

MIGRATION, SOCIETAL AND MARKET TRANSFORMATIONS- PERCEPTIONS, DEBATES AND POLICIES IN ASIA AND EUROPE 16-17 MARCH 2009

CONFERENCE REPORT

Opening Session

Introduction



The movement of people across frontiers has been a constant feature of human history. However, the relentless pace of globalisation, the rapid development in modern transport and communications, rising gap in wealth distribution and many other factors have resulted in large scale migration of all patterns in recent times. These wide-scale migration and immigration patterns pose several challenges to nation-states, societies and communities.

Societies are now faced with intensifying debates on the pros and cons of migration, and increasing anxieties and fears of the impact of immigration on the social fabric of societies. As many developed societies confront the problems of aging and possible shortage of labour and need to revitalise the economy, discussions are now focused on controlled migration and the competition for skilled labour. Globally and regionally, policy makers are grappling with difficult issues of designing policies and programmes that would look at labour migration and immigration from both the perspectives of sending and receiving countries. For receiving countries in particular, immigration is increasingly attracting central attention as the rapid pace and scale of immigration bring consequences to bear on employment and wages in the economy and on social and cultural issues of integration and citizenship.

This report provides a concise summary of the presentations made at the Conference on “Migration, Societal and Market Transformations – Perceptions, Debates and Policies in Asia and Europe” organized by the EU Centre with the support of Asia Research Institute (NUS) and the Centre for Non-traditional Security Studies (RSIS-NTU). The last part of the report brings out some of the key issues and questions raised during the discussions that need to be further explored and researched.

The Conference which took place on 16-17 March 2009 brought together migration research academics, experts, policy makers and social activists to discuss the complex and multi-dimensional nature of various issues related to migration and the challenges of migration management.

Migration Management and Migration Regimes – the Global Context

The Conference began with a broad overview given by Ms Michele Klein-Solomon, Director of Migration Policy and Research, International Organization for Migration (IOM) on the realities of human mobility and the need for a much more coordinated and concerted efforts toward migration management, and the importance of regional and global dialogue on various inter-related issues on migration and development.

Human mobility has become a defining feature of the present-day world. This has been part and consequence of globalization, as world leaders have decided to settle on a model of economic development that is premised on notions of economic growth. As states freed the movement of capital, goods and services, these also act as catalysts for the mobility of people. Profound demographic disparities in global economies mean that the dynamics are in favour of the movement of people. However, the reduction of barriers to the movement of people does not exist to the same extent that states have gone to liberalize the movement of goods, services and capital.

In the globalized world, the patterns of contemporary mobility are more diverse and more inter-related than in the past. They can be short-term or long-term, uni-directional or circular, internal or international, regular or irregular. Particularly in Asia, internal migration is a rising trend. To cite an example, internal migration in China occurs at a rate higher than international migration between some other countries. The realms of mobility include highly skilled migration, low and semi-skilled migration, students (educational) migration, tourism, family migration, internal migration and irregular migration. However, the reality is that the channels for legal migration are limited compared to the scale of people who wish to migrate, particularly for low-skilled workers.

As labour market dynamics increasingly operate across international borders, labour migration has become a key aspect of human mobility and the global economy. The global economy requires planned and predictable ways of matching demand and supply for global labour. This has resulted in a shift away from the pre-eminence of asylum and irregular migration on policy agendas. Instead, comprehensive migration management really needs to look into the complex issues of migration and development, and many inter-related issues, and specifically how to legally match world labour demand and supply.

What is required of policy today is for Countries of Origin (COOs) and Countries of Destination (CODs) to look more closely at the relationship between migration and development. COOs need to reformulate migration as a positive source of development which supports capacity building, knowledge transfer, and incorporate mainstream migration and remittances into national development strategies. At the same time, they need to develop their human resource capacity by bolstering elements of an optimally functioning foreign employment policy; the regulation of private employment/recruitment agencies, protecting of workers and provision of support services, market strategy and administrative structures.

CODs have to ensure that migration meets specific labour market needs, and provide a safe, planned and predictable environment for migrants. This can be achieved by addressing key policies issues such as the assessment of the need for foreign labour, the design of foreign labour admission policies, post-admission policies that include labour market regulation and protection as well as articulating and protecting the rights of migrant workers, working toward the economic and social integration of newcomers, the maintenance of social cohesion, preventing/reducing regular migration and implementing development-friendly migration policies that look at implications for COOs. These efforts will require partnerships with various key stakeholders such as employers' organisations, trade unions, etc, in order to achieve internal policy coherence

COOs and CODs thus have a common sphere of interest in the relationships between migration and development, migration and employment, and migration and trade, upon which to build a platform of dialogue. An international consensus on the relationship between migration and development has been emerging, as shown by international, regional and bilateral cooperation such as the 1996 UN General Assembly High-level Dialogue on International Migration and Development (HLD) which led to a global dialogue on migration as in the state-sponsored and state-led Global Forum on Migration and Development (GFMD), which has since seen two rounds of discussion (Brussels, 2007; Manila, 2008). Regional developments such as EU immigration law and policy, the proposed Blue Card, and

regional consultative processes such as the Colombo Process and the Abu Dhabi Dialogue are also indicative that the best outcomes are achieved through cooperation.

Cross-cutting issues that are thrown up by migration patterns are also due for consideration. The human rights and status of migrant workers should not be forgone; while economies seek to put the competitive assets of migrant workers to best advantage, care should be taken not to commodify migrant workers. The management of the interface between migrants and the host community requires a closer look at notions of social cohesion and 'integration', being a fundamental concern that needs to be spotlighted. A minimal level of accommodation should be provided. The management of security issues is another cross-cutting issue. Regular legal entry should be facilitated in a way that is meaningful to the demands of business and economies, and also protect societies from genuine criminal threat without penalizing migrants via discriminatory or xenophobic measures.

