

BACKGROUND NOTE 3:

MAKING MIGRATION WORK FOR ALL

IRREGULAR MIGRATION



How serious is the issue of irregular migration?

While the vast majority of the world's 258 million migrants move and work in a regular fashion, tens of millions are in "irregular" situations.¹

Irregular migration is a broad term covering a wide spectrum of activities. These range from relatively minor infringements, such as overstaying a visa, to important infractions such as use of falsified documents or unauthorized border crossings.

Irregular migration undercuts the authority of states, places unfair competitive pressures on businesses and puts migrants at risk. Migrants in an irregular situation find themselves at increased risk of discrimination, social exclusion and abuse. Many face exploitation by their employers, especially as they take jobs in informal economies, with little real hope of redress. Others are denied rights and face hardships but

they are often afraid or unable to seek protection and relief.

Why do people opt for irregular migration?

Irregular migration is often the product of economic pressures and flawed regulations. When countries place heavy obstacles to regular migration - or simply do not provide enough opportunities for migrants to meet their labour market needs - they create incentives for businesses and foreign workers to circumvent the rules, particularly at low skill levels and in informal economies.

Similarly, some countries accept workers but restrict access to their family members, again creating incentives to disobey regulations.

Some groups of irregular migrants become settled presences in their host countries, making long-term economic and social contributions but living in a legal grey area.

The most effective way to reduce irregular migration is, in fact, to expand pathways for regular migration. Where governments set up accessible systems to admit sufficient numbers of migrants to meet their labour market needs, they remove a major incentive for irregular migration, and help protect migrants from exploitation.

¹ Precise global figures on irregular migration are difficult to obtain, and the proportion of migrants in irregular situations varies by region.

How can governments limit irregular migration?

Just as irregular migration covers a spectrum of activities, governments have a range of policy options to address their specific environments and policy dilemmas.

These options include returning migrants on a voluntary or compulsory basis. But many authorities ignore basic human rights obligations in return programmes, while there is often reason to doubt the efficacy of these programmes.

There are particular problems over the detention of children – which violates basic human rights obligations – and their return. The best interests of the child should be the governing principle in all such situations.

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Where there are well-established populations of irregular migrants, governments should consider policies including (i) opening up health, education and other services to all regardless of status; (ii) issuing temporary stay permits to formalize migrants' status; and (iii) offering permanent residency or pathways to citizenship based on for example work, family ties or humanitarian considerations.

Under almost any circumstance, regularization is better than a protracted situation in which authorities marginalize irregular migrants and the state's capacity to regulate all those on its territory is impeded.