SAFE INTERNATIONAL MIGRATION

Proceedings of the Second and Third International Forum

on Migration and Peace

Edited by

Leonir Mario Chiarello

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Scalabrini International Migration Network

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The Scalabrini International Migration Network (SIMN) is non-profit organization established in 2006 to promote the dignity and the rights of migrants, refugees and people on the move worldwide. SIMN organizes an annual International Forum on Migration and Peace. This publication contains selected topics of the Second Forum that was held in Bogota from September 1 to September 3, 2010 and the Third Forum that took place in Mexico City on October 20 and 21, 2011.

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To all migrants

who by crossing borders

are builders of peaceful coexistence…

Acknowledgments

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Finally, we would like to thank all those who share our mission to build *a world more just and more fraternal for all, including migrants and their families*.

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

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Program of the III International Forum on Migration and Peace

Preface

Human insecurity caused by direct and indirect violence is one the main causes of international migration. The bonds between migration flows and direct violence, generally identified with wars and organized crime, are evident and recognizable. The links between migration and indirect or structural violence –caused by the globalized adverse effects of an inequitable economic system and an unfair trade scheme between developed and developing countries that exacerbates poverty and marginalization, condemns millions of people to premature death and forces people to migrate towards the realization of their rights to development and to build a better life– are not so obvious and detectable. In this context, some countries are disproportionately increasing their military spending to control their borders against irregular migration and decreasing their investments to eradicate poverty, inequality and violation of human, civil, economic, social and cultural rights that are generating migration flows.

Migration is a phenomenon inherent to the human development and human dignity that requires an ethical duty of governments to become aware of their responsibilities to implement comprehensive policies and responses to human and safe migration, which are respectful of the human rights of migrants. Such policies require a change of perspective in the discourse on security, with the necessity of putting human security in the exercise of sovereignty, understood not only as a protector of national security, but also and mainly as a guarantor and protector of the rights of every human being, including migrants. Any migration policy must be inspired by and promote the principles of social cohesion, tolerance and non-discrimination, including elements of protection, assistance, integration or reintegration into society and peaceful coexistence between nationals and migrants.

In context, the Scalabrini International Migration Network has promoted the International Forum on Migration and Peace to promote a high level dialogue and the definition of concrete actions on the multifaceted bonds between human security, migration flows and peaceful coexistence between host communities and migrants. Under the theme *Borders: Walls or Bridges*, the First International Forum on

Migration and Peace was held in Antigua, Guatemala on January 29 and 30, 2009.

To continue this process of dialogue, in the framework of the bicentennial of the independence of some Latin American countries, SIMN promoted the Second Forum under the theme *Migration, Peaceful Coexistence and Independence: Towards New Perspectives on Citizenship*, from September 1 to September 3, 2010, in Bogota, Colombia. The Third Forum was held in Mexico City, on October 20 and 21, 2011.

During the three Forums, the invited speakers along with 218 expert participants in the First Forum, 528 experts in the Second Forum and 436 in the Third Forum, shared their thoughts, commitments and proposals for the promotion of a fully human and peaceful coexistence as a universal right for all, including migrants. Among the participants were several Nobel Peace Prize Laureates, representatives of governments, international organizations, social organizations, academia and media as well as migrant organizations.

This publication brings together selected interventions presented by invited speakers of the Second and Third International Forum on Migration and Peace, followed by the final declarations and the programs of both Forums.

In their presentations, from different backgrounds and perspectives, the experts bring essential elements in continuing the work initiated at this Forum to promote cooperation of all political and social actors to create, implement, and strengthen a culture of peaceful coexistence among all peoples, including migrants.

The Forum hopes that governments and civil society organizations will accept the knowledge generated by these dialogs on the promotion of migration policies and programs that respect and protect the rights of all migrants and their families. In addition, the Forum hopes to engage governments and civil society organizations in the construction of a welcoming culture of solidarity and peace.

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

Leonir Mario Chiarello, c.s.

Selected Topics of the Second International Forum on Migration and Peace

Migration, Peaceful Coexistence and Independence: Towards New Perspective of Citizenship and Democracy

Bogotá, September 1-3, 2010

Opening Remarks of the Second International Forum on Migration and Peace

Leonir Mario Chiarello
Executive Director
Scalabrini International Migration Network

The process of globalization, economic crisis, poverty, wars, racial conflicts, violence, lack of land and joblessness are among the major factors behind the increases of forced migration around the world. The social phenomenon of migration has been an inherent factor in the history of the Americas: from the arrival of slaves trafficked from Africa during the colonial period, the flow of mass immigration from Europe and Asia, promoted by policies of settlement and development of areas that were uninhabited and under-exploited as well as the replacement of slave labor, to the process of intra-regional migration and mass migration that began during the military dictatorships that took place in most Latin American countries and that continues to grow today.

In the last two decades, economic crises and lack of labor opportunities forced millions of Latin American citizens to emigrate. Within the framework of the celebrations for the Bicentennial of Independence of some Latin American countries, the relationship between migration, peaceful coexistence and interdependence becomes a crucial topic of the international agenda.

Consultations among governments and with international organizations on how best to manage the phenomenon of international migration, and in particular forced migration, currently focus on demographic, economic, and cultural factors as well as on national security. Regrettably however, these discussions are not sufficiently addressing one of the most challenging aspects of this phenomenon: the peaceful coexistence between local communities and migrants.

The negative perceptions of local populations toward immigrants generate social tensions and hostilities, hindering a harmonious coexistence between natives and immigrants. These tensions in turn may lead to social and political conflicts that all too often result in violence, displacement and forced migration.

In this context, the Scalabrini International Migration Network (SIMN) envisions the establishment of a space for reflection, discussion and definition of solutions to structural and cultural difficulties that hinder a harmonious social coexistence. In particular, the Scalabrini International Migration Network seeks to promote an international culture of peaceful coexistence between migrants and host communities through the organization of International Forums on Migration and Peace.

Under the theme *Borders: Walls or Bridges?*, the First International Forum on Migration and Peace was held in Antigua, Guatemala on January 29 and 30, 2009. At that two-day Forum, more than 200 invited participants, including scholars, political leaders and government officials, shared their thoughts, commitments and proposals to initiate a process of international networking for the promotion of a fully human and peaceful co-existence as a universal right for all. Also among the participants were Nobel Peace Prize Laureates, representatives of governments, international organizations, social organizations, academia and media as well as migrant organizations.

To continue this process with the representatives from governments and civil society and to maintain a high-level dialogue on the multi-faceted relationships between international migration and peaceful coexistence in inclusive democracies, SIMN has organized the Second International Forum on Migration and Peace. We are pleased and grateful that this Second Forum has taken place in coordination with the *Alcaldía Mayor de Bogotá* and the *Corporación Scalabrini* of Colombia, along with the support of Konrad Adenauer Stiftung, the Colombia Ministry of Foreign Affairs, the International Organization for Migration (IOM) and the Scalabrini Communication Center and supportive entities.

Within the framework of the celebrations for the Bicentennial of Independence of Latin American Countries, the focus of this Second Forum is: *Migration, Peaceful Coexistence and Independence: Toward New Perspectives on Citizenship and Democracy*. In our discussions we will consider how violence and lack of independence might lead to conflict, forced migration, a weak democracy, and subsequent difficulties for peaceful coexistence, with the overall goal of seeking workable solutions for the promotion of a culture of peaceful coexistence between local communities and migrants and new perspectives on citizenship and democracy.

Welcome to the Second International Forum on Migration and Peace, in Bogota, Colombia!

Opening Session of the Second International Forum on Migration and Peace

Angelino Garzón
Vice-President of Colombia

In the name of the National Government, and in particular on behalf of President Juan Manuel Santos Calderón, I would like to thank the Office of the Mayor of Bogota, under Mayor Samuel Moreno, and the *Scalabrini International Migration Network* (SIMN), coordinated by its Executive Director, Leonir Mario Chiarello, for the invitation to be present at the inauguration of this Forum on Migration and Peace. I am here to assure you of the commitment that the Colombian government has assumed with this Forum, as can be seen in the participation of the Ministry of Foreign Relations in its organization. Our commitment is not only with the event as such, but most importantly with its results.

Mr. Moreno, I hope that once the Forum is over, the Office of the Vice-President and your Office can develop some joint efforts to draw the attention of the international community towards the relevance of migration issues with regards to Colombia.

Concerning Colombia, we can distinguish two types of migration: internal migration and external migration.

There are two basic factors contributing to internal migration: the first one has to do with economic and social necessity; the other with the irrational violence that has affected our country for the last 50 years. At present, Colombia has almost 3,600,000 people who have been victims of violence and of internal displacement, to which we must add a large population of migrants pressed by social and economic necessity.

This means –and it is one of the aims of this administration, which was inaugurated on August 7, 2010– that we must develop jointly, with local and regional governments, with the different sectors of civil society including the business sector, policies to reduce unemployment. Our target is to reduce unemployment to a single-digit number. We must make this great effort, just as we must reduce poverty and misery levels.

As many panelists here will note, Latin America is one of the continents with the highest indicators of social inequality and this naturally includes Colombia. We are very much aware of this situation and this is why we want to make our contribution to reach the Millennium Goals. Also, in terms of the legitimate right of all people to lead a better life, we want to make a great effort, jointly with governments and all sectors of society, to reduce poverty and misery.

At the end of the four years of this Presidential term, we would like to see Colombia as one of the five countries in Latin America that have progressed the most in terms of social equity and reduction of poverty and misery.

Poverty and misery are contrary to democracy; poverty and misery are contrary to civil coexistence; and poverty and misery are contrary to the spirit of peace. At the same time, with regards to internal migration, we are aware that there are also victims of violence.

The Colombian state has initiated a process of reparation, but we want to take a major step into consolidating a process to take things further. We are almost at the end of the process to pass a bill, in consultation with all political factions, to create the best ways to compensate victims of violence, including land restitution, which is an important aspect in the particular case of Colombia.

We want to return to the legitimate owners all the lands that we have been able to recover from the hands of the victimizers, of illegal armed groups, whether they are drug traffickers, insurgent armed forces, criminal bands or guerrillas. This is why we are submitting, along with the Victim Compensation Law, a bill to pass a Land Restitution Law.

We are working with international organizations, such as the International Organization for Migration, and our aim has been summarized as follows: the Colombian state has to show greater solidarity. It has to be more humane and more sensitive towards the victims, at the same time that it has to be harsher with the victimizers. We believe that with these two strategies we can achieve greater progress and in a city like Bogotá, we can show that we are responding to the social debt and to the migrant population.

The other kind of migration we have to take into account is emigration. Colombia has some three million citizens living abroad.

Almost 70 percent of those migrants reside legally in the receptor countries, but 30, perhaps even 40 per cent are irregular migrants. I think we can achieve progress regarding this issue in dialogue with the international community. We must sign cooperation treaties with the different countries, treaties by means of which we can not only protect the Colombians living abroad, but also the foreigners who have immigrated to our country for many different reasons.

In this sense, we already have had some experience. We have in place a Co-operation Agreement on Social Security with Spain. Three years ago, an agreement was approved in Santiago de Chile, but it has not been put into effect yet. There are also efforts to improve and strengthen relations with neighboring countries. Today, for example, the President is visiting Brazil. Recently, we have been in Venezuela and Ecuador. On all these occasions, the main purpose is to sign agreements that can benefit the Colombians living in those countries, as well as the nationals of those countries living in Colombia.

Colombia sets an example with regards to the respect shown for the migrant population from other countries. It is always important to us to show this respect.

However, and it is painful to have to admit this, unfortunately we also have manifestations of violations of Human Rights: xenophobia, discrimination against women and children, discrimination against ethnic minorities, discrimination for religious reasons.

I believe the Colombian Government has to contribute to the creation of an agenda within the framework of the United Nations to eliminate all these forms of discrimination: xenophobia, so many violent acts against migrants and so many violations of Human Rights.

On our part, we shall make all the efforts, also within negotiations of free trade agreements, to impose respect for Labor Rights, Human Rights and Environmental Rights.

The peace scenarios that the Catholic Church has insisted on are fundamental.

Colombians have to find paths to overcome the violence that has affected us all over these years.

Our constitutional responsibility is to combat the illegal armed groups (guerrillas, paramilitary or drug traffickers) but we are also

aware of the need to find with them a path towards peace, to overcome the violence and reach a situation in which we have forgiveness and reconciliation.

The doors towards peace are not closed. We are keeping these doors open. In the specific case of the guerrilla, our only request is that they free, without conditions, all the hostages they have under their control, that they cease kidnapping, that they stop deploying landmines, which cause such great harm to our peasants and indigenous peoples, to our army and police forces. We request that they free the children they have recruited and we want to hear the guerrilla combatants themselves acknowledge that "this violence makes no sense."

If they accept these requests, the Government is more than willing to build peace agreements and reconciliation processes. We are grateful for the help and support we can receive from the Catholic Church and the international community in this regard.

The Colombian state contributes to strengthen civil society and respects the different political manifestations of its citizens. To enable this to grow, we must work towards "disarming" words, ensuring that we do not harm with words; and with this in view, we want to establish a peaceful and calm dialogue with all sectors of civil society. Our collective aim is to follow the path of building a better country, where human beings are our priority, beginning with children.

Neo-Liberalism's New Workforce: The End of a Dream?[1]

Stephen Castles
Professor and Research Chair in Sociology
University of Sydney

Introduction

After the financial crash of October 2008, the neo-liberal dream of deregulation, free markets, easy credit and vast bonuses for bankers seemed to be over. But today governments have retreated from promises of strict regulation and bankers are again enjoying massive bonuses. At the same time unemployment continues to soar, victims of the credit bonanza have lost their homes and the poorer countries are starved of investment. The difficulties of European states in coping with high levels of government debt (for instance in Greece) indicate that the crisis is far from over, while US stock markets remain volatile due to fears of a 'double dip' in the economy. Political and economic elites are reluctant to learn the lessons of the crisis, for to do so would question the system which has enriched them.

The international mobilization of workers to fulfill the labor demands of capital is a crucial aspect of the global economic order. The neo-liberal dream is dualistic: a cosmopolitan, mobile world for elites; a world of barriers, exploitation and security controls for the rest. This presentation examines the neo-liberal dream and the extent to which it has stood up to the shock of the economic crisis.

Apart from the economic aspects of the global labor market, two other factors have been crucial in its emergence. The first is the restructuring of welfare states and the public sector in both the North and South since the 1980s. The second is the trend towards hierarchical forms of citizenship, in which certain categories of people have the right to mobility and protection of human rights, while others do not. Due to lack of time for this presentation, these two factors will not be explored here. My presentation today focuses on the political economy

[1] This article was presented in the Panel on Democracy, Development and Migration: the Role of the Economy in the Creation of Inclusive Democracies and Sustainable Development of the Second International Forum on Migration and Peace that was held in Bogota on September 1st, 2010.

of the global labor market, and particularly on the migrant workers that form part of it. As a result, a new global class structure has developed, with privileges for some, but marginalization and exploitation for others.[2]

Making the global labor market

Advocates of neo-liberal globalization justify deregulation and privatization by arguing that these will lead to faster economic growth in poorer countries, and thus, in the long run, to poverty reduction and convergence with richer countries. In fact, the opposite has been the case: global inequality by the mid-2000s was 'probably the highest ever recorded' (Milanovic, 2007, 39). But the claim of reducing inequality has been crucial for ideologies of 'open borders' and 'a level playing field.' Flows across borders of commodities, capital, technology and labor were meant to ensure that production factors could be obtained at the lowest possible cost, and to promote increased productivity everywhere.

Liberalization of flows was never complete, for instance rich countries protected their own agriculture while demanding the removal of barriers for others. But the hypocrisy was greatest with regard to flows of people, where control of cross-border movements was seen as a crucial aspect of nation-state sovereignty. Economists argued that the removal of restrictions on human mobility would lead to large increases in global income (Bhagwati, 2003; Nayar, 1994), but politicians in labor-importing countries were aware of popular suspicion of immigration, and responded with a rhetoric of national interests and control.

Yet the interplay between market forces demanding freedom of movement and political forces demanding control can be seen as highly effective in creating a global labor market stratified not only according to 'human capital' (possession of education, training and

[2] Earlier versions of parts of this article will appear in Daphne Halikiopoulou and Sofia Vasilopoulou (eds), *Nationalism and Globalisation* (2010); and in the *Globalizations* special issue on 'Migration, Work and Citizenship' (2010. A longer version is to be published in Spanish in *Los Desafíos del Desarrollo y la Migración* **(**Red Internacional de Migración y Desarrollo, Zacatecas, 2010)**.** I thank Raúl Delgado Wise and Ronaldo Munck for their comments on an earlier draft.

work skills), but also according to gender, race, ethnicity, origins and legal status. The new global labor market is thus an expression of a global class hierarchy, in which people with high human capital from rich countries have almost unlimited rights of mobility, while others are differentiated, controlled, and included or excluded in a variety of ways (Bauman, 1998).

The development of the global labor market has had three phases.[3] A *first phase* of expansion in core industrial economies from 1945 to about 1973 was marked by mass production in large factories. Migrant workers –mainly from areas geographically and culturally fairly close to the core industrial countries– played a vital part in the economic boom. The USA drew on Mexican labor, and opened its doors to mass immigration from all over the world from 1965. Australia, New Zealand and Canada relied heavily on immigrants from Europe, racist immigration laws existed until the late 1960s. In Western Europe, migrant workers were essential to growth. Migrants from former colonies going to the UK, Netherlands and France had citizenship rights, but most Western European countries relied on temporary migrant workers ('guest workers') from southern Europe, North Africa and Turkey, who were not supposed to stay permanently.

The economic recession following the 'Oil Crisis' of 1973 helped initiate a *second phase:* capital investment was moved to low-wage economies, while migrant labor recruitment was stopped. Many manufacturing plants closed, and blue-collar unions lost members. But, against official expectations, many former guest workers stayed on, and were joined by spouses and children. They began to access social infrastructure (schools, health services and housing), and to claim benefits for unemployment, illness or disability. In the 1980s, neo-liberal governments promoted labor-market restructuring, and many migrant workers were pushed out of regular employment. At the same time, new migrations developed in the South, such as the movement of workers from slower-growing Asian economies to Japan, Taiwan, South Korea and Malaysia, and the recruitment of Asian contract workers by Gulf oil states.

[3] The account here is based on (Schierup *et al.*, 2006). For another perspective on changing political economy of global capital see (Veltmayer, 2010, 219-20).

Neo-liberal globalization accelerated after the end of the Cold War. In a *third phase* starting in the 1990's, demand for labor in northern economies grew due to a combination of demographic, economic and social factors. Europe experienced new inflows of refugees, asylum seekers, highly skilled personnel, manual workers and family members. By 2005, foreign-born workers made up 25 per cent of the labor force in Australia and Switzerland, 20 per cent in Canada, 15 per cent in the USA, New Zealand, Austria and Germany, and around 12 per cent in other Western European countries (OECD, 2007, 63-6).

Globalization meant profound social transformations in the South, often starting in agriculture: the 'green revolution' led to higher productivity but also concentration of ownership in the hands of richer farmers. Poorer farmers lost their livelihoods and migrated into cities like Sao Paolo, Shanghai, Calcutta or Jakarta, where there were few formal sector jobs for the newcomers. Standards of housing, health and education were low, while crime, violence and human rights violations were rife. Such conditions were powerful motivations to seek better livelihoods elsewhere.

The social transformations inherent in globalization also lead to increased violence and lack of human security. Most people affected by violence are displaced within their own countries, or seek refuge in other –usually equally poor– countries in the region. But some try to obtain asylum in the richer states of the North.

A further effect of the vast increase in production and transport resulting from neo-liberal globalization has been accelerated processes of environmental degradation and climate change. Displacement due to climate change mainly means rural-urban or rural-rural movement within national borders. However, it is also one component of the forces leading to increased international mobility.

At the same time, globalization has brought new technologies that facilitate mobility: air travel has become cheaper, and the electronic media spread images of first-world prosperity to the most remote villages. Globalization creates the cultural capital needed for mobility: electronic communications provide knowledge of migration routes and work opportunities. Many of the world's excluded perceive that mobility brings the chance of better livelihoods. Informal networks facilitate migration even when official policies try to prevent it, while

the 'migration industry' (brokers, agents, recruiters etc.) is one of the fast-growing forms of international business.

The flexible workforce of the neo-liberal boom

The transnational division of labor sinks production costs by siting different stages of production in the places where they can be done most cheaply. Both rural resource extraction and urban manufacturing in the South can be a crucial part of globalized production. This is the true meaning of the neo-liberal principle of 'flexibility.' Sometimes, as Raúl Delgado Wise (2007) has shown in the case of Mexico's *maquiladores*, whole production processes can be moved into low-wage economies, while still belonging to the economies of advanced countries. Migration plays a major part in this re-constitution of labor markets.

Developed economies compete to attract highly-skilled migrants for jobs in the health sector, education, information technology, engineering and management. For instance, in the UK in 2005, 70,000 doctors or 33 per cent of the total were overseas-trained (OECD, 2007, 181). Use of highly-skilled workers from the South allows northern economies to reduce expenditure on education by importing fully or partially-trained professionals from the South.

Use of southern professionals allows restructuring and cost reduction in the North.[4] Scientists and engineers from low-income countries are deployed in innovation centers like Silicon Valley, where their pay and conditions are often inferior to those of local staff. At the same time, research and development activities can be outsourced to areas like Bangalore and Chennai, where highly-skilled personnel are available at much lower salaries than in the North. In this way, southern countries provide the scientists and engineers crucial to innovation, while control of processes and ownership of intellectual property remain with northern-based corporations.

At the same time, migrants remain important to northern employers for low-skilled jobs. Neo-liberal labor markets are based on a proliferation of employment relationships that differentiate workers. A key element has been the growth of *sub-contracting*: wage-workers

[4] This paragraph is partly based on a personal communication from Raúl Delgado Wise.

are transformed into independent 'contractors,' who have to buy their own tools and equipment, and bear all the risks of accident, sickness or lack of work. Employing workers on a *temporary* basis is another way of enhancing employer control and reducing demands for better wages and conditions. Economic deregulation has also led to a big expansion in *casual employment*: hiring by the hour or for specific tasks, especially of migrants, young people and women. Casualized jobs are typical for cleaning, catering, and other service occupations, but also for the construction, textile and garment industries.

Gender plays a big part in the differentiation of the labor market. The disadvantaged position of migrant and minority women is crucial to certain sectors (such as the garment industry) (Rath, 2002). The employment of migrant women domestic workers is a form of *gendered and racialized labor* that has expanded remarkably in recent years (Huang *et al.*, 2005; Lutz, 2008).

But, although there are strong similarities between emerging employment practices in North and South, there is still enormous (and indeed growing) North-South inequality in income, human security and human development. Moving across the border from a poor country (say Mexico or Morocco) to a rich one (the USA or Spain) may allow a migrant to improve his or her income 10 or 20-fold. Similarly, access to education, medical care and welfare services, and even life expectancy may be dramatically improved. But to make such moves, migrants have to overcome a series of legal, physical and economic barriers, often at great expense and risk. These barriers are highly differentiated, according to the supply and demand for different types of labor.

Highly-skilled workers are in short supply, and are therefore welcomed, irrespective of the consequences of the brain drain for the countries of origin. Many governments have also introduced special entry categories for skilled and semi-skilled labor. But low-skilled workers are in global oversupply, so they often have to migrate without documents. In 2009 the USA had 11.9 irregular migrants (Passel and Cohn, 2009), while irregular employment has become widespread not only in Southern Europe, but also in the UK and other Northern European states (Düvell, 2006). Refugees and asylum seekers are the most disadvantaged of all: entry rules have been tightened up so that it is virtually impossible to enter most northern countries to claim protection. Refugees are forced to become illegal migrants.

Challenges to the neo-liberalism's global labor market

Northern policy-makers seem to believe that Asia, Latin America and Africa can provide unlimited reserves of labor to meet the needs of global capital for the foreseeable future. Labor-importing states have therefore seen no need to cooperate with origin countries to ensure safe and orderly migration. Three-quarters of the world's states have not ratified the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. But this belief in an endless supply of migrants is short-sighted for two reasons.

First, demographic transitions from high fertility and high mortality to lower mortality and fertility are taking place even in the poorest regions. As demographic gaps increase, even lower-skilled workers may become scarce. Chinese leaders have recently begun to speak of future demographic imbalances and labor shortages. Although labor demand for manufacturing can be cut through increased productivity and outsourcing, this is far less true of service and construction activities, which need to be sited close to their consumers. In the future, labor-importing nations may therefore have to accept more North-South cooperation. New forms of dialogue have emerged: the Global Commission on Migration and Development (GCIM) of 2003-5 led to the first-ever global ministerial-level meeting, the UN High Level Dialogue in 2006, which in turn led to the annual Global Forum on Migration and Development starting in 2007. All these meetings have been mere talking shops with no decision-making powers, yet at least labor-recruiting states are now willing to seek dialogue with countries of origin.

Second, conditions of extreme exploitation and insecurity lead to resistance. There has been an upsurge in protest movements of disadvantaged groups: migrant women, irregular workers, ethnic and racial minorities. In 2005, youth of mainly North African origin rioted in protest against social exclusion and police brutality all around France. Then, in late 2007, migrant-origin youth in France took to the streets again in protest against police discrimination. In 2006 in Dubai, migrant construction workers working on the world's highest building, the Burj Dubai, went on strike. The workers protested against abusive labor practices, and demanded payment of overdue wages. The biggest movement of all was that of Mexican and other migrants in the USA. On 10 April 2006, they demonstrated in 102 cities, with the largest

single gathering of around half a million in Los Angeles. Further huge protests followed on 1 May.

Such movements present challenges both to neo-liberal globalization and to the political institutions of labor-importing states. Their spontaneity and lack of conventional leadership makes it hard to fit them into conventional frameworks. For example, the prominent presence of women in Islamic dress at French demonstrations was a challenge to the left, which mostly supports the official ban on headscarves in public places. Resistance to the structural inequality in incomes and human security inherent in the global labor market makes it clear that migrants are not passive victims, but are capable of developing new forms of social action and fighting for human rights and democracy.

Migrant workers and the crisis

Governments and employers often see the 'flexibility' of migrant labor as one of its chief advantages. There was therefore an expectation that the 2007-10 crisis would lead to: a fall in new labor migration; an even sharper decline in irregular migration; a decline in migrant stocks (the number of migrants present in receiving countries); and a fall in remittances (money transfers) by migrants to their families and communities in the homeland.

There is no space here to go into detail,[5] but some main trends can be mentioned. First, it appears that *new labor migration* has declined, but not stopped altogether. Data are not available for all regions, but fairly sharp falls are reported for Mexico-USA migration (Alba, 2010), for parts of Asia (Jha *et al.*, 2009; Ratha *et al.*, 2009) and for the CIS (or former Soviet) region (Canagarajah and Kholmatov, 2010). As expected, significant falls in *irregular migration* have occurred, for instance for the USA (McCabe and Meissner, 2010). On the other hand, it was reported that the Philippines experienced new records for the number of workers sent abroad and for remittances in 2009 (DeParle, 2010). A study of Latin American migration noted declines in mobility to the USA and Europe, but no slowdown in flows of intraregional migration within the continent (Mazza and Sohnen, 2010).

[5] For more detail see http://www.age-of-migration.com/uk/financialcrisis/ index.html.

But other forms of migration have fallen far less. *Family reunion* (spouses, children and other relatives coming to join existing primary migrants) is actually the largest single entry category in many countries, and has remained fairly stable. Similarly, *marriage migration* –important for Asian countries like Japan, S. Korea and Taiwan– is the result of long-term demographic and social factors, and is not affected much by short-term economic trends. However, *migration for education* –a growing trend in recent years– could fall, if parents are unable to pay high student fees and living costs. Another form of migration not reduced by the crisis is *forced migration* or *refugee flows.* The need of people to seek protection from violence and persecution might even increase in a crisis situation, due to increased conflict and impoverishment in the South.

Migrant stocks have generally not fallen. Migrants have been unwilling to leave richer countries, even if they become unemployed. Several destination country governments (e.g. Spain, the Czech Republic and Japan) have set up schemes to give migrants financial incentives to return home. However, few have been willing to take up such schemes. This is partly because conditions are often even worse back home, partly because migrants fear they will not be readmitted once the recession is over.

The actual fall in *remittances* has also been rather small. The World Bank estimated world-wide remittances for 2009 at USD $316 billion, a fall of 6 per cent from USD $336 billion in 2008. The World Bank has recently revised upwards its forecast for growth in worldwide remittances to 6.2 per cent for 2010 and 7.1 per cent for 2011 (Ratha *et al.*, 2010). Many migrants have lost their jobs or experienced lower incomes, reducing their capacity to remit. This has led to declines, but these have sometimes been made up by migrants' willingness to make sacrifices in order to provide support for their families and communities at home.

The strategies developed by migrants to protect their livelihoods from the neo-liberal crisis are spontaneous individual or community actions, which rarely take the form of organized collective mobilization. Nonetheless, they make it clear that the 'migration management' paradigm adopted by northern states and international agencies has ignored the fact that even groups subject to derivation of rights and social exclusion are capable of developing resistance.

Long-term trends

It will be some years before the full significance of the 2007-10 crisis become clear. The immediate effects on migration and remittances have been less than was predicted. However, the crisis may lead to major changes in global economic and migration patterns. It is useful to look at historical precedents.

The world economic crisis of the 1930s led to massive declines in industrial production, international trade and labor migration. There was considerable return migration (sometimes compulsory) of migrants from countries like the USA and France. Yet many migrants did not return home in the 1930s, but settled permanently.

The recession following the 'Oil Crisis' of 1973 had important consequences for the world economy and for migration. 'Guestworker migration' ended in Europe, and processes of family reunion and permanent settlement started, leading to the formation of new ethnic minorities. Large corporations developed strategies of capital export and a 'new international division of labor,' which led to the emergence of new industrial centers especially in Asia and Latin America, and in the long run to new flows of labor migration.

The effects of the 1997-99 Asian financial crisis were more modest. Several governments introduced policies of national labor preference and sought to expel migrants. However, employers quickly discovered that many nationals were unwilling to take on 'migrant jobs,' even in a recession. Such employers demanded an end to expulsion policies. In any case, the interruption to economic growth in Asia was only short-lived – after 1999 migration grew again and reached new heights.

These examples show that the effects of economic downturns on migration are complex and hard to predict. It is mistaken to believe that migrants will serve as an economic safety valve, by providing labor in times of expansion and going away in times of recession. When economic conditions get bad in rich countries they may be even worse in poorer origin countries. Moreover, migrants are not just economic actors. They are social beings, who put down roots and form relationships in new countries.

The demographic, economic and political conditions that have led to the emergence of a highly-stratified global labor market may well be

restored if the neo-liberal order is able to re-stabilize itself, which is hard to predict at present. The question is whether future dynamic areas will be the same as in the past. The history of imperial powers shows that a decline in economic power is often the first act in a process which eventually leads to a decline in political and military power. The current crisis may reflect a shift in power away from the USA and the other older industrial economies to the emerging economies of the industrializing South. This could mean that the 'Anglo-Saxon' model of globalization has run its course. The idea that globalization was an economic model of self-regulation by markets was always an ideology, for northern states actually made massive use of their political and military dominance to create the 'level-playing field.' But the growing significance of China, in particular, could mean a return to a much more obvious form of state interventionism at the global level. In view of Chinese approaches to human rights, the consequences of this for migrant workers could be very mixed.

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Integration: Building Inclusive Societies (IBIS)

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Context

Culture is an important component of individual and collective identities. Migration and the resulting increase in cultural diversity has sometimes led to negative reactions, stereotyping, and new challenges and opportunities in shaping the politics and organization of societies. This is why migration and integration policies must play an essential role in helping to improve and promote understanding, and mutual respect among diverse cultures.

Too often –especially in the context of the "Clash of Civilizations"– migration has been perceived as a threat to stability, prosperity and identity and has increasingly been linked to national security concerns. This in turn leads to suspicion, hostility and sometimes even violent conflict between groups, along with a tightening of policies and border controls. The majority of studies show however that the impact of migration is globally positive, in terms of workforce regulation, creation of wealth, global poverty reduction, as well as for the innovation and cultural richness it brings to societies. Strengthening and increasing efforts to integrate newcomers and build trust among cultures are key to shifting popular perceptions –from migration as a threat to migration as an opportunity– so that this shift may ultimately help national migration policies evolve.

As a global organization involved with bridge-building, facilitating, and promoting trust and understanding between cultures, the Alliance of Civilizations serves as a prominent platform and resource for information, materials, and initiatives linked with improving integration prospects of migrants worldwide. As the leading international organization for migration, IOM is committed to the principle that humane and orderly migration benefits migrants and society and acts with partners in the international community to assist in meeting the challenges and opportunities posed by migration.

Today's societies are increasingly diverse in terms of cultures, as globalization has not only accelerated the movements of goods and information but also contributed to increased flows of people. The growing importance of migration is not only due to the increase in migrant flows but also to the fact that diversity takes on new forms of expression today. Global communication exposes us to events from all over the world in real time, and through migrant populations we are exposed to traditions and values which are unfamiliar to us. While, on the one hand, globalization advertises for conformity and near-universal models, in reality, our world is constantly being shaped by dynamic and frequent interaction among diverse cultural communities.

Rationale

Reinforcing efforts to harmonize the coexistence between newcomers and host communities is critical in improving social cohesion and intercultural relations, and in shifting popular perceptions of migration – from threat to opportunity. This is why the UN Alliance of Civilizations (UNAOC) and the International Organization for Migration (IOM) have partnered on a joint project dedicated to building an interactive online community aimed at promoting good practices of integration, the Online Community On Migration And Integration: Building Inclusive Societies (IBIS). As a unique global platform in the UN system, this website serves as a source of information, a virtual space for exchange and learning, and supports coordination and cooperation between integration practitioners.

The Migration-Integration Online Community acknowledges migration as a global reality with growing importance. It concentrates therefore on collecting analyses, experiences and recommendations on how to capitalize on the migration phenomenon in order to create a win-win situation (for migrant communities as well as for host and origin societies). The Online Community does not address policies and mechanisms for the regulation of migrant flows but advocates, rather, for active involvement of governments in implementing socio-economic, political-legal and cultural integration practices, and in protecting migrants' human rights and the well-being of all communities involved. It promotes participative mechanisms and cooperation between all stakeholders (regional organizations, national and local governments, education sectors, civil society, academic

bodies and private sectors) in the sharing and implementation of integration practices.

The website adopts a practical, innovative and forward-thinking approach, and illustrates how good practices of integration can lead to active participation of migrants in host societies and mutual contributions to development. As a virtual platform for learning and exchange, the website also showcases good practices collected, initiated and implemented by a variety of actors, from the private sector and education sector to national and local governments, including civil society, international organizations and UN agencies.

Details of IBIS

Goal and objectives

The foreseen impact of this project is to improve the integration prospects of migrants through building dialogue and cooperation through the establishment of an online community within culturally diverse societies, thus improving intercultural relations and shifting popularly held perceptions of migration – from threat to opportunity. As the High-Level Group Report said, making a plea for a proactive strategy for addressing migration:

> "Coordinated strategies at the national, regional and international levels are indispensable to prevent the inhuman and discriminatory treatment of migrant populations" (High-Level Group Report, 6.18).[6]

The Online Community has two main objectives:

- First, to highlight successful models of integration of migrants in order to minimize negative stereotypes and the tendency to discriminate against migrants.
- Second, to encourage reflection on possible replication or adaptation of good practices in other contexts in order to promote further involvement of all actors on the integration front.

[6] United Nations Alliance of Civilizations, *Report of the High-level Group, 13 November 2006* (United Nations: New York, 2006), p. 29.

Contents of the Online Community on Migration and Integration

The Online Community focuses on good practices in integration, including guidelines and policies, practical tools, case studies and examples, and links to practitioners working in the field of migrant integration. This website focuses on three different yet inter-related policy areas that are the most productive in terms of inclusion, full integration of migrants and social cohesion.

These three policy areas are:

- Socio-Economic Integration area (covering issues such as access to education and training, access to employment and entrepreneurial opportunities, and access to services such as housing, health, and education),
- Legal and Political Integration area (such as opportunities for political participation and empowerment, anti-discrimination laws),
- Cultural Integration (such as public perceptions and attitudes toward migrants, acceptance and promotion of cultural diversity (including religious diversity) both among "host societies" and among "immigrant communities," and harmonious daily interaction).