The gender dimension of migration was also noted. A new social dynamic has been created as the profile of women migrants have changed over the years with more women emerging as independent migrants or head of households. This has been a positive development, as migration proves to be a liberating experience and an engine of social change, but also creates risks and vulnerabilities as women are largely found in non-regulated labour industries such as domestic labour and sex work. The social impact and cost on their families who are left behind need to be considered too.

Lastly, migration has deep implications for health environments. As mobility increases with migration trends, health risks and benefits are shared more globally today, with effects for both COOs and CODs. Therefore, specific interventions are needed for migrants' right to access health services, for information sharing between COOs and CODs, and for information to be disseminated to prepare people for migration and to prepare societies to be able to address the health challenges associated with a global world.

Policy makers need to have enhanced knowledge of labour market trends, labour force profiles and labour migration trends in order to address the challenges of migration. It is here that researchers can contribute to databases and analytical research in recognition of the capacity-building needs of COOs and CODs, in particular the needs of developing countries in assessing needs, formulating policy and legislation, improving labour migration and human resource development programmes, and to monitor and evaluate outcomes.

Migration Regimes in Asia

Mr Manolo Abella from the International Labour Organisation in his paper tracing the historical evolution of migration regimes in Asia noted that this is a topic that has not been given much attention by the academic community. Yet, there is a need for a deeper understanding of the past in order to build structures and improvements needed in the future, particularly if we are to aspire toward being caring nations.

A 'migration regime' can be defined as the formal and informal laws, rules and regulations that govern how people move around, for temporary or indefinite periods, for various motivations including work or the escape from persecution. The informal laws are no less important than the formal laws that exist in the migration regime; one only needs to look at the case of the Rohingya refugees or the border of Southern Thailand to understand the truth of this. In turn, the formal laws by themselves are not useful unless their true intent is coherently and consistently implemented by governments. Governments need to expand resources and coherent policies to guard their borders, and laws such as sanctions against illegal migration will only be taken seriously if they are likely to be enforced and result in the capture of illegal migrants and enactment of substantive penalties.

The evolution of migration regimes in Asia can be dated back to the earliest stages of state formation. India's Foreigners' Act dates back to 1946, Malaysia's Labour Ordinance dates from 1952, and the Philippines' Immigration Act dates from 1940. While Pakistan has no specific legislation act pertaining to migration, it does have a Citizenship Act of 1947. In Asia, migration regimes are characterized by a lack of laws and formal regulations. Instead there are a host of ordinances, decrees and regulations adopted to guide the day-to-day administrative actions.

The migration regimes have been deliberately enacted to give governments much latitude to interpret their intent. This characteristic came about against the backdrop of the conditions the governments of emerging Asian nation-states inherited from the colonial regimes. Carved out of territories by colonial powers, the new governments had to fashion a national identity from whatever communities were present in their territories. Malaysia's formative years best illustrate the complexity of the task the newly emerged governments faced: Malayan nationalists were concerned that the ethnic Malays would be outnumbered in the emerging state as designed by the British, particularly if the Chinese and Indonesian communities were granted automatic citizenship. The eventual agreement to a federation of Malaya did not solve all problems, as Malaysia had to balance the delicate arithmetic of ethnic relations with its relationship with Indonesia and the flow of migrant workers originating from Indonesia that persists till today.

In the case of Thailand, the Cold War and the resultant conflict between hegemonies and ideologies meant that Thailand had to suffer both friendly and unfriendly border incursions. This had a lasting impact on the psyche of Thailand, starting with the issue of stateless children who were stranded in Thailand and persisting with a fear of absorbing peoples with different and possibly unwanted ideologies. This was not an effect unique to Thailand, many Southeast Asia countries have stigmatized Chinese migrants for fear of their being vectors of communist ideology. Till today, problems of integration linger on between the communities of long-settled migrants and their host countries. The Vietnam War, characterized by the forced migration of many, had far reaching consequences for the region's security complex.

Although the concept of national community and shared values are based on an affinity regardless of race, ethnicity and religion, the overview of the experience of Southeast Asian states reveal that the concept of belonging was narrow and centred on the homogeneity of identity in order to obscure the divisions that existed between communities in the same state. However, the homogeneity of identity was and is challenged by the high levels of migration in Southeast Asia: the highest proportion of Burmese migrants is in Thailand, the largest proportion of Malaysian migrants is in Singapore, and Singapore's migrants comprise an estimated 35% of its population. Significantly, migration plays a vital role in the economies of Asia; between 1970 and 2008, Singapore's per capita rose 41 times while its population grew by 2.3 times and the foreign workforce grew by 64 times. Malaysia's foreign workforce rose from half a million to 3 million today.

The facilitation of migration regimes was largely left to the informal powers and discretion of governments, resulting in a patchwork of laws, ordinances, decrees, regulations and amnesties, as governments sought to regulate the vital phenomenon of migration while sidestepping the contradictions in a homogenous national identity. The diffidence to engage in the debate on migration has been more pronounced in the region than elsewhere, meaning that migration policies tend to be nothing but ad hoc policies to the political exigencies of the moment, and lack sustained vision. Painstaking efforts are taken to ensure that migration is a 'revolving door', especially for low-skilled or semi-skilled migrants. Undocumented migrants cannot earn the right to permanent settlement, and mechanisms to ensure temporary stay are rife.

This tendency has led to discriminatory policies against migrants, for instance, the policy of forbidding women migrants from the right to family as a mechanism to ensure temporary stay. In market economies, discriminatory policies undermine the protection of all workers, foreign and nationals alike. Therefore, rights-based mechanisms should be allowed to design temporary programmes in line with international policies and best practices.

In Southeast Asia, ASEAN member states had for many years been reluctant even to put migration on the agenda. Unlike the EU where free movement of people has always been one of its key pillars of the Single Market, it took ASEAN four decades to discuss the issue. Today, the free movement of skilled workers is being discussed and will be incorporated into the blueprint for an ASEAN Economic Community to be achieved by 2015. Yet, the truth is that most migration in the region is that of low-skilled or unskilled migrants. An important first step has been taken to protect the rights of migrant workers when in 2007 ASEAN leaders adopted the ASEAN Declaration on the Rights of Migrant Workers. It remains to be seen, however, if this ASEAN instrument on migration would survive the current economic crisis.

