



**INTERNATIONAL DEVELOPMENT COMMITTEE**

**INQUIRY ON**

**MIGRATION AND DEVELOPMENT**

**OXFAM WRITTEN SUBMISSION**

**NOVEMBER 2003**

## MIGRATION AND DEVELOPMENT

### OXFAM GB WRITTEN SUBMISSION FOR THE INTERNATIONAL DEVELOPMENT COMMITTEE

#### Summary

1. Oxfam believes that there is a significant link between migration and development. Migration is a feature of our globalising world and can, if properly managed and facilitated, do three things. First it can have positive effects on the labour markets, economies and societies of the host countries in the West. Further, it can provide important sources of finance and human capital in order to stimulate development in the sending countries. And finally, it can be an immensely positive experience for the migrants themselves, above all because of its potential to improve their incomes and livelihoods, and those of their families.
2. The causal effect between development and migration is complex and goes both ways. Development characteristics of both sending and host countries such as income, political stability and public spending affect the number and characteristics of migrants. Conversely, migration can have an impact on development. Emigration can have both positive and negative effects for a developing country, by reducing unemployment and generating higher local wages, by causing “brain drain”, by generating return of capital (financial, human and social) that can be invested, by supplying remittance flows, by promoting stronger trade links.
3. States have a fundamental obligation under international law to protect refugees, and this must not be compromised by measures to ‘manage migration’. Measures to control illegal migration cannot continue to result in a closure of avenues for refugees to access a territory to claim asylum, and development and humanitarian assistance must be adequate to meet the basic needs in safety and dignity of the displaced and host communities.
4. Within this context Oxfam recommends that the UK and EU governments reframe their migration policies to integrate social and economic development in migrants’ home countries with entry and integration in host societies. Within this there is a case for increasing the legal mobility of labour as a tool for the development benefit of both sending and host countries. Migration policy needs to be joined up with asylum, development, humanitarian, trade and foreign policies in order both to effectively address the root causes of migration, safeguard the legal obligations towards forced migrants and ensure the best and most equitable migration outcome for the individual, host and sending countries.
5. The increasing feminisation of migration should be recognised, and a gender analysis should be integral to any new policies. This should include guaranteeing protection from exploitation, especially trafficking for the purposes of forced labour and sexual exploitation, and opening up opportunities for women to gain work in the UK labour market. Asylum policy or international assistance to forced migration situations must take into account the different needs, experiences and causes of flight of women refugees.

## **Introduction**

6. Oxfam welcomes the International Development Committee's inquiry and the opportunity to submit evidence based on Oxfam's extensive humanitarian and development experience overseas and in the UK. Our work on forced migration includes programmes addressing the needs of refugees, internally displaced people (IDPs) and host communities in conflict and post-conflict situations around the world. In the UK we undertake advocacy and research on asylum issues and support refugee organisations. Oxfam has also carried out research with the Fabian Society into the causes and consequences of migration between Albania and the UK<sup>i</sup>.
7. Migration is a general term to describe the movement of men and women from their homes for more than just a visit. It can be temporary, followed by return; or permanent, with no return. Migration is a highly gendered process, with changing and differentiated patterns of movement by women and men. Any study of migration, and policies and programmes to address it, must be based upon a thorough gender analysis differentiated on the basis of class, economic position, race and ethnic identity.
8. Voluntary migrants include those moving for personal or economic reasons. Professionals moving between wealthy countries to pursue career opportunities fall into this category, as do those moving from developing countries due to livelihood insecurities of lack of employment opportunities. Forced migrants include asylum seekers, refugees and those in need of other forms of international protection from violence, conflict and persecution. They also include internally displaced people (IDPs) who flee for the same reasons as refugees but do not cross an international border. For the terms of this submission we will understand forced migrant as IDP, asylum seeker, refugee or person in need of other international protection, and voluntary migrant as an economic migrant from a developing country.
9. The debate on migration in the UK has been negatively cast, with confused and racist myths about 'floods' of 'bogus' asylum-seekers, and little rational or well-informed public, media or political discussion.<sup>ii</sup> Alarmist rhetoric prevails, and economic migrants – whose very intention is to contribute their labour to the host country – are portrayed as seeking to abuse the welfare system or as threatening the employment prospects of indigenous British workers. Refugees and asylum seekers fleeing violence and persecution are similarly demonised, with no reference to the receiving state's basic obligation to protect them. Overall, while migrants do access infrastructure and public services, there are many economic, social, cultural and fiscal benefits for receiving countries. Indeed, the evidence increasingly suggests that migration stimulates the economy, enhances competitiveness and contributes £2.5bn a year net to the UK Treasury.<sup>iii</sup>

## **Development, poverty reduction and migration**

### **What is the predicted pattern and scale of migration over the next 25 years?**

10. Recent data synthesised by international bodies such as the United Nations (UN), Organisation for Economic Co-operation and Development (OECD) and the

International Organization for Migration (IOM) suggests an upward trend in international migration<sup>iv</sup>. The total number of people living in a country other than that of their birth was 175 million in 2000, up from 105 m. in 1985; most of this increase occurred in North America and Europe. Refugees make up 9 per cent of the global migrant total; most of these are in developing countries, with only 3 million in developed countries. The ratio of refugees to local population in some developing countries is therefore extremely high. For example the ratio of refugees to 1,000 of local population in Liberia is 87, in Georgia is 51 and in the UK is 3.2.