These three policy areas relate directly to the High-level Group Report's point:

"The integration of immigrant communities can raise a number of challenges including difficulties for immigrants in accessing education and social service systems and in overcoming restrictions in housing and job opportunities, barriers to becoming full citizens, and experiences of racism…(Populations) who experience more discrimination (…) are increasingly fearful of encroachments on fundamental civil liberties" (High Level Group report, 6.20).[7]

Since Migration-Integration policies and practices involve national and local governments as well as civil society (including NGOs, Foundations, Diaspora-migrants organizations and schools), and are also influenced by international and regional organizations and the private sector, the website emphasizes good practices from these

[7] United Nations Alliance of Civilizations, *Report of the High-level Group, 13 November 2006* (United Nations: New York, 2006), pp. 29-30.

various practitioners. Academia plays an important resource role, providing results of research and promoting policy oriented research and analysis.

Cities are at the front line of the challenge of integration. Active involvement of local governments in integration enables progress, innovation and development. The experience made by local governments and mayors in managing cultural diversity should feed in to effective policy making at the national level. This is why IBIS puts a special focus on urban centers, regions and territories with significant cultural diversity, as strategic spaces in which people of different cultures can learn, exchange ideas, develop and learn to live together. Cosmopolitan cities offer a unique opportunity to build experiences drawn from cooperation across cultural, religious and other socially constructed divides. These experiences can be mobilized as resources in dealing with intercultural relations at international levels (across countries and continents).

- In 2015, the world will have 23 cities with a population of more than ten million, while there was only one in 1950 (New York). Most of these are cities with important immigration rates.
- 25 cities have 25 percent or more foreign born residents: Amsterdam, Auckland, Brussels, Dubai, Frankfurt, Hong Kong, Jerusalem, Jeddah, London, Los Angeles, Medina, Melbourne, Miami, Muscat, New York, Perth, Riyadh, San Francisco, San Jose, Singapore, Sydney, Tbilisi, Tel Aviv, Toronto, Vancouver.
- In Los Angeles, the foreign born residents represent 36 percent of the population. The religious diversity is among the world's highest: there are 48 mosques, 202 Jewish synagogues, 14 Sikh guradwaras, 145 Buddhist temples, 44 Bahai worship centers, 37 Hindu temples, 16 Shinto worship centers, and 28 Tenrikyo churches and fellowships.
- The cultural, linguistic and religious diversity is rapidly increasing in cities. The patterns of integration of the newcomers can be extremely different from one country to another. In London for instance, 25 percent of London's seven million residents live in religiously segregated neighborhoods.

The core content of the website is a database of Good practices in Integration. These practices are organized by 1) Country/Region, 2)

Group of practitioners and 3) Policy area. It is possible to search by one or more of these criteria. Each "Good Practice" has a short description (if possible not more than 300 characters), indication of geographic location and name of institutions responsible for the practice, and when possible with a link to the relevant website.

While the objective is to offer detailed and well-documented descriptions of good practices in order that they may be replicated in other contexts, it must be made clear that any potential replication would need to be adapted to the appropriate context in which it would be applied.

Some of the good practices currently shown in the field of Legal and Political Integration include:

- Municipal Action for Immigrant Integration: a project from the USA National League of Cities (NLC) to promote civic engagement and naturalization among immigrant communities in cities throughout the U.S.
- Dialogue for Integration: engaging religious communities (DIRECT), an EU-funded project that encourages religious leaders to play an important role in the integration of their communities' members into new societies.
- Center of International Migration and Integration in Jerusalem, who develops courses and seminars to train professionals, governmental officials and field personnel to improve the design and implementation of migration policies and projects.
- Policesol Training Programme in the UK, a training designed to address concerns around incidents between asylum seekers and police officials, complicated by language and cultural barriers. It provides migrants with information on rights and responsibilities while providing English language support.

There is an overall "Forum" section focusing on several key (highlighted) issues (linked to clusters of specific practices), while other sections are open for users to contribute their own experiences. Any user can register his good practices in Integration. Users are able to comment on practices in the database through comments on clusters of practices addressed in Forum thematic discussions. In the "What's new?" section, users are invited to submit articles, opinion polls,

surveys, books and relevant events. Users are able to register to receive a monthly update from the Online Community. The online debates are also open to comment from users, with a particular call to Youth and Members of migrant communities to provide their own testimonial. This interactive section allows users to exchange on past and present experiences, to discuss possible replication of practices and to open a frank discussion on controversial policies.

The administration/monitoring of the website is managed in a rotating or task-sharing mode between the UNAOC, the IOM and possible future partners.[8] Integration practitioners are also able to register their organization using an online form. The organizations are then listed after a basic check (relevance, legal entity, address, contact data, etc.).

All Integration practitioners who wish to submit their practice are invited to do so by sending the filled-in submission form to the administrator of the website. The following conditions are verified in the following check-list:

- The practice contributes to the global objective as described in the present project proposal.
- The practice has a direct relation to integration of migrants and/or harmonious cohabitation between newcomers and host societies.
- The practice is implemented by an organization or a collective of people (and not an individual).
- The practice has already started and has been ongoing for a minimum 3 months.

All comments submitted by users are also reviewed by the administrator before being posted on the website, in order to filter possibly offending or out-of-topic messages as well as spam.

Activities

In order to maximize the impact of the Online Community on integration-related practices and policies, the active involvement of

[8] The modalities of task sharing is to be defined in the first phase, depending on the work load (e.g. the load of submissions) and on how partners wish to contribute.

users is encouraged. Links between the Online Community's practices with live exchanges, debates and practical cooperation are being promoted through participative workshops with a wide range of stakeholders from different backgrounds.

These workshops are aimed at bringing together civil society organizations, city initiatives, national and local government representatives, academic and private sector representatives from across the world. The first round of workshops is to be organized as launch events related to the Online Community and will be followed by another series of thematic workshops in the following years.

Under the title "Citizens and Governments Together for Societies of Inclusion," these thematic workshops could focus on specific topics, such as the replication of a particular practice of integration, private-public partnerships in integration, the role of religion and civil society in integration, etc. Online Seminars ("webinars") may also be considered as a means to pursue exchange and coordination initiated in the workshop sessions.

Inviting local governments of Group of Friends countries to participate in the workshops could moreover contribute to linking the Alliance of Civilizations' National Strategies to projects at the local level - through which governance at local level and interaction with the civil society could be increasingly recognized.

Additional workshops may be organized depending on the demand. In particular, a series of workshops specifically addressing academic institutions and Diaspora communities may be planned in order to encourage use of the website. These events will be organized in partnership with the concerned groups, and with financial participation of local actors.

Actors and added value of the site

The intended audience of the Online Community relates to the main objectives of this site:

First, the Online Community addresses a wide audience including the Media, General Public (including migrants themselves) and Youth with the objective of countering discrimination and shifting negative perceptions about migrants. The targeted audiences include, in

particular, schools, where much of the initial integration challenges begin, migrant associations and religious leaders, who have strong influences on their respective communities.

Second, while aiming to advocate for the replication of good practices in integration, the website targets relevant professionals or volunteers actively engaged in migration-integration-diversity issues in various sectors with the following priority (set according to the scope for change and for increased involvement and the need for coordination):

1. Local and national governments,
2. Private sector, civil society (including inter alia migrant associations, religious communities),
3. Academic institutions (including schools and universities),
4. International organizations and UN agencies.

The Online Community is a unique platform within the UN system and beyond to address various concerns of stakeholders, with the primary perspective of advocating for a wide range of good integration practices.

- It showcases various practitioners in the area of integration and promotes better cooperation between them,
- It serves as a global showcase of positive experiences linking migration and integration,
- It serves as an exchange platform for adaptation and replication of good practices, and potentially triggers "positive competition" and/or scaling up,
- It promotes links between UN, state actors, civil society and private sector.

Challenges

The main challenge for the Online Community is to develop an active and participative network of users, and thereby make a significant contribution to the field of migration and integration. Active outreach to a variety of users through extensive opportunities for

participation and promotion of ownership of the website is key to the visibility of the site.

The role of the partners is critical for the visibility of the site, since the objective is that the site is referenced by as many other sites as possible. In addition to mutual links with the implementing partners' websites, cross-references are made to links of governments (under the migration/integration departments) and international organizations of the UN Alliance of Civilizations Group of Friends, with other IOM and UNAOC pages (including the Global Expert Finder), and other integration practitioners' websites.

The Rio Forum in May 2010 provided an excellent opportunity to attract media and public interest in the Online Community. At least two working sessions were organized in partnership with the IOM and convening experts, NGOs and policy makers: one on "Living together in urban societies" and the second on "Migrants as agents for change and development."

Resource and partnerships permitting, the website launch in all 5 continents could attract a large amount of public and media attention. Partnering with institutions such as migration museums all across the world will no doubt increase the visibility of this event.

Efforts are being made to raise the visibility of the Online Community within migrant communities, through collaboration with various migrant centers, encouraging participation in online fora and debates that are part of the Online Community. The AoC Research network and IOM's research partners are also being mobilized to organize local level seminars and events to enhance the outreach to scholars and academicians.

Aside from a Press Release at the time of the launching, special news features on Twitter and Facebook AoC and IOM pages were also carried out. GoF governments are also being asked to feature the launch of the Online Community on their migration department page's news section and website. Journalists specializing in migration issues are being targeted for the Press Release and the UNAOC/IOM staff has offered interviews. Organizing an online debate with high profile experts is also expected to attract global attention.

Conclusion

Technological developments, economic, social and political crises, and sheer human curiosity have combined in the processes of globalization to make our world –and the communities we live in– extremely diverse. It is true that individuals have multiple identities, as expressed in the famous words of Amartya Sen:

The same person can be, without any contradiction, an American citizen, of Caribbean origin, with African ancestry, a Christian, a liberal, a woman, a vegetarian, a long-distance runner, a historian, a schoolteacher, a novelist, a feminist, a heterosexual, a believer in gay and lesbian rights, a theater lover, an environmental activist, a tennis fan, a jazz musician.[9]

However, when it comes to political and legal issues affecting these multiple identities, being of migrant status is a key anchor of identity. When countries and societies learn to make the best of these multiple identities and effectively work together on integrating the diversities of the members of their society, they can make a significant contribution to enhancing peace both in their own societies and globally. Globalization has helped in making individuals feel part of more than one country. It must be remembered that migration is not just a North-South phenomenon, but rather a universal phenomenon reflected in the increased numbers of migrants in the South.

The good practices of integration explored in IBIS can contribute to the sharing and replication therefore of good practices. We invite you to become part of IBIS. You can do that in two ways, which are not mutually exclusive.

First, you can contribute to the content of the website by:

- Submitting your good practices on migrant integration,
- Joining the "Integration Community" of practitioners,
- Sharing resources: news, research, tools and guidelines,
- Participating in our "Discussion Forums,"

[9] Amartya, S. (2006) *Identity and Violence: The Illusion of Destiny*. New York, W.W. Norton & Company, Inc., xii–xiii.

Second, you can become a partner of the project by**:**

- Hosting a launching event/workshop in your city or country,
- Partnering with IBIS on series of thematic seminars or on practical projects,
- Joining the group of administrators of IBIS,
- Helping us in our fundraising efforts.

Please join the UN Alliance of Civilizations in its efforts to bridge differences between and among cultures to focus on what we all share in common – the pursuit of the good life, liberty, and a future of promise and harmony.

The Bicentennial of the Independence of the Ibero-American Republics: The Role of Migration and Democracy in Peaceful Coexistence

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It is a great challenge to discuss the topics of this panel. Given the complexity and significance of migration, democracy and peaceful coexistence, it is certainly not possible to cover these issues in such a short time. I could talk for hours about these topics and about the role that the Organization of American States has played with respect to them, but I will try to focus on three aspects I consider fundamental: the importance of migration processes, building and consolidating democracy, and the ways in which we have achieved peaceful coexistence through recognition of our diversity.

I shall begin by discussing migration processes. There is no doubt about the significant role that migration has had in building, consolidating and developing Ibero-American nations. The Latin American region was, for most of its history, a receptor of immigrants. Up to five decades ago, there was a great flow of Europeans, Africans, and Asians migrating to the American continent. Together, they contributed to the building of the Americas of the present.

This process has now turned in the other direction. Just as we were great receptors in the past, now we have become nations from which flows of Latin American and Caribbean nationals migrate to the United States, Canada and Europe. After the US, which is the largest receptor of migrants in the continent, Argentina, Venezuela and Costa Rica also record high rates of immigration originating mostly in neighboring countries and other countries in the region.

The opportunities in other countries in the Americas are attraction factors for strangers and locals, who see in this hemisphere the potential and the richness of its human and natural resources. We must not forget that, as the most recent UNDP Human Development Report reveals, “only 37 percent of migration in the world is from developing to developed countries. Most migration occurs within countries in the

same category of development: about 60 percent of migrants move either between developing or between developed countries. Nearly half of all international migrants move within their region of origin and about 40 percent move to a neighboring country."

Migration dynamics and population movements have generated in the American continent a permanent process of social construction characterized by diversity, a product of the mixture of many different cultures. Mobility is natural and inherent to the human condition, and migration has been and will continue to be an essential factor of economic and social development in these countries.

The remittances sent today by migrants to their countries of origin have represented for many families the possibility to pay for basic expenses, improve their quality of life, have access to education and health and in this way they are contributing in a decisive way to the development of our countries. However, we also have to highlight the contributions migrants make in the destination countries, as they form part of the labor force in many sectors, pay taxes, counter the demographic imbalance and are the source of new richness and cultural diversity. Also, at the local level, migrants act as important agents of technological and cultural globalization.

As we all know, there are also negative effects, such as discrimination, abuses, lack of information regarding the rights of migrants, violent acts, social exclusion and deficiencies in the access to justice. And we also know there are problems we have to face jointly, such as combating criminal organizations that know no borders and have made migrant smuggling and human trafficking two of the most terrible evils afflicting present-day society. These evils also contribute significantly to the problem of irregular migration.

What link can we establish between democracy and migration?

In order for democracy to exist, it is fundamental that citizenship exists, and citizenship is built by belonging to a nation. With regards to migration processes, effective social and political integration of immigrants strengthens citizenship and favors the development of democratic, participatory and representative processes. We must try, especially in the area of immigration, to establish social, political and legal arrangements and mechanisms that enable the full inclusion and integration of immigrants and their family members into the receptor society instead of restrictive laws that seek to repress what are natural

processes and leave the affected persons in a state of greater vulnerability.

At the OAS we are seriously concerned by recent manifestations against immigrants in some European and American countries. Measures such as the EU's "Return" Directive and, more recently, Arizona law SB 1070 are designed to restrict immigration, but in our experience this only contributes to generate greater irregularity and make the task of smugglers and traffickers more lucrative.

Last year and during this year, we are celebrating the bicentennial of the Independence of many countries in the region. What we are celebrating is how we have reached social participation in the consolidation of the American States. Once Independence was achieved, in 1826 the Congress of Panama was convened, without a doubt a forerunner of the Organization of American States. One of the main declarations in this Congress was the need for solidarity among nations as the best way to guarantee independence and peace.

Since its creation, the Organization of American States has accompanied its Member States in their efforts regarding development and security. The OAS has adapted its functions to the different historical moments of the community of nations and today it is the main body in the region, providing an ideal forum for continuous dialogue on democratic values and solidarity principles, for the identification of convergences and to overcome differences

In this spirit, and to strengthen initiatives that lead to an education for peace, to the creation of values and social practices that aim at resolving political, economic and social conflicts through dialogue, respect for difference, and cooperation, instead of through the use of force and violence, in 2008 the Inter-American Forum for Peace was created within the framework of the OAS. Next 21st of September, on the International Day of Peace, we shall hold our third meeting. However, any effort on the part of the OAS shall be in vain if we don't face what is at the root of most problems in the region.

No doubt we have made significant progress in areas such as economic growth in recent years. Nonetheless, and in spite of such progress, we are still the region with the greatest inequality, where the gap between rich and poor is increasing. There is a close relationship between peace and the ability of states to eliminate poverty and backwardness. However, talking about growth of poverty is not

enough; we must also address other sensitive issues that threaten peaceful coexistence, such as discrimination, xenophobia, intolerance, combating drug trafficking, money laundering, people smuggling and trafficking. They have caused much violence and much pain in our region, and although we are a continent in which no wars are being fought, we have one of the highest rates for violent deaths in the world. Unfortunately, many of these issues are seen as "related to migration."

For this reason, our task is to promote constructive dialogue between the countries in the Region in order to reach basic understandings and guidelines for future regional cooperation to promote controlled, ordered and safe migrations based on the capabilities of migrants as political, economic, cultural and scientific actors who can contribute to the processes of human and economic development in their countries of origin and destination.

Before I conclude, I would like to quote the words from a speech to the OAS by Oscar Arias Sánchez, Nobel Peace Prize winner in 1987, in which he noted that "it took us too long to understand that peace is more than the absence of war and that strengthening our democracies and the human development of our people, based on the dialogue among nations, diplomacy and international law, are the best avenues to ensure, at last, the enjoyment of an unalterable peace."[10]

Consolidating participatory and representative democracy must have *human beings* at its core as well as the full respect of their human social, labor, economic, political and cultural rights

We shall only have peace when we fully acknowledge the rights of all human beings regardless of their migration status, nationality, race or religion. And on that note, I would like to finish here by mentioning the Meritorious Leader of the Americas, Benito Juarez.

[10] "A Peace with all Forms of Life." Oscar Arias Sánchez, President of the Republic of Costa Rica. "Peace in the Americas Conference," OAS, Washington D.C., September 23, 2008.

The Commitment of the International Committee of the Red Cross with Colombia's Displaced Population

Christophe Beney
Director
International Committee of the Red Cross in Colombia

On behalf of the International Committee of the Red Cross (ICRC), I would like to thank the Scalabrini International Migration Network (SIMN) for the kind invitation to participate in this II International Forum for Migration and Peace, which offers a valuable opportunity to think about the causes and the humanitarian consequences of migration, as well as about the policies and programs of governments to promote the rights of migrants.

For the ICRC, as stated in the First Forum, which took place in the city of Guatemala in January 2009, and for the International Red Cross and Red Crescent Movement, migrations are a topic of special significance. This was also emphasized in the 30th International Conference of the Red Cross and Red Crescent, which took place in 2007, in which the humanitarian consequences of international migrations were identified as well as the challenges of the modern world to face this reality.

The globalization process has deepened economic and social inequalities, which in turn has produced crises and caused migrations. Likewise, due to natural disasters and armed conflicts, millions of people are internally displaced or have been forced to seek refuge in other countries. People have to move either in pursuit of better economic opportunities or to protect and defend their lives.

In general, migrants in the whole world are regarded by certain sectors of society as a danger, both in the transit countries and in the countries of destination. Migrants are frequently subjected to discrimination and rejection while their contributions in terms of culture, knowledge, and labor as well as to the development of the economies of their countries are often disregarded.

This negative perception and the lack of awareness in some societies of the serious humanitarian condition of migrants requires that governments design adequate public policies to improve the

difficult situation of these populations who have seen as their only chance to leave behind all they had in their places and countries of origin.

The ICRC is mandated by the international community through the Geneva Conventions of 1949 and their Additional Protocols of 1977 to promote international humanitarian law (IHL), and to guarantee adherence to it during armed conflicts. Likewise, the Conventions and their protocols grant the ICRC the right to assist victims of armed conflicts, within a neutral, impartial and independent framework for action.

Being aware of the humanitarian consequences of internal and international migrations, the ICRC, in carrying out its mandate, develops programs and projects to offer protection to people who have been affected by this condition and are in a vulnerable situation due to their migrant status. In Panama, for example, the ICRC is developing joint projects with the National Red Cross to cover aspects such as health and restoring family links for people who have been pushed away from the Colombian region of Choco and have sought refuge in the neighboring country due to the conflict.

Likewise, the ICRC promotes programs in Mexico, where a large number of people arrive from Central American countries such as Guatemala, Honduras and Salvador. They reach this destination seeking to cross the US border and can suffer severe accidents while attempting this. In such cases, the ICRC supports the National Red Cross organization to help these people return to their countries of origin.

In this forum I want to refer more extensively to the Colombian case. One of the humanitarian consequences of the armed conflict has been the forced displacement of millions of Colombians who have been driven from their homes, lands and crops, and deprived of the support of their communities, to seek refuge either in another part of the country or in another country.

According to the figures issued by the National Government, as of July 31, 2010 Colombia recorded a total of 3,400,000[11] people in a

[11] 3,486,305 people included in the Registro Único de Población Desplazada (RUPD). Font: Agencia Presidencial para la Acción Social y la Cooperación Internacional (ACCION SOCIAL).

condition of displacement, with a 4.7 percent increase compared to the year 2009. This figure could be even larger if one takes into account that some victims of the conflict leave the country, moving mainly to neighboring countries such as Ecuador, Panama and Venezuela, to the United States, or to European countries such as Spain.

The main causes of displacement due to the armed conflict observed by ICRC during the year 2009 were armed clashes, death threats, psychological abuse and forced recruitment. Furthermore, the eradication of illicit crops has forced many people from their land due to the confrontations that have occurred as a response of the illegal armed groups to the actions of the Colombian state.

Many displaced persons due to the armed conflict in Colombia subsist in precarious living conditions in different urban centers of the country, but very few can return to their places of origin, because they lack the security or the necessary support and accompaniment in the process of social and economic restitution.

Other humanitarian consequences caused by the armed conflict in Colombia, as the ICRC has observed, include forced disappearances, homicides, and direct attacks to persons who are under protection of International Humanitarian Law, occupation of private and public property, sexual violence, recruitment of children, physical and psychological abuse, as well as weapon contamination that can harm the life and wellbeing of the community.

Thus, the ICRC, as part of its humanitarian mission, keeps permanent contact with all the parties involved in the conflict, including the victims. For them, the Committee has developed several integrated programs and projects to address their basic needs. These programs and projects are executed either directly or through cooperation projects with the Colombian Red Cross.

The ICRC, through its emergency humanitarian assistance program, has helped in the last 13 years providing food, sanitation facilities and shelter to more than a million displaced persons,[12] who have also been given personalized attention to seek and obtain institutional support.

[12] Between 2007 and July 2010, a total of 1,238,674 displaced persons received help from the ICRC.

With regards to the obligations of the Colombian state towards the population that is affected by the armed conflict, it is worth mentioning important progress in public policy. In particular, displacement has been legally recognized by means of Law 387 of 1997 and its regulatory decrees, which have led to the creation of the National Comprehensive Assistance System for the Displaced Population (SNAIPD, for its acronym in Spanish) and the Unified Registry of Displaced Population (RUPD, for its acronym in Spanish) as well as to the development of programs and projects to benefit the displaced population.

Of notice is also Decision T-025 of 2004, by means of which the Constitutional Court declared that the government's response to internal displacement was an unconstitutional state of affairs, as well as the several follow-up processes that have been launched. These decisions have been of crucial importance with regards to the formulation of public policies and the increase in the budget allocated to the displaced population.

Important achievements in the development of public policy for the assistance of displaced peoples in Colombia include a greater coverage of health and education services, more timely assistance in cases of massive displacement, and registration of the displaced households in the Families in Action program, which provides food and education subsidies for children.

In spite of the efforts of the Colombian state, and especially of the entities that constitute the SNAIPD, internally displaced people due to the armed conflict are still extremely vulnerable because most of them have not achieved some form of socio-economic stabilization. This situation has increased the demand for humanitarian emergency assistance to the point that the yearly budget that this entity had been allocated for this component was exhausted in the first months of the year. The assistance had to be discontinued until an additional budget was approved. This, naturally, has generated even greater humanitarian consequences.

From the above, it is quite clear that the Colombian state has many challenges ahead with regards to the socio-economic stabilization of displaced families either through their relocation or their return to the places of origin. The support and accompaniment of the entities integrating SNAIPD shall be essential to achieve this.

It is also important to highlight that, in this process towards socio-economic stabilization, a fundamental step is the restitution to the victims of the land from which they were forcibly dispossessed. The national government, to the great satisfaction of the ICRC, has been working on this issue so that the displaced persons can return to the lands that they had to abandon due to the armed conflict.

Likewise, the Colombian government must be prepared to receive many Colombians who migrated to other countries due to the armed conflict and must now, due to the world economic crisis or the reinforcement of immigration control laws, return to Colombia to seek opportunities in the local labor market and participate in the different sectors of the national economy.

The ICRC is confident that with the strong institutions Colombia has to serve the displaced population, the commitment of the national government, the aid of the international community, and the solidarity of civil society, the displaced persons may be able to recover the rights that were violated due to the armed conflict.

For its part, the ICRC, as a humanitarian organization, shall continue to protect the victims of the armed conflict in Colombia within the framework of its principles of neutrality, independence and impartiality. It expects to be perceived and recognized as such by all the intervening factions in the armed conflict in Colombia.

Migration, Internal Displacement and Conflict: The Case of Colombia

Fernando Puerto
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International Organization for Migration (IOM)

General context

Mobility, as other speakers pointed out yesterday in this very important and timely event, is inherent to the development of human nature, of culture and of communities. Since ancient times, migration's numerous causes have posed challenges, both in places of transit and destination, has generated an edge effect on migrants, because of uncertainty about the future, conflicts with other people and most importantly, processes, adaptation, and integration have also generated exchanges, apprenticeships and opportunities for survival and development of cultures and countries.

At present, migration is one of the factors having the most significant effect on social change for the country of origin, as much as for the country of transit or destination. Migration has many causes: imbalance of economic development; internal and international conflicts; improved access to information and to means of transportation; family networks in the place of destination; demographic dynamics; environmental deterioration; and natural disasters, among others.

Domestic and transnational flows occur among groups with strong local and national asymmetries with regards to economic opportunities, human safety and protection, and of course, the exercise of human rights and civil liberties.

Climate change, desertification and natural disasters are rapidly changing the demographics in many parts of the world. In 2008, 20 million people were displaced due to climate change. As noted by Norman Myers, a renowned specialist in the field from Oxford University, by 2050 there may be up to 200 million environmental refugees.[13] When it occurs within a short time and in concentrated

[13] Myers, N., "Environmental refugees: An emergent security issue," Thirteenth Economic Forum, Prague, May 2005.

spaces, whether internally or internationally, forced mobility creates competition and pressure for scarce resources and access to basic services and infrastructure. This in turn has a negative impact on morbidity and mortality rates, and on educational performance, among other indicators. What is more, increasing conflicts and violence generate massive violations of human rights typically under dichotomies such as national-foreigner, friend-foe, safety-crime, civilized-barbarian, dominant-subordinate ethnicity, my religion, their region, etc.

In this tense situation with host communities, forced migrants and internally displaced people request from the international community recognition of their need for special shelter and protection measures. As stated in the Montevideo Compromise, "our peoples have benefited from the cultural, scientific, academic, economic, political and social contributions of migrants. It is our duty and our responsibility to continue to guarantee the positive impact of migrations in our countries." However, despite migration helping to shape our society, it seems to be reduced to a matter of public accounting movements, volume, origin and destination of remittances. Only in recent years has migration become an issue on the public agenda, involving systematic research of its multiple dimensions and reflection upon public policy in countries of origin.

The case of Colombia

Colombia, from the period known as the violence of the 1950s to the beginning of the 1990's became an urban country that went from having 30 percent of its population in urban cities to having 70 percent in cities, and this is an on-going trend.

It has been calculated that approximately 5 million Colombians live abroad, which represents about 10 percent of the country's population. Between 1998 and the mid-2000s, 1.6 persons emigrated, a percentage of them due to violence, in particular entrepreneurs, professionals and young people. Some of them sought refuge in Ecuador, Venezuela or Panama.

In Colombia, since 1997 to July 31, 2010, 3,486,305 people have been recognized as internally displaced. This is equivalent to 798,018

households, and to 7.27 percent of the total population of the country.[14] Internal displacement in Colombia has mostly affected poor people in rural areas and in small villages. Indigenous peoples, ethnic minorities and Afro-descendants have been particularly affected by displacement. Of the total officially registered displaced people, 8 percent has self-identified as belonging to Afro-descendant communities, 2 percent to indigenous and 1 percent to native islanders (Raizal), Palenquero or Roma.[15]

Environmental degradation and natural disasters have also generated internal mobility. There is a remarkable coincidence between the map of conflict and the map marked by forcibly displaced populations with regions most affected by environmental vulnerability and natural disasters. For a country in a post-conflict situation, displacement has generated a complex humanitarian disaster to which Colombia has responded in a unique manner. In spite of high figures regarding displacement, Colombia has not reached levels of so-called failed nations or a point of no return in social fragmentation, a situation which can be attributed, amongst others, to the following reasons:

a) Law 387 of 1987 legally recognizes IDP status due to violence and provides a legal framework that offers prevention, protection and assistance to victims.

b) Data recently mentioned were drawn from an official individualized information system, pioneered in Colombia, which collects data on locations of expulsion and reception, possible perpetrators and the socio-demographic characteristics of victims. A similar system is to be found in civil society and it has enabled, even in the midst of conflict, the strengthening of dialogue, institutionality and governance under democratic principles.

c) Nonetheless, the efforts of the government and of cooperating agencies, as important as they have been in terms of the resources

[14] www.acciónsocial.gov.co. Statistics on displaced population. July 31, 2010. Based on census conciliation process and population projections for the 1985-2020 period, DANE estimates that the population of the country in 2010 was 45,508,205 people.

[15] The native islanders of the Colombian territories of San Andres, Providencia and Santa Catalina are called Raizales. Palenqueros, in turn, are the Afro-descendants of Palenque de San Basilio on the Caribbean, a village of runaway slaves who preserve many cultural features of their African ancestors.

and the innovation that they have put into social assistance, still have not been sufficient to alleviate the humanitarian crisis. Thus, the Constitutional Court issued in 2004 a Ruling (T-025 of 2004), which, uniquely in the world, declares internal displacement a constitutional issue in terms of the protection of fundamental rights.

d) On the basis of the above, internal policies have been improved in an unprecedented way. Institutional actions are better organized; the programs that were in place have been strengthened and new ones have been promoted; those in need of assistance receive differential treatment (women, children, Afro-descendant or indigenous populations, disabled people) and dialogues with social organizations representing Afro-descendants, indigenous peoples, women, and others have been strengthened to follow up on policy performance.

It is important to recognize the efforts of the Colombian government to respond to a humanitarian crisis and to the special needs of a displaced population as required by the Constitutional Court,[16] and we must also acknowledge that much has been possible thanks to International Cooperation.

However, there is still a pending task. We must develop a methodology that determines when someone ceases to be a displaced person. Colombian society, with the support of international cooperation, has contributed 14 years of funding into this issue, and victims have been waiting for a long time to see their situation resolved. Important steps have been taken. The Court ordered the government to establish standardized indicators for the Effective Enjoyment of Rights for the displaced. A methodological proposal has been put forward, public policy and international cooperation have joined efforts, several national programs have been created, and the Civil Society Monitoring Commission has partially approved Ruling T-025 of 2004. The state, international cooperation and civil society hope that some definitive outcome indicators will be set soon.

[16] By Decree 0025 of 2004, the Constitutional Court declared that the situation created by internal displacement was unconstitutional, and by means of further rulings it has ordered the government to adopt measures to protect and guarantee the rights of the displaced population, including the development of special programs for ethnic minorities, indigenous and Afro-descendants, women, children and disabled persons.

The role of the IOM and of international cooperation

Since the year 2000, and without overlooking immigration and emigration, the IOM has provided comprehensive assistance to populations that have been internally displaced due to generalized violence from illegal armed groups, economic pressure or natural disasters. Also, the IOM has helped victims of human trafficking and cooperates with the Colombian government to combat and prevent this crime.

In the year 2000 the IOM launched the Post-Emergency Assistance to Displaced Groups, Receptor Communities and other Vulnerable Groups Program by request of the Colombian government and with the financial support of USAID. Vulnerable groups have been included as a strategy to mitigate conditions of extreme poverty and minimize potential conflict situations due to competition for basic social services. Different state agencies, NGOs and social organizations have also joined this effort.

The purpose of this Program is to support improvement of social and housing infrastructure, education and health services; to strengthen the capacity of public institutions to support community organizations; and naturally to improve people's income. It is a post-emergency program, but it has established basic aims: to carry out integrated action, to generate durable goods and to develop abilities and opportunities.

Integrated Action is understood as a simultaneous response to the need to have access to services, guarantee that this access is sustained and services are of good quality, either directly or through the program. These services represent and enforce the Effective Enjoyment of Rights.

Integrated Action constitutes a window of opportunity to identify the needs and to provide as many services as possible. The basic recipient is the family unit and simultaneous action is taken in several areas so that the efforts lead to achievements and overcome privations and deficiencies. Failure to do so affects other variables and many of the efforts may be wasted, as has been seen in some conceptual developments on poverty.

This approach represents an opportunity to close the social gaps or overcome the social deficit and to enforce the rights of these

populations before they are displaced. Something that has widely contributed to the vulnerability of these groups vis-à-vis the armed actors who force them into displacement is precisely the deficit in the full exercise of citizenship.

During those same years the Program for Peace Initiatives began, with the purpose of increasing the capacity and the responses of the state and civil society in the promotion of coexistence and reconciliation. Of special importance was the support provided by the Office of the High Commissioner for Peace in the negotiation and combatant demobilization processes, as well as in the construction of coexistence centers and initiatives for civil organization at the local level.

In 2003, the government initiative called the Protection of the Lands and Assets of the Population Displaced by Violence Project was implemented, a project which has been supported by other cooperative agencies and has the financial support of the Colombian government, UNHCR, the World Bank, SIDA (Swedish International Development Cooperation Agency), AECID (Spanish Agency for International Development Cooperation), and the Government of the Department of Santander. Through this Project it has been possible to identify and carry out protection measures for over 3,500,000 hectares of land in territories affected by the conflict and in areas from where forcibly displaced population has been expelled.

Based on the experience that it has gained in other parts of the world, the IOM in Colombia also supports reinsertion processes for men and women belonging to illegal armed groups who have demobilized (collectively and individually). Demobilization has contributed to reduce the number of internally displaced people. Likewise, the IOM has accompanied the Colombian state in the implementation of justice, truth and integrated reparation for the victims of violence.

This work has been possible thanks to the generous support of the governments of the United States, Spain, Italy, Sweden, Holland, Belgium, Canada, Japan, and the European Union, among others, and of international bodies such as the United Nations System and the Global Fund to Fight AIDS, Tuberculosis and Malaria, as well as many social organizations, the Catholic Church and other religious communities.

Colombians seeking refuge in the bordering countries

A significant number of Colombians has sought refuge and protection in neighboring countries, some temporarily, others permanently, due to the intensity of the conflict in areas close to the frontier, especially in Ecuador (the bordering provinces of Esmeraldas, Carchi, and Sucumbíos), Venezuela (bordering states of Zulia, Táchira and Apure), and Panamá (provinces of Darién and Kuna Yala).

It must be noted that these frontiers are socially very permeable, and Colombian nationals constantly move for economic reasons between countries. Many even have relatives in neighboring countries. A two-way temporary migration can be observed.

From the year 2003, in order to provide humanitarian assistance, the IOM, with the financial support of USAID, launched the *Program to Assist People Seeking International Protection in the Frontiers with Panamá, Venezuela and Ecuador.* Important synergies have been established with UNHCR, PAHO, ICRC, UNICEF and ILO, which has had a multiplying effect on the wellbeing of the Colombians who move between borders and of the receptor communities.

In 2009 the Prevention and Response to Gender-based Violence for Persons Seeking International Protection and Receptor Communities in the Frontiers with Panamá, Venezuela and Ecuador Program, contributed in strengthening local capacities for the protection, detection and assistance in cases of gender-based violence, intra-family violence and sexual violence, and provided direct medical, psychosocial and legal assistance to victims and survivors of gender-based violence.

Challenges

- Improve national capabilities to gather information on migration, with more precise reliable and timely data from all countries in the Americas, as an instrument to strengthen migration management.
- At the national level, support the development of a methodology that in the short term will restore and guarantee human rights and the cessation of IDP status.

- Strengthen the return programs for displaced populations respecting the principles of security, dignity and voluntary return.
- Improve information and assistance for Colombians seeking refuge and protection in border areas, by restoring dialogue between neighborly commissions and launching joint actions. Noteworthy are the efforts undertaken in Ecuador.
- Strengthen a differential approach in order to contribute to the particular needs of persons seeking protection and refuge according to ethnic group, gender, age or disability.
- Promote experience exchange on migrant return programs in the Americas. The human capital that migrants have accumulated must be seen as an important contribution to local development.