With regard to the forecast of migration regimes, there are certain underlying conditions that are unlikely to change very much, as they are structural in nature. These conditions are demographic growth, education and market capabilities. It is undeniable that migration has been the consequence of the region's economic achievement. The region has an economy of 1.4 trillion dollars, employed 270 million people in 2007 and created 8 million jobs in a year. Before the economic crisis, jobs were expected to grow strongly. In tandem with this expectation of economic growth is the demographic slowdown in population; the young are declining as a proportion of the population. There are more jobs than young workers. Japan, Korea, Singapore are all aging societies, and regional countries are expected to follow in Japan's trends, which has 300 000 less young workers every year. Migration is driven by differences, and levels of income and development are still very disparate in Asia. For instance, Malaysia's GDP is 4 ½ times that of Indonesia's, while a study claims that Thailand's automotive industry is short of 50 000 engineers to keep pace with its current development.

Today, the migration regimes in Asia that accommodated the migration flows that came with the rapid expansion of the 'tiger economies' are still a patchwork of ad hoc reactions to perceived risks and opportunities. Greater transparency and coherence of policies is needed to create migration regimes that will serve the long-term interest of all, and states should work toward the harmonization of policies. In the current economic environment, it is best to remind ourselves of the strengths of this region: migration has served to maintain and increase the region's competitiveness in the global market.

Assumptions and Approaches towards Immigration

International Migration, an Asian Perspective

Graeme Hugo's paper complemented Abella's paper in further exploring the shifts in assumptions and approaches towards international migration in the Asia. In Asia, international migration trends in the post war era saw the repatriation of colonial groups accompanying the transition from colonialism to independence from 1945-1970, the steady grow of labour migration, south-north migration and refugee movements from 1970-1990, and the present period has seen the rapid growth of movement and the increasing significance of China and India as migrant-sending countries.

In many ways, the increase in levels of international migration was in spite of, rather than because of, government policy. Government policy has tended toward little evidence-based policy making, a failure to recognize the reality of the need for migration and heavily influenced by interest groups, rent takers, prejudice and scapegoating. This has led to the growth of an alternative undocumented migration system. Legal migration policies and programmes include unrealistic aims of replacing migrant workers with local workers, overly restrictive entry policies which encourage proliferation of underground migration and marginalization of migrant workers, rights of migrant workers are restricted and migrants are often stereotyped as criminals or health threats.

However, a new paradigm of migration has emerged in recent years, with several countries in the region recognizing that international migration is a long term structural feature of the economy. Countries such as Korea have high level of immigration and emigration, with around 1 million foreign residents (more than 2 percent of the population) and 6.6 million ethnic Koreans living in other countries. In this new climate, government attitude toward immigration has changed, with terms like 'multiculturalism' and 'multi-ethnicity' being discussed widely, and government ministries such as the Korea Immigration Service under the Ministry of Justice being set up. Another source of migration, marriage migration, has typically been neglected by policy makers, despite its increasing significance, links with economic migration, the social implications for the role and position of women and concerns over exploitation.

There have been initial moves toward regional dialogue and cooperation on migration, such as the increasing numbers of MOUs between sending and receiving countries, the 2003 Bali Concord II which called for completion of Mutual Recognition Arrangements (MRA) by 2008 to have the free movement of professionals, the 2007 ASEAN Declaration of the Protection and Promotion of Rights of Workers, and APEC's work on technical cooperation – APEC Card, Advanced Passenger Information (API) Systems. Other fora for discussion on migration also exist such as the Bali Process, the Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants, and the Colombo Process.

The changes in assumptions and approaches have been prompted by the changed security context in the post 9/11 world, the steepening of demographic and economic gradients in the region such as the increasing trend of commodified marriage, spontaneous marriage migration, increasing student migration and the growing international discourse on migration and development.

Despite these initial developments, achievements have been limited to the setting up of dialogue between migration officials. Many challenges remain in developing a more informed and nuanced international migration policy, as it remains an emotional issue in many countries, and evidence-based policy making remains limited. Importantly, migration must not be seen as a substitute for good governance and social economic policy in either receiving or sending countries.

What is needed is the improved governance of migration systems, strengthened bilateral and regional consultative and cooperative mechanisms, the removal of blockages to the flow of remittances, the development and exchange of best practice on implementation and management of migration programmes of various types, more consideration of 'development friendly' migration policy in countries of destination, and to change the perception of migrants in the region. More research, compilation and exchange of better data on migration are needed in order to break down the 'hypocrisy, dishonesty and contradictions' of migration policy.

Immigration and Integration in Europe

Marek Kupiszewski from the Central European Forum for Migration Research traced in broad brushes the roots and developments of the European migration policy, without discounting the fact that migration policies within the EU are really more complex and multifaceted than what he presents provisionally.

He begins by defining migration policy as referring to state efforts to regulate and control entry into national territory (admission concerns) and to stipulate conditions of residence of persons seeking permanent settlement, temporary work or political asylum (Freeman, 1992). In this context, it can be said to comprise two vital ingredients: namely, 1) admission criteria (i.e. including issues such as entry/exit conditions and visa requirements; admission (policing)), and 2) immigration policy after admission (i.e. internal policing, labour market, temporary or permanent, granting of citizenship). It is, moreover, important to note that in the European Union, “migration” and “emigration” are almost unknown terms, while “immigration” is used to refer to immigration of ‘third country’ nationals.

