

KAS INTERNATIONAL REPORTS

MIGRATION AND REFUGEES



■ **Who Bears Responsibility?
Models and Perspectives of
European Refugee Policy**
Katharina Senge

■ **Emigration, Transit and
Host Country – Migration in
Morocco**
Helmut Reifeld

■ **The Philippine Diaspora –
Between American Dream
and Serfdom**
*Benedikt Seemann /
Miriam Fischer*

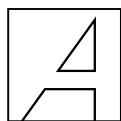
■ **Migration in Central
America: Magnitude, Causes
and Proposed Solutions**
*Dinorah Azpuru /
Violeta Hernández*

■ **Zimbabwe: Dictatorship
and Economic Desolation
Push People Abroad**
Interview: Jürgen Langen

■ **DR Congo: Conflicts and
Unrest in the Region Cause
an Influx of Refugees**
Interview: Steffen Krüger



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2/3 | 15



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EDITORIAL

Dear Readers,

Migration is a multi-faceted term, which initially simply refers to a “migratory movement”, usually interpreted as emigration. In a globalised world such as ours, migration is a ubiquitous process, which takes place on a small and on a large scale, regionally as well as across borders and between continents. What has changed, however, is the numbers involved. For some years now, the number of people who migrate and leave their home countries voluntarily or to escape hardship has been on the rise. According to the United Nations, this group, including refugees, comprised 232 million individuals worldwide in 2013. By comparison: the figure was 154 million in 1990.

This trend is due to a variety of reasons. Besides economic motivation and hope for a better life, significant factors include political persecution, conflicts and regional crises as well as increasingly effects of environmental and climate change. Added to this are family reunification and the classic, often temporary, labour migration. While the last two categories usually involve regulated routes, which can be controlled through the relevant legislation, irregular migration generates particular challenges for the countries of origin and destination as well as the transit countries. We would like to take a closer look at these different facets in this issue of the *KAS International Reports*.

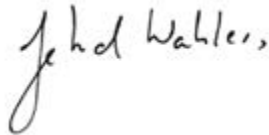
Europe (as a continent) ranks as one of the main regions of destination for migrants even ahead of North America. The countries most affected within the European Union are Germany, the UK, France, Spain and Italy. What is more, the countries bordering the Mediterranean are particularly affected by the persistent flows of refugees from Northern Africa and the Middle East. A cursory glance may give the impression that the burden is distributed unequally. However, there are deficiencies in the registration practices in Italy and Greece, for instance, where the authorities

even encourage migrants and asylum seekers to move on to other EU countries without registering them locally first. This reveals the weaknesses of the Dublin System, whose task it is to regulate the asylum process within the EU. There is a need for action in this area, which Katharina Senge confirms in her article on the migration and asylum policy in the EU. She explains that this policy area is fraught by mistaken assumptions and describes various options of how solidarity among the EU Member States could be enhanced in dealing with the reception of migrants and those seeking protection.

Helmut Reifeld examines the burdens migration imposes on transit countries by the example of Morocco. Because of the existence of the Spanish enclaves of Ceuta and Melilla, the country has direct external borders with the EU. While the two territories are closed off by elaborate fence systems, this does not stop thousands of migrants, mainly from Sub-Saharan Africa, from taking risks to overcome this obstacle. Leaving behind poverty and hardship is more significant than the dangers their escape attempts entail. Consequently, it might be wise to heed the author's conclusion and make greater efforts to coordinate migration policy and development cooperation. After all, as Reifeld writes, "convincing the migrants that it may be better for them to return to their place of origin is as surreal as the ever-expanding border fence system".

Migration and refugee movements are as prevalent in Asia and in the Americas as they are in Europe, as discussed in the articles contributed by Benedikt Seemann and Miriam Fischer as well as Dinorah Azpuru and Violeta Hernández. The former focus on the Filipino diaspora, which is one of the largest worldwide, numbering ten million. The Filipinos living abroad support the economy in the Philippines with money transfers back home. However, the emigration, which the government in Manila encourages, has its downsides, as Seemann and Fischer highlight. Azpuru and Hernández concentrate on Central America in their analysis of the causes and consequences of migrants heading for the U.S. In that context, they also examine the ongoing debates on U.S. immigration policy, which are likely to gain in relevance particularly in the course of the 2016 presidential elections.

We see the images every day in the media: people fleeing from Syria, from Iraq, from South Sudan or from Ukraine, overcrowded boats, washed ashore on Lampedusa or on Malta. We must not close our eyes when people seeking protection require our help. This is both a humanitarian imperative and a Christian duty. Even greater efforts must be made to appeal to the sense of responsibility of the governments in the countries of origin. After all, poverty, bad governance and conflicts rob people of their prospects of a secure future. They are pushed often enough to leave their home countries. Migration poses challenges and opportunities at the same time. It is essential for us to devise a forward-looking migration policy for Europe which involves actors from the fields of both foreign affairs and development cooperation and which is, as far as possible, based on a constructive dialogue with the countries of origin.

A handwritten signature in black ink that reads "Gerhard Wahlers". The signature is written in a cursive style with a large, looped initial 'G'.

Dr. Gerhard Wahlers
Deputy Secretary General

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Content

2 | EDITORIAL

Migration and Refugees

6 | FACTS ON THE SUBJECT

10 | WHO BEARS RESPONSIBILITY? MODELS AND PERSPECTIVES OF EUROPEAN REFUGEE POLICY

Katharina Senge

31 | EMIGRATION, TRANSIT AND HOST COUNTRY – MIGRATION IN MOROCCO

Helmut Reifeld

54 | THE PHILIPPINE DIASPORA – BETWEEN AMERICAN DREAM AND SERFDOM

Benedikt Seemann / Miriam Fischer

72 | MIGRATION IN CENTRAL AMERICA: MAGNITUDE, CAUSES AND PROPOSED SOLUTIONS

Dinorah Azpuru / Violeta Hernández

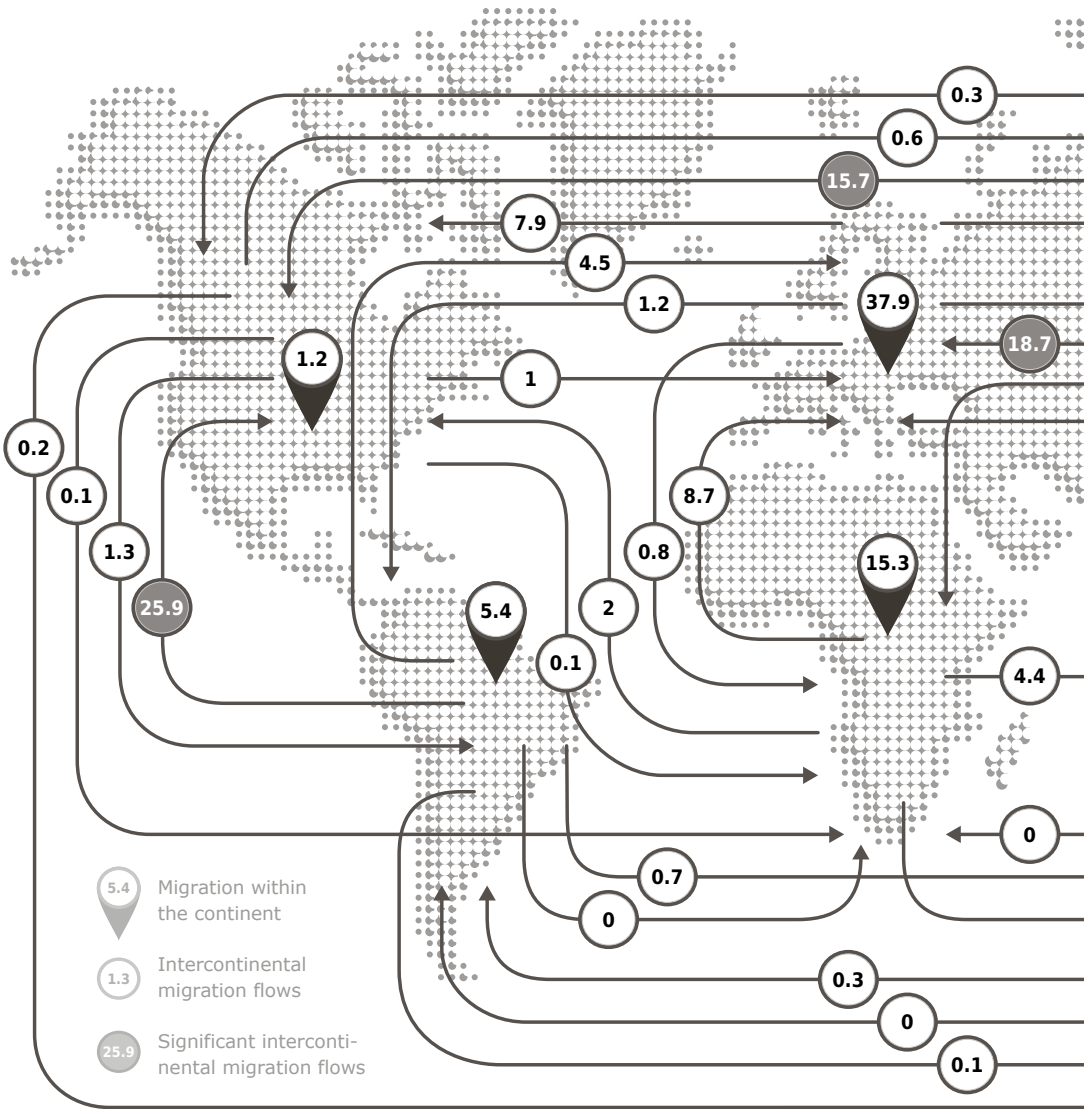
96 | ZIMBABWE: DICTATORSHIP AND ECONOMIC DESOLATION PUSH PEOPLE ABROAD

Interview: Jürgen Langen

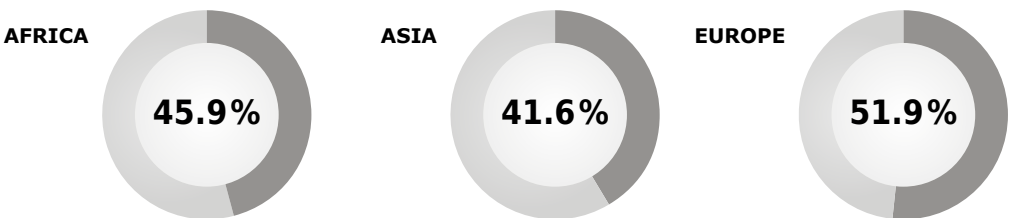
102 | DR CONGO: CONFLICTS AND UNREST IN THE REGION CAUSE AN INFLUX OF REFUGEES

Interview: Steffen Krüger

MIGRATION 2013 (IN MILLIONS)⁽¹⁾



MIGRATION OF WOMEN 2013 (IN PER CENT)⁽²⁾



BASIC PRINCIPLES OF INTERNATIONAL LAW AND LEGISLATION

The Universal Declaration of Human Rights by the United Nations of 10 December 1948, Article 14⁽³⁾

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.

Basic Law for the Federal Republic of Germany, Article 16a⁽⁴⁾

- (1) Persons persecuted on political grounds shall have the right of asylum.

Convention and Protocol Relating to the Status of Refugees (CRSR) of 28 July 1951, Article 1⁽⁵⁾

For the purposes of the present Convention, the term "refugee" shall apply to any person who: As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having

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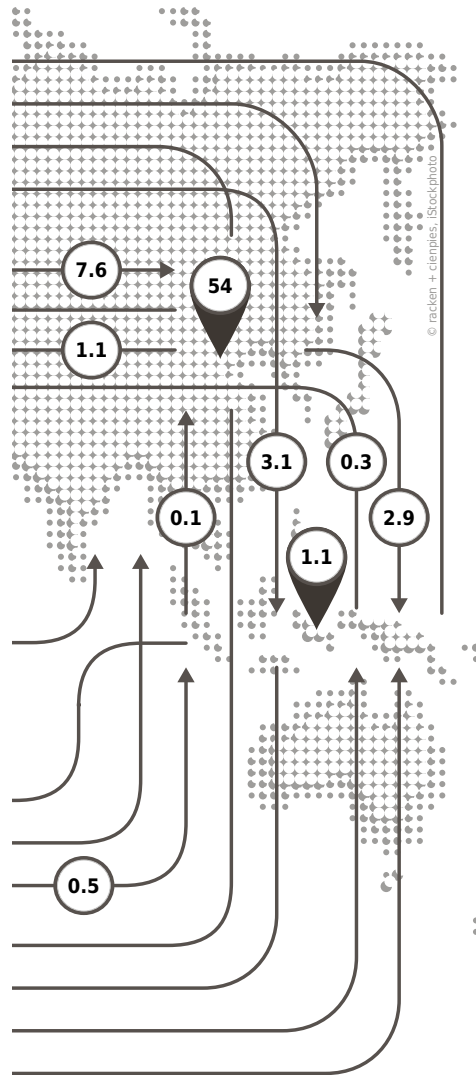
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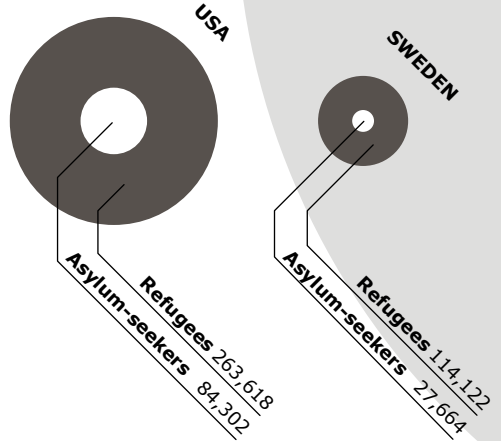
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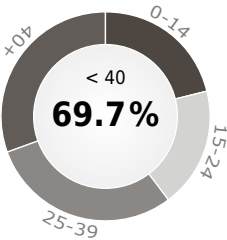
a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

REFUGEES AND ASYLUM-SEEKERS 2013 (IN ABSOLUTE NUMBERS) ⁽⁶⁾

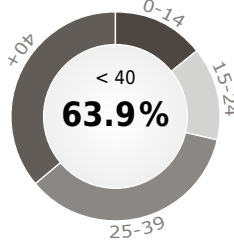


AGE PATTERN OF MIGRANTS 2013 (IN PER CENT) ⁽⁷⁾

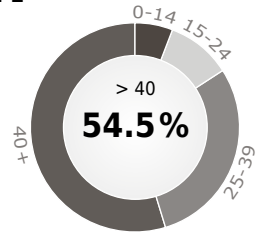
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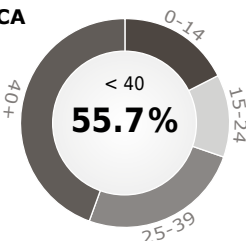
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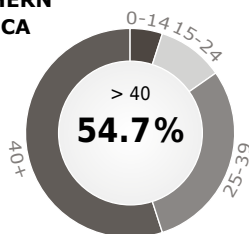
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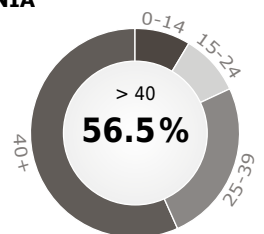
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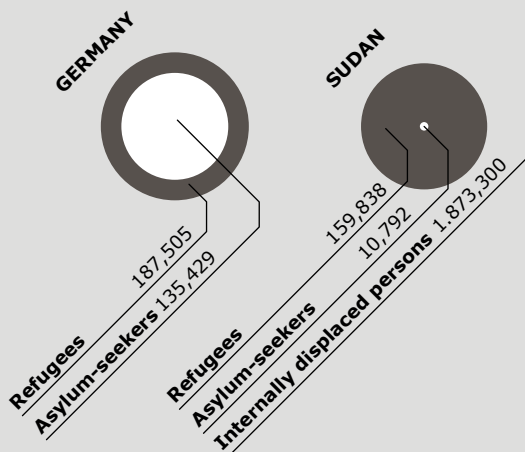


NORTHERN AMERICA



OCEANIA





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- 2 | UN, "International Migrant Stock: By Age and Sex", <http://un.org/en/development/desa/population/migration/data/index.shtml> (accessed 4 Mar 2015).
- 3 | UN, "The Universal Declaration of Human Rights", <http://un.org/en/documents/udhr> (accessed 3 Mar 2015).
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- 8 | Quoted from the CRSR: UNHCR, "Refugees. Flowing Across Borders", <http://unhcr.org/pages/49c3646c125.html> (accessed 3 Mar 2015).
- 9 | Ibid.
- 10 | International Organization for Migration (IOM), "Key Migration Terms", <http://iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html> (accessed 10 Mar 2015).
- 11 | BMJV, "Asylum Procedure Act (AsylVfG)", http://www.gesetze-im-internet.de/englisch_asylvfg/englisch_asylvfg.html (accessed 3 Mar 2015).

DEFINITIONS

Refugee⁽⁸⁾

The 1951 Refugee Convention spells out that a refugee is someone who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country".

Migrant⁽⁹⁾

Migrants, especially economic migrants, choose to move in order to improve the future prospects of themselves and their families. Refugees have to move if they are to save their lives or preserve their freedom.

Irregular migrant⁽¹⁰⁾

A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term "irregular" is preferable to "illegal" because the latter carries a criminal connotation and is seen as denying migrants' humanity.

Asylum Procedure Act in Germany⁽¹¹⁾

- (1) A foreigner is a refugee within the meaning of the Convention related to the status of refugees if in the country of his citizenship or in which he habitually resided as a stateless person he faces the threats listed in Section 60 (1) of the Residence Act.



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WHO BEARS RESPONSIBILITY?

MODELS AND PERSPECTIVES OF EUROPEAN REFUGEE POLICY

Katharina Senge

INTRODUCTION

On 3 October 2013, 390 refugees, mainly from Eritrea, drowned when their boat sank only one kilometer short of the Italian Mediterranean island of Lampedusa. Under challenging circumstances, people coming to the rescue in civilian boats only managed to rescue 155 individuals from the water. Images of the rows of coffins evoked a wave of shock and outrage throughout Europe because they provided a graphic illustration of the reality of life and death at Europe's boundaries. The incident turned Lampedusa into a symbol of the estimated 20,000 migrants who have drowned in the Mediterranean over the last 20 years.¹

The tragic events triggered a political debate not only about Europe's responsibility for the fate of the refugees, but also about sharing responsibility across Member States and about concrete political reforms. In Italy, border controls were complemented by the – now terminated – Mare Nostrum campaign, which involved purposeful sea rescue activities penetrating deep into international waters. This was a first response to the ethical dilemma that is inherent in the protection of the external EU borders. Various political actors have also put forward proposals for developing the European migration policy beyond the European

1 | Cf. German Bundestag, Committee on Internal Affairs, "Stellungnahme von Christopher Hein. Zum Antrag 'Das Massensterben an den EU Außengrenzen beenden – Für eine offene, solidarische und humane Flüchtlingspolitik der Europäischen Union', in Vorbereitung der öffentlich Anheörung beim Innenausschuss 2. Juli 2014", Bundestag printed paper 18/288, committee printed paper 18(4)106A, http://bundestag.de/blob/285500/9215a3cbe312d5beb839bfa2e204e494/stellungnahme_01-data.pdf (accessed 26 Jan 2015).

asylum system. These included suggestions on enhancing legal migration routes in order to minimise the number of hazardous journeys migrants embark on.

The question at the center of the debate, however, is how the responsibility for the refugees can be shared more equitably between Member States. The countries at the southern and southeastern boundaries of the EU in particular are demanding that the countries of Central and Northern Europe share the burden of controlling the borders and of taking in and caring for refugees. Various sides are calling for a distribution by fixed quotas. Other measures, such as providing compensation for the financial burden, are also under discussion. However, there has been no substantial reorientation of the European policy on refugees since the tragedy of Lampedusa. This was not likely to happen either, since the long and difficult process to adopt a Common European Asylum System (CEAS) has only just come to an end, and the Member States have yet to implement it.

The southern EU countries in particular are demanding that the countries of Central and Northern Europe share the burden of taking in and caring for refugees.

That said, the debate has become more animated and the two threads of the discussion – namely the question of how to deal with refugees within the EU on the one hand and ways of preventing (or more realistically curbing) inhumane migration routes on the other – must be continued without being swayed by the latest images. After all, the situation in Europe's neighbouring regions means that it is likely that the current wave of refugees will continue and even grow during 2015.²

This paper focuses on the issue of solidarity within the EU in matters of refugee policy. After an examination of the ethical dilemma that pervades this policy area, a picture

2 | At 436,000, the number of asylum applications filed in the EU-28 in 2013 was the highest on record. The year-on-year increase was 30 per cent; in 2014, the figure rose even further to over 540,000 (although no final figures were available until December). Experts foresee this trend continuing in 2015. Cf. EASO, *2013 Annual Report on the Situation of Asylum in the European Union*, Luxembourg, 2014, <http://easo.europa.eu/wp-content/uploads/EASO-AR-final1.pdf> (accessed 21 Jan 2015); and for 2014: Eurostat, "Asylum and new asylum applicants – monthly data", <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00189&plugin=1> (accessed 21 Jan 2015).

of the development of refugee numbers will be provided before describing three models of EU-internal refugee distribution currently under discussion, namely the existing Dublin System, quota-based distribution as well as the free choice of the country of destination.



Pope Francis in the EU Parliament: In November 2014, the Head of the Catholic Church renewed his plea for political actions regarding the refugee crisis. | Source: Tiberio Barchielli, Filippo Attili, Palazzo Chigi, flickr ©¹©²©.

THE ETHICAL DILEMMA

The fact that people attempting to reach the European Union are paying with their lives in the thousands is a moral scandal. Pope Francis has repeatedly referred to the ethical dilemma and called Lampedusa shameful.³ In a speech held at the European Parliament in November 2014, he called upon politicians to act: “We cannot allow the Mediterranean to become a vast cemetery!”⁴ The images of bodies washed onto the shore or of people who

3 | Quoted from “Lampedusa, papa Francesco: ‘E’ una vergogna”, Repubblica TV, 03 Oct 2013, <http://video.repubblica.it/dossier/lampedusa-strage-di-migranti/lampedusa-papa-francesco-e-una-vergogna/141793/140327> (accessed 26 Jan 2015).

4 | Pope Francis, “Visit of his Holiness Pope Francis to the European Parliament and to the Council of Europe. Address of Pope Francis to the European Parliament”, Strasbourg, 25 Nov 2014, http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141125_strasbourg-parlamento-europeo.html (accessed 21 Jan 2015).

suffocated during the crossing call Europe's credibility and its values into question.