11. In terms of forced migration global trends, predictions are hard to make as large outflows are caused by unpredictable large scale conflict or human rights abuses. According to UNHCR the numbers of refugees in the world rose from 2.4 million in 1975 to a peak of 18.2 million at the end of the cold war in 1993. By 2000, the numbers had declined to 12.1 million<sup>v</sup>. Political rhetoric also suggests that there is a significant year on year rise in the number of asylum applications made in Europe, however statistics show that there has been an overall decrease in the last ten years and a specific decrease from 1999-2002 of 3.8%.<sup>vi</sup>
12. This decline does not reflect a decline in the numbers of people suffering violence and persecution but a shift in the kind of displacement. With a change in the nature of the world's conflicts, there has been an increase in internal displacement. According to the Global Internally Displaced People (IDP) Project, in the first part of 2002, about 25 million people were estimated to be internally displaced, up from an estimated 5 million in the 1970s and outnumbering refugees by 2 to 1.<sup>vii</sup>
13. A new pattern in migration flows is the rise of "circular" migration – when a migrant moves between several times between his/her country of origin and host country. This requires a redefinition of traditional descriptions of migration as "permanent" or "temporary", "immigration" or "emigration", and the use of policy approaches that respond to these new patterns.
14. A significant trend in international migration to which we wish to draw attention is that of 'human smuggling' and 'trafficking', terms which are often confused. Human smuggling involves moving people across borders for profit and although it can be dangerous or abusive essentially involves the consent of the migrant. Trafficking is non-consensual and aims at profit from the sexual services or labour of the trafficked person, elements of violence, exploitation and deception are involved, such as the trafficking of women for prostitution. Human smuggling and trafficking constitutes a multi-billion-dollar industry and is increasingly run by international criminal networks such as Chinese triads and the Italian mafia. It would appear that as legal routes to access developed countries are increasingly limited, so the illegal migration industry proliferates. Figures are almost impossible to verify but some quote that around 500,000 people, many of them women and children, are smuggled or trafficked into Western Europe each year<sup>viii</sup> and that up to 2 million women and children are trafficked globally every year.<sup>ix</sup>
15. Demographic trends in Europe also have potential implications in terms of migration policy. Fertility rates are low and falling across the EU, such that the population of the EU (including countries that are expected to join by 2007) is predicted to fall from 482 million today to 454 million in 2050 - a decline of 6%.

Given rising life expectancies, this implies that the number of pensioners per worker will soar, unless there is a substantial increase in immigration.

**What rules, structures and incentives are needed to maximise the (development) benefits and reduce the (development) costs of migration?**

16. To maximise the development benefits of economic migration Oxfam recommends that the UK and EU governments reframe their migration policies to integrate social and economic development in migrants' home countries with entry and integration in host societies.
17. Migrant workers themselves have a highly vulnerable status and therefore should be entitled to special protections above existing legislation protecting the rights of all individuals in the UK. Oxfam therefore calls for the UK Government to ratify the UN Convention on the Rights of Migrant Workers and their Families and to take active steps to enforce the protection of these rights.
18. Sending countries need policies in place to maximise remittance flows from émigrés, promote the productive use of remittances and return capital, to encourage return of migrants with capital and to use their overseas citizens to strengthen trade links.
19. As a host country, the UK should pursue a policy of positively managed economic migration, especially for low skilled workers, which creates a legal route of entry separate from other existing routes, such as asylum, family reunification or high skill economic migration. This should build upon the steps which have already been initiated by the Government towards legal and managed migration for some low-skilled workers. Particular attention should be paid to opening up opportunities for women to gain work in the UK labour market, reflecting UK Government policy of promoting equal opportunities in employment.

**Can – and should - aid try to prevent migration by promoting local development?**

20. Migration is a feature of our globalising world, and will continue to be so. As Oxfam has seen in the case of Albania, the pressures that drive the movement of people are immensely powerful and entrenched. It is unrealistic and self-defeating for the prosperous, industrialised countries to pursue a policy of preventing immigration: this will merely subvert it into irregular and increasingly illegal forms of entry and integration. By contrast, we contend that the development of systems of managed and facilitated migration are likely prove to be of benefit to both sending and receiving countries, as well as migrants themselves.
21. Development aid should aim to address the root causes of poverty and to promote human development as the key to sustaining social and economic progress as set out in the Millennium Development Goals. Oxfam welcomes an integrated approach where aid policies aim to tackle the causes of forced migration in coordination with appropriate policies for entry and integration into the host country. However, Oxfam would be concerned if aid policies were to be

used as a conditional mechanism to prevent migration rather than to ensure that there are development benefits from migration.