Control of the state over its territory has long been fundamental to migration policies in Europe, especially since the advent of the 19th century sovereign nation-state. The latter, in particular, assumes the presence a binding social/political contract between the nation-state and the citizen, with rights to control nationals’ and foreigners’ travel being definitive of migration policies. But obviously there are other issues besides management of human flows. For example, policies are shaped by factors such as:

- State of economy
- Organized groups of interest (employers, ethnic lobbies, trade unions, NGOs)
- Foreign policy consideration (ethnic migrants) and wars
- Volumes of immigration of (dis)similar ethnic origin
- Ideology (e.g. liberal vs. restrictive; anti-immigrant sentiments)
- Political parties bargaining
- Globalisation

Notably in this list, globalization is contemporary with the recent global competition for the ‘best’, i.e. the world is a ‘big supermarket’ where countries can shop for the ‘best’ of human capital. Migration, in this context, can be seen as a ‘third wave’, following the quickening flows of goods and capital, and founded upon the creation of the new ‘knowledge based’ economy (aim of the EU Lisbon strategy). In this world view, there is a high premium placed on economic development, investments in R&D (especially medical staff, educational staff, R&D and ICT specialists); as well as an increasing pattern of “Webalisation” – which both complements and replaces some forms of migration.

Yet, sanguine as this may seem, there exist difficult dilemmas in migration policy making. Here are some main controversies and issues:

- Freedom of movement and humane rights vs. security issues;
- We need migrants, but do feel threatened by them;
- Unexpected migrants needs (workers/bodies needed, but humans/social subjects are immigrating);
- Gains of central government vs. local government costs;
- Economic gains vs. costs;
- Migration and development remittances → which may, for example, encourage (unwanted) voluntary retirement on farms back ‘home’;
- Brain drain vs. brain gain (selective recruitment);
- Competitiveness versus complementarity of migrants on the labour markets;
- Difficult to determine demographic gain

National migration policies in Germany, the UK and Poland show varied European approaches to grappling with migration and convergence with EU migration policies. In Germany, immigration of non-EU migrants was theoretically banned by legislature. Labour migration is governed by German interest in high skilled labour; a ban

exists on the recruitment of unskilled labour and freedom of movement of labour is limited to the citizens of the EU 15. Germany's approach of integration means that immigrants are strongly encouraged to attend language courses, with up to a 10% decrease in social security payment if no attendance is taken; residence permit extensions and applications for naturalization also takes attendance into account. The UK's migration policy is similar to Germany's in that it favours highly skilled workers through an Australian-style Point Based System, but differs in its method of integration; stressing the multicultural approach. Poland's policy making has been driven by the need to adopt the *acquis communautaire*, in particularly the EU freedom of labour migration policies and Schengen agreement. As a predominant source of emigration, Poland has entirely different migration policy issues from countries of immigration.

The EU's regulations relating to migration policies have changed over time from weak to strong and from 3rd to 1st pillar. The proposed Blue Card scheme, to be adopted soon, appears to promise that highly qualified workers from all third countries will enjoy full mobility and social benefits within the EU. Some problems exist, including the UK and Irish governments' decision not to adopt the Blue Card, as well as worries that the Blue Card scheme would exacerbate the problem of brain drain from countries of emigration.

The European Pact on Immigration and Asylum is another important development and document in the EU context. It defines EU policy on legal migration; controlling immigration, other related issues as well as issues dealing with illegal migration. Various, the aims of this agreement include attracting highly skilled labour, ensuring that migration policies do not aggravate brain drain, and the regulation of family migration by considering capacities to integrate (such as knowledge of language). At the same time, it is also stipulates to enact border controls and to ensure illegal immigrants return to their countries of origin or to a transit country. Steps taken included formulating readmission agreements at EU or bilateral level; cooperation between member states in ensuring expulsion of illegal immigrants (through biometric identification of illegal entrants; joint flights for returned migrants etc); combat international criminal organizations; assist voluntary return and prevent fraudulent return to the EU; and penalize those who exploit illegal immigrants.

Furthermore, the pact also envisions efforts to make border controls more effective, through the introduction of biometric visas from 2012 at the latest. This will first be implemented on a voluntary basis, while giving Frontex resources to fulfil its mission etc. On asylum, a common European asylum system will be adopted, involving facilities such as smooth exchange of information, analyses and experience among member states (by 2009); establishing a single asylum procedure, in 2010 if possible, and other such solidarity procedures and cooperation with the UNHCR. The Pact finally also calls for partnership with countries of origin and of transit to encourage synergies between migration and development, through the use of various EU-level or bilateral agreements; pursuing policies of cooperation; solidarity development projects that raise living standards of citizens of sending countries; adopt financial instruments for remittance transfer safely and cheaply; partnership between EU, Africa, Caribbean and Asia.

As it stands, the European Pact on Immigration and Asylum is a political wish list and is not legally binding. Nonetheless, it posses symbolic value by increasing the role of the EU in migration control, despite having little new content and placing consideration of national needs and priorities over common EU ones. Despite the principles of solidarity and burden-sharing for asylum seekers, the Pact is not generous on human rights.

Country Case Studies

CASE STUDY 1 - JAPAN

Professor Yasushi Iguchi from Kwansai Gakuin University gave an overview of trends in international migration in Japan. Data showed that migration is becoming a significant phenomenon in Japan. The foreign population in Japan has reached 2.15 million, with an estimated 1.13 million foreign workers and 860,000 permanent residents. There are also as many as 7500 foreign technical interns in southern Japan.

There is an urgent need for reforming migration policy as Japan faces the demographic trend of a declining and aging population. In particular, medium and small-sized municipalities are striving for means to stimulate local economy and society to keep atop the trend of young people leaving for large cities, and the relocation of labour intensive industries to China and other Asian countries. However, foreign workers often find themselves not covered by employment and social security, especially those in atypical employment. Both foreign children as well as foreign workers also find themselves without opportunity to learn the Japanese language. With very little proficiency in the language, this in turn impacts their ability to get jobs and stay on for longer periods in Japan.

One of the key steps taken to reform Japan's migration policy has been the introduction of a policy termed as "multicultural existence". This shares some semblance with integration policy in Europe, although it originated in Kawasaki in the early 1990s, and was further developed in Osaka and Kobe in 1995 after the Great Earthquake. A cornerstone of this policy is the strong focus placed on the principles and rights and respect for foreigners. In particular the Council on Regulatory Reform in the Cabinet Office formulated that policy on multicultural existence should be second pillar to Immigration Control Policy with the following emphases:

- Institutional infrastructure for multicultural co-existence should be provided and strengthened;
- Creation of a Foreigners' Register is an online data system to guarantee the rights and obligations of foreign inhabitants;
- Guarantee foreign adults and children the opportunity to learn Japanese language skills;
- Protect foreign trainees through the application of labour laws and the involvement of local communities or municipalities.

