



International Migrations

Prof^a Dr^a Karine de Souza Silva



**MIGRATION
IS A HUMAN
RIGHT**

Refugees welcome



**No Human
Being is
Illegal**

**Ningun Ser
Humano es
Illegal**



**SUSTAINABLE
DEVELOPMENT GOALS**

**There are 272 million international migrants
in the world. That's over 3 in every 100 people.**



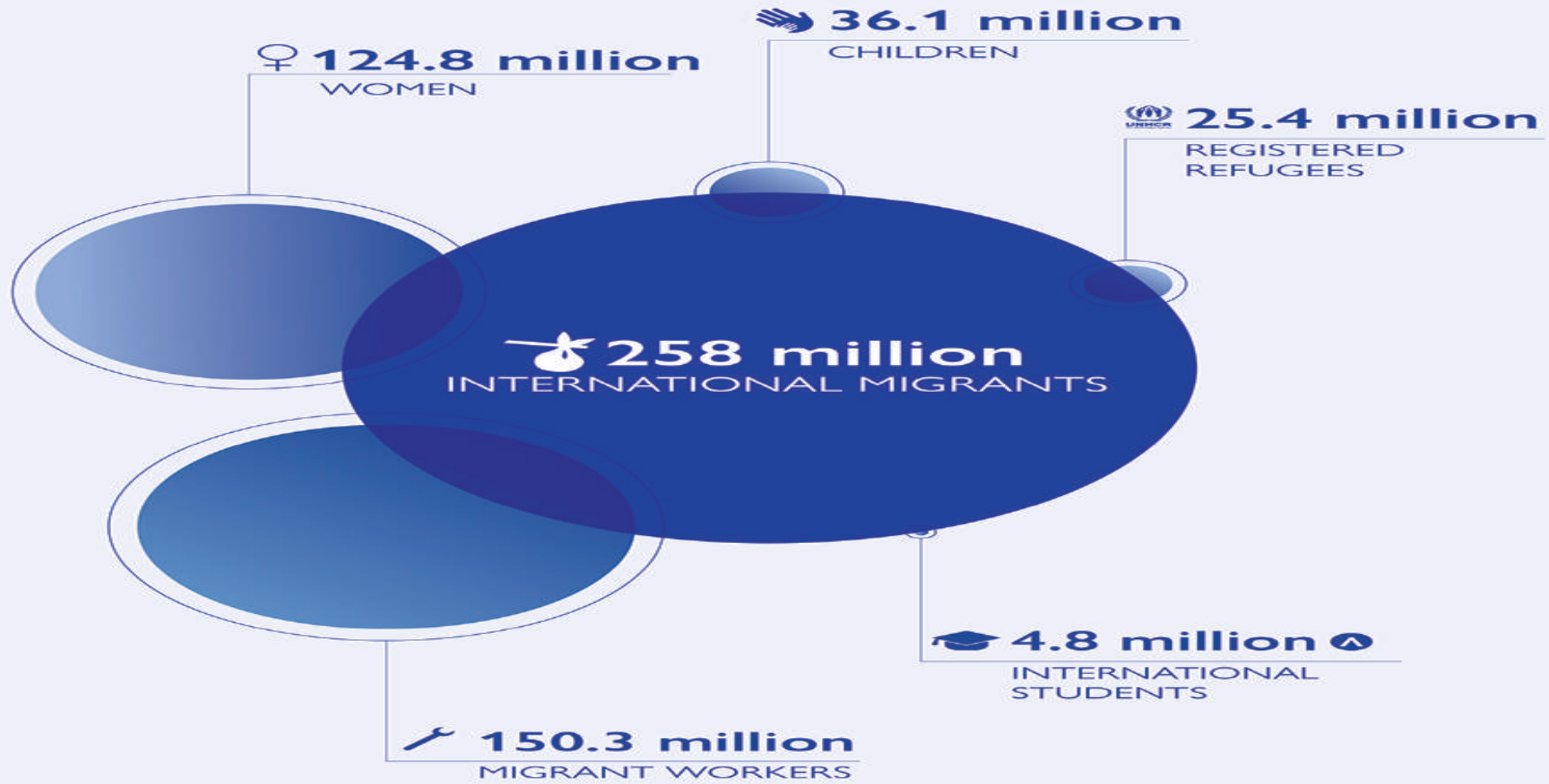
**bit.ly/Migration2019 • #ForMigration
#UNPopulation**



