



# **ODUMUNC 39**

Social, Cultural, and Humanitarian Committee

Toward Universal Principles on International Undocumented Migration

By: Kleopatra Moditsi



**ODUMUNC 2016**  
**Issue Brief for the GA Third Committee**



***Towards Universal Principles on  
International Undocumented Migration***

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## **I. Introduction**

Irregular or undocumented migration is rather simple to define: it is the event that happens outside the regulatory norms of the sending, transit, and receiving countries<sup>1</sup>. This concept occurs in four main forms: as unauthorized entry, entry with false documents, visa overstaying, and violations of the terms and conditions of a visa<sup>2</sup>. The same reasons for legal migration apply to irregular migration: overpopulation, poor living conditions, persecution due to ethno-political conflict, and environmental disasters<sup>3</sup>. What encourages migrants and asylum-seekers to skip the legal procedures is the extensive bureaucracy involved with the migration policy of some countries. Instead of waiting for months to issued or renew legal documentation, migrants and asylum-seekers find other ways to cross the border and slip under the government's radar.

Undocumented immigration is above all a form of migration, undertaken by *choice*, typically for economic reasons or pursuit of individual opportunity. Migrants must be distinguished from international refugees, who are *forced* to leave for fear of personal security, the Internally Displaced Persons (IDPs), also *forced* to leave but who do not cross an

international border. Refugees and IDPs have specific rights under international treaties and international humanitarian law (IHL). Some of these rights apply to migrants, but the domestic law of the countries they come to can be more important determining their fate. As a result, undocumented migrants can find themselves subject to arbitrary, exploitative and often cruel treatment, depending on the policy of each host country.



Assisting migrants stranded in the Mediterranean

The differences between the desired outcomes of the official immigration policy and the actual outcomes are not restricted to undocumented migration. Because of its illegitimate nature, illegal immigration fosters the emergence of criminal economic activities, such as migrant smuggling, or activities with social impact, for example illegal employment. Unarguably, the most important of those by-products of official policy are humanitarian crises taking place on the borders. Loss of migrant lives in the ocean, human rights violations in detention centers, and the exploitation of migrants by smugglers and employers are pressing issues that a single government, whether a sending, transit, or receiving country, cannot solve on its own.

<sup>1</sup> International Migration Law. "Glossary on Migration." International Organization for Migration. (Geneva: International Organization for Migration, 2004), 34-35.

<sup>2</sup> Martin Baldwin-Edwards. "Towards a Theory of Illegal Migration: historical and structural components." *Third World Quarterly* 29, no. 7 (October 2008): 1450. Business Source Complete, EBSCOhost.

<sup>3</sup> *Ibid.*, 1453-1454.



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The Third Committee of the General Assembly is, thus, the ideal forum for resolving these problems. Due to the lack of universal agreement on policies concerning undocumented migrant rights, the social, cultural, and humanitarian aspects of the migrant issue have been somewhat neglected. In light of recent events, such as the migrant crisis in the Mediterranean, SOCHUM has refocused its attention on the rights of migrants. Current discussions and goals include the protection of the human rights of migrants, elimination of migrant exploitation, and the plight of stranded migrants in countries of transit or destination. To achieve these goals, partnerships at all levels (bilateral, regional, and multilateral), especially between countries involved in the movement of migrants, need to be formed and the migration evidence database needs to be strengthened through improving data collection and analysis.

For the United Nations, undocumented migration raises difficult issues of national sovereignty and different legal systems. Countries are free to establish and enforce their own laws and policies. The role of the UN is to help ensure those laws and policies are consistent with international law, that they meet basic humanitarian standards, and do not discriminate against particular ethnic, racial or national groups.

## **II. History**

Immigration policies exist as an attempt to regulate migration. In general, when destination countries face a lack of labor force domestic interest groups advocate the adoption of more lenient policies. Such interest groups consist of powerful employers, religious and ethnic groups, as well as labor unions. As a result, undocumented immigration seems to drop.

When public opinion towards immigrants and asylum-seekers is negative due to high unemployment and crime rates, destination countries take up stringent policies in order to reduce the flow of immigrants, which encourages undocumented migration. Depending on the prevailing interest of the time, and market needs versus public opinion, immigration policies worldwide allow or restrict the free movement of people.