22. For example, in the case of Albania, from 2002 to 2004, the EU has agreed to spend £49 million in Albania on border management, policing and judicial reform, but just £29 million on economic and social development in Albania<sup>x</sup>. This disparity in aid does little to help Albanians make a decent living from their land. Many choose instead to migrate to other countries.
23. Moreover, a great number of migrants to Europe come from middle-income countries, particularly Central & Eastern Europe and the Mediterranean basin, because they have most access to information about the opportunities in rich countries and can finance the journey.<sup>xi</sup> In many cases it is not a low level of development that causes emigration, but a lack of opportunities for further growth.
24. Finally, it should be mentioned that many countries can benefit considerably from having citizens overseas. The Philippines, for example, have followed a national development strategy that specifically involves the export of labour, from which they receive an estimated \$7 billion in remittances alone each year, almost seven times more than overseas aid receipts and a valuable source of foreign exchange and investment capital.

### **Migrants as a development resource**

#### **The co-development experience of other countries.**

25. Historically, several European countries have actively promoted development within their migration policies (albeit mostly because they wanted temporary migrants to depart at the end of their visit). For example, the Netherlands has remitted social funds and security benefits for its migrants, and offered vocational training for reintegration; France and Belgium have offered financial premia to departing workers, and Germany has offered vocational training, salary subsidies and credit subsidies for those starting businesses on return to their country of origin.
26. One example of a comprehensive co-development programme has been between Germany and Turkey. A commonly noted experience of Turkish-German migration is that many 'temporary' migrants became permanent settlers. Nonetheless, return migration was substantial: approximately two-thirds of guest-workers eventually went back to Turkey. Remittance flows were also high, and remained so even after the migration stream had matured. From a development perspective, outcomes were often positive, although contrary to expectations the return of workers from Germany did not form an industrial proletariat as the Turkish authorities had hoped, as return migrants had a strong preference for small business ownership and self-employment. Policy interventions which were aligned with migrants' interests were particularly successful. For example the German and Turkish governments, the European Resettlement Fund and the Development Bank of Turkey offered credit assistance which helped returning migrants establish enterprises such as the Abara Elektronik factory, which reached sales of over \$10 million and a workforce of over 300.<sup>xii</sup>

## **Remittances**

### **What is the importance of remittances for a) development and b) poverty alleviation?**

27. Remittances are a key factor in development and poverty alleviation, as a few statistics highlight:

- Remittances to developing countries are worth almost \$80 billion per annum.
- They constitute a significant proportion of GDP for many countries - 21% in Jordan, 12.3% in El Salvador, and 8.9% in the Philippines, for example. In Mexico, remittances equal tourism revenue, while in Colombia they equal half of coffee revenue.
- Remittance flows rank second to Foreign Direct Investment (FDI) in the overall external financing of developing countries.
- Remittances can reach a wide proportion of the population in the sending country: in El Salvador approximately 75% of households receive them.

28. Remittances are useful both from macro and micro perspectives, as a source of foreign exchange, and as a boost to household incomes. They may be used for consumption, investment, and as a form of insurance. Although there has been criticism that spending remittances on consumption is “unproductive”, this is counter to evidence. . For example, expenditures on housing and education may be counted as consumption, whereas in developing countries they should really be understood as investment. Moreover, when migrant households satisfy their more immediate consumption needs, they typically devote more of their income to non-consumption items.

29. Remittances are especially beneficial to low income developing countries. They form a greater share of GDP for low income than for middle income countries (1.9% vs. 0.8%).<sup>xiii</sup> They are spread more evenly across countries than aggregate capital flows. And they are the most stable source of external finance, in some cases even being counter-cyclical and buffering economic shocks, as migrants tend to send more money home in difficult periods, and more workers emigrate.

### **How can the development – especially job-creating – outcomes of remittances and return financial capital be maximised?**

30. The most important criteria for the productive use of remittances (as indeed of any type of capital flow) are a good investment climate and adequate infrastructure. This includes stable exchange rates, low inflation, the absence of excessive bureaucracy and corruption but also reliable power, decent roads and other communications. This is obviously challenging for many labour-exporting countries since many people often emigrate precisely because of the weak economic climate at home.

31. Governments can also promote financial instruments targeted specifically at migrants. In South Asia, for example, Non-Resident Indians accounts, Pakistan’s Bonus Voucher Scheme & FX Bearer Certificates, and Bangladesh’s Wage

Earners Scheme have offered high interest rates for foreign currency accounts. In the Zacetas scheme in Mexico, authorities encourage investment of remittances by matching each dollar returned from the US with three extra dollars – one from the municipality, one from the state, and one from the federal government.

32. Reducing the costs of getting abroad can also be beneficial, so that migrants do not spend years repaying loans that financed the original journey. This can be done both by sending countries supervising recruitment agencies, and receiving countries making the entry process easier and more transparent. Increasing the legal avenues of entry is essential so that migrants are not pushed into the hands of criminal, costly and hazardous smuggling networks. Lastly, migrant associations and hometown associations can help channel remittances and capital into investments specifically designed to benefit the migrants' communities of origin.