**United
Nations**

Department of
Economic and
Social Affairs

OVERVIEW: INTERNATIONAL MIGRANT POPULATION



70.8 million

forcibly displaced people worldwide



Internally Displaced People
41.3 million

Refugees
25.9 million
20.4 million under UNHCR's mandate
5.5 million Palestinian refugees under UNRWA's mandate

Asylum-seekers
3.5 million

Where the world's displaced people are being hosted

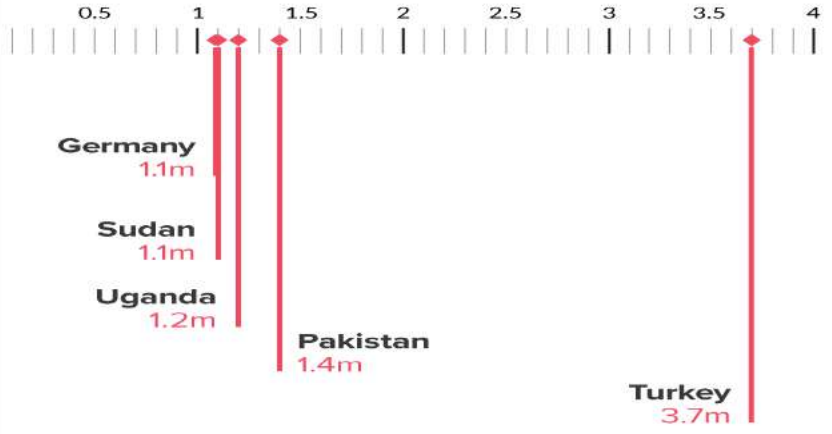


About 80 per cent of refugees live in countries neighbouring their countries of origin

57% of UNHCR refugees came from three countries



Top refugee-hosting countries



UNHCR has data on **3.9 million stateless people** but there are thought to be millions more

341,800 new asylum seekers
The greatest number of new asylum applications in 2018 was from Venezuelans

92,400 refugees resettled

37,000 people a day forced to flee their homes because of conflict and persecution

16,803 personnel
UNHCR employs 16,803 people worldwide (as of 31 May 2019)

134 countries
We work in 134 countries (as of 31 May 2019)

We are funded almost entirely by voluntary contributions, with 86 per cent from governments and the European Union and 10 per cent from private donors



Eirenè
UFSC

Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais
aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



Migration governance – "The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States' approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation."



The United Nations System

UN PRINCIPAL ORGANS

GENERAL ASSEMBLY

SECURITY COUNCIL

ECONOMIC AND SOCIAL COUNCIL

SECRETARIAT

INTERNATIONAL COURT OF JUSTICE

TRUSTEESHIP COUNCIL⁶

Subsidiary Organs

- Main Committees
- Disarmament Commission
- Human Rights Council
- International Law Commission
- Joint Inspection Unit (JIU)
- Standing committees and ad hoc bodies

Funds and Programmes¹

- UNDP** United Nations Development Programme
 - **UNCDF** United Nations Capital Development Fund
 - **UNV** United Nations Volunteers
- UNEP**² United Nations Environment Programme
- UNFPA** United Nations Population Fund
- UN-Habitat**³ United Nations Human Settlements Programme
- UNICEF** United Nations Children's Fund
- WFP** World Food Programme (UN/FAO)

Research and Training

- UNIDIR** United Nations Institute for Disarmament Research
- UNITAR** United Nations Institute for Training and Research
- UNSSC** United Nations System Staff College
- UNU** United Nations University

Other Entities

- ITC** International Trade Centre (UN/WTO)
- UNCTAD**^{1,2} United Nations Conference on Trade and Development
- UNHCR**³ Office of the United Nations High Commissioner for Refugees
- UNOPS**³ United Nations Office for Project Services
- UNRWA**³ United Nations Relief and Works Agency for Palestine Refugees in the Near East
- UN-Women**³ United Nations Entity for Gender equality and the Empowerment of Women

Related Organizations

- CTBTO Preparatory Commission** Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
- IAEA**^{1,2} International Atomic Energy Agency
- ICC** International Criminal Court
- IOM**³ International Organization for Migration
- ISA** International Seabed Authority
- ITLOS** International Tribunal for the Law of the Sea
- OPCW**³ Organization for the Prohibition of Chemical Weapons
- WTO**^{1,4} World Trade Organization