Such a policy is clearly different from past practices for a number of reasons. First, 'old' migration policies have traditionally been regarded mainly as a part of national policy and national security concerns; they have long been based upon the rigid distinction of nationality and identity. Yet, this is a migration policy to be implemented at primarily the local level, with a legal framework tailored to capitalizing on and impacting the immediate, i.e. to activate local economy and society in the face of declining youth population and create multicultural coexistence. Hence a higher level of coordination is needed between the two levels to ensure that national policy is proactive in responding to migration patterns and needs, and not merely be reactive in nature.

Given its more sensitive predispositions, it may also aptly cater to the constantly shifting realities of ongoing economic integration, such that both receiving and sending countries may benefit. Furthermore, it could be changed to fit the regional and local level in coordination with national level, such as in conjunction with free trade agreements within East Asia and ASEAN.

In considering further reform, the structure of Japan's migrant administration structure should take into consideration the merits of both Anglo-Saxon immigration control and the European administrative immigration structures which place more emphasis on migration policy at the local level. Besides establishing a new administrative function (a work permits system for instance) and obligating employers to check on the statuses of and protect foreign workers (through the Public Employment Service Office), a more nimble/flexible model of migration is needed to:

To meet in a timely fashion the challenges of growing mismatches (presumably demand and supply of labor) because of demographic changes

Circular migration on a basis of voluntary movement – a basic principle of EU, and may be one of the most promising models for internal migration in this region → more potential for exchange within the region

To guarantee rights of migration; employment and social insurance; education for foreign children; language and housing support... provided possibly by one-stop service → importance of infrastructure in strengthening safety-nets.

While the global economic crisis may reverse migration movements, it is still of great importance to anticipate and guarantee the rights of migrants. Specific measures to provide one-stop service to migrants at both the regional and national levels is necessary, providing employment protection, social insurance, the education of foreign children, language and housing support. These measures are vital in strengthening the infrastructure of safety-net systems for migrants. The bill currently being presented to the Diet is a starting point of reform, introducing a 'Resident Card' with IC chip for foreigners, abolishing the Foreigners' Registration Act in order to better integrate permanent residents from the Korean Peninsula, and better labour laws such as a new status of residence being introduced to protect 'technical interns'.

In conclusion, the goals of migration policy should be comprehensively understood and enacted at local, national and regional levels in order to eliminate time-lags of policy formation, and more proactive migration policies should be realized to pave the way for mutual understanding and reconciliation within the region.

CASE STUDY 2 – MARRIAGE MIGRATION IN TAIWAN

Hsia Hsiao-chuan in her presentation noted that Taiwan has a self-image of being a largely homogenous country, and hence, migration issues are framed through this perspective. Marriage migration has been on the migration agenda since 1994, and migration itself makes up a significant part of Taiwan's economy. Migrant workers from Indonesia, Philippines, Thailand and Vietnam are estimated at 373 190 in a population of 2.3 million, with women making up 60.65% of migrant workers. Marriage migration numbers are significant, with 411 314 foreign spouses, 92% of whom are women. 1 out of 8 newborn babies are children of foreign brides.

The root causes of marriage migration lay in Taiwan's demographic and labour needs. With an increase in women's participation in the workforce and the high costs of living, many Taiwanese women are foregoing procreation, creating a population drop. Working women are also less able to contribute to the maintenance of traditional labour such as household chores and farm chores. Globalization has made Taiwan an attractive destination for migrants from less developed countries, with marriage migration seen as an alternative for migrants who are too poor to afford the costs associated with labour migration.

Marriage migrants face both formal barriers to integration and informal barriers of discrimination. Legally, marriage migrants had to meet a financial requirement of US\$11000 in savings or the equivalent in tax payment receipts before they could obtain citizenship. This requirement was dropped in 2008. Many marriage migrants join working class and farming families, and were unable to produce such capital. As recently as 2007, victims of domestic abuse were deported; the Immigration Act was amended in November of 2007 to allow victims of domestic abuse to extend their stay if they had custody of children or were victimized, though they are not given Permanent Resident status.

Informally, marriage migrants face discrimination and isolation and are seen as causes of social problems, being perceived as a waste of social welfare, being authors of 'fake' marriages and being of inferior 'quality' in popular discourse. This discourse legitimizes discrimination against marriage migrants without having to deny citizens' rights to transnational marriages; a deputy minister of education infamously urged foreign brides not to give birth in order to preserve the competitive 'population quality' (ren kou shu zhi) of Taiwan's labour force. The Nationality Act was amended in 1999, prior to that, children of Taiwanese mothers could not be naturalized if the father was not Taiwanese.

Civil society in Taiwan has a history of promoting multiculturalism that can be traced back to the anti-Kuomintang (KMT) movement of the 1980s. The recognition of 'multi-cultures' was affirmed in the 1997 amendment to the constitution that recognized the rights of indigenous peoples. Various movements shaped the discursive formation of multiculturalism in Taiwan, including the campaigns for rights to mother tongue (e.g. Hakka), the indigenization movement, and movements for education reform to focus on Taiwan's history and less on the history of China.

A sea-change occurred in 2000 when the first non-KMT president was elected upon the Democratic Progressive Party's (DPP) win. In 2004, the Declaration of Cultural Citizenship came into place to promote multiculturalism by de-linking 'culture' from the nation-state and encouraging citizens to be more aware of the other ethnic communities that co-exist alongside them.