### **How can the “transaction costs” of remittances be reduced?**

33. This is a crucial question, since fixed transfer charges and foreign exchange fees can reduce remittance values by 15-20%, and clearance of migrants' cheques can frequently take several weeks.<sup>xiv</sup> Financial services are largely provided by the private-sector but governments can intervene to encourage a better provision of services for migrants. Some possibilities for reducing transaction costs are:
  - Migrants are often deterred from sending remittances through formal channels by the difficulties of opening bank accounts. Relaxing minimum balance or personal identification requirements could help;
  - Some US-based transfer agencies now offer free telephone cards for the purpose of confirming receipt of remittances. The International Remittance Network links credit union cooperatives (e.g. of unionised agricultural workers) with Citibank branches in the United States and Latin America, charging just \$6.50 per transfer, compared to an average of \$20-30 by the big companies.
  - Some remittance-receiving banks make a particular effort to design packages suited to migrants, such as the “My family, my country, my home” programme run by Banco Solidario in Ecuador, which provides loans to migrants returning from Spain, to set up small businesses and buy property.
  - Governments can work with migrants associations to increase the transparency of commissions, fees and exchange rates that financial institutions provide.
  - Where bank branches are thinly spread in developing countries, partnerships between banks and the government post office network may be effective.
34. It is worth noting that, where they work well, financial institutions for migrants can have a positive impact on development beyond merely transferring money. Using banks for remittances may introduce poor people to financial services for the first time, encouraging the growth of the financial sector.



## **Brain drain versus brain gain**

### **Do skills acquisition/preferential quota systems in Europe strip developing countries of their talent?**

35. This has been a principal concern for some time, particularly in the medical profession. Nelson Mandela memorably called upon the UK in 1997 to stop poaching nurses from South Africa. The UK does have an ethical code that covers recruitment of medical professionals from developing countries, although it could be more rigorously enforced.
36. It is also true that the majority of legal migrants to the industrialised world are educated – 88% of migrants to the OECD have a secondary education, and two-thirds of those also have a tertiary education. However, the proportion of highly educated people that actually leave developing countries is relatively low indicating that the “brain drain” is not as severe as has been feared.
37. There can also be benefits from allowing the emigration of skilled workers. First, they send higher remittances and are more likely than unskilled workers to return with new skills. Second, a country with an educated diaspora can see so-called “network effects”, i.e. stronger business contacts, investment links and technological assistance from its overseas citizens. Third, returns to education in developing countries are typically low, reducing the incentive to invest in human capital. If people believe that education brings a chance of finding work abroad, there may be more investment in education, to an extent that gains to average education outweigh the losses from the departure of the top 10%.

### **Do returning migrants bring with them skills and capital, and thereby build capacity?**

38. There are many individual cases of migrants using the skills they have acquired overseas positively. From Oxfam’s experience in Albania, we have seen that some migrants working in the agricultural sector in Greece have returned to use these skills to increase their own vegetable production and train other farmers. Moreover, there is more to human capital than mere formal skills. Simply by exposing people to new ideas, migration can have a profound impact on social and cultural patterns, as well as economic activities - in both sending and receiving countries.
39. However, while return migrants do typically bring financial capital, the overall evidence on human capital is unfortunately fairly unfavourable, especially for low-skilled migrants. Early studies of guestworkers returning from Germany to Turkey suggest that less than 10% had received any useful training whilst abroad<sup>xv</sup>, while recent research confirms it for Thailand where, among 424 male returnees, “scarcely 2% took occupations which might have imparted new skills”<sup>xvi</sup>. Regrettably, a low level of skill acquisition is perhaps unsurprising, given that host employers are often trying to fill low-paid, unattractive positions that domestic workers will not accept. Even in the cases where skilled workers are required, they often do not work to their full potential.

### **How important is the mobility of lower-skilled workers?**

40. The mobility of service-supplying and low-skilled workers is crucial to developing-country interests. For instance, despite the movement of cross-border electronic commerce, almost two-thirds of India's exports are supplied through the temporary movement of labour to clients overseas. Restrictions on movement hamper the development of markets for Indian firms. More broadly, barriers to the movement of labour, which are far higher for unskilled than skilled workers, cost developing countries billions of dollars. According to one estimate, a movement of labour from developing to developed countries equivalent to three per cent of the industrialised world's workforce would generate \$200bn annually<sup>xvii</sup>. Much of this would flow directly to developing countries in the form of remittances, balancing the deficit on financial and other services. Moreover, the money would be concentrated directly in the hands of workers, with obvious benefits for poor communities.
41. Oxfam recommends that the UK pursue a policy of positively managed economic migration for low-skilled workers to ensure that developing countries also benefit from the opportunity of their citizens working abroad. Within this, Oxfam recommends that:
- Entry criteria should be flexible enough to allow migrants to adjust to the prevailing labour market and social conditions within the UK, and for their personal migration projects to be realised.
  - The UK Government should establish a comprehensive support and education system for migrants on arrival in the UK, aimed at educating migrants about the UK labour market, their legal rights and obligations as workers, advice and support on finding a job, how to access services, general social and cultural information about the UK, and English language teaching.