The Twentieth Century started with waves of regulations and limitations to immigration in the Americas and Europe. At the end of the Nineteenth Century and the beginning of the Twentieth Century, immigration from Asia to the United States became heavily restricted by racist laws designed to encourage only immigration from Europe. Instead Asian migrants often went to South and Central America. Soon restrictive immigrant legislation followed in Argentina, Australia, Brazil, Canada, and the United Kingdom<sup>4</sup>. During World War I, strict policies were developed to monitor the movement of people even on a regional level by Germany, Italy, Portugal, Spain, and Russia<sup>5</sup>. At the end of World War I, the International Labor Organization (ILO) was established in 1919 to minimize the exploitation of workers in the industrializing states of the time<sup>6</sup>. Migration from Asia to the Western World decreased in response to the restrictive measures, but movements of people within Asia continued: Japan recruited around 40,000 workers from its then colony, Korea, between 1921 and 1941, and people from densely

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<sup>4</sup> Ibid., 1450.

<sup>5</sup> Ibid., 1451.

<sup>6</sup> ILO. "Origins and history." ILO.



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populated Chinese provinces migrated to Manchuria<sup>7</sup>.

The end of World War II marked the creation of the first international organizations to control and record migration. The European Court of Human Rights and the Geneva Conventions guarantee human rights for migrants, refugees, and asylum-seekers.<sup>8</sup> The International Organization for Migration (IOM) was created in 1951, known then as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), to help European countries find and resettle the estimated 11 million people uprooted by the war.<sup>9</sup> The ILO provided the framework for good practices while hiring temporary labor from foreign countries. During decolonization, European countries received large amounts of workers from Asian countries based on the previous colonial empires: France from Vietnam, the Netherlands from Indonesia, and the UK from the Indian subcontinent and Hong Kong<sup>10</sup>. At this time, Southern Europe was exporting labor too, mainly to Northern Europe. In the Americas, the influx of undocumented migrants from Central America, particularly Mexico, captured the attention of the government. Undocumented migration or workers with expired visas were facing discontent by the locals, but their inexpensive, manual labor was much needed for the markets of the Western World.

At the turn of the millennium, the European Union (EU) adopted the Schengen Agreement, which guaranteed the free movement of people within the EU abolishing all internal border controls<sup>11</sup>. This agreement made Northern Europe even more attractive to immigrants, who now aimed at reaching Southern European countries, namely Greece, Italy, Spain, and Portugal. These countries' immigration policies became extremely strict leading many immigrants who entered legally to break the conditions of their visas. By 2005, the approximate number of immigrants in Greece was 1.15 million, in Italy 2.5 million, and in Spain 4.8 million<sup>12</sup>. Some of the chief source countries were: China, India, Pakistan, and Philippines.<sup>13</sup> A majority of the migrants into Southern Europe came from Northern and Sub-Saharan African countries by boat, sparking a major humanitarian crisis.

Migrants from the Middle East often made their way to Northern Europe, especially Germany, Sweden, and to a lesser extent Norway, which received mass migration from Iraq in the early 2000s, and from Libya and Syria after 2011. Germany and Sweden became the preferred destination in September 2014, when these countries welcomed migrants on humanitarian grounds, while other countries such as Hungary, Russia and the United Kingdom reacted more antagonistic.

In North America, policies differed dramatically. Canada welcomed migrants,

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<sup>7</sup> Stephen Castles, Mark J. Miller. "Migration in the Asia-Pacific Region." Migrationpolicy.org.

<sup>8</sup> Baldwin-Edwards, "Towards a Theory of Illegal Migration," 1451

<sup>9</sup> IOM. "IOM History." IOM.

<sup>10</sup> Castles and Miller. "Migration in the Asia-Pacific Region".

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<sup>11</sup> European Union. "The Schengen area and cooperation." EUR-Lex

<sup>12</sup> Baldwin-Edwards, "Towards a Theory of Illegal Migration," 1451

<sup>13</sup> Castles and Miller. "Migration in the Asia-Pacific Region".



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especially from East Asia and South Asia. The United States found itself mired in controversy over migration from Mexico and Central America, its constitutional weaknesses making resolution of these issues difficult or impossible. In the United States, migrants from the Philippines made up the second largest group after Mexico, followed by Indians and Chinese migrants.

