

## Box 2.2 INTERNATIONAL ORGANIZATIONS DEALING WITH MIGRATION

There are two major international organizations dealing with global migration—the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM)—formerly the Intergovernmental Committee for Migration and the Intergovernmental Committee for European Migration

UNHCR was established on January 1, 1951, and given the responsibility of protecting and assisting refugees worldwide. It now cares for 15 million refugees throughout the world, and works in 80 countries. Refugees under UNHCR's mandate are defined in the U.N. Convention and Protocol Relating to the Status of Refugees as persons who, because they fear persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, leave their country of origin and are unable to avail themselves of the protection of that country. Over the years UNHCR's responsibilities have been extended to cover a wider refugee concept, and to include those compelled to flee their country, or unable to return to it, for justifiable fear of danger to life, safety or freedom, and who are in need of international protection.

It has two main functions: to protect refugees and to seek durable solutions to their problems. To protect refugees means to prevent them from being returned to a country where they may be in danger of persecution, and to promote their rights in such vital fields as accommodation, education, employment and freedom of movement. UNHCR seeks three possible durable solutions: voluntary repatriation, when there have been fundamental changes in the refugees' country of origin, or when they feel safe in returning; local integration programs, through which refugees may become self-

supporting in their country of asylum; and resettlement in a third country, when refugees can neither return nor remain safely in their country of first asylum.

The International Organization for Migration was founded in 1951 to cope with the large number of displaced persons and refugees in Europe at that time. Its initial charter recognized the close relationship between migration and development and the need for an international operational mechanism to deal with orderly and planned migration. Its role, activities and name have changed over the past four decades to reflect changing patterns of global migration, as well as the needs of its member governments. By the end of 1989, IOM had provided migration assistance to over 4 million persons.

At present, IOM has 35 member governments and 22 observer governments; 15 are in Latin America. The programs in Latin America are specifically designed to contribute to economic and social development by providing skilled human resources not available locally. They include the Migration for Development program, which facilitates the transfer of highly-skilled technicians and professionals, and a program of technical cooperation and advisory services on specific migration issues. Other activities include Technical Cooperation for Developing Countries, Return of Talent, Integrated Expert Program, Selective Migration, and the processing and movement of refugees. Member governments have supported the Latin American program, which they consider to be an efficient and cost-effective vehicle for the transfer of technology through migration of human resources.

*... existing migration and humanitarian mechanisms are outdated and in urgent need of reform...*

While the easing of East-West tensions will reduce pressures for migration under duress, it will inevitably lead to increased voluntary emigration from the Soviet Union and Eastern Europe. Meanwhile, the phenomenon of unauthorized migration from other countries continues to grow in both complexity and importance to the international community. The changes that occurred in the nature and level of migratory movements in the 1980s will undoubtedly carry forward to the current decade. Despite recent political and diplomatic developments, voluntary and involuntary international migration will continue at high levels for the foreseeable future. Receiving countries will need to continue to examine their legal frameworks for addressing new patterns of migratory movements that involve persons not easily categorized as refugees or regular immigrants. Many of the existing migration and humanitarian mechanisms are outdated and in urgent need of reform, particularly

as they relate to these "mixed status" migrants. Questions of equity, budget allocations, legal protection, burden-sharing, voluntary versus involuntary repatriation, and family-versus-labor migration, will surely challenge policymakers in the United States and the international community for much of this decade.