Peacebuilding Commission

HLPF High-level political forum on sustainable development

Subsidiary Organs

- Counter-Terrorism Committee
- International Tribunal for the former Yugoslavia (ICTY)
- International Residual Mechanism for Criminal Tribunals
- Military Staff Committee
- Peacekeeping operations and political missions
- Sanctions committees (ad hoc)
- Standing committees and ad hoc bodies

Functional Commissions

- Crime Prevention and Criminal Justice
- Narcotic Drugs
- Population and Development
- Science and Technology for Development
- Social Development
- Statistics
- Status of Women
- United Nations Forum on Forests

Regional Commissions⁵

- ECA** Economic Commission for Africa
- ECE** Economic Commission for Europe
- ECLAC** Economic Commission for Latin America and the Caribbean
- ESCAP** Economic and Social Commission for Asia and the Pacific
- ESCWA** Economic and Social Commission for Western Asia

Other Bodies

- Committee for Development Policy
- Committee of Experts on Public Administration
- Committee on Non-Governmental Organizations
- Permanent Forum on Indigenous Issues
- UNAIDS** Joint United Nations Programme on HIV/AIDS
- UNGEGN** United Nations Group of Experts on Geographical Names

Departments and Offices⁸

- EOSG** Executive Office of the Secretary-General
- DESA** Department of Economic and Social Affairs
- DFS** Department of Field Support
- DGACM** Department for General Assembly and Conference Management
- DM** Department of Management
- DPA** Department of Political Affairs
- DPI** Department of Public Information
- DPKO** Department of Peacekeeping Operations
- DSS** Department of Safety and Security
- OCHA** Office for the Coordination of Humanitarian Affairs
- ODA** Office for Disarmament Affairs
- OHCHR** Office of the United Nations High Commissioner for Human Rights
- OIOS** Office of Internal Oversight Services
- OLA** Office of Legal Affairs
- OSAA** Office of the Special Adviser on Africa
- PBSO** Peacebuilding Support Office
- SRSO/CAAC** Office of the Special Representative of the Secretary-General for Children and Armed Conflict
- SRSO/SVC** Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
- SRSO/VAC** Office of the Special Representative of the Secretary-General on Violence Against Children
- UNISDR** United Nations Office for Disaster Risk Reduction

Research and Training

- UNICRI** United Nations Interregional Crime and Justice Research Institute
- UNISD** United Nations Research Institute for Social Development

Specialized Agencies^{1,3}

- FAO** Food and Agriculture Organization of the United Nations
- ICAO** International Civil Aviation Organization
- IFAD** International Fund for Agricultural Development
- ILO** International Labour Organization
- IMF** International Monetary Fund
- IMO** International Maritime Organization
- ITU** International Telecommunication Union
- UNESCO** United Nations Educational, Scientific and Cultural Organization
- UNIDO** United Nations Industrial Development Organization
- UNWTO** World Tourism Organization
- UPU** Universal Postal Union
- WHO** World Health Organization
- WIPO** World Intellectual Property Organization
- WMO** World Meteorological Organization
- WORLD BANK GROUP**⁷
 - **IBRD** International Bank for Reconstruction and Development
 - **IDA** International Development Association
 - **IFC** International Finance Corporation

Notes:

- Members of the United Nations System Chief Executives Board for Coordination (CEB).
- UN Office for Partnerships (UNOP) is the UN's focal point vis-a-vis the United Nations Foundation, Inc.
- IAEA and OPCW report to the Security Council and the General Assembly (GA).
- WTO has no reporting obligation to the GA, but contributes on an ad hoc basis to GA and Economic and Social Council (ECOSOC) work on, inter alia, finance and development issues.
- Specialized agencies are autonomous organizations whose work is coordinated through ECOSOC (intergovernmental level) and CEB (inter-secretariat level).
- The Trusteeship Council suspended operation on 1 November 1994, as on 1 October 1994 Palau, the last United Nations Trust Territory, became independent.
- International Centre for Settlement of Investment Disputes (ICSID) and Multilateral Investment Guarantee Agency (MIGA) are not specialized agencies in accordance with Articles 57 and 63 of the Charter, but are part of the World Bank Group.
- The secretariats of these organs are part of the UN Secretariat.
- The Secretariat also includes the following offices: The Ethics Office, United Nations Ombudsman and Mediation Services, Office of Administration of Justice and the Office on Sport for Development and Peace

This Chart is a reflection of the functional organization of the United Nations System and for informational purposes only. It does not include all offices or entities of the United Nations System.