### **III. Current situation**

What historical data sometimes conceals is the humanitarian aspect of immigration policies. There are a plethora of events and ongoing situations that concern undocumented migrants, for example the Roma people in Eastern Europe or the Calais migrant crisis in France. This past year alone the world has experienced several humanitarian crises concerning migrants. Two such cases are reviewed below:



#### *The Mediterranean Migrant Crisis*

“Migrant boat arrivals in Europe will top 150,000 in 2015” reported the IOM in July, 2015.<sup>14</sup> The two major countries of arrival are

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<sup>14</sup> IOM. “Migrant Boat Arrivals in Europe Top 150,000 in 2015.” IOM

Greece and Italy, counting 75,970 arrivals in Greece and 74,947 in Italy.<sup>15</sup> The main countries of origin for arrivals in Greece are: Afghanistan, Iraq, Pakistan, Somalia, and Syria, with the largest numbers coming from Syria (22,582).<sup>16</sup> For Italy, the main countries of origin are Eritrea (18,676), Gambia (3,593), Nigeria (7,897), Somalia (6,334), Sudan (3,589), and Syria (4,271).<sup>17</sup> Federico Soda, the Director of the IOM Coordination Office for the Mediterranean in Rome, explained that the screening of migrants to determine their status, whether asylum-seekers or economic migrants, starts in the crowded reception centers of the countries of arrival, since very few migrants carry proper documentation.<sup>18</sup> These boats bring among other people vulnerable individuals, such as victims of trafficking and violence, unaccompanied children, and pregnant women.

Over 1,900 migrants lost their lives while crossing the Mediterranean in the first half of 2015, over twice the number recorded in 2014, overwhelmingly the result of overweight boats sinking before reaching shore.<sup>19</sup> National coastguards in cooperation with EU border control ships (Frontex), part of the EU Operations ‘Triton’ and ‘Poseidon’, have managed to save thousands of migrant lives.<sup>20</sup>

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<sup>15</sup> Ibid.  
<sup>16</sup> Ibid.  
<sup>17</sup> Ibid.  
<sup>18</sup> Ibid.  
<sup>19</sup> Ibid.  
<sup>20</sup> Ibid.



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According to BBC, the European Commission wants to redistribute 40,000 of these migrants more equally across the EU based on a distribution key that takes account of the population, gross domestic product, unemployment, and number of refugees already taken in.<sup>21</sup> This plan, though applauded by the United Nations<sup>22</sup>, triggers many reactions from the members of the EU. France and Germany, which together are expected to receive more than 30% of the redistributed migrants, request a “fairer burden-sharing.”<sup>23</sup> Poland opposes the idea altogether claiming that member states should be able to make their own decisions.<sup>24</sup> Spain says the commission has taken inadequate account of internal issues, namely unemployment, currently at 23%, and already-existing undocumented migrants.<sup>25</sup> The fact that under EU law, Ireland, Denmark and the UK are exempted from the plan intensifies the general disagreement. Another controversial proposal by

<sup>21</sup> Paul Adams. “Migrants: What Europe Can Achieve.” BBC News.

<sup>22</sup> UN News Center. “UN welcomes European Union proposals for ‘visionary’ migration reforms.” UN News Center.

<sup>23</sup> Adams, “Migrants: What Europe Can Achieve.”

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

the EU’s foreign policy chief, Federica Mogherini, involves the destruction of boats in order to curb smuggling networks.<sup>26</sup> The UN has urged the commission to refrain from risking migrant lives while pursuing anti-smuggling initiatives, and to always confirm with international law.<sup>27</sup>

**Southeast Asia Migrant Crisis**

Migration within Asia has historically been primarily illegal due to the governments’ unwillingness to manage it. Especially in the Southeast Asia, flows of undocumented immigrants cross the border between Thailand and Malaysia, while Thailand has also been the destination country for 1.7 million illegal workers mainly from Myanmar. This past May the number of illegal migrants leaving Myanmar reached record numbers. The migrants are largely the Rohingya Muslims attempting to flee persecution in the predominantly Buddhist Myanmar, where they are being denied basic human rights and citizenship. Smugglers make high profits from smuggling Rohingya refugees and job-seeking Bangladeshi migrants into Thailand. One of the major single events of the crisis was when smugglers abandoned ships with thousands of people at sea in response to a Thailand-launched crackdown; thousands of migrants were left stranded at sea.<sup>28</sup> The governments of Indonesia, Malaysia, and Thailand refused to accept the migrants,

<sup>26</sup> Ibid.

<sup>27</sup> UN News Center. “UN welcomes European Union proposals...”