## The U.S. Response

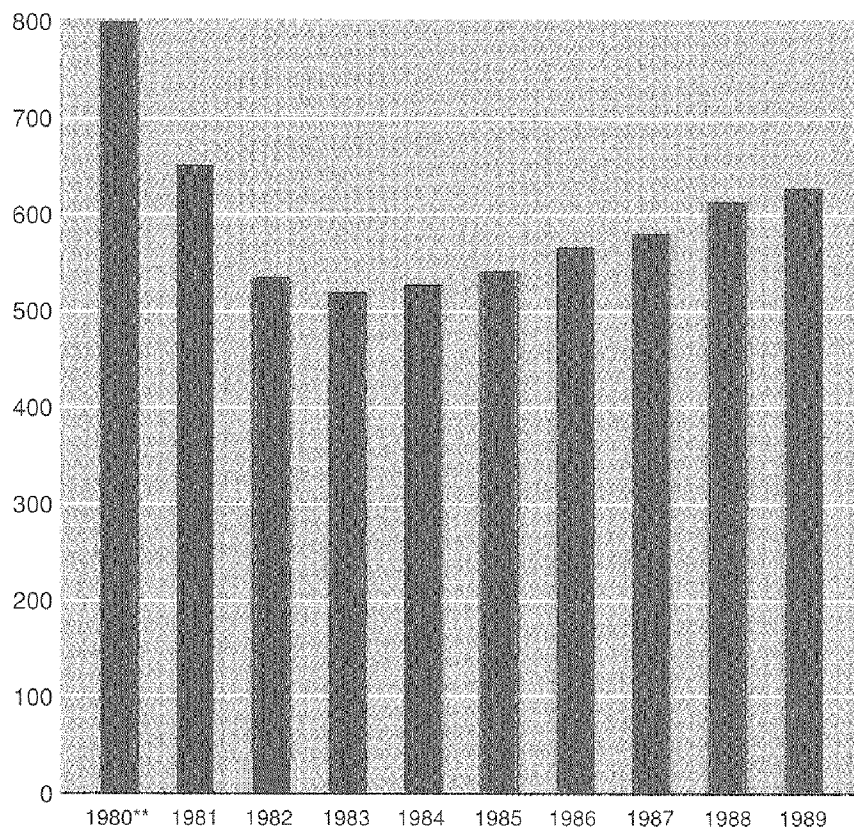
U.S. law has permitted the legal entry of 500,000 to 700,000 immigrants annually over the past few years (excluding those admitted under the legalization and Special Agricultural Worker programs of IRCA). (See Figure 2.6, p. 22.) Eligibility is based primarily on the potential migrant's relationship to U.S. citizens or permanent resident aliens. A minority of would-be immigrants are also eligible if they possess particular skills needed in this country. As a direct result of the 1965 amendments to the immigration law, patterns of legal immigration over the past two decades have shifted greatly. Just seven countries now provide the majority of legal immigrants. Mexico alone was the source of 95,000 in 1988, followed by the Philippines with 51,000. European countries, which prior to 1965 accounted for most immigrants, now altogether send a total of 65,000

FIGURE 2.6  
*Immigration Levels,\**  
1980 to 1989

\*Figures include: Parolees, Asylee Approvals, Refugee Arrivals.

\*\*Figures include all the above & Cuban/Haitian entrants.

Thousands of Immigrants by Fiscal Year

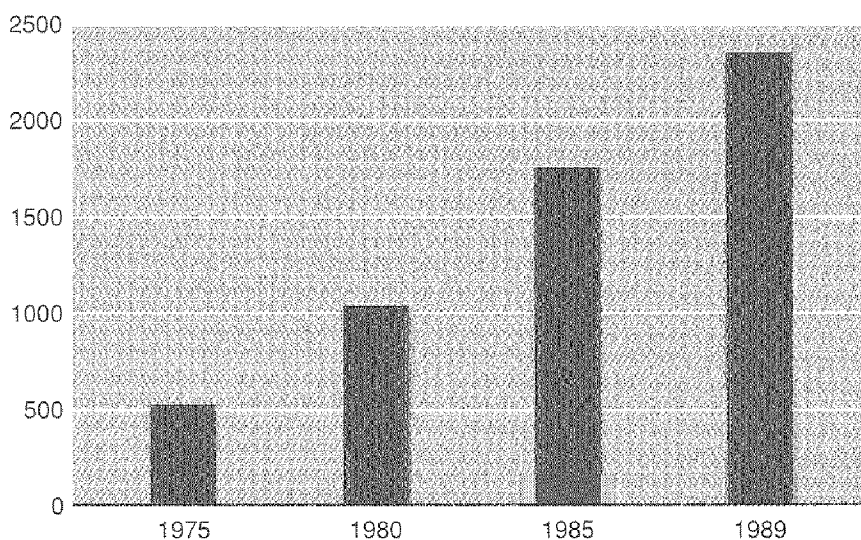


Source: Immigration and Naturalization Service.