The Global Governance of Migration

The United Nations

International Migration Organization

Mandate: Migrants

United Nations High Commissioner for Refugees (UNHCR):

Mandate: asylum-seekers, internally displaced people and stateless people.

Solutions:

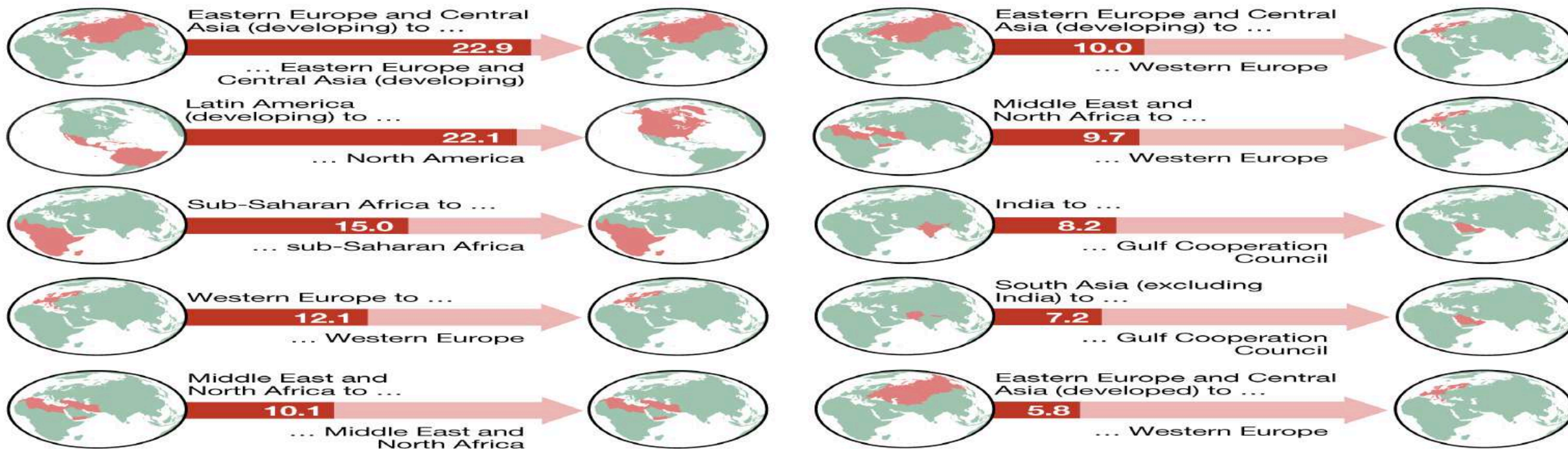
- Voluntary repatriation
- Integration
- Resettlement



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
Organización Internacional para las Migraciones (OIM)

Most migration consists of people moving to another country in the same part of the world.

Top 10 regional movements,¹ total migrant population in millions, 2015



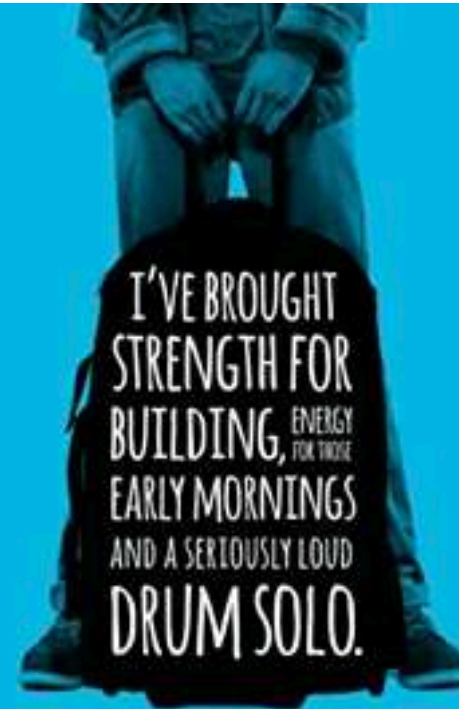
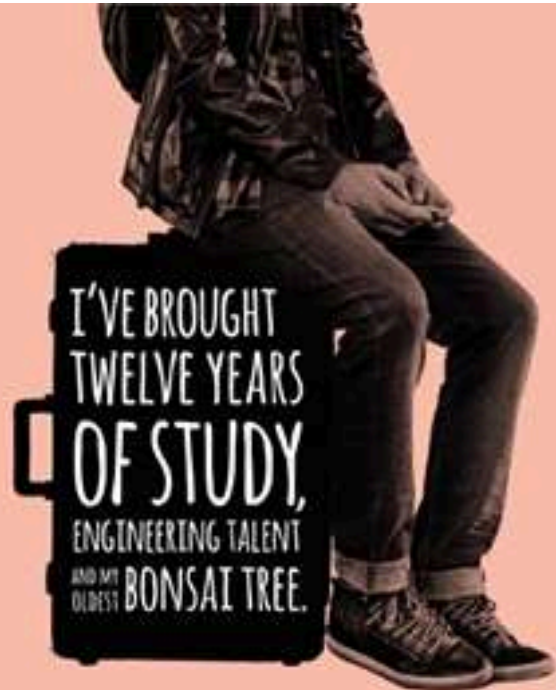
¹Includes movement both between and within regions.

