

Causes and Rights of Migration

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Abstract

Migration is a complicated phenomenon where many forces interact to influence a person's ultimate decision to move. Over the few decades, the number of international migrants has risen overall. Global labour markets and enduring economic, social, conflict, and violence are some factors that influence Migration. They also include the need for improved living and working conditions. While many migrants can live and work safely at their destination, many others face abuse, racism, discrimination, and exploitation in their workplace and social, cultural, private, and public life. Once they arrive in the destination country, migrants go through a challenging and frequently contentious integration into the host community. To advantage migrants and their native population, destination countries must reevaluate the mid-term and long-term benefits of Migration. A crucial step in the development process of Migration is essential as the migrant people also provide many positive services and benefits to the host countries through their work and skills.

Keywords

International Migration, free movement, causes, and legal frameworks of Migration.

1. Introduction

A significant aspect of globalization in the twenty-first century is the international movement of people. It is a complicated phenomenon where many forces interact to influence a person's ultimate decision to move. Global labour markets, poverty, enduring economic, social, and demographic inequities, environmental change, armed conflict, xenophobia, and violence are some factors that influence Migration. Also, many migrants relocate voluntarily to take advantage of better opportunities for improved living and working conditions. According to the estimate, in 2020, there were approximately 281 million international migrants worldwide.* Over the few decades, the number of international migrants has risen overall. People have always travelled in quest of better living conditions or to flee dramatic situations in their native countries. It is uncertain

*World Migration Report 2022, <https://worldmigrationreport.iom.int/wmr-2022-interactive/s>(Accessed on 11/10/2022).

which aspect will be more prevalent. Many migrants from low-income countries seek to reach more wealthy regions. At the same time, a similar or even more significant number of individuals migrate to neighbouring low-income States in the same geographic area.ⁱⁱ Generally, opportunities are brought by Migration. Also, there are significant problems, including discrimination and vulnerability.ⁱⁱⁱ People have been moving across borders since the old period. While many migrants can live and work safely at their destination, many others face abuse, racism, discrimination, and exploitation in their workplace and social, cultural, private, and public life. So migrants' vulnerability is not a recent phenomenon. Once they arrive in the destination country, migrants go through a challenging and frequently contentious integration into the host community. To the advantage of migrants and their native population, destination countries must reevaluate the mid-term and long-term benefits of Migration and prepare to accommodate it.^{iv} A crucial step in the development process of Migration is essential as the migrant people also provide many positive services and benefits to the host countries through their education, work, and skills. This paper looks at the various causes of human migration and its governance. This paper will also make a few recommendations regarding the current situation of Migration.

2. Definition of Migrant

According to International Organization for Migration (IOM), a migrant is a person who moves away from his or her usual residence, whether within a country or across an international border, temporarily or permanently, and for various reasons. The term includes several well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; and those whose status or means of movement are not explicitly defined under international law.' At the international level, there is no widely agreed definition of "migrant." Internal and international Migration are just two of the many broad types that make up Migration. Every country has people and families who move from one location to another, distinct from those who migrate from one country to another. Likewise, Migration may be either forced or voluntary.

ⁱⁱ Castelli, F. (2018). Drivers of Migration: why do people move? *Journal of travel medicine*, 25(1), tay040.

ⁱⁱⁱ Cummings, C., Pacitto, J., Lauro, D., & Foresti, M. (2015). *Why people move: understanding the drivers and trends of Migration to Europe*. London: Overseas Development Institute.

^{iv} Migration and human rights 'IMPROVING HUMAN RIGHTS-BASED GOVERNANCE OF INTERNATIONAL MIGRATION' (UNHCR Report 2013).

3. Causes for Migration

People migrate for a variety of reasons. These motives can be divided into various types. Here, some of the causes are discussed.

3.1 Economic migration

Economic Migration refers to relocating in search of employment to pursue a particular career path. Economic Migration is impacted by working conditions, unemployment, and the State of each nation's economy. These elements include increased pay, better job prospects, a higher standard of living, and with more possibilities.^v More people will likely relocate to countries with better prospects if their home country's economic conditions are unfavourable and seem to be worsening.^{vi} Economic issues in the developing world have caused a substantial rise in Migration. Slow economic growth over some decades in areas of Asia, Africa, and Latin America has resulted in limited growth in these countries' labour markets.^{vii} International migrant workers made up 169 million people worldwide in 2019 and 4.9% of the labour force in destination countries. The estimated 169 million international migrants are spread between 113.9 million (67.4%) high-income nations and 33 million (19.5%) upper-middle-income countries. The remaining (9.5%) are in lower-middle-income and low-income nations (3.6 per cent). High-income countries have a sizable share of migrant workers; migrant males make up 18.7% of the male labour force, and migrant women make up 17.6% of the female labour force.^{viii} It is frequently noted that high-income and upper-middle-income countries are home to most migrant workers.