<sup>28</sup> Agencies. “South-east Asia migrant crisis: numbers are now ‘alarming’, talks told.” The Guardian.



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discouraging local fishermen from offering help  
and shelter.<sup>29</sup>

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<sup>29</sup> UN News Center. "In talks with Southeastern Asian leaders, top UN officials stress need to protect migrants stranded at sea." UN News Center.



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**DESPERATE JOURNEYS: The Rohingya People**

**Rohingya and Bangladeshi migrants have landed in Malaysia and Indonesia**

About 1,600 Rohingya and Bangladeshi migrants from Myanmar have landed in Malaysia and Indonesia over the past two days, apparently after human traffickers abandoned their virtual prison ships and left them to fend for themselves, officials said on May 11.

**"WE HAD NOTHING TO EAT"**

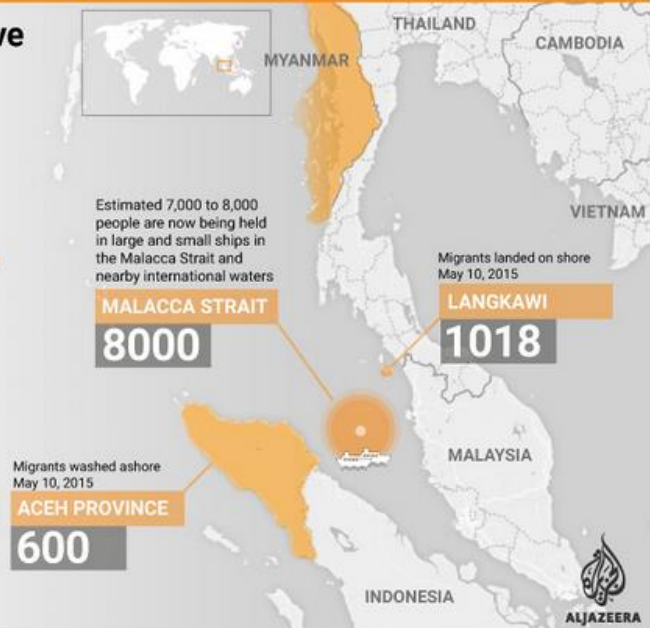
- Rashid Ahmed, 43-year-old Rohingya man who was on one of the boats

**Who are the Rohingya people?**

The Rohingya are an ethnic community who live in Myanmar's western Rakhine state. A Muslim people, the Rohingya have for decades suffered from state-sanctioned discrimination in Buddhist-majority Myanmar, which considers them illegal settlers from Bangladesh.



Source: Al Jazeera & agencies



The UN Secretary-General, Ban-Ki-Moon, appalled by this behavior, spoke to the Prime Ministers of Malaysia and Thailand reiterating the importance of protecting lives and upholding international law.<sup>30</sup> Since then, at least 4,800 people have been disembarked in Bangladesh, Indonesia, Malaysia, Myanmar, and Thailand, and Myanmar's navy has seized boats with 700 illegal migrants at times.<sup>31</sup> The United Nations High Commissioner for Refugees (UNHCR) and the IOM have provided humanitarian aid to the injured and famished survivors in the receiving locations. Indonesia

and Malaysia have agreed to provide shelter for the immigrants for a year, but Bangladeshis were asked by the Indonesian government to return to their home country.<sup>32</sup> During an emergency meeting of the Association of Southeast Asian Nations (ASEAN), law enforcement actions against trafficking and smuggling were established and discussions about alternatives to detention centers have taken place.<sup>33</sup> The UNHCR has reaffirmed its willingness to share technical expertise in

<sup>30</sup> Ibid.

<sup>31</sup> UN News Center. "UN agency welcomes new proposals by Southeast Asian States on region's refugee and migrant issues." UN News Center.

<sup>32</sup> Agencies. "South-east Asia migrant crisis: numbers are now 'alarming', talks told." The Guardian.

<sup>33</sup> UN News Center. "UN agency welcomes new proposals by Southeast Asian States on region's refugee and migrant issues." UN News Center.





