Giustiniani, (2004: 233-268).

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Saharan migrants who try to enter Europe. Italy has done the same when trying to stop ships coming from Albania and with the application of restrictive laws. On the other hand, the United States tries to use all its technologies to stop immigration from the south border, Ecuadorians going north are stopped by Marines on the high seas, and like this, we could mention so many other cases of human right violations.

A second contradiction takes place between the political discourses in international forums and Conferences on migration where nationals who live away from their region are defended in their rights and respect, but important international treaties, such as the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which contains all the principles of respect to people, are not signed. The same can be said about some countries’ restrictive migratory policies, they refuse to modify these laws because they fear to see their security become vulnerable and lose their national identity. However, some achievements have been attained in the South Cone: Argentina has a new migration law in agreement with the international instruments of human rights; Chile, Brazil and Paraguay are reformulating their migratory policies.

Another contradiction is that a migrant cannot appeal to the observance of his or her rights when living in another country in an irregular situation; he or she cannot have a decent job, he or she cannot have a fair salary, access to health, education, housing, and any other service. The States do not feel forced to apply equality of rights with nationals.

Some dialectical couples take place between people and societies, for instance, identity and integration create continuous tension between the migrant and the receiving culture, not always with open arms, is it only the migrant’s obligation to integrate? Does he or she have the right to preserve his or her own identity? Relationships between people and society is no static, its dynamics is the interrelation, including contradictions.

Another couple is the ethnic community and society. We understand by community a group of people belonging to a collective, with their own identity, it could be an anonymous society in a wider
sense, sometimes the ethnic community can become a nuisance for society in general, and it ends up behaving like a ghetto.

The dialectical of the particular and the universal is another couple, on one hand identity is strengthen as the right to be different, and on the other hand, the human being him or herself is particular and universal at the same time, having to share the particular aspect of his or her culture with the universality of humanity.13

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Bibliography


13 To find further information on this dialectical concept, see A. Perotti (2004).
2. Migration Policies and Ethics in East and South East Asia

Fabio Baggio

2.1 International Migration in East Asia and South East Asia

According to the International Organization for Migration (IOM), in 2000 the world’s international migrant population was estimated at 175 million (IOM, 2003). Almost 30% of them or 50 million lived in Asia (see Figure 1). It would be quite difficult to have an exact breakdown of this estimate by country. In the case of Asia, official figures are often inexact or incomplete. Moreover, they are based on different definitions and varying methods of calculation, and are thus, not comparable. Finally, the presence of unauthorized migrants, whose number cannot be ascertained, adds to the difficulty of arriving at an exact calculation of the migration stocks and flows in the region.

East Asia and South East Asia (ESEA) consist of countries of origin and countries of arrival of migratory flows. Some are both countries of origin and destination. Given the limitations expressed above, I attempt to provide some data, based on information from different sources, such as official statistics, information provided by local newspapers, and a number of scholarly publications on the subject. As regards the countries of origin in ESEA, the Philippines comes first in terms of emigration stock, with over eight million emigrants as of December 2004. This is followed by Indonesia (1,950,000 overseas workers in 2005\(^1\)), South Korea (919,400 emi-

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\(^1\) Estimates of overseas workers are from the addition of 500,000 estimated irregular migrant workers in Malaysia, according to Reuters, 4 April 2005 (Asia Migration News - AMN, 15-30 April 2005), to the 1,450,000 regular stock calculated by M. M. Hanartani (Decent Work Programme in Indonesia, 2005).

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grants in 2005\textsuperscript{2}), and Japan (911,062 nationals overseas by the end of 2003\textsuperscript{3}). The fifth place is taken by Thailand\textsuperscript{4}, followed by Malaysia\textsuperscript{5} (see Figure 2).

**Figure 1 - Stock of international migrant population by region in 2000 (percent values)**

![Pie chart showing the distribution of the international migrant population by region in 2000.](image)

*Source: IOM (2005a: 481)*

\textsuperscript{2} Data from *The Korea Times*, 2 February 2005 (*AMN*, 1-15 February 2005); the figure refers to overseas Koreans eligible for absentee voting.

\textsuperscript{3} Data from *The Japan Times*, 6 April 2004 (*AMN*, 1-15 April 2004); the number refers to Japanese nationals living abroad on a long-term basis.

\textsuperscript{4} Data from *Bangkok Post*, 15 June 2004 (*AMN*, 1-15 June 2004); the estimates include workers and students overseas.

\textsuperscript{5} Data from *The Straits Times*, 10 January 2003 (*AMN*, 1-15 January 2003).
Figure 2 - Stock of regular emigrants in selected ESEA countries

As regards countries of arrival, it is more difficult to establish a matrix based on stocks of migrants because the figures referring to unauthorized migrants, which are extremely variable depending on the source, can greatly affect the final result. Figures 3 and 4 set out some plausible estimates about the regular and irregular immigrant stocks of the major receiving countries in ESEA.

Data on migration flows in ESEA refer exclusively to authorized migrants (see Figure 5). In 2005, 981,677 Philippine workers were legally deployed overseas. As for gender classification, in 2004 women made up over 75% of the new hires. In 2003, 293,865 Indonesian workers left their homeland seeking greener pastures, mostly in Middle East and in the Asia Pacific region. Almost 75% of this flow comprised of female workers. From January to October 2004, the Overseas Employment Administration Office in Thailand recorded 119,499 authorized departures; half of them were bound to Taiwan. Thai migrant women represented only 23% of the 2004 deployment. In 2002, over 46,000 Vietnamese nationals departed for jobs overseas.

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Figure 3 - Stocks of regular migrants in selected countries in Esea

Figure 4 - Stocks of irregular migrants in selected countries in ESEA

Source: For Japan, The Daily Yomiuri (AMN, 15-31 March 2004); for Thailand, Bangkok Post, 18 June 2005 (AMN, 15-30 June 2005); for Malaysia, Reuters, 4 April 2005 (AMN, 15-30 April 2005); for Taiwan, Asia Pacific Mission for Migrants (Taiwan profile, 2005); and for South Korea, The Korea Times, 5 June 2005 (AMN, 1-5 June 2005).
Figure 5 - Number of workers legally deployed overseas in selected countries in ESEA

Unauthorized migration constitutes one of the most problematic migration trends in ESEA. Malaysia, Japan, Republic of Korea, Thailand and Taiwan have to face daily the problem of hundreds of thousands of irregular migrants. They are clandestines, overstayers (tourists or migrant workers who irregularly extended their stay in a country), and foreign workers with fake or irregular documentation. Threats of massive deportation are quite frequent and their implementation is often marked by human rights violations and abuses. Unauthorized migration is sometimes a pathway to human trafficking, an increasing trend often linked to a flourishing sex industry, which involves children as well. Despite the recent multiplication of studies on this worrisome issue, it will not be possible to exactly quantify the phenomenon. A great part of the problems arises from the different interpretations of the definition of human trafficking proposed in the Palermo Convention (United Nations, 2000). One contentious case in ESEA concerns the Filipino “Overseas Performing Artists” (OPAs) deployed to Japan. Thousands of young Filipino women (more than 80,000 in 2004) are hired on a six-month contract basis to dance and sing in bars and night clubs in Japan. Thanks to the work of civil society groups, it was revealed that many of them were actually victims of a well-organized human trafficking marked by abuses and sexual exploitation (J. J. H. Lee, 2005; J. T. Montañez, 2003). It took some time for the Japanese government to take action on this issue; finally, in March 2005, new restrictive measures regulating the hiring of OPAs were adopted.

2.2 Migration Policies in ESEA

Migration policies in ESEA have been the object of several studies. Interesting proposals of classification had been advanced, even if the ESEA reality is often complex and variable. The sudden and sometimes illogical changes in national migration policies do not allow a long-term systematization. As of 2004, M. M. B. Asis (2004) proposed a tentative classification of the migration policies of receiving countries in the region on low-skilled migrant workers (see Table 1). In the category “open” Asis put Singapore, Hong Kong and Taiwan, since they implement working permit systems
and/or quotas. Malaysia and Thailand were classified as officially open to certain categories of regular migrants (open door), but they also receive irregular migrants (back door). In the case of Japan and Republic of Korea, since they do not officially allow the hiring of low-skilled migrants, alternative systems had been generated, like the trainee system and the possibility for foreign students to be involved in part-time jobs (side door). Another means for Japan is to allow the admission of Nikkeijin, the descendants of former Japanese emigrants who went to Latin America. Both countries also use irregular migrants (back door). No country was classified as closed. In 2004, however, Korea started to implement the Employment Permit System, leaving Japan the sole country which continues to adhere to the policy of not accepting less skilled migrant workers.

Table 1 - Tentative classification of receiving countries of low-skilled workers in Esea

<table>
<thead>
<tr>
<th>Open</th>
<th>Open door/ back door</th>
<th>Side door/ back door</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singapore</td>
<td>Malaysia</td>
<td>Japan</td>
<td></td>
</tr>
<tr>
<td>Hong Kong</td>
<td>Thailand</td>
<td>R. of Korea</td>
<td></td>
</tr>
<tr>
<td>Taiwán</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Asis, 2004a

Due to the aforementioned constraints at attempts of general classification, the author decided in favor of a “longitudinal national approach”. The study has focused on the migration policies of selected countries in ESEA from 1999 to 2004. The group of receiving countries includes Japan, Republic of Korea, Taiwan and Singapore. On the other side, the Philippines and Indonesia were selected among the sending countries. The socio-political analysis considered both the legislative framework (national legislation, international conventions and bilateral agreements) and the executive aspect (programs, structures and actions). Given space constraints, the author decided to omit the presentation of the breakdown of the results of the study by country, limiting to highlight some common trends and some other general considerations.
Labor migration in ESEA is based on the “temporary contract worker system.” All receiving countries do not allow permanent settlement to less skilled migrant workers. Access to citizenship or nationalization is often complicated processes in ESEA, sometimes impossible. The contract worker system seems to offer some notable advantages to both the countries of origin and destination. For the former (especially, the Philippines and Indonesia), recent national policies see migration as a development strategy. It generates employment abroad, thereby reducing internal social pressure due to high unemployment rates. Temporary migrants send huge remittances to sustain their families left behind. Oftentimes the governments of the sending countries are directly involved in the migration process through a three-fold action: a) they identify the needs of the international labor market; b) they generously offer cheap workers to foreign countries; and 3) they establish local structures with the task of facilitating the migration process. When questions are raised on the ethical dimension of their migration policies, the governments of the sending countries frequently appeal to the sacredness of the personal right to migrate. Nevertheless, such justification is highly questionable, since migration in many countries in ESEA represents a “forced” choice, the only feasible way to assure survival or to achieve personal goals. For the receiving countries, the contract workers system is quite convenient because it represents a notable decrease of costs. Family reunification is strictly off limits to less skilled migrants, which means there is no need to implement special (and expensive) integration programs for foreign workers. Actually, the concept of integration itself is understood differently in each receiving country; many times, integration means peaceful tolerance of the foreign workers according to the contingent needs of the national labor market. Due to the limited stay of guest workers (two years or one year), it is practically impossible for them to participate in trade unions and to access social security services. The receiving countries are inclined to continue implementing the temporary contract worker system, since they believe that such system can assure a better management of migration flows according to national needs.

Cooperation between the countries of origin and those of destination of migration flows in ESEA is generally limited. The former
seem to suffer from a kind of “inferiority complex;” the necessity of sending workers overseas puts them in a weak negotiating position and the conditions appear to be always unilaterally imposed by the receiving countries. The latter do not seem really concerned about international standards of protection for migrant workers. However, some positive signs of collaboration have been appearing in recent years, at least among the sending countries. Between 2003 and 2005, upon the initiative of the IOM, three ministerial consultations on overseas work were held. The first consultation was held in Colombo, Sri Lanka, in April 2003. The participants came from the main sending countries in Asia: Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam. Three areas of cooperation were identified: a) protection of migrant workers, b) optimization of benefits from labor migration, and c) collaboration among countries. The second consultation was conducted in Manila, Philippines, in September 2004, and it served to continue the dialogue. The third ministerial consultation was held in Bali, Indonesia, in September 2005. The latter succeeded in including some receiving countries. At the end of the sessions, one common objective was stressed: to establish a just labor market for the benefit of everybody (IOM, 2005b). In previous years, the initiatives of regional dialogue had focused on irregular migration and human trafficking (the “Manila Process” of 1996, the “Declaration of Bangkok” of 1999, and the “Bali Process” of 2002)\(^\text{10}\).

In ESEA, the legal framework favoring the protection of migrants’ rights is very limited, both at the national and international levels. One should mention two important exceptions, the Philippines’ 1995 Republic Act 8042 and Indonesia’s 2004 Law No. 39/2004. As far migrants’ rights promotion and defense is concerned, the former is far better than the latter, but both suffer serious problems of implementation. In many receiving countries immigration laws are often obsolete and inadequate in the face of new realities. They generally aim to project local workers at the expenses of the foreign ones. As far international instruments are concerned, only the Philippines and East Timor signed and ratified the UN International Convention on the Protection of the Rights of All Migrants.

Migrant Workers and the Members of their Families. Despite the continuous efforts of the International Labor Organization (ILO), only one country in ESEA, the Philippines ratified international conventions in defense of migrant workers (97 and C143). Trade unions and other worker associations in ESEA, both in the sending and receiving countries, did not show particular interest in the problems of foreign workers. Nevertheless, it should be mentioned that, in recent years, some positive signs of involvement of migrant workers in local trade unions programs have appeared in the Republic of Korea and Singapore. At a more general level, the work of advocacy for migrants’ rights is entrusted to NGOs and other migrant groups, which are quite active in ESEA.

In ESEA, the private sector has established a huge “migration industry,” which is in the business of selling migration dreams to aspiring migrants. The government of many sending countries has decided to entrust the recruitment process to the private sector, limiting itself to regulatory and monitoring functions, which are difficult to accomplish. Envisioning lucrative business, recruitment agencies and brokers have quickly multiplied. Unfortunately, because of the lack of regulations and effective mechanisms of protection, exploitation, deceit and abuses are commonly experienced by many migrant workers in ESEA (M. M. B. Asis, 2004b). Given their crucial role in overseas employment generation, the recruitment agencies seem to exercise great influence on the development of national migration laws and policies.

Unauthorized migration is one of the most problematic trends of the migration phenomenon in ESEA. In recent years the receiving countries tried to curb it by drafting more restrictive policies and enhancing their border controls. However, the results are not as expected. Even if governments do not like to admit it publicly, unauthorized migrants essentially contribute – and still contribute – to economic development of in the receiving countries in ESEA, feeding the underground economy, which represent in many cases the secret of their financial success. On the other side, the flourishing “irregular migration market” caused the mushrooming of illegal channels of recruitment, which may easily lead to human trafficking practices, with the intervention of the international organized crime (G. Battistella, M. M. B. Asis, 2002). When the stock of ir-
regular migrants becomes “unmanageable” and “dangerous,” the receiving countries implement massive crackdowns, which might enact serious violations of human rights, like in the case of Malaysia.\footnote{Cfr. \textit{Channel News Asia}, 1 March 2005 (AMN, 1-15 March 2005)}

Migration experts have also drawn attention to the “social costs” of migration. It seems that in ESEA such costs are generally quite expensive. Very frequently the members of migrants’ families are divided between the countries of origin and destination (transnational families). Recent studies reveal the worrisome vulnerability of transnational families, because of the long separation of the spouses, the absence of one or both parents, difficulties in the exchange of parental roles and other contingent factors (e.g., financial responsibilities). To compensate for loneliness and sacrifices, sometimes married migrants decide to constitute a second family overseas (M. L. Tan, 2006). The most expensive costs are shouldered by the children of migrants. A study undertaken by the Scalabrini Migration Center in 2003 revealed that the extended families in the Philippines helped the children to cope with the new situation. However, those with migrant mothers tend to suffer more compared to other groups of children. Materially, migrant families are better off than non-migrant families, but the emotional costs and implications of parents’ migration on the children are difficult to measure (ECMI/AOS-Manila, SMC and OWWA, 2004).