There are two sides to the dilemma. On the one hand, the irregular migration involves both refugees, i.e. individuals who saw themselves forced to leave their country for fear of persecution, and migrants in the usual sense of the word, i.e. individuals who wish to travel to Europe voluntarily in order to pursue a better and safer life for themselves and their families. These two groups are sitting in the same boats and risking their lives. Those belonging to the first group are accepted into the asylum system. Those in the second group either also go through the asylum process, subsequently potentially facing deportation back to their country of origin if they are unsuccessful in obtaining leave to remain by some other legal means, or they live below the official radar upon their arrival without ever being registered. Legal migration is still the best option for all parties involved, the countries of origin and destination and the migrants themselves. However, it is not always possible. According to the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country, as well as the right to seek and to obtain in other countries asylum from persecution.⁵ However, there is no right to immigrate to any specific country. It is up to sovereign nation states to determine the conditions for migration into their territory. At the same time, Article 33 of the Geneva Refugee Convention, the underlying piece of international law regulating the protection of refugees, prohibits the deportation of individuals to a country in which they are at risk from human rights violations (adherence to the principle of *non-refoulement*). Every refugee is therefore entitled to have his or her case examined on its merits. Since Lampedusa, the responsibility for events at the external EU borders is receiving greater attention and so is therefore the dilemma of border protection versus refugee protection.

According to the Universal Declaration of Human Rights, everyone has the right to leave his own country, and to return to it, as well as the right to seek in other countries asylum from persecution.

5 | Cf. United Nations, General Assembly, "Resolution adopted by the General Assembly. Universal Declaration of Human Rights", A/RES/217 A (III), Art. 13 (2), 10 Dec 1948, <http://www.un-documents.net/a3r217a.htm> (accessed 21 Jan 2015).

The second dimension of the ethical dilemma lies in the fact that opening up and facilitating access to the EU stimulates the incentives for irregular migration. If the prospects of successful and less risky migration increase, one has to assume that even more people will set off on the journey through unstable regions and thereby risk their lives. The extent to which this migration can be controlled then diminishes, not only from the perspective of the countries of destination, in this case the EU Member States, but also from that of the countries of origin, which are losing highly skilled members of their population. Efforts to create humane options for entering the EU can therefore have unintended negative consequences both at the individual level for (potential) migrants and for the countries of origin and destination.



Refugees from northern and Sub-Saharan Africa hope for a better life in Europe. That is why they risk the dangerous journey across the Mediterranean Sea. | Source: Jordi Bernabeu Farrús, flickr ©.

Where then does Europe's ethical responsibility begin and end, and how can one do it justice? The scope of action is relatively limited as the European Union can neither eliminate the causes of refugee movements around the world nor substantially influence people's individual decisions. When considering the question of responsibility, one should not exempt the countries of origin and the transit states. They too are called upon to take on responsibility for their

citizens and for the migration issue. That said, the EU should regularly check its policies and their consequences against human rights standards. To date, it has exercised its responsibility by promoting the application of equal, high protection standards to the reception of refugees in all EU countries. Those who have made it into the EU should be granted a fair asylum process in line with human rights standards whatever their location. In contrast, the access to protection still raises many questions. Nevertheless, they will not be addressed here.

Unlike the controlled immigration of skilled professionals, the EU asylum policy has been communitised speedily. This non-synchronous development of a common European migration policy has been the object of various scientific studies over recent years.⁶ Inward migration of skilled professionals is naturally demand-based, and the way it is controlled depends on the national labour markets. That is why there are fewer incentives to harmonise the migration of skilled labour than refugee migration. While they cannot control the latter, states are still under an obligation to offer protection to those at risk from persecution. This provides greater incentives for Member States to share the responsibility arising from the legal obligations. The creation of the Schengen Area and the abolition of the internal EU borders have also increased the need to exercise stronger control at the external borders. The Dublin System, which dictates that refugees are entitled to have their asylum application examined in the first Member State they enter, thereby also assigns clear responsibility to a specific state.

The creation of the Schengen Area and the abolition of the internal EU borders have also increased the need to exercise stronger control at the external borders.

6 | See, for example, the papers by: Simon Fellmer, *Vergemeinschaftung von Zuwanderungspolitik in der Europäischen Union. Anreize und Widerstände aus Sicht der Mitgliedstaaten*, Studien zu Migration und Minderheiten, vol. 26, 2013; Bernd Parusel, *Abschottungs- und Anwerbestrategien. EU-Institutionen und Arbeitsmigration*, 2010; Julia Wahnel, "Die Asyl- und Flüchtlingspolitik zwischen Europäisierung und nationalen Interessen. Das Beispiel Italien", in: Gudrun Hentges/Hans-Wolfgang Platzer (eds.), *Europa – Quo vadis?*, Wiesbaden, 2011; Jens Wassenhoven, *Europäisierung deutscher Migrationspolitik. Policy-Wandel durch Advocacy-Koalitionen*, 2011.

Table 1

Asylum applications in EU Member States in 2013

	Number of asylum-seekers		Asylum-seekers per million inhabitants	
1	Germany	126,705	Sweden	5,680
2	France	66,265	Malta	5,330
3	Sweden	54,270	Austria	2,070
4	United Kingdom	29,875	Luxemburg	1,990
5	Italy	26,620	Hungary	1,905
6	Belgium	21,030	Belgium	1,885
7	Hungary	18,895	Germany	1,575
8	Austria	17,500	Cyprus	1,450
9	Netherlands	17,160	Denmark	1,280
10	Poland	15,240	Netherlands	1,025
11	Greece	8,225	Bulgaria	980
12	Denmark	7,170	France	958
13	Bulgaria	7,145	Greece	745
14	Spain	4,485	Finland	590
15	Finland	3,210	Italy	470
16	Malta	2,245	United Kingdom	465
17	Romania	1,495	Poland	395
18	Cyprus	1,255	Croatia	250
19	Croatia	1,075	Ireland	200
20	Luxemburg	1,070	Lithuania	135
21	Ireland	920	Slovenien	130
22	Czech Republic	695	Spain	95
23	Portugal	500	Latvia	95
24	Slovakia	440	Slovakia	80
25	Lithuania	400	Romania	75
26	Slovenia	270	Estonia	70

	Number of asylum-seekers	Asylum-seekers per million inhabitants		
27	Latvia	195	Czech Republic	65
28	Estonia	95	Portugal	50
29	Switzerland*	21,305	Switzerland*	2,650
30	Norway*	11,930	Norway*	2,360
	Total EU-28	434,160	Average EU-28	860

* Switzerland and Norway are not EU Member States.

Comment: Countries ranked 1st to 12th receive an above-average number of asylum seekers in relation to the total population, those ranked 13th and lower receive a below-average number. Source: Eurostat, "Large increase to almost 435,000 asylum applicants registered in the EU28 in 2013", press release, STAT/14/46, 24 Mar 2014, http://europa.eu/rapid/press-release_STAT-14-46_en.pdf (accessed 17 Feb 2015).

REFUGEE MIGRATION TO EU MEMBER STATES

The number of asylum seekers in the EU has risen over the last three years. Table 1 shows the figures for individual Member States for 2013, first in absolute numbers of lodged asylum applications followed by the number of applications per one million of the population. The relative numbers give a quite different indication of the imposed burden. The figures confirm that refugee numbers are still on the increase, both for Germany (203,000 asylum applications in 2014 compared to 127,000 in 2013⁷) as well as for the EU as a whole, where applications rose by a further 23 per cent during the first six months of 2014 compared to the same period the previous year.⁸ In 2013, 70 per cent of all asylum seekers lodged their application in the following five countries: Germany (29 per cent), France (15 per

7 | By the end of the first six months of 2014, Germany had already received 65,700 new asylum applications and therefore the highest number of refugees among the industrialised countries, displacing the USA from the top spot: Cf. UNHCR, *Asylum Trends, First Half 2014. Levels and Trends in Industrialized Countries*, <http://unhcr.org/5423f9699.html> (accessed 21 Jan 2015); figures for 2014 in: Federal Office for Migration and Refugees (BAMF), "Aktuelle Zahlen zu Asyl", 12/2014, http://bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile (accessed 21 Jan 2015).

8 | See UNHCR, n. 7.

cent), Sweden (13 per cent), the UK (seven per cent) and Italy (six per cent). In relation to population size, Sweden, Malta, Luxembourg, Austria, Hungary and Belgium top the list.

As the origins of the refugees differ greatly from one country to the next and therefore the potentially acceptable reasons for which people have fled, discrepancies in the recognition rate are to be expected.

For its 2013 Annual Report, the European Asylum Support Office (EASO) compared the recognition rate at first instance in the EU Member States. It varied from 88 per cent in Bulgaria to single-digit percentages in Hungary and Estonia.⁹ As the origins of the refugees differ greatly from one country to the next and therefore also the potentially acceptable reasons for which people have fled, discrepancies in the recognition rate are to be expected. However, varying recognition rates for refugees from the same countries indicate that different standards regarding asylum procedures are applied. In 2013, Germany issued the largest number of transfer requests¹⁰ to other EU Member States, a procedure permitted under the Dublin System, as well as having the highest number of pending cases. The German Federal Office for Migration and Refugees (BAMF), which is responsible for handling the asylum cases, has since responded to the backlog by taking on more staff. In addition, Serbia, Macedonia and Bosnia-Herzegovina have now been classified as safe countries of origin by the legislator according to Michael Griesbeck, BAMF Vice President: "Around 25 per cent of asylum applications are lodged by people from the countries of the Western Balkans, who can enter Germany without a visa. These applications are almost always rejected as there are no grounds for protection."¹¹

9 | Cf. EASO, n. 2, p. 26.

10 | The number of transfer requests indicates that a significant number of people apply for asylum in Germany who might be the responsibility of other countries under the Dublin System. A further not insignificant number of refugees come to Germany by a legal route, for instance by plane with a visa, and then apply for asylum.

11 | Michael Griesbeck, "Europa als Ziel. Die Entwicklung der Flucht- und Asylmigration", *Die Politische Meinung*, no. 529, 2014. In his paper, he also draws attention to the significance of people smugglers in this connection. He reports that asylum applications from the Western Balkans saw a sharp increase after the ruling by the Federal Constitutional Court to increase asylum seeker benefits. The lack of knowledge of the "clients", which makes them susceptible to the promises the people smugglers make for pecuniary gain, thus frequently has dire consequences.

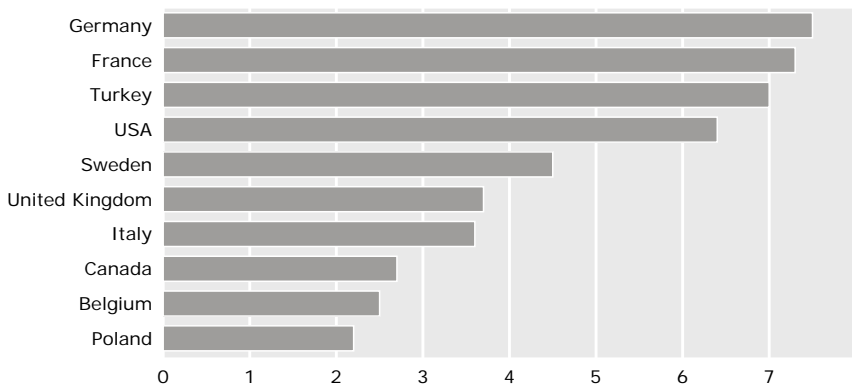
These figures suggest that the public debate is marred by national interests as well as misunderstandings:

1. Italy, which is considered to be particularly overburdened, is only ranked 15th in terms of the relative numbers of refugees received. In fact, thousands of refugees reach the Italian coast. But only a fraction of them is officially claiming asylum there and, thus, will appear in Italy's asylum statistics.
2. The figures contradict the simplistic view that the southern Member States fare badly in the balance of solidarity. In relation to their populations, Greece, Italy, Spain and Portugal are in places 13, 15, 22 and 28.
3. A great burden is borne by small countries such as Malta and Luxembourg, which hardly figure in the debate at all.

The challenge for the European asylum policy is to enhance harmonisation and solidarity between those countries that accept and provide for an above-average absolute or relative number of refugees and those who are affected less severely.

Fig. 1

**Number of asylum-seekers per 1 USD GDP (PPP)
per capita, 2009 to 2013**



Source: UNHCR, n. 7.

Table 2

Potential quota calculations based on the *Königsteiner Schlüssel* for asylum applications in the EU Member States, 2012

Member state	Key in per cent	Applications for asylum	Quota according to key	More/less applications than the quota	Deviation of the quota in %
Belgium	2.7	18,450	7,830	10,620	136
Bulgaria	0.7	1,230	2,017	-787	-39
Denmark	1.6	6,075	4,783	1,292	27
Germany	19.1	64,540	56,148	8,392	15
Estonia	0.2	75	514	-439	-85
Finland	1.3	2,920	3,956	-1,036	-26
France	14.7	54,280	43,365	10,915	25
Greece	1.7	9,575	5,113	4,462	87
Ireland	1.1	940	3,365	-2,425	-72
Italy	12	15,570	35,182	-19,612	-56
Croatia	0.5	—	1,514	—	—
Latvia	0.2	190	731	-541	-74
Lithuania	0.4	560	1,079	-519	-48
Luxemburg	0.3	2,000	750	1,250	166
Malta	0.1	2,060	184	1,876	1,019
Netherlands	4.2	9,665	12,298	-2,633	-21
Austria	2.1	17,450	6,275	11,175	178
Poland	4.5	9,175	13,217	-4,042	-31
Portugal	1.5	290	4,535	-4,245	-94
Romania	2.1	2,420	6,122	-3,702	-60
Sweden	2.7	43,930	7,999	35,931	449
Slovakia	0.7	550	2,120	1,570	-74
Slovenia	0.3	260	932	-672	-72
Spain	8.3	2,355	24,494	-22,139	-90

Member state	Key in per cent	Applications for asylum	Quota according to key	More/less applications than the quota	Deviation of the quota in %
Czech Republic	1.5	515	4,344	-3,829	-88
Hungary	1.2	65	3,387	-3,322	-98
United Kingdom	14.1	27,410	41,450	-14,040	-34
Cyprus	0.1	1,590	435	1,155	266
Total	100	294,140	294,140		

Comment: The calculations are based on Eurostat data for 2012. The formula comprises the population (one third) and GDP in euros without adjustment for purchasing power (two thirds). Asylum seeker numbers relate to initial applications; there are no asylum figures available for Croatia, for Hungary only for 2011. The figure for Austria includes second applications, i.e. the number of initial applications is in fact lower.

Source: Daniel Thym/Carolin Beverungen/Sigrid Gies, "Ein 'Königsteiner Schlüssel' für die EU-Flüchtlingspolitik", *Verfassungsblog*, 11.10.2013, <http://verfassungsblog.de/koenigsteiner-schlüssel-fuer-eu-fluechtlingspolitik> (accessed 21 Jan 2015).

The group receiving high numbers of refugees in 2013 includes Germany, Sweden, France, Malta, Austria, the UK, Italy and Hungary. Numbers were lower for Estonia, Portugal, Latvia, the Czech Republic, Slovenia, Lithuania, Romania and Slovakia. The line of conflict where solidarity is concerned therefore does not, as is commonly thought, run between south and north but rather between west and east. The Eastern European Member States have neither relevant communities from the refugees' countries of origin that would exert a pull and that would facilitate integration, nor do they have long-established traditions of granting asylum in the context of European standards. To implement a quota-based distribution of refugees, particular efforts would therefore need to be made to convince these Member States and their populations. Moreover, in terms of immigration, emigration and asylum the national narratives of the most affected countries such as Italy, Sweden and Germany show significant differences. Historically grown and part of the societal self-image, these narratives also influence the perception of politics and policies of other Member States. Genuine cooperation therefore

requires historical knowledge of the national refugee policies in Europe.

Apart from the population size, economic strength is another criterion to determine the burden that the influx of refugees places on Member States. According to calculations by the UNHCR, Germany comes top in this list as well.

What form then could such an equitable distribution of refugees in the EU take? Daniel Thym, an expert in law concerning foreign nationals, tested a hypothesis in 2013, applying the *Königsteiner Schlüssel*,¹² a formula to regulate the distribution of asylum seekers across the German federal states, to the EU in modified form. By combining population numbers and GDP (see Table 2), he dispelled the inaccurate assumptions in the debate about solidarity. According to Thym's calculations for 2012, Malta had exceeded its quota by 1,000 per cent, Sweden by 450 and Germany by 15 per cent. Italy had a shortfall of 53 per cent, Hungary of 98¹³ and Portugal of 94 per cent.¹⁴

- 12 | Calculations in line with the *Königsteiner Schlüssel* are based two thirds on the tax revenues and one third on population size.
- 13 | Since 2012, Hungary has seen an increase in asylum seeker numbers unprecedented in the EU. Consequently, its position fluctuates greatly depending on the year on which calculations are based.
- 14 | Steffen Angenendt from Stiftung Wissenschaft und Politik and Jan Schneider from the Expert Council of German Foundations on Integration and Migration have also put forward a model for calculating quotas based on differently weighted figures for economic strength, population, surface area and unemployment. Cf. Steffen Angenendt/Marcus Engler/Jan Schneider, "Europäische Flüchtlingspolitik. Wege zu einer fairen Lastenverteilung", *SWP aktuell* 65, 11/2013, http://swp-berlin.org/fileadmin/contents/products/aktuell/2013A65_adt_engler_schneider.pdf (accessed 26 Jan 2015). The main purpose of these contributions was to bring greater objectivity to the debate about solidarity by comparing the capacities of the Member States under objective criteria. Other proposals focus on the implementation of the quota model, in particular the question as to which criteria should be used to determine which refugees are to be "distributed" from a specific country to another specific country. Cf. Hillel Rapoport/Jesús Fernández-Huertas Moraga, "Tradable Refugee-admission Quotas: a Policy Proposal to Reform the EU Asylum Policy", EUI Working Paper RSCAS 2014/101, http://cadmus.eui.eu/bitstream/handle/1814/33097/RSCAS_2014_101.pdf (accessed 26 Jan 2015).

The quota concept sounds enticingly simple: solidarity between Member States, distribution of the burden associated with receiving refugees as well as preventing overburdening individual regions and causing conflicts with the indigenous population. While this may already be working at the level of the nation state (according to different distribution models), is this proposal of a quota-based distribution truly realistic? What could these models look like, and is the distribution of the refugees the answer to the refugee problem?

THE COMMON EUROPEAN ASYLUM SYSTEM AND DISTRIBUTION MODELS

During the last few decades, Brussels has made intensive efforts to address the areas of refugee migration and asylum policy and initiated steps for harmonisation.¹⁵ After 14 years of negotiation, the Common European Asylum System was adopted in 2013, to be implemented by the Member States by 2015. The aim is to accelerate the asylum process and to embed the same standards with respect to housing, the procedural process, access to the labour market and integration measures in all EU Member States. One element of the CEAS is the EURODAC Regulation, the main purpose of which is to regulate the collection of data, in a fingerprint database amongst other things, and transfer of this data between Member States in order to prevent multiple asylum applications being lodged in several countries.

The CEAS further comprises the Qualification Directive, which defines common criteria for considering a person a refugee, the Reception Conditions Directive, which determines the standards for the reception, housing and care of asylum seekers, as well as the Asylum Procedures Directive, which determines the specifics of the procedures to be followed, the deadlines involved and the refugees' rights while their case is being processed. The purpose was not just to bring the recognition rates into line with each other (and thereby ensure a fair chance of protection

15 | Cf. Petra Bendel, "Wohin bewegt sich die europäische Einwanderungspolitik? Perspektiven nach dem Lissabon-Vertrag und dem Stockholm-Programm", in: Gudrun Hentges/Hans-Wolfgang Platzer (eds.), *Europa – Quo vadis? Ausgewählte Problemfelder der europäischen Integrationspolitik*, Wiesbaden, 2011.

being granted), which had previously varied considerably for refugees from the same country of origin depending on which country was processing their case. There were considerable shortcomings in the asylum systems in some Member States as regards the provision of care and refugees' procedural rights, which the CEAS is intended to remedy. The CEAS thus has the potential to improve the situation of refugees, to increase their chance of having their case handled in a transparent and fair manner, and to reduce the incentives for refugees to turn to human traffickers to move on to another EU country, where better standards apply, and claim asylum there.

The CEAS further includes instruments aimed at exercising solidarity through financial and technical support. In addition to the Asylum, Migration and Integration Fund (AMIF), which makes available some 3.14 billion euros for the period from 2014 to 2020,¹⁶ a European Asylum Support Office (EASO) has been established in Malta with the remit to provide Member States with technical and practical assistance with the implementation of the CEAS.



Calais in northern France: The region is known as a transit point for people who want to cross the Channel and enter the UK. | Source: Marie Barbier, flickr @@@@.

16 | Cf. European Commission, Migration and Home Affairs, "Asylum, Migration and Integration Fund (AMIF)", 23 Dec 2014, <http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund> (accessed 26 Jan 2015).

The Dublin System

The Dublin System, now in its third version, remains a central pillar of the CEAS. It is based on the principle that the EU Member State a refugee first enters should examine their asylum application. This means that there is a clear criterion for the responsibility to process the application. The purpose of this rule is, on the one hand, to prevent individuals from lodging multiple applications in different countries and, on the other hand, to prevent countries from evading their responsibility and sending refugees through the EU in the search for protection (so-called refugees in orbit). Furthermore, this system ensures – at least theoretically – that refugees are received and cared for immediately upon their arrival. In terms of functionality, the Dublin System is obviously closely linked to the CEAS and the standards set therein. Only if the two systems can be implemented simultaneously and to good effect will it be possible to realise the objectives of European refugee policy, namely the granting of protection, harmonisation and solidarity.

As human rights organisations regularly point out, the downside of the Dublin System is that it leaves hardly any room to (be able to) take into account refugees' preferences for specific countries of destination. It also provides an incentive to countries on the external EU borders to take measures to prevent refugees from entering their territory.¹⁷ The Dublin principles are, however, not responsible for the also frequently criticised "protection lottery", i.e. the unequal chances of being granted protection in different Member States and the shortcomings in the asylum systems of some countries. This is a result of different standards in the Member States. The implementation of the CEAS could bring about significant improvements in these respects. Nor does the Dublin System initially envisage any solidarity mechanisms to balance out the uneven burdens that result in practice.

The Dublin System is not responsible for the unequal chances of being granted protection in different Member States and the shortcomings in the asylum systems of some countries.

17 | Cf. Deutscher Anwaltverein et al. (eds.), *Memorandum. Flüchtlingsaufnahme in der Europäischen Union: Für ein gerechtes und solidarisches System der Verantwortlichkeit*, 3/2013, http://proasyl.de/fileadmin/proasyl/fm_redakteure/STARTSEITE/Memorandum_Dublin_deutsch.pdf (accessed 26 Jan 2015).

Quota Systems

By contrast, quota-based distribution could strengthen the solidarity aspect, as – unlike balancing payments – it would place an obligation on all countries to also open up their societies to welcome those in need of protection. The criteria to determine the capacity for receiving refugees and the limits of the imposed burden would need to be clearly defined, which may lay the dispute about greater solidarity to rest. However, this would require a new system in terms of admitting refugees to the host countries as well as in terms of the practical implementation. Due to the likely complexity and bureaucracy involved, critics are painting a picture of Europe as a shunting yard for refugees. Even if a quota system were put in place, the harmonisation aspect would still depend on the CEAS being implemented. It is thought that the likelihood of a refugee being granted protection would remain dependent on the concrete form of procedure and could either increase or decrease by comparison with the Dublin System. The disadvantages of a distribution system for refugees therefore appear to outweigh the advantages where practical implementation is concerned. For now, the question of quotas therefore remains an abstract discussion about solidarity criteria, which does, however, need to be conducted.