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screening and seeking solutions for refugees and help rally support for ASEAN's efforts.<sup>34</sup>

*Central America Migrant Crisis*

Ever since the number of undocumented immigrants in the United States stabilized at about 11 million after the Great Recession of 2007-08<sup>35</sup>, some officials maintain the problem has declined. Most unauthorized migrants in the United States are long-term residents of the country, with a median residency of almost 13 years. President Obama led efforts to give them legal status or relieve the fear of deportation that makes them vulnerable to economic exploitation.<sup>36</sup>

Other political factions in the United States see undocumented migration as a threat to national security, bringing a risk of terrorism, crime and exploitation of current residents. This fear resulted in greatly expanded spending on border security, especially on the Mexico-United States border, now one of the most militarized borders in the world. One result is far less people caught crossing that border. The decline in crossings also may be due to improving economic possibilities in Central America and Mexico.<sup>37</sup>

A related problem is people from Central America, especially El Salvador, Honduras, and

Guatemala attempting to flee gang violence, extreme poverty and persecution. Their motives make them eligible for consideration as international refugees, although domestic politics in the United States rules most humanitarian considerations, a point of contention with the United Nations



The principle United States policy response has been to encourage economic growth in Central America. The US granted USD 300 million for foreign aid in Central America.<sup>38</sup> This is not trivial, but critics maintain it is relatively small compared to the scale of Central American economics and unlikely to make a substantial difference.

Another approach favored by important constituencies in the United States focuses on regional crime and law enforcement, stressing not humanitarian issue but the danger of crime, especially fears of terrorist attack, gang violence, drug and human trafficking. The response they prefer is law enforcement, building a larger wall along the border, preventing all but a small number of migrants from reaching the United States. Such policies

<sup>34</sup> Ibid.

<sup>35</sup> Jeffrey S. Passel, D'Vera Cohn, Jens Manuel Krogstad, and Ana Gonzales-Barrera. "As Growth Stalls, Unauthorized Immigrant Population Becomes More Settled." Pew Research Center.

<sup>36</sup> Ibid.

<sup>37</sup> The Editorial Board. "Central America's Unresolved Migrant Crisis." The New York Times.

<sup>38</sup> Ibid.



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have great popularity, but also clash with international humanitarian law and moral norms, setting up the United States for major disputes with other UN member states.

#### **IV. United Nations action**

One of the most fundamental documents in the UN, the Universal Declaration of Human Rights (UNDHR), guarantees that everyone has the right to leave any country, including his/her own, and to return to his/her country.<sup>39</sup> In urgent situations like the ones described above, different documents take effect. The General Assembly includes the subject of migration and its effect on countries' development in its agenda frequently. Here are some of the landmark documents the GA has passed:

*International Convention on the Protection of the Rights of All Migrant Workers and their Families*

This document represents a milestone in the UN's attempts to protect the rights of migrant workers regardless of their legal status. The majority of rights guaranteed by this document consist of a repetition of the rights enumerated by the UNDHR. While Parts I and II of the Convention define the document's application and ensures non-discriminatory behavior of states towards all migrants and their family members, Parts III and IV spell out the human rights of these groups.<sup>40</sup> Some of the

rights highlighted for migrant workers and family members are: the right to free movement and life, the prohibition of torture and slavery of migrants and their family members, the right to freedom of thought, religion, and expression of such beliefs and opinions.<sup>41</sup> Other enumerated rights include: the right to privacy, protection of the law obliging states to perform due process, protection against the arbitrary deprivation of property and collective expulsion.<sup>42</sup>

Special attention should be paid to the right to information, which makes states responsible for informing migrants of their rights free of charge and in the language they can understand. Furthermore, Article 68 of the Convention urges states to prevent and eliminate irregular migration and employment of undocumented workers, including measures against the spreading of misinformation concerning immigration and the imposition of effective punishments on those responsible for such actions, whether smugglers or employers.<sup>43</sup>

*Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*

In 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime and two protocols: the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Since migrant crises occur usually when mass migrant smuggling is involved, this

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<sup>39</sup> United Nations. "The Universal Declaration of Human Rights." United Nations.

<sup>40</sup> United Nations. "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", General Assembly Resolution 45/158 of 18 December 1990

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.



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document defines and attempts to combat the smuggling of migrants.

The official definition of the term “smuggling of migrants” is “the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”<sup>44</sup> The sixth article of the protocol urges states to adopt legislation that establishes as criminal offense: a) the smuggling of migrants or participating in its organization and direction, b) the production and use of fraudulent travel or identity documentation to enable the smuggling of migrants, c) endangering, or likely endangering, the lives or safety of migrants, d) entailing inhuman or degrading treatment, including exploitation, of such migrants.<sup>45</sup> However, those migrants who have been the object of such contact are not to be criminally prosecuted.