### **What will be the role of GATS Mode 4, temporary movement of natural persons?**

42. Looking at movement of labour in the WTO context highlights how current regulations of the international economy are biased in the interests of industrialised countries. Free flows of capital are promoted fiercely, because most capital comes from rich countries, whereas free movement of labour - which could have huge benefits for developing countries - is effectively outlawed. The weak commitments made by OECD countries under GATS Mode 4 make this discrepancy clear.
43. Unsurprisingly, many developing country governments are extremely anxious for industrialised countries to extend their GATS Mode 4 commitments. Only 17% of commitments relate to low-skilled workers, despite these constituting the majority of workers in developing countries, and economic needs tests (ENTs) are fundamentally against the spirit of international trade. Members cannot refuse to import foreign goods on the grounds that domestic substitutes are available, nor does TRIPS allow governments to refuse to award patents because the local economy "does not need them". From a developing country perspective, ENT provisions should at least be made more transparent, preferably harmonized across countries, and ideally removed altogether, save for temporary safeguards which would be equivalent to those applied to trade in goods. Finally, the

absence of GATS provisions on the rights of migrant workers stands in stark contrast to WTO disciplines on infringements of intellectual property rights.

44. Clearly, GATS Mode 4 commitments can be extended to give wider benefits to developing countries. Still, changes in GATS provisions alone would be an insufficient response to the pressures for development-friendly migration. Mode 4 does not cover natural persons seeking access to an industrialised country labour market independently of their service-supplying employer; nor does it address permanent settlement, or encourage greater sending of and productive use of remittances and return capital, or any of the other policies which would help developing countries to benefit from migration. Improvement to Mode 4 should therefore be seen as one aspect of a wider strategy for making migration development-friendly.
45. Oxfam is broadly supportive of the position of developing countries which propose that the temporary migration of natural persons be included in the WTO General Agreement on Trade in Services. This would reduce the double standards in the current global system which restricts on movement of labour in contrast with the philosophy of free movement of capital which industrialised countries espouse.

### **Conflict, refugees and migration**

#### **Can aid prevent violent conflicts and reduce the number of international asylum seekers?**

46. Whether or not, or how effectively aid can prevent conflict is a complex question. It is however widely assumed that poverty and underdevelopment somehow precipitate conflict and that therefore aid can prevent conflict. Research by Oxfam International and Amnesty International into the global arms trade has drawn the vicious circle between poverty and conflict<sup>xviii</sup>. As per capita income halves, the risk of civil war roughly doubles<sup>xix</sup> and a typical civil war leaves a country 15% poorer, with around 30% more people living in absolute poverty<sup>xx</sup>.
47. There is a clear link between violent conflict and the flight of people to seek refuge in other countries. Recent research has shown that conflict and/or repression or discrimination of minorities is a common feature in the top ten countries of origin of asylum seekers to EU countries<sup>xxi</sup>. A current example is the ongoing conflict in the Democratic Republic of Congo (DRC) - the source of more than 2.4 million uprooted people at the end of 2002, including 2 million or more internally displaced persons and nearly 410,000 refugees and asylum seekers. An estimated quarter of a million people newly fled their homes during the year 2002.<sup>xxii</sup>
48. However, it is important to recognise firstly that not all those fleeing violent conflict become asylum seekers, and secondly that violent conflict is not the only reason that people flee their home and seek asylum elsewhere.
49. Asylum seekers are by definition international – they are people who cross an international border to request protection in the territory of another state. But in cases of mass movement in extreme violent conflict, for example the crises in the

Balkans and Great Lakes, many become 'de facto' refugees and never enter the asylum decision-making process of a state. Also, vast numbers of those who flee do not cross an international border to become refugees or asylum seekers but are internally displaced people (IDPs). There are approximately 25 million IDPs worldwide, outnumber refugees by 2 to 1. In April 2002, it was estimated that there were 1.3 million people internally displaced by the conflicts in Indonesia and nearly 300,000 displaced by the conflict in Chechnya.<sup>xxiii</sup>

50. It is also evident that violent conflict is not the sole cause of flight for asylum seekers claiming Convention refugee status or other forms of international protection, such as humanitarian or temporary protection. Conflict is included as grounds for granting asylum under regional refugee conventions (the Cartagena and OAU conventions) but the 1951 UN Refugee Convention definition of a refugee is someone who has fled their country "owing to a well-founded fear of being persecuted for reasons of race religion, nationality, membership of a particular social group or particular social group or political opinion".<sup>xxiv</sup> These kinds of human rights abuses by state or non-state actors, which are often though not necessarily linked to violent conflict, are key push factors for refugees.
51. It is therefore essential that in order to comprehensively address the question of forced migration through aid, both root causes and forms of displacement be understood more broadly. Aid must also not only be targeted at preventing or resolving those violent conflicts that produce significant numbers of people seeking asylum in donor states, but at all situations of persecution that result in forced migration. Oxfam's analysis of the funding for the UN Consolidated Appeals for humanitarian emergencies in July 2003, highlighted a clear skewing of aid towards emergencies in the political spotlight. Approximately \$17 per capita of people in need was committed for DRC, in Chechnya \$11 and in Indonesia \$7, where as in Iraq it was \$74<sup>xxv</sup>. Any further skewing of aid according to migration management priorities of donor states would be unacceptable.