The discursive dialogue on migration comes about through the interaction of civil society and government. The founding of the Alliance for Human Rights Legislation for Immigrants and migrants (AHLIM) in December of 2003 was the initiative of several Taiwanese NGOs, and their strategies of advocating immigration rights include: the radicalization of existing values and rhetoric, the construction of empathy and demonstrating the subjectivity of immigrant women. The TransAsia Sisters Association, Taiwan (TASAT) was established in 2003 to provide migrants with a platform to speak up for their own rights, and to provide them with empowerment and the means to do so with programmes as basic and crucial as language training. TASAT, a founding member of AHLIM, also seeks to allow migrant workers a platform with which to engage their host society through media exposure and engagement and in 2007 an International Conference on Empowerment of Immigrant Brides was held in Taiwan.

"Multiculturalism" serves as a narrative strategy to gradually force the historically exclusionary model to become more inclusive, but advocates of multiculturalism have to be aware of the double-edged nature of the strategy. The phenomenon of marriage migration presents a unique window of opportunity to challenge the homogenous notion of citizenship that is tied to the nation-state.

CASE STUDY 3 – MIGRANT WORKERS IN SINGAPORE

Braema Mathi's presentation pointed out the paradoxical and ironic process of othering in Asia, particularly in a multi-ethnic and multi-religious country like Singapore made up of immigrants. Whereas European countries are pretty homogenous, many Asian countries/societies are often very diverse, meaning that diversity should not be alien to these contexts. Furthermore, (Southeast) Asia can be said to be 'peopled' by migrants for long periods of time, and the process of moving in search of a better life should not be unfamiliar to societies in the region.

Yet, acts of othering still frequently persist in Asia, and manifest itself clearly in the migrant labour market. Why? A major factor pertains to the institution of the nation-state and its discriminating practices. This is perhaps to be expected. In the first place, as citizen-subjects, we often already define ourselves in terms of our nationality, and we are programmed to think of ourselves by nationhood. Hence, in Singapore you have a situation where migrant workers are ranked by their nationality and not by the quality of work the individual delivers, e.g., a Filipino domestic worker is perceived as more skilful compared to one from Myanmar. Such discrimination against nationality obscures the rights of migrants in the country they reside and work.

A corollary of this is that space afforded to the non-national is regularly a smaller space than he/she who 'belongs' to the nation. One source of discrimination concerns the spaces afforded – or not afforded – by the law. The modern nation-state can often be found to engage in various differentiating (othering) activities in its administration, including the categorization of foreign workers according to their employment permits, and residency statuses etc. Additionally, access to various vital services for these migrants are only stipulated as non-binding 'guidelines', rather than protected by law. Yet, acts of deviance are policed and governed strictly by the law.

There is also differential treatment when it comes to the access to physical space. On weekends, space is a clear space of othering. Indicative of this is the way in which certain spaces known to be weekend enclaves of migrant workers are often spaces to be avoided in Singapore. Moreover, in Little India (an ethnic enclave in Singapore), space is being further squeezed as the private sector bought up more space, even as the migrant worker is being pushed to the 'fringes'. Yet, it is important to realize that physical space is an equally vital component in making an individual feel accepted, because it constitutes a psychological space.

Other proscriptions include the limitation of social space. For certain groups of (usually female) immigrants to Singapore, individuals are allowed absolutely no access to marriage. While the latter could very well be a natural part of (a quality) life, it has become state policy that the foreign (domestic) worker should have very little space to interact with members of our communities. At the same time, it serves well to pay attention to what is being signalled to our own citizens – i.e. this person is really the other, you must control your own behaviour, such that it doesn't bleed into their 'othered' spaces, whereas interactions with more 'mobile', 'professional' migrants are clearly ordained.

In a similar vein, 'undocumented' workers, who could have been empathized with for their desperate attempts to earn a living where jobs could be found, are often criminalized. In Singapore, such an individual is punishable by jail terms and caning – a very serious punitive measure. Again, this raises questions on what this signals to the society, in terms of the legitimacy and humanity of the migrant other. In Singapore, such a negative signal may not be warranted, given the city-state's high dependence on foreign workers in its economy.

Policies that discriminate against the migrant worker for utilitarian purposes are unjustified when weighed against their rights. Temporary employment schemes that prevent domestic workers from marriage curtail natural flows of human interaction, and the criminalization of undocumented workers betrays a lack of empathy for the migrant's legitimate search for employment. It is inadequate to leave treatment of migrants up to the private sector and guidelines, laws have to be enacted to ensure the rights of migrant workers and that they are not left in a bind of being 'separate but equal' in their host countries.

States can and should look into cultural diversity capacity building, especially through the education of the public through the schools. We need to prompt a paradigm shift in looking at labour in a globalised world. Workers should be able to expect a universal norm of rights and treatment regardless of their location, and migrant workers in particular do not have this right afforded them. States should engage in bilateral agreements to ensure mutual fair treatment of migrant workers, and also to legislate standards of Supply Chain Responsibility and Corporate Social Responsibility (CSR) with regard to the treatment of workers; the labour and working conditions of migrants ought to be incorporated into our understanding of CSR.

Factors Behind Success and Failure of Integration

The interface between migrants and their host society poses a great challenge due to the diversity of issues that exist. There are complex social processes at work in the relationship between migrants and host societies, involving not just state and policy makers but various societal subgroups and individuals. Arguably, one can say that integration is a local phenomenon despite globalization being the process that has brought about and generated these diversities. Issues such as integration and cohesion are contentious, as seen in the current debates over multi-culturalism and its viability.

Patrick Weil's presentation provided a good overview into how the issue of integration of immigrants has been framed in Europe.

In Europe, the issue of integration at the local level is commonly raised by citizens and in political discourse, with assimilation and multiculturalism as the two poles of discourse, and integration as a catchall between the two. The speaker argued that a mixed adoption of the features of the assimilation's model and the multicultural model provides the best model of integrating migrants into their host society. Features of the assimilation's model that should be adopted include the migrant's right to secure residence, to becoming a citizen, to be formally treated as equal to other citizens of the host society. Features of the multicultural model that should be adopted include the migrant's right to retain his cultural and religious identity, and the practice of the same. In reality, immigrants who wish to assimilate into society (e.g. gain citizenship) are often denied the means of integration; and in other instances where immigrants wish to retain their cultural diversity, their rights in this area are not respected.

