

A. Understanding the Causes of Migration

1. Legal Definitions/Recognitions of Refugee, Migrant, Immigrant...

To start our discussion it is helpful to know how international and U.S. law define the differences between refugees, migrants and other immigrants, as well as some of the rights afforded to them.

The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. (<http://www.unhcr.org/pages/49da0e466.html>)

The *OAU Refugee Convention* is most recognized for having extended the conventional concept of a refugee beyond the narrower scope of the *1951 Refugee Convention*. (http://www.achpr.org/english/info/refugee_en.html)

UN Resolution International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
(<http://www.un.org/documents/ga/res/45/a45r158.htm>)

Another useful UN document to consider is the Universal Declaration of Human Rights, since these rights would presumably cover even those who are not protected by national laws.
(<http://www.un.org/en/documents/udhr/index.shtml>)

Refugee Protection: A Guide to International Refugee Law
(http://www.ipu.org/pdf/publications/refugee_en.pdf) (pdf, 128 pages)
Explains the legal framework for the international refugee system

The U.S. Congressional Budget Office's summary of U.S. Immigration Policy
(<http://www.cbo.gov/ftpdocs/70xx/doc7051/02-28-Immigration.pdf>) (pdf, 36 pages)
Explains immigration categories as recognized by the United States

The Department of Homeland Security's Definition of Terms
(<http://www.dhs.gov/files/statistics/stdfdef.shtml>)
Learn how the U.S. DHS defines immigrant, asylee, etc.

Definition of Terms from Immigration Law.com
(<http://www.immigralaw.com/english/immigrationterms.html>)
More accessible than DHS.

2. Migration Patterns and Numbers

World Migration Map (<http://www.migrationinformation.org/datahub/wmm.cfm>)

From the Migration Policy Institute, this interactive map provides information on the origins and destinations of migrating people for nearly every part of the world. Also from MPI, an analysis of asylum applications across the globe (<http://www.migrationinformation.org/datahub/asylum.cfm>)

United Nations Global Migration Database (<http://esa.un.org/unmigration/>)

A comprehensive collection of empirical data on the number (“stock”) of international migrants by country of birth and citizenship, sex and age as enumerated by population censuses, population registers, nationally representative surveys and other official statistical sources from more than 200 countries and territories in the world.

UN Refugee Agency (<http://www.unhcr.org/pages/49c3646c4b2.html>)

The “Resources” section of the UN Refugee Agency with maps and statistics.

Trafficking in Persons and Global Patterns

(http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf) (pdf, 128 pages)

A report from the United Nations Office on Drugs and Crime. Chapter 3 shows the actual patterns.

3. Causes of Migration

There are many different reasons for migration – political upheaval including war, persecution, climate-related refugees, economic migrants, and family reunification. Another cause of movement is forced migration due to trafficking of slaves. This section provides examples and personal stories of why people migrate. While there are many reasons for migration, family reunification is the number one reason for immigration to the U.S.

My Immigration Story.com (<http://www.myimmigrationstory.com/>)

Website allows real immigrants to share their stories of why they migrated to the U.S. in their own words.

Family Reunification

(<http://www.migrationinformation.org/feature/display.cfm?ID=122>)

In-depth analysis from the Migration Policy Institute.

For family separated by immigration laws, bonding time is via laptop (<http://bit.ly/amtexv>) A Chicago Tribune story about a young father forced to watch his son grow up via the internet - an increasingly common reality for thousands of families separated by U.S. immigration laws.

Family, Undervalued (<http://www.immigrationequality.org/familyunvalued.php>) This resource from Immigration Equality and Human Rights Watch provides numerous stories of couples who have fallen in love with someone of a different nationality and desire to live their lives together.

From Beacon Press:

I Begin My Life All Over: The Hmong and the American Immigrant Experience (<http://www.beacon.org/productdetails.cfm?PC=1658>), by Lillian Faderman. Beacon Press (1999), 288 pages
36 stories from Hmong refugees living in the U.S. – negotiating a path between the demands of a new society and age-old practices and a collective trauma.