### **What are the differences in developmental terms between voluntary economic and forced migration?**

52. The difference between forced migration and voluntary economic migration in legal and humanitarian terms is fundamental to understanding the development factors associated with their migration. There are many categories of both forced and economic migrant and much overlap and the distinction between economic and persecutory push factors can be blurred, as what may have begun as a voluntary movement can become forced and vice versa. For example, the trafficking of women, girls and boys is at the extreme end of the migration continuum representing forced movement for exploitative labour.
53. According to the 1951 Refugee Convention and other regional instruments a refugee is someone fleeing persecution or violence and is therefore entitled to protection in another country. Others fleeing for reasons not specified within the 1951 Convention, such as widespread conflict may be eligible for other forms of humanitarian or temporary protection. IDPs flee for the same reasons as refugees but are unable to cross an international border. Voluntary migrants move for economic reasons and are not entitled to humanitarian protection under law. There are of course areas at the 'migration asylum nexus' where the two

categories overlap, for example persecution of minorities such as the Roma in Eastern Europe has a strong dimension of economic exclusion.

54. There are different development dimensions within as well as between the two groups. For forced migrants, development factors may contribute to the immediate cause of flight, may cause onward or secondary movement from the first country to which they flee, and are central in the realisation of durable solutions, particularly integration and repatriation.
55. In terms of impact on the host country and contribution to the country of origin from abroad, key factors underlying difference are that forced migrants move first and foremost to find protection, not economic opportunities, their flight is unplanned, they are suddenly severed from their livelihoods and often deprived of the means to a livelihood in the host state. In the UK for example, asylum seekers are prohibited from working. This is because of political perception that this is a pull factor<sup>xxvi</sup>, opinion which is disproved by Home Office research. Oxfam believes that the right to work for refugees and asylum seekers is a central part of ensuring a life with dignity and can bring significant economic and social benefits to the individual and to the host community.
56. In developing countries the impact on the host country also depends on the scale of the migration. A mass influx of refugees to a neighbouring country can have a extremely negative development impact as already stretched local resources, including water, land and firewood, are put under extreme pressure, particularly where international humanitarian assistance falls short of the levels necessary to meet the basic needs of the refugee population. Oxfam's experience in displacement settings across the world has shown that hosting large numbers of refugees has a real impact on the resources and stability of local populations. In Western Pakistan our programme found that the establishment of camps hosting Afghan refugees resulted in a drain on water supplies and exacerbated violence among local warring factions.
57. As an additional development impact, mass departure from communities has a significant demographic, hence developmental, impact on the remaining population, particularly women and the elderly whose livelihoods are often already suffering from the effects of conflict.
58. Return of forced and voluntary migrants also has different development implications. In the case of refugees or IDPs they may choose to return to their homes once the threat to their lives or safety has passed. In many cases this involves the return of large numbers to a country or region in an immediate post-conflict phase where infrastructure and livelihoods have been destroyed and basic resources are scarce, as for example in Afghanistan.

### **South-south migration**

#### **Does aid to those countries which border conflict areas act as a pull factor and increase the number of refugees?**

59. Refugees fleeing violence and persecution to neighbouring countries are severed from their means of subsistence and have a right to protection, including safety, dignity, durable solutions and the fulfilment of their basic needs including shelter,

food and water. The flight to a neighbouring country is a forced and spontaneous one in the face of danger. As many neighbouring countries are themselves underdeveloped and often suffering from the effects of conflict, it is impossible for them to meet the needs of significant numbers of refugees without international assistance.

60. The poor conditions for refugees in neighbouring countries serve as a strong counter-indication to the assertion that aid is a pull factor. Indeed in some cases conditions have proved so dire that refugees have been faced with the choice of returning home to face violence and conflict or remaining in the neighbouring country to face starvation and disease. Oxfam continues to witness situations where basic provision fall well below the Sphere minimum standards for humanitarian response<sup>xxvii</sup>. This is well illustrated by the situation for over 500,000 Burundian refugees in Tanzania. The entire refugee population in camps is dependent on monthly food distribution for its nutritional needs as movement is restricted to a 4 kilometre zone around the camps. Until recently the World Food Programme was forced to cut basic food rations by 50% due to inadequate donor support. Over the past 5 years the UNHCR budget has been cut by 38%<sup>xxviii</sup>. Conditions for Afghan refugees at the Pakistan border present a similar situation of insecurity and inability to meet basic needs.
61. Whilst in many situations lack of basic provisions is a result of assistance shortfalls, in others cases states have taken the deliberate and unacceptable measure of cutting off assistance including food, in order to coerce refugees to leave. There has been evidence in a number of situations that this has been used in combination with other means of coercing refugees to return home to an uncertain and potentially unsafe situation. Oxfam's experience showed that when the Government of Indonesia cut off already inadequate aid to East Timorese refugees in West Timor, the result was not only increased returns, but also a worsening health status of the remaining refugee population, and further pressure on host community resources.
62. There are evidently sensitivities around the provision of aid to refugees in regions where the basic needs of the local population are often unmet. UNHCR's Agenda for Protection, a global set of goals for all actors involved in refugee protection, calls for refugee issues to be anchored within national and regional and multilateral development agendas and for states "to consider allocating development funds, possibly a percentage thereof to programmes simultaneously benefiting refugees and the local population in host countries."<sup>xxix</sup>

### **Development Cooperation and Policy on Migration**

**How consistent (in both a national and international context) are donor government's approaches to migration with their policies on development cooperation, humanitarian relief and refugee protection?**

63. Migration policy, asylum policy, development, humanitarian trade and foreign policy need to be joined up in order both to effectively address the root causes of migration, safeguard legal obligations towards refugees and ensure the best and most equitable migration benefits for sending and hosting states and the individual. However, to date donor government's resolve to combat illegal

migration has not been matched with similar commitments to assume responsibilities and international obligations to tackle the root causes and rights of the displaced.