New Political-Judicial Perspectives of Citizenship in the Context of Migration and International Peaceful Coexistence

Ambassador Johnny Young
Executive Director
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Conference of Catholic Bishops of the United States

I would like to begin by thanking the Scalabrinian Fathers and the Scalabrini International Migration Network for organizing this Second International Forum on Migration and Peace. I am truly humbled and honored to have been asked to participate in it. There are many weighty subjects included for this Forum and all of them are very pertinent to the times and affect us all in many ways. Personally, I hope to learn from many of you and take back with me thoughts and ideas that may be useful in my work and to my country as efforts are made to resolve some of the many problems associated with migration.

Although I worked for many years in the U.S. government, my service is no longer with it, but is now in the service of the U.S. Catholic Church. Although I will offer comments that speak in a general way to the situation in the United States, I want to make it clear from the onset that I do not speak for the U.S. government.

The United States is the focus of my remarks for several reasons. The first is that it is the country that I know best. The second is that the past history of the United States in the area of Migration has had a tremendous impact on the world. The third point is that because of its super power status, patterns and trends that appear in the U.S. can have a significant impact on other parts of the world, and hence on peace, world stability and coexistence.

No other major developed country in the world, and certainly no other super power, can claim to be a nation of mostly voluntary immigrants as the United States proudly declares. The statue of Liberty remains an important symbol of that heritage and of U.S. freedom. A segment of a poem engraved on the inside walls of the building housing the statue best sums up the U.S. welcome for immigrants with the words: “Give me your tired, your poor your huddled masses yearning to be free.” It was through Ellis Island, just a short distance

from the statue that hundreds of thousands of immigrants poured into the U.S. Those incredibly unconditional words welcomed those who came to the United States for refuge following, famines, economic distress, wars, political violence, ethnic tensions and other problems. With a few exceptions based on ethnicity, all were readily welcomed. In most cases, the immigrant simply had to show up and was allowed in.

Because of their large numbers, the newcomers helped the country to increase in population and contributed to westward expansion. They came, learned, prospered and helped to build a strong and wealthy nation. Around the last quarter of the 20th century the last ethnic bars were eventually removed opening the way for more Asians, Africans and other nationalities to become a part of the mix. Waves of immigration in the 19th and 20th centuries saw huge inflows of Germans, Irish, Italians, French, and Japanese to the United States. Other groups were to follow. One only had to show up, as there were minimal requirements for forms and applications etc.

By taking in these immigrants, the United States eased conditions in the lands from which these new arrivals came, thus providing their home countries with breathing space to recover from the difficulties that had prompted their citizens to emigrate in the first place. As a result, the U.S. developed strong ties to these countries and worked with most of them in contributing to stability and world peace. The resettled immigrants also became members of influential pressure groups that impacted U.S. international relations with their former countries of citizenship.

The come-one-come-all policy changed as laws were implemented incrementally in efforts to control immigration. These laws did not, however, stop people from continuing to seek a place in the United States, legally or illegally. The laws seemed to keep the situation in check for a while. But in the economic boom periods of the 1980s and 1990s and the seemingly insatiable demand for inexpensive labor reinforced each other to encouraged increased flows of undocumented persons to the United States. This time, though, most of the immigration flow was from south of the border and was composed of persons who were undocumented. In 1986 the Reagan Administration granted amnesty to almost 5 million undocumented persons who had been in the country illegally for a number of years. They were granted amnesty and put on a path to Citizenship. This move satisfied both the United States and those countries from which the immigrants had

come, particularly Mexico that had the largest number among the undocumented, although nationals of non-Spanish speaking countries were also involved, but not to the same extent. This move also had demographic and political ramifications.

A major flaw in the laws that made the amnesty possible was the absence of any provision that allowed for continued family reunification and for any inflow of workers to meet an ever expanding demand for inexpensive labor in a booming U.S. economy. From that time to the present, some 12 million persons have entered the U.S. illegally for work and or family reunification. Despite the present recession in the U.S., undocumented migrants continue to enter the U.S., but in reduced numbers. Because of the economic downturn, some have returned to their countries of birth. This notwithstanding, the total number of undocumented immigrants continues to hover between 11 to 12 million. Although these numbers may not be precise, they are sufficient to appreciate the magnitude and scale of the problem.

As in many countries around the world, the question of Migration and Immigration has become a very volatile and emotional issue in the U.S. on which politicians make their claim for office and votes. For example, President Barack Obama was elected with considerable support from the Hispanic Community and with a pledge from him to pass legislation that would reform the immigration system and provide a pathway to citizenship for the undocumented meeting certain criteria. To date, he has not yet been able to make good on that promise and the Hispanic Community that helped to elect him is growing increasingly impatient with his inability to get this done.

At the moment, there is no bipartisan support for the President on this issue. The President even lacks full support of members from his majority ruling party on this hot-button topic, resulting in stagnation and an impasse on this issue. In the absence of the political will to make the required changes in Immigration reform, States, in an exercise of their authority in the U.S. Federal system, have begun to take matters into their own hands. At the moment over two thousand laws have been passed or proposed by States to impose punitive measures that would restrict movement, activities, work opportunities, housing possibilities and other essential services and requirements of immigrants. The goal of these measures has been to make life so

extremely difficult for the undocumented that they would be forced to return to their country of birth. However, this is not happening.

The state of Arizona recently passed the most draconian of punitive measures on undocumented immigrants. In this case, the U.S. federal government stepped in and sued to have the Arizona law thrown out. The most controversial parts of it were, but other provisions were allowed to remain as the appeal of the law works its way up to the U.S. Supreme Court. Mexico and other countries south of the border are quite unhappy with the Arizona law. As a result, this issue has entered into the dialogue of these countries in their relationship with the United States. This domestic political-judicial issue has now moved into the international arena. Since the prospect of large numbers of undocumented returnees could affect internal instability in countries in the Western Hemisphere and remittances to them, it is understandable why this issue of migration is affecting U.S. relations with some of its neighbors.

Persons claiming good intention and some who are clearly demagogues, all clamor for votes and have seized the issue of immigration and citizenship to make their case. Another current debate in the U.S. now centers on a call by some politicians and groups to change the 14th Amendment of the U.S. Constitution to disallow the right of citizenship to U.S born children of undocumented women. The U.S. is unique among nations in granting citizenship to any person born on its soil and under its jurisdiction. The 14th amendment was passed to grant citizenship to the children of slaves following the civil war, prior to which they were basically stateless. A change in the U.S. constitution to accommodate a denial of citizenship derived from birth in the U.S. would signal a monumental shift in U.S. values and principles. This in turn could have an unintended negative impact on the immigration debates among U.S. allies worldwide and result in strained relations all around the world. This debate warrants watching.

One area where the U.S. continues to be a leader is in refugee resettlement. By welcoming to its shores those who cannot return home or be resettled in their countries of asylum, the U.S. contributes to a humanitarian good and to the easing of tensions in the country of asylum or between the country of asylum and the country from which the refugees have come. In annual resettlement terms, the U.S. has gone from a high of 200,000 following the Vietnam War to a low of 25,000 in the immediate aftermath of September 11. Last year the U.S.

granted entry to 75,000 refugees out of a total pool of about 105,000 worldwide. Of that number, the U.S. Catholic church alone resettled 23,000, which is not far behind the totals accepted by all other countries combined. Refugees are legal entrants to the U.S. and have an opportunity for citizenship. Although they are being resettled in the U.S. in difficult economic times, they continue to come and to be grateful for the opportunity for a new life. It is also noteworthy that over one million persons continue to immigrate legally each year to the U.S. That number could be considerably higher if the restrictions on family reunification were eased. Because of present more narrowly defined rules as to which relative may join relatives already in the U.S., many family members abroad now have to wait 15 or 20 years or more to be reunified with resettled families in the U.S.

From a values based system of come-one-come-all, the U.S. has not closed the door on immigration, but has now moved to a more restrictive policy than in the past. The ship of immigration has slowed, but no one knows at this stage at what pace it will continue to move forward. Whatever the outcome, it could have an impact on U.S. relations with other countries and the world in terms of peace and coexistence, as the U.S. often leads and other countries follow.

The role of the U.S. Catholic Church in this important existential and moral debate is very clear. Like the nation, the church takes pride in its immigrant origins and proudly refers to itself as an immigrant church. With that and the biblical call to welcome the stranger, the U.S. Catholic Church strongly supports welcoming the stranger, supporting comprehensive immigration reform, being inclusive in its welcome and opposing punitive measures against the undocumented that hurt them and their families. The goal of the church is to support all causes that allow the undocumented to live individually or in families in dignity, justice, respect and with the full protections of the law. Good comprehensive immigration reform would achieve these ends. It could also set an example for the rest of the world to follow as efforts are made universally to solve issues of migration, immigration and citizenship. Because of its call to faith, a universal Catholic Church cannot be silent on this issue and must act. In my view, this conference is a part of that action.

Migration as a Consequence and a Cause of Conflicts in the Recent History of the Democracies

Miriam de Figueroa
Representative of Colombia
United Nations Children Fund (UNICEF)

I am honored to represent UNICEF on this panel among the esteemed speakers and guests. This *Second International Forum on Migration and Peace* is very important as it brings together a variety of stakeholders, including migrants themselves. We trust that the outcome of this conference will no doubt provide new perspectives on migration, citizenship and democracy and contribute to the on-going dialogue on the global governance of international migration.

This event seems particularly timely, given the poignancy of recent events in Mexico and the recent call for urgent action by the High Commissioner for Human Rights, Ms. Navi Pillay, to take necessary steps to protect the life, dignity and integrity of migrants, particularly children and women.

UNICEF is committed to working with governments and all relevant stakeholders to achieve higher levels of human development and greater respect for human rights, for both migrants and local populations. To achieve this, UNICEF believes it is essential to take into account the perspectives of migrants, migrant organizations, and migrant communities themselves, in order to inform public policy that meets their needs.

A human rights based approach effectively addresses migration as a cause and as a consequence of conflict by taking into account vulnerabilities at each stage of the migration process. Guaranteeing the rights of migrants is crucial for mitigating the effects of conflict and preventing future conflict and for reducing vulnerabilities of migrants and ensuring that migrants are not forced to move again.

As the recent World Youth Conference in Mexico highlighted, there is little question that trends in migration and development are affecting young people and their families in unique ways, including through globalization, climate change, and urbanization. Indeed, this cohort is more mobile than any previous generation. Among migrants

less than 20 years of age, young people between the ages of 15 to 19 years remain the largest subset, accounting for some 33 per cent.

Therefore, it is worth questioning whether we have devoted enough effort to understanding why young people are leaving their homes to migrate across borders or internally from rural areas to towns and cities. Far too many young people find their daily lives devoid of hope, they find themselves lacking skills, without access to quality education and few employment opportunities. Young women and men are making these difficult decisions, seeking a safe and productive future. But it is precisely in making these dramatic adjustments, that they become more vulnerable to exploitation, trafficking and violence.[17]

Need for a human rights-based approach

UNICEF seeks to protect the human rights of all children affected by migration, including migrant children, children born to migrant parents, and those left behind by one or both migrant parents. As highlighted by the recent OHCHR Study on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, a human rights-based approach is necessary to ensure the wellbeing of all children affected by migration. Children are particularly vulnerable to risks in all migration scenarios, but perhaps no more so than when and where conflict is present.

UNICEF is also working with UNHCR to address the challenges and protection gaps that children and adolescents face when migrating within mixed migration flows. Conflict in many ways creates the opportunity for migrants to travel in mixed flows, including –among others– unaccompanied minors, victims of trafficking, refugees, economic migrants, stranded migrants, migrants moving for environmental reasons, and smuggled migrants. Given that the vast majority of migrants in mixed flows do not fall under an established legal category, it is crucial in those instances to adopt a human rights based approach, to ensure that the needs are met and vulnerabilities are adequately addressed.

[17] Address by Mr. Richard Morgan Director, Policy and Practice UNICEF during the closing session of the 2010 World Youth Conference Legislator's Forum on August 27, 2010.

A human rights-based approach requires states to invest in legislative and policy reform and ensure the effective implementation of those reforms to unambiguously protect the rights of migrants as well as promote democracy, good governance, and cultural diversity. These goals can be best accomplished through collaborative efforts with all relevant stakeholders, including inter-agency partnerships.

Human rights provide the normative common ground on which to work towards a more peaceful coexistence. In that sense UNICEF aims to use human rights to decrease migration as a consequence of conflict, address inequities that fuel conflict, and foster global acceptance of the positive impacts of migration.

Understanding the interaction between violence, conflict and migration

Migration, violence and conflict interact in different ways: forced migration due to physical violence; violence during the migration process toward migrants; violence between migrants and their host communities in countries of destination; and violence between repatriated migrants and those who stayed behind.

In situations of violence and conflict, individuals often become forcibly displaced, either internally or internationally, as they seek security for themselves and their families. As the Foreign Relations Ministry in Ecuador reported, one out of every five asylum seekers in Ecuador was a child or adolescent, most of whom were fleeing the violence in Colombia, between 2000 and 2008. Thus, Ecuador faces a significant challenge in providing asylum to these refugees, and ensuring the protection of their human rights.[18] Children are also migrating unaccompanied in greater numbers from states where conflict is occurring, e.g. Afghanistan and Iraq. This situation presents new challenges for transit and destination countries as well as the host countries to which many of these children are being returned. In these scenarios, the paramount consideration at all times must remain the best interest of the child.

[18] Child and forced migration in Ecuador: Pilot research on the situation of children and adolescents in need of international protection by the Colombian internal conflict in the cantons of Quito and Lago Agrio.

Throughout the migration process, migrants, especially women and children, are also at risk of becoming victims of exploitation, abuse and violence as a result of smuggling and trafficking networks. The case of migrants transiting through Mexico in hope of reaching the United States from other Latin American countries offers a stark example for the risk of violence experienced by migrants. Every year, tens of thousands of women, men and children travel through Mexico irregularly. More than 90 percent are from Central America (mostly El Salvador, Guatemala, Honduras, and Nicaragua). Amnesty International reported recently that this journey for many includes serious risk of abduction, rape, assault, and murder by criminal gangs. Women and children –particularly unaccompanied children– are especially vulnerable to sexual violence and trafficking.[19]

In countries of destination, the absence of social integration, poor governance, belief systems (e.g. religious or political) and ethnic-racial differences can also result in violence and conflict between migrants and their host communities. Social unrest resulting from a xenophobic, anti-immigrant environment can fester in the absence of acknowledgement of the rights of migrants and their families. In the years since the end of Apartheid, South Africa has experienced rising levels of migration due to economic and political conditions in neighboring countries.[20] This influx of migrants has been met by hostility and xenophobia by the domestic population. As was the case in the 2008 riots, anti-immigrant hostility resulted in mob violence, including beatings, rapes and burnings. Migrants, in particular women, are also at risk of suffering a range of abuses beyond xenophobic violence. Irregular migrants in particular are at risk of physical harm at the hands of their employers, and have great difficulty seeking redress from authorities for fear of arrest and deportation. They may also be barred from making use of the full range of services normally available to citizens or migrants with regular status.

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[19] Invisible Victims, Migrants on the Move in Mexico, Amnesty International (2010) https://mail.nyu.edu/attach/Migrants%20on%20the%20Move%20in%20Mexico_Amnesty%20Intl%20(April%202010).pdf?sid=EiuK0qxCbk0&mbox=INBOX&uid=20324&number=4&filename=Migrants%20on%20the%20Move%20in%20Mexico_Amnesty%20Intl%20(April%202010).pdf

[20] http://www.hrw.org/reports98/sareport/Adv5a.htm#_1_49.

Finally, it is common that displaced migrants seek or are forced to return home when a phase of physical violence ends. However, if the conditions that ultimately forced their initial migration have not changed, these migrants will likely return to situations ripe for further displacement. Kosovo demonstrates how issues related to conflict, migration and human rights can persist long after a conflict has ended. Kosovo is not yet able to ensure the protection of the human rights of returnees, including access to adequate housing, health care and education. Therefore, there is significant risk of secondary displacement or of irregular migration back to the deporting countries.

A human rights-based approach: UNICEF country experiences with partners

UNICEF experiences in various countries offer a number of good practices for employing a human rights-based approach in situations of migration and conflict:

1) Mexico and Guatemala: Protecting migrants against violence during the migration process

In response to the heightened vulnerability of migrant children transiting through Mexico, UNICEF is working to build the capacity of migration authorities to protect the rights of migrants and their families. In August 2009, at the behest of the organizers of the Regional Conference on Migration, UNICEF Guatemala and UNICEF Mexico assisted key regional experts in the drafting of guidelines for the care of unaccompanied migrant children.

At the same Regional Conference on Migration, Mexican government officials introduced a new initiative to train a body of *Oficiales de Protección a la Infancia* (OPIs), charged with protecting the rights of unaccompanied migrant children and adolescents on Mexico's northern and southern borders.

Following the conference, in October 2009, the Guatemala *Dirección General de Migración* and Consular Services Authorities, in collaboration with Mexican officials, agreed to launch *Oficiales de Protección a la Infancia* in Guatemala as well. UNICEF Guatemala is involved in providing training to Guatemalan OPIs in charge of

receiving unaccompanied migrant children and adolescents at their borders and accompanying them through the repatriation process to their countries of origin. UNICEF Guatemala is working to introduce a child protection focus in these institutions.

2) Ecuador: Ensuring the protection of the human rights of all migrants

In response to the recent influx of migrants into the country, the government of Ecuador adopted a new constitution, which includes several provisions recognizing and protecting the rights of migrants, regardless of their immigration status. These provisions stipulate that foreigners in Ecuador have the same rights, duties and opportunities as nationals and that no one shall be discriminated against on the grounds of ethnicity, place of birth, cultural identity, nor immigration status. Furthermore, the Constitution clarifies that no one shall be identified nor considered as 'illegal' due to his/her migration status. In addition, the government created a National Ministry for Migrants to promote social protection for migrants and ensure that their human rights are guaranteed.

Furthermore, in 2009, UNICEF Ecuador carried out research on the forced migration of Colombian children. This research has made it possible to identify certain lines of action for policies and programs on family reunification, child custody and food allowance support, irregular migration, access to education, health and justice.[21]

Given the immense challenges faced by child migrants (especially those displaced by violence and conflict) and children born to migrant parents, guaranteeing human rights can go a long way to reducing vulnerabilities and ensuring that migrants are not forced to move again. The fulfillment of human rights is also instrumental for reducing tensions between migrants and local populations by targeting structural inequities. While there is still progress to be made in the area of program implementation, Ecuador has made positive strides towards ensuring the human rights of migrants and their families and building a more peaceful society.

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[21] UNICEF Ecuador, Annual Report 2009.

3) ***South Africa: Supporting efforts to address discrimination and xenophobia***

In response to the riots in 2008 and similar events related to anti-immigrant attitudes, the South African government ratified national legal protections for all migrants including specific protections for women and children. By establishing laws that unambiguously protect the rights of migrants and children born to migrant parents, the government is helping to shape positive perceptions of migrant contributions and is sending a clear message of support for the peaceful cohabitation of migrants and citizens. Thus, this case shows how the promotion of democracy, good governance, and cultural diversity can help diffuse xenophobic tensions and misperceptions.

UNICEF is supportive of South Africa's efforts to create a legal framework that respects the human rights of migrants as it is an important and necessary first step toward the fulfillment of rights and the elimination of discrimination. However, in order for policies to be effective, civil society and governments must play an active role in the monitoring and implementation process.[22] Crucial elements of a response include: a coordinated comparative applied research program to measure xenophobia and evaluate the effectiveness of interventions; monitoring of xenophobic actions at the national and sub-national levels; political leadership and will; media education; and public education campaigns.[23] Policies must underscore the benefits of diversity and at the same time foster social cohesion by promoting a more balanced view of migrants; designing better-informed policies concerning social cohesion and cultural diversity; and increasing awareness on international instruments related to migration issues.[24]

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[22] http://www.unicef.org/socialpolicy/files/UNICEF_South_Africa_Migrant_childrens_rights.pdf.

[23] Human Development Research Paper 2009/47 Xenophobia, International Migration and Human Development, Jonathan Crush and Sujata Ramachandran, http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_47.pdf.

[24] UNESCO International Migration Priorities, http://www.unesco.org/new/en/social-and-human-sciences/themes/social-transformations/international-migration/priorities/.

4) ***Kosovo: Advocacy and dialogue to uphold the rights of returned migrants***

In recent times, several thousand persons have been forcibly returned to Kosovo by west European states, including persons belonging to minorities, in particular Roma, Ashkali and Egyptians (RAE). In July 2010, UNICEF launched a report on the situation of children repatriated from Germany, in view of the plans to return almost 12,000 RAE, including more than 5,000 children, to Kosovo from Germany. The study found that 69 percent of the children returned to Kosovo were born in Germany and 50 percent of the families interviewed arrived in Germany prior to 1993.

The RAE suffers extreme exclusion in Kosovo, with child poverty affecting 60-70 percent. Three-quarters of RAE children who attended school in Germany no longer attend school after being repatriated to Kosovo. Most are returned by force and arrive without documents necessary for registration. It is clear that Kosovo is not yet able to ensure the protection of the human rights of returnees, including access to adequate housing, health care and education. There is significant risk of secondary displacement of these children or of irregular migration back to the deporting countries.

In light of these developments, UNICEF has begun a joint advocacy campaign on this issue with the Council of Europe and OHCHR. The campaign is in its initial stages, but the short term goal will be to re-evaluate the forcible returns and longer term to build the capacity of Kosovo to ensure the rights of returnees.

Conclusion

A human rights-based approach is necessary to address the nexus of migration, sustainable development and peace and maximize the benefits of migration for all. The examples discussed above from Mexico, Guatemala, Ecuador, South Africa and Kosovo demonstrate the extent to which a human rights-approach is particularly crucial where violence and conflict are factors involved in migration. Guaranteeing the rights of migrants, including economic, social and cultural rights, is crucial for mitigating the effects of conflict, preventing future conflict/tensions, reducing vulnerabilities and ensuring that migrants are not forced to move again. In that regard, UNICEF would like to emphasize the following key points:

1. Migration is both a cause and a consequence of conflict. Thus, peace building activities need to address the root causes of conflict and violence, i.e. competition over resources, governance, belief systems and ethnic/racial differences, in countries of origin, transit and destination.
2. Children in conflict situations and in migration are at risk of violence and severe deprivation of human rights, including social, economic and cultural rights. The impacts of violence, conflict and migration on children must be addressed in peace building activities in order to create sustainable social cohesion that will prevent future violence and conflict.
3. States not only have an obligation to ensure the human rights of all irrespective of migration status, but if they hope to prevent or end a cycle of violence and conflict, they must employ a human rights-based approach that employs child and gender-sensitive perspectives. Strategies for dealing with conflict-related migration must also be situated within a broader human rights approach applicable at all times. Peace building efforts must include long-term investment in the human rights of children.
4. States must aim to reduce xenophobia and tensions between migrants and nationals by: targeting structural inequalities between migrants and non-migrants; acknowledging the rights of migrants through legislative and policy reform; shaping positive perceptions of migrants and supporting the peaceful cohabitation of migrants and citizens; and promoting democracy, good governance and cultural diversity.
5. Collaborative efforts between all relevant stakeholders and between states are necessary to ensure the success of peace building interventions in situations of conflict related to migration. This includes governments, UN agencies, civil society, local populations and migrants themselves. Together we can improve the prospects of children affected by migration, both in the communities they leave and those that will receive them as well as facilitate their social integration and promote social cohesion in countries of destination.

ILO Commitment and Possible Policy Responses on International Migration

Pierre Martinot-Lagarde
Special Advisor for Socio-Religious Affairs
International Labor Organization

Allow me to first express the ILO's and its Director General Mr. Juan Somavia's deepest appreciation for Leonir Chiarello and the Scalabrinian Network invitation. It was not possible for Mr. Somavia to attend this conference but let me assure you of his support.

Before I start, let me recall that almost since its foundation, the ILO and the Catholic Church has been in constant dialogue. Migrants and migration have been an important part of the conversation. In the early days of the Organization, the ILO's tripartite constituents - governments, employers and workers organizations - felt that labor standards needed to address the rights of migrants. Two major conventions were adopted and subsequently ratified by a number of countries, the Convention on Migration for Employment, revised in 1949, and the ILO Convention on Migrant Workers in 1975. They are still of the upmost importance to the Organization. The ILO also contributed to the drafting of the 1990 International Convention on the rights of migrant workers. Today, 82 States have ratified at least one of these three instruments – a high proportion of the 130 countries for which migration is an important feature. Finally, the Multilateral Framework on Labor Migration that includes principles and guidelines can help elaborate country policies for labor migrations.

The context of our meeting

As we speak today, our world is in an important financial and economic crisis that is also proving to be a major employment crisis. It is impossible to address migration issues outside of this context.

Since before the crisis struck, the ILO has contributed to raising awareness of threats to employment and social protection. As early as August 2008, Mr. Somavia predicted that at least 20 million jobs would be lost as a result of the crisis before the end of the year. This early figure was later revised upward to more than 50 million as of June 2009.

Last November, the ILO Governing Body mandated the Organization to propose coherent policy responses. Protectionism and unilateralism threatened to worsen what was already becoming a major economic downturn.

This led to the convening of a World Employment Summit held during the International Labor Conference and the adoption of a Global Jobs Pact - a Decent Work response to the crisis. It is constituted of a set of successful policy options experienced in many regions throughout the world. They were proposed to governments and social partners to help develop a convergent crisis response.

The Global Jobs Pact revisits the four pillars of the Decent Work Agenda.

- First, we cannot restore hope and trust in our societies if we do not restore jobs. There cannot be decent jobs without sustainable enterprises. Solidarity also needs to be expanded.
- Second, social protection is to be made a priority. The ILO invites governments to build a social protection floor that would allow access to basic health and help take children out of poverty.
- Third, we are very conscious of the grave danger posed to rights in the workplace. Respect for fundamental principles and rights at work is critical for human dignity and for societies' recovery.
- Fourth, in these times of potential social tensions, dialogue strengthens respect and constitutes a strong basis for building the commitment of employers, workers and social movements to joint action with governments.

Migrants in the context of the crisis

Migrant workers are especially vulnerable to economic and labor market turbulences. Indeed, they often do not enjoy the same rights and protection as nationals of destination countries. Five observations can be drawn from the analysis of data available so far:

The impact of the global crisis on migrant workers is differentiated. It is not the same in all countries or in every sector of the economy. In the United States, Ireland and Spain, migrant workers were particularly affected in construction. While in Malaysia, Japan

and the Republic of Korea, they were affected in manufacturing. In contrast, a number of sectors, for instance health care, domestic service and education in some countries have witnessed growth. This is particularly the case in the United States and Ireland.

To date, no mass returns of migrant workers have been observed but, for some countries of origins, new outflows origin have slowed down. For example, the net outflow of Mexicans dropped by over 50 per cent between August 2007 and August 2008. Meanwhile, voluntary return programs implemented by destination countries have fallen far short of the targeted numbers. Migrant workers often choose to remain despite deteriorating economic condition in order to preserve their social security benefits. The adverse economic and employment situation in the origin country also discourages them from returning.

Remittance flows have decreased more than the World Bank expected at the beginning of the crisis. In March 2009, the decrease was estimated to reach eight per cent. This has been true in Latin America and the Caribbean - the region receiving the highest level of remittances. This has also been true for South and Southeast Asia. However, the situation is more worrisome among countries of the Commonwealth of Independent States. And the growth of remittances in Sub-Saharan Africa will probably stop or even be negative. The slowest decline is likely to be in the Middle East and North Africa, where the only positive growth may be in Bangladesh, India and Pakistan.

The crisis also increases the likelihood of precarious and irregular employment. Migrants are disproportionately affected by layoffs when employment is reduced. They also suffer from harsher conditions where they remain working.

Perceived competition for scarce jobs, housing and public services increases xenophobic and discriminatory reactions of nationals against migrant workers in a number of countries.

Possible policy responses

Policy measures are necessary to protect migrants and the interest of countries at both ends of the migration process. A working paper published by ILO has pointed out the following:

New admission and voluntary return policies in destination countries need to consider labor demand in specific sectors and occupations. Ignoring sectorial and occupational demand may lead to stimulating irregular migration.

Economic stimulus packages put in place by destination countries should equally, and without discrimination, benefit regular migrant workers.

Countries should strengthen laws on non-discrimination and protection of migrant workers and their families.

Hostility towards migrant workers and xenophobia undermine social cohesion and stability. Destination countries, their governments, social partners and civil society organizations should discourage anti-foreign anti-migrant speech and actions and prosecute to the fullest extent of law any manifestations of violence or abuse against foreigners and other minorities.

In times of crisis, the application of labor laws to migrant workers should be reinforced so as to ensure that legal conditions of work are respected and the rights to the fruits of labor already undertaken are protected. Special attention should be given to labor inspection so that labor standards are fully implemented for all migrant workers.

Migrant workers' civil, economic, social and cultural rights provided for in instruments of international human rights law should be strictly observed.

Countries of origin should put in place effective policies for the reintegration of returning migrant workers; enhanced and expanded employment policies can assist in their reintegration.

In conclusion, allow me to add a more personal note and interest. As I pointed out when I was opening these remarks, ILO commitment toward the rights of migrants is today part of the wider agenda of Decent Work. In many ways we can say that it is a value based agenda and the dialogue with many value based and faith based organizations has always shaped this agenda. We are now trying to set up interreligious dialogue on Decent Work. We had our first seminar in Dakar on this topic and it proved very fruitful. This is based on the conviction that the "religious question" is not solely a question of non-discrimination or of acceptance of religion in the workplace. Religions have a positive role to play in setting up a value based agenda today.

In this line, let me add a final remark, if I may. I think Catholic networks can, and maybe should today have a leading role in putting social ethics question in the core of interreligious dialogue. Our social ethics, the Social doctrine of the Church, has been elaborated within a global framework of dialogue. In his address to the UN General assembly, Pope Benedict reaffirmed the responsibility of Churches and religious institutions to enter into dialogue. In his latest encyclical, he also incorporated perspectives on interreligious dialogue in the context of social justice and globalization. In this context, migration issues should evidently be part of the interreligious dialogue.

DECLARATION OF BOGOTÁ

The Participants in the Second International Forum
on Migration and Peace,

held in Bogotá, Colombia, from September 1st to September 3rd, 2010:

the Scalabrini International Migration Network (SIMN),
the inspiration and organization behind the Forum,

with the Scalabrinian Congregation, and
the General Secretariat of the Mayor's Office of Bogotá DC, a partner
in the organization of the Second Forum in Colombia,

together with the participants in this Second Forum:

Nobel Peace Prize Laureates,
foundations, civil society institutions working in the field of human
mobility,
NGOs,

as well as representatives from governments,
the United Nations and other international organizations,
academia,
and migrants, refugees, displaced and deported people,

MEETING

In the context of the bicentennial of the independence of the Americas in a hemisphere still marked by deep injustice, inequality and poverty and, at the same time, renewed by the hope whose reasons are continuously being constructed by our people day after day;

In continuing the process begun at the First Forum held in Antigua, Guatemala, under the title *Borders, Walls or Bridges?,* in the investigation of *new perspectives on citizenship and democracy* in this second Forum in Bogotá;

In a conjunction between migration and violence that considers the migrant as an object and a target of injustice, corruption, trafficking and smuggling trade, and searching for a vision of the migrant with human dignity, thus making him/her the subject and builder of peace

and dialogue across borders, so that these, instead of walls, become bridges and common meeting places;

In the shadow of the dramatic events of San Fernando, Mexico, where 72 Latin American migrants died violently, a tragedy that provides a face and a name to all the cemeteries, invisible and without crosses, of yesterday and today; a migration that continues to write its journey of hope in rows of open wounds and blood.

The Forum has confronted thus, once again, the reality of violence and the need to pause to unravel any connection with corruption and disregard for the lives of undocumented or any other minority group.

With the determination to include migration in the building process of a peaceful coexistence as an agent, together with local communities, in the peace talks and in a framework of listening and searching for the common good, we found the promise of

THE BLOSSOMING ON NEW REALITIES:

Multiculturalism and diversity must be approached as driving forces for innovation, fresh sources for a renovation of society and cultural heritage, expanding the horizon of countries, encouraging them to avoid the entrenchment in a past that is dying and to make multiculturalism, which is an element of today's world, change into interculturalism as a moral imperative for our nations.

The wall that divides the migrant from the non-migrant will crack, going from an "I" to a "we" who speaks to and identifies with the different, the other, the invisible or rejected migrant and stranger; from an "I" of the individuality to the "we" of the diverse and intercultural community that we build together.

The Forum is aware that the migrant, before being a citizen, is a person, a human being, and therefore, a living part of the social, cultural, economic and political fabric of our societies. A unilateral interpretation of the term "migrant" runs the risk of extrapolating and stripping it of its humanity.

"Migrant" is simply an adjective that one applies to a person, the same person that tomorrow may be called sick, elderly, citizen, or neighbor, since the substantive reality of this "migrant" is his humanity.

Citizenship should be more than the possession of a passport or of the right to vote. Even if a human being is invisible due to the lack of a document in his hand, that person exists and is the root of society, in its integration with democracy, in order to move towards a universal citizenship.

The amount of military spending in Latin America, and the increase that has occurred during 2009, reaching $57,400 million USD, (sipri.org), seems to confirm the thesis that the region has entered a new arms race, clearly inappropriate and irrational, that will divert even more of the financial resources needed for the development of the social, economic and cultural life of its peoples. It is not with weapons that poverty and disease can be overcome and even less can weapons diminish the causes of migration and of this forced exodus of so many that continues to keep open the veins of our countries.

It is hoped that the United Nations, the "international forum" that wants to act in accordance with signed and ratified declarations and treaties, might promote the effective protection of the right of every person to remain, leave and return to his/her country. This prompts us to plan for the possibility of creating conventional networks for a migration that is regular, orderly, protected and respected, and regulation of migration that is honest and based on shared values.

We hope that this new attitude may promote a decline in the growing trend towards the criminalization of migration. The identification *a priori* of the migrant with the terrorist or the criminal is a gratuitous discriminatory offense.

In this line, the Forum is aware of the inadequacy of policies based solely on national security. There is a sad, increasing industrialization of migration in its most negative sense: people who suffer from trafficking or smuggling, the bureaucratic obstacles that force the use of intermediaries and the potential for subsequent exploitation, the risk of transforming remittances, the fruit of the daily sweat of the migrants, into speculation and undue profits.

We emphasize the need to protect specific segments of the population who suffer from a greater and ever-increasing vulnerability: women, children, young girls, the person with his/her ethnic or indigenous characterization, who are, probably more than anyone else, objects of discrimination, slavery, exploitation and blackmail.

The Forum reaffirms the responsibilities of the countries of origin of migrants that have the duty to ensure the right conditions for the development of each person staying at home, as well as a socio-economic reintegration in the context of ensuring a decent return and settlement at home.

The Forum is aware of the strategic importance of the local communities as key factors in the definition of public policies and concrete actions that foster the establishment of a peaceful coexistence between local communities and migrants.

Having underlined these new aspects of migration, the *Scalabrini International Migration Network*, through the process that organizes and promotes the International Forum on Migration and Peace in building a peaceful coexistence,

ASSUMES THE COMMITMENT

and encourages all participants of this Second Forum, to:

- Encourage the international community to continue its discussion at the United Nations Organization in February 2011 for the adoption of an arms trade treaty to regulate all aspects of conventional arms trade, in full accordance with the instruments agreed and implemented under the Human Rights and Humanitarian International Law.
- Continue the work of international denunciation of unconstitutional and restrictive laws that criminalize *a priori* the person on the move.
- Promote concrete actions working together with local authorities in the fight to eradicate all forms of violence against migrants.
- Encourage local communities to create spaces that allow the right to remain in their home country as much as the right to a dignified return that guarantees settlement.
- Encourage training processes of social partners and local public officials that have a growing effect on the regional, national and international institutions that work in the world of people on the move.

Selected Topics of the Third International Forum on Migration and Peace

Safe International Migration

Mexico City, October 20-21, 2011

Opening Remarks for the Third International Forum on Migration and Peace

Leonir Mario Chiarello
Executive Director
Scalabrini International Migration Network

Your Excellency, Mr. Felipe Calderón, President of the United States of Mexico, Professor Margarita Zavala, President of the National System for the Integral Development of the Family, Your Excellency, Dr. Oscar Arias, former President of Costa Rica and Nobel Peace Prize Laureate, Mr. José Francisco Blake Mora, Interior Secretary, Ambassador Julian Ventura Valero, Undersecretary for North America, Ambassador Ruben Beltran, Undersecretary for Latin America and the Caribbean, Mr. Salvador Beltrán del Río Madrid, Commissioner of the National Migration Institute, Mr. Thomas Weiss, Mexico, Representative of the International Organization for Migration, Mr. Antonio Mazzitelli, Mexico, Representative of the United Nations Office on Drugs and Crime, Ms. Esther Olavarria, Deputy Assistant Secretary of the United States Department of Homeland Security, Dr. Rafael Fernandez de Castro, Head of the Department of International Studies at the Mexico Autonomous Technological Institute, Father Flor Maria Rigoni, Director and Founder of the Casa del Migrante in Tapachula, Chiapas, Government Representatives of Mexico and other countries, international and regional organizations, civil society and religious representatives, ladies and gentlemen, welcome.

