



Statement by H.E. Archbishop Silvano M. Tomasi
Apostolic Nuncio, Permanent Observer of the Holy See to the United
Nations and Other International Organizations in Geneva
at the 98th Session of the Council of the International Organization for
Migration

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Mr. Chairman,

The Delegation of the Holy See expresses its appreciation for the effective leadership of the Director General, welcomes the new Deputy Director General, and congratulates you on your election.

Mr. Chairman,

1. The increasing number of people on the move across the globe, especially the vast majority of those forcibly displaced by lack of survival opportunities, by violence and climate change, has raised new and complex demands for solidarity, humanitarian assistance and protection. The challenge to international organizations, governments and the civil society comes from the fact that while necessity is the common factor that pushes these people out of their country, the legal norms that define their status apply differently and in some cases are blurred or even disregarded. Migrant workers, convention refugees, asylum-seekers, temporary migrants, mixed flows, boat people, climate refugees, victims of smuggling and of trafficking, are all categories of persons included in current policy discussions. The International Organization for Migration, sensitive to the evolving situation, commendably has begun to deepen its own approach, in collaboration with other partners, to a major concern in the management of migration- and a sign of its present inadequacy: irregular migrants.
2. Data from the United Nations and governments about people who enter another country without authorization or who overstay their visa or engage in activities different from the authorization they had received are only estimates, given that the nature of such movement escapes registration. But numbers are impressive. Migrants in irregular administrative status are approximately 30 to 40 million, a number that amounts to 15 to 20 percent of all international migrants. This phenomenon is global. Europe is home to an estimated 5 to 8 million irregular migrants; the United States, to over 10 million; South Africa, to some 500,000. In Asia, around 30-40 percent of all migration flows are estimated to take place through irregular channels. A reflection of both the challenges and the most sensible response, various regularizations in quite a number of countries of Europe and Latin America have settled hundreds of thousand of irregular migrants: my

delegation welcomes signals that the United States is also advancing a similar strategy.

3. Many countries on all continents, as these examples indicate, experience the presence of irregular migrants, a reality that will remain with us as long as insecurity due to environment degradation, violations of human rights, wars and lack of opportunity persist. In fact irregular migration needs to be looked at and analyzed as linked to regular migration: often the same root causes and mechanisms are at work in both cases; many times migrants are diverted to irregular channels because no legal channels are effectively available to them.
4. It is also rather well documented that irregular migration often matches the labour market demand in countries of destination. The International Labour Organization (ILO) and other international and regional bodies as well as our own Church organisations and partners working with migrants and refugees of all kinds around the world report that nearly all of the irregular migrants who are adults, and a growing number of the children, are working, predominantly either in the informal economy or in informal employment arrangements. For the most part, they fill huge gaps in providing essential labour and services, often of the most demanding kind, in both highly and lesser skilled occupations. The impressive proportion of migrant workers busy growing food and constructing houses, buildings and cities speaks to how important they are to their new societies as a whole. Their growing role in the home, health and child care sectors of so many countries of the north and the south, illustrates their role in one-to-one, day-to-day *solidarity*, a building block of families and communities worldwide.
5. And yet, a consequence of their status is that irregular migrants become vulnerable to widespread exploitation and abuse, can be used for unfair competition, and experience serious, but avoidable personal and public health concerns. Moreover, irregular migrants are commonly pictured for political and media purposes—and at times perceived by public opinion—as simply losers, job stealers or worse, and a burden to social services when in fact they are active contributors to the economy. Indeed, most are young and responsible providers for their families. They are often marginalised, and scared by public policies that are expressed or implied, enforcement that is ad hoc as well as targeted, and discrimination. The majority finds invisibility in shadows that carry risk for any democracy and social cohesion.
6. Experience has shown that irregular migrations have been growing notwithstanding increased control of borders and of work places. Bound up in all these considerations, the dignity and inalienable human rights of irregular migrants call for a new management strategy. States, while exercising their sovereign right to regulate immigration, should work for concerted policy answers directed to positive outcomes. In this complex effort, some significant elements should be taken into account.
7. First, as so many states and others are increasingly emphasising at international and regional fora like this meeting, migrants are human beings, with human aspirations and human vulnerabilities that at times evoke a specific form of human solidarity. This is particularly evident during the often long and life threatening experience of many migrants in irregular flows on desperate migratory routes. The very human responses of rescue, of assistance especially in emergencies, and of protection, especially for refugees, children, women, and victims of torture, trafficking, trauma or violence in transit, these are all responses that deserve greater attention and organisation in addressing the dangers and suffering in irregular

migration today. My delegation welcomes the thinking that IOM has been doing in this area, and particularly in the approach of collaboration, not competition with the expertise and presence of UNHCR, the Red Cross system and local non-government organisations on the ground, including the many church entities directly engaged in this work.