Health Rights Advocate (<http://phrblog.org/videos/>)

This blog site of the Physicians for Human Rights contains a video library of personal testimonies of persecution and other human rights violations. See also their post about the Refugee Protection Act (<http://bit.ly/9jgfZr>)

For Mandeans, a journey to peace (<http://bit.ly/cjFWrv>)

Article in the Boston Globe about a community of religious refugees from Iraq making a new home in the U.S.

Eight Countries About to Go Underwater, Literally (<http://bit.ly/cCROQc>)

Planet Green article about eight countries facing the possibility of being “erased” from the face of the earth.

Refugees Join List of Climate-Change Issues

(<http://www.nytimes.com/2009/05/29/world/29refugees.html>)

New York Times article about the Carteret Islands succumbing to rising sea levels and what that might mean for its citizens to lose their sovereign nation.

Climate Change Induced Forced Migrants: in need of dignified recognition under a new Protocol (<http://www.glogov.org/images/doc/equitybd.pdf>), by Md Shamsuddoha and Rezaul Karim Chowdhury. April 2009. (pdf, 10 pages)

Article written in to support a campaign calling global leaders to develop a new legal instrument under a Protocol to the UNFCCC to ensure social, cultural and economic rehabilitation of the ‘climate refugees’ through recognizing them as ‘Universal Natural Persons’. Examples are given of climate change induced

forced migrants. In October of the same year, the African Union agreed to debate this issue (<http://www.irinnews.org/report.aspx?ReportId=86805>).

UN Urges International Reform on Economic Migrants

(<http://www.radioaustralia.net.au/asiapac/stories/200910/s2705488.htm>)

Every year millions of people around the world relocate in search of a better life. The vast majority move within their own regions. The challenge of protecting their rights and providing access to basic services like healthcare is the focus of a new report from the United Nations Development Fund, which warns that many economic migrants are at risk of abuse and calls for international reforms.

Staying Put: One Man's Thoughts On Crossing The Border 36 Years Later

(<http://www.kpbs.org/news/2010/jul/22/envision-immigration-slug-here/>)

The story of Rogelio Mendez, who comes from the indigenous village of Tlacotepec in Oaxaca, about the motivations to stay in the U.S. despite the economic downturn.

Films

***Baja La Misma Luna (Under the Same Moon)* (2007)**

In the hopes of providing a better life for her son, a mother works without documentation in the U.S. leaving her son in the care of his grandmother. But after his grandmother unexpectedly passes away, Carlitos leaves his hometown in secret to cross the border into the United States and find his Rosario. The movie tells parallel stories of the challenges they face.

***El Norte* (1983)**

Just before federal troops attack their village in order to suppress a workers union, a father explains to his son the bleak prospects for indigenous Mayans in Guatemala and suggests that someday the family will go north to the U.S. ("where even the poor have cars"). After losing both of their parents, Enrique and his sister Rosa decide to flee to California. *El Norte* relates the harrowing journey and the disappointment they find when they arrive.

***Voces Inocentes (Innocent Voices)* (2004)**

Taking place during the civil war in El Salvador, the movie follows 11 year old Chava, who is trying to help his mother support their family despite the violence. But Chava is nearing the age of recruitment, which is 12. Caught in the middle between the Salvadoran army and the guerillas, Chava is ultimately forced to flee the country, promising to return before his younger brother also turns 12.

***Papers: the Movie* (<http://www.papersthemovie.com/>) (2010)**

A documentary about the 2 million undocumented youth currently in the U.S.. Hear their stories, in their own words, about the reasons why their families came to the U.S. and the challenges they face as they turn 18 without legal status.

4. The Difficulties of Immigrating Legally

a. Very Long Waits and Very Few Legal Avenues

There simply aren't enough visas to meet the demand. Even if you are lucky enough to have family members who can sponsor you (the easiest way to enter the U.S. legally), the wait for a permanent residency visa for those who fall into the "Family Preference" category ranges from two or three years to *over twenty*, depending on an applicant's sub-sub-category and country of origin.