Refugee boats in Malta: In relation to its population size, the country is hosting the most refugees within the EU and insists on sharing the burden. | Source: Chuck Holton, flickr ©@©@.

Free Choice of the Country of Destination

A third proposal voiced during the debate envisages refugees being able to choose their country of destination freely. Refugee organisations have criticised the Dublin System for a long time and demand the distribution of refugees to take into account their wishes, which would facilitate integration and thereby reduce costs.¹⁸ To gain a better understanding of this approach and to provide an idea of the refugees' preferences it is helpful to change perspective and look at the situation at the level of the individual.

Under the Dublin System, a refugee who has made it to the EU cannot choose where to lodge their asylum application, unless they have succeeded in reaching their preferred country of destination directly (for instance with a visa). There is evidence that particularly for refugees arriving in one of the EU's southern countries by road or sea, the routes they take depend to a large extent on chance, such as what options they are being offered by the human traffickers as well as their spontaneous adaptation to changing circumstances and serendipitous opportunities.¹⁹ If the country they first reach differs from their preferred country of destination, this can then produce a number of problems from their point of view (such as separation from relatives), which influences their conduct and therefore has an impact on the feasibility of proposed methods of distribution between Member States.

If the country the refugees first reach differs from their preferred country of destination, it can produce a number of problems from their point of view.

This implies drastic consequences: In Italy, not even half of the debarked refugees lodged an application for asylum in 2013. The others mostly travelled on illegally, in order to reach and seek asylum in the preferred host country. There, a check is carried out to establish how the person entered the country and whether a different state might, in fact, be responsible. Without registration in the country of entry into the EU, however, this is difficult to establish.

18 | Cf. *ibid.*

19 | Cf. Susanne Schmidt/ Kevin Borchers, *Vor den Toren Europas? Das Potenzial der Migration aus Afrika*, Forschungsbericht 7, BAMF, Nuremberg, 8/2009, https://bmi.bund.de/cae/servlet/contentblob/872076/publicationFile/54527/migration_afrika.pdf (accessed 26 Jan 2015).

Talking about the situation in Malta, Ahmed Bugre from the Foundation for Shelter and Support to Migrants reports on cases of registered asylum seekers, who travelled to Northern Europe and lived there under the official radar until they were picked up – after one or two years – and returned to Malta. Some went through this several times. In these cases, people never arrive at a place where they actually have a future, and – according to Bugre – this wears them down.²⁰ It remains to be seen to what extent the introduction of the CEAS will help to reduce these weaknesses of the asylum system and in which ways the system could be tweaked through flexible and possibly bi-lateral instruments.

Factors such as the economic and the employment situation in the country of destination determine which country refugees would go to given the choice.

While the country where refugees first enter EU territory is influenced by the geographic location and the people smugglers'²¹ calculations, other factors determine which country the refugees would go to given the choice. These include the economic and the employment situation in the country of destination as well as historical and cultural connections,²² but also the country's reputation, for instance due to its involvement in development cooperation. The migration regimes applied by individual Member States (such as a restrictive or open asylum policy) probably have comparatively less impact than these factors.²³ However, one should not ignore the fact that allowing a free choice of the country of destination would reassign

20 | At an event organised by the Konrad-Adenauer-Stiftung in Berlin in December 2014, cf. Winfried Weck, "'...als wären eine Million Flüchtlinge in Berlin'. Prävention und Rückführung – Wirksame Ansätze einer integrierten Flüchtlingspolitik?", <http://kas.de/wf/de/33.39830> (accessed 21 Jan 2015).

21 | With people smuggling costs estimated at 10,000 euros per person and 430,000 refugees entering the EU in 2013, the revenues earned in this "industry" totalled 4.3 billion euros for the registered refugees alone. Cf. Deutscher Anwaltverein et al. (eds.), n. 17.

22 | The existence of a relevant community in the country of destination and networks providing links to the country of origin (maybe even acquaintances, friends or family members) increase the attraction of a potential host country. Cultural, economic and linguistic links created by historic connections can also play a role. Cf. Eiko R. Thielemann, "Towards a Common EU Asylum Policy? The Political Economy of Refugee Burden-Sharing", 2006, https://www.utexas.edu/cola/centers/european_studies/_files/PDF/immigration-policy-conference/thielemann.pdf (accessed 26 Jan 2015).

23 | Cf. *ibid.*

asylum policy to the level of the nation states. It would place the focus back on the political level and it would give an incentive to Member States to make the standards for housing, care and the asylum process as off-putting as possible so as to reduce the country's attraction for refugees. It was the Expert Council of German Foundations on Integration and Migration that last warned of such a "race to the bottom" in the EU.²⁴

CONCLUSION

While the Common European Asylum System is in the implementation phase, efforts to fundamentally restructure the EU's internal asylum policy would add little value. The new standards for fair and equal procedures should be implemented, and Member States should utilise the available technical and financial instruments for developing the appropriate asylum systems and for managing the current influx of refugees. Taking advantage of the mechanisms for sharing the burden, which are yet to be developed, will also depend on correct procedures being followed, first and foremost the registration of refugees. Overcoming the *quid pro quo* attitude that is currently preventing an objective debate about solidarity and responsibility will require the development of mutual trust as well as cooperation between Member States, particularly between those that are strongly affected in absolute or relative terms. In the long term, the debate about solidarity will, however, have to include those countries that are currently not seeing a great influx of refugees, either in absolute or relative terms. Member States will also need to continue their cooperation regarding approaches for sharing the burden, such as the project involving voluntary relocation for refugees from Malta.

The CEAS should be implemented, and Member States should utilise the technical and financial instruments for developing the asylum systems and for managing the current influx of refugees.

There is, however, one issue the EU will have to address if it wants to resolve the ethical dilemma: the need to develop approaches for regulated migration, beyond the context of the highly skilled and family reunion. A solution will have

24 | Cf. Expert Council of German Foundations on Integration and Migration, *Deutschlands Wandel zum modernen Einwanderungsland. Jahresgutachten 2014 mit Integrationsbarometer*, Berlin, 2014, p. 88, http://svr-migration.de/wp-content/uploads/2014/11/SVR_JG_2014_WEB.pdf (accessed 26 Jan 2015).

to be found for dealing with so-called “economic refugees”. This will require bilateral cooperation with the countries of origin and transit states based on the links between development and migration, taking into account the interests of all parties involved.²⁵ The existing mobility partnerships of the EU do not fulfil this function adequately yet.

Migration with its causes and repercussions is a topic that cuts across all policy areas. The migration situation in the regions of origin and transit regions should influence the positions taken in development and foreign policy with respect to those regions. While it will not be possible to fully control the flows of refugees by providing a political framework in a farsighted and proactive manner, this will be the most appropriate way to assume political responsibility.

25 | Cf. Steffen Angenendt, “Migration, Mobilität und Entwicklung. EU-Mobilitätspartnerschaften als Instrument der Entwicklungszusammenarbeit”, *SWP-Studie* S 25, 11/2012, http://swp-berlin.org/fileadmin/contents/products/studien/2012_S25_adt.pdf (accessed 26 Jan 2015).

EMIGRATION, TRANSIT AND HOST COUNTRY

MIGRATION IN MOROCCO

Helmut Reifeld

In Morocco too, various forms of migration have been a “normal” part of social history for centuries. They primarily reflect the human survival instinct, due to which “homo migrans” has evolved to be dynamic, adaptable and creative. As has been the case in the past, migration can still be both the consequence and the cause of changing living conditions. It is therefore also always an indicator of political, economic, social or environmental changes, which prompt people to seek new opportunities or even just the chance to survive elsewhere.

Morocco is one of the countries that have been very strongly affected by inward, outward and transit migration. The two main directions of travel are north to south and vice versa. People’s journeys begin and end in many places in Africa as well as Europe. Only during certain phases were the migratory movements directed almost exclusively towards the north; these phases were always followed by waves in the opposite direction. Morocco has been a host country not only for people from Spain and France but also for many other Europeans for centuries. It is estimated that the population of the Maghreb has included 15 per cent of people of European descent from long before the colonial era. Constant immigration of tens of thousands of mostly impoverished southern Europeans has been an everyday phenomenon in Northern Africa.¹ As regards Germany,



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1 | Excellent on this topic: Julia A. Clany-Smith, *Mediterraneans. North-Africa and Europe in the Age of Migration 1800 – 1900*, Berkeley, 2012. On the historic “normality” of migration in Europe, Asia and Africa: Michael H. Fisher, *Migration: A World History*, Oxford, 2014.

there were probably more Germans living in Morocco at the beginning of the 20th century than vice versa.²

Neither the Mediterranean nor the Sahara has ever proved an insurmountable obstacle for these migratory movements. For people from the Sahel, but also from areas further south, there have always been many routes north through the Sahara towards the Mediterranean coast and from there possibly onwards to the European coasts. As certain routes have become less safe or more strictly controlled, others have become all the more attractive. Some routes that were known to nomads or slave traders in the past are being rediscovered by people smugglers and human traffickers. As Libya, the Sinai and the Middle East are becoming less safe, people are turning their eyes towards the Maghreb. As a country forming a link between North Africa and Europe, Morocco remains a center of various migratory movements.

MOROCCANS IN EUROPE

Throughout the 20th century, Morocco was one of the most important countries from which people emigrated to Europe. Most of them were drawn to France and the francophone Benelux countries, but others went to Spain, and a few highly skilled people even to the USA or Canada.³ Approximately one-tenth of the Moroccan population has temporarily or regularly worked abroad. Money transfers back to Morocco have been and still are of great significance to the Moroccan economy. One section of the population that demonstrated great mobility through the centuries is that of the Moroccan Jews, who frequently acted as middlemen in trans-Saharan trade while maintaining their own establishments in Gibraltar, Marseilles and London. This trade also entailed frequent large-scale migratory movements, which did not come to an end until World War II. After the State of Israel was founded in 1948, almost all 250,000 Jews who had lived in Morocco until that time emigrated to Israel.

2 | On the presence of German people in Morocco see Gunter Mai, *Die Marokko-Deutschen 1873-1918*, Göttingen, 2014.

3 | On the topic generally see: Hein de Haas, "Focus Migration. Länderprofil Marokko", HWWI Hamburg, 2009, http://hwwi.org/uploads/tx_wilpubdb/LP_16_Marokko_01.pdf (accessed 14 Jan 2015).

The French colonisation of Algeria from 1830 triggered a particularly strong surge in migration as it produced a significant rise in the demand for labour, resulting in continuous shuttle migration until the Algerian War (1954 to 1962). During both World Wars, France was suffering from massive labour shortages, resulting in the recruitment of large numbers of foreign workers, mainly from Algeria and Morocco. Some 126,000 of the Moroccan men who remained in France served in the French Army during World War II and in the wars in Korea and Indochina.⁴ The 1973 oil crisis put a sudden stop to this trend, not only drastically reducing further immigration from Morocco, but also, most importantly, leaving those who had already gained a foothold on the safe side: in Europe. While the recruitment stop did end the circular migration, it simultaneously resulted in an increase in permanent immigration, because from that time onwards there was a clear increase in demands for family reunification as well as in the citizenship applications this entailed.



Serving France: Moroccans were recruited into the French army, both during the two World Wars as well as the Indochina War. Here a picture of a Goumier in World War II. | Source: Unknown © in: Peter Caddick-Adams/Monte Cassino, *Ten Armies in Hell*, Oxford University Press, 2013.

4 | Cf. *ibid.*, p. 2.

The introduction of the visa requirement in Italy and Spain further hampered the opportunities for Moroccans to find work in Europe.

This development could be seen taking place simultaneously in many European countries, and the previous fixation on France belonged to the past. It was above all the introduction of the visa requirement in Italy and Spain in 1990 and 1991 respectively that further hampered the opportunities for Moroccans in particular to find temporary or long-term work in Europe. Irregular entry now turned into an obvious alternative for Moroccans as well for the first time. Particularly in Italy and Spain, the continuing demand for unskilled workers on the irregular labour markets produced a surge in illegal entry. Once Algeria had taken the unilateral decision to close its border with Morocco once again in 1994, migration from Morocco to Europe experienced a further rise, and Germany also became increasingly attractive as a destination country.

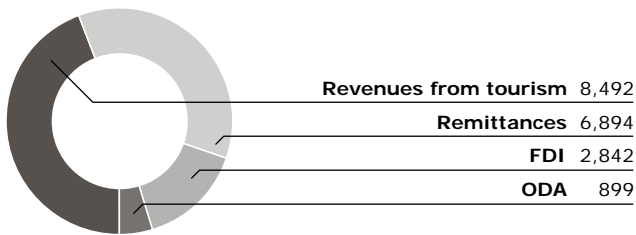
Morocco has been making special efforts for decades to keep tabs on its citizens living abroad. Their number is estimated to be around five million and they have been referred to officially as *Marocains résidents à l'étranger* (MRE), although the designation *Marocains du Monde* has been gaining popularity of late. The fact that they are and remain Moroccan is a fundamental part of the Moroccan self-image and of the identity of the Cherifian Kingdom that goes back over 1,000 years. In 1990, a special government department was even established to cover MRE affairs, and according to article 163 of the new 2011 constitution, the tasks involved were assigned to the *Conseil de la communauté marocaine à l'étranger*. Significantly, this council forms part of the group of institutions that are tasked to guarantee the enforcement of human rights. Its remit is not only to keep the MRE informed about political developments in Morocco, but to strengthen their feeling of national identity as well.

There are two main reasons why Morocco denies the MRE the possibility of relinquishing their Moroccan citizenship. First, there are the extensive money transfers made by the MRE back to Morocco, which have always played a key economic role. For decades, they exceeded income from tourism, and they still far exceed direct foreign investment or the income from development cooperation (see Fig. 1). Secondly, government leaders hope they can thereby

ensure the future return of the MRE. To this end, the government not only regularly sent information and performed monitoring, it also dispatched teachers to provide Arabic and Koran lessons. The MRE are not allowed to join trade unions or political parties nor integrate in any other way. The hope is that this will prevent them from becoming an external factor influencing Moroccan politics and thereby effectively turning into a type of “opposition” operating from outside.

Fig. 1

Ratio of remittances, FDI, revenue from tourism and ODA in 2012 (million U.S. dollars)



Sources: The World Bank, <http://data.worldbank.org/indicator/ST.INT.RCPT.CD> (accessed 18 Feb 2015); The World Bank, “Bilateral Remittance Matrix”, 2012; The World Bank, <http://data.worldbank.org/indicator/BX.KLT.DINV.CD.WD> (accessed 18 Feb 2015); OECD, <http://stats.oecd.org/Index.aspx?datasetcode=TABLE2A> (accessed 18 Feb 2015).

This policy has elicited criticism from many EU countries for some time as it is counter to their efforts to foster integration. The Netherlands in particular has been reluctant early on to integrate teachers sent from Morocco into their education system and to even allow these imams to enter the country. In 2005, the Dutch government put forward a request for the MRE living in the Netherlands to be allowed to relinquish their Moroccan citizenship, at least those of the third generation; but Rabat rejected this request.⁵ This strict and illiberal application of citizenship legislation, based on the principle of descent, is of central significance to the Moroccan understanding of state legitimacy. Be it with or without dual nationality, Morocco is one of the most important countries of origin for many EU states. Not only do Moroccans form the largest group of migrants from Africa, they are also the national group that

is most widely dispersed in Europe. They also represent the second-largest group from non-EU countries after migrants from Turkey.

Table 1
Moroccan migrants worldwide

Country	Number of Moroccan migrants	Country	Number of Moroccan migrants
France	840,985	Tunisia	6,439
Spain	778,451	Denmark	6,420
Italy	475,783	Sweden	6,242
Israel	245,574	Norway	6,123
Belgium	172,682	Jordan	4,926
Germany	108,442	Senegal	3,194
USA	84,496	Others (Europe)*	7,221
Canada	45,465	Others (Asia and the Pacific)**	2,660
Saudi Arabia	20,584	Others (Latin America)***	1,439
United Kingdom	12,940	Others (Africa)****	2,927
Switzerland	10,580	Others (Total)	14,247

* Austria, Greece, Finland, Hungary, Ireland, Poland, Portugal, Slovakia, Czech Republic; ** Iraq, Philipines, Japan, New Zealand; *** Uruguay, Chile, Venezuela, Bolivia, Ecuador, Peru, Panama, Dominican Republic, Honduras, Mexico; **** Egypt, Central-African-Republic, Sudan, Mauritania.

Source: IOM, "World Migration Data", 2010, <http://iom.int/cms/en/sites/iom/home/about-migration/world-migration.html> (accessed 18 Feb 2015).

CEUTA, MELILLA AND TRANSIT MIGRATION

It was not until the late 1990s that Morocco, which had previously represented primarily a classic emigration country, developed into one of the most important transit countries. In the course of this development, the character of the migration underwent continuous change. Some impulses came from the civil wars and political unrest in many

Central African countries. Libya's anti-immigration policy also significantly contributed to pushing many migrants towards Morocco. Today, one of the most frequently travelled routes leads from Niger and Mali across

One of the most frequently travelled routes leads from Niger and Mali to the town of Maghnia in northern Algeria and from there illegally across the closed border to Oujda on the Moroccan side.

Tamanrasset, one of the largest oases in southern Algeria, to the town of Maghnia in northern Algeria and from there illegally across the closed border to Oujda on the Moroccan side. Unless the migrants attempt to cross the Mediterranean directly by boat, they will then mainly be drawn to the two Spanish exclaves of Ceuta and Melilla as potential gateways to Europe.

The motivation of these migrants is complex. Most of them are young, male and single. They come from large families, have a good education, frequently even a degree, and often an idealised picture of Europe. Sylvia Bredeloup, who has been doing research on and analysing the motivation of the francophone migrants from Sub-Saharan Africa for many years, describes them primarily as "adventurers".⁶ They are escaping miserable life conditions, where they see no hope for their life chances to improve – be it primarily for economic or possibly also political reasons. While it is fraught with uncertainty, the possibility of migration offers them many potential opportunities to build a new life. In view of these prospects of a new start, the risks the venture entails represent part of the challenge of having to assert themselves anew every day and persevere. Earning money is not the prime objective but more a means to an end. In this scenario, where people feel they have little to lose, migration temporarily opens up a new sphere of freedom, combined with a new feeling of solidarity and the dream of one's own personal Eldorado – an "illusion biographique".⁷

Against this backdrop, gaining sight of Ceuta or Melilla has a strongly energising effect. Since the EU created the visa-free Schengen Area and has stepped up its efforts to control its external borders ever more strictly, these two Spanish exclaves on the Moroccan Mediterranean coast

6 | Sylvie Bredeloup, *Migrations d'Aventures. Terrains Africains*, Comité des travaux historiques et scientifiques, Paris, 2014.

7 | Pierre Bourdieu, "L'illusion biographique", *Actes de la recherche en sciences sociales*, vol. 62, no. 62-63, 1986.

have turned into particularly attractive destinations for refugees and migrants. They effectively form the only land border that a North African country has with Europe. As twice the number of people head for Melilla than for Ceuta, the border there already comprises two, and in some areas three, fences a little over a meter apart. The two outer fences are six meters high, the middle one up to three meters. Morocco has promised the construction of a fourth outer fence behind a three-meter-deep ditch, work on which has already begun. The construction of this fence system has become a symbol of the “Citadel of Europe” since 2005.⁸ There are three ways for the migrants or refugees to try to enter Melilla despite the fortification: either cross the fence, go around it via the sea or use the official border crossing.



The exclaves Ceuta and Melilla can also be reached by sea, which the refugees in this picture succeeded to do. | Source: Asier Solana Bermejo, flickr ©①②.

8 | Cf. on this topic, for instance: Brot für die Welt / medico international / Stiftung PRO ASYL (eds.), *Im Schatten der Zitadelle. Der Einfluss des europäischen Migrationsregimes auf "Drittstaaten"*, Berlin/Frankfurt a.M., 2013, <http://medico.de/themen/menschenrechte/migration/dokumente/eu-migrationsregime-im-schatten-der-zitadelle/4567> (accessed 14 Jan 2015).

Crossing the Fence System

When choosing the first option, groups of migrants have been making attempts for years to cross the three fences simultaneously at irregular intervals, unexpectedly and in the largest possible numbers. In Melilla, those who succeed are generally accommodated in the CETI reception center.⁹ Those who fail will initially be busy tending to their injuries before preparing for another assault, possibly the very next day. The greater the number of people attempting simultaneously, the greater the chance of success for a few. The younger, stronger and more agile they are, the more likely they are to succeed.¹⁰ A sizable number have already paid with their lives. Far in excess of a thousand migrants are living in the woods and the hills around Melilla; some have been there for years. Only few are tolerated in Nador, the small Moroccan town located directly on the border.

The greater the number of people attempting to cross the fences simultaneously, the greater the chance of success for a few. The younger and stronger they are, the more likely they are to succeed.

During the mass run ons over the last two years, an average 200 to 500 migrants a month succeeded in gaining “illegal entry” this way. The pressure on the border fortifications fluctuates. An attempt made in 2014 to strengthen the external fence with “anti-climb” metal mesh has proved ineffective. Many doubt that the recently started construction of an additional fence including a ditch by Morocco will reverse this trend; it is also doubtful whether the funds provided for this purpose by Madrid will be adequate. In any case, the extraordinary funding of ten million euros approved by Brussels is not intended exclusively for enhancing the border fortifications but also for the reception center and for the repatriation of migrants.

Most of the migrants who are captured either between the fences or directly after crossing the last fence are handed back through gates in the fence intended for this purpose to the Moroccan border guards, the Menahia, who “re-admit” them without any formal readmission application

9 | Centro de Estancia Temporal de Inmigrantes (CETI), which was originally designed to house 480 people, now houses up to 2,400 people after appropriate building measures.

10 | As reported by the head of the Guardia Civil in Melilla in a discussion with the author, the record for the fastest crossing of the fences caught on camera was a mere minute.

formalities. Some migrants hold out on top of the fence for hours in the hope that the Guardia Civil will eventually give up, which will improve their chances of making it to the other side. These standoffs frequently involve violent confrontations between the police and the immigrants as well as injuries. Although this way of entering Spanish territory is controversial in terms of legality, Madrid has declared it to be a form of “incomplete entry”.



The Moroccan border guards, the Menahia, are posted within sight of the fence system surrounding Melilla, in order to “readmit” refugees. | Source: © KAS Morocco.