Source: United Nations Department of Economic and Social Affairs; World Bank; McKinsey Global Institute analysis

Profa Dra Karine de Souza Silva - UFSC

WORLD ON THE MOVE:

100,000 Years of Human Migration®



It's amazing what migrants bring

www.migrantscontribute.com

**INTERNATIONAL
MIGRANTS DAY** 18 December



Photo: UNICEF/Praxzi

“

It is our collective responsibility to make migration work for the benefit of migrants and countries alike.

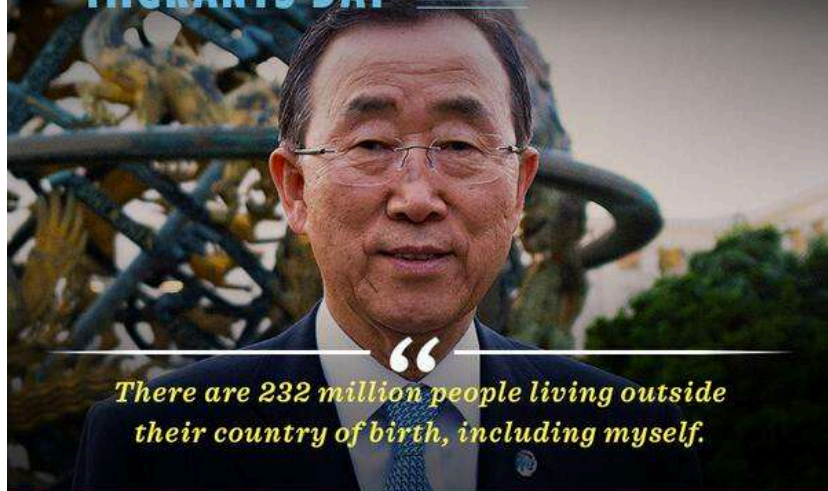
We owe this to the millions of migrants who, through their courage, vitality and dreams, help make our societies more prosperous, resilient and diverse.”



—BAN KI-MOON
UN SECRETARY-GENERAL

#IAmAMigrant

**INTERNATIONAL
MIGRANTS DAY** 18 December



“

There are 232 million people living outside their country of birth, including myself.