Since time immemorial, the link between violence and migration is a reality. Along with poverty, inequality, lack of social cohesion and natural disasters, violence is one of the main causes of the emigration of millions of people around the world, while in countries of destination, the simple presence of migrants causes tensions in the social fabric.

The gains of organized crime, arms, drugs and human trafficking and other illegal and criminal activities, make it possible for us to recognize the progress of an *uncivil* society that, according to the former UN Secretary General Kofi Anan, is becoming global. Although different, direct violence caused by the use of weapons or

organized crime and indirect or structural violence caused by the globalization process through an inequitable economic system which condemns millions of people to premature death because of poverty are closely related. Researchers from various disciplines agree that one of the causes of direct violence is the endemic existence of structural indirect violence and that certain economic, political and social structures are prone to create or maintain direct violence. The big difference is that while you can, with more or less difficulty, identify and prosecute those responsible for direct violence, the causes and perpetrators of indirect violence are not as easily identified, and in many cases, indirect violence is not even recognized as "violence" or as systematic violation of human rights. It might thus appear that violence is a normal and intrinsic attribute of human life.

Violence is one of the main causes of increased international migration. It not only forces people to migrate, but migrants are the victims, both during the journey and upon arrival at their destination, where they become the subjects of different forms of discrimination, exploitation and abuse that prevent the recognition of their basic rights.

In the current global context, migration, because of its multiple factors and its impact on the societies of origin, transit and destination, requires responses that combine articulated "shared responsibility" among governments to ensure effective governance of migration flows, and "collaboration" between civil society organizations and state agencies to ensure greater legitimacy of policies and programs on migration. Co-responsibility among governments and cooperation between governments and civil society actors in pursuit of such guarantees requires a concerted and inclusive participation of all of them, which can only work if it is animated by democratic principles. This requires the definition of a new social and cultural grammar inspired by the common good for all, including migrants.

With the aim of fostering the shaping of this grammar while generating concrete actions to ensure these objectives, the Scalabrini International Migration Network (SIMN) has implemented an international campaign to promote a culture of peaceful coexistence between the societies of origin, transit and destination of migrants and the migrants themselves through the International Forum on Migration and Peace. This high-level debate began in 2009 in Guatemala and continued in Colombia in 2010. During this third gathering in Mexico, we will consider the impact of violence on international migration

flows and how governments and civil society can define and implement policies and programs to ensure the safety of migrants and refugees who cross international borders daily and how to build new relationships in the pursuit of peaceful coexistence.

We thank all the people and organizations who made possible this Forum. Welcome to the Third International Forum on Migration and Peace.

Opening of III Forum on Migration and Peace

Rafael Fernández de Castro
Director of International Relations
Autonomous Technological Institute of Mexico (ITAM)

I would like to welcome you all to this Third Forum on Migration and Peace organized by the *Scalabrini International Migration Network* (SIMN) in conjunction with the Autonomous Technological Institute of Mexico (ITAM) and Mexico's National Institute of Migration.

It is a great honor to be here. Last year, I had the pleasure of participating in representation of President Calderón's government in the Second Forum organized by the Scalabrini International Migration Network in Bogota, Colombia. On that occasion, together with Flor María Rigoni and Leonir Chiarello, we decided to hold the Third Forum in Mexico.

I would like to begin by saying that as a Mexican I feel enormously proud to welcome President Felipe Calderón Hinojosa. Thank you, Mr. President, for being here with us. Naturally, I am also very pleased to greet Ms. Margarita Zavala, President of the National System for Integral Family Development (SNDIF). Welcome!

I would also like to thank Mr. Oscar Arias, Nobel Peace Laureate and former President of Costa Rica, for being here with us. Many thanks as well to Mr. Francisco Blake Mora, Secretary of the Governor's Office, for joining us today. Thank you, Julián Ventura, Assistant Secretary for North America and equally many thanks to Rubén Beltrán, Assistant Secretary for Latin America, for welcoming us in the Ministry of Foreign Affairs and for making us feel at home. We would also like to extend our gratitude to Ambassador Patricia Espinosa Cantellano, Secretary of Foreign Affairs of Mexico. Many thanks also to the Secretariat of Foreign Affairs for the support and cooperation.

For the organizers of this Forum, it has been a real pleasure working with the Scalabrinians. The Commissioner of Mexico's National Institute of Migration, Salvador Beltrán, and the organizing team at the Autonomous Technological Institute of Mexico are my witnesses: working with the Scalabrinians, whose mission is to protect the migrant, is absolutely wonderful. Those who are aware of the role

they have played in the protection of migrants as well as the issues they promote and raise to the political agenda, and those who have had the privilege of seeing what Scalabrinians like Flor María and Leonir Chiarello do with migrants, know what a privilege it is to work with them. Many thanks to the Scalabrinians.

Dear friends, yesterday we closed at this same venue, National Migration Week, an event organized by the Center of Migration Studies of the National Institute of Migration, which has an increasing number of followers. During this week, this room at the Foreign Ministry was filled with representatives of government and civil society institutions whose mission is to work with migrants. We discussed the challenges posed by and the responses to the emigration of Mexicans to the United States, and the flows of migrants crossing into Mexican territory. At one of the sessions of the National Migration Week, the main statistical results of the surveys carried out by Mexican and US researchers were shown. These results suggest that Mexican migration flows to the United States have stabilized. Research shows that in 2007, for instance, the stock of Mexican migrants in the United States was 11.9 million. In recent years this stock not only stabilized, but also has shown a slight decrease. In 2010 it was 11.7 million. In the years before 2005, approximately 500 thousand people left Mexico. Since then, the figures indicate a sharp and sustained decrease. In the year 2010, only 200 thousand people left the country. These figures, put together with the number of Mexicans who are returning voluntarily to their home country or are deported from the United States, yield a net sum of Mexican migration into the US approaching zero.

On the other hand, research clearly indicates that there has also been a sharp decline in the flow of Central American trans-migrants through Mexico. We are referring here to a decline of 55 to 70 percent between 2005 and 2010.

These stabilizing flows of Mexican migration into the United States and of Central American transmigration through Mexico towards the United States have an enormous impact on public policies on migration, some of which I would like to highlight.

First, crucial is the need to adopt a sub-regional perspective to manage migration flows, as this would enable us to define a migration sub region in the Northern Triangle with Central America, Mexico and the US. This on-going decline in emigration of Central Americans and

Mexicans into the United States requires measures that ought to be defined at the sub regional level. This poses a special challenge because the US, as the main receiving country, does not sit at the negotiating table and in the last 14 years has worked on the basis of one single policy: stringent enforcement of the law to prevent migration. The restrictive approach adopted by the US hampers the efforts to design new migration policies that address the present demands of the migration flows in the sub region and protection measures for migrants and trans-migrants.

A second impact of the decline in transit migration flows is the window of opportunity that it opens up to design better protection policies for trans-migrants. Transmigration may eventually increase in the future. Thus, the present situation provides an ideal condition to reach agreements between Mexico, the Central American countries and the United States in order to define and create better public policies for the protection of trans-migrants.

Thirdly, the growth in return flows, which amount now to almost 200 thousand Mexicans returning each year, either because they have been expelled or deported, or because they return voluntarily, has great effects on Mexico's education system. In recent years tens of thousands of children whose surnames are Sanchez and Fernandez and Hinojosa but speak English and no Spanish have entered the different cycles of the school system. The pressure on Mexico's school system, similar to the troubles that the schools in Texas and California had to face in order to integrate Mexican and Central American children who arrived there without any knowledge of English, point also at the need to work together from a sub-regional perspective, joining efforts in the Northern Triangle with Central America, Mexico and the US.

With regards to the factors that have produced the reduction in Mexican migration flows into the United States and in transit migration from Central America into the United States, there are five reasons, but academic researchers have not agreed as to the specific weight that should be allocated to each of them.

The first reason is the reduction, and in some cases even the disappearance of what is known as *pull factors* - the factors that attract migration - to be found in the US economy. The economic crisis has brought up the nation's unemployment rate to 9.2 percent, resulting in

job losses for Mexicans and Central Americans seeking opportunities in the United States.

On the other hand, the *push factors* have also changed. There is no longer such a substantial wage difference between Mexico and the United States. Before the crisis, the daily wage in Mexico was equivalent to an hourly wage in California. There has been a reduction of this staggering difference.

A third factor is the improvement in the Mexican health system. A peasant in Jalisco, Michoacán, or in any other state in Mexico has better access to the health system than he or she would have in the United States. The creation of the Popular Health Insurance under the presidency of Felipe Calderón has radically transformed the access Mexicans have to public health services. Clearly, this ease of access to public health services has had an impact on the decision of Mexicans to return to their home country.

The fourth factor is the war that is being waged in some states of the United States against immigrants. This situation is a matter of great concern to Mexico and the Central American nations, for in addition to its political implications, it demands that these countries change their consular practices. Consulates in the region must join efforts with other actors involved in the protection of Mexican and Central American citizens living in the US, such as churches, health centers and other community organizations.

The fifth factor has to do with a reduction in demographic pressure on Mexico due to declining birth rates. On the one hand, though, the lack of security in the country is forcing affluent Mexicans to emigrate, for example, from cities like Monterrey to others like Houston or San Antonio, Texas, it is also causing rise in house prices in certain locations in Houston.

The interconnection between these five factors, as well as with other elements associated with the reduction in Mexican emigration and transit migration through Mexican territory, are still to be clarified among academics. This is a debt that academic research has with decision makers. We hope that this forum will also contribute to clarify some of these issues.

I want us to make the best out of this wonderful opportunity that the Scalabrinian International Migration Network (SIMN) is providing so that we, political and social actors, can sit together and think about

the most suitable policies and programs for an organized and safe migration.

I welcome you all to this Third Forum on Migration and Peace.

Opening Ceremony of the Third International Forum on Migration and Peace

Filipe Calderón Hinojosa
President of the United States of Mexico

Most respected Dr. Oscar Arias Sánchez, former President of the Republic of Costa Rica and Nobel Peace Prize Laureate. Thank you for being here with us. We are proud and moved to have you back in Mexico.

Father Leonir Mario Chiarello, Executive Director of Scalabrini International Migration. Thank you for being here.

Mr. Antonio Luigi Mazzitelli, Representative for Mexico, Central America and the Caribbean of the United Nations Office on Drugs and Crime. Thank you.

Mr. Tomás Báez, Representative of the International Organization for Migration. Welcome.

Respected Dr. Rafael Fernández de Castro, Head of the Department of International Studies at ITAM. Thank you for organizing this event with SIMN.

Dear Father Flor María Rigoni, Director and Founder of Migrant Houses in Tapachula, Tijuana and many parts of México,

Ladies and Gentlemen, civil servants from Mexico, the United States, Guatemala, Germany, Argentina, Brazil, Bolivia, Chile, Colombia, Ecuador, Peru and Paraguay,

Representatives of civil society,

Representatives of international organizations,

Representatives of religious organizations,

Businessmen; scholars, and opinion leaders engaged in the issue of migration,

Ladies and Gentlemen:

I am delighted to be with you today and honored to speak at the opening of this Third Forum on Migration and Peace, whose central topic this year is Safe International Migration.

It is extremely gratifying to have experts from all over the world convene in Mexico today to talk about the phenomenon of migration and its political, economic, and social implications, as well as to discuss cooperation mechanisms and actions that governments must carry out to ensure the safety of migrants.

I welcome you cordially and hope that your stay in Mexico is truly productive, as well as pleasant.

I also want to extend my acknowledgment to the Scalabrini International Migration Network (SIMN) and to the Autonomous Technological Institute of Mexico, my alma mater, for the significant effort made to organize this event on migration.

A forum such as this one opens up the possibility not only of analyzing the migration phenomenon, but also of generating proposals that incorporate the perspectives of governments, lawmakers, and civil society, in order to address the issues affecting migrants, especially that of security.

As we well know, migration is a social phenomenon that has been present throughout the history of humanity. What is more, I believe the human being was first a migrant and then became sedentary. We all were at some point nomads.

The evolution of societies has been linked to the movement of peoples from region to region. Many nations, including the most developed ones in today's world, have benefited and profited from the exchange with other cultures and the integration of different languages, knowledge, and traditions.

The globalization of society, and especially that of the economies, fosters even more migration flows. The global economy stimulates the ample exchange of factors affecting production: capital, investment, and, of course, labor.

Likewise, access to information and expectations of improved conditions or economic opportunities in countries other than that of origin are also an important driver for migration. It has always been and will continue to be thus.

Moreover, in a globalized economy such as ours, the absence of conditions allowing for the adequate integration of those factors results in the loss of opportunities for growth, generation of employment, and increase in revenues for everyone.

I believe that one of the fundamental issues, one which in my view has not been studied enough, is the understanding of the very positive economic effects of migration.

Nevertheless, there are still wide sectors that refuse to recognize this reality and promote restrictive laws and practices, as well as hate and xenophobia, which hinder migration.

In today's world, we still see nations that not only reject the benefits of migration but also toughen their laws and criminalize migrants. This is a totally unjust situation, which forces migrants to move clandestinely, thus making them especially vulnerable.

That vulnerability is precisely one of the key factors contributing to the control of migrants by criminal organizations. The passage from "regular" clandestine networks of *polleros* or coyotes (people smugglers into the US) to clandestine networks of *polleros* and *coyotes* controlled by international criminal organizations is almost mechanical in the world we live in. It is part of the expansion of criminal organizations, which must cover more territories and control all networks in the territories they control.

I have insisted on defining organized crime as a criminal organization that seeks to take over, whether through violence or threats, the legal or illegal revenues of a community.

And if there are revenues, particularly illegal revenues, deriving from people trafficking, organized crime seeks to take over that illegal income. And it has succeeded in doing so, just as it has succeeded in taking control of illegal revenues from the sale of adulterated alcohol, people trafficking, prostitution, the sale of stolen gasoline, the illegal sale of different products, the sale of pirated products, for example, etcetera, etcetera.

Insecurity associated with the presence of criminal groups is a reality all along the migration chain.

It is present in the places of origin, because those criminal groups control recruiters, "*colocadores*" and "*polleros*" (*coyotes*).

It is present in the places of transit, because their corruption network allows them to control the migrants' routes.

And it is present, of course, in the places of destination, because it would be naïve to assume that the control of drug, people, arms, and money trafficking stops at the Río Bravo.

I believe that the truly profitable aspect of those migrant routes begins at that point.

The business is present everywhere, but I believe the real business is found where the greatest revenues are, and that is on the other side of the border. Let's leave it there.

To get to the point, restrictive laws force millions of persons to live in a situation of irregularity, of vulnerability, which makes them an easy prey for that expanding criminal network.

Additionally, the social discrimination that migrants suffer exposes them to labor exploitation, people trafficking, and violation of human rights.

To these conditions of insecurity we must add what has traditionally been in my view a detrimental factor for countries of migrants or for countries that expel migrants. I have always held that it is false to say that Mexico, and particularly the United States, are interested in promoting or fostering migration.

I am convinced that it is the opposite. I am a native of a state that expels migrants: Michoacán. There are four million Michoacans in the national territory and another two million in the United States, mostly in Chicago and California, and many of them in Texas.

And the truth is that each family that loses a migrant actually mutilates itself. Every community that loses a migrant loses its strongest people, its most charismatic leaders, its most audacious young men, and, of course, sometimes, the most hard working.

Migration is in no way a desirable alternative for any family or community, because it entails the separation of entire families, of parents who might never see their children again or vice versa, and of siblings, as well as the anxiety, the uncertainty of those who stay behind.

I mentioned that all Mexicans or at least a great number of them, at least in my state, have a migrant family member. I have cousins, uncles, aunts, people who are very close. One of Margarita's brothers, for example, we have not seen him for 12 or 13 years due to a painful situation that is hard but that we have to confront.

Faced with this reality, my friends, governments cannot opt for closed borders or trying to stop migration flows by decree. We cannot deny that reality with policies, laws, or xenophobic and repressive actions, and much less actions that violate human rights.

Our ethical duty is to produce integrated political responses and more humane legislation, along with institutions that guarantee security and respect the dignity of migrants.

In Mexico, we are firmly convinced that the phenomenon of migration, migration movements, should not be seen as a threat to our societies. Migrants enrich our society, our culture, and our economy.

We are also convinced that orderly migration can bring great advantages, especially to receptor countries, though of course it also benefits the countries of origin.

It is the Government's responsibility to understand this, to understand that the phenomenon of migration has economic, social, and human aspects that must be addressed as a reality, and on that basis, we must design national and international policies that respond to this phenomenon in a multidimensional way.

Let us take the case of migration between Mexico and the United States. If you take any economics textbook, a serious one, that is, and not one of those full of pure ideology, because we have had those in Latin America too, when it explains the phenomenon of economic growth and production, it begins by saying that production derives from multiple factors. But let us begin with the most basic case, that is, from two factors that are capital and labor.

Those two factors entail each other. In the classical example of the economists, capital and labor are like the right shoe and the left shoe. They need each other. And production tasks are designed that way as well.

Now, let us take this to a real life case: a large economy and a small economy, which is also an example used by economists, a large,

capital-intensive economy like that of the United States and a no longer so small, labor-intensive economy like that of Central America.

Both factors need each other. And, of course, we would like to solve this equation by preventing our labor force from going over there, and rather, attracting the capital required to generate a productive economy.

And this is why it is necessary to promote investment. And for that reason, it is necessary to break down barriers, myths and interests, because there are economic and political interests that oppose investment in our countries.

But, in the same way, my friends, I can say today that the economic growth and competitiveness of the United Sates throughout the 20th century cannot be understood without the migration of Mexican and Central American workers. The United States would not be the power it is today without that migration; the complementary nature of our economies is obvious; it is a social and economic phenomenon.

Even in diplomatic terms, the phenomenon of migration, in its formal and most intense version, derives from an invitation by the United States. Indeed, the United States invited workers from Mexico and surely from other countries to work in their fields, in American factories, while young Americans fought for our freedom during World War II.

And thus, the Bracero Program arose from an open, deliberate, and formal invitation that gradually fostered a large network of migratory flows, of families that settled, of contacts. You all know the story.

The economic phenomenon is related to that natural phenomenon of integration, and, I hasten to add, as long as the absurd obstacles to migration continue to increase, as long as migrants continue to be persecuted in the United States, especially in an irrational manner that sometimes violates human rights, American society will continue to lose the competitive edge it needs to generate work for its own families.

By that measure, American products will continue to be more expensive and of lower quality than those from other regions. By that same measure, the production factor in the United Sates will become

ever more deficient, and this is what truly underlies the economic crisis that country is going through.

This phenomenon is linked to something Doctor Fernández de Castro has already pointed out. Many studies increasingly show, and in spite of some resistance it is being gradually acknowledged, that Mexican migration to the US is stabilizing. I am not implying, of course, that it has stopped. However, according to research carried out at Princeton University the net rate of migrations, that is the difference between migrants that go to the US minus the migrants who return from and to Mexico, is approaching zero, after having reached a seven, perhaps eight per cent of the net population. This rate was approaching zero in 2010 and this trend can be explained by several factors.

It can be explained by the opportunity factor, as the Princeton University study notes. In fact, Mexico is achieving universal health coverage, which means that those who have always been excluded, among them those who have migrated, have now in Mexico health and living conditions that they do not enjoy in the US. This is a relevant factor.

I would like to mention other situations of exclusion which have an impact on Mexican migration.

Young Mexicans have now better opportunities. Of course, they are still not enough, but they have more opportunities to go to finish high school and go to college in Mexico than in the US, because in the US laws have restricted access, while in Mexico we are expanding educational opportunities.

In the last five years, in Mexico we have opened 985, that is almost one thousand, high school facilities, mostly technical high schools, 96 new universities will begin to operate, and the campuses of another 50 universities have been expanded. Thus we have expanded coverage considerably in a sector that is of crucial importance for our society.

A very important article in the New York Times not only presents the results of the Princeton University surveys, but also in American-style journalism provides an example of a family from Los Altos de Jalisco. The great-grandfather, the grandfather, the father, the uncles, the brothers, they all left, but the great-grandchildren, two young men of 17 and 18 years of age, they decided to stay put.

They decided to stay put because they go to the local high school, which in turn guarantees a place for them at a Technological University. We opened one in Los Altos. This opens up great opportunities of getting a job in one of the industries in the Metropolitan Zone of Guadalajara, a place of high international competitiveness. About 65 per cent of all BlackBerry phones worldwide are manufactured there.

This is a positive opportunity factor, but there are also some negative factors that must be considered. One of them is, indeed, the more aggressive approach to migration control. In this year 2011, there have been several cases of violence, of homicide to spell it out as it is, against migrants committed by American migration and police authorities.

It has become more dangerous, and this brings us back to the main topic of this forum. Organized crime has made it more dangerous for migrants to cross the border. An important task is to eradicate the criminal networks that have invaded, like a cancer, all the vital centers, so to speak, of the decision-making authorities.

It is of vital importance to combat organized crime. It is not just a matter of drug trafficking. I would even risk saying that is not the central issue. Of course, selling drugs in the US may still be the main source of income for criminals, and this is why Americans should reduce consumption in order to reduce that flow of money.

But from the point of view of public policy, beyond drug trafficking, the main concern is insecurity, the threat they pose to civil society in Mexico, and how they appropriate the income of our communities.

We are concerned about the money they are controlling, the exorbitant amounts people have to pay to go through Mexico. Part of that money is left in the hands of criminals, but the migrant may also be kidnapped and held until the family pays the ransom. This is what we find extremely worrying.

We are concerned that the cattle breeder, the avocado grower, the grocer, the owner of the gas station can be victims of extortion.

This is why organized crime is a cancer we must eradicate. And it has to be eradicated radically; to avert the risk that it continues expanding, not only throughout Mexico, but also invading all the

production chains it can cover, from the Andes, where it has its main source of supply, all the way up to the United States.

Dear friends, I go back to my point. If our economies take advantage of the presence of investment and of highly qualified labor, we shall all be more competitive and will have growth opportunities. And if we consolidate all our advantages, that is, if we allow the integration of production factors, we shall, of course, have more productive economies. This is the economic aspect.

With regards to the social and human aspects, which are more important than the economic, we must recognize that we will not have human societies if we continue to foster societies that exclude, societies incapable of understanding the human sense of life and of the individual beyond borders, nations, creeds and races.

This is why, my friends, the Federal Government is convinced that it is of vital importance to organize and dignify migration. This explains the efforts, with some difficulties, with some errors, of this Administration.

What have we done so far?

First, in the legal area, beginning with the Public Administration, Mexico removed migration from the Criminal Code and for over three and a half years, migration is no longer been considered a crime. This is the first time in many years.

Second, also in the legal area, we have created a legal framework which some have considered very progressive. I would like you to look at it and tell us what you think. It is a very advanced framework at an international level, which serves as a basis for safer migration and greater respect for human rights.

In May this year I signed a new Immigration Law for Mexico, which covers many aspects. For example, for transit migrants who may be going to another country, it is not Mexico's responsibility to determine whether they are going somewhere else. However, if they transit through Mexico we want to provide security and make sure that migrants can move legally and not depend on the criminal businesses of *coyotes*.

This law establishes, also, the right of migrants to education and health, thus criminalizing while not eradicating, discriminatory practices in this respect.

As I said, the migrant is no longer seen as a criminal. The era of criminalization is over. Now the migrant is someone who enjoys rights.

This year we also enacted a Constitutional Reform with respect to Human Rights. The Mexican Constitution has elevated to a constitutional level, the highest level, not only all the rights recognized in Mexico, but all human rights recognized in international treaties on this matter that our country has signed.

This reform guarantees the protection of rights both to Mexican citizens and to any person in the national territory, including, of course, migrants.

Third, in order to guarantee these rights, and the safety of migrants, we are implementing important actions at the institutional level.

Specifically, we are implementing a long, difficult and complex process, but a decisive one, of purging and strengthening the National Institute of Migration, as it unfortunately had fallen prey to corruption, mismanagement and abuse, a situation that we believe had been going on for a long time.

We are determined to eradicate arbitrariness and all kinds of abuse in this Institution. The Government will not tolerate any longer injustices coming from this Institute. And the same goes for any police force, to Federal and state police alike.

What have we done in this regard?

I have instructed the Institute to submit all employees to very rigorous control examinations. As a result, in this last year, for example, more than 200 people have been dismissed either because of irregularities, in which case they have also received prison sentences, or simply because they did not pass the exam. This provides an indicator, not infallible but quite reliable, to determine who can be a trustworthy officer and who may have links with corrupt dealings.

And we will not stop there. Our duty is to continue until all public servants who have to deal with migrants are reliable, professional and provide migrants the dignified treatment they deserve.

Lastly, I would also like to mention that we have paid close attention to preventive and assistance policies by means of a forum that has received the special support of Margarita Zavala, my wife, and Institutional Forum for Migrant Children, Unaccompanied Adolescents and Women.

This is of crucial importance, because I think children, adolescents and women suffer the worst conditions. Women are forced to go into prostitution; it is often part of the payment. Children are sometimes abandoned along the way.

The violence experienced in some border cities in Mexico has many causes, but one of them has to do with the fact that every year the American authorities deport 60 to 70 thousand migrants to places like Tijuana or Ciudad Juarez.

Among these 60 to 70 thousand, many are in fact criminals who have committed some crime or other and it is simply cheaper to leave them on the Mexican side than to prosecute and determine whether they are guilty or not. They, naturally, join the criminal networks at the border.

Every year, among the people dropped at the border, are about 10 thousand unaccompanied children. One has to imagine the situation of a child who has come from Oaxaca or Honduras. They have gone through so much to reach the USA, and then they get caught and are dropped on the Mexican side of the border, without their parents, without their siblings, without anyone to look after them.

I believe this is the most horrible thing that is happening with regards to migration, the abandonment, and of course the abuse that goes with it, of unaccompanied children.

Ladies and gentlemen:

We know that migration is a very complex topic, an issue that requires much will, effort, and understanding from the whole of society, to create the conditions that enable migrants to live their lives in a safe and dignified way, with the certainty that their rights are always protected.

Migration will exist for as long as there are lacks in social and economic opportunities expelling people from their places of origin,

especially nowadays when a double global crisis is affecting the poorest people in the most dramatic way.

The global recession is affecting the whole of the economy. And we are also facing a food crisis, as prices reach the highest record level, more than twice the previous highest point, for corn, wheat, tortillas, bread and more.

In addition to the violence that pushes people away, now they are facing this phenomenon.

Naturally, governments must be fully aware of this situation, assume serious responsibility and develop public policies, institutions and legislation to establish what we need for ourselves and what we must give others.

Organized migration strengthens the benefits and advantages that human mobility can have for nations. And legality can eliminate the tragedy of so many leading a clandestine existence.

We are fully aware of how important civil society is for this process. And I found the term "uncivil" very adequate, because I think "uncivil" society is an obstacle to reach this and the common enemy.

Civil society must prevail over uncivil society; it has to keep this effort up.

This is why I want to praise all the organizations in society that, with a deep sense of humanity and solidarity, work for the welfare of migrants, and in particular the Scalabrini Network, which has been working in Mexico for some decades under the leadership of Father Flor María Rigoni. I want to thank Father Rigoni for the invitation to this Forum, and I want to encourage him to continue with his work. Well, actually, he doesn't need encouragement. I just want to assure that we shall continue supporting your work in the *Casas del Migrante* in Tijuana, in Juarez, in Tapachula, in Agua Prieta, and in all the houses where you may require the solid support of the Government and of society

Now, if you would please stand up and join me, I wish to open this meeting.

On this day, 20 October 2011, at five minutes past ten o'clock, I formally declare the Third International Forum on Migration and Peace open and wish success to you all. Thank you very much.

Migration is Not an Option, But a Strength

Oscar Arias Sánchez
Former President of the Republic of Costa Rica

One of the most highly regarded Latin American poets, Literature Nobel Prize laureate Octavio Paz, once wrote: "Today we all speak, if not the same tongue, the same universal language. There is no one center, and time has lost its former coherence: East and West, yesterday and tomorrow exist as a confused jumble in each one of us. Different times and different spaces are combined in a here and now that is everywhere at once." I have always believed that poets are scientists in their own way. Their sensibility can tell us similar things as research in the social sciences or statistics would. The world Paz shows in his poetry is the same we read in the prose of governments and international organizations: we are living in a world where geographical boundaries and historical delineations are becoming less pronounced. We are living in a world where borders matter less and less as the coming together of all people becomes more important. We are living in a world in which it is possible to be in more than four countries and three continents in one day and where time zones are challenged by information and communication technologies. We are living in a world in which the richest cities are those that are cosmopolitan, where over 20 languages are spoken and countless religious and cultural traditions coexist.

The name of the forum that convenes us today is an expression of hope, but it also poses a challenge. I am sure that most people would not equate, at least not at first, migration and peace. I can also see why. I think migration is one of the social and global phenomena that has been most attacked, and widely misunderstood, especially by wealthy people and by conservative groups. Migration is a phenomenon that TV cameras and newspapers associate more with war, with famine, with displacement of civilians, than with peace, culture and development. We are facing, thus, a great challenge: to show the world that migration is not an option, but a strength. That migration, if correctly understood, but most of all, properly addressed, can be of benefit both for migrants and for receptor communities. This is why it is not only important to understand its causes and address them; we must also assume responsibility for them instead of blaming others.

In countries where migrants are a considerable portion of the population, including my own, there is a tendency to focus on the causes of migration that affect their particular territory. The same goes for countries such as Mexico, where daily hundreds of families migrate, leaving behind their history and their roots. The causes and characteristics of migration cannot be summed up in a single category. A Colombian refugee is not the same as a refugee from Darfur, just as an economic migrant from Nicaragua is different from one from India. However, it is still important to discuss migration as a global phenomenon, beyond the specificity of each nation or region. After all, there isn't a single nation, whether developed or developing, that is not involved in one way or another with the phenomenon of migration. The information we may gather if we look at migration from a global perspective is extremely valuable, since we are discussing here one of the most salient phenomena of our time, and we have to live with it, whether we like it or not.

By now we should be sufficiently convinced that there is no wall and no ocean that can stop those who are starving, that poverty needs no passport to travel and that history moves in circles: those who are at the top now had to wet their backs at some point in time to reach the promised land. Migration is an issue that forces us to pose uncomfortable questions about our own historical process and about the factors that push people out of some countries and those that attract them to others. Some people would say that migration is exclusively a problem of developing countries and that developed countries have to deal with the lack of responsibility of the countries of origin. Those who think that way may be right, but only to a certain extent. The fact is that developed nations also bear responsibility for the people who migrate, a responsibility that is not only historical, but also must be assumed in the present. Many decades ago former British Prime Minister Clement Attlee warned developed countries: "We cannot survive if we create a paradise within our frontiers and tolerate an inferno outside them."

So far, however, very little has been done to counter this admonition. In spite of all the speeches delivered at the 2002 Monterrey Summit, only five developed countries - all of them quite small - actually devote at least 0.7 percent of their GDP to development assistance, which was the modest target approved at that meeting. The fact is that the total official development assistance from the donor countries is about one-fourth of the budget they devote to

their agricultural subsidies and one tenth of their military investment. The fact is that developed countries continued playing Russian roulette in the Doha Development Round for trade liberalization, a Russian roulette in which those who are expected to put their head against the gun are the millions of producers in poor countries seeking an opportunity to position their products in rich countries.

At the same time, developed nations think that migration is to be stopped by erecting walls and fences. Immigration is much more than a security problem; it has to do with human development and solving it involves many sensitive factors with regards to the relationship between rich and poor countries. Many receptor countries have failed to accept the obvious fact that a permanent solution to illegal immigration must involve assistance to developing countries in order to improve their education, health and housing facilities, as well as their infrastructure and productive power.

This is a twofold task: international cooperation for social investment programs is one side of it, the other being technical cooperation and trade opportunities so that poorer countries can produce and compete. After civil wars and famines, the main cause for migration is the lack of competitiveness of developing countries, which prevents them from creating stable and well-paying jobs. Rich countries have much to contribute in this respect. Some may say these efforts are costly, but the fact is that they do not cost more than the millions invested nowadays in walls and weapons.

We have a clear example of this at the northern border of this country: the wall across the border between the United States and Mexico, which cost about 3 million dollars per mile. If you walk along this wall, as many of your country people do, think that every step was worth 1,500 dollars. For every step, MIT Media Lab XO computers could have been bought for seven children to enable them to join the globalized world instead of remaining outside it. Every step could have funded a yearly support program granting poor students 100 dollars a month so that they might continue studying, which could provide the opportunity of obtaining a dignified job in their own country. With the cost of the full wall, one million seven hundred and fifty students could have been given such grants. If richer countries changed their perception and their way of acting, even if only slightly, we could radically change the effects of illegal immigration on the long term, as we build a fairer, more stable and more balanced world.

However, uncomfortable responses to migration can also be observed in developing nations, especially those countries driving nationals away from their territory on a daily basis. Throughout all the years of my political career, I have been able to establish that no matter how terrible the failures or actions of others may be, we shall not be able to solve our problems if we don't look at ourselves in the mirror. As we know, Latin America, described with amazement by Antonio Pigafetta, the chronicler of the Magellan expedition, as a land of extraordinary abundance, has ceased to attract immigrants, after having been a destination of preference for millions of people over several centuries. Quite the opposite, in fact: Latin America now drives away population at an unprecedented speed. It is now time that we ask ourselves, calmly and without prejudices, what must be done so that the main export product of the region ceases to be its people. The solutions are not easy to achieve, but they are well known.

Slowing down migration is something that requires first and foremost that Latin America decides once and for all if it is going to adhere to fundamental democratic values or whether it will continue to fall for the populist temptation and demagogic discourses of those who despise liberal democracy and believe it is an expendable luxury. There has been considerable progress in this respect. Today, with the evident exception of one country, our region speaks more in the language of freedom than in that of repression, more in the language of hope than in that of fear, more in the language of the dignity of its citizens than in that of the power of its rulers.

However, our progress in democratic matters is still deficient. The authoritarianism and failure to respect constitutional norms which we can observe in some countries in the region should be seen as a warning. The number of Latin Americans, both civilians and business people, who are emigrating to other countries due to political persecution is growing. This is unacceptable. It has taken a lot of effort to achieve political freedom and freedom of association, just to see autocrats reemerging and harming these freedoms in the name of worn-out ideologies. Nowhere is it written that Latin Americans are guaranteed the perpetual enjoyment of the political freedoms they now have, which is why consolidating them is our own responsibility. We have to be able to understand the importance of preserving the rule of law in our countries, especially the security of people and property, without which competitiveness, democracy and peace are not possible.

Secondly, Latin America must make up its mind about its relationship with the world. Our nations must decide whether the leading vision will be that of those who suggest we should escape from globalization and stay within our borders, or whether the leading vision will be that of those of us who believe that globalization, although it cannot offer any certainties, does open up opportunities which would not be possible if we chose the path of autarchy. Only if we open our economies will we be able to attract the flows of foreign direct investment to complement and make our domestic markets more competitive. Only if we open up can we have access to the most advanced technology and to productive learning processes which will benefit our local entrepreneurs and consumers. Only if we open up can we develop productive sectors that are able to compete at an international level. But most of all, only if we open up, will we be able to create sufficient and high-quality employment opportunities for our young people.

Thirdly, Latin American nations must decide whether they are willing to invest in building safer and more egalitarian societies or whether they will chose to resign themselves to cycles of violence cultivated in the ferment of social injustice. For globalization to be a positive force for developing countries, these nations must invest in human development, especially in education. As the Millennium Development Goals lay down, it is essential that gender disparity in access to education be eliminated. It is widely known that the access women have to education and the levels of schooling of the female population are amongst the most powerful factors to predict the human development of any society.