In case of reasonable suspicion that a vessel is smuggling migrants, state officials can board and search the vessel, check its authorization and take appropriate measures in full cooperation with other states. Such cooperation includes the exchange of information among states, border controls, denial of entry or revocation of visas of persons caught, specialized training for immigration and other relevant officials and increase public awareness on the matter. When dealing with such situations, officials should always preserve and protect the rights of the migrants, mainly the right to life, and refrain from using torture or other degrading, inhuman, or cruel treatment or

punishment. In addition, officials should protect the migrants against violence by other individuals or groups. In order to return migrants to the country of their origin, proper documentation must be obtained and the return should occur in an orderly and decent manner.

*A/RES/68/4. Resolution adopted by the General Assembly on 3 October 2013 on Declaration of the High-level Dialogue on International Migration and Development*



The members of the General Assembly accepted the notion that international migration relates to the development of countries of origin, transit and destination and committed to creating an agenda promoting development through international migration.<sup>46</sup> This agenda includes establishing ways to improve the performance of existing institutions and frameworks in order to integrate development while respecting human

<sup>44</sup> United Nations Office on Drugs and Crime. “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto”, United Nations

<sup>45</sup> Ibid.

<sup>46</sup> United Nations. “Declaration of the High-level Dialogue on International Migration and Development”, General Assembly Resolution A/RES/68/4



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rights, as well as addressing the challenges that countries of origin, transit, and destination face. Reducing irregular migration through states' cooperation on mobility programs and battling migrant smuggling and trafficking are among the topic being discussed. Public perceptions of migrants are given special attention so as to condemn racism, discrimination, xenophobia, and stereotypes often applied to migrants, and allow for better living conditions for the migrants. Lastly, the body agreed to protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially for vulnerable groups such as women and children.

*A/RES/69/167. Resolution adopted by the General Assembly on 18 December 2014 on Protection of Migrants*

In this resolution, the General Assembly emphasizes the importance of protecting migrants' human rights. Referring to the Universal Declaration of Human Rights and the International Covenant on Human Rights, the members of the General Assembly: a) condemn racism and all its different forms by encouraging governments to reinforce the existing laws against hate crimes, b) advocate the creation of mechanisms that allow immigrants to report cases of abuse by authorities or employers without the fear of retaliation, and c) call for states to ensure that existing legislation does not violate the migrants' human rights, including counter-terrorism policies and when combating international organized crime.<sup>47</sup>

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<sup>47</sup> United Nations. "Protection of migrants", General Assembly Resolution A/RES/69/167 (New York: United Nations, 12 February 2015).

The resolution also suggests that local and governmental authorities a) refrain from arbitrary arrests and detentions of migrants, b) prosecute individuals or groups who practice arbitrary detention, torture and violations of the right to life, and c) use alternative mechanisms to detention when dealing with undocumented migrants.<sup>48</sup> States should place measures to address the issue of migrant smuggling, chiefly through laws, information sharing and joint operations that criminalize the acts of smuggling migrants and deprivation of their liberty. Impunity of traffickers and their accomplices should not be tolerated, as migrants who have suffered from abuse have a right to justice and access to medical, psychosocial, and legal assistance where appropriate.

For countries of transit, the adoption of measures that prevent the violation of migrant's human rights in ports, airports, borders, and migration checkpoints, as well as the training of officials who work in such facilities to respect migrants and act according to international human rights law are highly recommended because of the distinct vulnerability of migrants during transit.<sup>49</sup> All migrants, regardless of their status, have a right to communicate with a consular official of the country of origin in case of arrest, imprisonment, custody, or detention and to be informed without delay of their rights.

*A/RES/69/229. Resolution adopted by the General Assembly on 19 December 2014 on International Migration and Development*

This resolution repeats many key points from the previous document, but it attempts to promote the role of international migration as a

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<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*



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factor for development. To be more specific, it calls for the cooperation of governments and NGOs in gaining a better understanding of the migrations flows within regions.<sup>50</sup> Recognizing that the number of migrants is constantly growing, it points out the vulnerability of migrants attempting to cross international borders without proper documentation. Therefore, it urges states to avoid approaches that may violate the migrants' human rights, regardless of their legal status and ratify legislations that comply with international law and particularly international human rights law to ensure the respect for the human rights for migrants.<sup>51</sup> The most interesting item in the resolution is the invitation to reduce the costs of migration, enhance the ability of migrants to transfer security entitlements, and promote the recognition of educational and professional qualifications of migrants.<sup>52</sup>

**V. Key issues and arguments to consider**

This committee will focus on one fundamental question: how to reduce or even eliminate irregular migration. Some of the most frequent arguments concerning this question stem from three areas: reducing the bureaucratic process required to travel legally, addressing the causes of irregular migration, and dismantling the migrant smuggling networks.