64. Many donor governments' deterrence-focussed preoccupation with 'migration management' has to date been notably at odds with their international obligations of refugee protection. One illustrative area is that of border controls and interception. Significant resources have been channelled towards EU and member states agreements in this area at both a bi-lateral and multi-lateral level prompting fears that they fail to adequately incorporate human rights and refugee protection safeguards<sup>xxx</sup>. In the run up to enlargement, the EU spent £145 million on enhancing border controls but only £7 million on improving asylum systems in accession countries.<sup>xxxi</sup> Recent research for the UK Home Office stated that there was "strong circumstantial evidence that visa, border, carrier and interceptions measures aimed at preventing access to the EU has led to "growing trafficking and illegal entry of bona fide asylum seekers",<sup>xxxii</sup> placing them in the hands of smugglers, often stopping them from reaching a country to claim asylum and fuelling the illegal migration networks that European policies aim to combat.
65. Also policies on development cooperation and humanitarian relief markedly at odds with other areas of policy that influence root causes of economic and forced migration – i.e. trade policy and arms policy respectively. In a linking of the two issues, a recent agreement between Italy and Libya on combating irregular migrants stipulates that Italy provide financial support to assist Libya in combating illegal migration. It has been reported that Italy is also urging EU partners to ease the restriction on the sale of military equipment to Libya so as to provide this country with more sophisticated materials to combat illegal immigration.<sup>xxxiii</sup>
66. Since the early 1990's there have been calls at the EU level for coordinated policies in order to address the causes of forced migration. The cross-pillar High Level Working Group on Asylum and Migration was an initial move towards this, but its 'action plans' have been widely criticised for their focus on migration control rather than human rights or refugee protection, a lack of consultation with countries concerned, and a failure to generate follow-up actions.
67. The debate around integrating migration into EU external relations has also prompted criticism, particularly around suggestions that development assistance to third countries may be made conditional on 'migration cooperation' i.e. readmission, interception measures, and other means of preventing outward and onward movement. These were evident in proposals at the June 2002 Seville EU Summit and also in the drafting process of the EU Commission's December 2002 Communication on 'Integrating Migration in the European Union's Relations with Third Countries'. In negotiations around the latter document tensions were evident between the departments for development cooperation and humanitarian aid, and the DG for justice and home affairs, the former calling for aid to be targeted towards the root causes of displacement, and the latter arguing that development aid can be a useful tool to combat irregular movement, and return irregular migrants.
68. Whilst the final Seville Summit Conclusions talk of 'not jeopardising development cooperation objectives' and the Commission Communication calls for an 'incitative' rather 'penalising' approach to migration cooperation, Oxfam would

caution against any future aid conditionality, either direct or indirect, or the adoption of measures that would run counter to commitments to address root causes.

**Should DFID adopt a less neutral approach and develop a policy on development-friendly migration? If so, how should it fit with DFID's own Country Assistance Strategies and how should DFID promote such a policy across government?**

69. By ignoring the potential benefits of migration flows to developing countries, a neutral approach denies one of the major potential sources of development. In the meantime, migration policies made by other government departments have implications for development. DFID should engage with these policies, for example by working with the Home Office to make the new temporary migration schemes development-friendly, and by bringing a protection perspective to the debate on refugees and asylum seekers. Challenging some of the negative myths about migrants would also help. DFID's Country Assistance Strategies should analyse and aim to address the root causes of migration, especially forced migration, and support sending countries to provide a policy environment which maximises the development benefits of migration.

**Gender and Migration**

70. While many suggest that there is an increasing feminisation of migration, others suggest that women already made up 46.6% of the global total of international migrants in 1965 and that the issue is more that women are less visible and over-represented in undocumented migration<sup>xxxiv</sup>. It is also important to realise that women are increasingly migrating as independent or at least semi-independent agents – in contrast to the past when they were seen purely as the 'followers' of their male relatives who were the 'primary' migrants.

71. An important dimension of undocumented migration is the smuggling and trafficking of women, primarily as domestic workers and for forced labour and sexual exploitation. The migration of 'Third World' or East European women to work as domestic helpers in wealthy countries has been a major growth area since the 1980s. Usually these women migrate on their own or are the principal wage-earners for themselves and their families but they can be particularly vulnerable to isolation and exploitation. For example, Oxfam's work in the Lebanon suggests that many migrant women from Sri Lanka and the Philippines are denied their rights, beaten by their employers, forced to work long hours and had their passports taken away. Protection should therefore be guaranteed for the increasing number female migrants working as domestic or care workers and those who are vulnerable to trafficking.