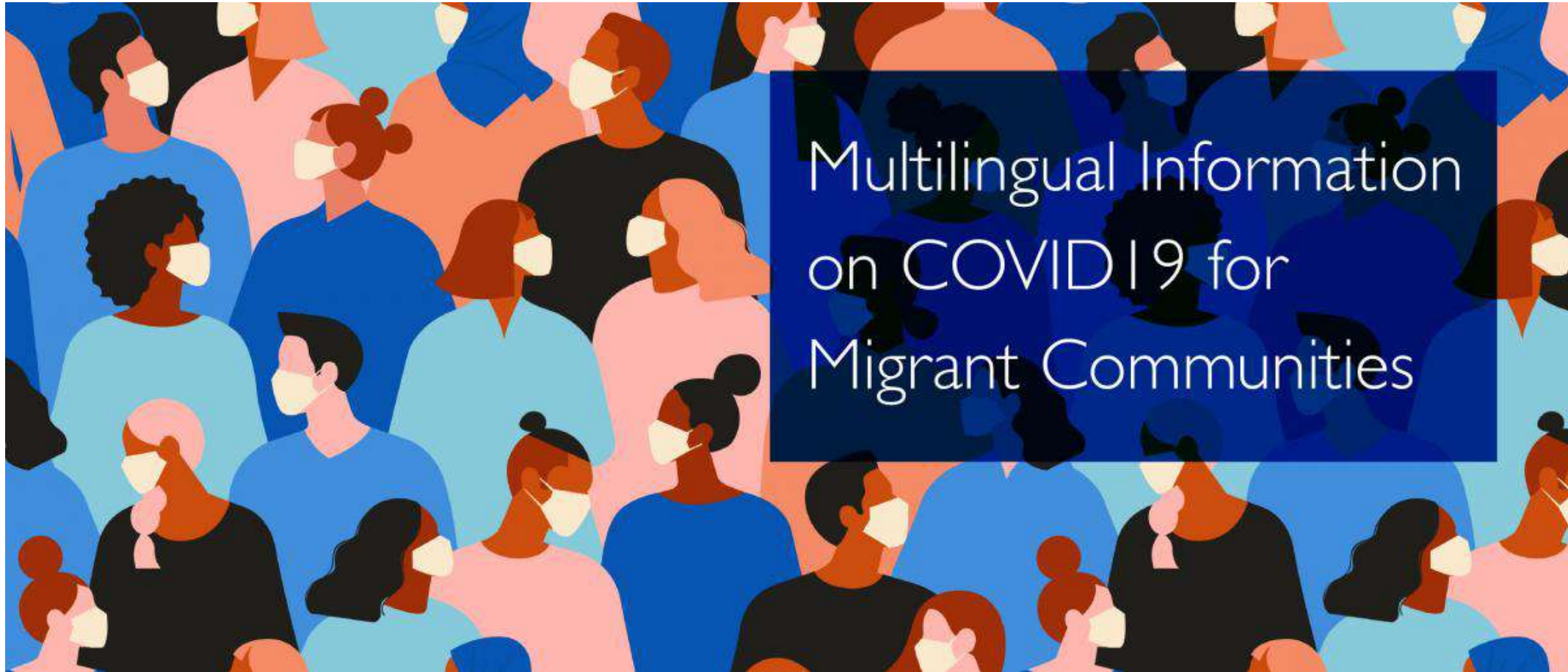
All of us are part of a productive global economy that benefits our world as a whole.”



—BAN KI-MOON
UN SECRETARY-GENERAL

#IAmAMigrant





Multilingual Information
on COVID 19 for
Migrant Communities



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais
aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



LEGAL INSTRUMENTS

The Universal Declaration of Human Rights Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

1951 Convention relating to the Status of Refugees and its 1967 Protocol.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – Adopted by General Assembly resolution 45/158 of 18 December 1990

Prof^a Dr^a Karine de Souza Silva



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais
aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



THE GLOBAL COMPACT FOR MIGRATION

It comprises 23 objectives for better managing migration at local, national, regional and global levels.
The compact:

- aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin;
 - intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance;
 - seeks to address the legitimate concerns of states and communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for and result from migration;
- strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

Source: un.org

TRAFFICKING

Legal, illegal or no border crossing
Legal or illegal documents
Documents taken (control)
Coercion and repeated exploitation
Restricted movement (control)
Commodity: an Individual
Crime against **THE INDIVIDUAL**

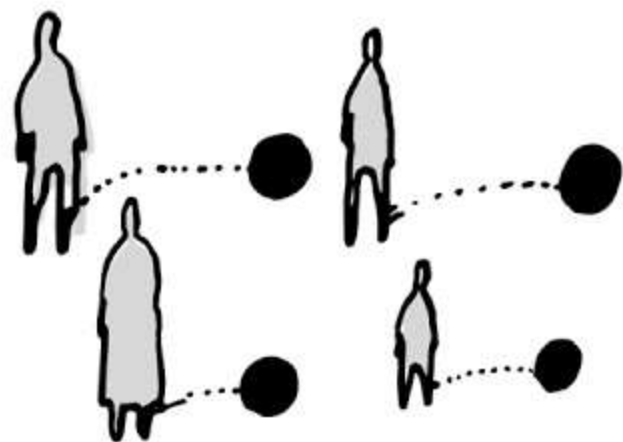
PROFITABLE
BUSINESS
INVOLVING
HUMAN
BEINGS

CRIMINAL
NETWORKS

SMUGGLING

Illegal border crossing
Illegal documents (false or stolen)
Voluntary
Commodity: a service, movement
Crime against **THE STATE**

TRAFFICKING IN PERSONS



SMUGGLING OF MIGRANTS





BORDERS CROSSING AND VISA

WHAT IS THE DIFFERENCE BETWEEN TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS?