*Reducing Required Legal Documentation*

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<sup>50</sup> United Nations. "International migration and development", General Assembly Resolution A/RES/69/229 (New York: United Nations, 4 February 2015).

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

Advocates of this policy encourage states to expedite the process of acquiring proper travelling documents. Supposing that the bureaucracy involved with the process is reduced, less people will be inclined to resolve to illegal migration since travelling legally would be easier and less tricky. In addition, reducing bureaucracy could allow for the relocation of resources to better training of migration officials and battling migrant smuggling. This idea, however simple, seems to cause some reaction from states. Even if the UN supports less documentation, individual states may find it hard to reduce the paperwork because of fear for mass migration. For sending countries, this could mean severe loss of labor, while for destination countries, this could lead to increase in the unemployment rates and hostility against migrant groups.

*Addressing the causes of irregular migration*

The causes of irregular migration, as discussed above, include: overpopulation, poor living conditions, persecution due to ethno-political conflict, and environmental disasters. Controlling these factors can allow sending governments to reduce the levels of undocumented migrants and refugees and increase the well-being of individual states overall. If people are prosperous within their own country, they will not attempt to migrate in search of a better future. Nevertheless, such an operation would demand massive flow of capital within these countries. If the countries facing these issues have not already adopted measures to battle them, the reason could be that there's a lack of resource or unwillingness for cooperation. Furthermore, the non-binding character of the UN makes it impossible for the organization to largely interfere with domestic



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affairs, especially without consent from the government.

*Battling migrant smuggling networks*

The Protocol against the Smuggling of Migrant by Land, Sea, and Air outlines the steps governments should take in order to tackle migrant smuggling. States should be largely encouraged to enforce it and foster excellent regional relations. Border controls, better tracking networks and appropriate punishments could be established with the help of the UN, the IOM, and pertinent NGOs. Suggestions that could harm the migrants or violate their fundamental human rights, such as firing at the boats or detaining the migrants and smugglers in overcrowded and unhealthy detention centers, would rather be avoided. Cooperation among states and organizations can make use of the media in launching campaigns discouraging people from contacting and hiring smugglers for their transportation.

**VI. Country and Bloc Positions**

*African Union:* The Migration Policy Framework is a document including the AU's recommendations and stance about migration. Some of the proposed measures include: regional cooperation in a) adopting common policies to counter migrant smuggling, b) information sharing, c) joint cross-border patrols for neighboring states, and d) consultative mechanisms and dialogue on irregular migration.<sup>53</sup> The document also addresses the

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<sup>53</sup> African Union. "Statement by Dr. Mustapha Sidiki Kaloko (AU Commissioner for Social Affairs) at the Global Forum on Migration and Development", African Union (Mauritius: African Union, 21-22 November 2012).

matter of re-admission of irregular migrants to the country of their origin.<sup>54</sup> The AU encourages states to accept their nationals who illegally migrate to other countries in a manner that respects their human rights and facilitates a smooth re-integration.

*China:* The 1985 Law of Administration of Entrance and Exit of Foreigners encouraged immigrants to enter China, causing a sharp increase in the number of immigrants in the country.<sup>55</sup> However, the fear of social instability due to the immigrants' presence led to the adoption of the 2012 Exit and Entry Administration Law. Aiming at combating illegal entry, residence, and work in China, this law raises the penalties for all immigration offenses including aiding undocumented migrants.<sup>56</sup> Illegal aliens unable to pay for their repatriation are being detained for long periods of time. It also identifies the groups of migrants mostly welcome by the government, which include: ethnic Chinese living outside of China, high-level professionals, refugees and asylum seekers.<sup>57</sup>

*European Union:* There are sharp disagreements among EU member states on migration issues. Generally the EU is the strongest advocate of humanitarianism in the international community. But many EU counters have witnessed a nationalist political backlash against migration, too.

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<sup>54</sup> Ibid.

<sup>55</sup> Heidi Østbø Haugen. "Destination China: The Country Adjusts to its New Migration Reality." Migrationpolicy.org

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.