In mid-December 2014, the Spanish parliament passed a law giving explicit permission to the Guardia Civil to deport “illegal immigrants” directly back to Morocco, as they have been doing in the past. This was meant to establish legal certainty for the Spanish police, particularly seeing that it is under constant scrutiny. Previously, the police frequently had to take action even without adequate legal authority, and there had been repeated expressions of public opinion stating that it was not proper to burden the police with this responsibility without legal backup. At the same time, one cannot fail to notice that the Spanish prefer to leave violent intervention to the Moroccan border guards. This goes particularly for preventative measures carried out in the camps near the border, the destruction of those camps as well as the removal of migrants and their expulsion into the no-man’s land of the Moroccan-Algerian border under

cover of darkness. By the time these same people are pushed back another 50 kilometers the next day at the latest, it must be clear to everybody that this situation is unacceptable under international law and particularly from a humanitarian point of view.

Those migrants, on the other hand, who have succeeded in getting beyond the border fences, are in principle entitled to stay at the reception center. However, as this center is already hopelessly overcrowded and some people have lived there for years, 1,600 immigrants from Sub-Saharan countries as well as 700 Syrian refugees were taken directly to the Spanish mainland during the first six months of 2014, where they were then released with the instruction to leave the country.

Reaching the Exclaves by Sea

The second way to enter Ceuta or Melilla is by swimming or by boat. However, these attempts are frequently thwarted due to collaboration between the Guardia Civil and the Moroccan Navy as the boats or the swimmers are picked up before they reach Spanish territorial waters and are taken back to the Moroccan mainland.

It has become virtually impossible to cross the Strait of Gibraltar directly in view of the effective monitoring of the Spanish maritime borders.

It has become virtually impossible to cross the Strait of Gibraltar directly or to cross to the Canary Islands in view of the effective monitoring of the Spanish maritime borders and the collaboration with the African countries of origin. Under these circumstances, many risk the journey across the Mediterranean particularly at times when they can assume they will be rescued by the Spanish. When over 2,000 migrants made such an attempt on 11 and 12 August 2014, almost all of them were successful in being picked up by Spanish sea rescue vessels and being taken to the Spanish mainland. On these two days, the Moroccan sea rescue forces were out of action. More than any other example, this incident illustrates the extent to which Spanish border security relies on Moroccan support.



British territory: Hardly any refugees are able to reach the peninsula of Gibraltar south of Spain due to effective monitoring of the maritime borders. | Source: IamRender, flickr ©110.

Beni-Enzar Border Crossing

The third and final opportunity of crossing the border illegally is provided by the main border crossing of Beni-Enzar. Attempts to pass this crossing directly have only proliferated relatively recently. After numerous migrants had succeeded in hiding away in cars or vans, the Guardia Civil started using pulse detectors; although these are very reliable in spotting “blind passengers”, they can only be used in cases of justified suspicion.

A much more promising opportunity – particularly for Syrian refugees – is offered by the groups of hundreds of Moroccans who use this border crossing on a daily basis and are not always subjected to strict checks. This goes back to the right to abode for the two exclaves that Spain granted to the inhabitants of the immediate neighbouring towns of Tetouan (near Ceuta) and Nador (near Melilla) in 1868. Since then, the proportion of inhabitants of Moroccan descent among the inhabitants has risen to 38 per cent in Ceuta and to 43 per cent in Melilla. An Additional Protocol to the Schengen Agreement stipulates that no visas for

the European mainland will be issued to these Moroccans.¹¹ While the two exclaves represent a legacy of the colonial past from a Moroccan perspective, this arrangement does offer many jobs and trading opportunities – including illegal ones.¹²

That said, this way of crossing the border without a visa has turned into a special opportunity for the Syrian refugees, whose numbers have increased steadily since the autumn of 2013. As they are not easily distinguished from the Moroccans – unlike the migrants from Sub-Saharan Africa – they try to blend in among the commuters and porters, who pass through the border crossings in the hundreds, in the early hours of the morning. This ploy tends to be successful when the migrants have a stolen or superficially forged passport, and it occasionally even works without an ID. If they make it to the reception center, they can immediately apply for refugee status.

SECURITY INTERESTS VERSUS HUMAN RIGHTS

The pressure on Ceuta and Melilla from transit migrants from Sub-Saharan Africa has increased continuously since around 2000. In 2013, the number of illegal entries stood at just under 5,000; during the first six months of 2014, the figure had already risen to 4,176. According to the Moroccan Ministry of the Interior, there are currently between 35,000 and 40,000 irregular transit migrants present in the two exclaves, looking for a way to cross over into Europe.¹³ The country has thereby unintentionally

11 | Cf. “The Schengen acquis – Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990, to which the Italian Republic acceded by the Agreement signed at Paris on 27 November 1990”, *Official Journal of the European Communities*, vol. 43, L 239, 22 Sep 2000, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2000:239:TOC> (accessed 21 Jan 2014).

12 | Cf. Xavier Ferrer-Gallardo/Ana Planet-Contreras, “Ceuta and Melilla: Euro-African Borderscapes”, *Agora Magazine*, Apr 2012, <http://agora-magazine.nl/wp-content/uploads/2012/10/2012-4-EuroAfrican-Borderscapes.pdf> (accessed 14 Jan 2015).

13 | On this topic see: “Immigration. C’est maintenant ou jamais”, *Telquel*, no. 634, 9/2014, pp. 23-29.

The living conditions of these migrants in the vicinity of the two exclaves create major legal and particularly human rights problems for Morocco.

turned into a host country for transit migrants staying for an indeterminate period. However, the living conditions of these migrants in the vicinity of the two exclaves do not only create major legal and particularly human rights problems for Morocco. They illustrate that the situation as a whole does not predominantly represent a security issue but a humanitarian one. Not only do these people suffer acute hardship; they are excluded and exploited, harassed and frequently ill-treated. Many sides carry responsibility for the situation. Although international and Moroccan human rights organisations are working on the ground with a great deal of commitment, there are limits to what they can do to ameliorate the situation. Since most EU countries drastically tightened their immigration laws in the 1990s, the criminalisation of irregular migrants has been on the increase.

By contrast with the Syrian refugees, it is difficult to determine in the case of the migrants from Sub-Saharan countries as to whether they fled from persecution and life-threatening circumstances. According to estimates, this may apply to half of them under strict application of the rules of the 1951 UN Refugee Convention. But there are no reliable figures. The Moroccan authorities therefore generally treat them as “economic migrants” heading for Europe. Although Morocco signed the Geneva Refugee Convention in 1951, it also deports asylum seekers as “illegal economic migrants”. Even people with recognised refugee status have rarely been granted the opportunity of obtaining a residence permit.

The efforts of EU countries to secure their borders against illegal migration are imposing a great burden on non-EU countries such as Morocco. A number of individual studies produced by Bread for the World, medico international and Pro Asyl document the frequently inhumane conditions under which migrants and refugees try to survive in the southern neighbouring countries. The aid organisation Médecins Sans frontières (MSF, Doctors Without Borders) has presented a well-researched and documented study on this issue with special reference to the situation around

Melilla.¹⁴ In this study, the doctors from MSF draw on their extensive experience from years of providing medical assistance to the migrants and asking them questions in the process. The most important finding of the study is that the longer migrants have already stayed in Morocco, the greater their injuries and their traumas, their exclusion and discrimination. They are highly exposed to violence on a daily basis and often to open xenophobia and covert racism as well. Although cooperation between the Spanish and Moroccan police is very close, the rights of migrants and even of refugees are frequently ignored. Police activities regularly entail human rights violations, and health standards must also be described as dire. Over half of all illnesses were caused by these precarious living conditions.



Deportation into no-man's land: Many refugees that were deported to Morocco are abandoned in the desert. If the same person is picked up several times, authorities tend to release them deeper into the wilderness. | Source: Bachmont Fotografia, flickr ©.

The study focused specifically on the extent of physical abuse: over 90 per cent of the victims of violence were over 15. According to the survey, approximately 60 per cent of this abuse is meted out by the Moroccan security forces. 63

14 | Cf. Médecins sans Frontières, "Violence, Vulnerability and Migration: Trapped at the Gates of Europe. A report on the situation of sub-Saharan migrants in an irregular situation in Morocco", Mar 2013, <http://aerzte-ohne-grenzen.de/sites/germany/files/attachments/2013-03-trapped-at-the-gates-of-europe.pdf> (accessed 14 Jan 2015).

per cent of all respondents confirmed that they had been physically abused, in 92 per cent of cases knowingly and intentionally. Many suffer from long-term health problems, feel stigmatised and find themselves reduced to begging.

Women in particular, for whom the permanent threat of deportation is frequently more worrying than for men, are finding themselves subjected to a state of fatal dependence and live in constant fear. 94 per cent of the victims of physical abuse are female and six per cent male. Mortality among young mothers and infants is far above the Moroccan average. The woods in the Gourougou Mountains within sight of Melilla are almost exclusively inhabited by men, while the women try to find shelter in Nador. But there are no safe places for them there either, let alone opportunities for legal employment.

The woods in the Gourougou Mountains within sight of Melilla are almost exclusively inhabited by men, while the women try to find shelter in Nador.

Where nationality is concerned, 32 per cent of the victims came from the Democratic Republic of the Congo, 30 per cent from Nigeria, nine per cent from Cameroun and smaller percentages from other countries. When comparing these figures for victims to the figures about national origin, it is clear that migrants from Nigeria and from DR Congo become victims much more frequently than those from other countries as they make up only 16 per cent and, respectively, six per cent of overall migrant numbers. The relative numbers of victims among people from the francophone countries of Mali, Senegal and Ivory Coast (which are considered friendly) are significantly lower by comparison.¹⁵ As regards the practice of deportation, 68 per cent of respondents stated they had been expelled at least once into the no-man's land on the border to Algeria; 80 per cent of them more than once; 16 per cent over ten times (including pregnant women and infants). However, numbers decreased strongly in 2014 in view of national and international protests. Instead, people are increasingly being taken to the large cities of Casablanca, Rabat and

15 | Cf. *ibid.*, particularly p. 12 et seq. and 23 et seq. After this report had been published, the organisation MSF left Morocco by way of protest. Cf. Médecins sans Frontières, "Morocco: Sharp Increase in Violence Against Migrants", 14 Mar 2013, <http://doctorswithoutborders.org/news-stories/press-release/morocco-sharp-increase-violence-against-migrants> (accessed 14 Jan 2015).

Fes. It was the same objective that prompted the eviction of migrants from camps in the Gourougou woods around Melilla on 10 February 2015, when a total of 1,200 people, mainly women and children, were removed and brought to various locations in Morocco. The Ministry of the Interior justified this police action by stating that the catastrophic conditions within these encampments had made the evacuation imperative for humanitarian reasons.¹⁶ However, it is obvious, though, that the human misery and the human rights violations this entails are alarming. The extent of this conflict between the security aspects on the one hand and human rights on the other represents a new phenomenon in Morocco.



Low deterrence: The fence systems are operated at great material and personnel expenses. Still, it does not prevent refugees from crossing the barriers and reaching European soil. | Source: © KAS Morocco.

At the national borders of the two exclaves, the security interests of the EU and the aspirations of large numbers of migrants stand in seemingly irreconcilable contradiction. So far, the security interests have by no means proved to be gaining the upper hand. Many “improvements” to the design of the fence system have so far failed to fulfil

16 | Cf. “1.200 migrants subsahariens expulsés du camp de Gourougou près de Nador”, *HuffPost Maroc*, 12 Feb 2015, http://huffpostmaghreb.com/2015/02/12/immigration-clandestine_n_6667156.html (accessed 19 Feb 2015).

expectations. In many cases, the extensive deployment of material and human resources appears not to produce the desired deterrent effect. Even the frequently violent action by the security forces, which on occasion has even involved the use of fire arms with lethal consequences, has only served to exacerbate the humanitarian dilemma and only ever caused a brief decline in the attempts to gain illegal entry, if any. The Spanish authorities have now prohibited the use of rubber bullets and irritants at sea after migrants drowned subsequent to such a barrage in February 2014.

MOROCCO AS A NEW HOST COUNTRY

Morocco has always been encouraging the immigration of skilled workers and students. An asset is the country's political stability and its positive economic development.

Playing host not only to traders and investors but also to migrants and refugees is not a new phenomenon for Morocco. Ever since gaining its independence, the country

has encouraged the immigration of skilled workers and students. By contrast with the other countries in Northern Africa, Morocco can boast political stability and positive economic development. The birth rate has declined to an impressive degree. Economic growth and demand for labour are stable. Progress has been made in the development of free-trade zones. To most migrants coming from the Sub-Saharan region, Morocco itself no doubt seems a rich country.

Today, some 74,000 legally registered foreigners live in Morocco, some even with a work permit. 32,000 of these are Europeans (21,000 French citizens alone), including a relatively large number of wealthy industrialists and well-known politicians as well as large numbers of pensioners for whom the – currently still – low cost of living is the determining factor. The second largest group are 28,000 Africans (including some 11,000 Algerians), followed by 9,000 Asians as well as persons from the remaining regions of the world.¹⁷ Besides this group of legally registered people from other countries, there are 35,000 to 40,000 foreigners who live in the country illegally, almost exclusively in the large cities. Morocco was not their ultimate destination. Few of them are on the authorities' radar, some are tolerated, most are ignored. This group includes those

17 | Cf. Consortium for Applied Research on International Migration, *Report 2010*.

who had already succeeded in crossing the borders around the two exclaves, but were then deported to Morocco *sin impresos* (without formalities).¹⁸ Morocco officially refuses to readmit these people stating there is no proof that they did indeed come from Morocco. Although Morocco has ratified the readmission agreement, applications under that agreement tend to remain unanswered.

Not least to deescalate this precarious situation and to create a positive image for his country internationally, the King had a new asylum and immigration policy announced in September 2013, the main aim of which is supposed to be the legalisation of a considerable number of illegal migrants from Sub-Saharan countries. The motivation for and objectives of this measure were complex. Firstly, the Conseil National des Droits de l'Homme (CNDH) had published a report on the precarious human rights situation and drafted a number of recommendations.¹⁹ Secondly, the government wanted to reduce the pressure on the two exclaves as the country had given the EU an undertaking that it would secure the EU borders. Furthermore, Morocco is receiving support for this policy from the International Organization for Migration (IOM) as well as from other international organisations and thereby also an opportunity to further improve its international reputation.

The CNDH had drafted a number of far-reaching recommendations for the implementation of this project, ranging from providing legal aid in the event of disputes in the workplace to training the responsible administrative staff to a differentiated prohibition of the use of force of any kind. In addition, more specific recommendations were issued for employers, trades unions and government institutions. Since the beginning of 2014, there have been "Foreigners' Offices" located throughout

Since the beginning of 2014, there have been "Foreigners' Offices" located throughout Morocco, which not only have an advisory function, but also accept applications for residence permits.

18 | In relation to the assault of 15 Oct 2014, for example, the Moroccan press reported eight people being readmitted, while no application was supposedly approved after the larger assault by approximately 400 migrants on 17 Nov 2014.

19 | Cf. CNDH, Conclusions et recommandations du rapport: *Etrangers et Droits de l'Homme au Maroc: Pour une politique d'asile et d'immigration radicalement nouvelle*, Rabat, 2013. See also: Matthias Kaspers, "Marokko – neuer Vorreiter in der Migrationspolitik", KAS Country Report, Jan 2014, <http://kas.de/marokko/de/publications/36735> (accessed 14 Jan 2015).

the country, which not only have an advisory function, but also accept applications for residence permits. According to unofficial figures, these offices received some 27,000 applications in total in 2014, approximately 10,000 of which were approved. In view of the stringent qualification criteria (either a Moroccan spouse, an employment contract existing for a minimum of two years, having lived Morocco for at least five years, or particular health issues), this proportion seems astonishingly high.

By early 2014, the Moroccan authorities had already granted residence permits to 850 of those whose refugee status had been confirmed by the UNHCR.

While it is too early to carry out a critical evaluation of the realisation of this project, it appears that the terms for admission have, on the whole, been interpreted generously in the case of asylum seekers. By early 2014, the Moroccan authorities had already granted residence permits to 850 of those whose refugee status had been confirmed by the UN Refugee Agency (UNHCR). During negotiations on immigration issues between Morocco and the EU in December 2014, Rabat promised to accelerate the issuing of residence permits, while Brussels promised appropriate financial support.

Those in positions of responsibility in Morocco know very well, however, that it is not sufficient to merely admit people to add to the labour force. If they stay, they need to be integrated. Many issues relating to this challenge have not even been placed on the agenda, let alone addressed in even the most basic manner: What is the status of the migrants whom Morocco “readmits” grudgingly? What consequences are there from the numerous violent actions from the past? Which responsibilities remain with the local authorities, who were overtaxed and did not show themselves particularly helpful in the past? What special role do political refugees play and what is the role of the increasing numbers of international observers? Particularly the fundamental questions remain unanswered: What does legalisation ultimately imply? What freedoms do these migrants have? What political rights and obligations should they be given?

IS THERE A WAY TO RESOLVE THE SITUATION?

Since Morocco signed the Euro-Mediterranean Agreement with the EU in 1996, which specifically envisages the establishment of a free trade zone, the country has increasingly benefited from cooperation and consequently closer links with the EU. The MEDA program in particular, which controls financial cooperation and is primarily aimed at boosting competitiveness, also includes a provision for funds to support measures to curb immigration.



Calling for attention: During a demonstration in the CETI reception center in February 2015 African refugees draw attention to their hardship. The hope for improving their situation remains often unfulfilled. | Source: Laura Ortiz, flickr ©①②.

From a European perspective, Morocco undoubtedly plays a key role in dealing with the migration problem. As regards the situation in and around Ceuta and Melilla, the European countries rely heavily on the willingness of the Moroccan side to cooperate. While financial compensation is obviously essential, it is not the exclusive determining factor. What is far more important to Morocco is recognition in the international political arena and feasibility in terms of domestic policy. In the long term, the country would like to advance beyond the statut avancé granted by the EU in its foreign relations. It is keen to be accepted as a reliable and solid partner among equals. The way migration problems are handled also plays an important role for Europe in the context of South–South cooperation, which no other North African country has engaged in more actively than Morocco.

On the European side, by contrast, there are no measures in place to control migration in the long term nor is there a coherent policy on refugees with which Morocco could align. The unprecedented extent of irregular migration into and through Morocco requires a migration policy supported by Morocco and Spain, and by extension by the EU, which involves new, joint and sustainable solutions. One point to bear in mind in this context is that Spain was the first

In line with its aim to remain an “area of freedom, security and justice”, the EU migration policy must do justice to standards of human and refugee rights.

EU Member State to be confronted with the challenges of irregular migration on a large scale and therefore had to adopt a pioneering role with respect to the new European border policy. The greatest problem proved to be the unlawful deportation of nationals from third countries to Morocco without due process.²⁰ The EU cannot and should not limit itself to merely fend off refugees and migrants. In line with its aim to remain an “area of freedom, security and justice”, its migration policy must be democratically legitimised as well as doing justice to standards of human and refugee rights. Above all, no person should be denied the right to be treated with due process. This credibility issue must ultimately also be addressed in partner countries such as Morocco.

The fact that an increasing number of controversial cases are coming before the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ) means that the scope of action of the Member States is shrinking. This relates above all to the ban on deporting migrants. In view of the intended European Neighbourhood Policy, however, the two sides need to join forces in searching for ways to end the precarious human rights situation in the vicinity of the two exclaves because whatever rational explanation for its purpose, there is something surreal about the fence system, which cannot be reconciled with the ethical standards of the two sides. And if one applies the principles of “realpolitik”, one should ultimately not forget that Morocco is pursuing its policy primarily in the interest of and under pressure from Europe. It is defending a border that most Moroccans fundamentally do not recognise.

20 | On this topic see: Stefan Luft, “Grenzsicherung der Europäischen Union – ein neuer ‘Eiserner Vorhang’ im 21. Jahrhundert?”, in: Stefan Luft/Peter Schimany (eds.), *20 Jahre Asylkompromiss. Bilanz und Perspektiven*, Bielefeld, 2014, pp. 276-305.

Today more than ever, Morocco is an emigration, transit and host country all at the same time. It is characterised by transnational mobility where these aspects are inextricably linked. The government is making strenuous efforts to regulate this mobility in order to be able to monitor it better and therefore potentially also control it. The government's motivation is not restricted to matters of citizenship and, more than ever before, combatting terrorism; it also involves the character and cohesion of Morocco as a whole. On the one hand, the demand for social integration is still very high on the political agenda. On the other hand, the changes relating to "migration" and "migrants" make it crucial to keep rethinking the arguments about identity and religion as well as the welfare state and the market economy.

In view of its willingness to accept increasing numbers of migrants itself, the migration pressure on the country today can be compared to that on Turkey or Mexico. The hope of convincing the migrants that it may be better for them to return to their place of origin is as surreal as the ever-expanding border fence system. One spokesman for the migrants demonstrated a more realistic view when he gave the following advice to guests from Europe during a discussion in Nador: "You know, to you, Melilla is a problem – to us, it's the solution."²¹

21 | Round table discussion with the author on 27 Nov 2014 in Nador.



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THE PHILIPPINE DIASPORA

BETWEEN AMERICAN DREAM AND SERFDOM

Benedikt Seemann / Miriam Fischer

The Philippines can look back on an eventful history that includes almost 50 years as a U.S. colony, Japanese occupation during the Second World War, a period of independence and democracy, years of dictatorship, a revolution and a return to democracy. The roots of today's social and economic problems and inequalities can be found in this history. Traditional systems of patronage in business and politics make it difficult for people from poorer families to climb the social ladder. The Marcos dictatorship came to an end in 1986, but the country is still feeling the effects today. Almost 30 years on, there has been little narrowing of the yawning gap that exists between rich and poor. The country has experienced steady economic growth since then, but few have actually felt the benefits. One quarter of the Philippines' 100 million population lives in poverty. The domestic labor market has long been unable to provide jobs for everyone of working age and employ them adequately in line with the country's shifting demographics. As a result, many Filipinos leave their homeland in search of a better life.

ROOTS AND SPREAD OF THE PHILIPPINE DIASPORA

In historical terms, the roots of the Philippine diaspora can be found in the period from 1898 to 1946, when the country was a U.S. colony. This colonial status meant that Filipinos were automatically U.S. citizens. In the early years, study and school visits to the U.S. were particularly encouraged. The early 20th century saw a huge wave of emigration to Hawaii, where the sugar plantations were in desperate need of workers.¹ Between 1907 and 1929 more

1 | Cf. Victoria P. Garchtonera, "Diaspora Philanthropy: The Philippine Experience", May 2007, p. 1, <http://cbd.int/financial/charity/philippines-diaspora.pdf> (accessed 15 Jan 2015).

than 102,000 Filipinos moved to the island. Later, other opportunities opened up in California's agricultural industry and in the Alaskan fisheries. Philippine communities gradually grew up in these regions and they became the most popular destinations for migrants coming to the U.S.