More resources are needed for social investment, but this also requires, most of all, political will and setting clear priorities for public investment. Particularly, in my mind it is evident that the struggle for better education is associated with a struggle for demilitarization and disarmament. It is regrettable that the governments of some of the poorest nations in our region continue to equip their armed forces with tanks and aircraft purportedly to protect their population, when at the same time that population is lacking food and education. In 2010, the Latin American nations spent over 63 billion dollars in weapons and armies, while the region continues to be one of the most violent and economically unequal in the world, with approximately 200 million people living in poverty. Latin America has begun a new arms race,

despite the fact that it has never been more democratic and that it has hardly seen any military conflicts in a century.

For this reason, in my last term in government I asked the international community to make the Costa Rica Consensus a reality, an initiative which would create mechanisms to forgive external debt and support with international resources the developing countries that were investing in environmental protection, education, health, housing and sustainable development, and less in arms and soldiers. It is about time that the financial community rewards not only those who spend soundly, but also those who spend ethically.

It's also about time that we look at ourselves in the mirror and accept what we see. It is about time that we understand that Latin America will only stop exporting its best people if it embraces globalization instead of turning its back to it; if it makes a great effort to educate its children and young people; if it definitely abandons the shadows of militarism and dedicates more resources to human development; if it cultivates, with knowledge and patience, the delicate democratic flower that is blooming in the region. Only then will we be able to turn Latin America once again into the garden that receives those who suffer and dream, instead of a wasteland that drives away its own people.

Dear friends, this is the debate that we are here to hold. We have come to discuss about these human beings without national symbols, without official passports, who challenge geographic and ethnic categorizations, whose limits are set by necessity and the search for opportunities, by survival and the pursuit of happiness. We are here to talk about the people of the nation of migrants. About these people without a nationalist creed or political constitution, except for their right to look for a better life, without leaders, but with brave heads of families who will defend the lives of their offspring from any threat. This is not just a debate on migration, but a discussion about human dignity, about integrity, about our development, about our future and about the ability of rich and poor countries to interiorize the hard lessons learned throughout history.

I would like to suggest that we start this discussion as soon as possible, but mostly that we finish it and begin acting. Our peoples, and the people of the nation of migrants, should not have to wait any longer.

Migration Policies of Chiapas

Juan Sabines Guerrero
Governor of the State of Chiapas

At Mexico's southern border we conceive of migration from a perspective of offering care and solidarity to migrants.

There are two ways to govern: either govern exclusively for the supporters of a political party, the religious belief of a single group or cultural or national origin, or else govern for everyone, including the most vulnerable people in my country who do not vote, and those are the migrants.

In Chiapas over these four years we have worked to devise, build, and strengthen public policy for the sub-national state that is Chiapas.

At the country's southern border, we conceive of migration from a perspective of support, unity, and solidarity in all of its facets. Over four years we have laid the foundation to provide support with a focus on protection, work, education, family, and health within a framework of full respect for human rights.

Thus, in this state, despite the tension generated over the subject of migration because of the policies exercised in some parts of the world; Mexico and Chiapas are seeking to provide protection alternatives through institutions, productive sectors, and the solidarity of two nations that see migrant workers as humans whose rights should not be limited by their migration status.

Chiapas Government policies for migrants are focused along the lines of protection, education, health, labor, and respect for human rights.

In Chiapas, the state's public policies are implemented under a crosscutting axis of support and protection for vulnerable groups. This is why in Chiapas the migrant, in accordance with the constitutional mandate, receives all the support and services from the public institutions, as any citizen.

Therefore, providing services for migrants in Chiapas requires an intense agenda that unites the efforts of all, and recognizes civil society

as actors who generate a culture of dignity and respect for human rights conducive to the development of our common regions.

In order to foment this unity, in Chiapas the Southern Border Secretariat and Liaison for International Cooperation (SPDFS) was created in order to serve the needs of the strategic agenda for the Mexican border: a border of challenges and opportunities, the linkage of our countries under the logic of human integration toward development.

This coordination reflects the need to institutionalize and link support for migrants with civil society. It implies that we identify and coordinate with strategic actors such as NGOs, government agencies, and international organizations, at the same level, to ensure focused attention with an inter-institutional perspective.

This government has worked to maintain permanent relations with the neighboring countries. Thus we have fostered the necessary elements to promote coordination with the offices of the different consular delegations and accredited international organizations.

For Chiapas and its government, it is a privilege to be able to work in coordinated effort with countries that see Chiapas as a friend in the task of protecting migrants. Chiapas sees this linkage and coordination as another pillar in public policies for migrants that the Chiapas Government has undertaken working jointly with other countries and with the guidance of international organizations. Thus Chiapas is becoming known as a state that shows solidarity to migrants in transit, immigrants, and the people of Chiapas who decide to venture forth. Chiapas sees the migrant as a friend for whom the doors are always open.

We meet bimonthly with consular representatives in order to get feedback on changes in the different protection needs that affect their people. They provide us with feedback on the strengths and pending issues in order to continue making improvements on different subjects.

In order to improve coordination, we have donated a building where all the consular offices present in Chiapas are housed, as well as the UNHCR, the SRE, and the Civil Registry Office for Migrants. Migrants know where to go to get information without having to search for help in different locations and offices.

Through an agreement with the IOM, we have allocated a location for the UN agency in the same building where migrant services are coordinated, in the Office of the Secretary for the Development of the

Southern Border, in order to organize services for migrants in a coordinated manner.

Coordination between actors is the crucial element in the implementation of any government policy. Migration in Chiapas is about working as friends to give a hand to neighbors.

Our government has always sought guidance and direction. This has enabled the creation of public policies that encourage development, following the experience of good practices in other countries.

This is how allowing ourselves to be guided by international agencies, primarily by UN agencies, has made it possible to target actions to achieve specific and concrete goals.

Allow me to show you the most relevant cooperation agreements that our institution has signed with international and civil society organizations.

Those allies with a common vision have helped us forge the horizon we work day by day in Chiapas to reach with tangible acts in favor of vulnerable populations, ensuring that in my government's actions there is no distinction over migratory status.

Public policy and initiative in government programs would be limited without the support and contribution of the organized social sector. As such, in Chiapas we see social organizations as the forerunners in the area of migrant services.

It is they who ensure the scope of our government actions in favor of migrants in our regions and communities.

In Chiapas we make simultaneous and coordinated efforts in which we bolster the social sector that works for migrants. We have assisted in all aspects of emergency aid for civil organizations, from supplies and food, to establishing specialized infrastructure and equipping it.

I do not believe that full respect for human rights in Mexico is a temporary thing. Human rights may not be tied to political will, a six-year term in office, or the political tide.

The guarantees of a state that has the tools and institutional mechanisms, requires unity in the proposal and legislation of reforms,

and the creation of institutions that allow targeted action on different topics in the lines of work on migration.

Allow me to show you 15 of these strategic reforms by the Government of Chiapas that have combined results by the state.

As part of the creation of specialized institutions with the abovementioned specific focus, let me detail some that have been instrumental in providing specialized services for migration, among the many faces and facets under which this takes place.

As we know, the migrant supports the family in the country of origin, but after a while seeks family reunification in the receptor country. We have seen in recent years that there has been an increase of women looking for their spouses and, even more alarming, an increasingly high flow of unaccompanied minors.

That is why we have created what is known locally as Hostel Viva Mexico, with the specific aim by the state to provide comprehensive family integration (DIF) to women on the move who, for some unfortunate reason, have had to stop along the way. Here we have given lodging to countless women and children and their cases and circumstances, over the years, have made us realize that the southern border lacks this kind of institution. It is unbelievable the number of years during which migration by the most vulnerable people lacked support for the sensitive cases that we have known, and that we now serve with all the dedication of our institutions.

In the first year we only provided support to 159 mothers and unaccompanied minors, but we have reached 506 mothers and children per year, for a total of 2,136 that we have helped during this administration.

One result of IOM's guiding vision with regards to migrant care has been that we now address a problem that had been simply denied for years: the presence of street children in Tapachula where, as a border location, migrant children who are with their parents are often found on the streets during the day.

We have established, with the help of the IOM, and by channeling international cooperation resources, a daytime center that allows us to act as an extension, to address comprehensively, by sharing time with these children, underlying psychological or family problems. We

provide a safe place where they receive care, food, and we channel care for any needs identified by the specialists at the center.

Since its inauguration two years ago, we have served 452 migrant children who have given the center its aim to become better through its policy of opening the doors for all services.

Without a doubt, an issue that has received at lot of coverage in the media over the past year has been the safety of the migrant. When we started, five years ago, to define the lines of action to be taken, one of our priorities was to prevent the establishment of criminal gangs who see migrants as a business opportunity.

We already had an effective Attorney General's Office, but needed a prosecutor's office specializing in migrants. That was how we created an institution whose good results have allowed us to prevent the situations experienced in other states on the migrant route.

The situation in Chiapas is the one that we would like to see throughout Mexico for the more than 900,000 migrants in transit and countless immigrants for whom Chiapas is the gateway and the road to other opportunities.

We provide immediate attention for any kind of security breach, implementing operations through six offices in different high transit areas.

There have been successful operations, such as *La Arrocera* that dismantled the gangs that made the migrant's passage through that region hell. We also took action in Arriaga, where migrants begin their journey by train, which required measures including patrols and escorting trains north with migrants aboard.

Our great success has been the reduction in offenses and the positive resolution of two cases of group kidnappings. We have increased confidence for reporting violations and abuses, and we have now a prosecutor's office which, since its creation in 2008, has received an increased number of complaints, totaling 2,633 complaints received to date, dismantled 33 gangs of robbers, and arrested 270 criminals.

In the implementation of our policies in Chiapas, we always use participatory community consensus. The best way to take the real-time

pulse of the migration flow situation is through our municipal migrant support networks.

With a focus on security that encourages feedback about the various lines of migration policy, we created the "Strategic Safety Committees for Transit Points and Migrant Hostels."

These committees contemplate the participation of all the agencies operating at the community level. This has made it possible to continuously fine tune actions in favor of migrants. No course of action is ever set in stone, because it is always monitored and adjusted in terms of results.

At each session there is always a new task, for that is the way with migration, with so many facets and unforeseen needs that change daily.

Inclusive, participation in these meetings allows us to stay up to date on social harmony in the neighborhoods where the hostels are located, as well as to receive minute by minute reports on each train departure, and their different needs.

In my government, planning and work are done with communities; they are the ones who know about problems because they deal with migration in their daily lives.

There is a phenomenon that must be acknowledged to combat it. My government, unlike others, takes responsibility for the phenomenon of human trafficking and has undertaken an unprecedented fight against it in Mexico.

This year the Government of Chiapas has been consolidating its efforts to rescue victims of human trafficking, working to strengthen coordination mechanisms to protect victims by combating the phenomenon outright in coordination with the Inter-institutional Commission on Combating Trafficking in Humans in Chiapas. My government does acknowledge that this is the third most profitable illegal business in international crime, after drugs and weapons.

In Chiapas work has been done on new models to deal with combating this situation, rescuing and reintegrating the victims of trafficking in Chiapas. This has been undertaken in a unique agreement with the United Nations High Commissioner for Refugees (UNHCR) in which Chiapas guarantees shelter for asylum seekers who remain in the state for the time needed for the process to unfold.

Once again, coordination ensures immediate response for victims and refugee claimants.

In Chiapas we have all the elements needed to address this issue. We passed one of the first laws of the four state legislations in force in Mexico. Our legal system has a Prosecutor's Office Specialized in Migrants, with a special group of agents to rescue victims, networks that coordinate with civil society and government, as well as international organizations such as the IOM, UNHCR, and UNODC.

In Chiapas the results of this struggle are tangible. The current Government of Chiapas guarantees shelter and support for asylum seekers through an agreement signed with the UNHCR that works with government shelters and civil society hostels to cover the lodging expenses of any refugee applicant whose case is being considered.

Since the implementation of the Law to Combat, Prevent, and Punish Trafficking in Persons in the State of Chiapas, adopted in 2009, 46 criminal cases have been heard and eight people have been sentenced for this crime.

Of the 143 arrested, 79 were men and 64 women; and of the total 120 were of Mexican origin, five Guatemalans, seven Hondurans, and 11 of different nationalities.

Among the 137 victims rescued, 131 were women and six men; 76 of them were of Mexican origin, 27 Hondurans, 14 Guatemalans, three Salvadorans, and 17 of other nationalities.

Furthermore 70 of the victims were minors between 12 and 17 years old.

That is the emphasis and attention that Chiapas focuses on to ensure that victims have opportunities, so as to encourage their social reintegration. On this subject, this year the upcoming construction will be finalized of the Center for Victims of Trafficking in Tapachula, Chiapas.

With the construction of this center, Chiapas will remain at the forefront by undertaking, for the first time in Mesoamerica, a project for a multidisciplinary center to provide care for victims from the countries of the region, as well as a specialized research center. In fighting trafficking and abduction of migrants, Chiapas will not wait another day; it notices and acts.

Migration is a reality that, far from combating it, must be addressed through concrete actions so as to provide humane and friendly treatment to migrants who labor on Mexican soil.

In Chiapas we preach by example, providing the necessary conditions for the respect of migrants, as this country demands at its northern border.

We have created the Inter-ministerial Committee for Migrant Farm Workers' Affairs, a collegial body that contributes to the strengthening of migrant workers in the state. The committee is divided into five thematic groups: Legal stability and security, to promote the conciliation of labor disputes; social security, which promotes health care services; education, which implements actions to provide educational services; development promotion, establishing mechanisms to improve workplace conditions; and integrated information, which compiles information from the different programs for agricultural laborers.

The Secretary of Labor is responsible for the supervision of the workplace and the working conditions for migrant workers. It has done 1,097 workplace inspections since its inauguration in 2008.

We have an Office of the Labor Ombudsman located on the main border crossing for migrants in Talisman, which has served and provided orientation to 34,598 migrant workers.

We have redoubled the efforts of the PRONIM program as a strategy for the eradication of child labor in one of the jobs that has a longstanding cultural tradition of using minors: coffee bean harvesting.

This inter-institutional effort aims to serve the population of children that, because of circumstances of permanent transit from their home communities to the agricultural labor markets at different times during the school year, faces serious difficulties getting into basic educational services and staying in school.

Since its creation in 2007, we have established 20 PRONIM schools, and this year $2.8 million pesos have been spent to teach from mobile, temporary, or farm classrooms, in six coffee-producing municipalities.

We believe that to make the decision to migrate, people make sure they are healthy to withstand the long journey. However, along the

way health may be compromised, and the entity provides health care, to which they are entitled.

Our health system has recorded over 25 nationalities of migrants, among them Guatemalan, Honduran, El Salvadoran, Nicaraguan, Cuban, and Bolivian.

Health care is addressed from an inter-institutional perspective, by public institutions and NGOs.

The main areas of health care for migrants are: medical care, health promotion, nutrition, immunization, detection and control of diseases, and reproductive health counseling.

Based on these lines, health care has increased significantly. In 2007, when this government took office, 1,270 consultations were recorded, a number that has grown steadily, so that in 2010 there were 10,738, equivalent to an 845 percent increase. This year, to date, we have provided 9,969 consultations which means that, at this rate, by the end of the year we will have surpassed the number of patient visits recorded during the previous year. It is worth mentioning that all of this care is free.

Besides this care, preventive medical consultations are offered, provided by nurses and primary healthcare technicians. This year close to 7,500 condoms have been distributed, 1,128 presentations and workshops for disease prevention were carried out, attended by just over 16,000 people; 12,328 leaflets or brochures were distributed; 160 samples were taken for malaria testing; vaccines have been applied against the H1N1 virus and tetanus, among others; testing was done to detect diabetes, high blood pressure; quick tests to detect AIDS, and anti-parasitic medications were provided.

The journey from the place of origin to the United States may cause a number of psychological disorders, and so the shelters organize talks for the migrants by psychologists from the Health Secretary and, when necessary, provide individual consultations. These talks address issues such as self-esteem, assertiveness, domestic violence, prevention and control of addictions, pregnancy and contraception.

In terms of hospital care, the main reasons for seeking this service are pregnancy and childbirth, injuries, and diarrhea. In 2010, 365 people were treated at hospitals in Tapachula, Huixtla, Comitán, Palenque, Tonalá, and Arriaga, whereas in 2011 we have served 188 to date.

In Chiapas, we have designed a health guide for migrants that contains general and personal data, a record of the health talks they have received, the detection of chronic and communicable diseases, and vaccination records, among others.

Today children born in Chiapas are assigned a medical service provider when their birth is registered. We are enrolling them in the new generation of health insurance to guarantee health care.

Anyone who lives or passes through Chiapas's territory receives dignified, free care, without distinction. They are our neighbors and deserve health care.

As well as being plural, Chiapas is complex, and its government must recognize this reality. This seems obvious, but it is not always. At one time the government was tempted to cover up this reality or simply be indifferent to it.

That is why public policies are needed to deal with these phenomena. And this also requires a perspective of respect for human rights.

Thus, our new Constitution is the only one in the country that incorporates the 33 precepts of the Universal Declaration of Human Rights as compulsory.

While Arizona passed a law that violates the human rights of migrants, on April 23, 2010 the International Forum for the Protection of Human Rights of Migrants was held in Tapachula with the participation of NGOs, diplomats, academics, and legislators from Mexico, Central America, and the United States.

The forum resulted in the creation of the Commission for the Human Rights of Migrants whose functions and powers were joined with the newly created State Council on Human Rights.

A grassroots initiative was brought before the state legislature, to make the State Human Rights Commission a citizens' group. Now the council is made up of five councilors, who are elected, with no intervention from the executive branch.

Since the start of this administration, it had been noticed that there were prisoners who were behind bars unjustly, and so the Reconciliation Bureau was created with the Chiapas Social Movement, a mechanism that examines each case with sensitivity. It is made up of

the three branches of government and the State Council on Human Rights. To date 1,230 people have been released from prison. Of these, 71 were women and 58 were foreigners, almost all of them Central Americans.

As for migration, this government recognizes this as an inalienable right. That is why it offers migrants and their families education, health care, access to and enforcement of justice, and it recognizes their eligibility to file human rights complaints, as well as fully recognizing their right to identity (recommended by UNICEF), meaning that every infant born in Chiapas may be registered without the parents having to prove their immigration status.

Regarding discrimination, on April 3, 2009 a law was passed to prevent and combat discrimination for reasons of age, sex, health condition, religion, sexual orientation, race, color, nationality, language, or disability.

This government has achieved results in changing the experience for migrants who enter Mexico, and who inspire us to continue our daily work.

When migrants set foot on our territory they do not feel alien, because going way back in time many of us have traveled from north to south and south to north to become who we are and to find our destiny.

As President Funes of El Salvador says, if borders did not exist there would be no migrants, because borders, rather than being places of conflict and differences, rather than being no man's land, should be places for meeting, for understanding, and also today to address one of the greatest challenges of our time: the universal responsibility to formulate and implement policies that acknowledge migration as a reality, as a factor for change and development, and that human rights have no borders.

From my point of view and personally, restricting access with documents or complicated procedures to obtain a visa does not stop the flow of migrants; these obstacles just cause migrants to slip into the hands of human traffickers. If migrants do not get to enter through the door, they look for other means, but this increases their vulnerability and fosters crime.

The fundamental solution to the problem of security and vulnerability for migrants in Mexico is the elimination of the visa for Central America. I am from the border and I live at the border. I know that the crossing is porous. Creating a wall with documents is like trying to use a smokescreen to stop migration. A visa will not stop a migrant's passion and courage for his family. He will buckle down and walk, even if he has to risk his life in the hands of that business that would be so easy to eliminate, the smuggling of migrants.

I am familiar with this courage and passion on our southern border, and that is why we work together on the challenges of getting more resources for services, continuing to fight trafficking, but mostly working for the rehabilitation of more victims, continuing and expanding the fieldwork for regularization, which has produced such positive results: the train line that will soon run to Tapachula, for which we have recommended an agreement to prevent kidnapping and crime. But, above all, as I said, we must work together to achieve in Mexico a fundamental solution for the safety of our neighbors.

This is how in Chiapas we support the process of dignifying and humanization for our neighbors, and we recognize the importance of migrants as agents of progress and development in the state's cities and countryside.

In Chiapas we know well the conditions that influence the decision to emigrate. That is why we take responsibility for dealing with migrants. In Chiapas, public policy on migrants places at their disposal all the mechanisms that we would like someday for Chiapas and Mexico's people to have in the American union. We hold out our hand in the hope that one will be held out to Mexicans in other lands.

This is a reason for the people of Chiapas to redouble their efforts to continue lending a hand to migrants: with decisive actions for anyone for whom Chiapas is part of that route or becomes their home.

Sovereignty in Service to Human Security

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The idea of "sovereignty" dominates the US debate on migration. To be "weak on sovereignty," as a US presidential candidate recently put it, has become synonymous with dismissive of national security and rule of law concerns. Yet sovereignty demands more than national defense or the physical protection of citizens. It requires that nation-states, in furtherance of their very purpose, protect rights, promote the common good, and foster human security.

The United States –home to 73 million foreign-born persons and their children, a full 25 percent of its population– has not closed its doors to people from other nations. However, the federal government has effectively pursued "enforcement only" immigration reforms in recent years and many states and localities have passed "deportation-by-attrition" legislation that seeks to deny core rights to persons without lawful immigration status in order to force them to self-deport. This paper will analyze these strategies and critique them from the perspective of US families, host communities, and the nation.

US immigration reform debate: The enforcement-only vision

Comprehensive immigration reform legislation seeks to transform the US system of legal immigration, allow unauthorized immigrants to earn legal status, and more effectively enforce US immigration law. Proposed legislation with these three elements, however, has failed in successive sessions of Congress, and does not have a realistic chance of passage in the near term. More targeted legalization bills have also foundered. The DREAM Act, which would provide legal status to young people brought to the United States as children, did not gain sufficient votes to defeat a Senate filibuster in the waning days of the 111th Congress. The Agricultural Job Opportunities, Benefits, and Security Act of 2009 ("AgJobs"), which would provide a path to legal status for certain farm workers and guest workers, along with their

spouses and minor children, has not been adopted over several sessions of Congress.[1]

A 2011 survey by the Public Religion Research Institute showed that most Americans (62 percent) favor comprehensive immigration reform over an enforcement-only approach.[2] However, survey results should be approached with a degree of caution. Surveys can carefully articulate fixed policy options. By way of contrast, the terms of the real-time immigration debate constantly shift, partisans characterize policy positions in terms that support their preferred outcomes, and impartial analysis rarely prevails. Thus, it should come as no surprise that the American public holds both diverse and internally inconsistent views on immigration. The same survey, for example, found that a majority of Americans believe that the United States should attempt to deport all unauthorized immigrants.[3] In its 2010 transatlantic survey on immigration and immigrant integration, the German Marshall Fund found a split between Americans who favored requiring unauthorized immigrants to return to their countries of origin (47 percent) and those who supported granting them legal status (45 percent).[4] Fifty-seven percent supported providing more avenues for legal immigration as a way to reduce illegal migration.[5]

A well-organized coalition of groups that oppose current levels of immigration and support deportation-by-attrition strategies have contributed to what the Anti-Defamation League (ADL) characterizes

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[1] US Senate, Agricultural Job Opportunities, Benefits, and Security Act of 2009, 111th Cong., 1st session, www.govtrack.us/congress/bill.xpd?bill=s111-1038; US House of Representatives, Agricultural Job Opportunities, Benefits, and Security Act of 2009, 111th Cong., 1st session, www.govtrack.us/congress/bill.xpd?bill=h111-2414.

[2] Robert P. Jones, Daniel Cox, William A. Galston, and E.J. Dionne, Jr., *What it Means to Be American: Attitudes in an Increasingly Diverse America Ten Years after 9/11* (Washington, DC: Brookings Institute and Public Religion Research Institute, 2011), 24, http://www.brookings.edu/~/media/Files/rc/reports/2011/0906_american_attitudes/0906_american_attitudes.pdf.

[3] Ibid., 23.

[4] The German Marshall Fund of the United States, "Transatlantic Trends Immigration: Kev Findings 2010" (Washington, DC: The German Marshall Fund of the United States, 2010), 24-25, http://trends.gmfus.org/immigration/doc/TTI2010_English_Key.pdf.

[5] Ibid., 26.

as "a toxic environment in which hateful rhetoric targeting immigrants has become routine."[6] Among other tactics, these groups:

- Characterize immigrants, particularly people of color, as "third world invaders" and "hordes" bent on destroying US society and culture;
- Describe immigrants as criminals, terrorists, and public health threats;
- Spread conspiracy theories about the secret plot of Mexican immigrants to create a "greater Mexico" by taking back seven US states; and
- Accuse immigrants of "eroding American culture, institutions and quality of life," and degrading the environment.[7]

These groups also impugn the patriotism of persons that provide humanitarian assistance to migrants; champion alternative "faith-based" voices that castigate immigrants for being greedy and envious of US wealth; attribute prominent social problems to immigrants; blame all unauthorized immigrants for the crimes of any unauthorized immigrant; and promote anti-life ideas like conditioning immigrant admissions on a vow not to have children.

Enforcement-only activists do not offer a feasible –much less a humane– solution to the problem of illegal migration. Even if it were logistically possible, deporting 11 million residents would have draconian consequences. Entire zip codes would be depopulated and vital neighborhoods would become littered with abandoned buildings. Churches would be emptied and closed, as the faithful were deported. Millions of mixed-status families would lose primary breadwinners. Five and one-half million children, including 4.5 million US citizens, would experience the trauma of separation from a parent.[8] Substantial numbers of families would be forced to give up their homes and move

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[6] Anti-Defamation League, "Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream" (Anti-Defamation League, 2008), http://www.adl.org/civil_rights/anti_immigrant/Immigrants%20Targeted%20UPDATE_2008.pdf.

[7] Ibid, 2.

[8] Jeffrey S. Passel and D'Vera Cohn, "Unauthorized Immigrant Population: National and State Trends, 2010," (Washington, DC: Pew Hispanic Center, February 1, 2011), 13, http://pewhispanic.org/files/reports/133.pdf.

in with others. Children would be pulled out of school.[9] Tens of thousands would be placed in foster care which, for some, would be the first step in permanent, legal severance from their parents.[10]

The US economy would lose 5.2 percent of its work-force, and the disruption in certain immigrant-dependent industries would be difficult to overcome.[11] Countless businesses that depend on unauthorized workers as consumers and laborers would be shuddered. Crops would rot in the fields, farmers would plant fewer labor intensive crops, and food imports would increase. The price of goods and services would increase.[12] Civil rights would invariably be violated. US citizens would be mistakenly deported. Foreign relations would suffer, including cooperation from sending countries in stemming illegal migration. Immigrant communities would not report crimes or assist in community policing initiatives, emboldening criminals and threatening public safety. The United States would lose the potential and future productivity of young people raised and educated in the country. It would also lose the stability of long-term residents: 53 percent of unauthorized immigrants have lived in the United States for 10 years or more, and 13 percent for at least 20 years.[13]

The federal government has not adopted a zero-tolerance deportation policy. However, it has pursued "enforcement-only" reforms through restrictive legislation and escalating appropriations. To provide a sense of the US enforcement system's growth and reach, a few salient facts follow:

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[9] Campbell Robertson, "After Ruling, Hispanics Flee an Alabama Town," *New York Times* (October 3, 2011), http://www.nytimes.com/2011/10/04/us/after-ruling-hispanics-flee-an-alabama-town.html?pagewanted=all.

[10] Seth Freed Wessler, "Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System" (New York, NY: Applied Research Center, November 2011), http://arc.org/shatteredfamilies.

[11] Passel and Cohn, "Unauthorized Immigrant Population," 17.

[12] Harry Holzer, "Immigration Policy and Less-Skilled Workers in the United States: Reflections on Future Directions for Reform" (Washington, DC: Migration Policy Institute, January 2011), 9, http://www.migrationpolicy.org/pubs/Holzer-January2011.pdf.

[13] Jeffrey S. Passel and D'Vera Cohn, "US Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade" (Washington, DC: Migration Policy Institute, September 1, 2010), 5, http://pewhispanic.org/files/reports/126.pdf.

- Removals (deportations) from the United States rose from 30,039 in 1990, to 396,906 in 2011.
- Based on current trends, the number of non-citizens removed during the first term of the Obama administration will be in the 1.5 million range, compared to the roughly 2.3 million removed during the 20 years of the Reagan, George H.W. Bush, and George W. Bush administrations.[14]
- Between 1990 and 2002, the Immigration and Naturalization Service's (INS's) budget rose from $1.2 billion to $6.2 billion.[15]
- By 2011, the budgets of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), the two Department of Homeland Security (DHS) immigration enforcement agencies, exceeded $17.2 billion.[16]
- In FY 2011, CBP and ICE funding and staffing levels exceeded the combined levels of the four major US Department of Justice (DOJ) law enforcement agencies.[17]
- In FY 2010, the United States criminally prosecuted nearly 90,000 persons for immigration-related violations.[18]

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[14] US Department of Homeland Security (DHS), *DHS Yearbook of Immigration Statistics: 2007*, (Washington, DC: DHS, September 2008), 95, http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/ois_2007_yearbook.pdf; DHS, *Immigration Enforcement Actions: 2010* (Washington, DC: DHS, June 2011), 4, http://www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf.

[15] Doris Meissner and Donald Kerwin, *DHS and Immigration: Taking Stock and Correcting Course* (Washington, DC: Migration Policy Institute (MPI), February 2009), 100, http://www.migrationpolicy.org/pubs/DHS_Feb09.pdf.

[16] DHS, *FY 2012 Budget in Brief* (Washington, DC, DHS, 2011), 70, 83, http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf.

[17] US Department of Justice (DOJ), "Summary of Budget Authority by Appropriation," http://www.justice.gov/jmd/2012summary/pdf/budget-authority-appropriation.pdf.

[18] Transactional Records Access Clearinghouse (TRAC), "Federal Criminal Prosecutions Filed by Selected Program Areas" (Syracuse, NY: TRAC, 2007), http://trac.syr.edu/tracreports/crim/184/include/table_1.html; TRAC, "FY 2009 Federal Prosecutions Sharply Higher" (Syracuse, NY: TRAC, 2009), http://trac.syr.edu/tracreports/crim/223/; TRAC, "Immigration Prosecutions for 2010" (Syracuse, NY: TRAC, 2011), http://tracfed.syr.edu/results/9x6d4d5e9671da.html.

- Immigration-related prosecutions now represent more than 50 percent of federal criminal prosecutions.[19]
- ICE manages the nation's single largest detention system, larger than any other federal, state or local system.
- ICE detains nearly 34,000 people each night and 400,000 persons per year,[20] including mandatory detainees that would not constitute a flight risk if released subject to reporting and supervision requirements.
- Over the last three years, ICE has audited, fined and debarred record numbers of employers for violations of employer verification requirements.[21]
- More than 280,000 employers now participate in the federal government's electronic employee verification program, E-Verify.[22]
- Eight states require their public and private employers to participate in the E-Verify program.
- By 2013, the Secure Communities program will screen virtually everybody arrested in the United States for immigration violations.[23]

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[19] States prosecute far more crimes in the United States than the federal government.

[20] Immigration and Customs Enforcement (ICE), "Average Daily Population as of 08/15/2011," http://www.ice.gov/doclib/about/offices/ero/pdf/ero-removals.pdf.

[21] DHS, "Secretary Napolitano Announces Record-breaking Immigration Enforcement Statistics Achieved under the Obama Administration" (Washington, DC: DHS, October 6, 2010), http://www.dhs.gov/ynews/releases/pr_1286389936778.shtm.

[22] DHS, "What is E-Verify" (last update, September 15, 2011), http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e94888e60a405110VgnVCM1000004718190aRCRD&vgnextchannel=e94888e60a405110VgnVCM1000004718190aRCRD.

[23] This does not mean that DHS will pick up every arrestee with an immigration violation. The Obama administration has established priorities (mostly felons) for the type of immigration violators that it intends to place in removal proceedings. However, these priorities may not survive a change of administrations. In addition, notwithstanding the priorities, non-citizens without convictions or with misdemeanor convictions represented 56 percent of Secure Communities' removals in FY 2010. In addition, Secure Communities is a post-arrest, not a post-conviction screening program. As such, it does not prevent police from engaging in racial profiling in determining who to arrest.

In addition to raising appropriations, laws passed in 1996 and in the post-9/11 era:

- Expanded the crimes leading to automatic removal and mandatory detention, and limited the discretion of Immigration Judges to allow non-citizens with equitable and family ties to remain.[24]
- Led to the removal (deportation) of lawful permanent residents (LPRs) and other long-term residents based on offenses they committed years in the past.[25]
- Created section 287(g) partnerships between the federal government and states and localities to enforce immigration law.[26]
- Sought to prevent unauthorized immigrants from obtaining drivers' licenses by requiring states to verify that applicants have or are on the way to obtaining lawful status.[27]
- Expanded the grounds of inadmissibility based on "terrorist activity" to the point that pro-democracy activists and persons forced to support terrorist groups cannot receive refugee status or political asylum.[28]

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[24] *The Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Public Law 104-208, US Statutes at Large 110 (1996): 3009.

[25] Catholic Legal Immigration Network, Inc. (CLINIC), *The Impact of Our Laws on American Families* (Washington, DC: CLINIC, 2000), http://www.cliniclegal.org/Publications/AtRisk/atrisk1.pdf; American Bar Association (ABA), Commission on Immigration, *American Justice Through Immigrants' Eyes* (Chicago, Ill.: ABA, 2004), 23-44, 59-71, http://www.protectcivilrights.org/pdf/reports/american-justice/american_justice.pdf.

[26] These agreements take their name from the relevant section of the Immigration and Nationality Act.

[27] *The REAL ID Act of 2005*, Public Law 109-13, US Statutes at Large 119 (2005): 231-323.

[28] *The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001*, Public Law 107-56, US Statutes at Large 115 (2001): 272; Human Rights First (HRF), *Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States* (New York, NY: HRF, 2009), 19-20, www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf (These laws now cover "virtually any use of armed force by a nonstate actor, directed at anyone or anything, for any purpose other than personal enrichment.").

Members of Congress and activists argue that the federal government is failing to enforce US immigration law. Yet by virtually every metric, federal enforcement has reached record levels, and the funding, legal infrastructure, and operational systems are in place to ensure robust federal enforcement for years to come.

State immigration laws and deportation by attrition strategies

The federal government enjoys primary authority to enforce federal immigration laws. Traditionally, states and localities have played a supporting role in this area. Over the last six years, however, state and local activism has increased dramatically, a phenomenon that can be attributed at least in part to Congressional inaction on immigration reform. Between 2005 and 2010, the number of immigration-related state laws and resolutions introduced rose from 300 to 1,400.[29] In the first half of 2011, state legislators introduced 1,592 bills and resolutions about immigrants and refugees.[30] As of June 30, 2011, 257 had passed. As a result, unauthorized immigrants now face aggressive and well-resourced federal enforcement programs, and state and local laws designed to force them to "self-deport."

Not all state and local immigration measures seek to punish unauthorized immigrants. States have passed legislation, for example, to fund naturalization programs, support welcoming centers, strengthen labor standards, provide in-state tuition to unauthorized college students, and allow unauthorized students to apply for certain grants and scholarships. Localities, in turn, have passed ordinances to promote immigrant integration, prohibit local police from inquiring into immigration status, and support comprehensive reform.

Border enforcement, visa controls, removals, and other traditional immigration enforcement techniques have been roughly tailored to the federal government's authority to regulate immigration. By contrast, state and local deportation-by-attrition strategies have broadly impacted immigrants, denying rights to unauthorized residents – to

[29] National Conference of States Legislatures (NCSL), "2010 Immigration-Related Laws and Resolutions in the States: January 1-December 31, 2010" (Washington, DC: NCSL, 2010), http://www.ncsl.org/default.aspx?tabid=21857.

[30] NCSL, "2011 Immigration-Related Laws Bills," http://www.ncsl.org/Default.aspx?TabID=756&tabs=951,119,851#95.

housing, work, education, police protection, and even public utilities, in areas not traditionally viewed as implicating immigration control.[31] Such restrictions undermine the community's well-being and the shared "good" of its members. They deny rights as a means to an end and criminalize the exercise of rights. They raise constitutional issues in the areas of citizenship, equal protection, due process, and supremacy of federal law in the immigration arena. According to the US Department of Justice, they also divert federal immigration enforcement resources away from programs that target terrorists, transnational gangs, human traffickers, and drug smugglers. This section will discuss several "omnibus" state enforcement laws and two local resolutions that have served as templates for other localities.