3.2 Demographic factors

People's Migration and move are influenced by demographic change. A growing or shrinking population, aged or young, affects both the economic development and employment possibilities in the countries of origin and immigration policy in the destination countries. There are various factors related to the demographic movement.^{ix} Over the past few centuries, there has been an unparalleled rise of people worldwide in Asia and Africa, where poor birth control laws and high infant mortality rates combine to produce high annual population growth rates. In contrast, fertility rates are falling in

^v Dustmann, C., & Okatenko, A. (2014). Out-migration, wealth constraints, and the quality of local amenities. *Journal of Development Economics*, 110, 52-63.

^{vi} Hanson, G. H. (2009). The economic consequences of the international Migration of labour. *Annu. Rev. Econ.*, 1(1), 179-208.

^{vii} Edwards, S. (2008). Globalization, growth and crises: The view from Latin America. *Australian Economic Review*, 41(2), 123-140.

^{viii} ILO Global Estimates on International Migrant Workers (ILO report 2021).

^{ix} Carbone, G. (2017). Between a rock and a hard place: Why Africans migrate. *Between a Rock and a Hard Place: Why Africans Migrate*, pp. 13-29.

wealthy western nations. People in the developing world, particularly working-age people, are multiplying swiftly. A prime example is the continent of Africa. The population of Africa increased from 493 million in 1990 to 1 billion in 2015, and it is anticipated to increase to 2.2 billion in 2050 and 4 billion in 2100.^x Africa and South Asia's populations continue to expand significantly, resulting in progressively larger generations of young people joining the labour force.

3.3 Socio-political factors

Socio-political factors are considered one of the important causes behind Migration. People may leave their country if persecuted because of their race, caste, religion, culture, ethnicity, or politics. War, conflicts, political persecution, or a considerable risk of any of these things are also considered the migration factor.^{xi} Humanitarian refugees are more likely to flee armed conflicts, human rights abuses, or persecution. Additionally, those who come from families or towns have benefited from Migration in the past. These areas' people are likely to move away because their departure is seen as having potential societal advantages. For these people, having ties to their ethnic group or family in the destination country also encourages Migration.^{xii}

3.4 Environmental factors

According to International Organization for Migration (IOM), environmental migrants are 'persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.' Environmental Migration causes people to run from natural calamities like earthquakes, hurricanes, and floods. However, climate change is anticipated to aggravate extreme weather occurrences, which could increase by moving. Due to the impact of variables, including population growth, poverty, governance, human security, and conflict, it is difficult to estimate the number of environmental migrants internationally. However, potential estimates range from 25 million to one billion by 2050.^{xiii}

^x United Nations, Department of Economic and Social Affairs, Population Division (2017). World Population Prospects: The 2017 Revision, Key Findings and Advance a Tables. Working Paper No. ESA/P/WP/248. https://esa.un.org/unpd/wpp/.../WPP2017_Key Findings.pdf

^{xi} *ibid*

^{xii} Cummings (fn 3).

^{xiii} <https://www.europarl.europa.eu/news/en/headlines/world/20200624STO81906/exploring-migration-causes-why-people-migrate> (Accessed on 12/10/2022)

3.5 Education

People who migrate in quest of a better life exhibit more initiative, courage, and attitude than the average individual, as well as some skills and resources. International Migration is a long-distance trip; it requires a plan and funds for that journey.^{xiv} In most instances, migrants typically have higher levels of education than their colleagues who remained in their country of origin. They are occasionally even better educated than their counterparts in the country of destination.^{xv} There are two aspects to the relationship between Migration and education. One may argue that the movement of educated individuals from low- and middle-income countries to developed nations causes a total loss of human capital for both the countries of origin and the host nation. ‘Brain drain’ is a phenomenon of that.^{xvi} On the other hand, financial and intellectual remittances from destinations may also positively affect Migration.