TRAFFICKING IN PERSONS

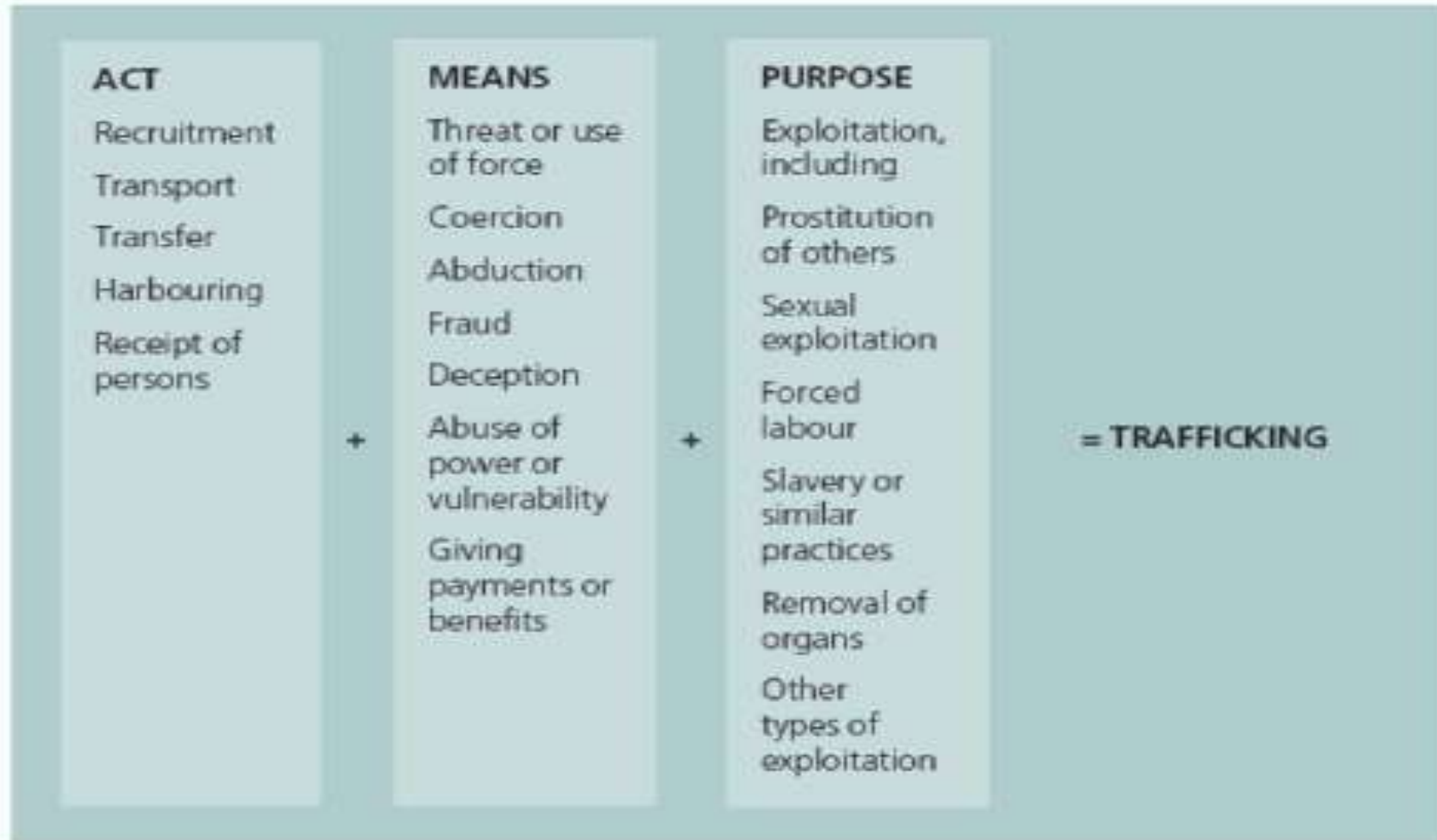
⌋ **ACTION:** Recruitment, transportation, transfer, harbouring or receipt of persons;

⌋ **MEANS:** Threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;

⌋ **PURPOSE:** Exploitation; including the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The **SMUGGLING OF MIGRANTS**, as defined in Article 3(a) of the Smuggling of Migrants Protocol, involves the facilitation of a person's illegal entry into a State, for a financial or other material benefit. Although it is a crime against a State, smugglers can also violate the human rights of those they smuggle, ranging from physical abuse to withholding food and water.