Death at the Border (<http://www.nfap.com/pdf/0505brief-death-at-border.pdf>), by Stuart Anderson. National Foundation for American Policy, May 2010. (pdf, 13 pages)

A policy brief by the linking immigrant deaths to there being no legal way to work in the U.S.

Why Becoming a Legal Immigrant Is Next to Impossible (<http://bit.ly/cuqGIQ>), by Mari Herreras. AlterNet, September 5, 2010.

In depth story about the "bureaucratic nightmare" that is our immigration system.

The Opportunity of Two Lifetimes: U.S. Immigration Process Ensures Disparate Treatment for Mexican Immigrants, by Prakash Khatri. Report from KPK Global Solutions LLC for the Department of Homeland Security, 2010. (http://kpkgs.com/files/Family_Based_Migration_of_Mexicans_050710_v2.pdf) (pdf, 3 pages)

Article explains how the current U.S. immigration system can and does result in families being separated over multiple generations. Also, how the current system disproportionately harms immigrants from Mexico. Author is a Homeland Security consultant.

'Why Don't They Just Get Legal?': State of the Law (<http://bit.ly/bX1TwD>)

An immigration lawyer clears up several misconceptions about our immigration system and perceived gateways to legal status.

b. Removal and Return Policies – the 3/10 Year Bar

In 1996, vowing to "get tough" on undocumented immigration, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA). Immigrants who have been undocumented within the U.S. for six to 12 months are barred from returning for three years; those here for more than a year are barred for 10 years. As a result, under current U.S. immigration law, if you enter the U.S. without documentation and then you are barred from entering the U.S. again – even if otherwise eligible – for years.

10-Year Bars Split Up Families (<http://bit.ly/a6ejsm>), by Dave Bennion.
Change.org/Immigrant Rights, July 28, 2009

Although eligible for an immigrant visa based on marriage, Aurora's husband could not obtain one in the U.S. (due to his being undocumented) and had to return to Mexico to do so. But because he was undocumented, if he left the U.S. he would be barred from re-entering for ten years. He was stuck in a Catch-22 -- eligible for a visa but unable to obtain one.

Why the 3/10 Year Bar Encourages Illegal Immigrants to Stay and Does Not Act as a Deterrent (<http://bit.ly/dddXCb>), as posted on Visa Amigo.

The 3/10 year bar is the greatest paradox of American immigration law. The only procedure for an illegal immigrant to legalize his or her status is to depart the U.S. which in turn subjects them to the punitive 3/10 year bar. In many cases, these immigrants have been in the U.S. for many years and have U.S. spouses and children. In effect there are no good options for these people."

The Three And Ten Year Bars Revisited: When It Helps To Be Put Into Removal Proceedings, by James D. Eiss and Danielle Rizzo

(<http://www.ilw.com/articles/2005,0830-eiss.shtm>)

A very legalistic analysis that shows how, given our screwed-up system, it is sometimes beneficial to be put in removal proceedings as it can make one exempt from the 3 year bar.

c. Undocumented Immigration is a Civil, Not Criminal, Offense

U.S. Code Section 1325. Improper entry by alien

(<http://codes.lp.findlaw.com/uscode/8/12/II/VIII/1325>)

(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

(b) Improper time or place; civil penalties Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of -

- (1) at least \$50 and not more than \$250 for each such entry (or attempted entry); or
- (2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

What Part of Illegal Don't You Understand? (<http://bit.ly/cRfiMX>), by Kat Liu. Inspired Faith, Effective Action – the UUA Justice Ministries blog, October 13, 2010.

Blog post on why the term “illegal” immigrant is misleading, causing people to incorrectly assume that entering the U.S. without documentation is a crime. In reality, entering without documentation is a civil offense, akin a speeding ticket.

5. International Perspectives on Immigration

Controlling Immigration: A Global Perspective (<http://amzn.to/9nsSxr>), Wayne Cornelius, Takeyuki Tsuda, Philip Martin, and James Hollifield, Ed.s. Stanford University Press; 1 edition (July 16, 2004), 560 pages
A comparative study of immigration policy and policy outcomes in about a dozen industrialized countries, looking at how certain immigration control measures were selected and why these measures usually failed to achieve their stated objectives. The reader should keep in mind that this book was written from the perspective of “industrialized” countries and that other countries may have a distinctly different point of view, as might indigenous populations (who usually are not in positions of power) in any of these countries.