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In 2008, the approximate number of illegal aliens within the European Union (EU) ranged from 1.9-3.8 million<sup>58</sup>. Due to recent unrest in the Middle East and on the African continent an influx of irregular migrants into the EU has culminated in the Mediterranean Migrant Crisis, discussed above. Responses to such emergencies include the migrant redistribution plan and regular boat inspections to curb migrant smuggling. For long term solutions to the issues undocumented migration creates the EU has put together the Agenda on Migration.<sup>59</sup> The most controversial item being the “remodeling of legal migration,” calling for the potential creation of an “EU-wide pool” to include all qualified job-seeking migrants which will be accessible to employers and authorities.<sup>60</sup> Initiating talks with the African Union about addressing the roots of irregular migration has also been among the plans of the EU, unfortunately with no definite results.

*Non-Aligned Movement:* While the AU focuses on establishing a more coherent regional cooperation, other member-states of the Non-Aligned Movement, the UN’s largest voting bloc, express other concerns. Countries of the Middle East consider their levels of immigration to be too high and have launched efforts to restrict migration through restrictions on immigrant employment.<sup>61</sup> NAM member states

also are concerned with the treatment of their own citizens abroad, and work hard to ensure they are treated well in countries of arrival.

In Southeast Asia, states focus on resolving emergencies. Countries like Bangladesh, Indonesia, Malaysia, Mongolia, and the Philippines concentrate efforts on establishing humanitarian relief mechanisms, reducing the amount of time migrants spend in detention centers, and creating an administrative framework to recognize asylum-seekers and distinguish them from undocumented migrants.<sup>62</sup>

*Russia:* Russia struggles with irregular migration due to the great length of its border and the lack of adequate border controls, encouraging migrants to resolve to illegal entry.<sup>63</sup> Under President Vladimir Putin, Russia has become more nationalist, making the situation for migrants more delicate.

The largest numbers of irregular migrants in Russia come from Kazakhstan and other Central Asian states in the east, as well as countries of the former Soviet Union in the west.<sup>64</sup> Due to the lack of funds, the government is unable to prevent illegal entry of migrants and deport the violators. Some of the long discussed policies to be taken up by the government include the strengthening of sanctions against employers who hire illegal migrants as workers and the legalization of migrants that could benefit the country economically.

<sup>58</sup> United Nations. “International Migration Policies: Government Views and Priorities 2013.” (New York: United Nations Department of Economic and Social Affairs | Population Division, 2014) p. 91.

<sup>59</sup> Paul Adams. “Migrants: What Europe Can Achieve.” BBC News.

<sup>60</sup> Ibid.

<sup>61</sup> Martin Baldwin-Edwards. “Migration in the Middle East and Mediterranean.” Global Commission on International Migration (GCIM).

<sup>62</sup> UNHCR. “2012 UNHCR subregional operations profile – South-East Asia.” UNHCR

<sup>63</sup> Eugene Krassinets. “Illegal migration and employment in Russia.” Informal Network on Foreign Labour in Central and Eastern Europe.

<sup>64</sup> Ibid.



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*United States of America:* The United States is highly divided on migration issues and tends to act cautiously, ceding leadership on this issue to others, especially the European Union globally and Canada in inter-American affairs. Some of the strongest critics of migration in the United States also are extremely suspicious of the United Nations.

Current United States immigration policies include increased border controls and cooperation with Mexico in discouraging migrants from heading north.<sup>65</sup> The Obama administration looks favorably upon granting temporary relief from deportation or even amnesty to certain illegal migrants. Nevertheless, elections are coming up. Some candidates approve Obama's vision, but others take a very different stand. Ideas such as immediate deportation of all illegal aliens or building a physical wall on the southern border could materialize in case a change in power occurs. Regardless of the government in power, there is always the possibility of a new wave of immigration happening on the southern border.

- What are some ways to curb undocumented migration long term?
- How does current UN action address the issue? What other actions should the UN adopt?
- What can the UN encourage states to do to prevent migrants from pursuing illegal options?

## **VII. Essential Questions for the UN**

Besides answering the central issue of how to eliminate irregular migration overall, there are some pertinent questions that need to be addressed.

- How can the UN help states prepare for sudden waves of irregular migration?
- What can be done to ensure that migrant rights are not violated?

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<sup>65</sup> The Editorial Board. "Central America's Unresolved Migrant Crisis." *The New York Times*.





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