In 1930, 25,000 Filipinos were serving in the U.S. Navy. Five years later, the Philippines received commonwealth status from the U.S., as a result Filipinos were no longer automatically U.S. citizens. This produced a sharp drop in emigration. It was not until after the Second World War and the introduction of more liberal immigration laws that migration from the Philippines to the U.S. began to increase once again. From the 1960s onwards, Australia and Canada also became popular destinations for migrants. But Filipinos were not only moving to Western countries. During the 1970s, when the oil industry was booming, Saudi Arabia and the United Arab Emirates were experiencing severe labor shortages. This encouraged an influx of immigrants from the Philippines.

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In 1974, the Philippine government began to actively promote emigration, seeing it as an effective way of combating unemployment. Today the Philippine diaspora is the largest of its kind in the world. Over ten million Filipinos – more than ten per cent of the country's population – are living temporarily or permanently overseas. Over 200,000 Filipinos make up ships' crews around the world, the largest nationality group in this sector.² Some are running their own businesses in the U.S. Others find employment in the healthcare sector in Europe or as domestic workers in Arab countries. The Philippine diaspora certainly has many facets.

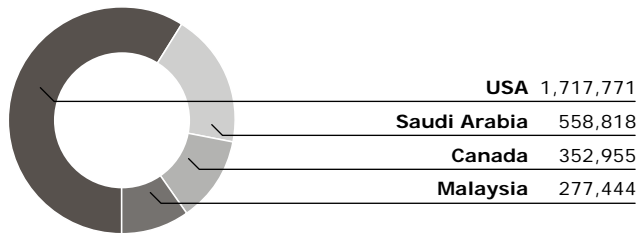
Many countries have signed agreements with the Philippines in order to formalize labor migration. A free trade agreement with Japan allows Philippine caregivers to find jobs there. In return, restrictions on Japanese businesspeople and investors in the Philippines have been relaxed. The Philippine government has also taken steps towards

2 | Cf. Perla Aragon Choudhury, "Filipino Seamen Still Rule the Seas, For Now", *Planet Philippines*, 2 Feb 2010, <http://planetphilippines.com/migration/filipino-seamen-still-rule-the-seas-for-now> (accessed 15 Jan 2015).

managing labor migration with Germany. Since March 2013 there has been an official agreement between the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Federal Employment Agency's International Placement Services (Zentrale Auslands- und Fachvermittlung/ZAV) and the Philippine Overseas Employment Administration (POEA). The Triple Win project brings skilled workers from the Philippines to Germany. They are often highly qualified, but find it difficult to find employment in their home country. Meanwhile, Germany has a shortage of skilled labor in the health sector.³ A benchmark was set to bring 500 caregivers to Germany, but by February 2015 only approximately 50 workers had found suitable employment in Germany.

Fig. 1

**Countries of destination of Filipino migration 2010
(in absolute numbers)**



Source: IOM, n. 4.

At 1.7 million, the U.S. is the most popular destination for Philippine migrants. This is followed by Saudi Arabia with 558,818 migrants, Canada with 352,955 and Malaysia with 277,444 (as of 2010). North America as a whole has over two million Filipinos, placing it well ahead of the Gulf region with over 930,000.⁴ These figures include people who have moved permanently to their new countries; people who got married there and/or become citizens; and people who

3 | Cf. Bundesagentur für Arbeit/GIZ, *Vermittlung von qualifizierten Pflegekräften aus Drittstaaten nach Deutschland*, http://cimonline.de/documents/Triple_Win_Arbeitgeber_Informationen_April_2014.pdf (accessed 15 Jan 2015). The first 20 workers have now arrived in Germany, and by the end of 2015 another 480 skilled staff should have taken up positions with German companies.

4 | Cf. International Organization for Migration (IOM), "World Migration", <http://iom.int/cms/en/sites/iom/home/about-migration/world-migration.html> (accessed 15 Jan 2015).

have moved abroad temporarily in order to work. Labor migrants make up the majority of people who emigrate from the Philippines. When they reach their destinations, Philippine migrants face a wide range of challenges. In some countries they have good opportunities to progress and integrate into society, while in other places they are exploited and excluded. Therefore, a closer look at these various aspects of the Philippine diaspora and the effect it has on their homeland is worthwhile.



American Dream: The mother of pop singer Bruno Mars (Peter Gene Hernandez by birth) migrated as a child from the Philippines to the U.S. The artist has become an iconic figure for the Philippine community. | Source: Chrizta T., flickr ©©.

THE AMERICAN DREAM

Driven by abject poverty, high unemployment, extreme under-employment and a lack of opportunities at home, millions of Filipinos dream of a better life elsewhere. Well-educated people actually feel quite pressured by society and their families to leave the country in order to earn more money and support their families back home. The International Labour Organization (ILO) estimates that

a million Filipinos leave their country every year – and the trend is upwards.⁵

Overseas Filipino workers (OFW) in the U.S. and those who have become U.S. citizens represent the largest Philippine diaspora group and act as role models for those who are left behind. Their success stories in the “land of endless opportunities” are held up as ideal examples of how to build a career abroad. Examples of such role models who have achieved the American Dream are Edward Soriano, the first Philippines-born officer to be appointed a general in the U.S. Army; pop star Bruno Mars, who has Filipino roots; the Governor of Hawaii and son of a Philippine immigrant, Ben Cayetano; and Ronald Ravelo, who in 2014 became the first American of Philippine descent to take command of a U.S. aircraft carrier.

The U.S. has a huge cultural influence on this predominantly Christian Asian country – on its television, music, food and fashion.

In the U.S., Filipinos are the fourth largest group of immigrants, making up four per cent of the total population (as at 2011).

Their numbers are exceeded only by immigrants from Mexico (29 per cent), China and India (both five per cent).⁶ The U.S. has a huge cultural influence on this predominantly Christian Asian country – on its television, music, food and fashion. People in the Philippines are very proud of family members who have moved to the U.S. and they are a common topic of everyday conversation. Just about every popular North American sport is keenly played and followed in the Philippines.⁷ But the cultural influence is not a one-way street. Filipinos who live in North America also contribute their own cultural diversity. Tagalog, the most widespread language of the Philippines, is spoken by 1.6 million people in the U.S., third only to Spanish and

5 | Cf. ILO, “Labour Migration”, <http://ilo.org/manila/areasofwork/labour-migration/lang--en/index.htm> (accessed 15 Jan 2015).

6 | Cf. Sierra Stoney/Jeann Batalova, “Filipino Immigrants in the United States”, Migration Policy Institute, 5 Jun 2013, <http://migrationpolicy.org/article/filipino-immigrants-united-states> (accessed 15 Jan 2015).

7 | Cf. Gregorio C. Borlaza, “Philippines: Sports and Recreation”, *Encyclopaedia Britannica Online*, 19 Aug 2014, <http://britannica.com/EBchecked/topic/456399/Philippines/272987/Sports-and-recreation> (accessed 15 Jan 2015).

Chinese.⁸ In California, Filipinos are the largest group of Asian immigrants, even more numerous than the Chinese.⁹ The Philippine diaspora has coincided with the expansion of the Philippine fast food chain Jollibee, which is also growing in popularity in general.¹⁰



The Filipino fast food chain Jollibee expands its presence on the U.S. market, especially in California; a sign that the cultural influences are not only working one way. | Source: Martin Ng, flickr @@@.

The economic influence of the diaspora is even more significant. Today, Filipinos are considered to be “model immigrants”. In 2011, 48 per cent of adult U.S.-Filipinos held a college or university degree at Bachelor level or above. This figure is much higher than the figure for adult immigrants overall (27 per cent) and for the U.S. adult population in general (29 per cent). Only eight per cent of adult Filipinos have no school-leaving qualifications.¹¹

- 8 | Cf. Rocelle Tangi, “Tagalog is 3rd Most Widely Spoken Foreign Language in US”, *Asian Journal*, 7 Oct 2014, <http://asianjournal.com/news/tagalog-is-3rd-most-widely-spoken-foreign-language-in-us> (accessed 15 Jan 2015).
- 9 | Cf. Steve Angeles, “Pinoys now Largest Asian Population in California”, *ABS-CBN News.com*, 2 Nov 2013, <http://abs-cbnnews.com/global-filipino/02/11/13/pinoys-now-largest-asian-population-california> (accessed 15 Jan 2015).
- 10 | Cf. Lynda C. Corpuz, “In US, Jollibee ranks among 10 best foreign fast food chains”, *Rappler*, 1 Oct 2014, <http://www.rappler.com/business/industries/176-food-and-beverage/70716-jollibee-best-international-fastfood-us> (accessed 15 Jan 2015).
- 11 | Cf. Stoney/Batalova, n. 6.

Philippine immigrants generally speak very good English and have usually already attained a good level of education before leaving their home country.¹² In the U.S. labor market, many Filipinos work in the tertiary sector. 18 per cent of men and 17 per cent of women have jobs in this sector, particularly in healthcare.

THE IMPORTANCE OF REMITTANCES

The high number of Filipinos who live and work abroad has become an economic factor. Over ten per cent of the Philippines' GDP originates in the diaspora.¹³ For the country, which ranks 117th in the UN's Human Development Index, remittances from Filipinos working abroad are vital for their families back home. In 2013, these OFW payments hit a record high, with over 25 billion U.S. dollars being transferred from the U.S., Saudi Arabia, the UK, the United Arab Emirates, Canada, Singapore and Japan to recipients in the Philippines.¹⁴ From the U.S. alone¹⁵, over ten billion U.S. dollars were sent to the Philippines in 2012, with another two billion U.S. dollars coming from Canada.¹⁶ These private money transfers between Filipinos have become the country's most important economic sector and are therefore of existential significance. If we add to this the value of all the goods and services that informally find their way to the Philippines in the luggage of people returning home, then this figure could be as high as 40 billion U.S. dollars.¹⁷

Private money transfers between Filipinos have become the country's most important economic sector and are therefore of existential significance.

12 | Cf. *ibid.*

13 | Cf. Manny Villar, "New threat to OFW remittances", *Manila Bulletin*, 19 Aug 2014, <http://mb.com.ph/new-threat-to-ofw-remittances> (accessed 15 Jan 2015).

14 | Cf. "Remittances hit record high of \$25.1 B in 2013", *The Philippine Star*, 17 Feb 2014, <http://philstar.com/business/2014/02/17/1291769/remittances-hit-record-high-25.1-b-2013> (accessed 15 Jan 2015).

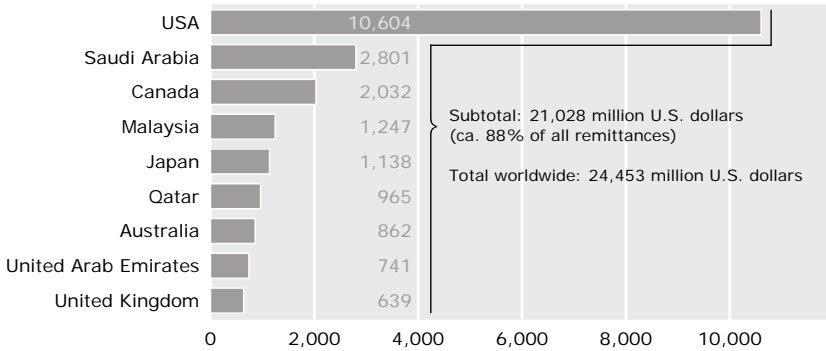
15 | Cf. Andy Kiersz, "Here's Where Migrant Workers in America Send Their Money", *Business Insider*, 7 Apr 2014, <http://businessinsider.com/world-bank-us-remittance-map-2014-4> (accessed 15 Jan 2015).

16 | Cf. The World Bank, "Bilateral Remittance Matrix 2012", http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/Bilateral_Remittance_Matrix_2012.xlsx (accessed 15 Jan 2015).

17 | Cf. Niklas Reese/Rainer Werning (Hrsg.), *Handbook Philippines: Society, Politics, Economy, Culture*, Cologne, 2013.

Fig. 2

Countries with significant remittances to the Philippines, 2012 (in million U.S. dollars)



Source: The World Bank, "Bilateral Remittance Estimates for 2012 using Migrant Stocks, Host Country Incomes, and Origin Country Incomes (millions of US\$)", May 2013.

There have been countless studies on how these remittances are used in the Philippines and their effects. But the results have been largely contradictory. They suggest that the majority of the money flows directly into local consumption, with much less going into investments. The majority of remittances are used to buy food and pay debts, with education taking third place. According to the Philippine Central Bank (Bangko Sentral ng Pilipinas), the money is saved in less than half of all cases, and it is invested even more rarely. But when this does happen, it is usually put into *sari sari* stores – small stores or kiosks that sell everyday goods in small quantities. Their owners only make very small profit margins. These stores can be found on every street corner, so competition is fierce and they can only serve a small circle of customers. Their turnover is sufficient to cover the cost of building, renovation, maintenance and purchasing goods, but it does not stretch to making larger or longer-term investments.

The Philippine Central Bank has recognised this problem and now offers financial literacy programs in Manila and particularly in rural provinces. But so far it has been difficult to reverse the practice of spending the remittances on consumption rather than investing or spending it on

education.¹⁸ However, a shift in thinking seems to be taking place. A study carried out by the Asian Development Bank (ADB) in 2004 showed that more families were spending the money on their children's education.¹⁹



Private cash flows: Return remittances of OFW are crucial for the Philippine economy. In 2013, they reached a new record high of 25 billion U.S. dollars. | Source: Konrad Lembcke, flickr ©©©.

The diaspora also has a major impact on the Philippine real estate market. People who have found success in the U.S., Canada or Australia go on to buy houses or flats to rent in their former home. This is particularly true of owners who have dual citizenship. People who (no longer) have a Philippine passport are much more restricted in terms of their economic activities in the Philippines.²⁰

However, the money transfers made by expatriate Filipinos also contain some imponderables. On the one hand, investing in the real estate market is risky, as there is no

18 | Cf. Aubrey D. Tabuga, "How do Filipino Families use the OFW remittances?", *PIDS Policy Notes*, Dec 2007, <http://dirp4.pids.gov.ph/ris/pn/pidspn0712.pdf> (accessed 15 Jan 2015).

19 | Cf. ADB, "Technical assistance for the Southeast Asia workers' remittance study", Dec 2004, <http://siteresources.worldbank.org/DATASTATISTICS/Resources/5gRogers.pdf> (accessed 15 Jan 2015).

20 | Article XII (National Economy and Patrimony) of the country's 1987 constitution strictly regulates investment and ownership rights.

guarantee that it will not collapse in the near future.²¹ On the other, *Forbes Magazine* argues that the majority of remittances come from Filipinos working in the healthcare sector. But their future is dependent on what happens in the U.S. healthcare system. The U.S.'s feared healthcare bubble could have negative consequences for foreign currency transfers.²²

Apart from these factors and the correlations between U.S. social policies and the level of remittances sent back to the Philippines, emigration has other negative aspects. **Well-educated academics seek their fortunes abroad, as their career opportunities are limited at home. As a result, the country has been experiencing a brain drain for many years.**

Young, well-educated academics and specialists seek their fortunes abroad right from the start, as their career and earnings opportunities are so limited at home. As a result, the country has been experiencing a brain drain for many years. Whether this means that the economic contribution of expatriate Filipinos is a blessing or a curse for the Philippines is still the subject of some controversy.²³ Opinions vary wildly, but the material support provided by the diaspora is now so high that the Philippines can no longer manage without it.

THE DARK SIDE OF MIGRATION

The POEA is responsible for registering overseas employment. Officially, it holds records of all expatriate Filipinos who have overseas employment contracts of up to three years. Most of these OFWs work in Saudi Arabia.²⁴ According to the POEA, the majority work in the service sector (as restaurant workers, domestic workers, janitors, drivers,

21 | Cf. "INFOGRAPHIC: Is there a real estate bubble?", *Rappler*, 20 Oct 2014, <http://rappler.com/brandrap/rich-media/72360-infographic-is-there-a-real-estate-bubble> (accessed 15 Jan 2015).

22 | Cf. Jesse Colombo, "Here's Why the Philippines' Economic Miracle Is Really a Bubble in Disguise", *Forbes*, 21 Nov 2013, <http://forbes.com/sites/jessecolombo/2013/11/21/heres-why-the-philippines-economic-miracle-is-really-a-bubble-in-disguise> (accessed 15 Jan 2015).

23 | Cf. Rosemarie Francisco, "Philippine Catholic Church struggles with social costs of labor migration", *Reuters*, 15 Jan 2015, <http://reuters.com/article/2015/01/15/us-pope-philippines-migrants-idUSKBNOK00AM20150115> (accessed 15 Jan 2015).

24 | Cf. POEA, "Statistics: 2009-2013", http://poea.gov.ph/stats/2013_stats.pdf (accessed 15 Jan 2015).

nannies, etc.), followed by manufacturing (as factory workers, construction workers, tradesmen, etc.).²⁵

A closer look at the Philippine diaspora reveals that there is a two-tier society among migrants. Those who are well educated and qualified tend to move to North America, Australia and Europe. Those who have few or no qualifications tend to move to the Gulf region, other Arab countries, Hong Kong, Singapore and other Asian states. This difference is also formalised by the fact that Filipinos in North America seem to find their feet much more quickly in economic terms, as they are responsible for 40 to 50 per cent of all remittances sent to the Philippines.²⁶

Although money transfers from expatriate Filipinos make up the country's financial backbone, politicians tend to neglect migrants' social security during their time abroad and after they come home. The government expresses its appreciation for the OFWs, who are often praised and called modern or new heroes (*bagong bayani*). But this is not carried over into suitable insurance or protection, or any other welfare provisions for contract workers.²⁷

Recruitment agencies offering jobs overseas are on the Internet, in national and local newspapers, on hoardings and in radio commercials.

In the Philippines, advertisements by recruitment agencies offering jobs overseas are ubiquitous. They are on the Internet, in national and local newspapers, on hoardings and in radio commercials. Recruitment agencies have to be registered with the POEA, and a list of these agencies is available online. The Overseas Workers Welfare Administration, part of the Department of Labour and Employment, works to protect the rights of OFWs and their families. It provides information and issues relevant certificates. Only certified agencies are included in the above-mentioned list.

25 | Cf. *ibid.*

26 | Cf. Reese/Werning, n. 17.

27 | Cf. Rina Jimenez-David, "A better deal for our new heroes", *The Inquirer*, 9 Aug 2013, <http://opinion.inquirer.net/58433/a-better-deal-for-our-new-heroes> (accessed 21 Jan 2015); Ernie D. Delfin, "If the OFWs are the new heroes, then treat them accordingly", *The Philippine Star*, 26 Aug 2001, <http://philstar.com/opinion/131431/if-ofws-are-new-heroes-then-treat-them-ac> (accessed 21 Jan 2015).



Low or unskilled Filipino migrants often live at the minimum income level. They mostly work in the service sector, like here in Hong Kong, as domestic helps or in the manufacturing industry. | Source: Konrad Lembcke, flickr ©📷.

However, it is difficult for people in rural provinces to gather information as they rarely have access to the Internet. Certain recruitment agencies exploit this fact for fraudulent purposes. An indication of this is the illegal practice of recruitment agencies requiring payment in advance. They may charge the equivalent of two or three months' wages, meaning that most people are faced with huge expenses. It is not unusual for would-be migrants to sell their land or precious animals to meet the costs. This endangers their already precarious existence – and that of their families. Instances of illegal recruitment are being constantly uncovered, for example where dishonest agencies have provided OFW applicants with forged work visas. Agencies, Philippine government authorities and residency regulators in the destination countries also have to deal with the issuing of student, intern and visitor visas. In other cases, it becomes clear after the migrant has left home that the promised job does not actually exist.

Those who successfully negotiate the recruitment process hope for better lives and to earn wages high enough to enable them to send money back to their families. They are under a great deal of pressure, and sometimes end up sending all their wages home. This means that many migrants are unable to build lives for themselves in their

new country. They often endure poor working conditions and are paid extremely low wages that do not reflect their work. The Gulf States are frequently in the headlines because of such poor working conditions. International organisations and media often report on workers in the construction sector who go unpaid for months or only receive a fraction of what they are owed and are housed in terrible conditions.²⁸ Employers often change the conditions or duration of employment contracts once OFWs have arrived in the host country, with or without the worker's agreement. It is not uncommon for them to be faced with working days of 16 to 20 hours, with no holidays. The migrants who are worst affected are those who do not earn enough to send money home. And many of them are unable to afford a flight home – which the employer is actually legally obliged to provide.

As most migrants have their papers taken away from them when they arrive, they cannot make their own decision to leave.

The *kafala* system that is so prevalent in many of the Gulf states allows employers to treat migrant workers as little more than serfs²⁹. Regardless of their working and living conditions, workers cannot leave or change their jobs without their employer's permission. Employers also have to countersign their exit permits. But as most migrants have their papers taken away from them when they arrive, they cannot make their own decision to leave. Changing jobs equates to breach of contract, which can have severe consequences in the host country.³⁰ Construction workers are housed in the most basic communal facilities, while domestic workers are generally given a room in their employer's home. From the employer's point of view, this reduces transport and accommodation costs and at the same time allows them to exert control over their staff. Many people who refuse to work because

28 | Cf. Amnesty International, "Qatar: Unpaid Migrant Construction Workers Left to Go Hungry", 18 Dec 2013, <http://amnesty.org/en/news/qatar-unpaid-migrant-construction-workers-left-go-hungry-2013-12-18> (accessed 15 Jan 2015).

29 | Cf. Azfar Khan, "Why it's time to end kafala", *The Guardian*, 26 Feb 2014, <http://theguardian.com/global-development/2014/feb/26/time-to-end-kafala> (accessed 21 Jan 2015).

30 | Cf. Rebecca Falconer, "Broken Promises: Qatar's Migrant Workers Caught in the kafala System", *The Guardian*, 26 Feb 2014, <http://theguardian.com/world/2014/feb/26/broken-promises-qatar-migrant-workers> (accessed 15 Jan 2015).

of non-payment of wages or lack of food find themselves facing a prison sentence. This is forced labor according to the ILO's definition of the term.³¹

There are a great many examples of Philippine migrant workers living in inhuman conditions and/or being mistreated by their employers. A study carried out by the Committee on Filipinos Overseas shows that almost 70 per cent of domestic workers suffer verbal, physical or mental abuse, and there are many documented cases of rape.³² In some Gulf states, women who report a sexual assault are themselves accused of breaking the law and indicted.

A study carried out by the Committee on Filipinos Overseas shows that almost 70 per cent of domestic workers suffer verbal, physical or mental abuse.

Another questionable practice is employers' failure to properly extend residency or work permits. This leaves workers facing the prospect of becoming illegal aliens. Without the proper papers, they may be fined – fines they often have no way of paying.³³ It is estimated that there are over two million Filipinos around the world who are in this position and living in constant fear of the authorities. The increase in human trafficking is linked to this and becoming a serious problem. Young women in the Philippines are lured to Singapore, Hong Kong and the Gulf with false promises of jobs as domestic workers. When they arrive, they find themselves forced into prostitution.³⁴ It is well documented that local organised crime and corrupt government officials in the Philippines recruit families and friends from villages and the local area and pretend to be representatives of official, registered recruitment agencies. They are increasingly using the Internet and social media to recruit overseas workers. The difficulties caused by natural catastrophes

31 | Cf. ILO, *ILO Indicators of Forced Labour*, http://ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf (accessed 21 Jan 2015).