At a more general level, there is the spread of a worrisome “migration mentality” in the countries of origin. The new generation tends to view migration as the only possibility to succeed personally and professionally. The cited 2003 study revealed that almost half of the Philippine children interviewed, aged between 10 and 12 years, entertained thoughts of working abroad someday. The vocational and career orientation of the youth in the Philippines, for example, is deeply influenced by migration prospects. Their decision about their professional formation is increasingly determined by the opportunities of the international labor market (ECMI/AOS-Manila, SMC and OWWA, 2004). New educational programs and courses are quickly established to respond to the requirements of the receiving countries.
Those who migrate are usually the most creative and entrepreneur. The countries of origin progressively lose their best human resources. The “brain drain” includes the “exodus of professionals,” mostly in the health sector (largely, nurses), who leave their home countries because of much higher wages offered abroad. The loss of human resources might signify a serious threat to sustainable development in origin countries in ESEA.

Unlike what happened in other regions in the past (e.g., Europe), migrants’ remittances do not seem to substantially contribute to the socio-economic development of the countries of origin. In the case of the Philippines, which received USD10 billion in 2005, it appears that only 5 percent of the total amount of remittances is actually invested in productive activities in the home country, while almost 70 percent goes to pay debts and cover households’ regular expenses. Figure IV is based on the results of a study presented at the International Conference on Migrant Remittances: Development Impact, Opportunities for the Financial Sector, Future Prospects, held in London on 9-10 October 2003 (I. F. Bagasao, 2003); it presents a breakdown of the usage of remittances by the families of Filipino migrants.
Figure 6 - Estimated usage of remittance by Philippine migrant families (in %)

- Payment of debts: 36%
- Appliances and furniture: 13%
- Education of children: 10%
- Investments: 5%
- Savings: 1%
- House's purchase: 3%
- Regular household's expenses: 32%

The impact of migrants’ remittances on local development beyond family boundaries is less clear. There are some indications that the families left behind tend to become dependent on remittances – it seems that it is not only the nuclear families of migrants, but also their extended families rely almost exclusively on money coming from abroad. Some Church-based organization involved in reintegration programs warns about an alarming loss of sense of responsibility in cooperating and working together to sustain the households sustain, together with the growing “laziness” in developing lucrative enterprises. In the Philippines, the possibilities of productive reintegration offered by the government to returned migrants are scarce to none. Contract workers coming back for good are few, and after some months they generally re-apply for jobs overseas. Such practice leads to the perpetuation of the migration cycle.

International labor migration in ESEA is increasingly presenting a female face. A recent estimate (K. Yamanaka, 2005) pegs the number of migrant women working in ESEA at the beginning of the 2000s at 2 million, i.e., one third of the total migrant workers in the region. In recent years, migrant women have essentially responded to demands in domestic service and manufacturing sectors. The ESEA labor market absorbs large numbers of domestic workers, with Malaysia, Hong Kong, and Singapore as the major destinations. In 2004, 240,000 household workers were registered in Malaysia; more than 90% of them were Indonesian (Human Rights Watch, 2004). In Hong Kong, as of March 2004, the population of foreign domestic workers was 216,345, coming mainly from the Philippines, Indonesia and Thailand (Department of Immigration of Hong Kong, 2004). In May 2003, Singapore counted 140,000 foreign household workers, constituting 28% of the 500,000 work permit holders (National Trade Unions Congress, 2003). In 2004, the Thai government issued work permits to 128,514 foreign domestic workers, originating mainly from Burma (J. W. Huguet, S. Punpuing, 2005). Whether situated in the domestic sector or in the entertainment sector, the work of female migrants in ESEA is typically in the category of the “3D jobs” (dirty, difficult and dangerous). The lack of legal framework for the basic protection of workers – both in the sending and the receiving countries – significantly increases the level of risk to migrants and impunity to violators.
Registered cases of physical abuse, exploitation and sexual harassment have not abated, raising international attention to the issue.

2.3 Ethics and Migration Management

In many different ways, in the last five years, the national migration policies of many countries in ESEA attempted to reach a better management of migration flows, although based mainly on national interests. Such development led to the emergence of some challenging contradictions, which can be described as follows.

1. In some countries in ESEA, there is inconsistency between immigration laws and emigration laws. While the latter try to reaffirm the rights of their nationals abroad, the former often have clear discrimination and exclusion practices for foreigners residing in their national territory. Secondly, migration legislation and migration policies are often inconsistent, since the latter seem to respond more to fluctuating economic contingencies than to universally recognize social principles. Thirdly, in many cases, the political praxis appears to deeply diverge from national legislations and official policies regarding migration, and many dubious practices are generally justified by so-called “national security reasons.”

2. Although many national governments in ESEA have engaged in growing efforts toward better protection and promotion of human rights, often times such efforts are limited to their nationals. As a consequence of the undeniable assumption that a nation-state has to be committed primarily with the welfare of its citizens, migrant workers and foreign residents seem to remain excluded from the positive effects of the democratization process enacted in many receiving countries. An excessive concern for border controls and immigration procedures, especially after the 11 September 2001 events, have greatly contributed to rationalize human rights violations, such the criminalization of unauthorized
migrants, their undetermined detention in special centers and their massive deportation.

3. Recruitment agencies, brokers and related businesses have mushroomed in the sending and receiving countries; they play an important role in the movement of millions of workers in the region. Despite government regulations and international conventions, this huge “migration industry” gets away with many irregular practices, leaving migrants vulnerable to abuses and exploitation. Governments seem inclined to concede easily to pressures from the migration industry, even when migrants’ rights are jeopardized.

4. Neither the restrictive measures adopted by many receiving countries in ESEA in the last years, nor the massive crackdowns undertaken in some areas seem to have significantly contributed to the elimination of irregular migration. On the contrary, new illegal migration channels have appeared, offering more victims to the modern trends of human trafficking and smuggling. Even though it is not admitted at the official level, the dynamics of many flourishing local and national economies “require” the contribution of cheaper unauthorized foreign workers, whose work is not supported by taxes, health insurance and social security. It is a hidden stock of workers extremely submissive to and controllable by employers. More restrictive policies often result in the proliferation of “back-doors” or irregular migration channels (and more cases of trafficking and smuggling) in order to respond to the needs of underground economies.

5. Despite the official commitment to regional and international processes initiated in ESEA, nation-states obstinately insist on dealing with migration policies as if they were a national matter. Respect for national sovereignty is often used as deterrent to the formulation and commitment to migration policies agreed upon by both sending and receiving countries. In this age of globalization, nationalistic approaches to migration management have been found to be anachronistic and ineffective. By definition, international
Inconsistency of migration policies together with the enormous human costs caused by international migration constitute an urgent ethical challenge. For the sake of better management of migration flows, injustice, discrimination, abuses and human rights violations are generally tolerated. In many cases, migration management and ethics seem to enter into an irreconcilable conflict. Even when the process of ethicization of politics is one of the main points of governments’ “agenda,” oftentimes migration policies seem to be excluded from such process simply because they address non-citizens. It looks like migrant workers fall outside the ethical responsibilities of the government in the receiving countries.

Ethicization of migration policies is indeed an urgent call to all the stakeholders: national governments, international organizations, academe and civil society groups. Reconciliation between migration policies and ethics would serve as a feasible solution to the contradictions highlighted above. Such ethicization process has to start from the identification of universally agreed-upon principles, which would serve as a platform for the definition of “good politics.” Disregarding utilitarian and relativistic ethics, which lack of universality, only a normative ethics would serve to the purpose. In the globalized world, marked by individualism and depersonalization, a “humanistic approach,” i.e., the defense and promotion of the welfare of all beneficiaries of political praxis, is an absolute priority.

The *Universal Declaration of Human Rights*¹², adopted by the majority of countries, represents a good universal platform to start with. Nevertheless, there are some conceptual constraints which can limit its applicability. The *Declaration* is essentially a product of the “Enlightened West;” therefore, it is the expression of a reflection marked by a particular space and time. Eastern philosophies took different paths, which deserve to be considered into a more global ethic reflection. In addition, the *Declaration* seems to respond only to two out of the three Enlightenment principles namely,
“freedom” and “equality”, omitting “fraternity” and all its corollaries. Moreover, it is the opinion of the author that the promotion of human development is not sufficiently emphasized by the Declaration. Finally, in the case of ESEA, the Declaration is not really binding to all the countries; in fact, many of them (Malaysia, Brunei, Burma, Indonesia and Singapore) have not yet adopted the two main multilateral treaties, which make the Declaration binding namely, the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). Even including a well-elaborated synopsis of all the international covenants, for all the reasons mentioned above the human rights approach would yield limited results. Thus, the author suggests the elaboration of ethical principles which consider the platform offered by fundamental human rights, and extends beyond it.

The search for universally-agreed upon ethical principles should be as inclusive as possible, with much consideration for the different cultural expressions of the women and men of the five continents. In this sense, the highly marketed model of a “secularized ethics” does not do justice to the feelings, thoughts and practices of majority of humankind, who relate with the divine world. Therefore, religious ethic considerations (i.e., moral) cannot be left out of the general reflection. On the contrary, the different religious traditions can offer a rich variety of interesting inputs to be treated with much respect (S. L. Carter, 1993).

Along this line, the author started to develop a universal normative ethics rooted in the socio-religious context of ESEA. The ethic-philosophical reflection, including the human rights’ approach, has been integrated with some moral principles belonging to the five main religions in ESEA: Hinduism, Islam, Buddhism, Confucianism and Christianity. Focusing particularly on the ethicization of migration policies, the author highlighted five principles, which can serve as guidelines in the process.

1. There is a set of values/virtues, which is placed beyond historical contingency and serves to assess and judge human behavior at all times.

2. Human beings naturally project their belonging beyond the
geographical boundaries of the constituted nation states (existential transnationalism).

3. Offering hospitality to a foreigner is a moral duty, one among the most important, and it is a clear sign of civilization.

4. Humankind, in its whole, is entrusted the “stewardship” of the world; it is a global responsibility which everybody should be accountable for.

5. Wealth is a gift entrusted to some people, but it should be managed for the welfare of the whole humankind.

These five principles are not exhaustive. They represent the initial result of an ethic-political reflection, which deserves to be deepened. The work is just at the beginning and the contributions that might come from different regions of the world would assure a more global dimension to the reflection.

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Bibliography


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Canada, a country over 150 years old, is a project in immigration. The country has a checkered history in how it has dealt with its immigrants – beautiful on the outside – somewhat problematic on the inside. The examples of challenges range from the head tax on the Chinese in the 1800s and the treatment of the Japanese during World War II, to exclusion of Indians and Africans from Canada. As many as there are communities in Canada there are stories of injustice done by the state.

On the other hand, since the early 1900s Canada has allowed over 31 million people to enter into the country. Currently Canada has a population of 32 million. Many of these individuals come from numerous parts of the world, all the way from Afghanistan through to Zambia. Currently Canada takes in approximately 220,000 in total. Canadian immigrants include self-selected individuals, refugees, business immigrants, asylum seekers, family class and skilled workers to name a few.

This paper will look at the ethics of the immigration process in Canada and suggests that there is a disconnect between immigration policies and the practice that takes place in the community.

More than two centuries ago the British economist Thomas Malthus predicated dire consequences for the human race if population was not limited to an increase equal to that of the food supply. This was in his book *Essay on Population*, which was published in 1798. Certainly there are a number of weaknesses in Malthus’ view when seen from a contemporary perspective. He failed to anticipate the beneficial effects of technical change, which has resulted in a dra-
matic increase in the world’s food supply. He also did not foresee the reduction in the size of the average family nor of the government and social programs that provide for the elderly and thus reduce the incentive for young families to have children as a form of social security.

Even so, this does not mean that the increase in the population throughout the world is not an issue of major concern at the present time and will continue to be so, if not increasingly in the future.

In 1995 The Report of the Commission on Global Governance issued *Our Global Neighborhood*. That report stated:

More than twice as many people inhabit the earth today as when the post-war era began. Indeed, more people have been added to the world’s population in the past five decades than in all the previous millennia of human existence. The rate at which population is growing high, reaching a near-peak, level of 87 million in 1993. In 1950, by comparison, only 37 million people were added to the global total. (The Report of The Commission On Global Governance, 1995: 27).

While the world has so far avoided a Malthusian crisis, this does not mean that the increasing world population increase does not present a number of serious problems, both now and in the future. These problems are not confined to food supply. This point was made in 1994 at the International Conference on Population and Development. What will be the effects of increasing world consumption? Increasingly we see agricultural land taken out of production so that houses can be built. Can the world continue to increase its consumption of nonessential goods in the future? Where these issues may not be at the forefront in some parts of the developed world, they are in other parts. In Africa there is the fastest population growth and it is in Africa where the populations are the poorest and the economic system the most fragile.

Even if the rate of population increase slows, it now appears that the rate of increase is less than was previously predicted. Current projects estimate that the world’s population will peak at 11.6 billion people. While the absolute level of the world’s population is a matter of concern, perhaps a matter of even greater concern is that the world’s population and population increase is in those countries that are the poorest economically. At the present time third world
countries have about 78 percent of the world’s population. These same countries account for as much as 94 percent of the world’s population increase.

This increase in the population in developing countries means that the rural areas can no longer support the population increase. This, in turn, results in a migration of individuals from the rural areas to the urban environment. Because this urbanization is so rapid it places a burden on the urban infrastructure that cannot often be met. Many of the cities in the third world have either a poorly developed or non-existent infrastructure. The rapid increase in the urban areas in such a situation increases the likelihood of disease and other social problems.

Economically the problem is made worse in another way. Those individuals who migrate from the rural areas to the urban environment have had skills suitable to their previous rural environment. These skills are not normally applicable in an urban environment. Additionally there may not be the necessary education facilities to train those migrants in relevant and suitable skills suitable to an urban environment. Because these countries are underdeveloped they normally have a high level of either unemployment or underemployment, or both. The migrants from the rural areas increase this labor market problem. Urbanization at a faster rate than industrialization is a recipe for squalor and potential civil unrest.

The combination of rapid population growth and urbanization creates a further problem, governance. A majority of the world’s most populous cities, those with populations in excess of ten million people, are now to be found in third world countries. Cities form the basis of governance in society. To the degree that governments are unable to provide the necessities for an increasing urban population the problems of governance increase. The potential for chaos increases. This, in turn, increases the difficulty of stopping the problems in the country as a whole, in both rural and urban locales.

Countries, which receive economic migrants, tend to do so for their own benefit. This is understandable since failure to do so would result in economic costs to that country. Therefore the receiving countries normally establish criteria by which applicants can be judged according to how much they may benefit the receiv-
ing country and minimize the potential costs to that country. Applicants that are most desirable are those between the ages of 18 and 35, who have marketable skills which are in demand, and which speak the language of the receiving country.

These criteria necessitate that the country of origin of the immigrant will have borne the costs of most, if not all, of the individuals’ education without receiving any of the benefits of that investment.

One subcategory of immigrant application is that of individuals who go to another country for purpose of furthering their education. To the extent that those individuals complete their studies and return to their country of origin it has the potential of being a benefit to their country of origin. If they do not return to their home country it will have missed the benefits of that individual’s future contributions.

It is not a certainty that a person who goes abroad to study and returns home will necessarily benefit his home country. Such individuals do not necessarily study subjects that are in demand or will benefit their native land. Or, as has been the case in some instances, they study subjects which are already in surplus in their country of origin and upon returning home are either unemployed, underemployed, or are pensioned off by their government. Such individuals can represent a potential destabilizing element to the civic functioning of their society.

Examples of this include the following. Pay differentials between immigration officers and settlement workers – are still unequal, with immigration officers making substantially more than settlement workers. Work is similar and the work done by settlement workers includes knowing several languages, cross-cultural communication skills, strong interpersonal skills just to name a few.

We recognize that a country such as Canada bases its immigration policy on its own perceived self-interest. This is accepted. However, given that assumption, the pay differentials are inconsistent with Canada’s self interest. If the purpose of receiving immigrants is to benefit the Canadian economy by increasing the labor force in areas where there is a shortage, the existing policy is inefficient. It is one thing to receive immigrants. It is another for them to integrate and become productive workers in their new homeland. New immigrants face many challenges in Canada. These challenges have
tended to become greater in recent years as the source of immigrants has moved from Europe and the US to Asia and Africa. The failure by Canada to recognize this change and its inherent difficulties is thus counter productive to the stated purpose of receiving immigrants.

This failure is also an ethical problem. Why seek immigrants and then, upon their arrival force them to largely fend for themselves? The many examples of trained MDs and PhDs driving taxis does not benefit either Canada or the new immigrants.