4. Legal framework:

Migration rights exist in different legal frameworks. Generally, policies at the different national and local levels concentrate on controlling incoming Migration and addressing the economic and social aspects of Migration. States also adopt strategies to mitigate the effects of Migration of people and to capitalize on the economic and social advantages of remittances and the diaspora. There are some migration rights under the international framework:

According to article 1 of the Universal Declaration of Human Rights (UDHR), 1948, ‘all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’

Article 2 of the UDHR confirms that ‘everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status. Furthermore, no distinction shall be made based on the political, jurisdictional or international status of the country or territory to which a person belongs, whether independent, trust, non-self-governing or under any other limitation of sovereignty.’

^{xiv} Rosenzweig, M. (2007). *Education and Migration: A Global Perspective*. Yale.

^{xv} Goldin, I., Cameron, G., & Balarajan, M. (2011). *Exceptional people*. In *Exceptional People*. Princeton University Press.

^{xvi} Castelli (fn2)

According to article 13 of the UDHR, ‘everyone has the right to freedom of movement and residence within each State's borders. Everyone has the right to leave any country, including his own, and to return to his country.’

International Covenant on Civil and Political Rights (ICCPR),1966, also affirms the same. According to article 12 of the ICCPR ‘Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own.’

Therefore, above mentioned international human rights frameworks make it clear that every person, without discrimination, has a right to have their particular circumstances taken into account as a matter of human rights principles. , everyone has the same fundamental rights to enjoy the freedom of movement. Specific legal protection regimes have been established for certain non-national groups, such as refugees, trafficked individuals, and migrant workers, to meet particular circumstances and vulnerabilities. However, caution must be exercised while implementing such regimes to prevent the development of vulnerability hierarchies based on classification. States also have the freedom to choose their migration policy. This is important to remember that the State must consider the principles of non-refoulement in case of treatment of the non-nationals. According to article 33 of the 1951 Convention Refugees,^{xvii} ‘33(1). No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion.

33(2). The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a grave crime, constitutes a danger to the community of that country.’

Article 3 of the Torture Convention^{xviii} it.

Also affirms that. ‘Article 3(1). No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being tortured.

^{xvii} The Convention on the Status of Refugees was adopted on 28 July 1951 by United Nations Conference.

^{xviii} The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Convention") was adopted by the General Assembly of the United Nations on 10 December 1984 (resolution 39/46). The Convention was enacted on 26 June 1987 after 20 states ratified

3(2). To determine whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant, or mass human rights violations.’ The international community has formed several legal frameworks specifically relevant to rights abuses in the context of Migration to protect these non-national groups. Some regional documents, such as the Cartagena Declaration on Refugees and the Organization of African Unity Convention, Governing the specific aspects of refugee problems in Africa, have evolved from the 1951 Convention relating to the status of refugees and its 1967 Protocol.

5. Conclusions and Recommendations

In theory, migrants are protected under international law. Prominent human rights instruments require the States parties to guarantee equal protection to everyone. Remittances, trade, investment, networks, and information exchange are just a few of the significant contributions made by migrant and diaspora communities. A robust legislative framework must be created to protect all migrant workers and their families. Receiving countries play a significant role in ensuring the safety of the migrants they host. However, in many nations where anti-immigrant elements are powerful, it is politically challenging to defend the rights of migrants actively. Also, many social, political, or economic barriers exist to providing migrants' rights. Trafficking of migrants is one of the complexities countries face in formulating their migration policies—another contentious issue regarding interest in using cheap undocumented immigrant labour. Governments should lessen the negative impacts of global Migration. Also, it should make it easier for people to migrate legally and stop all unauthorized Migration. The actual and anticipated demands of the labour market can make a better uniform migration policy, which should also focus on various relevant issues, including the loss of human capital in vital industries like health and education and the detrimental effects on children and families who are left behind. There are some recommendations on migration matters, as well as these require additional direction from expert and monitoring bodies, such as the:

- Migrants' contributions can be increased by lowering migration costs, ensuring their rights, treating them equally with citizens in terms of their working conditions, wages, safety protection, portability of pensions and other social security benefits, and supporting mutual recognition of qualifications and credentials.
- It is crucial to protect migrant children and women, particularly in the case of sexual and gender-based violence.

- It is significant to continue investing in the skill expansion of vulnerable communities, specifically migrant young women and men.
- Irregular migrants need to provide access to essential services such as health and education.
- All applicable international agreements relating to international Migration should be ratified and implemented by States. The 1951 Refugee Convention, ILO conventions, the protocols against human trafficking and migrant smuggling, and the fundamental international human rights treaties are all included.
- The United Nations should play a significant role in helping the Member States react to the potential migration problems through gender and rights-based methods.

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