32 | Cf. Antonia Molloy, "Saudi Arabia Employer 'Pours Boiling Water' on Filipino Woman", *The Independent*, 19 May 2014, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-employer-pours-boiling-water-on-filipino-woman-9397433.html> (accessed 15 Jan 2015).

33 | Cf. Amnesty International, *Isolated and Abused: Women Migrant Domestic Workers in Jordan Denied Their Rights*, 30 Oct 2008, <http://refworld.org/docid/4909ca532.html> (accessed 15 Jan 2015).

34 | Cf. Human Trafficking, "Trafficking of Filipinas in Singapore", <http://www.humantrafficking.org/updates/772> (accessed 15 Jan 2015).

such as typhoon Haiyan, which displaced more than four million people in November 2013, are particularly exploited in this way. They often lead to children falling victim to illegal recruiters.³⁵ Ongoing conflicts in the Philippines have also contributed to thousands of people being driven from their homes, which only makes it more likely that they will fall victim to human traffickers.



Glamor world at high costs: The construction boom in many Gulf States, like here in Doha, Qatar, led to an influx of migrant workers to the region. Especially this sector is known for human rights abuses and exploitation. | Source: Bob Ramsak, Piran Café, flickr ©①②③④.

Many people benefit from recruiting overseas workers, including small businesses, private households and major international corporations. World-famous architectural projects and stadiums for international sporting events are built at the expense of migrant workers. In this respect, we should ask how foreign governments, the authorities in the host countries and the contractors of infrastructure projects (such as FIFA) will react to such abuses.³⁶

35 | Cf. IOM, "The Evolving Picture of Displacement in the Wake of Typhoon Haiyan", May 2014, <http://www.iom.int/files/live/sites/iom/files/Country/docs/The-Evolving-Picture-of-Displacement-in-the-Wake-of-Typhoon-Haiyan.pdf> (accessed 21 Jan 2015).

36 | Cf. Robert Booth/Pete Pattison, "Qatar World Cup: migrants wait a year to be paid for building offices", *The Guardian*, 28 Jul 2014, <http://theguardian.com/global-development/2014/jul/28/qatar-world-cup-migrants-not-paid-building-office> (accessed 21 Jan 2015).

SUMMARY AND OUTLOOK

The lives of the Philippine diaspora could hardly be more varied. Many have built their own businesses and are now part of a second or third generation who are living the “American dream” in the U.S. Others are less fortunate and are living in degrading circumstances, or even virtual serfdom, in other parts of the world. The Philippine government is taking visible steps to prevent the mistreatment of overseas workers. It has amended or tightened up a number of laws in this respect.³⁷ Further bilateral agreements have also been signed for the supply of skilled labor. But despite all this, it seems rather strange that a country that just a few decades ago was forging ahead of its neighbors economically now finds itself trying to counter poverty, under-employment and unemployment by exporting its skilled workers.

The Philippine government is taking visible steps to prevent the mistreatment of overseas workers. It has amended a number of laws in this respect.

The POEA has been organizing orientation seminars for tens of thousands of Filipinos before they leave home (now a legal requirement). The Commission on Filipinos Overseas has set up a targeted advisory program in over 20 provinces. Training seminars are also being run for government and NGO representatives and for the Department of Labor and Employment, in a bid to ramp up the fight against illegal recruitment. The Philippine Department of Foreign Affairs also has a large budget for aid programs, which focus on Filipinos working overseas who fall victim to mistreatment, violence and trafficking. These programs aim to meet their basic needs, provide repatriation and support them on legal issues. In addition, social workers have been posted to Philippine embassies, particularly in Malaysia and Saudi Arabia. Working together with international NGOs, this has resulted in thousands of overseas workers receiving housing, healthcare or legal advice upon their return home.

37 | Cf. Patricia Sto. Tomas, *Protecting Migrant Workers from the Philippines*, ILO Asian Regional Programme on Governance and Labour Migration, Working Paper 21, Mar 2009, http://ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/documents/publication/wcms_105098.pdf (accessed 15 Jan 2015).

These positive signals fly in the face of reports that embassy staff are generally inadequately trained and equipped to deal with the many cases of abuse and human trafficking. For example, in the first six months of 2013, the Philippine Overseas Labour Office in Qatar had to find shelter for over 600 domestic workers who had fled from their employers.³⁸ So it is still vital that embassies continue to provide advice and training, firstly to raise the awareness of government, airport, port and police personnel in this respect, and secondly to be able to take action in cases of dire need. In future, this advice and training should also be provided in the Philippines.



Concern about returnees: Crises in host countries cause working migrants to return. The International Organization for Migration provides help. | Source: Ray Leyesa, IOM, flickr ©11111.

We should also not forget that it can be very difficult to identify the victims in their host countries. Many overseas workers are unable to contact the authorities or NGOs in order to draw attention to their plight. Filipinos should also receive more support when they return home. Funding has been increased for the Philippine Department of Social Welfare and Development's Recovery and Reintegration program, but there is still a shortage of protection and

38 | Cf. Rebecca Falconer, "Qatar's Foreign Domestic Workers Subjected to Slave-Like Conditions", *The Guardian*, 26 Feb 2014, <http://theguardian.com/global-development/2014/feb/26/qatar-foreign-workers-slave-conditions> (accessed 15 Jan 2015).

assistance for victims of human trafficking. It would be a sign of positive progress if more expertise and assistance were provided to meet the needs of overseas workers when they return home. Often this is a case of simply helping them to survive, as they may have given up and sold everything before their return home. For many Filipinos, working overseas has actually left them in a more precarious position than before.

Another area that requires attention is the protection of OFWs who have become illegals. It is in the interests of the Philippine government to protect its citizens from exploitation and abuse. The state benefits from labor migration, so it should work to ensure that overseas workers are able to live in dignity, be paid appropriately for their work, and contribute to the growth of the Philippine economy when they return home. Providing education on how to make use of remittances, protecting OFWs in their host countries, halting and reversing the brain drain – the Philippines are facing a multitude of challenges. If the country is to experience sustained growth, then it has to stimulate its domestic labor market. To this end, it particularly needs to focus on developing its middle class. The flood of emigrants will only be stemmed if everyone has more opportunities at home.³⁹ An important contribution in this respect is being made by joint efforts on the part of communities, small and medium-sized businesses and civil society groups to create more jobs in the provinces. KAS in the Philippines is currently running an EU co-funded project entitled Integrity for Jobs Creation. This initiative supports job creation and the integrity of the local governments involved.

39 | See Konrad-Adenauer-Stiftung, "I4J Project Flyer", 1 Oct 2014, <http://kas.de/philippinen/en/publications/39849> (accessed 15 Jan 2015).



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MIGRATION IN CENTRAL AMERICA

MAGNITUDE, CAUSES AND PROPOSED SOLUTIONS

Dinorah Azpuru / Violeta Hernández

Migration from Central America to other countries, particularly the United States, has been occurring for many decades. But in the summer of 2014 it reached crisis proportions when thousands of Central American minors – most of them not accompanied by an adult and after a dangerous journey through Mexico – crossed the border between Mexico and the United States and willingly surrendered themselves to the U.S. Border Patrol.¹ It was the tip of the iceberg of deep-rooted problems in Central America (more specifically in the Northern Triangle)² that involve not only poverty and lack of access to basic services such as health care or education, but also growing violence in those societies. Moreover, it exposed the dysfunction of the U.S. immigration system.

These incidents made headlines for several weeks and prompted the adoption of short-term measures to stop the flow of undocumented young migrants and women with small children. Government-led media campaigns to stop the migrants, the deportation of many of them

1 | The number of unaccompanied children encountered by the U.S. Border Patrol has increased steadily since 2010, but the surge was dramatic in the summer of 2014.

2 | The countries that historically comprise Central America are Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica. The so called Northern Triangle includes Guatemala, El Salvador and Honduras. See John Booth/Christine Wade/Thomas Walker, *Understanding Central America: Global Forces, Rebellion and Change*, Boulder, 2015. Panama and Belize are included in some studies, but their historical and cultural background, as well as their historical relationship with the United States is different from that of the five typical Central American countries.

by U.S. and Mexican authorities,³ as well as the late summer heat in the desert areas of the border helped to slow down the upsurge. However, the underlying causes remained and normal patterns of migration continued. In November 2014, the three presidents of the Northern Triangle – Guatemala, El Salvador and Honduras – launched in Washington D.C. a long-term plan, called “The Alliance for Prosperity”, to promote development in these countries and thus discourage migrants from leaving their homes. Therefore, it is worth examining the extent of migration from Central America in recent years, presenting a profile of the migrants, and discussing the push and pull factors, as well as other structural variables that contribute to migration. An assessment of the feasibility of the Alliance for Prosperity will complement the analysis.

SCOPE AND TYPES OF MIGRATION

Different studies agree that the current migration patterns in Central America took shape in the 1970s, largely as a result of economic crisis, political problems and civil wars.⁴ Orozco and Yansura indicate that since the 1970s the region has had at least three migratory periods, each characterised by different triggering factors.⁵ Thus, in the 1970s to 1980s, migration was intensified by political

In the 1970s to 1980s, migration was intensified by political instability and more specifically by the armed conflicts in the region.

- 3 | According to Save the Children in 2014 around 18,000 minors were returned from Mexico and the United States to their countries of origin: 8,400 children to Honduras, 4,500 to El Salvador and 5,300 to Guatemala. See “Se duplica el número de menores deportados desde Estados Unidos y México a Centroamérica en 2014”, EuropaPress, 30 Dec 2014, <http://europapress.es/internacional/noticia-duplica-numero-menores-deportados-estados-unidos-mexico-centroamerica-2014-20141230000257.html> (accessed 25 Jan 2015).
- 4 | See Economic Commission for Latin America and the Caribbean (CEPAL)/International Organization for Migration (IOM) / Interamerican Development Bank (IDB), *Informes nacionales sobre migración internacional en países de Centroamérica*, Santiago, Chile, 2002. We use the terms civil wars and armed conflicts interchangeably.
- 5 | Manuel Orozco/Julia Yansura, *Understanding Central American Migration, The crisis of Central American Child Migrants in Context*, Inter-American Dialogue, Washington D.C., Aug 2014.

instability and more specifically by the armed conflicts in the region.⁶ The second period ranges from the 1990s to the early 2000s, after the end of the civil wars; during this period the majority of migrants left for economic reasons, in the aftermath of a series of natural disasters. The third period begins with the new millennium, when migration to the United States and other countries has been driven by a combination of non-political violence, desire for family reunification and economic need.

Around 80 per cent of migrants from Central America live in the U.S. To a lesser extent, there has been migration to Mexico, Spain and Canada, as well as migration within the region.

Throughout these three periods, the United States has been the main destination for Central American migrants. It is estimated that around 80 per cent of migrants from that region live there.⁷ To a lesser extent, there has been migration to other countries like Mexico, Spain and Canada, as well as migration within Central America⁸ (details can be seen in Table 1).⁹ With regards to the total migrants by country, El Salvador with almost a fifth of its population living abroad largely surpasses the others, while Costa Rica on the other extreme, has a low percentage of migrants.

6 | During the Central American crisis in the late 1970s to 1980s, citizens of the Northern Triangle countries fled because of fear of repression by authoritarian regimes or out of fear of being caught in the middle of the fight between the military governments and the revolutionary guerrillas. Many migrated to the United States and stayed there after the end of the civil wars, but many Guatemalans sought refuge in border towns in Mexico and returned when the peace accords were signed in the early 1990s. Nicaraguans fled to Costa Rica escaping the counterinsurgency war against the Sandinista government.

7 | See Orozco/Yansura, n. 5, p. 3.

8 | We do not include in this discussion the seasonal workers that migrate for short periods of time to seek temporary jobs.

9 | The figures in Table 1 were obtained from the IOM website interactive map on 21 Jan 2015, <http://iom.int/cms/en/sites/iom/home/about-migration/world-migration.html>. According to the IOM, the data in the map was published by the World Bank in 2010. For the most part, only recipient countries with more than 1,000 Central American migrants are included in the table. The total population of the countries of origin in 2010 was obtained from the report *Estado de la Nación* produced by the United Nations Development Program (UNDP), *Centroamérica – Informe actual*, <http://estadonacion.or.cr/estado-de-la-region/region-informe-actual2011> (accessed 23 Jan 2015).

Table 1
**Migrants from Central America by Country
of Destination**

	Country of origin					Total in country of destination
	Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	
USA*	753,720	1,116,420	469,202	242,886	82,624	2,664,852
Canada	18,282	49,801	6,013	10,588	3,428	88,112
Mexico	35,022	7,869	5,314	3,684	3,155	55,044
Spain	6,699	8,130	27,059	11,540	3,296	56,724
Germany	1,037	768	896	937	1,177	4,815
Migrants within Central America						
Guatemala	n/a	14,855	6,534	6,668	906	28,963
El Salvador	8,528	n/a	11,207	7,507	841	28,083
Honduras	2,849	5,474	n/a	4,802	532	13,657
Nicaragua	1,387	3,291	14,597	n/a	7,284	26,559
Costa Rica	3,294	14,379	4,861	373,548	n/a	396,082
Total migrants by country	830,818	1,220,987	545,683	662,160	103,243	3,362,887
Population size in 2010	14,361,666	6,183,002	7,621,106	5,822,395	4,563,539	38,551,708
Percentage of migrants	5.8	19.7	7.2	11.4	2.3	8.7

Source: Prepared by authors with 2010 migration data from the IOM. Population size from UNDP.

* The conservative Center for Immigration Studies (CIS), based on public-use files of the 2012 American Community Survey collected by the U.S. Census Bureau, indicated that in 2012 there were 2.7 million immigrants from Central America, with the following breakdown: El Salvador 1.3 million; Guatemala 880,000 and Honduras 536,000. CIS points out that the U.S. Department of Homeland Security (U.S. DHS) estimates that 60 per cent of them are in the United States illegally, <http://cis.org/central-american-immigrants-us> (accessed 24 Jan 2015).

Note: Other countries with more than 1,000 migrants from Central America in 2010 were: France (1,745 Guatemalans and 1,119 Salvadorans) and Sweden (2,899 Salvadorans). In addition, 20,070 Guatemalans lived in Belize. A map with migration data prepared by the authors can be seen here: https://public.tableausoftware.com/profile/vhernandez#!/vizhome/Migration_7/Dashboard1 (accessed 25 Feb 2015).

Migration to the United States

First, the differences in the types of migrants must be emphasised. While it is true that a large percentage of Central American immigrants to the U.S. traveled north in precarious conditions, crossed the border illegally, and live as undocumented workers, there is another type of migrant.¹⁰ In its 2011 State of the Region Report¹¹ the UNDP indicates that Central America is one of the two regions of the Americas with the highest brain drain to developed countries. The percentage is particularly high in Guatemala, El Salvador, Honduras and Nicaragua: almost 30 per cent of the labor force with a university education from those countries resides in the United States.¹² This has a clear impact on those countries, since the percentage of their population with a college degree is very low, particularly in the Northern Triangle: 2.8 per cent in Guatemala, 3.4 per cent in Honduras and 7.7 per cent in El Salvador.¹³

According to Terrazas, Central Americans with a completed university education only represent around ten per cent of the total migrants from that region. He points out that in 2009 almost half of the Central American immigrants 25 and older (48 per cent) did not have a high school diploma and about 25 per cent had a high school diploma as their highest level of education. The remaining 17 per cent had received some college education.¹⁴ It is likely that many or most of the immigrants with higher education have legal status, but all together Terrazas mentions that more than two of every five Central American immigrants lack legal immigration status and that one in ten lives in the United

10 | It is estimated that 40 per cent of all undocumented immigrants in the U.S. overextended their visas, but specific data for Central America was not available.

11 | See UNDP, n. 9.

12 | See *ibid.*, ch. 9, p. 382.

13 | Nicaragua and Costa Rica had a higher percentage with eleven per cent and 17.5 per cent respectively. See Barro-Lee Educational Attainment Dataset, <http://barrolee.com> (accessed 25 Jan 2015). Data for 2010.

14 | See Aaron Terrazas, "Central American Immigrants in the United States", Migration Policy Institute, *Spotlight*, 10 Jan 2011, <http://migrationpolicy.org/article/central-american-immigrants-united-states-0> (accessed 24 Feb 2015). He also notes that 74.0 per cent of Guatemalan, 71.8 per cent of Honduran, 71.5 per cent of Salvadoran, 59.5 per cent of Nicaraguan and 46.2 per cent of Costa Rican immigrants (age five and older) have limited English proficiency.

States under temporary humanitarian protection. The latter refers to the Temporary Protection Status (TPS) that was granted to citizens from El Salvador, Honduras and Nicaragua a few years ago.¹⁵



Border traffic: Several thousand people are drawn every year to enter the U.S. for diverse reasons, including commerce and tourism. The border crossing at San Ysidro between Mexico and California is one of the most frequented. | Source: Phil Konstantin, flickr ©.

Addressing the projections about the migration from Central America to the United States is also important. The Pew Research Center indicates that between 2009 and 2012

15 | According to the U.S. DHS, TPS is granted when conditions in the country of origin may “temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.” See U.S. DHS, “Temporary Protected Status”, <http://uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status#What%20is%20TPS> (accessed 25 Jan 2015). Terrazas indicates that TPS status was granted to certain Salvadoran immigrants in 1990 because of the civil war, to some Honduran and Nicaraguan immigrants after Hurricane Mitch in 1998 and to more Salvadorans following two devastating earthquakes in 2001. The TPS for these countries has been extended several times and it is still ongoing. The U.S. Citizenship and Immigration Services (USCIS) estimates that in 2010 TPS covered 229,000 Salvadorans, 70,000 Hondurans, and 3,500 Nicaraguans. Guatemala has requested TPS status several times but it has not been granted.

the number of Mexican immigrants to the U.S. (which comprise the majority of undocumented immigrants to the U.S.) diminished. However, in the same period the number of unauthorised immigrants from Central America grew slightly.¹⁶ Whether or not that trend continues is closely related to the changing nature of the pull and push factors – such as the state of the U.S. economy – as well as the measures and policies enacted by the government in Washington as well as the Central American governments.



Migrants may become citizens of the host country. In 2013, about 800,000 immigrants were naturalised, more than 99,000 of them were Mexicans. | Source: Michael Quinn, Grand Canyon National Park, flickr ©©.

Another perspective can be obtained by analyzing the results of a survey conducted by the *AmericasBarometer 2014*.¹⁷ Central Americans were asked if they had the intention to live or work in another country in the next three years. Fig. 1 shows the results; other countries of the Western Hemisphere are included for comparative purposes. As can be seen, one third of Hondurans and Salvadorans

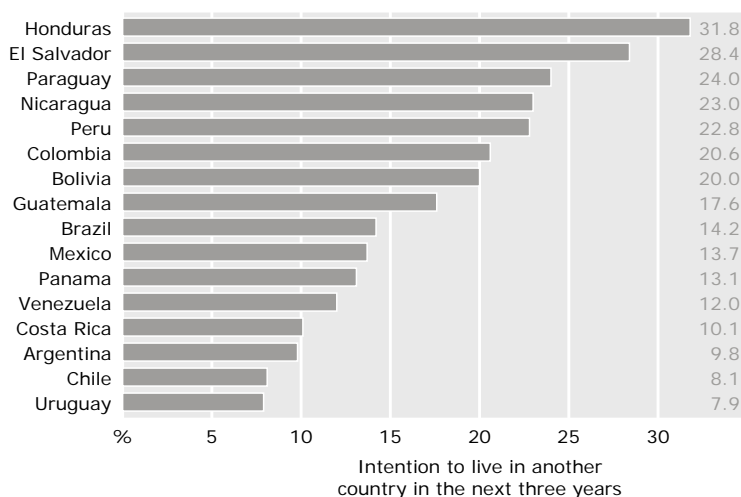
16 | Jens Manuel Krogstad/Jeffrey S. Passe, "5 facts about illegal immigration in the U.S.", Pew Research Center, 18 Nov 2014, <http://pewresearch.org/fact-tank/2014/11/18/5-facts-about-illegal-immigration-in-the-u-s> (accessed 24 Jan 2015).

17 | The survey is administered every two years in 26 countries of the Western Hemisphere and is part of the Latin American Public Opinion Project based at Vanderbilt University. For details see <http://vanderbilt.edu/lapop> (accessed 24 Jan 2015).

have the intention to live or work in another country and the difference with the other countries in the graph is statistically significant. About one fifth of Nicaraguans and Guatemalans also have the intention to migrate, but the percentages are statistically similar to those Paraguay, Peru, Colombia and Bolivia. Only ten per cent of Costa Ricans said they would do so.

Fig. 1

Intention to Migrate in Latin America



Source: Prepared by authors with data from the *AmericasBarometer 2014*.

CAUSES OF MIGRATION FROM CENTRAL AMERICA

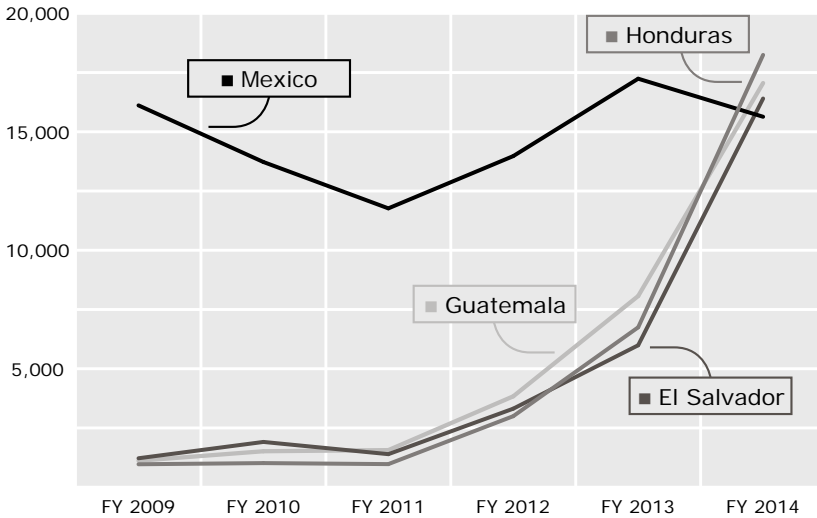
The upsurge in the migration of thousands of unaccompanied minors from Central America's Northern Triangle in 2014 (Fig. 2) exposed a series of deep-seated problems of development in that region and put the respective governments to shame in the eyes of domestic and international public opinion.¹⁸ It could be said that the crisis marked a turning point in the approach of Central American politicians

18 | There was also a shift in the apprehensions of migrants of all ages in 2014, since demographic, economic and educational changes have discouraged Mexican population to migrate. See Demetrious Papademetriou / Doris Meissner / Eleanor Sohnen, *Thinking Regionally to Compete Globally*, Migration Policy Institute, Washington D.C., 2013. The authors also mention that Mexico could become an immigrant-receiving country.

and government officials towards migration of their citizens to the United States. For many years, rather than discouraging migration, government officials from Central America generally tried to convince the U.S. government to extend benefits such as the TPS and to halt deportations.