There is an overall lack of recognition of foreign credentials of individuals coming to Canada. Having said this, the authors must acknowledge that work is being done on the provincial level. This work includes bringing together stakeholders including post-secondary institutions, the private sector, the associations of the different trades and professions. This effort is looking at different models of inclusion such as work proficiency programs (does an individual know how to do the particular work in question), internships and cooperative programs (work/training opportunities). The disconnect between the acceptance of foreign credentials and the Canadian need for individuals represents a severe failure on the part of Canada. Certainly there is a need to determine that the immigrants meet Canadian standards. This is not an insurmountable obstacle. Most degrees and qualifications are obtained by an individual passing a series of examinations - immigrants could be required to do these. If they fail these exams provisions could be implemented for their upgrading to the necessary standard. Such a procedure could be easily implemented and quite cost effective both for Canada and for the immigrants involved.

There appears to be an unending need to reestablish the position that there is a need for immigrants and immigration for the wellbeing of Canada within the greater community. This relates to issues of racism and discrimination. This also relates to issues around the need by the community to constantly construct a positive image of the contributing immigrant. One criminal offense by a “visible minority” is an offense committed by all “visible minorities”.

This is, or should be, a non-issue. Statistics Canada produces frequent and reliable data on birth rates, labor force needs, and unemployment. All these point to one consistent conclusion: Canada’s
natural birth rate is not sufficient to maintain its current population. The source of our population increase is immigration. The Statistics Canada data also show that many sectors of the Canadian economic are suffering severely and there are long-term labor shortages. The most notable example of this is the province of Alberta and specifically the oil sands development in that province. There is no reason to expect that Canada's birth rate will increase in the future, quite the contrary, as the Canadian population becomes more urbanized we may anticipate that the birthrate may fall even further. This labor shortage is hindering Canada's economic development. The solution is simple, continue, if not increase immigration.

There is a lack of a forceful position by all levels of government to take a position on the role of immigrants in our community. Finally, there is a disconnect between who we are as a community and the education of both the general public as well as the children in our community on our history. Much more still needs to be done on such things as heritage moments, curriculum.

The failure to recognize the costs to Canada of its low population and population increase requires the government in Canada recognize the importance and need for immigration. Failure to do so is near sighted. It is also costly to the citizens of Canada and future generations of Canadians. This failure by Canadian governments is counterproductive to their stated goals and the desires of Canadians. It is also unnecessary.

One aspect of the problem is our education system. Canada is not a major world power. It is a significant middle-power. We are an outward looking country, perhaps too much so. We have tended to look outward and familiarize ourselves with other parts of the world, especially Europe and the US. We have too often done this at the expense of not knowing ourselves and our own country. This unbalance requires rectification, not necessarily by a lessening of our knowledge and involvement with other parts and areas of the world, but by an increased emphasis on learning about Canada, its history, culture, etc.

Another issue is the lack of respect that is accorded to those who are involved with newcomers. Only recently have awards been introduced in the community to acknowledge those who assist immigrants and refugees. One such award is the RISE award that is
given out in Edmonton. Canada is a country of immigrants. We have people from all areas of the world. These people in their diversity in all its aspects is what makes Canada what it is. A strong diverse country!

In our view this diversity is our source of strength. It is also a potential source of weakness. To the extent that we fail to recognize and respect this diversity we may embark upon a path of self-destruction. We have taken major steps to avoid such unfortunate outcome. When we completed our construction we added the Charter Rights and Freedoms. There is a broad and clear element in that document prohibiting discrimination. It needs to be implemented in practice as well as in theory. If and when it is done we will be a stronger more cohesive country that is made all the stronger by a diversity and respect for the differences of others. We will also be a more hospitable home for new immigrants to Canada.

The issue of ethics is obviously relevant to the whole subject of international migration. This is not an easy problem to resolve. Firstly, the receiving countries tend to be capitalist. In such societies value is measured almost strictly in economic terms. Because of this system of values humanitarian efforts and causes have, and are given a relatively low priority unless it is deemed to be in the national interest.

Also, to the extent that a humanitarian impulse does exist in those countries it must overcome the lack of knowledge about third world conditions by the general population.

Which system of ethics, yours or mine, should be applied and in what cases and circumstances? Should there be an absolute system of ethics or a relativistic one? Who should decide? Debate about these issues can result in a never-ending dialogue. Dialogue and discussion does not provide results in all cases. To the extent that international migration and immigration is a serious matter and a worldwide issue what is required is not endless debate but agreement and action.

There does appear to be an obvious solution to this issue. It is one that has already been debated and agreed upon. It has in fact been agreed upon by all the member states of the United Nations representing nearly the entire population of this globe. We are spe-
aking of course of the Universal Declaration of Human Rights of the United Nations.

The Universal Declaration of Human Rights was passed without dissent on December 10, 1948. It represents a worldwide statement of ethical behavior that the member states have agreed to, and also sets forth goals for those states to follow. Several articles of the Declaration are especially relevant to the topic of immigration and migration.

1. Article 22 states the “Everyone, as a member of society, has the right to the economic, social and cultural rights indispensable for this dignity and the free development of his personality”.

2. Article 23 states in part: “(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work”.

3. Lastly, and possibly most importantly, Article 25 states that, “(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

Some may argue that the Declaration is too old and therefore not relevant. We disagree. We contend that the principles contained in it are as relevant today as they were in 1948.

Others may contend that the membership of the United Nations was much smaller in 1948 that it is presently and that therefore it should not apply to those states that have joined since it was adopted. Again we disagree. The Declaration of Human Rights is a basic and fundamental statement of principles for all the members of the United Nations. Every member should abide by its principles.

There has been one major development in the post-war years that has been largely overlooked in terms of its impact on the issues relating to international immigration and migration. That develop-
ment is the creation of numerous trade organizations around the world. The best known is obviously the European Union. Most of the developed countries and many less developed countries are now members of such trading groups. Think of NAFTA, ASEAN, and many smaller groupings. They all espouse to some degree the principle of free trade among the economic factions of production. One such factor is that of labor. Increasingly these trading blocs are promoting freer mobility by individuals with the borders of their own organization. That is a major step forward.

The weakness of this development is that most countries within any one trading block are, in general, of the same level of economic development. The economic disparity between the most well off and the least well off of member of the European Union is not nearly so great as between the least well off member of the European Union and many third world countries.

Even with all the difficulties presented by a false sense of self-interest, progress has been made. It has been slow, too slow for many, but there has been progress. With the increasing globaliza-

We are being forced to recognize, not only out of self-interest that the problems of international immigration and migration must be solved in a legal and humanitarian way that is consistent with the principles embodied in the Universal Declaration of Human Rights.

There is a need to move toward a pragmatic idealist perspective on the question of immigration to Canada. Idealism alone allows us to see the utopian world but does not allow us to see the realism of our reality. Pragmatism alone, on the other hand, only shows us all the problems but loses the idealism. Combining the two gives us the freedom to shoot for the stars and reach the moon – or at least a compromised position for a better immigration policy at least here in Canada. We must recognize that I am indeed, my brother’s keeper and act accordingly.

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Bibliography


4. The Ethics of Migration  
Reflections on Recent Migration Policies and  
“Non-policies” in Italy and in Europe

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The governments of European nations, on a par with other countries like Australia, Canada or the United States, have traditionally been highly involved in migratory issues, whereas in other areas of the world there are often no institutional procedures related to the admission of migrants, let alone programmes aimed at supporting their integration into society. Nevertheless, while immigration represents a constituent component of national history and identity for the countries of so-called “old immigration”, in Europe, the experience of the great transoceanic migration is rooted in the collective memory and has clearly influenced government decisions on the phenomenon. For many years, immigration in Europe was considered a “non-political” issue, and as a result, migratory policy was a “non-policy”, or summation of regulations that only rarely gave rise to a systematic, organic framework. As T. Hammar (1992: 245) has emphasized, “the decision to maintain such a state of affairs is political in nature” and the consequences should not be overlooked. The European experience is particularly instructive in terms of the role that politics – or “non politics” – can play in conditioning the volume and composition of flows, albeit in ways that are not necessarily coherent with their official goals. And it is equally instructive as to how the fragmentariness of directives and their autonomy with respect to a broader project of nation building and regulating coexistence end up producing solutions that are not necessarily attentive to the ethical dimension.

In the period of migratory transition of the major European countries – a transition from regions where flows originate to and
areas they are destined to – which is usually dated to the years following the Second World War, immigration was addressed as a purely economic question. The paradigm of European experience (cfr. S. Castles, M. J. Miller, 1993; D.G. Papademetriou, K.A. Hamilton, 1995) was, in fact, temporary work, where foreign workers were allowed to enter in relation to specific labour demands, through the granting of residence permits strictly related to jobs and subject to restrictions determining an expiration date or requiring periodic renewals. The so-called Gastarbeiter, typical in countries like Germany and Switzerland, was not entitled to family income supplements or other social benefits. Moreover, such ‘guest workers’ were often prohibited by law from having their families join them (however, this right had to be recognized at a certain point), or they were segregated from in certain residential districts and encouraged to maintain strong ties with their countries of origin, where it was supposed they would return. This model reveals the reticence of European nations to see themselves in the role of countries of immigration and permanent settlement for immigrant families and communities. More importantly, it also shows their reticence to recognize the political nature of the presence of immigrants, which becomes definitive in many cases, despite the official aims of migratory policy. Paradoxically, at the beginning of the 1970s, precisely at the moment when the European states decided to close their borders through the general adoption of so-called “stop policies”, immigration came to take on a political nature after long being seen as a strictly economic issue. Although largely continuing not to consider themselves countries of immigration, the states of western Europe had to acknowledge that they had become places where immigrant workers, families and communities were settling permanently. In the post-war years of prodigious growth, there was a serious underestimation about how the decision to recruit a workforce abroad might modify Europe’s political landscape in the future (S. Castels, M.J. Miller, 1993), to the point of making immigration seem like a threat to the cultural integrity of Europe. In truth, if the official motivation to adopt stop policies concerned the recessive

1 Various European countries resorted to the importation – forced or voluntary – of labour from abroad before this period.
phase of the economy, other reasons of a cultural and ideological stamp were soon grafted onto economic motives. From this point on, European countries had to come to terms with a type of immigration that was “undesired” – at least formally. What is more, it was destined to grow with time, mainly because of the reunion of families and requests for humanitarian protection, not to mention the intensification of irregular immigrant flows immediately after the closure of the borders. This change was destined to weigh heavily upon the future of migratory policies in Europe, as is eloquently demonstrated by the events of these past years.

As we will see in the following pages, normative production in European countries aims to regain control not only of irregular immigration (through tightening of contrastive measures: cfr. § 4.1), but also, and more in general, of “undesired”, immigration chiefly represented by migration for family or humanitarian reasons (cfr. § 4.2). The majority of this type of undesired immigration is largely removed from the power of determination of countries, and thus represents a sort of price to pay to maintain principles – like protecting human rights – which democratic countries say they uphold (G. Sciortino, 2000). Moreover, it shows not only the survival, but more importantly all the launching of labour importation directives which basically follow the old model of “guest worker” and an idea of immigration that most closely adheres to the demands of the economy and to maintaining the equilibrium of the fiscal and welfare system (§ 4.3 e 4.4). Again, European migratory policy carries a sort of mark of origin represented by the attempt to keep together two objectives that are contradictory in certain respects: the imposition of a rigid quota of new entrances on the one hand and the integration of immigrants who are already present on the other. This is an attempt that took shape immediately after the closure of the borders. It reached its climax at the end of the 1980s and beginning of the 1990s, through the creation of the so-called “European Fortress”. The consequences of this attitude can still be seen today (cfr. § 4.5), through the unresolved tension between a restrictive entrance policy, or an entrance policy that is still firmly anchored to the principle of the complementary nature of domestic and foreign labour on the one hand, and the ideal of equality and the equal dignity of all human beings inscribed in the democratic tradition of Europe and inseparable
from the ideology of modernization on the other. Finally, the migratory policy of European countries should be considered in the context of the process of the communitarization of this subject. From the beginning, it was hoped that this process might succeed, thanks to the collaboration of various governments, in what each government could not manage to achieve by itself: control non-European immigration. But it is a process that comes up against member countries’ reticence to give up their own prerogatives when it comes to managing flows, thus resulting in declarations of highly symbolic value (like the recent directives on fighting discrimination) that nonetheless risk having a limited range in light of the persistent gap between “citizens” and “foreigners” (cfr. § 4.5).

In the course of the past few years, there have been pleas for a “rejuvenation” of European migratory policies – or “non-policies”, as they have been defined to highlight their fragmentary, patchy nature (T. Hammar, 1992). This is a perspective coherent with the role of Europe in the international migratory system and with demographic trends that condemn the old continent to become even “older”. The migratory question has thus risen to the top of the political agenda in most First World countries, and everything leads to the conclusion that there is likely to be a lively interest in this subject for a long time. The debate about the choice of migratory policy occupies a great deal of space in newspapers and on television. For that matter, such decisions represent a fundamental issue in defining opposing alliances and election polls, not to mention a problem that is debated more and more commonly on an international level. Yet, if we look at the main trends that regulate foreign workers’ entrances and access to jobs in different countries, we can observe several recurrent aspects apart from the weight of highly different traditions and the more or less restrictive impression created by the political colouring of government campaigns. These aspects express an attempt to find a balance between the needs of the economy, the pressing request for security that comes from public opinion and the objectives of international politics, but they remain unresolved in decisions and contradictory orders and in the distance between the sociological reality of migration on the one hand and the political reality on the other (W. Cornelius et al., 1994; L. Zanfrini, 2003b). A corollary to all this is an overall underestimation of the ethical
4. The Ethics of Migration

implications of decisions and non-decisions in this field. Without any claim to being exhaustive, this paper aims to go through the main trends in European migratory policy, thus starting a series of reflections on a dimension – the ethical dimension – that have been expunged from the debate on migration too long.

4.1 Restrictive policies and structural demand for immigrant labour

Today, fighting irregular immigration is the main goal of migratory policy in almost all of the developed countries, and confirms a trend towards the securitization of the migratory problem. However, it is one of the areas in which the process of transnationalization of migratory policies is most clear. This process comes about through a mutual adaptation to national norms, and is also encouraged by international organizations. For the countries of the European Union, it is caused by the gradual communitarization of this subject. In the course of the past few years, the reinforcement of instruments to fight irregular immigration has actually produced a gradual convergence in the policies of countries which in the past had opted for different approaches.

One of the first groups of initiatives concerns use of so-called external controls, which are typical of the American experience, and are also widely used by European countries today. Firstly, they include the use of a visa policy to make it possible to identify everyone who crosses the country’s border, especially if they come from areas with strong migratory pressures. Hence the reinforcement of border controls, which can also take place through increases in border police personnel and the adoption of computerized procedures (like those foreseen for Schengen countries), and again, the tightening of sanctions for those who try to cross borders illegally, as well as those who encourage illegal immigration (for ex-

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2 For example, in Italy, the law approved in June 2002 (the so-called “Bossi-Fini” Law) increased sanctions against deportees (who were prohibited from entering the country again for a period of ten years, instead of the five in the previous law) and those who tried to immigrate illegally again (expecting a custodial sentence of 6 -
ample, the introduction of penalties for air and sea carriers that do not carry out sufficiently rigorous checks at boarding). Controls and sanctions have been tightened even more after the terrorist attack on the Twin Towers of 11 September 2001, especially in countries which are most exposed to the fear of terrorism. The most interesting trend from a sociological point of view, however, regards the externalisation of controls carried out through the delocalisation of headquarters where entrances are checked. It is particularly evident on the European continent, to the point that one can truly speak of “moving the borders of Europe” (E. Guild, 20013), to the extent that geographical limits no longer correspond to political ones, which instead might consist of the airport of a Third World capital from which an aircraft directed towards a European city might take off, for example. This strategy – the legitimacy of which many doubt and the “ethicality” of which we might raise even more doubts about – has enabled European states to be released from the juridical and administrative bonds – not to mention considerations of a humanitarian nature – with which they are forced to reckon when the migrant has already entered into national territory, and has thus become more difficult to expel.