German and French migration policies are illustrative of the pitfalls of both assimilation's and multicultural approaches to migration. German migration policy followed a trend of integration that has been taken up by the majority of Western Europe by passing a law that children born in Germany of foreign parents have German citizenship. In the EU treaties, legal immigrants have the same rights as any other citizen of the EU. Such laws provide legal equality to the immigrant as an individual, yet such frameworks can still neglect the equal treatment of cultures that immigrants identify with.

There is not necessarily a correlation between legal equality for the migrant as an individual and cultural co-existence; the French have the most successfully integrated citizenry as shown by polls in which more people ranked their French identity over their ethnic identity, yet have strong discrimination in the labour market, while similar polls in the United Kingdom show strong cultural divisions existing alongside relative openness on the job market. Countries should ensure that their migration policies do not unknowingly alienate the immigrant population. French pride in the republic, the equality of citizens and the separation of state and religion often means that migration policy emphasizes integration at the expense of overlooking cultural diversity.

The challenge for researchers in migration is to collect data without forcing people to ascribe themselves to identities that are social constructions (e.g. ethnic categories). Researchers can collate meaningful data by non-discriminatory proxies of differences: place of birth, nationality of parents and other proxies, in order to understand discrimination as it occurs at the level of institutions without letting data collection become discriminatory. Research in France has shown that discrimination affecting access to the best schools is more social or geographical than ethnic. Collecting data in this way is more likely to convince the majority population of the merits of combating discrimination, instead of merely transferring discrimination at the social level to the ethnic level. The majority population who experiences discrimination at the social level is more likely to offer consensus on policies against discrimination if they or their children are beneficiaries of such policies.

The Securitization of Migration: Consequences and Impact

Securitization or Effective Migration Management?

Securitization is a concept used in security studies to refer to a process whereby purposeful actors (states, IGOs, social groups) frame an issue as an existential threat to the community at large/national community. The main idea behind the securitization theory as developed by the Copenhagen School is that security is a “speech act”. By this, it is meant that there are not security issues in themselves, but only issues which are constructed as such by certain actors – called the securitizing actors – through speech acts. Securitization has been used to address the complex phenomenon of migration, and whether this is an appropriate or adequate response to migration is to be further explored.

Irena Vojackova-Sollorano’s in her paper noted that the securitization of migration can be broken down into various security threats – with migration being coupled together with economic insecurity (unemployment), all sorts of criminal activities and organized crimes, ethnic and religious tensions and even sea piracy. Securitization of migration has become even more prominent in the aftermath of 9/11.

Are security measures for migrants the securitization of migration or effective migration management? The reality is that there are few known facts about migration and contributes to a scenario of ‘fear and rejection’, as well as perceptions of ‘right or wrong’ approaches to migration that are typically not based on actual facts. The securitization of migration can be broken down into various security threads, with migration being seen as the catchall cause of economic insecurity, cross-border ethnic conflict, organized crime, cross-border religious conflict and sea piracy.

The securitization of migration has led to reactions such as the creation of visible security instruments at borders, the demonstration of strength by state authorities within borders, calls for international security conferences, increases in national security budgets, and policy changes such as the creation of restrictive laws against migrants, the reduction of migrants’ access to social services and integration programmes. The securitisation discourse in turn further fuels stereotyping of migrants as responsible for all sorts of security threats, and creates the perception that all unregistered or undocumented migrants are criminals.

The gains of securitizing migration are evident in the short term, as state authorities can demonstrate a sense of responsiveness by tightening the border to create a sense of security. However, such gains only have a short term effect, but do not reflect an understanding of migration as a phenomenon, nor does it address the causes of migration in an adequate manner. A vicious cycle is created in which securitization as a short term measure fails to address the real causes of migration flows, but only in hindering the ability of migrants to integrate into society by stigmatizing migrants. This in turn negates the migrants’ actual and potential contribution to the economies and societies of the host countries.

Effective migration management can only be achieved with long term policy planning and an honest reappraisal of the realities of globalization and migration. Migration needs to be managed and not securitized. Once national and regional security measures are implemented and long term policies are in place, countries need to socially manage the perception of migrants and migration. Most countries today place migration solely under the portfolio of the Ministry of the Interior or Home Affairs, a sign that it is seen through the frame of securitization. However, more ministries need to coordinate a coherent migration policy that covers all the needs and pressures of migrations, be they cultural or otherwise. Governments should make honest and balanced efforts to implement long-term measures, and work to achieve consensus with the voting populace on the right measures to manage migration so that the benefits of migration can be fully appreciated.

Migration-Security Nexus in Asia: Exploring Levels of Analysis Issues

Melissa Curley's paper focused particularly on the issue of securitizing of undocumented or illegal migration. However, she cautioned that categorization such as "illegal migrants" while legally sound in certain contexts, is inadequate in capturing the fluidity with which human flows intersect both the physical and legal boundaries inscribed by the state.

In the context of an increasingly securitized debate about human flows, two levels of analysis are salient to the degree and nature of securitization of migration, and to better understand why some types of undocumented migration become security issues and others do not. These are the dynamics of regional security, including state-to-state relations; and on the other, the sub-state level of analysis where enter-peripheral relations, avenues of societal resistance and the socio-cultural context of society all contribute to the discourse of migration. Analyzing both levels facilitate the understanding of both the motive and outcome of securitizing policies in specific cases.

States are often complicit in keeping the categories of migration grey, partly to avoid hard questions about national identity. The result has been high fluidity between the categories of legal and illegal migrations, and also irregular regulation of migration, with some forms of unregulated migration being securitized, and others, not. Being the actor with the most power, the state in Asia largely controls the discourse of migration.

Categories of illegal migration are far more likely to be securitized if they are grafted onto the nexus of state concerns, such as terrorism, organized crime, or human trafficking. The response of securitization in these contexts are not appropriate in answering to the victim's rights and interests, who are often overlooked in the criminalization of illegal migration.