Fig. 2

Unaccompanied Alien Children Encountered at the U.S. Border



Note: In Fiscal Year (FY) 2010 (Oct 2009 to Sep 2010) 4,444 Central American children reached the border. That number rose to 20,805 in FY 2013, and to 51,705 in FY 2014.

Source: Prepared by authors with data from U.S. Customs and Border Protection, "Southwest Border Unaccompanied Alien Children", <http://cbp.gov/newsroom/stats/southwest-border-unaccompanied-children> (accessed 23 Jan 2015).

Before the crisis of the unaccompanied minors, the governments of Central America did little to discourage migration, largely because the countries benefited from the remittances sent by the migrants to their families back home. The remittances not only favored the macroeconomic conditions of the countries, but also relieved the pressure of economic scarcity for thousands of families, and subsequently the pressure on the government itself. According to the Central American Monetary Council, remittances as a percentage of the GDP are especially relevant in the

Northern Triangle. In El Salvador they represented 16.4 per cent of the GDP in 2013 (compared to 13.3 per cent in 2000); in Honduras remittances represented 16.1 per cent in 2013 (6.1 per cent in 2000) and in Guatemala 9.5 per cent in 2013 (2.8 per cent in 2000).¹⁹

During the crisis of unaccompanied minors there was extensive policy and scholarly debate both within the United States and in Central America about the causes of migration and the possible solutions to discourage minors and others from leaving their countries. It became clear that multiple causes are at play²⁰ and that fast, easy solutions are impossible.

Pull Factors

The crisis at the Mexican-American border last summer not only exposed the weaknesses of development the lack of security in Central America, it displayed the dysfunctions of the U.S. immigration system. The crisis prompted hearings in the U.S. Congress as well as emergency visits to Central America from high level U.S. government officials – including Vice President Joe Biden and Secretary of State John Kerry. The Presidents of the Northern Triangle also met with President Barak Obama in Washington to discuss the situation. There had not been so much U.S. media attention on the region since the time of the armed conflicts

19 | Together with the inflows from migrants living in Costa Rica, remittances in Nicaragua represented 9.6 per cent of the GDP in 2013. In Costa Rica they represent less than one per cent. Altogether, remittances have helped to sustain household consumption and reduced poverty levels in Central America. See Manuel Orozco, *Central America: remittances and the macroeconomic variable*, Inter-American Dialogue, 2007. However other empirical studies have shown that inflows may appreciate the real exchange rate, and consequently affect Central American competitiveness. See Catalina Amuedo-Dorantes/Susan Pozo, "Workers' Remittances and the Real Exchange Rate: A Paradox of Gifts", *World Development*, vol. 32, no. 8, 2004, p. 1407-1417. Also see Violeta Hernández, "Realidad y mitos sobre la migración centroamericana", *Observador Económico*, 2 Feb 2015, <http://perspectiva.com.gt/realidad-y-mitos-sobre-la-migracion-centroamericana> (accessed 8 Feb 2015).

20 | See for instance Dinorah Azpuru, "The Multiple Causes of the Border Crisis", *Panoramas*, Center for Latin America at the University of Pittsburgh, 20 Oct 2014, <http://panoramas.pitt.edu/content/multiple-causes-border-crisis> (accessed 24 Jan 2015).

more than thirty years before.²¹ Clashes also occurred in several U.S. cities where the minors were being sent by the U.S. government, between opponents of the temporary settlement and those who expressed support.



Part of the American Dream: Minors, who came to the U.S. before 2012, have the chance to attend colleges due to the “Dream Act”. | Source: Kris Price, SEIU, flickr ©①②③.

The debate in Washington was centered on whether certain policies adopted by the Obama Administration, more specifically the 2012 “Deferred Action for Childhood Arrivals” (known as DACA or the “Dream Act”) had encouraged poor parents in Central America to send their children to the United States.²² Politicians from the Republican Party blamed the Obama Administration for lax security at the border. The President asked Congress for 3.7 billion U.S. dollars to address the crisis, which included care for the

21 | Cf. Cynthia Arnson, introductory remarks at the panel of Foreign Ministers from the Northern Triangle called *Migration of Central American Minors: Causes and Solutions*. Latin American Program, Woodrow Wilson Center, Washington D.C., 24 Jul 2014, <http://wilsoncenter.org/event/RegionalView> (accessed 24 Jan 2015).

22 | DACA is a program established in June 2012. It allows youngsters 15 years or older, who arrived to the U.S. as children prior to 2012, to request deferred action from deportation for a period of three years, subject to renewal. It also makes them eligible for work authorisation and driving licenses, and facilitates their enrollment in public colleges and universities. It does not provide a path to citizenship. Cf. U.S. DHS, “Consideration of Deferred Action for Childhood Arrivals (DACA)”, <http://uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca> (accessed 24 Jan 2015).

minors in the U.S., reinforcing of the border security, hiring additional immigration judges, and funding to send and reintegrate the migrants in their countries of origin. Although Congress did not approve most of the requested funding, diverse actions were taken, including the deportation of many of the migrants and the launching of media campaigns in their countries of origin to discourage other minors from traveling north.²³

The calamity of the minor migrants was triggered in part by misinformation from human traffickers in Central America, who spread false rumors about DACA among parents in the region. But in truth, the illegal migration of Central American adults (and some minors as well) to the United States has been occurring for decades, largely driven by the possibility to work and earn an income that they would never be able to earn at home. However, beyond economic reasons, there are other pull factors, such as the desire for reunification of families who have been separated for years because one of the parents migrated or because families were split after the deportation from the U.S. of one or more members of a family.²⁴ Under the current regulations,

Illegal migration of Central Americans is largely driven by the possibility to work and earn more than at home.

23 | The priority given to the cases of undocumented minors in the immigration courts has led to the postponement of previously existing cases, some of which will have to wait until 2019 to get a resolution. See "Gobierno deja a miles de personas en el limbo migratorio: tendrían que esperar hasta 2019", *Univision.com y Agencias*, 2 Feb 2015, <http://noticias.univision.com/article/2233581/2015-02-02/inmigracion/noticias/gobierno-deja-a-miles-de-personas-en-el-limbo-migratorio-tendrian-que-esperar-hasta-2019> (accessed 8 Feb 2015).

24 | The legal term for deportations is removals. They include immigrants who are captured at the border and returned to their countries of origin, as well as undocumented immigrants who have been living on U.S. territory. According to the U.S. Immigration and Customs Enforcement Office, the overall number of removals of undocumented aliens decreased from 368,644 in FY 2013 to 315,943 in FY 2014. However, the removal of Guatemalans, Salvadorans and Hondurans increased by 15 per cent: 54,423 Guatemalans were removed, as well as 40,695 Hondurans and 27,180 Salvadorans. The largest number of removals was of Mexican nationals with 176,968 (a decrease from FY 2013). In the same year, only 1,266 Nicaraguans and 245 Costa Ricans were deported. See U.S. DHS, *ICE Enforcement and Removal Operations Report. Fiscal Year 2014*, 19 Dec 2014, http://dhs.gov/sites/default/files/images/ICE%20FY14%20Report_20141218_0.pdf (accessed 25 Jan 2015). The number of deported migrants from Mexico to Central America also increased in 2014, reaching 107,199. See José Mendez, "Se dispara número ▶

it is very unlikely that a Central American without much education would ever be granted a U.S. visa, and much less be allowed to legally immigrate to that country, unless they have a relative who is a U.S. citizen.²⁵



Transit migrants: Crime and unemployment drive people from Central America to leave their homes and to reach the U.S., even illegally. On their transit through Mexico emergency shelters offer help. | Source: The Greens/EFA, flickr ©.

Political leaders in the United States have been debating for years how to reform the immigration system to deal with around eleven million undocumented aliens living in the country – most of them from Mexico and Central America – as well as with the continuous flow of illegal immigrants. Even though there is consensus that the current situation is seriously flawed, the Congress has been unable to pass legislation to fix the system. In early 2013 there seemed to be momentum and some legislators from the Democratic

de deportados en 2014”, *El Universal*, 27 Dec 2014, <http://eluniversal.com.mx/nacion-mexico/2014/se-dispara-numero-de-deportados-en-2014-1064483.html> (accessed 26 Jan 2015).

25 | Immediate family members who are legal U.S. citizens can petition for certain family members (parents, children under 21 years of age or siblings) to receive U.S. residence (green card), but the wait time is usually long. See U.S. DHS, “Family of U.S. Citizens”, 1 May 2014, <http://uscis.gov/family/family-us-citizens> (accessed 9 Feb 2015).

Party and the Republican Party (GOP) made a joint proposal for reforms. Prominent moderate conservatives expressed their support for the bipartisan bill.²⁶ However, the discussion stalled in the House of Representatives, largely because many Republican congressmen were afraid that supporting immigration would affect their chances of reelection in the mid-term elections in November 2014, since many voters in conservative districts oppose granting legal status to people who entered the U.S. illegally.

After the failure of the bipartisan bill, the GOP anti-immigration members of Congress have gained the upper hand.²⁷ Furthermore, the fact that the Republican Party swept the legislative elections on 4 November 2014 and has now control of both chambers, makes it unlikely to pass an immigration reform in Congress in the immediate future. In light of the lack of advancement in Congress, President Obama announced on November 20 an executive action that grants temporary shelter to undocumented individuals who are parents of a U.S. citizen or lawful permanent resident (Deferred Action for Paternal Accountability, DAPA). In addition, the president also extended the coverage of DACA.²⁸ It is estimated that around five million undocumented immigrants could be protected from deportation by both programs.²⁹ The most important Spanish-speaking television network in the United States – Univision – as well as pro-immigrant Hispanic groups welcomed this executive action, noting that although it does

26 | See David Nakamura, "U.S. Chamber of Commerce pushes House GOP on immigration reform", *The Washington Post*, 25 Feb 2014, <http://wapo.st/1JPFrZL> (accessed 24 Feb 2015); Lisa Mascaro, "Conservative economists endorse immigration reform bill", *Los Angeles Times*, 23 May 2013, <http://articles.latimes.com/2013/may/23/nation/la-na-pn-immigration-letter-20130522> (accessed 8 Feb 2015).

27 | See Benjy Sarlin, "Steve King, once a GOP pariah, emerges as critical 2016 player", *msnbc.com*, 23 Jan 2015, <http://msnbc.com/msnbc/steve-king-once-gop-pariah-emerges-critical-2016-player> (accessed 24 Jan 2015).

28 | See U.S. DHS, "Executive Actions on Immigration", 30 Jan 2015, <http://uscis.gov/immigrationaction> for more information about the executive action. These measures are intended to help the general population of undocumented immigrants, not the minors who crossed the border in the summer of 2014.

29 | Cf. Eyder Peralta, "Obama Goes It Alone, Shielding Up To 5 Million Immigrants From Deportation", *NPR*, 20 Nov 2014, <http://npr.org/blogs/thetwo-way/2014/11/20/365519963/obama-will-announce-relief-for-up-to-5-million-immigrants> (accessed 25 Jan 2015).

not protect all undocumented aliens, it is a significant step forward. Around 65 per cent of Hispanics in the United States approved the measure.³⁰

Obama's executive action, however, encountered strong opposition from the Republican Party. Republicans in Congress threatened to withhold funding for the Department of Homeland Security to pressure the Obama Administration for changes.³¹ Furthermore, Republican Governors from 26 states filed a lawsuit against the executive action arguing that the president overstepped his authority. On 16 February, U.S. District Judge Andrew S. Hanen ruled that there is sufficient merit in the lawsuit to suspend the new programs while the legal battle is taking place. As a result, the DAPA and the extension of the DACA is halted and undocumented aliens will not be able to obtain legal status (driver's licenses, work permits and other government benefits) until the judicial process ends. Experts believe this could take at least one year.³² Hanen's ruling still allows the Obama Administration to defer the deportation of undocumented immigrants considered a low priority, but in practical terms, millions of undocumented immigrants have been left in legal limbo.³³ Notwithstanding, some cities in the United States have begun programs to provide undocumented immigrants with some benefits and driver's

30 | Cf. Thomas Sparrow, "Are Hispanics satisfied with President Obama's executive action?", *BBC Mundo*, 21 Nov 2014, <http://bbc.com/news/world-us-canada-30140369> (accessed 8 Feb 2015); Justin McCarthy, "Hispanics' Support for Obama Climbs After Executive Actions", 10 Dec 2014, <http://gallup.com/poll/180005/hispanics-support-obama-climbs-executive-order.aspx> (accessed 18 Feb 2015).

31 | Republicans in Congress delayed the approval of funding for DHS almost until the deadline at the end of February. The Speaker of the House of Representatives, Republican John Boehner explained that it was not about opposition to immigration per se but to protest about executive overreach. But many Republican congressmen admitted that they were opposed to the content of the executive action itself.

32 | On February 23 the Obama Administration filed an appeal which seeks to overturn Hanen's order to stop Obama's executive action. The legal battle could continue until it reaches the Supreme Court of the United States. The 2012 DACA is not affected by this ruling.

33 | See Laura Meckler/Nathan Koppel, "Obama Administration Dealt Setback on Immigration", *Wall Street Journal*, 17 Feb 2015, <http://wsj.com/articles/federal-judge-stalls-obamas-executive-action-on-immigration-1424152796> (accessed 18 Feb 2015).

licenses. Additionally, on March 12 a coalition of 14 states filed a motion supporting the Obama Administration's request to lift the injunction that currently blocks the executive action. Those states argue that Obama's immigration action will benefit states through increased tax revenues and improved public safety.



Former Governor of Florida and potential GOP contender Jeb Bush considers deporting millions of undocumented immigrants unrealistic. In that respect, he represents a different stance than many of his fellow Republican Party members. | Source: The World Affairs Council of Philadelphia, flickr ©.

All in all, the debate about immigration has taken center stage and will likely be one of the main issues in the November 2016 presidential and legislative elections. Early campaign events give an idea of the type of arguments that prevail at the current time within the Republican Party. In January 2015 nine potential presidential candidates for the upcoming GOP primaries were invited to participate in the "Iowa Freedom Summit". Opening remarks at the event help put into perspective the stance of those attending: "Nobody from Iowa cares a sliver about immigration. All of us came from somewhere. What we do care about is illegal gate crashers."³⁴ However some prominent potential GOP contenders for 2016 who were not present appear to

34 | See Brian Tashman, "Steve King's Summit Kicks Off with Attacks on DREAMers", *Right-Wing Watch*, 24 Jan 2015 <http://rightwingwatch.org/content/steve-king-summit-kicks-attacks-dreamers> (accessed 8 Feb 2015).

have a more flexible position: Jeb Bush for instance, said that deporting millions of undocumented immigrants is not realistic: "No one is suggesting an organised effort to do that. The cost would be extraordinary. We need to find a way where they pay fines, they learn English, they work, and they get in the back of the line. But they come out of the shadows so they can be full partners in this strategy of high economic growth."³⁵

Campaign strategists have cautioned that alienating the more than 25 million eligible Hispanic voters with a harsh stance on immigration can significantly affect the party's election results.

Overall the potential GOP presidential candidates are confounded about the best way to address the topic of immigration. Moderate Republicans and campaign strategists have cautioned that alienating the more than 25 million eligible Hispanic voters with a harsh stance on immigration can significantly affect the party's election results.³⁶ At the same time, they are aware that the base of the Republican Party – which plays an important role in the primary election – is highly conservative and opposed to immigration reform.³⁷

Surveys show that the general American public is divided over the issue. A poll conducted in December 2014 by the Pew Research Center showed that 50 per cent of Americans disapproved of Obama's executive action on immigration and 46 per cent approved it. Considerable differences can be traced along party lines: 72 per cent of Democrats approved of it, but only 15 per cent of Republicans did. 44 per cent of swing voters (independents) also expressed

35 | Cf. Jon Ward, "Jeb Bush speaks up for immigrants as Republicans flock to conservative confab in Iowa", *YAHOO! News*, 24 Jan 2015, <http://news.yahoo.com/jeb-bush-speaks-up-for-immigrants-as-republicans-flock-to-conservative-confab-in-iowa-224706855.html> (accessed 24 Jan 2015).

36 | For a detail on the stance of other potential candidates see *A Guide to 2016 Republican Candidates' Position on Illegal Immigration*, <http://www.breitbart.com/big-government/2015/01/16/a-guide-to-2016-republican-candidates-positions-on-illegal-immigration/> (accessed 8 Feb 2015). The most likely presidential candidate for the Democratic Party at this point is Hillary Clinton, who has expressed her support for immigration reform and the executive action undertaken by President Obama.

37 | The conservative branch of the GOP known as the Tea Party has contributed to the lack of advancement regarding immigration reform. See Cesar Vargas, "On immigration, will the Tea Party dominate the new Congress?", *The Hill*, 7 Jan 2015, <http://thehill.com/blogs/pundits-blog/immigration/228723-on-immigration-will-the-tea-party-dominate-the-new-congress> (accessed 9 Feb 2015).

disapproval. However, in the same survey, 53 per cent of Republicans said undocumented immigrants “should have a way to stay legally”.³⁸

Push Factors

Notwithstanding what happens with regards to immigration reform in the United States, the root causes of migration lie in the countries of origin. Several analysts have concurred that poverty, lack of opportunity to improve and fear and insecurity – especially due to gang violence – were among the main drivers of the flight of unaccompanied minors in 2014.

Poverty is indeed widespread in the Northern Triangle. World Bank data from 2011 indicates that 61.9 per cent of Hondurans, 53.7 per cent of Guatemalans and 40.6 per cent of Salvadorans lived under the respective national poverty line, and almost half of those considered poor lived in extreme poverty. The three societies are also highly unequal and access to basic services like quality education and health is out of reach for the majority of the population. With respect to public safety, the three Northern Triangle countries are among the most violent societies in the world. According to the 2013 Global Study on Homicide, Honduras with 90.4 homicides per 100,000 was the most violent country in 2012. El Salvador with 41.2 homicides was number four, and Guatemala with 39.9 came in fifth.³⁹ In addition, the countries are ravaged by other types of crime such as extortion, robbery and kidnapping. The violence derives largely from youth gangs which originally were formed by deportees from the United States in the 1980s, as well as from the increased use of the territory of those countries for drug-trafficking activities.

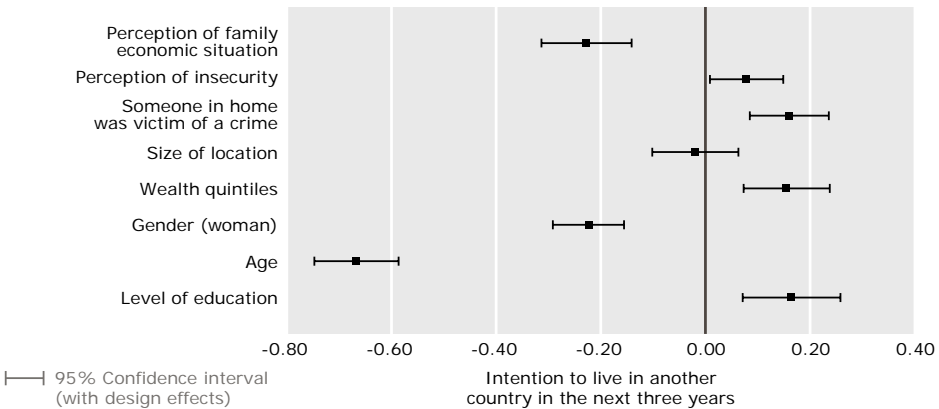
The three Northern Triangle countries are among the most violent societies in the world. Honduras with 90.4 homicides per 100,000 was the most violent country in 2012.

38 | Cf. Pew Research Center, “Immigration Action Gets Mixed Response, But Legal Pathway Still Popular”, 11 Dec 2014, <http://people-press.org/2014/12/11/immigration-action-gets-mixed-response-but-legal-pathway-still-popular> (accessed 24 Jan 2015).

39 | See UN Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013*, <http://unodc.org/gsh> (accessed 25 Jan 2015).

A regression analysis using data from the *AmericasBarometer 2014* survey shows the variables that are correlated to the intention to migrate from the Northern Triangle countries. Fig. 3 shows that there is a correlation between wanting to migrate and having a negative perception of the family economic situation, as well as between the intention to migrate and living in a household where someone was victim of a crime. Men, younger respondents, and those with medium levels of income and some education are also more prone to migrate.

Fig. 3
Factors Associated with the Intention to Migrate in the Northern Triangle



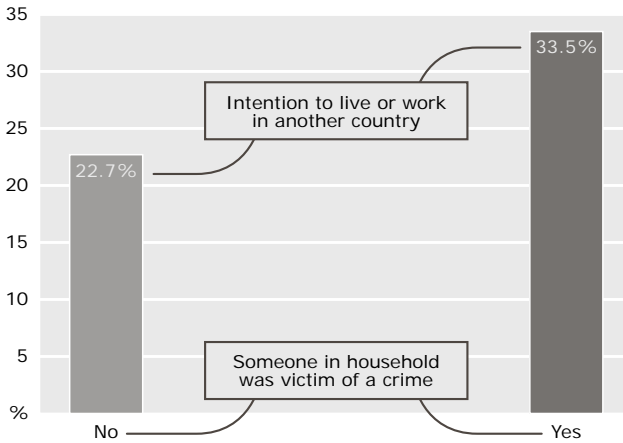
Note: To interpret this graph is important to observe the vertical line at "0". When a variable's estimated coefficient falls to the left of this line, it indicates that the variable has a negative impact on the dependent variable (i.e., the attitude, behavior, or trait we seek to explain); when the coefficient falls to the right, it has a positive impact. We can be 95 per cent confident that the impact is statistically significant when the confidence interval does not overlap the vertical line.

Source: Prepared by authors with data from the *AmericasBarometer 2014*.

It is generally the case that migration and poverty go together in different parts of the world, but the relationship between a high prevalence of crime and migration is less common. Fig. 4 shows that Central Americans from the Northern Triangle living in a household where someone was victimised by crime are much more likely to have the intention to migrate.

Fig. 4

Intention to Migrate and Crime Victimization in the Northern Triangle



Source: Prepared by authors with data from the *AmericasBarometer 2014*.

PROPOSED SOLUTIONS

In addition to the short-term measures implemented in the aftermath of the crisis of unaccompanied minors in mid-2014, the Presidents of the Northern Triangle countries came together and formulated a plan called “The Alliance for Prosperity” to discourage the migration of their citizens to the U.S. and other countries in a more permanent way. In a joint statement the three presidents said they wanted to make migration an option rather than an obligation.⁴⁰

The Alliance for Prosperity in the Northern Triangle has four pillars: (1) productive development, (2) investment in human capital, (3) citizen security and (4) strengthening of local institutions. The first pillar seeks to promote strategic productive sectors and foreign investment. For instance, the plan identifies investment opportunities in nine logistic corridors that could boost regional trade. The second pillar seeks to strengthen technical and vocational formation and to link the educational system with the productive system.