In 2007, Oklahoma passed the *Citizens and Taxpayers Protection Act*, SB 1804, which:

- Made it a felony to transport or harbor an unauthorized immigrant, knowing or in reckless disregard of the immigrant's illegal entry or presence.[32]
- Required applicants for identification cards to present valid evidence of their legal status.
- Required state public employers and contractors to use the federal electronic employment verification system "E-Verify" to confirm the eligibility of new hires.
- Made it a discriminatory practice for employers to discharge US citizens and retain unauthorized immigrants.
- Prohibited most unauthorized immigrants from receiving in-state tuition or financial aid at public colleges and universities.
- Made unauthorized immigrants ineligible for drivers' licenses, rental assistance, and certain other public benefits.

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[31] Donald Kerwin, "Crossing the Line: From Enforcing the Law to Targeting People" *Huffington Post* (posted Nov. 3, 2011), http://www.huffingtonpost.com/donald-kerwin/crossing-the-line-from-en_b_1072981.html.

[32] State crimes on assisting, transporting, harboring or concealing unauthorized immigrants typically require knowledge of or reckless disregard of a person's lack of immigration status.

- Required verification of legal status for all persons age 14 and over who apply for (most) public benefits.[33]

Similar provisions have since been adopted in numerous states. For example, at this writing, 19 states require select employers, especially public agencies and contractors, to participate in the E-Verify program.[34] Eight of these states –Alabama, Arizona, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Utah– require nearly all state employers, public and private, to use E-Verify.[35]

In 2010, Arizona passed SB 1070 and HB 2162, the *Support our Law Enforcement and Safe Neighborhoods Act*, which significantly expanded on the Oklahoma law.[36] If it survives legal scrutiny, the Arizona law would:

- Require state law enforcement officials to make a "reasonable attempt" (based on "reasonable suspicion" of unauthorized presence) to determine the status of persons during any lawful stop, detention or arrest.
- Require state officials to verify the immigration status of arrested persons prior to their release.
- Mandate the transfer of certain immigrants to federal custody following discharge from a prison or assessment of a fine.
- Allow for the warrantless arrest of persons that police officers have probable cause to believe have committed removable offenses.
- Prohibit any political sub-division of the state from limiting or restricting federal immigration enforcement, and create a private cause of action to enforce this provision.

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[33] SB 1804, 51st Leg., 1st Sess. (OK. 2007).

[34] National Immigration Law Center (NILC), "State Laws Concerning E-Verify" (Los Angeles, CA: NILC, update July 21, 2011), http://www.nilc.org/immsemplymnt/ircaempverif/e-verify-state-laws-summary-tbl-2011-07-21.pdf.

[35] Ibid.

[36] SB 1070, 49th Leg., 2nd Reg. Sess. (Ariz. 2009), http://azgovernor.gov/dms/upload/SB_1070_Signed.pdf.

The law would also make it a state crime to transport, harbor, conceal or induce an unauthorized immigrant to reside in the state; to stop in traffic to pick up a laborer or for a laborer to get into a car that impedes traffic; and for an unauthorized immigrant to work, to be out of status, or to fail to carry a federal "alien" registration document. Migrants can be criminally prosecuted for illegally crossing the border and employers must verify the identity and eligibility of new hires. However, it is not a federal crime to work or simply "to be" without immigration status.

In 2011, Alabama, Georgia, Indiana, South Carolina and Utah passed omnibus enforcement bills, which both built upon and went beyond the Arizona law.[37] In June 2011, Alabama passed the *Alabama Taxpayer and Citizen Protection Act*, HB 56, perhaps the most draconian state immigration law to date.[38] HB 56 would criminalize:

- failure to carry federal registration documents;
- work by an unauthorized immigrant, and would subject their employers to civil penalties and private law suits;
- transport and harboring;
- entering a rental agreement with an unauthorized immigrant;
- encouraging or inducing unauthorized immigrants to reside in the state; and
- entry by unauthorized immigrants into business transactions (even paying a utility bill) with the state or its political subdivisions.

HB 56 also includes SB 1070-type law enforcement procedures that would require state and local police to screen and verify the status of those they lawfully stop, detain or arrest. In addition, law enforcement officials would be required to determine the citizenship of

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[37] *Illegal Immigration Reform and Enforcement Act of 2011* , HB 87, Gen. Assemb., 2011 Leg. Sess. (Georgia 2011), http://www1.legis.ga.gov/legis/2011_12/fulltext/hb87.htm; SB 590, 117th Gen. Assemb., 1st Reg. Sess. (Indiana 2011), http://www.in.gov/legislative/bills/2011/PDF/IN/IN0590.1.pdf; South Carolina, S 20, 119th Sess. (South Carolina 2011), http://www.scstatehouse.gov/sess119_2011-2012/bills/20.htm; *Guest Worker Program Act*, HB 116, 2011 Gen. Sess. (Utah 2011), http://le.utah.gov/~2011/htmdoc/hbillhtm/HB0116.htm.

[38] *Alabama Taxpayer and Citizen Protection Act* , HB 56, Gen. Assemb., Reg. Sess. (Alabama 2011), http://e-lobbyist.com/gaits/AL/HB56.

persons arrested for driving without a license, to verify their status, and to hold unauthorized persons until they can be prosecuted or turned over to ICE.

The Alabama law also prohibits employers from deducting wages or compensation paid to unauthorized immigrants as a business expense, with violations subject to fines 10 times greater than the amount of the claimed expense deduction. It prevents the enforcement of contracts between an unauthorized immigrant and another party. It also bars courts from considering evidence of lawful immigration status introduced by defendants who are alleged (by immigration officials) to be unlawfully in the United States.

Finally, the law would require public schools to determine whether an enrolling student was born outside the United States or had an unauthorized parent; to identify and report on the unauthorized children in their schools; and to analyze the financial and other costs of educating them. The Act prevents unauthorized immigrants from enrolling in or attending any public post-secondary educational institution.

The Georgia, Indiana, South Carolina and Utah omnibus laws include similar provisions related to law enforcement verification of immigration status; screening for public benefits; partnering with the federal government to enforce immigration law; barring tax deductions related to employment of unauthorized immigrants; and criminalizing work, failure to carry an identification document, and transport and harboring.

These laws also include variations of the Arizona and Alabama provisions, as well as new provisions. For example, Georgia (HB 87) would criminalize the transport of unauthorized immigrants while committing another crime and the use of counterfeit or fictitious identification to obtain employment. It would also create documentation requirements –a secure and verifiable document and an affidavit of lawful presence– to secure public benefits. South Carolina (S 20/Act No. 69) would require persons that produce federal, state or tribal identification cards to be "lawfully present." Indiana (SB 590) would:

- require verification of status of non-citizens and non-nationals that apply for unemployment insurance;

- allow state and local police to arrest those they have "probable cause" to believe have been indicted or convicted of an aggravated felony;
- mandate a study of the cost of illegal migration to the state, with an eye toward seeking federal reimbursement;
- require law enforcement agencies to inform each of their officers that they must cooperate in immigration enforcement;
- make it a crime to accept or record consular identification for "any public purpose" or to accept individual taxpayer identification numbers as a valid form of identification "for any public or private purpose;" and
- require judges to take unlawful presence into account in setting bail.

Utah's H 116 uniquely recognized the state's need for immigrant labor by attempting to establish a state guest worker program for unauthorized Utah residents, along with their immediate family members. To participate, applicants would need a job offer, to pay a substantial fine, and to meet other criteria. The state sought a federal waiver to implement the program. Utah's H. 469 would have created a pilot program under which a US citizen could sponsor a foreign national as a resident immigrant. Finally, the state (H. 466) created a high-level advisory commission on immigration and migration, and tasked it with reviewing the impact of illegal migration on Utah, and developing a state plan on immigrant integration. A separate Utah law (H 497) included extensive enforcement provisions.

Other state immigration-related laws require proof of LPR status or lawful presence to obtain credentials to work in a wide variety of professions; prohibit unauthorized aliens from receiving job training; deny unemployment benefits to aliens who were unlawfully present during their period of employment; and require US citizenship or LPR status for students to receive certain scholarships.

Local ordinances

Localities have also taken an active role on immigration issues. While some local measures support immigrants, most are designed to pressure unauthorized immigrants to leave their jurisdictions. The City of Hazelton, Pennsylvania in September 2006 and Prince William

County, Virginia in July 2007, as amended in April 2008, passed two of the more influential ordinances. The Hazleton, Pennsylvania *Illegal Immigration Relief Act Ordinance* (Ordinance 2006-18), sought "to secure to those lawfully present … the right to live in peace free of the threat [of] crime, to enjoy the public services provided by [the] city without being burdened by the cost of providing goods, support and services to aliens unlawfully present in the United States, and to be free of the debilitating effects on their economic and social well beings imposed by the influx of illegal aliens." The law made it a local offense for businesses to recruit or hire unauthorized workers. Furthermore, it allowed any city official, business entity or resident to initiate a complaint regarding a violation, a process that could ultimately lead to suspension or revocation of the employer's business permit.

The ordinance required all city agencies and contractors to enroll in the predecessor to the E-Verify program, the Basic Pilot Program. It also made it unlawful for persons and businesses "to let, lease, or rent a dwelling unit" to an "illegal alien." The rental restriction was to be enforced through a complaint process, potentially leading to fines and the denial or suspension of a rental license.

In December 2006, the Board of County Supervisors (BOCS) of the Prince William County, Virginia mandated (BOCS Directive 06-236) an assessment of the total cost of providing County services to unauthorized immigrants. In July 2007, it passed resolution 07-609 that:

- directed local police to check residency status in cases where there was "probable cause" to believe a person was violating federal immigration law;
- required county staff to deny certain public benefits to those who were unable to prove legal residency;
- directed county police to enter a 287(g) agreement to enforce federal immigration law with ICE.

On April 29, 2008, the Board of County Supervisors for Prince Williams County approved a resolution (Res. No. 08-500) that modified the earlier resolution, requiring that local police "inquire into the citizenship or immigration status" of persons *lawfully arrested* based on probable cause. It provided that police officers were no longer mandated to inquire about immigration status prior to an arrest.

Challenges to birthright citizenship and to public education of children without immigration status

The success of the United States in integrating immigrants turns, in part, on two pillars of constitutional law: birthright citizenship and the right to public education for all children. Yet members of Congress and state legislators have attacked these bedrock principles as immigration loop-holes.

The 14th amendment to the US Constitution provides that "all persons born or naturalized in the United States and subject to the jurisdiction thereof" are citizens of the United States and the states in which they reside. The amendment overturned the infamous *Dred Scott* cases, which held that persons of African descent could never be US citizens.[39] Its framers sought to *constitutionalize* citizenship by birth (*jus soli)*, so that the political branches of government would not be able to deny citizenship to disfavored groups, whether the children of freed slaves or others.[40] In 1898, the US Supreme Court in *United States v. Wong Kim Ark* affirmed that the 14th amendment applied to the children of immigrant parents: "[e]very citizen or subject of another country, while domiciled here, is within the allegiance and protection, and consequently subject to the jurisdiction, of the United States."[41]

Federal and state legislation attempts to circumvent the difficult process of amending the US Constitution by defining "subject to the jurisdiction" to exclude the children of (two) unauthorized parents. Oklahoma's S.898, for example, would have denied state citizenship to native-born children by interpreting this phrase to mean that "the person is the child of at least one parent who owes no allegiance to any foreign sovereignty."[42] Under this bill, persons with sole allegiance would include US citizens or nationals, LPRs, and stateless persons. As the 14th amendment's plain language indicates and its legislative history affirms, "subject to the jurisdiction" means subject to the law or required to obey US laws. Persons without immigration status would

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[39] 60 US 393 (1857).

[40] Elizabeth Wydra, "Born Under the Constitution: Why Recent Attacks on Birthright Citizenship are Unfounded" (Washington, DC: American Constitution Society, March 2011), 8-9, http://www.acslaw.org/sites/default/files/Wydra_Birthright_Citizenship2.pdf.

[41] 169 US 649, 692 (1898).

[42] SB 898, 53rd Leg., 1st Reg. Sess. (Oklahoma 2011), http://e-lobbyist.com/gaits/OK/SB898.

not be "unauthorized" or "illegal" if they were not "subject to" US laws. Immigrants cannot escape the law by illegally entering the country or by overstaying a temporary visa. The citizenship clause excluded the children of diplomats and enemy soldiers, who were thought to be immune from US laws at the time of its adoption.[43]

The 14th amendment also provides that a state cannot deny equal protection of the law "to any person within its jurisdiction." In its 1982 decision in *Plyler v. Doe*, the US Supreme Court held that denial of public, secondary schooling to unauthorized children violated the amendment's equal protection clause.[44] The court queried whether a Texas state law to deny funding to school districts with unauthorized students and to permit these districts to deny admission to such children reasonably furthered a substantial state goal. It concluded:

It is difficult to understand precisely what the state hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime. It is thus clear that whatever savings might be achieved by denying these children an education, they are wholly insubstantial in light of the costs involved to these children, the State, and the Nation.[45]

State laws like Alabama's HB 56 seek to lay the groundwork for a court challenge to *Plyer v. Doe* by requiring school districts to collect data on "illegal aliens and students unable to provide proof of citizenship" and to document the number of unauthorized children and the cost of educating them. The sponsors of these measures view them as potentially effective enforcement tools. However, they would create an uneducated, permanent sub-class of US-born persons, without security or prospects.

Court challenges to state and local immigration laws

The Obama administration has taken the extraordinary step of challenging the constitutionality of the Arizona, Alabama, and South

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[43] James C. Ho, "Defining 'American': Birthright Citizenship and the Original Understanding of the 14th Amendment" *The Green Bag*, 9, no. 4 (2006): 366-378, 369, http://www.gibsondunn.com/publications/Documents/Ho-DefiningAmerican.pdf.

[44] 457 US 202 (1982).

[45] Ibid., 230.

Carolina laws.[46] Under the US Constitution, the federal law is the "supreme law of the land."[47] The challenges to state and local laws by the federal government and immigrant advocacy groups primarily rest on the claim that state and local measures are pre-empted by the federal government's comprehensive scheme of regulation in the immigration arena. Congress can expressly declare state or local laws pre-empted or they can be pre-empted because they work at cross purposes with the federal scheme, either because of the pervasiveness of federal regulation or because of the impossibility of complying with federal *and* state/local law.[48]

DOJ's motion to enjoin enforcement of Alabama's HB 56 makes the federal pre-emption argument succinctly:

In our constitutional system, the federal government has pre-eminent authority to regulate immigration matters. This authority derives from the United States Constitution and numerous acts of Congress. The nation's immigration laws reflect a careful and considered balance of national law enforcement, foreign relations, and humanitarian interests …. In administering these laws, the federal agencies balance the complex –and often competing– objectives that animate federal immigration law and policy. Although a state may exercise its police power in a manner that has an incidental or indirect effect on aliens, it may not establish its own immigration policy or enforce state laws in a manner that interferes with the federal laws. The Constitution and federal immigration laws do not permit the development of a patchwork of state and local immigration policies throughout the county.[49]

The legal challenges to these laws are at different stages in different courts. Their constitutionality will likely be resolved by the US Supreme Court. As of this writing, the 9th Circuit Court of Appeals has upheld an injunction on the provisions of Arizona's SB 1070 that:

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[46] Civil rights, faith-based and other groups have also brought suit to block enforcement of these and other state and local laws.

[47] US Constit., Article VI, clause 2.

[48] *Gade v. National Solid Waste Management Association*, 505 US 88, 98 (1992).

[49] Pls' Mot. for Prelim. Inj.,1, *United States v. State of Alabama ,* No. 11-J-2746-S (N.D. Ala. filed Aug. 1, 2011) http://www.justice.gov/opa/documents/motion-preliminary-injunction.pdf.

- Require police officers to make a "reasonable attempt" to determine the immigration status of a person lawfully stopped or arrested, based on a "reasonable suspicion" that the person lacks immigration status;
- Require that police and correctional officials verify the immigration status of any person arrested prior to their release;
- Require noncitizens to carry alien registration papers;
- Criminalize work;
- Authorize arrest without a warrant provided the police have probable cause to believe a non-citizen has committed a removable offense.[50]

An earlier Arizona law, the 2007 *Legal Arizona Workers Act* (*LAWA*), requires all employers in the state to use the E-Verify system and allows the state to suspend and revoke business licenses of employers that knowingly employed unauthorized workers.[51] In 2011, the Supreme Court upheld this measure in *Chamber of Commerce v. Whiting*.[52] However, its decision rests on a narrow exception contained in the *Immigration Reform and Control Act of 1986* that allows states and localities to sanction employers for illegally hiring through "licensing and similar laws."[53] Thus, the decision has not significantly clarified the scope of state authority in immigration enforcement.

In September 2010, a federal district judge struck down the Hazelton ordinances, and the 3rd Circuit Court of Appeals affirmed this decision. In June 2011, the US Supreme Court vacated the 3rd Circuit decision and ordered that the case be reviewed again, following its decision in *Chamber of Commerce v. Whiting*.[54]

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[50] *United States v. State of Arizona*, No. 10-16645 (9th Cir., April 11, 2011), http://www.ca9.uscourts.gov/datastore/general/2011/04/11/10-16645_opinion.pdf.

[51] Ariz. Rev. Ann. § 24-214(A).

[52] 563 US __, 131 S. Ct. 1968 (2011), http://www.supremecourt.gov/opinions/10pdf/09-115.pdf.

[53] 8 USC sec. 1324a(h)(2).

[54] *Lozano v. City of Hazelton*, 496 F. Supp. 2d 477 (M.D. PA 2007), *aff'd* 620 F. 3rd 170 (3d Cir. 2010), *cert. granted, vacated and remanded, Hazelton v. Lozano,* No. 10-772, 563 US __ (2011).

In late September 2011, a federal district judge in Alabama temporarily enjoined HB 56's provisions that would have:

- Denied access to public post-secondary education to citizens and lawful residents;
- Prevented courts from considering evidence of lawful immigration status introduced by defendants who were alleged (by immigration officials) to be unlawfully in the United States.
- Prevented unauthorized immigrants from soliciting work, and potential employers from picking them up in traffic.
- Criminalized concealing, transporting, or renting housing to unauthorized immigrants.
- Prohibited business tax deductions for compensation paid to unauthorized employees; and
- Created a cause of action for authorized workers fired or not hired due to unlawfully present non-citizens.[55]

However, the court allowed most of HB 56 to go into effect, including provisions similar to those enjoined by the 9th Circuit and other courts. In October 2011, the 11th Circuit Court of Appeals additionally blocked enforcement of HB 56's requirement that non-citizens carry alien registration documents and that schools screen public school students for immigration status and report on the costs of educating unauthorized students.[56]

Select research on the impact of enforcement measures

Human rights and press reports have documented the impact of US enforcement policies on families, public safety, businesses and vulnerable populations. These reports demonstrate that conspicuous, well-publicized enforcement –sweeps, work-site raids, arrests for traffic offenses, roadblocks, and actions outside of churches, community centers or health clinics– can lead immigrants to avoid

[55] *United States v. Alabama*, No. 11-2746 (ND Ala., *filed* Aug. 1, 2011); *Hispanic Interests Coalition of Alabama v. Bentley*, No. 11-2484 (ND Ala., *filed* July 8, 2011); *Parsley v. Bentley*, No. 11-2736 (ND Ala., *filed* Aug. 1, 2011).

[56] *United States v. State of Alabama*, No. 11-14532-CC (11th Cir., Oct. 14, 2011).

places where their well-being or conscience requires them to be. In the days following passage of SB 56, immigrant parents kept their children from school and rushed to fill out power of attorney forms conferring on family and friends the right to make decisions about their children in the event of their own deportation.[57]

The few recent, formal studies on the impact of immigration enforcement have concluded that:

- work-site raids and removals divide, destabilize and impoverish families and lead to severe behavioral problems for children;
- deportation-by-attrition strategies have led to significant departures of Hispanics –legal and unauthorized– from targeted areas;
- state and local (not federal) enforcement priorities have governed some federal-state enforcement partnerships; and
- mandatory electronic employer verification laws have driven unauthorized workers into the underground economy.

In 2010, the Urban Institute released a study on the impact of the arrest, detention and removal of parents on 190 children in 85 families in six locations.[58] Substantial percentages of children experienced difficulties in eating and sleeping, nightmares, sleepwalking, excessive crying, increased fear and anxiety, clinging, signs of withdrawal, aggression, changed speech patterns, absenteeism from school, difficulty focusing on studies, and declining academic performance.[59] The loss of a breadwinner also created economic hardship and instability for families, manifesting itself in frequent moves, crowded housing, and difficulties in paying bills and affording food. In addition,

[57] "The grim reality of life under Alabama's brutal immigration law," *The Guardian* (Oct. 14, 2011), http://www.guardian.co.uk/world/2011/oct/14/alabama-immigration-law-families-trapped; "The tightening noose, the lightening wallet," *The Economist.Com* (Oct. 17, 2011), http://www.economist.com/node/21533159.

[58] Ajay Chaudry, Randy Capps, Juan Manuel Pedroza, Rosa Maria Castañeda, Robert Santos and Molly M. Scott, Facing Our Future: Children in the Aftermath of Immigration Enforcement (Washington, DC: The Urban Institute, February 2010), http://www.urban.org/UploadedPDF/412020_FacingOurFuture_final.pdf.

[59] Ibid., 41-53.

the parental rights of many detained and deported parents have been terminated, and their families have been legally dissolved.[60]

In 2010, the Center for Survey Research and Police Executive Research Forum released an exhaustive analysis of whether Prince William County resolution (No. 08-500) succeeded on its own terms.[61] It found that the resolution, which authorized police to check the status of "lawfully arrested" persons and required country officials to screen for certain public benefits:

- Initially caused fear in the immigrant community and disrupted police/community relations, although intensive outreach by the police subsequently mitigated these effects;
- Negatively impacted how Hispanics viewed life in the County, their desire to continue to live there, and trust in County government, although Hispanic quality of life ratings and desire to live in the County rebounded over time;
- Led to a significant decrease in the number of non-citizens in the county (7,400) and in the unauthorized population (between 2000 and 6,000) over two years;[62]
- Reconfigured the Hispanic population, as couples, older adults, families with small children, and English speakers, largely replaced unattached young males;
- Did not affect arrests for most types of crimes, with exceptions for public drunkenness, driving while intoxicated, driving without a license, aggravated assaults, and hit and run incidents;

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[60] Wessler, "Shattered Families."

[61] Thomas Guterbock, Milton Vickerman, Karen Walker, Christopher Koper Bruce Taylor, and Timothy Carter, *Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy* (Prince Williams, VA: Center for Survey Research and Police Executive Research Forum, November 2010).

[62] Other reports have found that omnibus state laws successfully drive migrants from the state and that Section 287(g) agreements led to a significant drop in Hispanic noncitizen populations in certain jurisdictions. Capps, et. al., *Delegation and Divergence*, 38-43; Pamela Constable, "A tough new Alabama law targets illegal immigrants and sends families fleeing," *Washington Post,* October 8, 2011, http://www.washingtonpost.com/local/a-tough-new-alabama-law-targets-illegal-immigrants-and-sends-families-fleeing/2011/10/07/gIQAtZuPWL_story.html?hpid=z2.

- Led formerly overcrowded housing to become vacant or to change to normal occupancy;
- Resulted in a decline in loitering at day labor sites; and
- Did not lead to substantial savings for the County in delivering services.

In 2011, the Migration Policy Institute released a report on the impact of 287(g) federal/local enforcement partnerships in seven jurisdictions.[63] These agreements allow state and local police and correctional officials to screen people for immigration status, to hold immigrants until ICE assumes custody of them, and to begin the process of initiating removal proceedings. DHS/ICE has established priorities for the type of populations (mostly felons) that it hopes to identify and place in removal proceedings through these agreements.

The study concluded that some jurisdictions targeted federal priority cases, while others overwhelmingly removed persons who had committed traffic offenses, minor crimes and ordinary immigration offenses.[64] It also found that:

- The highest rates of removal for traffic offenses occurred in jurisdictions in the Southeast of the United States, where political pressures to enforce immigration law were pronounced;
- The Hispanic non-citizen population in three of seven counties studied dropped measurably in the two to three years following implementation of the agreements, compared to no change or increases in the same population in surrounding counties;
- Hispanic public school enrollment decreased (in the same three jurisdictions) in the year after the agreements went into effect, but rebounded thereafter.[65]

Many state and local law enforcement agencies argue that their ability to protect and serve the public would be compromised if they

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[63] Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, "Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement" (Washington, DC: Migration Policy Institute, January 2011), http://www.migrationpolicy.org/pubs/287g-divergence.pdf.

[64] Ibid., 18-22.

[65] Ibid., 23-25, 38-42.

were required to determine the immigration status of persons that they routinely encounter, stop, detain or even arrest. They contend that immigrants would not call the police or cooperate in community policing initiatives if it might result in their deportation or the deportation of a family member.[66] In a 2006 report, the Major Cities [Police] Chiefs explained:

Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.[67]

In 2009, ICE failed to renew its 287(g) "task force" agreement (which covered normal policing operations, not screening in jails) with the Maricopa County Sheriff's office (MCSO). The MCSO has repeatedly conducted broad sweeps of immigrant communities, arrested substantial numbers of ordinary status violators, and engaged in demeaning treatment of detainees in its custody. A report by the Goldwater Institute criticized MCSO's tactics, linking its immigration enforcement activities to poor performance of its core law enforcement duties.[68] The report concluded that:

Under its watch violent crime rates recently have soared, both in absolute terms and relative to other jurisdictions. It has diverted resources away from basic law-enforcement functions to highly publicized immigration sweeps, which are ineffective in policing illegal immigration and in reducing crime generally… MCSO has allowed a huge backlog of outstanding warrants to accumulate, and has

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[66] Marc R. Rosenblum and William A. Kandel, "Interior Immigration Enforcement: Programs Targeting Criminal Aliens" (Washington, DC: Congressional Research Service, October 21, 2011), 32-33.

[67] Major Cities Chiefs (MCC) Association, "MCC Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies" (June 2006), 5-6, http://www.houstontx.gov/police/pdfs/mcc_position.pdf.

[68] Clint Bolick, *Mission Unaccomplished: The Misplaced Priorities of the Maricopa County Sheriff's Office* (Phoenix, AZ: Goldwater Institute, Policy Report 229, December 2, 2008), http://www.goldwaterinstitute.org/Common/Img/Mission%20Unaccomplished.pdf.

seriously disadvantaged local police departments by closing satellite booking facilities. MCSO's detention facilities are subject to costly lawsuits for excessive use of force and inadequate medical services. Compounding the substantive problems are chronically poor record-keeping and reporting of statistics, coupled with resistance to public disclosure.

A 2011 study by the Public Policy Institute of California suggested that enforcement measures may drive unauthorized workers into the underground economy, outside the protections of the federal and state labor standards enforcement system. The study analyzed the impact of *LAWA*, which (as discussed) mandates that licensed businesses in Arizona use E-Verify. It found that the law led to lower formal employment rates in Arizona than in comparison states between 2007 and 2009, but resulted in an 8 percent gain (the equivalent of 25,000 persons) in the self-employed (to whom E-Verify does not apply) for likely unauthorized workers, a far higher increase than in comparison states.[69]

Conclusion

This paper recognizes the responsibility of sovereign states to regulate the cross-border flow of persons and to protect their nationals from terrorism, criminality and the stresses that result from uncontrolled, illegal migration. However, federal "enforcement only" policies and state and local "deportation-by-attrition" strategies harm families, local communities, and the nation. In addition, they cannot succeed on their own terms for two reasons. First, they do not engage or inspire the support of migrant sending and transit nations. Migrant receiving nations cannot create effective immigration policies in a vacuum. They depend on cooperation and partnerships to address the root causes of migration, to regulate the legal flow of migrants, and to develop effective enforcement strategies. Second, enforcement policies cannot substitute for a legalization program, reform of the legal

[69] Magnus Lofstrom, Sarah Bohn, and Steven Raphael, *Lessons from the 2007 Legal Arizona Workers Act* (San Francisco, CA: Public Policy Institute of California, 2011), 24-25, www.ppic.org/content/pubs/report/R_311MLR.pdf. For the purposes of assessing employment changes, the report used noncitizen Hispanic men from ages 16 to 60 who had a high school diploma or less, as its proxy for unauthorized workers.

immigration system, and a commitment to immigrant integration that is commensurate with the size of the need[70].

While a broad legalization program may not be politically feasible in the short-term, more targeted legislation to legalize persons with strong humanitarian, family, and equitable claims to membership may have better prospects for passage. These populations include very long-term residents, persons brought to the United States as children, the beneficiaries of approved family-based visas, needed workers, and groups that have been in temporary status in the United States for years based on civil war, natural disaster and other causes. Since the first systemic immigration restrictions in the United States in the 1920s, Congress has passed legislation to legalize many groups inappropriately excluded from membership, whether workers, students, refugee-like groups or very long-term residents.[71] Many US unauthorized immigrants enjoy the same kinds of claims to remain as groups that were legalized in the past.

Even more important than a legalization program, the United States needs to reform its outdated system of *legal* immigration to better meet US labor market needs, both in times of economic expansion and crisis.[72] It also needs to reform its system of family-based immigration in order to reduce delays and procedural barriers that prevent qualifying family members of US citizens and lawful permanent residents from receiving visas for many years and that lead many immigrant families to abandon this process altogether. It will be impossible to develop a sufficient, long-term solution to the problem of illegal migration without reworking the system that governs legal admissions.

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[70] A nation's responsibility to promote rights, the common good and human security applies primarily within its borders, although not solely to its citizens. In addition, in certain circumstances, nations may decide to reach across their borders to try to address the conditions –war, economic globalization, natural disaster, global warming and poverty– that spur migration and that migrant sending nations cannot address on their own.

[71] Donald Kerwin, "More Than IRCA: US Legalization Programs and the Current Policy Debate" (Washington, DC: Migration Policy Institute, December 2010), http://www.migrationpolicy.org/pubs/legalization-historical.pdf.

[72] The US legal immigration system was modified in 1990, but has not been thoroughly revamped since 1965.

A well-coordinated immigrant integration policy for the 73 million US foreign-born residents (and their children) would continually develop, assess and modify strategies to promote English language proficiency, educational success, upwardly mobile jobs, legal status, and the full participation of immigrants in US society. It would identify, link, publicize and build upon successful integration initiatives and partnerships. It would replace the deportation-only vision, with an inclusive view of immigrants as assets and contributors to their new communities. It would promote human security, strengthen communities, and reflect the nation's core ideals.

Migrations in the Geostrategic and Legislative Context of the Central American Region

Mauro Guzmán
President of Migration Commission
Congress of Guatemala

It is of vital importance to place migration in a geostrategic and legislative context. The term "geostrategy" is still being used, in a globalized world, to refer to large-scale military planning, but it also includes political, social, cultural, economic and security issues, among others. From a broader and more comprehensive perspective which organically includes all these levels, within a global vision, but with the regional issues as a priority since they affect and concern us directly, geostrategy implies wide-ranging planning for the allocation of resources to achieve national or regional targets, taking into consideration relevant assets in political, social, cultural, economic, and security terms. This presentation looks into a number of issues, pointing out the geostrategic relevance of: 1) Migration as an inherently human condition; 2) Migration flows throughout world, regional and Guatemalan history, considering that migration of people is a social reality worldwide, which has always occurred; 3) Migration flows in the region, a topic of special relevance which can no longer be addressed from a single perspective (that of the State), but requires to be discussed by all the States (the regional perspective); 4) Guatemalan and Central American migration flows to the USA, an issue that must be highlighted due to the marked difference in development of the recipient country and the countries of origin, which is reflected in the distribution of migration flows worldwide; 5) Central American immigration to the USA from 1960 to 2009; 6) Family remittances of foreign exchange, 2008-2010; 7) Legal updated data and data summary; 8) Migration and development, a topic of special importance, since migration in any of its modalities always carries positive cultural, social, religious, human and economic aspects for the territories of origin, transit and destination.

These elements have potential that can be put to work towards the development and progress of the country, but this particular issue

demands the articulation of joint efforts by the State under public policies to manage its diverse aspects, such as the adequate allocation of public resources not only to address the consequences of migration, but also the causes. An example of this is the Northern Transversal Strip Project in Guatemala, which involves several aspects, such as a) Social Investment; b) Rural Development; c) Urban Development; d) Archeological and Cultural Development; e) Institutional Development. Another important aspect to address is the question of migration from the perspective of legislation, with reference to the responsibilities that each of the powers of the State –the Executive, the Legislative and the Judicial– must assume. For instance, in Guatemala, at the Executive level, the Guatemalan National Council for Migrants known as CONAMIGUA, coordinates, defines, supervises and audits the activities of all the state bodies and entities in charge of protecting, serving, assisting, and helping Guatemalan immigrants and members of their families in Guatemala, as well as Guatemalan migrants abroad (Decree No. 46-2007 of October 10, 2007). At present, a second round of reforms of the CONAMIGUA law is taking place, seeking to harmonize the norm with the international human rights treaties that Guatemala has signed and ratified, specifically in the section describing the principles on which the CONAMIGUA law rests.

At the Legislative level (the National Congress of the Republic of Guatemala), Law Initiative 4126 "National Law on Migration" was presented on February 18, 2010 in plenary session of Congress. This initiative was formulated based on the contribution and participation of many institutions interested in and committed to migration, such as a) The National Forum on Migration (MENAMIG); b) the General Directorate of Migration, and c) the Rafael Landívar University. These institutions submitted and presented their draft bills, which were then consolidated into one single legislation project, following three consensus-building workshops. Some institutions were invited to this process as honorary witnesses, such as SEGEPLAN (co-organizer), the Office of the High Commissioner, the International Commission against Impunity in Guatemala – CICIG, IOM, Pastoral Care for Migrants, Evangelical congregations, and the Ministry of Foreign Affairs, all of which also presented proposals.

This initiative consists of 248 articles distributed in XIII Titles, including recitals, definitions, and the body of the law. It proposes the creation of a Guatemalan Institute for Migration as a decentralized

entity, with financial, operative, economic, technical, and administrative independence. The Institute will have a Directorate, an Executive Committee and 17 sub-directorates for affairs such as security, research on migration and policies, professional responsibility, planning, international identity documents, and human development. Special categories have been included in the law, such as cross-border temporary migrant workers. The Guatemalan Institute for Migration, in order to fulfill its duties and carry out its activities, shall have financial resources from its own specific funds. The law also proposes the creation of Protection Centers for illegal immigrants, including the modality of alternative measures that do not deprive migrants of their freedom and respect the human rights of migrants under this special protection. Separate and detailed regulation is included for land, sea and air transportation, as well as the corresponding penalties if these means of transport do not comply with their duties regarding migration. New criminal provisions are included for unlawful trafficking of migrants. Also, an amnesty for all irregular immigrants who live in Guatemala has been proposed, so that they can obtain legal status. The National Congress in plenary sessions decided that the Migrants Commission and the Interior Ministry should issue a joint opinion on this law, which was submitted on July 26, 2010. Currently, presentation is pending in Plenary Session of the Congress for its first debate.

Another pioneering action related to legislation is being carried out in the region, and it has been under discussion between parliamentarians of the Central American region, Mexico and the Dominican Republic since 2008. As a result the Declaration of Guatemala was signed in April 2009 creating a permanent Regional Parliamentary Council on Migration (COPAREM), with the participation of legislators from Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Panama, the Dominican Republic and PARLACEN, as well as institutions such as Sin Fronteras and INCEDES, who have contributed to this effort.

From the start, the Council has addressed the issue of migration from a Human Rights and Development perspective, and in this respect it has created a number of tools to understand and address migration from the perspective of communities of origin, transit, destination and return. With this in mind, the Council has undertaken: a) Activities in the harmonization process of migration legislation. During 2009-2010

several studies on migration legislation were carried out in each Central American country, Mexico and the Dominican Republic, seeking to understand various frameworks in order to obtain a strategic perspective for the discussion of political and legal mechanisms that enable the harmonization of different legislations. b) Invitation to other countries to join in this effort. At present, the parliaments of Belize, Costa Rica and Haiti are being approached to participate in this parliamentary initiative. c) Approach intra-regional migration from the perspective of Temporary Migrant Workers. d) Structuring of the Council, Members and Decision-Making Mechanisms; e) Approaching Civil Society and other stakeholders and creating dialogue mechanisms.

At a regional level, the Guatemala-México Inter-Parliamentary Meeting was created by means of a Joint Declaration between Guatemala and Mexico in Antigua, Guatemala on November 18, 2009, to address issues that are common to both countries, such as water, human rights, rights of woman and migration. The aim is to create cooperation between the two nations to adopt short, medium and long term measures for the problems emerging from the aforementioned issues.