Various directives in cooperation with migrants’ countries of origin and transit countries are also spreading rapidly: many nations have drawn up agreements with countries that have very strong migratory pressures, and this has the aim of fighting irregular emigration, while at the same time it ensures the enforcement of deportation ordinances through so-called agreements on re-admission (like the agreement between Italy and Albania that has drastically reduced attempts at illegal immigration) with the countries of origin, who take it upon themselves to accept persons who have been deported back into their home territory. In fact, these agreements integrate and re-

12 months, which became 1-4 years in the case of another attempt at illegal immigration).

3 Note that currently in force, there is also an attempt to externalize preliminary inquiries into requests for political asylum, with the proposal to set up specifically designed centres outside national boundaries. Those requesting asylum would be sent there regardless of their wishes. The aim is to avoid the phenomenon of applicants’ staying in the country they are headed for even if their requests are rejected by authorities.
inforce the strategy of externalising checks: the most eloquent example is the agreement with the Eastern European countries candidates for entrance into the European Union. They have been transformed into a great buffer zone created to ward off the entrance of “undesired” immigrants into member countries. In other words, as a *sine qua non* condition for their later entrance into a single European space, they have been forced not only to “take back” their own citizens who have tried to immigrate illegally, but they must also accept citizens of third countries who have been in transit in their territories. *This is an entirely new phenomenon in the history of immigration, and it shows how rights in this matter are conditioned by the asymmetrical relations between States* (cfr. A. Geddes, 2003; J. Hollifield, 2000), to the point of enabling economically stronger countries to wash their hands of the costs of checking migratory movements.

Instead, *cooperation in development* is more controversial as a useful strategy for reducing migratory pressures. It is true that, as the examples of Italy and, more recently, Spain, Portugal and Greece illustrate, (cfr. OCDE 1998), the process of convergence with geographically neighbouring economies has drastically reduced the volume of emigration flows in the medium range. However, when the gap in levels of development are particularly wide, and when migrants remittances determine a noticeable improvement of standards of living and sustain the national economy (much more than international aid), the effectiveness of aid in development is definitely reduced. This becomes even more pronounced when – as is often the case – a high percentage of funds is allocated to cover the expenses of running the organizations which manage them. Hence, we feel that it is misguided to assert that aid to development might improve the conditions of life of the population (an attitude expressed so well in the oft-repeated phrase “it’s better to help them at home than to have them come here”) and thus reduce migratory pressures. On the contrary, we must be very careful – and critical – in observing the current debate over the subject of remittances, raised by their indubitable economic importance. For the countries of origin, which admit it or not, remittances represent an entry in their budgets that they cannot do without, and in order to guarantee it, they are willing to turn a blind eye on illegal expatri-
ates, or even on the way their citizens are treated in the countries where they go to work. For countries of destination, they provide further proof that immigration, when a function of economic demands, is a mutually advantageous phenomenon; in other words, it allows a sort of self-absolution because of the advantages enjoyed by immigrants from poor countries who do less well-paid, menial jobs. Only very recently have people begun to question the costs that forced, prolonged separation might have on the most vulnerable components of the family and society. These questions are especially relevant with regard to a process of feminisation in international immigration. Women immigrants, especially those employed by families, represent an extraordinary resource from an economic point of view, and all the more so when – as often happens – they have emigrated alone, leaving their husbands, children, parents and siblings behind. Living with their employers turns out to be functional in terms of reducing personal consumption and the maximizing their ability to accumulate savings. Moreover, such living conditions definitely curb the risk of deportation for those who are undocumented, but at the same time perpetrate “invisibility” and exclusion from the system of rights (obviously including the right to bring their families together). In the meantime, the women who deprive themselves and their families of the emotional security that only their presence can guarantee are the guarantors of the economic security of the entire family. Driven by the need to hold on to their jobs and maximize the money they send back home, or even worse, still linked to their condition of illegality, these women reduce their visits, and stay away from their homelands for years at a time, only to meet their children again when they no longer recognize each other. In this way, in all countries of emigration, a high percentage of children grow up without their mothers (and/or fathers), deprived of their daily signs of love and attention: they have been called “orphans of emigration”, living metaphors of the contradictions of the models of development in their countries of origin and destination.

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4 This problem has been largely ignored by scholars. One exception is the study promoted by the Scalabriniani Centre in Manila in collaboration with the Episcopal Commission for the Pastoral Care of Migrants and the Overseas Workers Welfare Administration, *Hearts Apart. Migration in the Eyes of Filippino Children*, June 2004.
The second category of measures to fight illegal immigration is composed of *internal checks*, or surveillance aimed at preventing and coping with the presence and illegal employment of immigrant workers in the labour markets in destination countries. As we know, “black market” work for immigrants is a widespread phenomenon, and is largely tolerated on an international level. According to various scholars, it is the direct, intentional consequence – even if not officially expressed – of current restrictive policies. Without necessarily adhering to this point of view, one can, however, acknowledge the fact that *this very awareness of the abundant demand for work on the part of the shadow economy is the main factor in attracting irregular and illegal immigration*. Hence, it is only by coping with the phenomenon of the irregular employment of foreigners that pressures for irregular migration might be significantly reduced. Yet, *although crucial, internal controls are on the whole not very highly developed*, thus causing a substantial lack of effectiveness in policies to deal with irregular immigration. This is eloquently demonstrated by recent events in the United States, where, despite considerable tightening of border checks (with their corollary of human lives lost), illegal immigration has continued to grow at the same time as the American economy has been going through an especially dynamic phase. The subject has received increasing attention on an international level, to the point that a study by OCDE (2000) reports on extremely reduced space in the regulations that various countries assign to preventive measures against the illegal employment of foreigners, the paucity of means invested to combat this phenomenon and the insufficient diffusion of initiatives for international cooperation, which in any event are only bilateral in the majority of cases. The reasons for this state of affairs are clearly political: for government authorities, in fact, it is much more congenial to use external controls, which have an impact on foreigners who try to cross its borders, than to reinforce internal checks, which involve citizens who can, through their votes, criticize initiatives that go against their interests. Moreover, in the present post-Fordist economic context, not only are grey areas of the economy amplified, delocalisation practices and outsourcing are also common. These practices allow employers to dislocate the risks of black market employment of immigrants, thus avoiding...
possible sanctions (which, for that matter, are generally extremely low). Thus at the same time, a whole series of phenomena takes shape on the fringes of legality, based, for example, on the improper use of formally legal contractual procedures which debase workers’ rights. These considerations lead us to take a distance from those proposals which, implementing the requests of economic actors, or, on the contrary, those of a humanitarian nature, see the liberalization of migratory movements as an antidote to illegal employment (cfr. for example M. Ruhs, 2005). A greater liberalization of labour migrations, especially of the low qualifications component, could effectively reinforce the status of workers coming from poorer countries, thus freeing them from the burden of illegality. But this must come about within a scenario of reinforcement of heightened cooperation among countries who offer protection to the most vulnerable component. Such a scenario is quite different from what is actually in force:

It is ironic that movements of goods are covered by meticulous and detailed specifications of what is or is not allowed; or the movement of capital is covered by agreements that are binding on most countries, while people, the most vulnerable of “goods”, seldom find themselves with the protective mechanism accorded money or consumer products (P. Santo Tomas, 2005: 248).

We will take up this line of reasoning below. Here it is worth emphasizing that the present international framework of migratory policies tends to underestimate the capacity for attraction that the economies of rich countries might have on young recruits from the southern hemisphere, who are willing to cover broad segments of the labour market which might benefit from their presence. The internationalisation of the economy, the revolution in transportation, the consolidation of ethnic networks and the so-called “immigration industry”, the demand for “poor” work within the economies of developed countries are also factors that reduce the effectiveness of policies regulating entrances. On the contrary, according to various scholars, policies regulating entrances only apparently contradict the persistence and growth of the demand for immigrant work, inasmuch as illegal immigration has a series of advantages which are greater than the costs necessary to eliminate it (P.H. Schuck, 2000).
At the dawn of the new millennium, we are thus faced with a paradox:

while the global economy releases very powerful forces that produce vaster, more diversified migratory flows from developing countries, at the same time, it creates conditions – within developed countries – that promote the implementation of restrictive migratory policies (D.S. Massey, 2002: 39).

As is well known, the centuries-old history of international migration records many institutes through which countries of destination have guaranteed that they might have an economical workforce at their disposal to cover the least desirable productive roles: from the slaves taken to America to the indentured workers employed on various continents, from the wartime economy’s forced labour to the guest workers of the 1950s-1960s. According to many authors, the present framework is no exception if we consider the restrictive imprint that characterises it. The migrant, especially if illegal or in any event in the country without respecting policies expressly designed for the immigration of work, runs the risk of representing the present day counterpart of other figures in vogue in the past, a sort of natural candidate for discrimination and exploitation. Conversely, if we consider the multiple determinants of contemporary migrations and the procedural dynamics that cause them, we might conclude that the governments of immigration countries have very slight possibilities of stopping a self-propelling phenomenon. Even “forced” migrations, like those of a humanitarian nature, have a directionality that mainly depends on the presence of compatriots and the existence of historical and cultural links between the countries. By way of analogy, the sociological reality of migration described by a concept like transnationalism clashes with restrictions to mobility that also have a negative impact on legal immigrants and their families, despite the value, which might also be economic – for the country of departure as well as the country of destination – of links that the migrants maintain with their communities of origin. What has been said up to this point defines a sort of physiological limit for policies of control with the purpose, according to more critical interpretations, that would essentially consist of giving the appearance of being able to carry out controls on entrances rather than actually doing so.
In fact, in many cases the presence of foreigners without residence documents (because they entered illegally, prolonged their stay beyond the expiration dates permitted, or asked for but did not obtain refugee status) ends up making recourse to the operation of regularization appear to be periodically inalienable: the so-called acts of indemnity or “sanatorie”, as they are called in Italy. Whether such an act might constitute a provision that can be counted among measures to deal with illegal immigration remains open to question: supporters of ‘indemnity’ maintain that it is practically indispensable, but those who oppose it state that it is mainly a factor in attracting new irregular immigration, thus creating the same problem that it tried to solve all over again. For that matter, infringements and fraud in order to obtain necessary prerequisites frequently occur (for example, job contracts), as do cases of injustice by self-styled employers with promises of hiring. Nor can we overlook the fact that these measures end up penalizing the more “honest” candidates for immigration who preferred to wait for the opportunity to migrate legally. In this respect, if we look at the Italian experience, where the use of indemnity is so recurrent as to be an anomaly, it must be recognized that there is a conviction – transmitted through social networks and confirmed by the example of previous migrants – that in Italy it is possible to work, and at a certain point obtain a residence permit thanks to an act of indemnity, even if an individual arrives outside the system of planned entrances. Evidently, the consequences concern a detriment to the sense of legality, which then ends up conditioning the entire relationship between immigrants and the society that accommodates them. However, with the passing of time, they always regard the same chances for integration and inclusion in the job market. As is well known, one of the main arguments in favour of indemnity is based on the presumption that is a sort of ex-post solution to an excessively restrictive migratory regime limiting entrances to far below the potential for absorption that is effectively there, as is confirmed by the irregular occupation of illegal immigrants and the volume of applications for regularization. Nevertheless, we can affirm that the shadow economy does not constitute an inexhaustible source to absorb the labour force coming from abroad. Instead, this continuous, sustained flow fuels competition among the weakest categories of workers, thus bring-
ing along with it a worsening of working conditions and earning power for “immigrant jobs” while also increasing unemployment both for the latest arrivals and for those who have acquired a culture of rights and professional dignity that make them no longer unconditionally adaptable. And this does not count the repercussions of this sort of “post-industrial reserve army” (L. Zanfrini, 2004c) on the functioning of the job market as a whole. In effect, it is striking how the risks of crowding out that fall upon the weakest, less qualified categories of the local supply are basically overlooked by the broad sectors of civil society who demand greater solidarity for immigrants, with the consequence that cases of social categories that could be penalized by immigration end up being represented by “anti-immigrant” – or even clearly xenophobic – political and social forces.

4.2 Initiatives for governing family and humanitarian migration: labour migration but not workers’ migration

The second area of convergence of migratory policy on a European and international level is constituted of norms that regulate entrances for family or humanitarian reasons. In order to understand the ratio behind more recent measures, it must be emphasized how both types of flow have witnessed an “unexpected”, exponential increase which is in any event independent of government decisions on quotas. Whether it is a matter of the right to see one’s family, or an appeal for humanitarian protection, the objectives of migratory policy are subordinate with respect to the norms of international law and the founding principles of democratic states. In this respect, scholars speak of embedded liberalism, or an institutional context constraining the decision-making power of individual states, thus drastically reducing their capacity to determine the volume and composition of immigration. For this reason, despite the fact that the aim of recruiting programs after the war was not in fact to attract population immigration, the legal systems of the European countries have in the end had to recognize migrant workers’ rights to rejoin their families. This explains how, after the stop policies came into force, the procedure of bringing families together again
has become the main channel for entrance, and why it is still re-
sponsible for almost half of the regular entrances that are registered
in the countries of the European Union every year. Italy is no ex-
ception, and if today most foreigners are in possession of a resi-
dence permit for work reasons, the quota of families who join them
is constantly increasing, and with them, the quota of foreigners who
regularly appear on the job market without having to pass through
the quota mechanism.

A similar case is presented by migration for humanitarian rea-
sons, which represent about $\frac{1}{3}$ of the annual entrances in European
countries. As is well known, the right to political asylum belongs to
the European juridical tradition and represents a principle which is
widely shared by most people. Nevertheless, the exponential in-
crease in the number of applicants for asylum and the increasing
porousness of the borderlines between the categories of forced mi-
grants and economic migrants have caused a distinct involution of
attitude among the general public, which is always less willing to
take on the costs of accommodation, which are for that matter not
marginal. Together with reunited families, applicants end up being
accused of constituting a burden for public finances and welfare
systems, thus reinforcing the image of immigration as an undesir-
able phenomenon. This explains why in recent years many coun-
tries have approved new norms trying to keep migratory flows for
family and humanitarian reasons under control, both directly – that
is, by making criteria for admission stricter – or indirectly, by mak-
ing this type of immigration less “convenient”.

With regard to the first set of norms, there is a tendency to limit
the possibility of reuniting families to certain categories of migrants
(for example, excluding temporary residents from this right), or to
certain categories of families. In Germany, there has even been dis-
cussion about the possibility of prohibiting the possibility of reuni-
on for children who are already fourteen years old! In Italy, the
right to ask for parental reunion has recently been limited to cases
in which the migrant does not have other adult siblings in his or her
own country, but this limitation has immediately incentivised an en-
tire series of attempts to get around it, and a sudden increase in the
number of “only child” immigrants. Yet other measures concern
raising the number of prerequisites (for example, in terms of finan-
cial guarantees, the size of the dwelling place one must prove to have, etc.) necessary to obtain authorization to for reunion. Evidently, however, the possibility of keeping this category of entrances is considerably limited, especially when taking into account that all countries have social organizations that can apply pressure to ensure that humanitarian principles are respected. It is precisely for this reason, as we note in the following paragraph, that present migratory schemes are definitely biased towards short-term stays, so as to prevent immigration for work purposes from becoming immigration for family reasons.

Initiatives to limit migrations of a humanitarian nature are definitely more drastic. During the 1990s, although remaining formally in force, the possibility of exercising this right was significantly reduced. The main strategy which European countries have used to try to cut back on the flow of refugees has been to gradually communitarize this matter. The first significant step in this direction was the 1990 Dublin Convention, in which the governments of the European Union prohibited individuals from applying for political asylum in any of the other member countries once application had already been rejected in one particular member country. Later, the same principle was extended to applicants coming from third countries considered “safe”. Essentially, it was sufficient for an applicant to be citizen of – or simply in transit in – a country considered “safe” for his application to be rejected without even being examined. According to many interpretations, these directives made it possible for the countries of the Union to expel applicants without formally violating the non-refoulement clause. Thus, we would have a case of a policy of dubious legitimacy – and ethics! – which debases the European tradition in this matter, taking into account that the criteria according to which a State is considered as safe are considered by many to be arbitrary and open to question. To formulate a judgement on European policy on the question of asylum obviously goes beyond our scope. What is certain is that this policy entails a strategy that intends to enable member countries to regulate migrations of a humanitarian nature while also keeping the right to asylum alive – if only symbolically.