72. Gender affects all aspects of a migrant's experience, from the initial decision to migrate (e.g. at which stage of life and in which capacity), to experience in the labour market (recruitment, working conditions), the sending and use of remittances, the decision to return, and the change in social position caused by migration. At its best, the migration experience has the potential to challenge existing social norms and rigid hierarchical structures, expanding the



opportunities of previously restricted groups. This is true for household behaviour and the social position of women. For example, many women interviewed during the Albanian research left to pursue a more free and rewarding life in a less patriarchal environment. Particular attention should therefore be paid to opening up opportunities for women to gain work in the UK labour market, reflecting UK Government policy of promoting equal opportunities in employment.

73. UNHCR estimates that in any refugee population approximately 50% are women and girls. Women and men are affected differently at every stage of the forced migration chain including reasons for flight, vulnerability on their journey, procedures and provisions in the country of refuge and long-term solutions. In camp situations in region of origin donors and agencies must ensure that the rights, needs and vulnerabilities of refugee women and girls are taken into account. In industrialised countries, including EU member states, there is a notable lack of disaggregated data on refugee or asylum seeking women, which indicates a more entrenched gender-blindness. Oxfam calls on governments in these countries, including the UK to ensure that asylum systems, including determination procedures and reception provisions are adequately tailored to the particular needs and experiences of female asylum seekers.

### **Summary of Recommendations**

- Oxfam recommends that the UK and EU governments reframe their migration policies to integrate social and economic development in migrants' home countries with entry and integration in host societies.
- Oxfam calls for the UK Government to ratify the UN Convention on the Rights of Migrant Workers and their Families and to take active steps to enforce the protection of these rights.
- UK should continue to pursue a policy of positively managed economic migration, especially for low skilled workers, which creates a legal route of entry separate from other existing routes, such as asylum, family reunification or high skill economic migration.
- Entry criteria should be flexible enough to allow migrants to adjust to the prevailing labour market and social conditions within the UK, and for their personal migration projects to be realised.
- The UK Government should establish a comprehensive support and education system for migrants on arrival in the UK, aimed at educating migrants about the UK labour market, their legal rights and obligations as workers, advice and support on finding a job, how to access services, general social and cultural information about the UK, and English language teaching.
- Oxfam would be concerned if aid policies were to be used as a conditional mechanism to prevent migration rather than to ensure that there are development benefits from migration.
- Oxfam is broadly supportive of the position of developing countries which propose that the temporary migration of natural persons be included in the WTO General Agreement on Trade in Services.
- Investment in conflict prevention should be targeted according to need rather than in order to reduce numbers of asylum seekers in donor countries.
- Oxfam does not support the view that provision of basic humanitarian assistance in countries neighbouring conflict is a pull factor. The threat to cut aid should never be used as a migration management tool to deter or return refugees.

- Migration policy, asylum policy, development, humanitarian trade and foreign policy need to be joined up in order both to effectively address the root causes of migration, safeguard legal obligations towards refugees and asylum seekers and ensure the best and most equitable migration benefits for sending and hosting states and the individual.
- Oxfam calls for particular attention should be paid to opening up opportunities for migrant women to gain work in the UK labour market, reflecting UK Government policy of promoting equal opportunities in employment.
- The rights, needs and vulnerabilities of refugee women and girls must be an integral and active consideration in humanitarian assistance and in asylum systems of the UK and other developed countries.

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## ENDNOTES

- <sup>i</sup> Exploding the Migration Myths: Analysis and Recommendations for the European Union, the UK and Albania. R. King, N. Mai, M Dalipaj. Oxfam and Fabian Society.
- <sup>ii</sup> See Ronald Kaye: 'Blaming the victim' in Russell King and Nancy Wood (eds) *Media and Migration: Constructions of Mobility and Difference*. London: Routledge, 2001, pp. 53–70.
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- <sup>x</sup> Albania: Country Strategy Paper 2002-2006 & Multi-Annual Indicative Programme (MIP) 2002-2004, *European Community Cards Programme, 30 November 2001*
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- <sup>xiii</sup> Dilip Ratha, " Ch 7: Workers' Remittances: An Important and Stable Source of External Development Finance", in "Global Development Finance 2003 – Striving for Stability in Development Finance" World Bank (2003) p 158.
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- <sup>xviii</sup> Shattered Lives: The case for tough International Arms Control. Oxfam International and Amnesty International 2003.
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- <sup>xxi</sup> States of Conflict: Causes and patterns of forced migration to the EU and policy responses. Stephen Castles, Heaven Crawley and Sean Loughna, IPPR 2003.
- <sup>xxii</sup> USCR World Refugee survey 2003.
- <sup>xxiii</sup> Internally displaced people a global survey, Norwegian Refugee Council 2002.
- <sup>xxiv</sup> Article 1A (1), 1951 Convention Relating to the Status of Refugees.
- <sup>xxv</sup> Beyond the Headlines: An agenda for action to protect civilians in neglected conflicts. Oxfam International 2003
- <sup>xxvi</sup> See UK Nationality Immigration Act 2002.
- <sup>xxvii</sup> Sphere Project. Humnitarian Charter and Minimum standards in Disaster Response. Geneva 2003.
- <sup>xxviii</sup> Evidence compiled by Oxfam GB humanitarian staff in Tanzania.
- <sup>xxix</sup> UNHCR Agenda for Protection. 6 June 2002. A/AC.96/965/Add.1
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