Policy makers need data for good policy implementation and more case studies as data are required to connect human flows and security in an accurate way, reflecting both positive and negative interrelations. While empirical evidence exists to support a number of competing and contending arguments, we should be careful to avoid the generalization of arguments without supporting facts. Moving beyond good data, governments need the political will to implement migration policy, yet many do not carry through with policy implementation due to lack of resources or entrenched resistance to their efforts. Different motivations and values are likely to make securitization difficult and ultimately unsuccessful.

Moving beyond the state level of analysis, civil society and regional platforms are ideal to discuss the motivations and reasons to desecuritize migration. Particularly in instances of human trafficking and smuggling, discussions at the regional level are more appropriate in addressing the root causes of migration between countries of origin and countries of destination. It is likely that states will experience more pressure to securitize in light of the recent global financial crisis without taking a long-term view, and thus more important for researchers to encourage regional dialogue in order to gain a better perspective on migration.

Many Faces of Migrants: Securitisation and its Discontents

Nur Azha and Kevin Punzalan's paper called for the desecuritization of migration and the adoption of a more human-security centric approach in pursuing appropriate responses to address the plight of migrants and the shift in security threats from inter-state conflicts to intra-state conflicts that contributed to both regular and irregular migration movements.

Using the example of Malaysia, the paper noted that the issue of migration became part of Malaysia political discourse after 1995, when the Prime Minister and the General Assembly of the UMNO began to open discuss and debate it. The 1997 Asian Financial Crisis marked a turning point with policy oriented toward the regularization and limitation on immigration, and criminalization of illegal migration. The amended Immigration Act of 2002 penalizes unauthorized workers with mandatory jail terms of up to 5 years, 6 strokes of the cane and fines up to RM10 000.

The securitization particularly of Indonesian workers in Malaysia came about due to Malaysia's history of constructing national identity. In the 1950s-1060s, Indonesian immigration was encouraged in order for Malays to maintain a numerical superiority over Chinese and Indian immigrants. However, the influx of Indonesian immigrations raised concerns of a rupture in the fabric of society. Indonesian labourers were seen as economic competitors due to their willingness to work for low wages and their channeling of remittances through unofficial channels that deprived the Malaysian government of tax income; and social concerns that the network of Indonesian workers was a conduit for Islamic militants, and concerns that Christian Indonesian immigrants would proselytize to Malaysians.

The consequences of securitization was an overnight reduction of construction output by 40% when tighter immigration restrictions were enacted, and estimated rises in produce prices due to manpower shortages. Malaysian business and commercial organizations lobbied to lift the ban, which was rescinded after 2 weeks.

Given that securitization of migrants is counter-productive and based on unfounded fears, it follows that there is a case for the desecuritization of migrants. Decriminalization of illegal migrants would shift the framing of the security framework onto employers, traffickers, corrupt state officials, and dehumanizing conditions at the country of origin as causes of migration. Desecuritization strategies work toward decriminalizing illegal immigrants and humanizing migrants. The humanizing strategy would emphasize the contributions of migrants, including their socio-economic contributions toward nation-building for both sending and receiving countries, their willingness to perform dangerous, dirty and demeaning jobs, and their contribution to the reduction of the developmental gap between developed and developing economies.

States and other non-state actors can contribute to strengthening the social security of migrants by institutionalizing the integration of migrants, the economic security of migrants by ensuring the effective and fair distribution of wealth amongst citizens and migrants and the political security of migrants by providing mechanisms to ensure that migrant communities have equal access to power and decision-making. Civil society, media and the state can provide support and services to facilitate integration into the larger society and to raise awareness of the positive contributions of migrants and inculcate human security consciousness, thus strengthening a shared political identity and nurturing a plural society.

On an international level, desecuritization would involve the active participation of states in the various UN conventions and protocols on Migration, refugees, human trafficking and smuggling, observance of the same conventions and protocols, and strengthening the common understanding and definitions on migrants and their legal rights. On a regional level, states should pursue active collaboration with international actors and other states through the sharing of information and resources on transnational crime syndicates; participate in joint exercises to improve law enforcement capabilities; to contribute to 'burden-sharing' in the management of refugees and other categories of migrants, and to engage in bilateral or multilateral arrangements in the management of remittances, refugees and migrants.

Conclusion

Issues and questions for further research and debates

In conclusion, the complexity of migration as a phenomenon requires a myriad of strategies and policies implemented at varying national, regional and international levels that would be most effective if the referent object in pursuing state security issues shifts toward a human-security model and away from defensive security strategies. In the discussions that follow the various presentations at the conference, the following are some of the questions that remained to be addressed:

On migration regimes and migration management

- What specific mechanisms should be implemented between countries of origin (COOs) and countries of destination (CODs) to facilitate better migration management?
- Should international and regional dialogue on migration be focused more on the rights of the unskilled and low-skilled workers since they are the ones most vulnerable to exploitation and usually the least protected?
- Do foreign workers schemes which encourage transience do indeed accomplish their stated aims?
- How to educate people in understanding and accepting migration as a global phenomenon that can be managed to the mutual benefits of all – the migrants themselves, the COOs and the CODs?

Integration and acceptance of migrants

- Who should carry the major burden of adjustment – the migrant workers or the host country?
- How to build a legal structure that strikes a balance between the principle of equality and a respect for differences?
- As policy makers often tap on societal values to justify state policies, how can one ensure that the policies and legal framework do not serve to reinforce and entrench societal biases?

On the securitization of migration

- Is it possible to do a cost-benefit analysis on the securitization and desecuritization of migration?
- How to mainstream migration in society rather than securitizing the issue?
- Since in most cases, the state is the primary actor in the securitization particularly of undocumented / illegal migrant workers, what can civil society do to contest such securitization?

At the end of the conference, there was a general consensus that there was a paucity of empirical data on migration issues. Population statistics in most countries generally neglect collection of migration data. The need for evidence-based policy making in the area of migration management is hence one of the key issues that need to be addressed.