40 | See “Centroamérica busca garantizar que la migración sea opción, no obligación”, *NA-24 Noticias de América*, 12 Nov 2014, <http://portalproyectovida.net/index.php/noticias-4/9910-centroamerica-busca-garantizar-que-la-migracion-sea-opcion-no-obligacion> (accessed 25 Jan 2015).

In terms of citizen security the plan seeks to reinforce the programs of violence prevention and the capacity of the police force. The last pillar includes the improvement of the financial capacity of the governments and the transparency and fight against corruption. The plan is conceived as complementary to the existing development plans in each country and will be focalised in areas where there are high levels of migration.⁴¹ The three governments recognise having limited resources, low tax collection capacity and limited ability to take on more debt. Therefore, they propose alternative financial mechanisms like debt-for-nature swaps, and donations based on performance indicators. At the same time, they pledge to establish better mechanisms for accountability and transparency.



Development aid: Vice President Joe Biden, here at a meeting with Guatemalan President Otto Pérez, called for “A Plan for Central America”. It aims at improving the economic development and good governance in the Northern Triangle. | Source: DCA, MINEX GUATEMALA, flickr ©©©.

The lack of clarity regarding funding is considered one of the pitfalls of the initiative. So far only the President of Guatemala, Otto Pérez, has provided an approximate cost of implementation of the plan. He indicated that it could cost about 15 billion U.S. dollars (about five billion U.S. dollars for each country). He also mentioned that each country was willing to match the foreign aid for the plan

41 | See *Lineamientos del Plan de la Alianza para la Prosperidad del Triángulo Norte*, Sep 2014, <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39224313> (accessed 24 Jan 2015).

with domestic resources.⁴² The Alliance for Prosperity document highlights that the three countries need international cooperation for financing. Although the plan was primarily presented to the United States as the main potential donor country, the participation of other countries is not discounted and in a visit to Guatemala in February, the President of Chile announced support for the plan.⁴³

The Obama Administration welcomed the Alliance for Prosperity to the point that Vice President Joe Biden recently called for “A Plan for Central America”.⁴⁴ He announced that the White House would ask Congress for one billion U.S. dollars in FY 2016 to promote prosperity, security and good governance in the region. American scholars and policy-makers who are familiar with Central America have indicated that the announcement is positive, but highlight that the composition of funds that will eventually be provided for Central America is far from clear and needs to be coordinated with other donors. Ellis argues that “the approach taken should also be internationally coordinated not only with our partners in the region, but with outside actors such as European and Asian nations which can potentially contribute resources and solutions.”⁴⁵ More importantly, it has been pointed out that money alone

Vice President Biden announced that the White House would ask Congress for one billion U.S. dollars in FY 2016 to promote prosperity, security and good governance in Central America.

42 | Cf. Michael D. McDonald, “Slowing Migrants to U.S. Will Cost \$15 Billion, Guatemala Says”, *Bloomberg*, 26 Jan 2015, <http://bloomberg.com/news/articles/2015-01-26/slowng-migrants-to-u-s-will-cost-15-billion-guatemala-says> (accessed 10 Feb 2015); Government of Guatemala, “Estiman monto de inversión destinada a plan de Alianza para la Prosperidad”, 26 Jan 2015, <http://guatemala.gob.gt/index.php/2011-08-04-18-06-26/item/10867-estiman-monto-de-inversi%C3%B3n-destinada-a-plan-de-alianza-para-la-prosperidad> (accessed 10 Feb 2015). The Presidents of the Northern Triangle will announce in Washington D.C. in mid-March, more details about how the money would be spent.

43 | Cf. “Chile apoyará plan de desarrollo en norte de Centroamérica”, *Emisoras Unidas*, 30 Jan 2015, <http://noticias.emisorasunidas.com/noticias/nacionales/chile-apoyara-plan-desarrollo-norte-centroamerica> (accessed 10 Feb 2015).

44 | Cf. Joseph R. Biden, “A Plan for Central America”, *The New York Times*, 29 Jan 2015, <http://nyti.ms/1JQkCRh> (accessed 2 Feb 2015).

45 | Cf. Evan Ellis, “A New Beginning for the United States in Central America?”, *War in the Rocks*, 5 Feb 2015, <http://warontherocks.com/2015/02/a-new-beginning-for-the-united-states-in-central-america> (accessed 9 Feb 2015).

will not solve the problems of the Northern Triangle.⁴⁶ The White House itself states the following: "While the United States is investing significant resources, the success of this effort will depend far more on the readiness of Central American governments to continue to demonstrate political will and undertake substantial political and economic commitments to bring about positive change in the region."⁴⁷ Indeed, some experts in the region have expressed skepticism about the continuity of the Alliance for Prosperity in the Northern Triangle when the current presidents of the three countries leave office.⁴⁸

It must be recalled that in view of the current divisions between Democrats and Republicans with regards to immigration, it is uncertain that Congress will approve the White House's request of funding for Central America, which triples the funding for the already existing program called Central American Security Initiative (CARSI) and other aid programs.⁴⁹ Even if the one billion U.S. dollars in U.S. aid is approved for FY 2016, it does not meet the amounts envisioned by the Northern Triangle presidents. In addition, it is unclear whether the U.S. government will continue providing that amount of funding in subsequent years.

The governments of the Northern Triangle countries have not indicated what they would do if the funding that they are requesting from the United States and other international donors for the Alliance for Prosperity does not

46 | Cf. Michael Allison, "U.S. Can't Solve Central America's Problems With Money Alone", *World Politics Review*, 3 Feb 2015, <http://worldpoliticsreview.com/articles/14996/u-s-can-t-solve-central-america-s-problems-with-money-alone> (accessed 9 Feb 2015).

47 | Cf. Adam Isacson, "White House Fact Sheet on \$US1b Aid Request for Central America", *Latin American Blog*, 29 Jan 2015, <http://thisisadamsblog.com/post/109573218159/white-house-fact-sheet-on-us-1b-aid-request-for> (accessed 9 Feb 2015).

48 | Cf. Julie López, "¿Quién asesora la política de EEUU hacia Centroamérica?", *La Opinión*, 15 Feb 2015, <http://laopinion.com/opinion-columnistas/150219569-quien-asesora-politica-eeuu-hacia-centroamerica> (accessed 18 Feb 2015).

49 | For detailed comparison between the amounts of aid in 2014 and those requested in the 2016 White House plan for Central America see Adam Isacson, "What's in the Billion-Dollar Aid Request for Central America?", Washington Office on Latin America, 3 Feb 2015, http://wola.org/commentary/a_walk_through_the_billion_dollar_us_aid_request_for_central_america (accessed 9 Feb 2015).

materialise. They are ultimately the ones responsible for changing the existing conditions of poverty and insecurity that drive migration. Among other things they can implement fiscal reforms that can increase the availability of money from within those societies, in order to enhance and multiply programs that focus on vulnerable populations that are prone to migrate. They also have to convince the business sector in their own countries that it is in their own interest to invest in the improvement of public security institutions instead of spending millions of U.S. dollars in hiring private security firms. But, moreover, and probably as important as the availability of financial resources, is the commitment that the three governments have to make to fight against corruption and poor governmental performance at all levels.

At the end of the day, the drawback of the plan is that it seems to be a long-term plan. If the lives of thousands of Central Americans do not improve in the short-term, both in terms of economic opportunity as well as in terms of personal security, migration is likely to continue, in spite of the efforts to discourage it through media campaigns and border controls.

INTERVIEW:



Jürgen Langen, Head of the Konrad-Adenauer-Stiftung's Office in Zimbabwe, in an interview with the *KAS International Reports* editorial team.

ZIMBABWE

DICTATORSHIP AND ECONOMIC DESOLATION PUSH PEOPLE ABROAD

What are the main causes of emigration from Zimbabwe?

The economic situation is catastrophic. And it has probably still not bottomed out yet. There is no hope for improvement in the short or medium term. Unemployment stands at over 90 per cent. The few people who do have a job generally work as domestic help in private households or try to earn a living as hawkers. There is virtually no manufacturing left. Since mid-2013, some 5,000 companies have filed for bankruptcy.

The country, which used to supply its neighbours, particularly South Africa, with crops and meat, now relies on aid supplies from abroad. Since the so-called land reform, a lot of farm land is lying idle. The mismanagement is resulting in failed harvests and famine. Aid from outside sources is frequently obstructed or stopped altogether. After Zimbabweans had suffered from hyperinflation for years, foreign currencies such as the U.S. dollar were introduced as legal tender in 2009. But many people, particularly those in rural areas, have little access to foreign currencies.

Hospitals and clinics now lack even the most basic equipment, and the number of doctors is declining all the time. Many people are malnourished and die from treatable diseases such as malaria or diarrhoeal illnesses, and thousands of women die in childbirth. Statistical life expectancy in Zimbabwe has dropped below forty. AIDS still represents the largest problem, with approximately 15 per cent of 15 to 49-year-olds infected and hardly any access to medication and treatments.



Source: © Lucky.

The gap between the extremely rich and the extremely poor is becoming unbridgeable. Many businesses are closing, without new ones taking their place. There are few opportunities for young entrepreneurs. There is only a very small SME sector, yet it is the main target for taxation.

Added to this is the fact that numerous human rights are still denied to the population, such as the right to clean drinking water and to education. During better times, Zimbabwe had an education system that served as a model for many other African countries. The situation has deteriorated drastically. There is also a shortage of teaching staff, because the expensive trip to work is frequently not cost-effective for teachers in view of the extremely low pay. Classrooms remain empty. Approximately a fifth of the population is therefore illiterate.

Of course the political situation in Zimbabwe is also an important cause of emigration. President Mugabe has clung to absolute power for 34 years by engaging in unrelenting persecution, harassment and brutal treatment of

the opposition and its supporters as well as other persons classed as being anti-government. These activities included “Operation Murambatsvina”, a large-scale campaign initiated by the Mugabe regime in 2005, during which slums and illegal settlements were razed to the ground. These places had generally been perceived as opposition strongholds. According to UN figures, at least 700,000 people lost their homes or their livelihoods during this campaign. It affected a further 2.5 million indirectly.



Since 2005, the security forces of the Mugabe regime have been conducting Operation Restore Order which is nothing else but clearing shanty towns and slums. More than three million people have lost their livelihood directly or indirectly due to those evictions. | Source: Sokwanele, flickr ©①②③.

After the presidential election of March 2008, which according to the general view had been won by opposition leader Morgan Tsvangirai, security forces loyal to Mugabe responded with a brutal operation code-named “Mavhotera Papi?” (“Who did you vote for?”). An estimated 500 followers of the opposition party MDC-T were murdered in the process, and tens of thousands more tortured and maimed.

Zimbabwe has a president who, despite his advanced age (91), intends to cling to power forever. He controls the army, the police, the national security services and special North Korean trained commandos. Mugabe exercises a monopoly over radio and TV stations, pays judges to ensure favourable rulings and placed the election preparations into the hands of foreign secret service forces in order

to exercise the greatest possible control over the voting public. The President uses fear as an “effective” means to push through governmental measures and exercise power. The Catholic Church has provided solid documentary proof of the perpetrated atrocities and of the identity of the President’s willing henchmen, and it can only be hoped that he and his supporters will one day be called to account.

Who are the people who are emigrating?

Zimbabwe is experiencing a massive exodus of qualified individuals and therefore also potential employers. Economics graduates, business graduates, journalists, farmers, engineers, tradesmen and academics are leaving the country in search of opportunities to make a decent livelihood. There are hardly any doctors or nurses left. The country no longer has a functioning health care system.

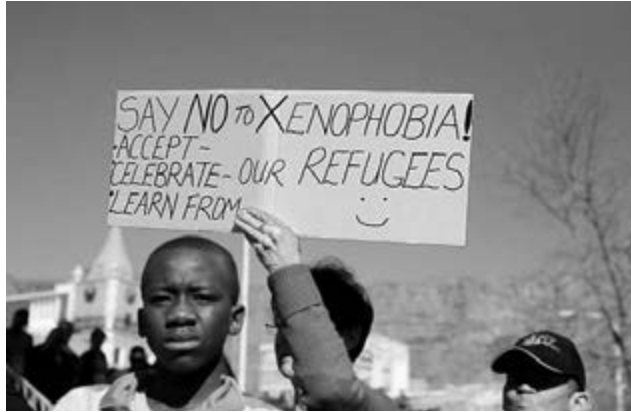
Where do Zimbabweans who seek a better life abroad go to?

Some 2.5 million Zimbabweans live in South Africa and some 250,000 in Botswana. Many Zimbabweans are starting a new life above all in anglophone countries: some 500,000 in the UK, 50,000 each in the U.S. and in Canada as well as approximately 40,000 in Australia and New Zealand. There are now more nurses and doctors from Zimbabwe living in the City of London than remain in their home country. Almost all former Air Zimbabwe pilots are now working for the Emirates airline. African countries outside the SADC region are less attractive destinations. Only around 20,000 Zimbabweans have emigrated to Western or Eastern Africa.

What difficulties are migrants facing in the host countries?

There is already a term for this circulating in South Africa: xenophobia – the fear of strangers, of foreigners and their rejection; this particularly affects the Zimbabweans. They are known to be honest, reliable, diligent and hard-working and they compete with South Africans for jobs. In fact, almost all successful South African companies employ immigrants from Zimbabwe in their middle management

echelons. Xenophobia in the neighbouring country has become so prevalent of late that Zimbabweans avoid disclosing their nationality as they are likely to experience abuse, which frequently leads to bloody confrontations.



More tolerance: About 2.5 million Zimbabweans live in South Africa. They feel more and more threatened by xenophobia and open hostility. But mere expressions of solidarity such as in the depicted demonstration in Cape Town do not suffice to tackle the problem. | Source: Janah Hattingh, flickr ©📍

Added to this is the fact that Zimbabweans find it difficult to obtain visas and work permits in South Africa. The fees are high and applications are handled very restrictively. Despite the situation, Zimbabweans are very attached to their home country. There are hardly any other African nationals who hanker more after their country than Zimbabweans. They suffer badly from homesickness, even if they have their family living with them.

Does the diaspora play a role in politics and society or is that not possible due to Zimbabwe's isolation?

There tends to be little opportunity for emigrated Zimbabweans to exert political influence on the situation in their native country. The diaspora is subject to monitoring and even persecution by the Zimbabwean secret service and national security forces, who extend their reach into the host countries, such as the UK. There have been repeated instances of unexplained deaths of opposition figures, who had spoken out against Mugabe in their new host country.

The impact on society, on the other hand, is there for all to see. Zimbabwe's population is now composed almost entirely of the very young and the very old. Many children hardly know their own parents. They are frequently given into the care of their grandparents so that the parents can take on jobs abroad to scrape together enough to feed their families.

What are the consequences of the exodus of academics and skilled workers for Zimbabwe? Do their money transfers back home help to prop up the economy?

The fact that potential SME employers and qualified specialists such as tradesmen and people with management potential such as business graduates are leaving the country is resulting in the number of jobs declining even further and companies being bankrupted through poor management.

Without regular payments from family members living abroad, hardly any Zimbabwean family would be able to support itself. With unemployment standing at around 90 per cent, there is no way to earn money for food, clothes, education or doctors. However, the transfers from abroad are generally no longer transacted through banks but by virtual means, particularly over the mobile phone network. Almost every Zimbabwean, whatever the age and gender, has a mobile phone that allows cashless money transfers. This enables Zimbabweans to receive transfers and to make payments themselves. International money transfer businesses have adapted to this and now also facilitate transactions from abroad to such mobile phone accounts. Zimbabwean mobile network operators are incidentally some of the few businesses in the country that are making a profit and that can create jobs.

INTERVIEW:



Steffen Krüger, Head of the Konrad-Adenauer-Stiftung in DR Congo, in an interview with *KAS International Reports* editorial team.

DR CONGO

CONFLICTS AND UNREST IN THE REGION CAUSE AN INFLUX OF REFUGEES

Why are people leaving the DR Congo?

Emigration from the DR Congo is chiefly linked to the plethora of violent conflicts in the Central African region. The East of the country in particular has seen numerous attacks on local people by rebel groups, criminal gangs, self-styled vigilante groups and even at times by the Congolese security forces. The underlying causes of these conflicts are often extremely complex. They may revolve around access to mining facilities, securing smuggling routes, ethnic conflicts, the proceeds of theft or compulsory levies imposed on the population. In that respect, human rights are being violated to a significant degree. The most seriously affected tend to be groups who have been forced to flee their homes because of conflict and violence.

United Nations' experts estimate that there are currently some 2.6 million people trying to escape conflicts in the DR Congo. Added to this are the 490,000 Congolese refugees who are living in neighbouring Burundi, Rwanda, Tanzania and elsewhere. Of course, Congolese people are also leaving their homeland for economic reasons or because of political persecution, many of them heading to South Africa, Angola, Rwanda and Europe.

Many people are fleeing from the DR Congo, while others are seeking refuge there. Who belongs to this second group?

Conflicts and political unrest in neighbouring countries mean that the DR Congo has itself become a destination for refugees. It is currently home to some 120,000 refugees from other African countries. The largest group of refugees is from neighbouring Rwanda, many of whom fled to eastern areas of the DR Congo after the genocide

of 1994. However, the Rwandan government is trying to weed out perpetrators of the genocide from amongst the refugees and supports some rebel groups, which has led to repeated diplomatic and even violent disputes between Rwanda and the DR Congo. The outbreak of unrest in the Central African Republic in December 2012 has also seen thousands of people fleeing to the north of the DR Congo. Smaller groups of refugees have also arrived from countries such as Angola, the Republic of Congo, Burundi and Somalia.



Due to criminal gangs, rebel groups and Congolese security forces in the DR Congo's East several thousand people have been fleeing the region time and again. According to the UN, about 2.6 million people are internally displaced. | Source: Julien Harneis, flickr ©📷📷.

Who is responsible for looking after the interests of internal displaced persons and those who come to the DR Congo from other countries?

In 2002, the Congolese government set up the National Commission for Refugees (Commission Nationale pour les Réfugiés, CNR). This agency reports to the Ministry of the Interior and Security and is responsible for protecting, registering and housing refugees in the DR Congo. The CNR is also responsible for finding ways of repatriating refugees in the long term. However, the commission is almost

entirely dependent on resources and technical support from the Office of the United Nations High Commissioner for Refugees (UNHCR). There are also a number of different international and local aid organisations working in the country, especially in the crisis-hit regions. We should also not underestimate the number of Congolese families who take in fleeing friends and relatives. Their lives may be little better than those of many other refugees, but they are not included in the official refugee statistics.

Will refugees be able to return home at some point?

Whether they are in refugee camps, living with host families or have no form of support, the outlook for many immigrants in the DR Congo is somewhat bleak. High levels of poverty and lack of economic opportunity mean that many refugees simply do not have the means to return home. And many of them have fled from conflicts, so there is a good chance that their houses and lands have now fallen into other hands. In many cases, social and family ties to their home country have also been broken.



The UNHCR provides aid to people in Kigeme in southern Rwanda, who fled from the East of the DR Congo due to ongoing conflicts. | Source: Laura Eldon, Oxfam, flickr ©©©.



The Congolese diaspora: Larger communities of people from the DR Congo live especially in France and Belgium. Occasionally they raise awareness to the political situation in their homeland through demonstrations, as in Paris in 2012. | Source: Jelena Prtoric, flickr ©🇷🇺🇸🇨

There are regular reports in the international media of ethnically-motivated attacks on refugees. How do politics react to such incidents and what civil society initiatives address the issue of xenophobia?

Unfortunately, there has been regular evidence of ethnically-motivated attacks on refugees in DR Congo. The underlying causes range from mundane and often false rumours to historic, deep-rooted enmities amongst ethnic groups. Economic resources (land ownership, access to raw materials or top political appointments, etc.) often play a key role. The CNR and the Congolese security forces have so far been unable to establish an effective policy for protecting the country's refugees. During the election campaign, many politicians even tried to use these ethnic conflicts to their own advantage. The Congolese media are far from independent and often represent the interests of influential individuals. This results in ethnic conflicts being transmitted by the media to other parts of the country.

Having said that, representatives of civil society, especially the Catholic Church and other international organisations, have had some success in mediating between rival groups. We should also mention the important work of church

organisations and NGOs in caring for victims of violence and treating ill refugees.

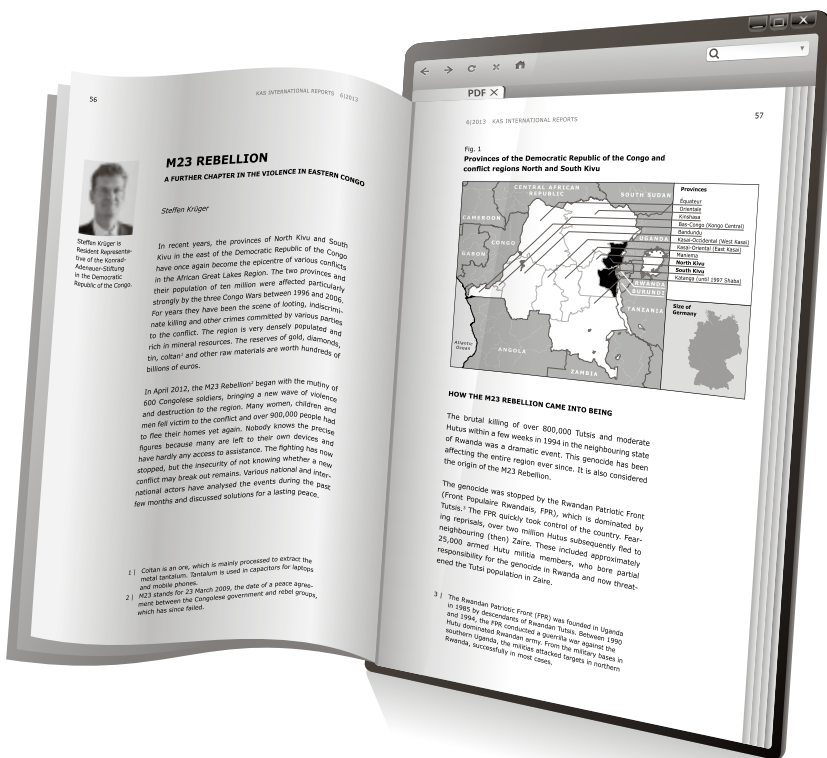
How has the brain drain affected DR Congo?

Compared to other African countries such as Malawi and Ghana, the problem of highly-skilled workers leaving the DR Congo has been relatively insignificant. The reason for this is that the education system has fallen into such a state of disrepair that very few individuals actually become highly qualified in the first place. In areas such as health-care, education and technical development, the country is extremely reliant on people being educated abroad. For example, there is currently a very large Congolese diaspora in Belgium and France, where Congolese are mostly employed in the private sector. By sending money to their families or investing in their home country, they generally make a positive contribution to the DR Congo.

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2/3 | 15



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