We have also mentioned indirect measures, which aim at discouraging the use of these entrance procedures and buffering the
impact of immigrants’ families and refugees on the destination society. For example, some countries have passed measures to disperse refugees throughout their territories so as to block the formation of ethnic communities that might create further draft mechanisms. Other initiatives respond to the same objective, like promoting repatriation of those who for a certain time have enjoyed humanitarian protection, once the reasons for recognition have disappeared. In other cases, limits have been imposed upon possibilities for access to the job market for this category of migrants. This strategy aims at preventing the improper use of these procedures on the part of migrants who are actually guided by economic reasons. However, it could also lead to consequences like the growth of the supply of “black market” labour and a greater burden on government funds, which are called upon in various ways to support whoever cannot work. In this respect, one of the most often discussed – and controversial – deterrent measures are the cutbacks in welfare payments that these categories of migrants might use. This is another way to keep under control the dissatisfaction of public opinion expressed through so-called symbolic racism (D. O. Sears, 1988), which plays upon the contradistinction between our own “real” indigenous needy people and the “others”, who are depicted as social parasites taking advantage of our generosity. Clearly, the present context of cutting back on expenses and welfare payments creates a scenario congenial to starting up such processes.

Once again, these measures appear to be contradictory with respect to the empirical phenomenology of migratory processes. To cite one example, the right to reunification was originally decreed with an ideal type of male migrant who was head of a household in mind. This gave rise to the forecast that family members who joined him could not look for work on the job market for a certain period of time. And this came about through the need to keep economic migration (subject to heavy restrictions in order not to cause competition with local workers) separate from the flows that could not be prohibited since they were portrayed as fundamental human rights. This concept passed through Italian regulations, which, initially at least, decreed that, once in the country, the spouse of an immigrant could only register in the unemployment office only after having spent a certain period of time in Italy. Among various
other motives for perplexity, there was also the fact that in Italy, the presence of many women immigrant workers who asked to have their husbands join them constituted another incentive to black market labour, because the socially shared model – in Italy as in the culture of origin – of the division of labour based on gender does not approve of the fact that the woman might be the one who supports the family. This forecast was later modified, and currently, residence permits for family reasons are no longer an obstacle to looking for or holding a job. Yet one fundamental fact remains: apart from being a right for the immigrant, family reunification (and in certain aspects, also for migrations of a humanitarian nature) has in these years become a fundamental channel for the legal entrance of foreign workers, guaranteeing the economies of host countries a supply of available labour that is willing to do low prestige jobs that have never been considered by the quota policies, even when they are in force. The increase in family migration has thus not meant the end of labour migration, but rather, its transformation (M. Boyd, 1989), thus contributing, among other things, to a process of feminisation in the active immigrant population. Otherwise, there would be no reason as to why, after decades of virtually closed borders, flows for family reasons continue to stay on high levels in all European countries. Family reunification thus functions as a channel for supplying the work force. It is a sort of functional equivalent to the procedures of sponsorship that make entrance possible to look for a job. It goes without saying that, from the point of view of policy makers, the use of the first channel based on reunion procedures is much more advantageous, since it satisfies the needs of the economy without paying the price in terms of electoral consensus, especially in situations that are difficult from the occupational point of view or in situations of increasing intolerance of foreigners. Thus, while it is commonplace to say that migration for family or humanitarian reasons “escapes” planning while contributing to the supply of immigrant labour, on the other hand, the opposite is also true: it contributes to meeting the demand for imported labour without having to engage in the politically insidious subject of planning entrances.\footnote{Curiously enough, the opposite was true in the past. In the attempt to “get around”}
In this respect, there is another aspect that we must emphasize, and it calls upon the “problematic”, paradoxical relationship between immigration and the welfare state. In fact, it is precisely with the consolidation of welfare regimes that the nationalist project of European societies reached its full achievement, identifying in membership in this group of solidarity one of the privileges bestowed upon citizens. And it is precisely for this reason that the problems of defining the criteria of belonging to a nation and having access to rights and social benefits have historically coincided with the birth of the modern states of well-being and the development of policies to redistribute wealth. When there were no modern welfare systems, the question of membership was obviously much less thorny than it is today. If anything, it has become one of the crucial themes for living together interethnically, since interethnic conflicts are often fed by the resentment that citizens harbour against those who “illegitimately” use the protection offered by public systems. On the other hand, as we have seen, at the origins of the European model of inclusion, there was the illusion of temporary immigration composed of “guest workers” with no families and a low demand for social protection, and hence, subjects whom it was assumed would have had a definitely limited impact on welfare systems – which have reached their maximum expansion in these years – or, more precisely, would contribute to them while only minimally using them. The effective evolution of the migratory phenomenon, its progressive transformation into a stable presence that is heterogeneous from the point of view of gender, age and occupational condition, and even more so with the appearance of a second generation, have forced European countries to extend protection to immigrants and their families and even to design welfare policies specifically aimed at them. All of this has evidently come about, but not without causing anxiety or resentment. Thus, while from the formal point of view European regimes are generally very “generous” in recognizing immigrants’ social rights – to

the definitely restrictive norms that governed family reunification, many women applied to enter as “guest workers”. In fact, some of them even tried to make it possible for their husbands to emigrate, with names that appeared in the lists as much longer than the women’s. Today, instead, it is much more likely that the procedure for family reunification is used to “camouflage” labour immigration.
the point of granting a series of benefits like health services and the right to an education for children, even if their parents are illegal immigrants – a profound change in the ideological and conceptual framework of collective representations has occurred, especially in the past few years. Immigrants, like other “unpopular” groups, are often depicted as people to defend oneself from, rather than people to defend, and in the planning of intervention to help in integration on the part of central and local administration, the need not to clash with the feelings of the public has become one of the most constric-tive bonds. J. Habermas (1992) coined the effective expression “the chauvinism of prosperity” to describe this tendency to define oneself through the défense of one’s own well-being and privileges against greedy, indigent “outsiders”. However, these pertinent considerations must not underestimate the uneasiness or the concern over the “cuts” in welfare expenses and payments which this resentment expresses, especially when it comes from the most vulnerable component of the native population.

Thus, often accused of being heavy “consumers of welfare”, the immigrant population – especially the female component – is now abundantly employed in the sector of providing care and assistance services, to the point of constituting a fundamental element in the system of protection in almost all of the economically advanced countries. Through their cheap labour, immigrants – and more often than not, immigrant women – not only enable families to solve their problems of functional overloading (and women to keep their pay-ing jobs), but also compensate for needs (as in the emblematic case of assistance to elderly people who are no longer self-sufficient) that it would be likewise necessary to meet through broadening the range of services and benefits guaranteed by the State. Nevertheless, as often happens, the problems of one social group often cause problems for another: a society that has not solved the dilemma or met the challenges caused by the coming of a new regime of accumu-lation ends up passing on to the weakest classes the task of car-rying out an ever more difficult recomposition of labour for the market and responsibility for care. In fact, immigrant women em-ployed in the service of families are the ones who have to experience, in an extreme form, different types of discrimination against women, above all, such difficulties as the reconciliation of professional roles
and family responsibilities, even to the point of having to live away from their own children for many years, or, in dramatic percentages, as being forced to have to wilfully interrupt a pregnancy.

In this respect, the Italian experience is emblematic, and it is not by chance if we consider the fact that it represents the “familistic” variant of welfare (G. Esping-Andersen, 1999), given the heavy burden that traditionally weighs on the family in providing care services. Of course, in Italy, there was no lack of conditions favouring an expansion of the sector of family services. The shortage in public supply (or a deficit of public services) forces families to turn to the private sector, and buy such services on the market. Moreover, due to the demographical aging of the population and the growth in the number of daughters/daughters-in-law who have a job for the market, especially in the course of the 1990s, the figure of the assistant in the home of the elderly has become just as widespread as the more traditional figure of the babysitter or housekeeper. Informal agencies guarantee continuity of supply in the work force, often outside any type of institutional directory. Although in the past, Italian law provided for an ad hoc entrance channel specifically for domestic help, the legal procedure has always involved only a minority of entrances. Application by families for domestic help, especially for care in the home, does not very easily lend itself to being channelled through the procedures established by the law, because reliability can be guaranteed through recourse to networks or “pro-migrants institutions” (volunteer organizations, religious institutions, etc.) with functions of accreditation. Rather than hire someone they do not know, people prefer to hire irregular workers (or possibly workers with a tourist visa), and then wait for the introduction of new regulatory operations to amend the contractual situation. Thus we are faced with an emblematic phenomenon of the distance between migratory policy and the real ways in which migrants are incorporated into the work force. Nevertheless, the inadequacy of migratory policy is only one of the critical repercussions of a phenomenon that involves the conditions that can reproduce the social system, not to mention the well-being of Italian women and families. It follows that the anarchy reigning in the sector is additional evidence of the lack of political consideration that has long been given to the problem of the functional
overburdening of Italian families. The segregation of immigrant women in domestic work or in jobs involving care in the home is thus a phenomenon that is entirely coherent with the familistic structure of Italian welfare and with the tradition of “obscurity” jobs involving care in the home (E. Mingione, 1998). Thus, the problem of desegregating women immigrant workers is not the only thing that is at stake, there is also the subject of “defamilization”, that is, the reduction of dependence of the individuals on the family (G. Esping-Andersen, 1999). This strategy is indispensable today not only to reduce the distance between who can and who cannot count on a family that functions well, but also to enable “healthy” families to continue to function. In other words, this introduces the subject of redesigning welfare according to norms which are more coherent with the transformations that families, the job market and society have gone through. As is well known, different analyses have indicated the unfair nature of the new international division of reproductive labour, which puts domestic help next to employers, equalizing them in the search for independence through paying jobs, but keeping them separate by an enormous gap of privileges and opportunities (B. Ehrenreich, A. Hochschild, 2002). However, adopting a less ideologically oriented point of view gives the impression of being faced with a “war” among the poorest members of society. On the one hand, there are the elderly, who are in need of assistance, and their families, who are not adequately supported by public welfare and who are not well off enough to be able to afford to look on the private market for the services they need, paying for them regularly and thus guaranteeing a certain standard of quality. On the other, there are the immigrants (or more often than not, immigrant women), with their need to work and earn a living, protagonists of a “parallel welfare system” that has grown up informally in these years, but that today more than in the past (also because of the present political climate) interested in regularizing their jobs as a way to guarantee their right to stay in the country. And then again, there are the multitudes of new migrants driven by need and the expectations of being able to “find a place for themselves” in Italy, and thus willing to work for less than those who did the same jobs before them. Thus, the vulnerability of supply and demand feed upon each other, covered by tolerance of black market
labour, by ethnic prejudices, by the paradoxical “coherence” of this state of affairs which is as much a problem of social policy as it is of migratory policy. The first – social policy – is oriented towards devolving the responsibility for organizing assistance to their most needy members to families, and possibly even through availing themselves of a private market that does not bother to regulate or integrate its labourers in its package of intervention. The second – migratory policy – adhere to a sort of neo-Illuminism that claims to plan entrances on the basis of the needs of the system of production without considering the concrete ways in which the demand for labour is met by supply, (especially in the case of family needs). If a gender approach cannot be done away with, it is worth noting how what mainly increases the labour supply is, as we have seen, the presence of women immigrants, who often belong to broken, divided families. But above all, the Italian demand is mainly increased by women: caregivers who can no longer take care of their families by themselves, like so many older women who have outlived their partners, and, after spending their entire lives taking care of their loved ones, find they have to buy the services they so vitally need on the market. They are all different kinds of women, but they all pay for the fact that our system of welfare refuses to adequately renew its tradition of solidarity in accordance with the transformations that society has undergone. These considerations make it clear that to guarantee “good government” for immigration is a challenge that is inseparable from the capacity to design a model of development that is not only economically competitive, but also socially sustainable (cfr. L. Zanfrini, 2000b; 2001a). This means that the ethicality of migratory policy is also limited in the capacity to break out of the narrow perspective that considers it as something distinct and separate from tout court policies for the construction of an integrated society.

4.3 From guest workers to unwelcome guests

As we have seen, the coming of the so-called “stop policies” in the first half of the 1970s marked the beginning of a new phase in European migratory policies, which definitely became more restric-
From that point in time onwards. Even in periods of great dynamism in European economies, the prospect of reopening the borders was inhibited by a series of considerations that were both economic (like the presence of outstanding unemployment figures, even within the immigrant community itself) and, more importantly, non-economic, or particularly related to all of the problems generated by the stabilization of the immigrant population. This explains why the means of recruiting reintroduced in different countries in the second half of the 1990s, to face the increasing shortage of labour registered in various sectors of the economy almost everywhere gave preference to two migratory typologies: highly qualified workers and seasonal workers, or at any rate, fixed-term. It is in this sense that we can speak of the return of the figure of the guest worker.

In a globally favourable economic context, the resumption of migration for work reasons has thus prevalently assumed the form of temporary stays, a trend that can be recorded not only in Europe (England, Germany, France and, more recently, Italy itself, which since 2001 has reserved a significant percentage of entrances for seasonal workers), but even in countries that have traditionally obeyed the so-called “settlement model” (Australia, Canada and the United States). Agriculture, construction and tourist services were the sectors that widely used immigrant labour recruited through seasonal programmes. However, more generally speaking, the workers entered the country through the concession of permits of limited duration that had to be periodically renewed in order to keep their jobs.

But what are the unsaid consequences of this apparently very functional choice for the economies of host countries? Commenting on the law now in force in Italy (the so-called Bossi-Fini), experts have observed that the shortening of the average stay of residence permits has had the effect of increasing the bureaucratic burdens of systems which are already having difficulties in carrying out their routine tasks, since applications for renewal are multiplied. But this is certainly not the most troublesome result of the arrival of a model inspired by the logic of “guest worker”, which, as we have already

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6 And in some cases kept alive even during decades when restrictive orthodoxy was in force.
mentioned, only emulates widespread trends. In the meantime, one can immediately see how an extremely strict system of regulation of the use of the immigrant workforce, which links the right to stay to the possession of a work contract, is clearly in contrast with the “flexibility” hoped for by the system of production and identified as a competitive remedy for the national economy. Widely represented among “atypical” workers, immigrants risk remaining trapped in a dramatic, vicious cycle, in which as the expiration date of the residence permit draws near, it becomes particularly difficult to find a job that will enable them to obtain a renewal. What emerges is an emblematic example of indirect discrimination that is the combined result of restrictive legislation and of labour demand strategies that have led to the proliferation of atypical and discontinuous job relations and to the increase of “black market” and “grey area” jobs.

Thus, in a context in which the overall government of the job market is insufficient – and to the point that “pre-modern” mechanisms of co-optation and regulation like hiring day workers through an intermediary (“caporalato”) have come back into vogue – norms on the use of foreign labour formally aimed at protecting native residents end up discriminating against foreigners because of the reduction of occupational opportunities for the native population.

Moreover, the option for temporariness aggravates one of the fundamental contradictions in the way companies’ manage labour (especially small companies), and we can summarize it as a dialectic between the demand for flexibility and the expectation of fidelization: on the one hand, greater liberty to hire and fire; on the other, a dominating interest in giving continuity to a job relationship and to see employees’ professionalism develop. However, and above all, in weakening status and rights and supporting an exclusively functionalistic view of immigrant workers, there is a risk of increasing competition with the weakest cadres of native supply. In practice, the exact opposite of what is claimed to be followed is the result. What firm (or what local system of firms) is willing to divert con-

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7 On the other hand, some have stressed that to give preference to temporary employment, especially of individuals with high qualifications, is a way to keep the brain drain under control, by incentivizing the investment of capital and professionalism in the country of origin instead.
siderable resources towards projects aimed at strengthening the employability of individuals at the risk of exclusion (investing in training, in projects for workers’ compensation, etc.) when the alternative to dealing with one’s own difficulties in supply is to use labour imported from abroad for the time necessary to do the job, after selecting those workers on the basis of professional profiles and possibly trained in their native country by means of the public resources of the destination country? It should be noted that here it is not our intention to state that projects of this type are not worth taking into serious consideration, but rather to consider the possible result of a view of immigration reduced to manual labour alone (or in some cases, to “mental labour”, but there is not much difference). As a matter of principle, as the most authoritative international organizations do not hesitate to emphasize, the directives for the temporary importation of labour can constitute an effective – or ethically valid – instrument to mitigate the needs of destination countries with the requests of countries of origin, with respect to the rights of immigrant workers. Nevertheless, if we face reality, too often they are translated into tools for inferiorizing immigrants, within a context in which the acceleration of international migration maintains the same pace as the trend to make job relationships precarious.