The commendable efforts of the Central American Parliament – PARLACEN must also be mentioned. PARLACEN is the body that represents the Central American and Dominican people democratically and politically, which have been integrated into the Central American Integration System. To date, PARLACEN has met with legislators from the United Nations and Central American countries to discuss migration reforms and political strategies. This year they plan to visit the Comité Cerezo Mexico, the Tabasco-Mexico Cooperation and Central America. The PARLACEN has had a Migrant Commission which collaborates with the International Affairs Commission. The President of the Commission is Deputy Tony Raful Tejada from the Dominican Republic, and Deputy Laura Alicia Franco, also a member of the Commission, is in charge of migration for the PARLACEN in Guatemala jointly with the members of the Technical Secretariat of COPAREM.

Integrating Immigrants into German Society

Thomas Kufen
Minister & Coordinator of Migration and Integration
North Rhine-Westphalia, Germany

The topic of today's discussion will focus on migration and integration. The integration of immigrants may be considered a major challenge for our society.

I am convinced that Germany serves as an interesting example to these issues as there has taken place political and legislative reforms of immigration and integration policy in our country in recent years of which many national and international observers would not have believed Germany would be capable of implementing.

Germany is changing. Everyday life in Germany has become inseparable from the issue of integrating immigrants into society. More than ever before, the community is characterized by a variety of ethnic, cultural, social and religious backgrounds. Already today, one out of four Germans are from an immigrant background that remains part of the individual or family identity.

Across generations, migrants need to be given better support in contributing their potentials and skills to society. As long as they perceive themselves as belonging to the community, as long as their activities are valued and appreciated, their motivation to open up and embrace their new home country will grow. Only then will they feel accepted, will they feel at home. What we need is an integration policy 'with' rather than 'for' migrants.

Integration policy is a task which extends across all tiers of government and political activities. The aim is to successfully drive forward the integration of migrants in all areas, from the earliest stages of education to elderly care. It should be noted that integration policy is by no means limited to minorities. We share the future, therefore we need to share the task of shaping it.

The Federal Republic of Germany is a densely populated country. Approximately 82 million inhabitants live here.

In 2010, 26 percent of the people with a migrant background were at risk of poverty in Germany. Their poverty risk thus was more than twice that of the population without migrant backgrounds (12 percent).

Let's recall the following facts: Despite a million fold immigration of so-called guest workers as they were referred to for a long time, their relatives, ethnic German late repatriates, re-settlers and refugees since the 1950s, the political elite of our country stuck defiantly to the view that Germany is not an immigration country.

Emphasis was laid again and again on the following statement: Foreigners in Germany were not to be regarded as immigrants at all and the recruitment policy carried out from the 1950s until the 1970s could not be seen as immigration policy due to the fact that only a stay for a limited period of time had been intended.

It was also argued that re-settlers and ethnic German repatriates from Eastern Europe and the former Soviet Union could not be subsumed under the definition of immigrants as these people were Germans and thus could not immigrate to their own country.

It is therefore not an exaggeration to state that Germany has "re-invented" itself to a large extent in terms of its immigration and integration policies.

Thus, there has indeed taken place a real "policy change." Bans on critical thinking were overcome and new political coalitions were built.

Old rifts between an ideological "Laissez-faire multicultural policy" on the one hand and an ideological denying of the fact that immigration exists at all on the other hand have been leveled.

Nowadays it is possible to discuss the advantages and disadvantages of immigration across the various political camps in a differentiated way - only the extremists of the left and right wings are an exception in this case.

This moderate discourse both in terms of its tone and as a matter of fact constitutes the prerequisite for viable political solutions integrating the society as a whole.

To cut a long story short: A pragmatic turn has taken place in German immigration and integration policies. I would like to explain this by providing some examples:

1) A new modern citizenship law entered into force on January 1, 2000 which was detached from old, obsolete ethno-national ideas that had been adhered to for a long time.

Central elements of the "ius soli" were included in the law. Thus, with a view to the citizenship and naturalization policy it may be stated that Germany has made an approach to the model of "classical" countries of immigration.

The law has far-reaching consequences! Nowadays there are hardly any children born as foreign citizens: 19 out of 20 children born in Germany are German citizens.

The large majority of children with immigration family backgrounds may exercise their civic rights and obligations as German citizens from their date of birth. Who would have thought that this would be possible one day just 20 years ago?

We do need in Germany a culture of welcoming immigrants. People who feel at home in our country should also have their home here and consequently become German citizens.

2) Since January 1, 2005 Germany has also become by law, and not just de facto, an immigration country.

The new immigration law contains for the first time regulations aimed at the targeted recruitment of highly skilled professionals and entrepreneurs.

It has become in the meantime an indisputable fact that there is a strong demand for skilled workers and a highly qualified workforce in export-oriented Germany. The expansion of qualified employment is a key in order to ensure permanently both the performance (effectiveness) and innovative capability of the national economy.

However, it is almost an irony in itself that Germany defines itself nowadays as an immigration nation while at the same time there is hardly any immigration at all.

Family migration is declining, immigration of ethnic Germans has almost come to a standstill and only a small number of asylum seekers can be recorded. The times of high migration surpluses comparable to the figures of the 1980s and 1990s are long gone.

3) New immigrants are not left on their own anymore following their entry as it used to be in the past, but are now receiving support in language and guidance courses.

Anyone immigrating to Germany for the first time and without a command of the German language is entitled to a language training course of 900 hours in connection with a guidance course of 45 hours.

The guidance course aims at providing a basic knowledge of Germany's legal system as well as its history and culture.

The intention underlying such measures is to familiarize persons with an immigration background with the living conditions in Germany to such an extent required that they may be enabled to act independently on their own, thus coping with all matters and affairs of daily life without help or intervention by third parties.

If there had been a comparable integration program in the 1960s and 1970s, a number of subsequent current social problems would not have arisen. But better late than never.

4) Massive attempts are made in order to promote the education of pre-school children and primary school children at an early stage.

Both the school and education system had turned a blind eye to immigration for quite a long time. Many nursery schools (kindergartens) and schools acted as if there did not exist students who grew up with a language other than German.

However, the social and cultural composition of students is currently much more heterogeneous than it was during the 1960s and 1970s. This caused a need for new concepts!

But there have taken place positive changes in this regard, too. A new study conducted at the behest of the integration ministers of the federal states reveals that nowadays the language ability of all children is assessed before they enter school on a nationwide level and it is examined whether they have a good command of German corresponding to their age or not.

If they encounter difficulties, they will receive special support. My expectation concerning such measures is that the downward spiral consisting of a lack of German language command, failure in the school career and professional exclusion may be avoided as a whole.

According to the results of some studies, there are every year still seven percent (58,400) of the German population leaving school without any certificate or qualification.

15 percent of persons with an immigration background are leaving school without any certificate or qualification. The quota of boys with a Turkish or Italian immigration background leaving school without any qualifying certificate is twice as high as among girls.

It is in the interest of the children and their families that the educational prospects for this group will be improved. However, it needs also to be a central and vital interest of a society taking its future seriously. They are our children and teenagers. All of us need to ensure that the potentials of these young people are made use of to a much greater extent than this has been the case until now.

Integration can be successfully implemented by means of language and education: Therefore, it is one of the major objectives of the Government that all children attending school have a sufficient command of German.

Based on the question whether the public perception would hold true that families with an immigration background tend to be less education-oriented and even if it proved to be correct how this could be changed in the future, the work of a "Parent Network" was launched.

The aim set in this campaign was to encourage parents participating actively in the improvement of their children's educational situation. Thus, the Government started expanding a widespread network in order to enhance the "linking function" of the immigrant self-help organizations.

Parents with an immigration background take the opportunity of coming together in the parent network and committing themselves to the support of their children's school career. Parents with an immigration background are in no way a problem but may be regarded as a solution for more opportunities, more participation in education and more integration. Therefore, the Parent Network also sets a very important example with a view of the following: Parents with an immigration background do indeed take an interest in their children's educational success and progress. And they do not only show an interest in this issue but commit themselves pro-actively to this task and additionally do support other parents.

5) It has finally been achieved that politicians and immigrants talk to each other instead of talking only about each other.

I am convinced of the following: The dialogue held jointly by the parties involved is the first step towards a successful integration.

The four national integration summits which took place upon the invitation of the Federal Chancellor Angela Merkel may serve as an example.

This dialogue is necessary and it is more regrettable that we did not launch it much earlier. For far too long, responsible politicians in Germany have ignored the needs and interests of persons with an immigration background. Sometimes not even notice was taken of them.

These are people who came to our country over a period of more than fifty years and have been living among us in our society, have paid their taxes here, have been working here and maybe wish to build a house or start a family.

6) Discussions are led on the highest national administrative level with the Muslim organizations.

Between 3.8 and 4.3 million Muslims live in Germany, according to a study conducted by *BAMF*, the Federal Office for Migrants and Refugees. Given the total population of some 82 million, Muslims account for 4.6 to 5.2 percent. Between 2.5 and 2.7 million have Turkish roots. Around 45 percent of the country's Muslim migrants are German nationals. As citizens they are entitled to vote and to run for elected office.

Discussions between national administrative representatives and Muslim organizations like those dialogues maintained with Christian churches were only launched a few years ago.

This was a mistake as Islam is a reality in our cities. It is an integral part of our society.

Nowadays there exists the "German Islam Conference," an organized regular dialogue held between high representatives of the German government and local administrations and the spokesmen of the five large Islamic associations (including Alevi).

These talks help reduce mistrust on both sides. They also would have been unthinkable only a few years ago.

Summary

The social cohesion of generations and a successful integration will be of crucial importance for the future of our society.

However, the appreciation and recognition of multicultural diversity does not imply a multicultural arbitrariness. For many years, a certain kind of misunderstood tolerance was associated with the artificial term “multicultural,” but whenever conflicts arose they were ignored by people who turned a blind eye to them.

Such looking the other way has led to the fact that a proportion of the immigrants that must not be underestimated now live in their ethnic colonies, partially even without the need of making use of the German language.

Integration is also characterized by the following requirements: The willingness of immigrants to become a part of our society and their determination to succeed in social advancement.

Ladies and Gentlemen, a mere coexistence cannot bring us forward. Without a minimum of community and commonality a society will not successfully cope with diversity. The foundation of our society must be a command of the German language and a common basis of values founded on the liberal-democratic rule of law. This must be a binding obligation for all people residing in our country.

Safe International Migration

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Nearly three years ago, when President Obama came into office and nominated Janet Napolitano as Secretary of the Department of Homeland Security, they inherited a broken immigration system with a patchwork of laws and outdated requirements that were in desperate need of updating.

The President and Secretary Napolitano remain deeply committed to fixing our immigration laws. They know that only with the passage of comprehensive immigration reform legislation will the United States have an immigration system that offers safe, legal avenues for persons to travel to the United States to work, to visit, and to be united with family members. Only through such legislation will persons working in the United States illegally be able to obtain legal status and no longer live in fear.

We have been aggressively searching for partners in the U.S. Congress who are willing to work with us to pass a new law. The Administration has provided the Congress with ideas on reform and we stand ready to work with them. But Congress hasn't acted.

In the meantime we have seen states, like Arizona and Alabama, pass their own harsh laws in an attempt to fill the void. These laws affect virtually every aspect of an unauthorized immigrant's daily life, from employment to housing to transportation to sending their children to school.

The Department of Justice has been challenging these laws in the federal courts. In addition to diverting resources away from public safety, these laws spread fear in immigrant communities and undermine trust in local government officials like the police and firefighters.

While doing everything we can to encourage Congressional action on immigration reform and challenging unconstitutional state laws, the Obama Administration has undertaken a historic effort to enforce our

immigration laws in a way that is smart, effective, and that maximizes our resources. Under the President's direction, the Administration has developed a strategy to make sure we use those resources in a way that puts public safety and national security first.

Last year, John Morton, the Director of Immigration and Customs Enforcement (ICE) issued a memorandum setting forth the agency's civil enforcement priorities on the arrest, detention and removal of persons. As outlined in this memorandum, our highest priorities are individuals who pose a danger to national security or a risk to public safety, followed by recent illegal entrant and fugitives. As a result, for the first time ever the Department of Homeland Security (DHS) has prioritized the removal of people who have been convicted of crimes in the United States.

The enforcement priorities DHS has set, however, do not mean that they will stop enforcing immigration laws. DHS has an obligation to enforce those laws. And over the past two years the department has achieved record levels of enforcement. However, the composition of those being deported is fundamentally changing. Increasingly, it is consisting of more convicted criminals, recent border crossers, egregious immigration law violators, and immigration fugitives.

There are approximately ten million undocumented immigrants in the United States. While all of these people are in our country unlawfully, their individual stories can differ dramatically. Some were brought here when they were children. They have spent almost their entire lives in the United States. Others have come to work and now have U.S. citizen families.

Without legislation, the President and the Secretary cannot grant legal status to broad classes of individuals, like the DREAM Act students or long-time residents with U.S. citizen children. However, there are administrative tools the President and his Administration can and will be employing to evaluate cases on an individual basis, and allow certain low priority individuals to remain in the U.S. under interim status with possible work permits.

Under the direction of the President, DHS has recently announced several policies and procedures that will strengthen the Administration's ability to prioritize cases through the exercise of prosecutorial discretion.

The first policy is contained in a memorandum issued in June 2011 by ICE Director Morton to all ICE personnel on the exercise of prosecutorial discretion. The memorandum contains common sense guidelines for officers to employ in evaluating cases and making decisions regarding whether to arrest detain or remove individuals. For example, individuals who are minors, elderly, or have lived in the U.S. since childhood are candidates for a favor exercise of discretion, while serious felons, repeat offenders and gang members would generally warrant a negative exercise of discretion. Officers are also instructed to carefully consider other factors such as a person's ties and contributions to the community, their family relationships, medical history, and military service record.

This policy is consistent with that followed by law enforcement anywhere in the world – targeting those who pose the greatest harm before those who do not. Our immigration enforcement work is focused the same way.

It makes sense to prioritize finite resources on removing a person who is wanted for murder in his home country ahead of a person who is the sole provider for his American citizen spouse and children. It makes sense to remove a person convicted of rape before deporting a mother back to her abusive husband, separating her from her American-born children. Finally, it makes sense to prioritize the removal of a person convicted of aggravated assault and weapons offenses before removing a high school student who was brought to this country when he was a child.

These are actual examples of the recent use of discretion. They reflect the judicious and intelligent use of resources, common sense and prioritization.

More recently, in August 2011, Secretary Napolitano announced that the Administration would be implementing a process to more systematically identify low priority cases that should be considered for a favorable exercise of prosecutorial discretion. As part of this process, DHS and the Department of Justice have formed an interagency working group to examine new and pending cases. These departments plan to review some 300,000 existing cases in the immigration court system to ensure they correspond with our enforcement priorities. Cases that are a low priority, like those described earlier, will be administratively closed, allowing the courts to focus on high priority

individuals. Similarly, DHS will take steps to keep low-priority cases out of the deportation pipeline in the first place. DHS officials will be trained to carefully examine new cases, employing the common sense guidelines. For example, persons who have committed minor offenses, like driving without a license, would not warrant the same degree of focus as those committing serious offenses. Additionally, the working group will also review the cases of persons with final orders of deportation, to identify compelling humanitarian cases that fall outside our enforcement priorities.

By exercising prosecutorial discretion we will be applying immigration enforcement pressure where it counts the most, and less where it doesn't – that's the smartest way to follow the law while we stay focused on working with the Congress to fix it.

Public Security in Brazil: Dilemmas and Perspectives

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The transition toward democracy in Brazil was a long and gradual process involving many negotiations culminated in the 1988 Constitution, a "citizens" constitution, so called because it is the first charter in the country's history that is effectively democratic. The cautious approach of the main political leaders who engineered the agreements between the military and civilian elites, prevented disruptions and enabled the progressive removal of the authoritarian regime that had come into power through the military coup of 1964.

Throughout the transition to democracy - especially since 1988 - Brazilian institutions were subjected to profound transformations, as they were to adapt to new legal frameworks. These transformations became more intense as the economy, in turn, became more complex through the process of globalization in the 1990's, which caused deep changes in social relations.

However, despite this dynamic context, characterized by many significant changes - which would also penetrate the culture and thus the inter-subjective and relational patterns, values, attitudes, behavioral models, family structures and religious affiliations - the institutional architecture of national security remained unchanged, the organizational model of the police was preserved, the police and other institutions in this field of activity were not affected or were only peripherally touched by the process. Despite the changes in laws and constitutional affirmation of human rights, the attitudes of the police, corporate culture, values cherished by these professionals, did not undergo any change in the degree corresponding to the magnitude of the historical, legal and political transition. Therefore, even today, Brazilian society lives within an enclave of the authoritarian past in the democratic present. Certainly, it was not the dictatorship that invented torture or the application of selective profiling in law enforcement (generally applied in Brazil before, during and after the dictatorship

–as investigations have sufficiently shown– according to class, race, territory, gender and age). But the traditional race and class biases, unequal access to justice, prejudices and violations of rights had a renewed momentum during the dictatorship. The re-democratization of Brazil, in spite of its merits and its achievements in conciliation, was incapable of blocking the legacy of inequities that was concentrated in the sphere of institutional national security. The grounds for this inability refer to the fear of conservatives that the new order would bring about new threats and disorder. Accordingly, their representatives fought to preserve the institutional status quo in the area of national security making as little to no change as possible. In addition, leaders of the Armed Forces, especially the Army, did not accept the dissolution of the police model, and demanded that their authority over the Military Police be maintained, which they considered an auxiliary force of the army, a definition which was included in the 1988 Constitution. Moreover, opposition to the authoritarian regime, which consolidated various fronts to direct the transition, neglected the issue of public safety and accepted without resistance pressures from the military police and those lobbying for organized police corps. The left denounced the abuses and violations, but they did not propose (with rare exceptions) alternative organizational or political options for national security, either because they knew nothing about this issue, or because they believed that violence would be mechanically reduced with the socio-economic reforms (or through an idealized socialist revolution). Thus, the purposeful ineptitude of the left made a proposition in the field of public security that involuntarily and paradoxically colluded with the police's defense of their organization as it stood and the conservatives who wanted to preserve the institutional *status quo*. As a result of this surprising convergence, an organizational arrangement prevailed which privileged the security of the State over the fundamental rights of its citizens (especially poor and black populations).

The institutional arrangement inherited from the dictatorship includes, among others, the following components: (1) with the exception of the civilian Federal Police, in charge of investigating crimes relevant to the federal level, and of the Federal Highway Police, in charge of overlooking federal roads, police forces are under the authority of state governors. Each state has a Civilian and a Military Police; (2) the cycle of police work is divided into two parts, each corresponding to an institution: the uniformed Military Police carry out

overt activities (according to the law, preventive), while the Civilian Police are in charge of criminal investigations; (3) each state police force is divided hierarchically into two separate categories: officers and lower ranks in the Military Police, delegates and lower non-delegate ranks in the Civilian Police. The differences in power, prestige and salary create, in effect, four entirely different realities in terms of social, professional, a spirit of belonging and a sense of identification with the group. The main consequences of this arrangement are widely known - rivalry between the different police forces, versus systematic coordination and operational cooperation. In brief, inefficiency.

The irrationality of this bipartite police model, which is highly concentrated at the state level, absent at the level of municipalities[73] and very weak at the federal level,[74] is further aggravated by other aspects of the institutional architecture: the Civilian Police are fragmented into small, disjointed units, usually lacking in technical and scientific expertise; the Military Police, on the other hand, are organized as an army unit, a deeply illogical configuration since the rigidly hierarchical and vertical structure that a military organization requires to carry out its functions (fast response, which depends on the concentration of command, control and information), is pointless for the Military Police since less than 1 percent of its actions are confrontations that would require operational principles similar to those of the army. That is, more than 99 percent of its tasks are unrelated to combat situations. The other tasks, especially those related to prevention, require exactly the opposite of what the organization is providing. These tasks involve decentralization in decision-making processes, appreciation of autonomy in local actions, managerial flexibility, more supervision and less military command,

[73] Municipalities receive police services provided by the state but have no impact over them and no power to influence security policies that apply in their region, which contrasts highly with the greater role municipalities have in defining social, urban, health and education.

[74] The Union has relatively little involvement in security. Its institutional instruments, except in unusual cases, are limited to the Federal Police, the Federal Traffic Police and the national secretariat of Public Security, which in practice, is limited to managing a modest fund that allocates resources to the state police and to the crime prevention initiatives of states and municipalities. Other bodies could be mentioned, such as intelligence, the prison system, the Federal Revenue, identification of financial crimes, etc., but they do not precisely belong to the field we are discussing.

communication with the community, the ability to diagnose dynamic and complex situations, the competency and agility to interact with other levels of government as well as with different institutions and social groups, and to collaborate within inter-divisional policies.

With the resulting conservative, corporate organization in the area of public security –which after the transition to democracy, continues to have the same structure it had under the authoritarian regime– all Brazilians end up losing. There can only be security for the few if there is security for all, and there will only be security for all if it is understood as a means of guaranteeing the exercise of fundamental rights and freedoms, in particular the right to life and human dignity. At present, both Brazilian society and the police are dissatisfied. The military and the civilian police, as a rule, with all the regional variations, are inefficient, devalued, poorly paid and lack training. They are heavily corrupt, profoundly marked by illegal and abusive practices, including the use of lethal force. There are pockets of excellence, but they are the exception. According to a survey carried out in 2009 with the support of the UNDP and the Ministry of Justice, of the 770 thousand employed in the Brazilian public security sector, 70 percent want a change in the present police model.[75] Included here are two examples of institutional deficiencies in Brazil: (1) only 8 percent of intentional murder cases are successfully investigated, that is, leading to allegations that are considered adequately supported by the criminal justice system. Therefore, at least 92 percent remain unpunished. Only 2 percent of murderers, once identified, are sentenced. (2) In Rio de Janeiro, research data from the beginning of 2003 to the end of 2010 - which has been followed with special interest by researchers - indicates that there were 8708 deaths caused by police action. It is unknown the number of cases that could be classified as extra-judicial executions as opposed to those seen as legitimate self-defense situations of armed resistance to orders that were legally enforced. Researchers have calculated that 65 percent of the cases are homicides. The number of cases that are actually investigated and solved is minimal. Another serious aspect, symptomatic of security policies which are deeply biased and criminalize poverty, is to be observed when contrasting the impunity of homicides with

[75] "O que pensam os profissionais da segurança pública?," coordinated by Luiz Eduardo Soares, Silvia Ramos and Marcos Rolim.

incarceration rates, which have increased from 140 thousand prisoners in the mid-1990's to almost 500 thousand in 2011. The large majority of these prisoners committed non-violent crimes, without weapons. The criminal activity that accounts for most of the increase in prison population is drug trafficking without the use of weapons or violence. Large numbers of these prisoners have little or no schooling, are poor, young and male. This is the same proportion of the population where the highest concentration of victims of homicides and police actions (whether criminal or not) can be found. It goes without saying that, since prisoners are no longer political prisoners, and since the middle classes no longer do time, the prison system has been abandoned and forgotten (with, as usual, some honorable exceptions). As a consequence, the Penal Execution Law (*Lei de Execuções Penais*) has been systematically violated and prisoners are handed down excessive sentences in addition to the inhuman conditions to which they are subjected to in prison.

In Brazil, within the last 29 years, one million people were victims of intentional homicide, according to official information provided by the national health system (DATASUS). This indicates a 124 percent increase when compared to the equivalent previous period. In 2009, there were 50252 cases, which places the country as the second most violent in the world in terms of lethal violence, calculated in absolute numbers. In relative terms, there are 26 intentional homicides per 100 thousand inhabitants. Ninety percent of the victims were male. Fifty four percent were between 19 and 29 years of age. Seventy five percent were killed by firearms. Sixty five percent were black or mixed race. Eighty percent of cases occurred in 400 cities (Brazil has approximately 5500 cities). To put it more precisely, 79.17 percent of homicides occurred in 7.18 percent of Brazil's municipalities.

The "Map of Violence," published in 2011[76] reveals that from 2002 to 2008, the number of Afro-Americans assassinated increased 20.2 percent while the number of white people who were victims of the same crime decreased 22.3 percent. The 2010 Census shows that 70 percent of extremely poor Brazilians are Afro-American. There is no doubt that Afro-American and poor people are the main victims of the most serious crime: intentional homicide. An old phenomenon that has

[76] Research coordinated by Julio Jacobo Waiselfisz, with the support of the Ministry of Justice.

morphed in recent years is the police squads that organize themselves for criminal purposes. In the past, the death squads and the so called *scuderies* were famous and feared. Today, they are larger, more powerful and better organized, and so daring as to pursue political ambitions. In the form of mafias or militia, they control territories and communities, rule by force, and establish their own savage law.[77] No single source of income escapes their predatory voracity. One of these sources, as can be seen clearly in the history of Rio de Janeiro, where the police mafias have been called "militias," is that of informal and illegal private security. The script is well known: the police receive salaries that are quite often ridiculously low. They are forced to look for additional jobs to supplement their income. They do this in their area of professional expertise, security. Since the development of private security is illegal, they work informally, that is, they seek employment in companies that are willing to operate illegally. Or they set up their own clandestine business with colleagues. There are some who follow that path with good intentions, seeking only to provide their families with minimum dignified living conditions. But even those with good intentions undermine public security and risk their lives. They endanger their health, arrive exhausted to their official jobs, and subject the orders from their superiors to private criteria. The surveillance patrols, for example, do not follow the planned route and the policemen in charge tend to stop at the home or businesses of their clients. It is no coincidence that in Brazil the great majority of policemen who are killed in the line of duty are murdered during their time off, that is, while doing their private security shift. There they lack legal protection, insurance coverage, and appropriate equipment and materials. There are also those with malicious intentions. First, they provoke insecurity in order to sell security; then, they organize mafia-style gangs, and in alliance with non-police criminals, subjugate the slum shantytowns and its people. They get so rich that the leaders of these organizations even cherish political positions. Some of them have actually been elected. Why do these mafias prosper? Because the authorities prefer not to suppress the illegal bonds that the police have created with informal private security, preventing the demand for better salaries which could lead to a collapse of the budget for these

[77] The militias were the subject of a book, "Elite da Tropa 2" (by Luiz Eduardo Soares, Cláudio Ferraz, André Batista and Rodrigo Pimentel. Editora Nova Fronteira, 2010) and of a very popular film in Brazil, "Tropa de Elite 2" (directed by José Padilha).

public organizations. In practice, illegal private security functions as a support mechanism or a clandestine form of funding the public budget, thus generating a damaging promiscuity between public and private. As it happens, the lack of police crackdown benefits both the well intentioned policeman whose objectives are respectable and legitimate, even if the means are illegal, and the others, who are shielded by calculated official negligence and can continue to perpetrate their crimes.

Recently, the much needed crackdowns have begun, but they operate under extremely difficult conditions. They have had some relative success, but it is far from fully overturning this situation, which has already spread throughout the country.

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Beyond the identifiable problems in these institutions and the ways they work, there is an extraordinarily complex set of factors that contribute to promote criminal and violent practices: social, economic, cultural, psychological, demographic, urban, and institutional factors, in addition to those resulting from criminal policies. It is not our intention here to explore this vast field of reflection and research. However, its importance must be acknowledged. No analysis of the situation can ignore it. Aside from the institutional problems (with regards to organization and performance) and the issues with regard to public security and crime, the multidimensional set of factors must be considered key to understanding what is happening and to formulate interventions that can actually change the reality that needs to be transformed, in order to benefit life, human dignity, fundamental rights and cooperative peace. Considering that insecurity, in its various manifestations, is derived from institutional problems in combination with multi-dimensional processes, which in turn mobilize different factors of a diverse nature. It is essential to recognize that in order to formulate consistent and citizen-oriented security policies –that are committed to the citizens of the country, based on human rights and on civil, political and social rights– the complexity of insecurity must be taken into account. In view of that, policies must be inter-sectorial, involving institutional reforms as much as convergent public policies under one single coordination that integrates them all. To reduce crime and violence, Brazil must create mechanisms and procedures that can subject police action to constitutional legality and regard for human rights; either because the democratic constitutional State demands this

or because the respect for these valued and regulatory frameworks are conditional *sine qua non* for the police and other security and criminal justice institutions, in order to achieve reasonable levels of efficiency in investigations, prevention and qualified repression of crime and violence.

It is not enough for a society to prevent and combat crime if the State, in various instances, tolerates the coexistence of institutional mechanisms which, even though they do not belong to its structure, perpetrate crimes and foster insecurity. Therefore, the primary task is to make these institutional mechanisms governable and redeploy them, in particular the police forces. Albeit somewhat belatedly, this requires the implementation of changes that undertake a transition to democracy in the field of security. These transformations should achieve, in a balanced gradual process, the fundamental elements of the institutional architecture of public security, which includes, but is not limited to, the organization of the police force.

In addition, it will be necessary to apply inter-sectorial preventive policies, inspired by best practices that are already in place in Brazil and in other countries, linking all levels of government (federal, states and municipalities) and mobilizing society to build a culture of peace, instead of the perverse criminal populism, which has chained young, poor and Afro-American people, sentencing them to criminal careers and propelling the country into a vicious circle of violence and revenge.

Human Rights of Migrants under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

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Vulnerability of migrant workers and members of their families

Many years passed before the international community became aware of the need to protect migrant workers, in spite of the fact that migration has existed since the origins of humanity. This awareness came about as the specific vulnerability of certain groups who chose to migrate became more evident, whether they migrated because their survival is at stake or because they are motivated by the legitimate desire to offer better living conditions and opportunities to their families.

In their mission of monitoring the human rights situation in several countries, the Office of the United Nations High Commissioner for Human Rights and the bodies responsible for supervising compliance with international treaties on human rights, including the Committee on Migrant Workers, have observed that migrant workers, especially those in an irregular situation, are likely to face exclusion, racism, exploitation, abuse and even murder at all stages of the migration process. They face multiple forms of discrimination, either from the institutions in the destination country because of the existing law or from attitudes in the population. They may face prolonged detention or ill-treatment. We have also observed that their vulnerability is increased by language or cultural barriers, and migrants tend to be afraid to seek protection and relief from the authorities of the different countries.

Adopting the Convention

Adoption of the Convention is directly associated with this awareness. The Convention was the result of more than 30 years of debates on the rights of migrants and the obligations of the countries,

based on the analyses, conclusions and recommendations of many experts. It was approved on December 18, 1990 by the General Assembly of the United Nations. Last year we celebrated its 20th anniversary, which offered an opportunity to organize events worldwide to promote it.

The Convention is one of ten fundamental international human rights treaties. It contains more than seventy substantive articles and it sets forth, for the first time and in a holistic manner, the standards for the protection of the human rights of migrant workers and members of their families. It creates obligations for countries of origin, transit and destination with regards to the protection of these rights. In adhering to the Convention, the states undertake to harmonize their laws with the norms and principles established in it and to adopt the necessary and adequate measures to guarantee the enforcement of the rights of migrants. States also undertake to provide access to effective reparation for migrant workers whose rights may have been violated. So far, forty five countries have adhered to or ratified the Convention, and thirty three have signed it.

Contents of the Convention

The Convention is a complex instrument, which if fully applied, would guarantee the relationship between migration and peace. It consists of nine Parts, of which I would like to highlight Part II, where the principle of non-discrimination is established, according to which the rights of migrants are recognized without distinction of ethnic origin, race, color, language, religion, nationality, etc. In addition to other rights granted to all individuals by other international treaties, such as the right to life, freedom from torture, religious freedom and free speech, Part III also protects migrant workers, regardless of their migrant status, from confiscation or destruction of their documents (article 21) and from collective expulsion (article 22, article 13); and guarantees the right to obtain assistance from the consular or diplomatic authorities of their State of origin (article 23, article 16.7); the right to receive any medical care that is urgently required (article 28); the basic right of access to education for children of migrant workers (article 30); and the right to transfer their earnings and savings (article 32), among others.

Part IV of the Convention recognizes the specific rights of migrant workers in a regular situation, such as the right to form associations and trade unions (article 40); the right to participate in public affairs of their State of origin and to vote (article 41); and the right to enjoy protection against dismissal (article 54A).

Part V applies to particular categories of migrant workers, such as frontier workers, seasonal workers or itinerant workers. Part VI establishes a framework for international cooperation with a view to preventing irregular migration, as this condition poses great risks to migrants, and to promoting sound, equitable, humane and legal conditions in connection with international migration.

In this respect, governments are under the obligation to provide adequate information and assistance to migrant workers with regards to all stages of the migration process, as well as on the working and living conditions in the State of employment, and to control in a strict manner the recruitment of migrants in order to prevent situations of exploitation.

Obstacles to the effective enjoyment of the rights of migrant workers and members of their families

The effective application of the Convention is affected by the lack of ratification, not only by Western countries that receive migrants, but also many countries from the South, which still have not ratified it. Nowadays, nobody would question the rights of women or of disabled persons, in spite of the fact that in practice they still face many challenges. However, the rights of migrants are not universally accepted. The Convention on the Rights of Children, for example, has 193 member States, while only one fourth has signed the Convention on the Rights of Migrant Workers.

Another obstacle to ratification of the Convention lies in misunderstandings about its content. However, we have observed that the main obstacles are of a political nature, such as the concern about unfavorable public opinion, since migrants are usually considered a danger in receiving countries, and suffering electoral defeats as a consequence.

Two major obstacles to exercising the rights of migrants are lack of enforcement, that is, the absence of the adequate and necessary

measures by the countries that have ratified the Convention, as well as the challenges that migration is facing at present.

The UN Committee on Migrant Workers

Pursuant to Article 73 of the Convention, the States Parties undertake to submit every 5 years to the Committee on Migrant Workers a report on the measures they have taken in practice to guarantee the rights of migrants. The Committee consists of fourteen experts elected on the basis of an equitable geographical distribution, their experience and expertise in migration and human rights issues. Members of the Committee serve in their personal capacity, that is, they do not represent the interests of their countries of origin, and they meet for three weeks a year in Geneva. The Committee examines the report at a meeting that takes place in Geneva with authorities from the party State, and for its evaluation the Committee also takes into account supplementary information from other United Nation agencies and from civil society. After the meeting, the Committee acknowledges the positive aspects, manifests its concerns on the situation of migrants in the country and formulates recommendations to the countries on how to improve the protection of the rights of migrants.

In 2010, the Committee also adopted the General Comment No. 1 on migrant domestic workers, to provide guidelines to the states on the specific protection to which this particularly vulnerable group of migrant workers is entitled.

Conclusion

The International Convention discussed here sets forth the regulatory framework for the protection of the human rights of all migrant workers and members of their families and can serve as an instrument for these workers to demand respect for their rights. This is why actions and events promoting and raising awareness on these issues –such as the Migration and Peace Forums– are of vital importance. However, the main obstacle to an effective enjoyment of the rights protected by the Convention is the lack of ratification and implementation. This is why we need a genuine commitment from the member States to cooperate and carry out coordinated actions to

protect migrant workers, just as we need their determination to establish the recognition of these rights as universal values.

To construct a harmonious and peaceful society we also require the promotion of tolerance and raising awareness in the population about the great contribution of migrants to the country where they reside, about their vulnerable situation and the rights they are entitled to. There is still a long way to go before the rights that the Convention sets forth are a reality. I would like to invite all of us to join in the effort to continue promoting them and thus foster a culture of peace and respect for the rule of law.

Western Union: Creating Shared Value

Victoria Lopez-Negrete
Senior Vice President and Manager for North America
Western Union

Shared value

Western Union creates value for both stockholder and society through our products and services.

- The core money transfer business benefits customers and the communities in which they live.
- Remittances make up >10 percent of GDP in 47 nations and >20 percent of GDP in 20+ countries. The money our customers send to the developing world is more than all sources of foreign aid combined.
- Remittances are an economic lifeline: 57 percent of receivers use remittances to fund essentials such as groceries, utility bills, school fees and medical care.
- In Brazil and countless other markets, services are expanding beyond cash-to-cash money transfers.
- New electronic solutions allow people to pay their bills on time, avoiding late fees and penalties.
- Mobile money transfer services are ever-expanding, and offer customers in many markets the convenience and security to send funds to friends and family via a mobile device.
- Western Union prepaid cards help consumers avoid accumulating debt and provide the flexibility of electronic and online commerce.
- We promote and demonstrate corporate responsibility by holding ourselves to the highest ethical standards as we do business.

Corporate responsibility

Western Union demonstrates corporate social responsibility by ensuring that our core business operations –consumer and employment practices, corporate governance, operations and supply chain,

environmental stewardship– also serve to protect and promote our customers, our employees, and our Agents.