Elements of human trafficking



Source: www.unodc.org/



***Eirenè* – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais
aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello**



"Refugees are persons outside their countries of origin who are in need of international protection because of a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder." Source: iom.int

1951 Convention relating to the Status of Refugees and its 1967 Protocol.

- **Irregular or undocumented** (~~no illegal~~)
- Non refoulement



Refugees

"Individuals fleeing across borders for the following reasons would be **refugees** according to the 1951 Convention definition:

1. persecution for reasons of **race, religion, nationality**, membership of a particular **social group** or **political opinion**;
2. armed conflict, which may be rooted in and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides;
3. violence perpetrated by organized gangs, traffickers, and other non-State actors, against which the State is unable or unwilling to protect;
4. persecution on the basis of sexual orientation or gender identity;
5. disasters (including drought or famine) where they are linked to situations of persecution or armed conflict rooted in racial, ethnic, religious, or political divides, or disproportionately affect particular groups.” Source: iom.int



Imagine having to flee your
own country because of
who you are and who you love.

”

REFUGEES

SOCIAL GROUP

Gay, Bisexual, Transgender or Intersex (LGBTI) and Sexily

The “double stigma” of being both LGBTQ and a refugee
Surviving detention and refugee camps

They still need to prove they are worthy of asylum

77 countries in the world criminalise same-sex relations
and seven countries punish it with the death penalty.

Antonio Zappulla

Chief Operating Officer, Thomson Reuters Foundation





Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais
aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



Migrant – "An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students." Source: iom.int



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais aplicadas às
Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



Refugee or Migrant?

Refugees are people who cannot return to their country of origin because of a **well-founded fear of persecution**, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require international protection.

"All people who move between countries deserve full respect for their human rights and human dignity. However, refugees are a specifically defined and protected group in international law, because the situation in their country of origin makes it impossible for them to go home. Calling them by another name can put their lives and safety in jeopardy."

An asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, **but every recognized refugee is initially an asylum seeker.** Source: iom.int



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais aplicadas às
Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



"Mixed movements (or mixed migration): flows of people travelling together, generally in an irregular manner, over the same routes and using the same means of transport, but for different reasons".

People travelling in this manner often have either been forced from their homes by armed conflict or persecution, or are on the move in search of a better life.

They have varying needs and may include asylum-seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children, and migrants in an irregular situation. Mixed movements are often complex, and can present challenges for all those involved.”



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais aplicadas às
Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



INTERNALLY DISPLACED PEOPLE (IDPs): they have not crossed a border to find safety.

Unlike refugees, they are on the run at home.

IDPs stay within their own country and remain under the protection of its government, even if that government is the reason for their displacement. They often move to areas where it is difficult gain humanitarian assistance and as a result, these people are among the most vulnerable in the world

2018: 41.3 million people were internally displaced due to armed conflict, generalized violence or human rights violations, according to Internal Displacement Monitoring Centre (IDMC).

Source: www.unhcr.org/



Eirenè – Núcleo de Pesquisas e práticas pós-coloniais e decoloniais aplicadas às Relações Internacionais e ao Direito Internacional
Cátedra Sérgio Vieira de Mello



STATELESS PERSONS

- Do not enjoy full national protection as citizens.

Protection:

The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness

- **Today, millions of people around the world are denied a nationality**
- They may have difficulty accessing basic rights such as education, healthcare, employment, bank account, labour and freedom of movement. Without these things, they can face a lifetime of obstacles and disappointment

Source: iom.int

- **Climate migration** – "The movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border."

Source: Warsaw International Mechanism, Executive Committee, Action Area 6: Migration, Displacement and Human Mobility – Submission from the International Organization for Migration (IOM, 2016); M. Traore Chazalnoël and D. Ionesco, *Defining Climate Migrants – Beyond Semantics* (IOM weblog, 6 June 2016) (last accessed 23 May 2018).