Again, another point is worth emphasizing: as shown by past events, the logic of the guest worker is difficult to reconcile with the principles of a democratic State, which in the long term cannot avoid having to come to terms with the problem of the presence of workers excluded from enjoying the rights of citizenship. European post-war history seems to demonstrate that any sort of migratory policy, even the most selective and oriented towards the temporary presence of workers, is not immune to having to face the challenges of the sedentarization of the immigrant community and the growing heterogeneity of the peoples it is composed of. The older European countries of immigration have had to confront, especially in the 1980s, a “great transformation”, which has been brilliantly described in the rueful pages of Abdelmalek Sayad, when he speaks of the explosion of French society’s rejection of immigrants’ descenents, “illegitimate children” of a society that wanted immigrants for its “prosperity”, but now discovers that it does not need those immigrants’ “posterity”, precisely because new post-Fordist/
global development no longer needs a massive reproduction of the workforce, nor of “cannon fodder” (S. Palidda, 2002). With a touch of cynicism, we can say that, on the contrary, it needs “diaper fodder” (alluding to the wide-ranging request for workers to take care of the elderly who are no longer self-sufficient). Furthermore, it is equally difficult to look for recruits among the children and grandchildren of the first generation of immigrants, since these later generations are no longer willing (on the same par as their contemporaries) to do these types of jobs. These are the difficulties that go along with the coming of age of immigrants’ descendents and their precarious job situation, and they constitute one of the deterrent motives to the opening of European frontiers, if not in the highly selective forms in which such an opening might occur. Nevertheless, as we have already repeatedly stated, past experience has led to maintaining the probability that many presences conceived of as temporary end up becoming definitive, and to the point of thinking that the option for temporariness mainly plays a symbolic role, that is, the role of keeping alive an illusion of a government of immigration directly functional to the needs of the economy. The seductive image of immigration as “rotation” survives, says A. Sayad (1999), despite repeated rebuttals because it has the advantage of reassuring everyone: the society receiving the immigrants, the country (or groups) of origin, the emigrants themselves. Everyone is interested in cultivating the retrospective illusion of a relatively inoffensive type of emigration that does not upset any form of order, neither that of the society of origin, which intends to ensure reproduction for itself thanks to the work of its children abroad; nor the moral, political and social order of the country which receives them, which nurtures the conviction that it can eternally place workers in the best physical conditions without having to support the social costs of an immigration of settlement; nor that of the immigrants themselves, who are divided between two worlds as they try to hide the contradictions of their situation by convincing themselves of its “temporary” nature.

The fact remains that the logic of the guest worker, defining migrants and their families as “undesired” individuals can only enter into conflict with the integratory aims that almost all democratic countries have included in their regulations. Taking the logic of
complementariness to extremes, that is, the idea that immigrants are suitable for holding jobs that native workers are no longer willing to, directives for the temporary importation of labour end up producing results that are intrinsically contradictory to the principles of equal dignity for all human beings, or to the principles their constitutions are founded upon.

4.4 Selective policies and the brain drain

As mentioned above, directives calling for labour from abroad now tend to show preference for, apart from temporary immigrants, immigrants with high qualifications. Today’s policies for labour immigration are thus clearly selective, and of a stamp in line with the tradition of “old” countries of immigration (like the United States, and all the more so Canada and Australia), but now shared by the very European countries that, in different cases, have launched programmes for the recruitment – generally temporary – of specific categories of highly qualified workers.

There are various reasons for this evolution of migratory policy. According to official claims, this type of policy aims to satisfy the specific needs of the system of production, for which there is a shortage of native supply. Above all, the demand for personnel with computer and paramedical skills is widespread. In the past few years, interest in workers specializing in new forms of technology has been generalized to the point of causing competition among importing countries, many of whom have revised their norms in this area. There was a very famous decision in the United States, where, in October 2000, under pressure from the main American firms, entrance quotas for three-year, long-term permits reserved for technicians and college graduates were raised to 600,000. In 2002, England launched a recruitment programme for highly specialized workers that is similar to the Canadian point system. With the decree on flows related to 2001, Italy forecast specific entrance quotas of high tech workers and professional nurses for the first time, but they remained unused for the most part. Even Japan, long extraneous to the phenomenon of immigration, now admits foreigners who have technological skills or knowledge of foreign cultures that na-
tive Japanese do not have.

In the countries of old immigration – like Canada – the relation between the specific needs of the job market is at times more vague. More generally speaking, the objective is to stimulate the arrival of individuals “with high potential”, who can supposedly make a significant contribution to the national economy, or who are in possession of substantial financial capital (as in the case of aspiring entrepreneurs) or human resources (individuals with especially high university degrees). At times, the objectives of selective policies are even more “sophisticated”. They aim to prevent phenomena of ethnicization in the market by selecting individuals who can legitimately aspire to inclusion, but not of a subordinate type, and this also serves to limit the impact of immigration on the welfare system and prevent problems of interethnic coexistence by showing preference for individuals capable of rapidly reaching high income brackets. In Europe, instead, in adherence with a tradition in which migratory policies obey needs that are specific and contingent to the job market, the various directives are based, directly or indirectly, on the so-called “principle of unwillingness”: that is, they foresee some form of proof that native workers are not willing to hold jobs that are vacant. Exceptions might be programmes recently activated by Norway and the United Kingdom to allow entrance to highly qualified workers so that they might look for work. Although limits are set at a certain number of candidates (about 5,000 in each country), this is a novelty on the European scene, where authorization for entrance is traditionally subordinate to job availability.

Policies to attract qualified immigration are generally evaluated positively, at least from the point of view of the country of destination, both because they increase the competitive capacity of the national economy and because they help spread a different image of the immigrant, by redefining role expectations with respect to their status as individuals who are not necessarily destined to take typical immigrant jobs that are dirty, dangerous and damaging. Nevertheless, there is also a great deal of confusion caused by a selective strategy that seems to neglect the reality of immigrant labour. All over the world, immigrants are concentrated in the lowest ranks of the job hierarchy, even when – as often happens – they have good educational credentials. The effect of this rift between reality and policy is the
brain drain, which often amounts to the squandering of an educated workforce that could play a strategic role for its own country and, vice versa, finds itself taking a step backwards, doing less qualified jobs in the post-Fordist economies of the countries where they land. In this regard, we might speak of brain wasting, a phenomenon in which difficulties in obtaining recognition of the legal value of one’s degrees go together with the logic of how job markets so sensitive to the ascribed characteristics of individuals function.

However, another point should be brought up: the basic hypocrisy of the logic behind norms which apparently does not want to open legal disputes with the public in immigration countries or come to terms with internal unemployment, and thus prefers to limit the possibility of entrance for work reasons to very few categories, only to use other channels – from reuniting families to political asylum, to illegal immigration – in order to guarantee the supply of cheap labour against a need for “poor” labour that is constantly reproduced, and that the local supply is almost never willing to satisfy, at least under the conditions usually proposed to immigrants. In short, the migratory policies in force obey the logic of “human capital” in reference to the workforce, that is to say, the idea that both the choice to emigrate and the success of the migrating plan once emigration has occurred, and even the advantages of the destination country all depend on the human capital invested, or on the level of education and professional experience of the individual immigrant, considered atomistically. This criterion is in certain ways “obvious” and reassuring, but it leads to an underevaluation of the relevance of “social capital”, that is to say, the main resource – according to what has been documented by decades of sociological and anthropological thought – that migrants have in order to get on the job market, carry out their emancipatory projects as well as the main determinant of the perpetuation in time of flows, and the adaptability of migratory routes to the needs of the host society. And all of this occurs in the interstices of policies, or even despite them, or in contrast to them.8

8 One of the few exceptions is the procedure of entrance through sponsors, introduced in Italy by the Consolidating act on immigration of 1998, and abolisthed by the Bossi-Fini Law of 2002.
4.5 Equal opportunity and denied opportunities

All things considered, policies that regulate labour immigration, although formally aimed at satisfying the needs of the economic system, are at the same time “condemned” to take a series of restrictions into account: first of all, the need to keep illegal migratory pressure under control, thereby making the legal channel more advantageous; the necessity to respect principles endorsed by the constitution – and sealed by international agreements – concerning possibilities of the migrant’s joining his family and humanitarian protection; the harmonization European Union norms with those of other adherent States and states with community orientation (which would require various countries to revise their national norms). All nations, moreover, need to cultivate international relations, alliances, commercial relations and strategies to expand their influence in certain geopolitical areas. The same number of objectives ends up limiting the possibility to make unilateral decisions on this subject, which is particularly “hot” today. Further restrictions, in a sense less “tight” but heralding profound consequences, are represented by the opportunity to reinforce regional economic integration and international cooperation with countries where migratory flows originate. *These are complex objectives and restrictions that risk overshadowing what ought to be one of the constituent dimensions of migratory policy: the ethical dimension.*

On the basis of a comparison of analyses by authoritative scholars, the considerations that we have proposed above have brought to light several problematic key points in the contemporary scenario, but without evidently being able to formulate satisfactory solutions. Thus, we have simply set out upon path for reflection, in hopes that we might open a more attentive debate in terms of the ethical implications of decisions and non-decisions on the subject of migratory policy. Before concluding, however, there is another point that is worth mentioning: the proliferation of programmes and directives to regulate flows confirms how central the migratory question is on the political agenda of the main European countries, while it also shows the interest with which these countries watch the international job market in working out their own competitive strategies. Nevertheless, *this happens within a context in which the subject of*
the integration of immigrants and ethnic minorities on the job market and in the social arena is far from being “solved”. Above and beyond the variety of national models of integration – all of which, as we know, are being profoundly reconsidered today – we have yet, once more, to point out a series of contradictions in the ways in which the destination countries try to govern the processes of inserting immigrants in the job market and integrating them in society. At this point, we will only suggest a few points to reflect upon.

One point concerns the growing emphasis that is now coming out on the need to promote a new scenario of equal opportunity in access to jobs and other social opportunities. In fact, one might even say that it is a further development in migratory policy on an international level, or more precisely, that more and more “attention” is given to it in policies aimed at immigrants of the first and, more importantly, later generations, because of the awareness that the discrimination they are victims of is not only a morally reprehensible phenomenon (and contrary to the constitutional dictates in various countries), but also a cause of brain wasting and thus a factor that undermines the correct functioning of the job market by contributing towards its segmentation. More than containing the risks of exclusion and social marginality, these policies thus aim to valorise the potential that immigration, especially if highly qualified, can express. In other cases, the aims that they inspire are to prevent the union problems that arise from “unfair trade practice” caused by the presence of highly adaptable, low-cost labour and to stop the rise of processes of ethnicization in job relations and their consequences. The aim of promoting opportunities for immigrants by reporting discriminatory practices converges in certain respects with the fight against racism and xenophobia. Among the most eloquent examples is France. After long being the subject of a sort of exorcization on the part of both policy makers and social researchers because of the centrality bestowed upon the principle of equality, the problem of discrimination finally began to be considered as a topic and to produce projects in terms of affirmative action (M. Poinsot, 1998). A country that has made assimilative, equalitarian ideology its standard has thus had to recognize the existence of discriminatory practices that have become a heavy burden weighing upon the destinies of young people born of immigration, thus gen-
erating a sense of rupture among these young people and the rest of society. On the contrary, it is this very reflection on such experience that demonstrates how easy it is to condemn the discrimination and racism expressed by extremist groups, while the recognition of discriminatory or racist practices embedded in the structure of society or its normal institutional functioning is harder to acknowledge (P. Bataille, 1997).

Over the past few years, a remarkable impulse to prevention and the fight against discrimination has come from the European Union, especially after the Special Meeting of the European Council at Tampere on 15-16th October 1999. Following these meetings, the Commission drew up two proposals for directives: the first, approved in November 2000 (Council Directive 2000/78/CE) through which the aims are to establish “a general framework for combating discrimination on the grounds of race or ethnic origin, religion or disbelief, disability, age or sexual orientation”; and the second, specifically dedicated to the enactment of the principle of equality in the treatment of individuals regardless of race or ethnic origin. This last directive (Council Directive 2000/43/CEE) aims to establish a basic framework to forbid discrimination based on race or ethnic origin, and to provide a minimum level of legal protection in the European Union for victims of discrimination. It covers various areas: access to jobs and work conditions, including pay, promotions and conditions for firing; access to all types of orientation, training and professional retraining; affiliation with workers’ and employers’ organizations, or any other professional organization, as well as access to their services; social protection, including social security and health programmes; social benefits (for example discounts on public transportation and cultural events; meals in the schools, etc.); education; access to and supply of goods and services, including housing. Apart from direct and indirect discrimination, the directives prohibit the harassment produced by an intimidating, hostile, offensive or unpleasant working environment, considering it by the same standards as discrimination.

With respect to these sorts of statements, migratory policies still present marked contradictions. To begin with, the idea of equal opportunity is at loggerheads with the vision of immigration as complementary to the native workforce, and thus called upon solely to
hold jobs that there are not enough native workers to fill, or – and this is more often the case – that native workers are no longer willing to do. That is to say, this is the basic principle implicit in all programs for recruiting labour from abroad. For that matter, concern over not entering into conflict with other member countries has lead the Commission to avoid extending the ban against discrimination to those who do not have citizenship in the country they reside in, or in any event in a European Union country. In many States of the Union, citizens of third countries are the main victims of ethnic and racial discrimination, to the point that such a limitation risks radically reducing the effectiveness of European directives. The more one takes a distance from a prospective of equal opportunity, the more the foreign worker is forced to remain bound to a certain kind of job or a certain sub-national territory, since the conversion of a residence permit (for example, from a student’s visa to a work permit, from a work permit as a salaried employee to a work permit for self-employment), or the procedures for managing visas limit the territorial mobility of migrants and their families and the possibility of maintaining relations (possibly even business relations) with the country of origin or with fellow countrymen who have settled in other nations.

However, apart from these obstacles and legal restrictions, the logic of the spontaneous functioning of the job market produces discrimination against immigrants and members of minority groups, and such types of logic are difficult to remove from the declarations of principle in official texts. In the experience of countries that have accommodated the steady flows of the post-war years, these contradictions between the principle of equality established by the law and taught in the schools and the real processes of allocating resources and opportunities became clear at the moment of the second generation’s entrance on the job market, carriers as they were of professional expectations that were totally incoherent with the model of subordinate incorporation prevalent everywhere. As for the countries of “new immigration” in Mediterranean Europe, there is reason to believe that this problem will become even more pronounced because of a “micro-social” model of regulation of the job market (E. Reyneri, 1996), where the social capital of individuals, in the form of ascribed belonging and interpersonal links, has a
great deal of weight in the occupational destinies of individuals, and where the specificity of social networks that foreigners have access to (composed of compatriots and mainly charitable “pro-immigrant” organizations) has contributed to their occupational segregation.

In planning ways of inclusion, the statements of the European Union always emphasized the necessity of adopting a holistic approach that also takes into account, apart from the economic and social aspects of integration, questions related to cultural and religious diversity, to citizenship, to participation and to political rights. However, it is here that there has emerged an irresolvable tension between the tendency to securitize the migratory problem and the aims of policies for integration. On the European scene, in fact, after initially being seen in a-political terms, immigration has now become increasingly politicised, a trend that reached its climax between the end of the 1990s and the beginning of the new millennium, and that has made public opinion a strategic variable in influencing decisions on migratory policy and immigrants policies. Thus the first – migratory policies – have taken on a reassuring intent everywhere: that is to say, they aim at furnishing at least an appearance of the ability to keep seemingly uncontrollable migratory pressure – and instrumentally represented as such – under control, and to propose ways of incorporating newcomers that support the expectation of citizenship to guarantee privileged access to resources and social opportunities. The second – immigrant policies – mainly aim at not fuelling citizens’ discontent or their concern over possibly losing precious resources. Called to govern a phenomenon that goes far beyond their field of action or ability to have an impact, members of the political elite widely use policies that have, more often than not, a symbolic function that confirm the authority of citizens, or “owners of the State”, in establishing who has the right to take part and enjoy the advantages that go along with citizenship.