- We work hard to deliver value for our consumers, we work closely with government and regulators to ensure compliance with important legal standards, and we offer a robust consumer protection program.
- Western Union creates jobs - more than 2.5 million people work behind Western Union counters worldwide, and their salaries feed their families, purchase medicine and educate their children. We adhere to international human rights and labor standards, and we offer employee engagement and recognition programs that make Western Union a great place to work.
- We work to minimize the environmental impact of doing business by reducing use of paper, refreshing technology and phone systems for greater environmental efficiency, recycling and other measures to reduce our carbon footprint.
- Western Union gives back through philanthropy, and by supporting employee volunteerism and creating opportunities for Agent engagement.
- These measures are particularly relevant in Brazil, where global companies are setting new standards for operations.

Community commitment

Western Union is committed to supporting the cause for global economic opportunity through our philanthropy and volunteerism programs.

- With the *Our World, Our Family*™ program –an award-winning five-year, $50M commitment to creating economic opportunity– Western Union has made a difference in more than 2.5 million lives since Sept 2007.
- Western Union has taken a leadership position and subsequently has been recognized as a global leader on social issues such as migration and global economic development, amongst organizations including the Clinton Global Initiative, the Business Civic Leadership Center, the Council of Foundations and the Committee Encouraging Corporate Philanthropy and many other

NGOs. We use our corporate voice to advocate for our consumers, small business owners and diaspora communities.

- We will continue to build on our strong track record of community giving through the Western Union Foundation.
- Grants benefit communities in which we operate; $71.7M has been distributed to 2,010 NGOs in 104 countries since 2001.
- Volunteer and giving programs create opportunities to engage Agents and employees; 459 Agents and 46 percent of our 6,000+ employees give or volunteer, compounding the impact of our efforts.
- We maximized impact by focusing on support for economic opportunity, education, and disaster relief and recovery.

Externalizing Problems with Regards to Migration
The Case of Mexico

Father Flor María Rigoni
Director
Casa del Migrante - Albergue Belén - Tapachula

In the context of this Third International Forum, dedicated to *safe migration*, my presentation could seem to be slightly out of place, as I want to open a debate about a possible conflict on an issue in which we all think we are in agreement.

In recent years a good number of institutions, some official, some private, and others acting as NGOs, have emerged to deal with different aspects of migration, making it visible and raising awareness in public opinion, humanitarian institutions and even governments.

While on the one hand one cannot but praise such developments, as they have shaken the indifference and silence surrounding the realities of migration. On the other hand I cannot overlook the dangers I perceive after 40 years of work in the field of migration on several continents. I will use the recently coined term *externalization* to refer to the strategy of taking the problem away or outside the territory and the context so that one can attribute any conflict or recrimination to some external cause. This procedure turns migration into an even more vulnerable condition.

Let me explain this in several steps:

Externalization from the individual rights to the political frontier: The collapse of dialogue

Any institution whose mission is to defend fundamental rights is providing a dignified service to society and to humanity. In my view, although not a lawyer, this should be considered a mission, more than a profession. However, the field of migration has become nowadays, at least in North America, the favorite topic in the media. It makes the headlines and attracts all the attention in the press and TV, turning the crowds wild, as would a concert that attracts multitudes. This sudden and exaggerated headline position is not authentic and it can turn into a

time bomb; and in my view, this is what is about to happen. The defense of human rights has become in a short time a social, cultural and political arena that is occupied not only by experts, but also by many improvised fellow travelers. The defense of the rights of migrants and their dignity should create a platform to build dialogue between victims of a violation and all public and/or private institutions that are meant to respect and grant that right.

The way I see it, this mission has been displaced by a political platform characterized by increasing aggressiveness, where debate has been replaced by a vehement and insulting confrontation, refusing to take into account a more general context and to relate the issue to the wider collective reality of the society and the entire nation.

The growing trend is a shift from the legal guarantee of human dignity to the political terrain of vindications. The person who has suffered an abuse or has been the victim of a violation, becomes a weapon against the system and an instrument to fight for interests which have nothing to do with the immigrant. This is a dangerous situation, affecting the image of the human rights defender. I base this information on slogans and mottos, uttered in an aggressive tone and clearly dismissive of the credibility of institutions such as the INM (the Mexican National Institute of Migration), the different police forces and the government.

I think I can confidently affirm I was one of the first to denounce, over ten years ago, the *vertical border* in Mexico, running from the Suchiate River northward to the Rio Bravo, which has become a *cemetery without crosses* and turned migrants into "kamikazes of poverty," as was entitled an article in *The Economist*, quoting me, a piece of writing that upset the government.

The inability and ill will to recognize achievements and positivity leads to a collapse of dialogue with institutions, including government, and because of someone like me, who has been working in the field of migration for the last 27 years in Mexico, the credibility of activists and NGOs also suffers.

In Mexico and in Central America, we hear pointless slogans and contradictory demands to liberalize migration, claiming that the State is not supposed to be held responsible for migration control, and then, at the same time, there are great scandals when in these migration flows someone is hurt, assaulted or killed. In some cases, this comes

from people or groups who have great power over speech and the possibility to impress others. They judge the situation and put forward their own solutions, only to change their mind the next day, as when they condemned the Zetas and apologized later. This is demagogic populism, sustained by the media, by inflammatory interviews. The service to truth and to freedom, which is essential to human rights defenders, demands from us that we remain silent, that we abandon the public forum and seek those places where nobody sees us or knows us, listen to the lament of the oppressed and remain with them.

I have the feeling that this noble, difficult and solitary mission of defending human rights has become a public affair in which people shout slogans, politicians intervene with a mixture of populism and paternalism, and that this kind of behavior also permeates activists. I am thinking here of those who tread into the field of migration rights with a safari attitude without realizing the deep transformation in the type of immigrant that comes nowadays to our country. I am referring here to an *erratic flow* which, together with the classical migrant that Mexico and the US had known for decades, includes now members of organized crime, bandits, drug traffickers and perhaps even terrorists, who blend in with the pacific invasion of workers. The current flow of migration is very mixed. If this new reality is not properly understood and adequately interpreted, it can have serious social and legal consequences. We need, I believe, a *knowledgeable reading* of our *here and now*.

The conclusion of this first part of my analysis is that this situation leads to closing the option of bridging collaboration with institutions that can assume responsibility and with civil society, adding a ring of violence, which as we shall see in the third point, is already becoming explosive.

Externalization of the internal issues by blaming another country

The second instance of externalization can be observed when Mexico is being blamed for the problems, as is the case of the accusations raised by countries north and south of our borders.

On the one hand, the North accuses and condemns Mexico for expelling its migrants towards the US, and on the other hand the South, especially Central America, but occasionally other Latin American

countries, have harshly reprimanded Mexico for the aggressions, violations and deaths of their migrants in our country. Both are right in their accusations, but in my view there is also some craftily coded hypocrisy, a ruse is being used not unlike Napoleon's military strategy, whereby the best form of defense is to attack. Accusing and blaming others is a way of distracting attention from oneself; I avoid being the object of criticism and shift attention and condemnation to another person.

Concretely, in the US, criminalization of migration with racist and discriminatory campaigns has been the product of an artificial environment created and exacerbated by talk shows and documentaries feeding on the prejudices that the media have fostered and that politicians and lobbyists have deepened. I was deeply moved by the words of a Salvadorian migrant who decided to return voluntarily to his country of origin: *Look, father, nowadays in the US it's not a bullet that kills you, but the sadness of so much discrimination and rejection*. Behind much of the rhetoric lies an image of a corrupt and violent Mexico, the home to drug cartels and criminal networks. All this is actually true, and we do not intend to deny all the killings that have occurred in recent years. But I would like to pose a question, which has troubled me for a good number of years and that I would like to share with this assembly: *are corruption and violence only those associated with drug trafficking and civil wars?* Why isn't the condition that has left millions of people in the streets, without jobs, unable to pay skyrocketing mortgages for their homes, and losing their homes without any chance of saving them as a result of the financial bubble that was in the making in the US for years and burst leaving a situation that still has not been solved? Why, I ask, isn't this called violence? We do not define this as violence, only because there is no blood and we don't see corpses in the streets? Suicides committed as a consequence of debt, which has crushed thousands, are not taken into account either because they are considered the outcome of a depressive and compulsive crisis suffered by the individual or because the homeless and their families hide their tragedy behind a veil of silent dignity.

Migration towards the US today has slowed down mostly due to the crisis in its labor market, a fact that tends to be hidden in the discussion about the *Brown tide.*

Things are different in the socio-economic and political context of Central America, where, without any intent to offend, we can say that there is an on-going civil war, although it has not been officially declared, and the economic migrant is only a percentage of the migrants escaping violence. I have pointed out in several conferences and symposia that the conditions that led to the Cartagena Convention are occurring again, marking the historical irony that it was Mexico who requested in 1985 that Central America be protected. I do not want to deny the problems Mexico has, and I will refer to them in the next section. However, some accusations, some diplomatic protests from Central American countries of origin for migrants, who are leaving their countries like cattle to the slaughterhouse, and as one of them said, *if I must starve and suffer humiliation in my own country, I might as well risk the same but while taking steps towards an open future*, could rather be turned into a dialogue where we assume responsibility from both sides and try to provide for our people even if we don't have much.

Externalizing the migrant from Mexico's present context

The third kind of externalization has been quite surprising and irrational and can be observed in the media, the clashes between institutions and in some demonstrations when the social context of the country in recent years is *extrapolated* to transit migrants passing through Mexico, specifically since the government declared war against organized crime. We must be honest and sincere, because one quality of legality is *honesty with the real* as Ellecuría used to say during the civil war in El Salvador. Today in Mexico almost any citizen can become a victim of assault, robbery, kidnapping or assassination. The Mexican migrant, as has been shown in the clandestine mass graves of Durango and Tamaulipas, can also be the victim of criminality. I think also that in some parts of Mexico we have an undeclared civil war and thus we cannot demand a preferential treatment for the transit migrant when we are waging a war in a front that can put any of us in the line of fire. What I am saying may seem too harsh, but I stand by my words based on the experience of what I saw during the civil wars in Central America. It meant always the risk of a shooting, of being kidnapped, of seeming suspicious. The migrant must show solidarity with other vulnerable people, because he knows, to quote Dante, "how salt is the taste of another man's bread."

This externalization to transit migrants passing through Mexico carries a virtual extraterritoriality, detached from our reality, from our here and now, and where there are no rules. It is a forbidden move, because it removes the social, political and partly also the legal foundations on which we stand. Some rights, which are sacred and universal, are meant to be applied on a highway, which in the case of Mexico has become a tightrope about to snap. We have to acknowledge that we are hurt, that we are fighting against the flow, so that we can begin to build a society in peace and coexistence, where also the foreigner who has settled here, or is visiting can feel, as is traditional in Mexico, that this is *also his home.*

Externalization of society

The last aspect I want to refer to, and a danger to safe migration, has been in the case of Mexico, the *externalization of civil society* in the debate on migration. In the confrontations that I have briefly referred to at the beginning of my paper, civil society has been ignored. The government consults with the so-called experts, academics and representatives of NGOs, and sometimes even with the private sector, which is after all the one who opens or closes the doors for migration. On the other hand, NGOs claim that they represent civil society with regards to the rights of migrants, and they have assumed the defense of these rights in a barricade style, where they have dug a trench for the *good guys* (activists, organizers of demonstrations and marches) and another for the *bad guys* (the government and its institutions, together with the bandits and criminals that assault and kidnap people). Society is turned into a neutral spectator, almost the audience in this new Coliseum, watching from the sidelines the spectacle of these modern-time gladiators. This is my perception of the last link of a chain that is broken at several points. Society is equally responsible for having created in its religious and educational institutions and in social networks the actors of this process: public servants, members of security forces as well as criminals, who come out of our Catholic evangelical religious institutions or of other denominations, who live in our neighborhoods, go to our schools and are even members of our family, and are thirsty for power, easy money and drugs.

This is perhaps the most dangerous externalization, because it tears a weave that is already frayed and hinders the reconstruction of a

social network that can rebuild fallen bridges, dispel mistrusts, fear and helplessness. Some initiatives are seeking to overcome these obstacles appealing to the whole of society but focusing on specific issues, such as women, children, corruption, indigenous people, and sometimes migrants. This is the signal of a society that is breaking away from acceptance of the situation, a society that is no longer looking from the sidelines and is stepping into the arena. There will always be the temptation of becoming a political movement or of seeking some individual interest. In the case in hand, the migrant ceases to be the subject who receives a service and whose rights are to be defended and becomes the object of a dispute and a kind of property.

Last, from a personal position and from the gospels, whoever claims to defend the rights of other people should not ask for support or defense for himself. I do not know whether I shall stand strong on the frontline of denunciation, defense and dialogue to create a dignified coexistence. Probably cowardice will defeat me. But today, here, in front of you, I would like to appear as someone who has been loyal to his mission as a guardian and a bridge, and if I fall, that I am able still to stand.

DECLARATION OF MEXICO

The participants in the Third International Forum on Migration and Peace, held in Mexico D.F., on October 20 and 21, 2011

Its inspirer and organizer
The Scalabrini International Migration Network

Its co-organizers in Mexico

The *Red de Casas del Migrante Scalabrini* (Scalabrini Network of Migrant Houses)
The Autonomous Technological Institute of Mexico (ITAM) and
The National Immigration Institute of Mexico (INM)

in collaboration with

The Secretary of Foreign Affairs of Mexico
The Institute for Mexicans Abroad
The State of Chiapas Government
The BBVA Bancomer Foundation
The Konrad Adenauer Stiftung
The Arias Foundation for Peace and Human Progress
The Western Union
The Scalabrinian Communication Center of Brazil

along with

The Scalabrinian Congregation
Government institutions, foundations and civil society institutions that collaborate in the organization of this Third Forum

as well as

Nobel Peace Prize Winners
NGOs
Government and Civil Society representatives
Civil and religious authorities
The United Nations and International Organizations
Researchers and academic representatives
Migrants, refugees, displaced and deported people,

In continuation of the process that begun in 2009 in Antigua, Guatemala, which had discussed the topic, *Borders, Walls or Bridges*? and continued in 2010 in Bogotá, Colombia, discussing the topic, *New Perspectives on Citizenship and Democracy*,

WE KNOW THAT

1. From time immemorial, migration and violence have been closely linked: violence is a major cause of migration and migration flows can be a source of social conflict.
2. Whether it is direct, indirect or structural, violence has different meanings and multiple manifestations that are interrelated. This inner relationship leads to an increasingly *uncivil* society that, in turn, has a significant impact on migration in all its forms.
3. Since direct violence is generally identified with wars and organized crime, we cannot ignore the fact that such violence influences the public expenditure of arms and the process of militarization of borders. At the same time, on the pretext of national security, the identification of migration flows with the flows of violence, linked to organized crime, is allowing some to justify the consolidation of the process of militarization in the region by disproportionately increasing military spending in a corner of the world that is characterized by the highest levels of poverty and inequality in the world.
4. One of the causes of direct violence that is most difficult to eradicate is the pervasive presence of indirect or structural violence, whose expressions are not recognized in most cases as "violence" or the systematic violation of human rights, and whose authors are difficult to identify and thus achieve impunity.
5. Indirect violence is caused by some undesirable effects of the globalization processes, particularly the adverse effects of an inequitable economic system and unfair trade practices regarding the subsidized products of developed countries and the unsubsidized products of developing countries. This inequitable economic system exacerbates poverty and marginalization, condemns millions of people to a premature death and forces people to migrate in pursuit of their rights to development so as to build a better life.

6. Violence against human dignity also generates indirect violence. One of its main manifestations is the creation of an aura of invisibility around "the other," around the person who is different, an attitude originated by xenophobia or feelings of fear. Such an attitude might be either indirect –through contempt or indifference toward "the other"– or direct –through the projection of an image of prejudice and intolerance on this "other." The "other," therefore, becomes a subject of discrimination. The contempt and lack of recognition of the dignity of the *human being*, which results from such violence, then become the source of potential violence in return. We will never have *human and peaceful* societies as long as we have societies that *exclude* some people. These mechanisms are nevertheless present in almost all societies and, in particular, in all those that receive migrants.
7. In societies of destination, origin and transit of migrants, we are today witnessing a deep social division in the perception of migration and the contradictory feelings it generates, feelings ranging from open acceptance and recognition of their needs to rejection based on prejudices and on nationalistic or patriotic grounds, justified by national security. These attitudes highlight the need to avoid stereotypes, generalizations and simplistic analyses.
8. Migration has led to the "people of the nation of migrants," a people without a flag, a nation, or a constitution, without geographical boundaries, exercising their right to move and to find and build a better life.
9. Migration is a process and, as such, it must comprise the whole journey: its origin, transit and destination. Hence, the solutions to migration policies must be global, covering the entire process, a process that must be comprehensive, continuous and transversal. Migration policies must be jointly addressed from a regional and global perspective.
10. Migration is a phenomenon inherent in human development and human dignity. Migration cannot be conceived as a desirable alternative either for families or for communities, since it is the ethical duty of governments to guarantee the right of development and be aware of their responsibilities and hence implement comprehensive and humane policies and responses for safe and secure migration, policies and responses that are respectful of the human rights of migrants.

11. Such policies require a change of perspective in the discourse on security. They require prioritizing human security in the exercise of sovereignty, understood not only as a protector of national security, but also and mainly as a guarantor and protector of the rights of every human being, including migrants.

12. It is necessary to view immigration as a source of social, cultural and economic enrichment that contributes to the national development not only of the country of origin but also of the countries of transit and destination.

13. Public policies on migration must prevent violence in migration flows and promote human security, ensuring that people do not become vulnerable and unprotected because they are undocumented.

14. Such policies should pay special attention to achieving effective protection of people who are especially vulnerable, like unaccompanied children and adolescents, as well as women: all of whom are the main objects of trafficking and sexual violence; and promoting bona fide family reunification.

15. It is necessary to implement more effective migration policies within a framework of legitimacy and to deepen co-responsibility between the various governments and promote a coordinated collaboration between these governments and civil society so as to achieve a safe and orderly migration for all. Irregular immigration, discrimination and restrictive migration laws expose migrants to increased vulnerability and are the breeding grounds for organized crime. This calls for an emphasis on the benefits of safe migration in the face of these obstacles, which can only generate increased international crime and violence.

16. Any immigration policy based exclusively on the enforcement of the criminalization of migrants generates violence and human insecurity, eroding (or eliminating) the principle of community trust in the officials responsible for the application of the law and in the States that promote it.

17. However, we are witnessing an increase of prosecutions for violations related to immigration laws in major receiving countries, which is indicative of the urgency of carrying out immigration reform in these countries with a new definition of criminalization of the offenses to avoid criminalizing the mere fact of being an immigrant.

18. Given the increasing tendency to criminalize migration, the challenge is to promote the abolition of legal texts that identify "immigrant" with "criminal." Criminalization also involves the process of blaming the "other" so as to justify whatever does not work, either in the country of destination or of origin. The criminalization of migration is a fundamental attack on the universal right to mobility inherent in every human being.

19. Migration policies need to ensure that the migrant is no longer identified as a source of danger and crime, and distinguish among the migrants themselves (as among those who are not) those who are criminals and those who are not. This principle of distinction, of common sense, should be the basis of a discretionary criterion that distinguishes the treatment of criminals from the deportations associated with immigration law violations.

20. There is, however, an exponential increase in deportations, with special concern for the removal of persons with criminal records, who are freed on the Mexican border. This leads to an increase in crime and insecurity in border communities where these people get in touch with local criminal groups and relapse into crime. The treatment of deportees with criminal records should be addressed jointly by the affected border (U.S. and Mexico) in order to provide a comprehensive solution to protect communities, to prevent the worsening of the vulnerability of migrants on the border, to get the effective reintegration of deportees and avoid the current outsourcing of the border into Mexico, aiming at integrated and comprehensive regional solutions.

21. In Latin America we are also witnessing a decline in migratory flows and increased returns, mainly due to the economic crisis and the loss of the attraction of the United States as the "American dream" (or of the Europeans), along with some improvements in health infrastructure and education in Mexico and other countries in the area. One of the major challenges facing public policy for safe migration back to their countries of origin is the safe and dignified reintegration of returnees and their families.

22. The definition of public policies on migration cannot be done without considering the migrants as subjects of law and without obtaining the commitment of governments as guarantors of those rights. Any migration policy must be inspired by and must promote

the principles of social cohesion, tolerance and non-discrimination, including elements of protection, assistance, integration or reintegration into society.

23. States should establish immigration policies toward immigrants that reflect the treatment that they would want for their nationals in the countries of destination.

24. Internationally, we continue noting the lack of ratification of the 1990 "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families," both in the countries of origin and destination, and the failure to implement appropriate measures by countries that have ratified it.

25. The media are called to play a major role in educating people for a culture of peaceful and harmonious coexistence, in promoting migration without violence, in giving voice to the migrants and in denouncing instances of arbitrariness or abuse suffered by them. It is a matter of concern to see the polarization with which the immigration issue is treated by the media. It is necessary to prevent the migrants from becoming tools serving different political agendas.

26. Some initiatives for coordination and collaboration with civil society have borne fruit, but there is a need to further deepen this collaboration between governments, civil and religious organizations, encouraging them to act with full *shared responsibility*.

27. Latin America has to face its main challenges: to fully adhere to democratic principles, renouncing populism, to strengthen its institutions and their credibility, to open itself up responsibly to the world so as to avoid autarchy, and to modify its concept of spending so as to invest preferably in the social sector, slowing down the process of militarization experienced by the region, especially in the Central American region.

28. We need a commitment to ethical public spending to allow the protection of human security and to prevent a migration that goes in search of political asylum or refuge, or a migration undertaken for economic reasons. Public spending should focus on social investment and on the fight against poverty, with special emphasis on education, training, health and job creation, which are the basis for the long-range development of a country.

29. It is necessary to come up with a new social and cultural grammar, inspired by a sense of the common good for all, including migrants, a social and cultural grammar that will inspire a new vision of public policies on migration.

WE COMMIT OURSELVES

and encourage the participants of the Third International Forum on Migration and Peace to commit themselves

- to promote concrete actions –by a joint effort and with a sense of shared responsibility among political and social actors– to help eradicate all forms of indirect violence, which brings about migration and direct violence against migrants;
- to promote the social control of public expenditure to ensure that it is defined on the basis of ethical criteria and on the legitimacy and defense of human rights and human development: education, health, housing, employment, social security;
- to unite our efforts to stop the process of militarization in Central America and the increasing military spending in Latin America, which seeks justification in the context of the fight against organized crime;
- to urge governments to commit themselves to defining and implementing public policies and programs on migration that well protect the dignity and rights of migrants and their families and ensure the safety of migrants;
- to develop and encourage appropriate training and promote coordination between governments and civil society so that the competent authorities will avoid deportation and human trafficking, especially of unaccompanied children and adolescents.

Appendix I

II International Forum on Migration and Peace

Migration, Peaceful Coexistence and Independence: *Toward New Perspectives of Citizenship and Democracy*

September 1-3, 2010, Bogota – Colombia

PROGRAM

Opening of the Forum

Moderator: Rev. Leonir Chiarello, *Executive Director, Scalabrini International Migration Network*

Dr. Angelino Garzón, *Vice-President of the Republic of Colombia*

Most Rev. Aldo Cavalli, *Permanent Representative of the Holy See in Colombia*

Dr. Samuel Moreno Rojas, *Mayor of Bogota*

Most Rev. Nel Beltrán Santamaría, *Bishop of Sincelejo and Advisor of Human Mobility Section, Conference of Catholic Bishops of Colombia*

Mr. Diego Bletrán, *Regional Advisor for the Americas, International Organization for Migration (IOM), Geneva*

Dr. Gherard Wahlers, *Executive Director of the Konrad Adenauer Stiftung, Germany*

Mr. Juan Esteban Belderrain, *Manager for Latin America Programs of the Porticus Stichtung, São Paulo*

Fr. Matthew Didone, *Provincial Superior of the Missionaries of Saint Charles, Scalabrinians and Director of Scalabrini International Migration Network, New York*

Panel: The Bicentennial of Independence of the Ibero-American Republics: The Role of Migration and Democracy in the Promotion of a Peaceful Coexistence

Moderator: Dr. Luis Alberto Cordero Arias, *Executive Director, Arias Foundation for Peace and Human Progress, Costa Rica*

Dr. Beatriz Tinajero Tarriba, *Director of International Affairs, Office of the Presidency of Mexico*

Dr. Yuri Chillán Reyes*, Secretary General, Alcaldía Mayor de Bogotá, D.C.*

Mr. Raúl Sanhuaza, *Director of Chilean Community Abroad, Ministry of Foreign Affairs of Chile*

Ms. Araceli Azuara Ferreiro, *Coordinator of Migration and Development Program, Organization of American States (OAS)*

Panel – Democracy, Development and Migration: The Role of the Economy in the Creation of Inclusive Democracies and Sustainable Development

Moderator: Dr. Joseph Chamie, *Director of Research, Center for Migration Studies (CMS), New York*

Dr. Stephen Castles, *Director Sociological Investigation, Sydney University, Australia, and Associate Director of the International Migration InstituteOxford University U.K.*

Dr. Álvaro Calderón, *Director of "Colombia nos Une," Ministry of Foreign Affairs of Colombia*

Dr. Raúl Delgado Wise, *Director of the Doctorate Program of Economics of Zacatecas University and Executive Director of International Network on Migration and Development, México*

Dr. Bela Hovy, *Chief of the Migration Section, Population Division of the United Nations, New York*

Lecture – Economic and Social Challenges in a Globalized World and Their Impact on International Migration

Dr. Stephen Castles, *Director Sociological Investigation, Sydney University, Australia, and Associate Director of the International Migration Institute, Oxford University, U.K.*

Panel – International Activities Coping with Violence and International Migration: Migration as a Consequence and a Cause of Conflicts in the Recent History of the Democracies

Moderator: Ms. Maria Isabel Sanza Gutierrez, *Legal Advisor, Scalabrini International Migration Network (SIMN)*

Dr. Pierre Martinot-Lagarde, *Special Adviser for Socio-Religious Affairs, Office of External Relations, International Labor Organization (ILO)*

Mr. Fernando Puerto, *Chief of Project Evaluation, Internal Displaced Persons, International Organization for Migration (IOM), Colombia*

Mr. Juan Carlos Murillo, *Senior Legal Officer, United Nations High Commissioner for Refugees (UNHCR), Costa Rica*

Mr. Christophe Beney, *Chief of the Colombia Delegation, International Committee of the Red Cross (ICRC)*

Ms. Miriam de Figueroa, *Representative of Colombia, United Nations Children's Fund (UNICEF)*

Panel – New Politico-Judicial Perspectives of Citizenship in the Context of Migration and International Peaceful Coexistence

Moderator: Mr. Olaf Jacob, *Director of Regional Program for Latin America on Social Policies (SOPLA), Konrad Adenauer Stiftung, Rio de Janeiro*

Amb. Johnny Young, *Executive Director of Migration and Refugee Services (MRS), Washington DC*

Dr. Thomas Uthup, *Research and Education Manager, United Nations Alliance of Civilizations, New York*

Dr. Lelio Marmora, *Director of International Migration Policies Master Program, University of Buenos Aires*

Panel – Diversity among Nations and Migration: Toward New Perspectives of Leadership, Democracy and Citizenship

Moderator: Mr. Einardo Bingemer, *Consultant for Latin America, Kolping Organization*

Dr. Barry Mirkin, *Former Chief of the Population Policy Section, United Nations Population Division, New York*

Mr. William Ospina, *Director of the Commission for the Commemoration of the Bicentennial of Independence of Alcaldía Mayor de Bogotá, D.C.*

Mr. Alfonso Hinojosa Gordonava, *Director General of Consular Regime, Ministry of Foreign Affairs of Bolivia*

Mr. Marcos Criado, *Professor of the University of Extremadura, Spain*

Mr. Chris Lowney, *Former Manager Director of J.P. Morgan & Co.*

Panel - Smuggling of Persons and Trafficking of Migrants: Trends and Challenges

Moderator: Ms. Gabriela Rodriguez, *Former United Nations' Special Rapporteur on Migrants' Rights*

Dr. Adriana Ruíz-Restrepo, *"UN 21" Commendation concerning Human Trafficking, Colombia*

Rev. Flor Maria Rigoni, *Director of the Casa del Migrante, Tapachula, Mexico*

Ms. Ana Hidalgo, *Official of the Program on Human Trafficking, International Organization for Migration (IOM), Costa Rica*

Dr. Oscar Gómez Diez, *Executive Director of the Fundación Esperanza, Colombia*

Panel – Policies and Programs of Local Governments in the Promotion of Peaceful Coexistence

Moderator: Ms. Angela Garzón, *Deputy Director of International Projection, Direction of International Relations, Alcaldía Mayor de Bogotá, D.C.*

Dr. Álvaro Calderón, *Director of "Colombia nos Une," Ministry of Foreign Affairs of Colombia*

Mr. Ron Serpico, *Mayor of Melrose Park, Illinois, Representative of the Public Defender of Colombia*

Workshops – Strategic Actors in the Promotion of Peaceful Coexistence in the Framework of International Migrations

Afro American

Rev. Emigdio Cuestas, *Director of Afro-Colombian Pastoral Care, Bogota*

P. Víctor Torres, *Director of Afro-Peruvian Commission of Pastoral Care, Lima*

Mr. Jattan Mazzot, *Vice-President of Afro-Colombianos Desplazados (AFRODES), Colombia*

Rev. Lubin Josnel, *Missionary Oblates of Mary Immaculate, Haiti*

Indigenous

Rev. Carlos Rodriguez, *Director of Pastoral Care of Indigenous in Colombia*

Dr. Esperanza Hernández, *Researcher and Consultant on Issues of Peace, Colombia*

Rev. Sister Ernestina Lopez Bac, *Secretary of Indigenous People Pastoral Care, Conference of the Catholic Bishops of Guatemala*

Rev. Sister Ana María Palomino, *Coordinator of Indigenous People Pastoral Care of Apurimac, Perú*

Gender

Ms. Gabriela Rodriguez, *Former United Nations' Special Rapporteur on Migrants' Rights*

Representative, *United Nations Development Fund for Women (UNIFEM), Colombia*

Rev. Sister Emilse Gutierrez, *Director of Welcoming Center Bethany, Callao, Peru*

Ms. Marisol Suarez, *Student of Conflict Transformation, Universidad Jaume II, Spain*

Education and Art and Communication

Ms. Silvia Villa, *Executive Director of Illinois Welcoming Centers*

Ms. Leni Chiarello Ziliotto, *Founder and Director of Branca Maria School, Brazil*

Rev. Francesco Bortignon, *Director of the Migration Center of Cucuta and the Scalabrini Corporation of Colombia*

Rev. Daniel Saldarriaga, *Executive Director of Banco de Alimentos de la Arquidiócesis de Bogotá*

Mr. Luis Argueta, *Movie Director, Guatemala*

Best Practices

Rev. Leonel Narvaes, *Executive Director of Fundación para la Reconciliación, Colombia*

Rev. Dario Echeverri, *Director of National Commission of Conciliation, Colombia*

Amb. Johnny Young, *Executive Director of Migration and Refugee Services (MRS), Washington DC*

Rev. Sister Martha Inés Díaz, *Director of the Centro de Atención al Migrante (CAMIG), Bogota*

Public Presentation of New Migration Policy of the Mayor of Bogota

Dr. Silvana Moncada, *Advisor of the Direction of International Relations, Alcaldía Mayor de Bogotá, D.C.*

Public Presentation of Scalabrini Corporation of Colombia

Rev. Mauricio Pontin, *Director of the Centro Scalabrini de Migraciones (CESCAMI), Bogota*

Presentation of Bogota Declaration and Closing of the Forum

Moderator: Rev. Leonir Chiarello, *Executive Director, Scalabrini International Migration Network*

Dr. María Angela Holguín, *Ministry of Foreigh Affairs of Colombia*

Mr. Juan Esteban Belderrain, *Manager for Latin America Programs of the Porticus Stichtung, São Paulo*

Mr. Olaf Jacob, *Director of Regional Program for Latin America on Social Policies (SOPLA), Konrad Adenauer Stiftung, Rio de Janeiro*

Appendix II

III International Forum on Migration and Peace

Safe International Migration

Mexico City, October 20-21, 2011

PROGRAM

Opening of Forum

Moderator: Rev. Leonir Chiarello, *Executive Director, SIMN*

Dr. Felipe Calderón Hinojosa, *President of Mexico*

Dr. Oscar Arias Sánchez, *Former President of Costa Rica & Nobel Peace Prize Laureate, 1987*

Lecture: Dr. Oscar Arias Sánchez, *Former President of Costa Rica & Nobel Peace Prize Laureate, 1987*

Panel: The Role of the State as Protector of the Rights of Migrants

Moderator: Dr. Rafael Fernández de Castro, *Director of International Relations, ITAM, Mexico*

Ms. Patricia Espinosa Cantellano, *Secretary of Foreign Affairs of Mexico*

Mr. Hernán Holguín, *Undersecretary for International Migration Policy of Secretaría Nacional del Migrante (SENAMI), Ecuador*

Juan José Sabines Guerrero, *Governor of Chiapas*

Keynote Speaker: Mr. Donald Kerwin, *Director of the Center for Migration Studies (CMS), New York*

Panel: Legislative Actions to Prevent Violence within Migration Flows and Promote Human Security

Moderator: Mr. Salvador Beltrán del Río, *Director, National Institute of Migration in Mexico*

Ms. Beatriz Paredes, *Federal Deputy of Mexico*

Ms. Norma Leticia Salazar, *President of the Commission on Population, Border & Migrant Affairs, Mexico*

Elizabeth Hernandez, *State Representative of Illinois, United States*

Mr. Carlos Navarrete Ruiz, *Coordinator of the Parliamentary Faction of the PRD in the Senate of Mexico*

Mr. Mauro Guzmán, *President of the Commission on Migration, Congress of Guatemala*

Panel: Migration and the Private Sector: A Mutually Beneficial Relationship

Moderator: Ms. Isabel Cruz, *Director of Asociación Mexicana de Uniones de Crédito del Sector Social (AMUCSS)*

Ms. Victoria López-Negrete, Senior Vice President and General Manager for North America of Western Union

Mr. Ignacio Deschamps, *CEO of BBVA Bancomer*

Mr. Art DeFehr, *CEO of Palliser Furniture LTD*

Mr. Andrew Martin, *Founder & President Common Kindness*

Launching of the Publication "Migratory Policies in Latin America: Case Studies of Argentina, Brazil, Colombia and Mexico" (Cecilia Imaz, Lelio Mármora, Duval Fernandes, Roberto Vidal & Beatriz Eugenia Sánchez)

Moderator: Juan Esteban Belderraín, *Director of Porticus Latin America*

Panel: Security and International Migration

Moderator: Mr. Javier Hernández Valencia, *Representative in Mexico of the UN High Commissioner for Human Rights*

Mr. Luis Alberto Cordero Arias, *Executive Director of Arias Foundation for Peace and Human Progress, Costa Rica*

Ms. Esther Olavarría, *Deputy Assistant Secretary of Homeland Security for Policy, United States*

Mr. Thomas Kufen, *Minister and Coordinator of Migration and Integration, North Rhine-Westphalia, Germany*

Mr. Gustavo Mohar, *General Secretary of Centro de Investigación y Seguridad Nacional (CISEN), Mexico*

Mr. Luiz Eduardo Soares, *Former Secretary of Security, Brazil*

Panel: The Human Rights of Migrants

Moderator: Mr. Raúl Plascencia Villanueva, *President of the National Human Rights Commission*

Ms. Noemy Barrita Chagoya, *Human Rights Officer, Secretary of the Committee on Migrant Workers, United Nations Office of the High Commissioner for Human Rights*

Rev. Flor María Rigoni, *Director of the Casa del Migrante of Tapachula, Mexico*

Mr. Emilio Álvarez Icaza, *Human Rights Expert, Member of the Movement for Peace with Justice and Dignity*

Panel: Mass Media: Promoting a Culture of Migration without Violence

Moderator: Mr. León Krauze, *Journalist of Milenio. Radio W and Forum TV Presenter, Mexico*

Mr. Chaim Litewski, *Section Chief, United Nations Television, United States*

Ms. Eny Hansen, *Founder and Director of BrazVideo, United States*

Mr. Oscar Martínez, *Director de El Faro, El Salvador*

Mr. Sergio Suárez, *Director Las Últimas Noticias Newspaper, Chicago, USA*

Keynote Speaker and Closing Remarks: Ms. Margarita Zavala, *President of Sistema Nacional para el Desarrollo Integral de la Familia (DIF)*