Migration and Development: Perspectives from the South (<http://amzn.to/bZHAVP>) Stephen Castles and Raul Delgado Wise, eds. International Organization for Migration (IOM) (January 1, 2008), 324 pages.
Most immigration analysis is done from the point of view of industrialized nations – mostly in the northern hemisphere. How migrants themselves – usually from the southern hemisphere - experience international migration and understand development are rarely asked. This book attempts to redress the balance by initiating a dialogue among researchers, government officials and migrant activists from five major emigration countries.

The Age of Migration: International Population Movements in the Modern World (<http://amzn.to/aLiLEQ>), by Stephen Castles. The Guilford Press; Fourth Edition edition (January 14, 2009), 370 pages.
In its fourth edition, this authoritative work offers a global perspective on the nature of migration flows, why they take place, and their consequences for states and societies around the world. Chapters provide up-to-date descriptions and comparative analyses of major migration regions in the North and South. The role of population movements in the formation of ethnic minority groups is examined, as is the impact of growing ethnic diversity on economies, cultures, and political institutions.

European Perspective On US Border: Build Economies Not Fences (<http://www.kpbs.org/news/2010/jul/26/european-us-border-economies-fences/>), by French journalist, Julian Pearce. Published on KPBS.org

Countries of the European Union have similar debates about unauthorized immigration but most European Union countries have agreed to abolish the check points at their common borders.

Immigration and Western Double Standards, by By Sawraj Singh, MD
(<http://www.indolink.com/displayArticleS.php?id=042706012710&clid=>)

Published on IndoLink, an Indian website

Author argues that colonialism suppressed “productive forces” in the colonies making job opportunities limited and thus forcing emigration to the colonizing countries.

From the Perspective of Women

The International Migration of Women (<http://bit.ly/9Moz0v>)

Edited by Maurice Schiff, Andrew R. Morrison, Mirja Sjöblom. For World Bank, November 12, 2007, 236 pages

Women constitute close to one half of the world's international migrant population, yet little gender analysis has been done with respect to international immigration. The book provides eight new studies focusing on the nexus between gender, international migration, and economic development.

Reforming America's Immigration Laws: A Woman's Struggle

(<http://bit.ly/aDwudF>), by Kavitha Sreeharsha, Esq. Immigration Policy Center special report, Jun 28, 2010 (pdf, 14 pages)

Comprehensive report on various ways in which women face tougher challenges in migration – from workforce inequities and exploitation to domestic violence to trafficking.

Was Plane Baby's Migrant Mother a Victim, Too? (<http://aol.it/ctHtpa>), by

Jonathan Adams. AOL News, September 19, 2010. People were outraged when a Filipina migrant worker gave birth while on a flight from the Middle East and then abandoned her newborn in the trash. But it turns out she had been raped by her employer and then sent home when it was discovered she was pregnant.

Arizona's Anti-Immigrant Law Hits Women the Hardest (<http://bit.ly/9UYqJr>),

by Arcelia Hurtado, Executive Director, Equal Rights Advocates. Alto Arizona, July 2, 2010

Laws like SB1070 disproportionately impact Latinas in Arizona due to their comparatively vulnerable economic status.

SB 1070 Disputed on New Grounds (<http://bit.ly/bfhJrd>), by Howard Fischer Capitol Media Services. Arizona Star Daily, June 17, 2010

Lawsuit argues that domestic-violence victims would be endangered if fear of deportation caused them to avoid reporting incidences.

Questions for Reflection:

1. What is the difference between a refugee, a migrant, and an immigrant?
2. Should any of these classes be given automatic entry into the U.S.? If yes for some and no for others, what is the basis for the distinction?
3. What kind of rights do people have when they are forced to migrate? What kind of rights do people have when they migrate voluntarily? How are these rights assured?