As a copious body of literature has emphasized, it is – once again – mainly the second generation born of immigration that is paying for the consequences of these tensions, since this generation hangs between the promise of equality and the need to come to terms with the peculiarity of their experience and the prejudices of their host society, whose anti-discriminatory policies can do noth-
ing to oppose. Of course, their experience demands that we come to terms with an “awkward” problem that western society first tried to govern through the growth of welfare systems and redistributive policies, and later tried to rid itself of by redefining in various ways, so as to negate its political nature. Here we allude to processes of forming and reproducing social inequalities. In this regard, an overall view of the extensive, abundant scholarly production that has appeared on the public scene along with the so-called “new second generation” will show that the temptation to give, beyond proper measure, an explicative value to the variable of ethnic affiliation or foreign origin contributes in a certain way to the reification of its importance, while it also in certain aspects distracts attention from the central issue, which concerns, in fact, the logic and processes through which social inequalities take shape and become stronger.

Taking up considerations already put forward in a previous work once again (L. Zanfrini, 2004b), it seems that the present emphasis on ethnic differences (and on the valorisation of this subject among the general public) is probably not foreign to the essential failure of the individualistic model of incorporation based on the rights and responsibilities of the individual. This model is coherent with the liberal societies of the past, with their “aversion” to ascribed differences and their promise of a meritocratic social structure capable of including its old and new citizens. The request for “special” rights – and at times special treatment – is often the fruit of practices to re-invent ethnic identity. These practices find fertile ground in individuals’ and groups’ awareness of being victims of negative prejudices and discrimination. But by way of analogy, the exaltation of difference and the rhetoric of ethnic rights, even if not taken to the extreme of differentialist racism, risks appearing as the society of immigration’s unconscious confession of its own inability to offer adequate occasions for integration to those who have arrived with their baggage of hopes and dreams. And this is true even more so for their children, living allegories of the success and lack of success of projects for migrant families. At his own risk and danger, A. Portes (2004) has stated that American society continues to ignore the forces that lead to downward assimilation of a significant fringe of the new second generation. The challenge that we now face must thus go beyond the necessity of fighting discriminatory practices.
Rather, it concerns the ability to redirect ways of integrating ethnic minorities towards a more wide-reaching project for an “integrated” society. If we shift our focus towards Italy, it seems as though processes of allocation sensitive to ethnic and national clivages might be a way to obscure changes underway in the job market, and on the whole, these changes might produce a weakening of rights and protection offered to workers, especially those workers least capable of taking advantage of the current trend towards the individualization of job relations. This process could lead, for reasons explained elsewhere (L. Zanfrini, 2004c), to a heightening of interethnic conflict, with consequences that Italian society may be underevaluating, to its own risk and danger.

In this regard, again taking Italy as an example since it can be considered emblematic of trends widespread elsewhere, we can observe that the overall tone of interethnic coexistence and the very image that immigrants have made for themselves in Italian society goes back to a distance between the law and practice, between official procedures and those currently in use, between sanctioned laws and those that can actually be used, with negative repercussions mainly in the perception of rights and respect for legality. In the process of formation of inequalities, this distance has an enormous weight that goes beyond the juridical vulnerability of the migrant present for a fixed term and purpose. Among other factors, that however have a crucial valence, it involves changes in the job market and the progressive decline of “salarial society”. As a wealth of studies have widely demonstrated, the transformation of the job market – and the emblem of this transformation, flexibility – have multiple consequences and meanings that depend on the supply of resources that a person has when going onto that market. For some, flexibility is an opportunity; for others, it is a trap. For most first generation migrants, it is mainly a trap, harnessing them to ethnicizing, definitely discriminatory job relationships. By now, with the second generation’s imminent entrance into adulthood, it is most likely that these problems will come to the fore. Some of these young people have poor scholarly careers and families who are not always able to support them and guide them in the decisions they make. Many more – perhaps the majority, if we look at the current panorama of immigrants on the Italian job market – have parents
who have met with the less noble side of the new “flexible” capitalism, as R. Sennett calls it (2003): the difficult, intergenerational transmission of an ethics of life and work, which this sociologist had admirably focused attention on, is emblematically clear in the life stories of these children of immigration. And the individual burden that, on a par with many of their native peers, they will be forced to bear, must serve as a warning to a society that, in pursuing the objectives of economic competitiveness, has ended up neglecting the objectives of social cohesion, that is to say, the objective of building an integrated society, exploiting the formidable chance for self-reflection that immigration brings along with it.

Paraphrasing what has been written on the subject of educational policy (M. Colasanto, 1995), on a par with other policies that are now discussed in the context of rethinking regimes of accumulation and models for regulating coexistence, the sense of migratory and immigrant policies must also be measured through their ability to mobilize all of the resources present in a given social system, and this not only involves themes and issues linked to its structural specificity, but also – and perhaps above all – those that define it on the ethical and cultural level. In the final analysis, here we presuppose the existence of a social system that has, even if only implicitly, a project for itself, that shares a system of values and at all levels takes on the task that we rightly call educational, with the aim of reaffirming these values as the basis of its social cohesion. The shortcomings and failures of migratory and immigrant policies must thus be interpreted as an alarm sounding for a society that lacks adequate ethical and cultural premises to sustain the projects that concern it.

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Bibliography

Boyd, M. [1989] “Family and Personal Networks in International Migration:


4. The Ethics of Migration


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5. Colombia: Including Emigrants in Their Societies of Origin

Urs Watter

Introduction

The growth of transnational activities between migrants and their home countries in the last decades have not only created new interests but also new responsibilities for governments with respect to their citizens living abroad. While the ethical discussion on international migration has so far mainly focused on the treatment of immigrants in receiving societies, the formulation of immigration policies and open border scenarios, little attention has been paid to the role of sending country governments and how they should proceed to include their emigrated citizens into society in a way beneficial to both sides. Recent initiatives at an international level like the Berne Initiative and the Global Commission on International Migration (GCIM) propose guidelines and best practices not only for immigration, but also for transit and sending countries. At a regional level, we have – in the case under discussion of Colombia – the ongoing consultative process of the South American Forum on Migration (or Lima Process). However, the large differences in measures and legislation adopted by sending states illustrate that the real challenges are to be found at the national level.

In its October 2005 report the GCIM states that one of the necessary steps to establish “a coherent approach to international migration” is “consultation … between government and other stakeholders

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1 See, for example, the special issue of the International Migration Review on “Ethics, Migration and Global Stewardship” (1996), especially the essays of Joseph H. Carens and M. Weiner, see also Carens (2003) and summarizing the discussion on Ethics and “open borders”, Pécoud/de Guchteneire (2005).

2 For a comparison of measures taken in different South American countries, see IOM (2004).
at the national level” and that “… the policy-making process is more likely to be effective when it is based on widespread consultation, especially with the private sector and the diverse components of civil society”. This paper will discuss two recent initiatives in Colombia: first, the creation of Colombia nos une as a subsection of the Ministry of Foreign Affairs, dedicated exclusively to promote new policies and programs directed at the inclusion of Colombians living abroad; and, second, Alianza País, an association of different governmental institutions and non-governmental organizations (NGO's) under the leadership of the Colombian section of the International Organization for Migration (IOM) to carry out an innovative study on the effects of remittances on Colombian society. Both projects are based on consultations and co-operation with the different actors involved in the emigration area and will be reviewed in the context of applied ethics.

5.1 State interest and responsibility towards their citizens living abroad

There are two basic rules of international law which states have to observe regarding their emigrated citizens. The first rule concerns the Universal Declaration on Human Rights which provides in Article 13(2), that “everyone has the right to leave any country, including his own, and to return to his country” (United Nations, 1948, D. A. Martin, 2003). Although the emigrant should be allowed to re-immigrate into his home country, nothing is said about relations with his state of origin during his absence. The second rule refers to diplomatic protection according to the Vienna Convention on Diplomatic Relations (1961). Diplomatic missions have, *inter alia*, the function to protect “…in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law” (United Nations, 1961).

Many developing countries, which formerly were countries of immigration, turned into migrant sending countries in the second half of the twentieth century, especially after the end of the Cold War (D. S. Massey, 1999: 311). The enhancement of communications and transportation technologies have created new possibilities for emi-
grated persons to maintain much closer ties with their places of origin than ever before, thereby creating transnational spaces for economic, social, political or cultural relations which transcend national borders between sending and receiving countries. The rise of emigrant transnational activities also has attracted the attention of sending country governments. While most of the affected sending countries in the beginning regarded emigration movements as an “escape valve” for unemployment, social unrest and political opponents, the brain drain discussion of the 1970s was a starting point for awareness of the possible negative and positive effects of emigration. However, most governments began only in the 1990s to reflect seriously about the importance of their citizens living abroad and the benefits of their contribution to their home countries, perceiving “their expatriate communities as a source of investments, entrepreneurial initiatives, markets for home country companies and even political representation abroad” (A. Portes, 1999: 467). Rainer Bauböck (2003: 709) sees the general interest of these governments within a development strategy mainly in three areas: (a) “human capital upgrading”, i.e. the sponsoring of return migration to import skills and accumulated savings, (b) remittances, and (c) possible political lobbying of receiving country governments. Depending on the historical and social development of these countries, some of them translated their growing interest into constitutional changes, new laws, the creation of specialized sections within their governments for citizens abroad, enhanced consular services, etc. All these measures aim at binding the nationals living abroad to their societies of origin, converting the “emigrant” into an “external citizen” (R. Bauböck, 2005). This new relationship between the government and the emigrated citizen in the transnational context raises moral questions about changes in the responsibilities and the role of the state because “…the exclusion of emigrants from membership status and rights at home humiliates them and diminishes their liberties and opportunities in social arenas in which they participate actively” (R. Bauböck, 2003: 719). These responsibilities go far beyond the rules

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of international law mentioned above and require a coherent and ethical framework to create transparent policy measures which do not simply serve to enhance state control on the external citizen, but also seek mutual benefits, confidence building, voluntary inclusion of the emigrant and the creation of incentives for collaboration, without affecting the emigrant’s relation to the host society. The methodology of applied ethics offers some essential tools for the elaboration of such frameworks.

5.2 Applied Ethics

While the general task of “ethics” is to systematize, defend and recommend concepts of right and wrong behavior, the branch of the applied ethics “is a general field of study that includes all systematic efforts to understand and to resolve moral problems that arise in some domain of practical life, as with medicine, journalism, or business, or in connection with some general issue of social concern, such as employment equity or capital punishment” (C. R. Winkler, 1998). Unlike general ethics questions, applied ethics are not constructed from one single ethical theory like Kantianism, utilitarianism, deontology, etc., but by using the most appropriate theories for the problem in question, considering a multilateral reality. Another fundamental difference from general ethics is that applied ethics are not elaborated by a philosopher in seclusion, but usually in a dialogue among experts, researchers, lawyers, moral philosophers, affected groups, representatives of NGO’s, etc. For this purpose, since the 1960’s and 1970’s ethical commissions or committees have been appointed to resolve moral questions on controversial issues. The expected outcomes of such consultative processes are the publication of recommendations, norms, “best practices” or guidelines to create a framework of values, principles and virtues providing orientation for concrete decisions.

One of the important requisites for universally valid ethical norms is that all possible actors must approve them, or as J. Habermas (1992) states within his theory of discourse ethics: “Only those (moral) norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a
practical discourse”⁴. In other words, it is not sufficient to elaborate ethical norms within commissions or committees if the norms are to be valid for all affected actors and it is expected that everybody will approve the proposed rules. What must follow is a deliberation in the arena of public opinion, because – as Spanish philosopher Adela Cortina underlines – in pluralist societies “...the process of deliberation in the public sphere is essential for deciding jointly what is just or unjust, what is correct or incorrect” (A. Cortina, 2003: 36).⁵ Another important factor for the effectiveness of ethical norms is the interest of the involved actors. Joseph Carens (1996: 161-162) states that “one sociological hypothesis about morality is that the more congruent a morality is with interests, the more likely it is that its moral prescriptions will be obeyed” and “morality work best when it fits with long-term or collective interests”.

For a practical procedure to elaborate applied ethics for a specific issue in a pluralist society, Cortina proposes the following steps (A. Cortina, 2003: 40-42):

1. An interdisciplinary discussion and deliberation of the issue within a commission (which serves as a preparation for public deliberation) to include the following points: (a) a description of the practical aspects from a scientific point of view; (b) the formulation of ethical values already shared by the different actors revealing the leading ethical principles behind them (“common understandings”) to find the point where differences between the actors begin; (c) to start a discussion on the disagreements and reach a point where all positions can be respected morally; and (d) to elaborate recommendations for concrete action.

2. Handing over information and moral convictions to public opinion to convert the deliberation into a co-operative search for the “most just” for human beings.

3. Elaborating “transnational civil ethics” because usually controversial issues in pluralist societies are not bound to

⁵ Translated by the author.
national frontiers and minimal ethical standards are required at an international level.

4. Creating and strengthening moral conscience in the involved societies.

5. Creating a just character within the scientific research and the practical work, producing a “public good” which by definition can not be competitive.

In summary, Cortina insists that the process of elaboration of applied ethics does not stop with the publication of recommendations or norms. It must be followed by deliberation in the realm of public opinion aimed at the creation of “transnational civil ethics”. Only in this way will societies change their moral conscience and apply new ethical standards to their daily life.

5.3 Migration policy and ethics

In the field of migration policy, we find several processes on international, regional and partly on national levels to create frameworks for migration policies which at least partly comply with the model of applied ethics proposed by Cortina. The result of the Berne Initiative is an “International Agenda for Migration Management” which contains “common understandings and effective practices for a planned, balanced, and comprehensive approach to the management of migration” (IOM/FOM, 2005). The Global Commission for International Migration proposes in its October 2005 report thirty-three “Principles for Actions and Recommendations” for “the formulation of a coherent, comprehensive and global response to the issue of international migration” (GCIM, 2005: vii). Both processes base their conclusions on regional consultations held in the Americas, Europe, Africa and Asia, i.e., conferences with representatives of governments, international organizations, regional actors and researchers on migration issues. In spite of the small number of invited persons and institutions and the short time for deliberation, some common understandings were reached, a transnational framework was drafted and the results were published. Contrary to the proposed model of applied ethics, we have here a top-down approach with a
“transnational” global view which takes into consideration the different interests of immigration, transit and emigration countries. The next step, the process of public deliberation, which includes reaction at a regional and national level, has started, but should be reinforced by the forthcoming UN High-Level Dialogue on International Migration and Development in September 2006.

At a regional level we have several ongoing consultative processes, among them the South American Forum on Migration (or Lima process), which started in 1999 as a dialogue between South American governments and is also supported by the International Organization for Migration. This consultative forum has given governments the opportunity to interchange information specifically on international migration within these countries, which have considerable experience of co-operation in the Andean Pact (“Andean Community”) and Mercosur dealing with issues of labor migration and human rights.6 At the second conference of the South American Forum on Migration in Chile (2001), it was agreed “to promote joint actions and coordination of consular policies to improve the treatment to South-American migrants outside the region”.7 The plan of action of the third conference in Ecuador (2002) proposes to link emigrants to their country of origin by: (a) the identification of emigrant associations, (b) the gathering of statistical information on emigrants, (c) the building of networks between emigrants and their home countries, and (d) research on the impact of remittances and improvement of their effects.8 In June 2004, a workshop in Uruguay was organized on “linking practices of states with nationals living abroad” (IOM, 2004), providing an important overview of ongoing processes in different Latin American countries and an analysis of possible instruments to enhance networks and govern-
mental action. This preparatory work was the starting point for the two Colombian projects presented below.

5.4 Migration Policy in Colombia

On the one hand, Colombia has – as do most other governments in South America – a large tradition of immigration legislation, although it never has had to deal with larger immigration movements. Its immigration laws, with their most recent revision in 2004, are up-to-date and comparable in severity with standards of industrialized countries. On the other hand, Colombian emigration, starting in the 1950’s and with an initial peak in the 1970’s with large movements to Venezuela and on a smaller scale to the U.S., was largely ignored by the government. In the 1970’s some measures were taken, first regarding brain drain and afterwards with a large program initiated in 1975 by the International Labour Organization for an integral management of Colombian migration. But most parts of the program terminated in 1978 with the end of the then presidency, and afterwards only separate and small-scale measures on emigration were taken.