- a. My delegation calls for new attention to the horrific phenomenon of “gauntlet migration,” that is, what it means to be and properly respond to, a man, woman or child who has been serially brutalised, multiple times and repetitively, along the many roads and crossings of a migration journey across land, desert and water borders in Africa, in South and Southeast Asia, and in the Americas and Caribbean for example. What may be needed is not so much new rights or policies but, as the background paper for this session suggests in its reference to IOM’s work with UNHCR under the 10 Point Plan of Action, the elaboration of common standards and practical mechanisms for better *operationalising* assistance and protection in such situations.
 - b. My delegation also wishes to encourage IOM, in the course of and beyond this reflection on irregular migration, to return, together with its members and with partners in UNHCR, other international organisations and civil society, to the important but unfinished business of distinguishing between forced or survival migration and migration that is genuinely voluntary. This opportunity for reflection and new, more human and practical responses to those who truly have no choice other than to migrate seems especially promising in light of the clear convergence that recent processes, including the Global Forum on Migration and Development, have demonstrated on recognising and building appropriate policy frameworks to address the difference between migration that is a choice and migration that is a necessity.
8. Secondly, given the unprecedented rise in mobility as our economies, labour markets, and even families become ever more globalised, it is important to fully consider that however grave their circumstances, these millions of migrants possess valuable development potential in terms of skills, capacity and knowledge. Under the right conditions, i.e. the enjoyment of basic rights, they can use their potential to rebuild their communities and their livelihoods and contribute to the economy and society that hosts them. But those considered to be in irregular status—including most regrettably, large numbers of refugees stuck in protracted situations—lack the ability to find legal work, sufficient freedom of movement and access to training and education. While they are kept in the shadows, development opportunities are lost. Hence the need to provide the necessary legal framework to prevent such a loss.
 9. Thirdly, to arrive at such a framework, popular stereotypes, that often block fair legislation, should be overcome through education and a more realistic portraying of irregular migrants in the media. It is a misconception that irregular migrants take away jobs or reside only in developed countries. A concerted negotiation between governments, employers and labour unions appears necessary. If one takes into account that small and medium size enterprises are often drawn to employ irregular migrants to avoid costs, an effective solution would provide a way to accommodate the mutual need of the employers for workers and those workers for jobs by offering legal employment together with some tax benefits and scaled payment for social benefits without prejudice to fundamental work rights and without creating unfair competition with national workers. Devising such forms of regularization is not without economic benefits since it is better for the state to have

businesses and regular migrants that may contribute slightly less to the social security and tax regimes than irregular ones that do not contribute at all.

10. A fourth observation regards the need of balance for an eventual comprehensive framework where control, interests of the economy and human rights are considered together. The social consequences of migration cannot be left out of the equation. Migrants add a human face to the on-going process of globalization and can be instrument and promoters of peaceful relations among countries making visible the reality that we are one human family. In this connection, policies of detention should be revisited not only because of the human rights questions they raise, but also because they hold hostage and inactive a productive population at very high financial costs. Much less practical and respectful, as the U.N. Human Rights Council has underlined, is the recourse to criminalization of irregular migrants simply because of their status.
11. Finally, confronted with such a complex and almost intractable issue, the IOM could intensify the promotion of serious research into contemporary irregular migration to advance an understanding of the mechanisms involved, especially of the organized underground industry that plays an intermediary role with its international ramifications in fostering irregular migration. For a successful task, cooperation among countries of departure, transit and destination becomes even more necessary in this type of migration. The various attempts undertaken to stimulate a global coordination of migrations remain still at an embryonic stage, but they show the felt-need of some global entity that can effectively support the management of today's population movements. It is a challenge that demands creative and courageous imagination.

Mr. Chairman,

12. The inclusion of migrations in the fight against poverty and in the process of development would fall short of its goals if the large percentage of irregular migrants is left out. If a new framework of wider channels for legal immigration and other provisions to regularize their presence and to uphold their fundamental human rights is achieved, everyone will gain: migrants, national economies and peaceful coexistence. The way forward rests on the acceptance of every person as a protagonist in development and on the responsibility of States and the international community to create the conditions that allow everyone's talent to be fruitful in a transparent and legal situation. As Pope Benedict XVI reminds us in his recent social encyclical, authentic development is inclusive and solicitous of the most vulnerable members of society. He says: "The more we strive to secure a common good corresponding to the real needs of our neighbors, the more effectively we love them... In an increasingly globalized society, the common good and the effort to obtain it cannot fail to assume the dimensions of the whole human family."¹ Irregular migrants are part of this family.

¹ Pope Benedict XVI, Encyclical Letter *Caritas in veritate*, n. 7