Discussion on Colombian citizens living abroad only returned to the governmental level with the new Constitution of 1991, which allows Colombians to have dual citizenship. The Constitution also reaffirmed the right of emigrants to vote in presidential elections (granted since 1961) and extended it to congressional elections. Additionally, it proposed the creation of a special electoral district abroad which was finally implemented in 2001, allowing emigrants to elect one representative for Colombians living abroad. But only in the years after 1996, when due to a deep economical crisis emigration rates reached dimensions never seen before, did the government start to rethink its policy toward Colombians abroad, taking into consideration not only the question of the brain drain, but also increasingly the closer transnational relations and the rising importance of remittances. It is estimated by the Ministry of Foreign Affairs that today about four to five millions of Colombians – roughly 10 per cent of the country’s population – are living abroad,
mainly in the U.S., Venezuela and a growing number in Spain. In Latin America, Colombia is the third largest recipient of remittances after Mexico and Brazil (World Bank, 2006: 90). In the following section, I will describe two recent initiatives regarding migration in Colombia and review them from an ethical point of view.

5.5 “Colombia nos une”

The National Plan for Development of the current presidency (2002 to 2006) includes for the first time an integrated policy towards Colombians living abroad. To accomplish this goal, a program called Colombia nos une (“Colombia unites us”) was implemented by the Ministry of Foreign Affairs aimed at establishing procedures and mechanisms to connect the country with the Colombian emigrant community. Its declared aims are the establishment of positive links and mutual benefits between Colombian communities abroad and the home country, the creation of mechanisms to improve the living conditions of the emigrated in their places of abode, and the facilitation of interaction between Colombian associations abroad as well as with the home country.

At a seminar held in 2003 where Colombia nos une was presented to the public, nine roundtables were formed for the discussion of the following relevant policy-fields: (1) population and demographic tendencies, (2) formal and informal transnational networks and relations, (3) consular and legal affairs, (4) social protection, (5) transnational political participation, (6) education, (7) culture, (8) trans-territorial economic participation, and (9) a portfolio of projects. The roundtables included a wide range of representatives from the different actors involved in the migration field, such as international organizations, governmental institutions, academe, private enterprises, NGO’s and organizations of Colombians living

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9 48% of the emigrated Colombians live in the U.S and Canada, 40% in other Latin American countries and 11% in Europe, mainly in Spain (estimates of the Colombian Ministry of Foreign Affairs).
10 See conference results in Ministerio de Relaciones Exteriores de Colombia (2004).

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abroad. Each roundtable received guidelines with general concepts about the issue that would be discussed, background for each sub-topic and a few questions to initiate the debate. The conclusions of the roundtables comprised the main input for the program Colombia nos une, which has become one of the major initiatives of Colombia’s foreign policy and a presidential goal. The nine topics from the roundtable also serve now to structure the reports of the Ministry of Foreign Affairs and Colombia nos une within the government, renaming them “working areas” (áreas de trabajo) instead of roundtables.

Some of the current ongoing projects initiated by Colombia nos une are:

- The creation of a database of Colombian Emigrant Associations in order to include them in the program and provide the existing 440 associations with information on a regular basis. Additionally, the Minister of Foreign Affairs started to visit these associations when traveling abroad.

- The creation of an innovative website for direct communica-


See, e.g., Barco Isakson (2005: 527-536).
tion with and between emigrants (“RedEsColombia”) which will be released in 2006 in co-operation with IOM Colombia. The project is similar to the quite well-known project called “Red Caldas”\textsuperscript{13} which was created in 1992 to connect Colombian scientists living abroad.

- A website designed for Colombian entrepreneurs looking for commercial representatives and opportunities abroad.\textsuperscript{14}
- Support of research projects – currently one on Colombians living in London and another on Colombians in the United States.
- Participation in the project \textit{Alianza País} which will be presented later.
- Promoting bilateral agreements on education, social security and other relevant issues with other Latin American countries and Spain.
- Support of the Foundation Esperanza website\textsuperscript{15}, which aims at the prevention of illegal migration.
- Launching a project aimed at facilitating the acquisition of housing in Colombia by emigrants, which was promoted in two recent Real Estate Fairs, one in Miami and one in New York.\textsuperscript{16}
- The development of a comprehensive Guide for Colombians living abroad containing information on consular services.\textsuperscript{17}

\textsuperscript{13} www.redcaldas.org.co.
\textsuperscript{14} Red Comercial Colombia (“Commercial network Colombia”): www.colombianosnegocian.com.
\textsuperscript{15} www.infomigrante.org.
\textsuperscript{16} Only in New York was sold real estate in the value of more than USD 18 Mio. within three days, showing the big demand for this kind of service. For this project which is planned to be extended, “Colombia nos une” co-operates with the Ministry of Environment, Housing and territorial Development, Proexpo Colombia, the Colombian Federation of Realtors (Federación Colombiana de Lonjas de Propiedad Raíz), the Colombian Chamber of Construction (Cámara Colombiana de la Construcción) and the International Organization for Migration.
\textsuperscript{17} At: www.colombianosune.org (Link: “Guía para los colombianos en el exterior”).
Although *Colombia nos une* is a relatively small program with a limited staff within the Ministry of Foreign Affairs, it has attracted considerable attention in a short time within the government and especially from Colombian embassies abroad, due to the strong support of the current Minister of Foreign Affairs, Carolina Barco. *Colombia nos une* is represented in almost all areas concerned with migration policy within the Colombian government, and has demonstrated its capacity to co-operate and communicate with other governmental institutions, international organizations and NGO’s. There is also an ongoing information exchange with other Latin American emigration countries like Mexico and El Salvador. According to the program’s staff members, collaboration with other governmental institutions is not always easy and they are conscious that there is still a long way to go to accomplish their goals. The major challenge for *Colombia nos une* is to establish a definitive institutionalization within the Ministry of Foreign Affairs to ensure its continuity beyond the current presidency.

### 5.6 Alianza País

In April 2003, it was suggested at the Technical Preparatory Meeting in Paraguay for the 4th South American Conference on Migration, that the regional representations of IOM should initiate research on the impact of remittances in their countries. IOM Colombia created for this purpose the so-called *Alianza País* (“country-alliance”), consisting of the following organizations: *Colombia nos une* (Ministry of Foreign Affairs), the National Department of Statistics\(^{18}\), the National Bank of Colombia\(^{19}\), the Association of Money Exchange Institutions in Colombia\(^{20}\), the NGO Association America-Spain Solidarity and Cooperation\(^{21}\), the network of public

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\(^{18}\) Departamento Administrativo Nacional de Estadística, DANE; ww.dane.gov.co.
\(^{19}\) Banco de la República (www.banrep.gov.co).
\(^{21}\) Asociación América España Solidaridad y Cooperación (AESCO, www.aescoong.org).

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The research base on the effects of remittances in Colombia was a preparatory test-census for the general Colombian 2005 census carried out in 2004 by the National Department of Statistics in the region of Pereira. This middle-sized town with roughly half a million inhabitants since the 1970s has exhibited one of Colombia’s highest emigration rates. A total of approximate 135,000 households with 520,000 persons were asked – in addition to the usual census questions – whether they had household-members living abroad and if they received remittances. From the households responding positively (19.5\% of the total), a sample of 2,400 households were visited again with an additional questionnaire containing 147 questions. A further questionnaire was filled out by 25,000 beneficiaries of remittances at 233 money exchange offices. Additional qualitative studies finalized the picture of remittances in this region. This innovative research on remittances had an unprecedented scope and was designed and executed exclusively within an emigration country. This could only have been achieved through close cooperation among the different actors involved, sharing their knowledge and – what is very important – the financial burden as well.

As Jorge Baca from IOM Colombia\textsuperscript{23} stated regarding the history of the project, it was originally planned to extend the research over the whole coffee region\textsuperscript{24}, where the most important recent emigration movements in Colombia could be observed. Coincidentally, in a meeting the former director of the National Department of Statistics informed him about a planned test-census in Pereira and agreed to include some questions on migration in the questionnaire. Afterwards, the other organizations were invited to join the project and all of them participated in the elaboration of the research design. The results of the study were discussed at a seminar held in November 2004 and were published in April 2005 by IOM.

\textsuperscript{22} ALMA MATER – Red de Universidades Públicas del Eje Cafetero (www.utp.edu.co/infored).

\textsuperscript{23} Personal interview, October 6, 2005.

\textsuperscript{24} The so-called “Eje cafetero” encloses the departments of Quindío, Risaralda and Caldas.
Colombia (OIM Colombia 2005a, 2005b). IOM and the National Department of Statistics are encouraging other countries to replicate their study and are planning to replicate it themselves in other Colombian regions with high emigration movements. One of the important practical results of the study was the inclusion of the question on household members living abroad in the general 2005 census, which is expected to determine more precisely the numbers of emigrated Colombians.

5.7 Challenges

Colombia nos une and Alianza País are not explicit examples of applied ethics. However, they fulfill several basic functions mentioned above. They try to integrate a large number of organizations with different backgrounds and interests searching for “common understandings” as a starting point for research or political action. As shown in the previous examples, the co-operation of different actors in an emigration country can lead to unexpectedly fruitful synergistic results. According to Jorge Baca, the following requisites are needed for such a project: first, to have a very clear idea of the goals of co-operation; second, strong leadership and commitment, as well as a long-time strategy for the organizing body; and third, the creation of a strategic interest for all invited actors in order to share knowledge and the financial burden, which especially in developing countries is one of the weak points of big-scale research projects without external funding.

Regarding the proposed model of applied ethics, the next step would be public deliberation and discussion, which can only be reached by treating a specific issue in the mass media. According to IOM Colombia, it is very difficult to convince the Colombian mass media to publish news about emigration issues on a regular basis, even though some of the news media are associates in IOM-supported projects. As a consequence, the public receives very lit-

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25 The project Conexión Colombia (www.conexion-colombia.com) was founded in 2003 as an alliance between private enterprises, governmental and non-governmental organizations to channel donations to Colombia, especially in case...
tle information on the phenomenon, and the majority still has a distorted image of emigration, the probabilities for success abroad and the effects of remittances on society. It would be very useful to consider strategies for the dissemination of knowledge on migration and for initiating a public discussion through the mass media apart from the internet – or at least providing information to the public on institutions like Colombia nos une and other service organizations for emigrants through advertisements, radio jingles or television ads. One of the best options is radio with its technical possibilities. An example of a successful transnational radio station is “The W Radio”26, which broadcasts programs simultaneously in Colombia, Ecuador, the United States and Spain as well as on the internet, discussing Colombian and international issues on the air with frequent direct telephone participation by a considerable number of Colombian emigrants from all over the world.

The same challenge exists on how to reach Colombians living abroad with information. The most important channels are obviously the Colombian embassies and consulates, which have considerably enhanced their services in the last few years. However, only around 770,000 of the estimated 4.2 million Colombians living abroad are registered in the consulates.27 The reason for this is a historically rooted mistrust by Colombians, first, in governmental institutions due to their pre-emigration experiences with corrupt local administrations, often combined with an irregular status abroad; and, second, towards their fellow-citizens because of several decades of the international drug trade – unfortunately the best-known Colombian transnational activity (L. E. Guarnizo, L. M. Diaz, 1999). Therefore, an essential task for the government is confidence-building with Colombians living abroad and finding new ways to contact them, especially the majority of emigrants not used to gathering information through the internet.

Another problem for governmental programs in the field of emigration is their short duration, which is often limited to one presi-
dency and therefore creates discontinuity. For this reason, many promising initiatives in South America have stopped before achieving their expected results. Only international organizations can guarantee certain stability in this regard.

To summarize, a consultative process involving governmental institutions, international organizations, NGO’s, universities, private enterprise and – hopefully – civil society has proven to be effective in creating a framework for a coherent migration policy – as in the case of Colombia nos une – or for research with an expected political outcome, as in the case of Alianza País. Applied ethics can contribute the necessary methodological input to support and extend these processes, as well as to reveal gaps in the procedures and to insist on deliberation in the public sphere and the inclusion of all relevant actors. In addition, deliberation and dialogue at the national, regional and international levels must be intensified and maintained, as long as there are no definitive responses to the phenomenon of international migration.

Sending countries especially need to develop strategies to construct a relationship with their citizens living abroad, granting them certain rights if they demonstrate interest in collaboration even if international law does not oblige governments to do so. The Colombian government is on the way to include its “external citizens” in the state, but after years of disregard, the accomplishment of this task will take a long time.

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Bibliography


Organización Internacional para las Migraciones (OIM Colombia, gen. ed.)


Working together for the well-being of migrants

Barry Halliday

Migration has a significant effect on the economic and social development of people and places. Approximately 300 million people, a population larger than that of the United States of America, are migrants and as such are subject to the rules and regulations of a country other than that in which they were born. Some migrants do remarkably well under their adopted systems, while others experience the very depths of economic and social marginalization. To some degree this is the result of individual capacity, but a much more comprehensive factor is the migration management system that is in place, if any. The hope is that an ethical approach to migration is taken, one where at the very least, political or economic expediency does not supersede the well-being of migrants. In many countries, however, it seems that migration is managed on no more than an ad hoc basis with unfortunate consequences for migrants.

There are positive steps which can be taken at both the national and local levels to improve the well-being of migrants resident in their countries. The following paragraphs will briefly outline some ideas to aid the reader in their deliberations of how one might actually begin to do so. As this is a highly complex subject with much variation across and even within countries, the following comments will be of general application directed toward countries which may not yet have a fully developed migration management system in place. The focus is on simple, actionable ideas that will help build understanding of the dynamics of migration within a given country,

1 These comments are those of the author and do not necessarily represent those of the Metropolis Project or Citizenship and Immigration Canada.

* Barry Halliday was one of the Discussants of the workshop.
with particular emphasis on the roles to be played at the national and local levels.

At the national level, the well-being of migrants can be supported through the development of a migration management system that is based on a full understanding of the flows and patterns of migration to and from their country. This means conducting research to know who is crossing the border, where they are going, for how long, and for what purpose. After all, designing a migration programme to ensure the well-being of migrants is an almost impossible undertaking if one is not sure who is entering the country and how they are faring once in the country. As this can change over time, it is important to maintain some capacity to track flows of people not only across borders but also their economic and social outcomes once resident. A corollary to this is creating the capacity of policy-makers to digest this research and use it to make meaningful changes in support of migrants’ well-being.

The legislative framework constituent of a migration management system is the very foundation from which the well-being of migrants is set. This is because it establishes the fundamental rules governing migration. This includes determining the basics of who can enter the country, for what purpose, and for how long. This also includes determining which rights currently accorded to citizens will be accorded to migrants, if any, and the process via which migrants can gain access to these rights e.g. citizenship. For instance, will migrants be accorded fewer and less extensive rights than citizens? Can migrants eventually become citizens, and if so, on what basis? But other framework legislation is also important, such as that covering human rights, workers health and safety, access to health care, protection from racism and discrimination, among others. Importantly, while this legislation may exist, it only ensures the well-being of migrants if they are included under its scope and have access to the necessary services to see that their rights are both recognized and protected. The provision of financial support helps to ensure that services are available and accessible.

Migrants do not live at the national level so they will access services in the villages, towns and cities where they live. Due to the variability of migration flows between countries, the range of funded services in support of the well-being of migrants can be...
highly variable and depends to a great degree upon the rights which they are accorded. Accepting that there will be variability, there is basically a two-pronged approach here. On the one hand, services are required to assist the migrants in becoming accustomed and effective in their adopted system. On the other hand, the host society must themselves become accustomed and effective with the inclusion of newcomers into their system. Accordingly, funded services can range from migrant-specific services such as language classes and civic education, to others that will have a much broader application to the population in general such as social marketing campaigns for workers’ rights, public health education, and anti-racism initiatives among others.

In essence, many of funded services at the local level are in support of the national level legislative frameworks. The funding helps to promote and implement the principles of the frameworks such that individuals begin to understand and adopt them. But this is largely achieved through governments and non-governmental organizations operating at the local level and does not address the role of individuals operating independently. A focus on the role of individuals moves beyond a call for government to act and enters into a space where individuals and communities take collective action to determine how migrants in their villages, towns and cities will be treated. Such action is outside the realm of legal rights and responsibilities residing instead in the more familiar space of the basic elements of human compassion, hospitality and fraternity. A number of actors are implicated here: employers, educators, health practitioners, police officers, municipal officials, community associations, among others. Each has an intersecting role to play in producing an environment where migrants are treated not according to their differences but according to their similarities, not the least of which is the right to pursue a livelihood free from persecution.

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