FIGURE 2.7  
*Immigrant Backlogs\**

\*Backlogs refer to those persons whose applications for immigrant visas have been approved and for whom priority dates have been established.

Thousands of Persons



Source: U.S. Department of State.

annually. The past ten to fifteen years have witnessed a growing backlog of qualified intending immigrants. Some observers fear that the backlog situation will result in a large number of these qualified applicants seeking unauthorized entry to the United States, rather than waiting abroad for their immigrant visas to be issued. (See Figure 2.7, p. 23.)

Public and congressional concern over the large number of unauthorized migrants coming to the United States was aroused in the early 1970s. Many were concerned that the presence of millions of undocumented migrants was adversely affecting the American labor market, particularly members of minority groups with whom the undocumented competed most directly for jobs. These concerns led the House of Representatives to pass employer sanctions in 1972 and 1973, but no Senate action was taken. In 1975, President Gerald Ford appointed an Inter-Agency Domestic Council Committee to examine unauthorized immigration. Rising public sentiment that action was urgently needed led Congress to create the Select Commission on Immigration and Refugee Policy in 1979. After six years and three successive Congresses, its recommendations eventually formed the nucleus of the Immigration Reform and Control Act (IRCA).

It was not until passage of IRCA in 1986 that sanctions against employers who knowingly hire undocumented workers were enacted into law. Another component of the Act was a legalization program for those unauthorized immigrants who had been in the country since before 1982. (See Box 2.3, p. 24.) In addition, a Special Agricultural Worker (SAW) Program was established to regularize the status of certain undocumented agricultural workers. Ap-

### Box 2.3 - Immigration Terms

The term legalization refers to several different statutory programs, which authorized temporary—and eventually permanent—residence for undocumented workers in the United States. The regular legalization program provided such status to those who had resided continuously in this country since before January 1, 1982. Some 1.8 million people applied for temporary residence under this program. A separate legalization program was established for Cubans and Haitians who had also entered the United States before January 1982.

The Special Agricultural Worker (SAW) program was another special legalization program for those undocumented persons who worked in agriculture (specifically, perishable crops) for ninety days during specified time periods from 1983 to 1986. Some 1.3 million people have sought legal status under this program, but INS officials have claimed that a significant percentage of these applications is fraudulent.

The term “extended voluntary departure” refers to an immigration status provided to certain categories of unauthorized immigrants who are allowed to remain temporarily in the United States. This status was created by the Executive Branch—with no Congressional foundation, criteria, or guidance—to respond to situations

in migrant-sending countries (e.g., armed conflict, civil disturbance) preventing the immediate return/deportation of unauthorized migrants from the United States. Congress has considered granting such status—or a similar status—to unauthorized Salvadoran and Nicaraguan immigrants for many years, but has not done so because of concern on the part of some legislators that this temporary status will lead to pressures for permanent residence.

The terms H-2 and H-2A (used later in this Report) refer to specific sections of the Immigration and Nationality Act that authorize the temporary admission of workers to the United States. The H-2 program involves some 30,000 workers who enter the United States each year in various occupational categories. In 1986, the Immigration Reform and Control Act (IRCA) divided the program into H-2A for agricultural workers and H-2B for non-agricultural workers. The majority of H-2As enter under a special program which allows workers from the former British West Indies (primarily Jamaica) to cut sugar cane in South Florida and to harvest apples in West Virginia and New York. It is a separate, permanent program authorizing the temporary admission of agricultural workers and is distinct from the SAW Program authorized in IRCA.

proximately 3.1 million people took advantage of these programs and most are on the way to becoming permanent documented members of U.S. society. As with legal immigration, Mexican nationals are the primary beneficiaries, constituting 75 percent of all approved applicants. (See Figure 2.8, p. 25.)

*As flows of unauthorized migrants have increased worldwide, so have the efforts of receiving countries to stem them.*

While orderly population movements through legal channels usually have a positive socioeconomic impact on receiving countries, there is considerable debate over the consequences of the undocumented immigration flow on the U.S. economy. Opponents of undocumented immigration claim that the availability of abundant, inexpensive and relatively unskilled immigrant labor has slowed structural and technical adjustment. These opponents argue that a significant number of undocumented immigrants constitute a vulnerable underclass who displace low-skilled American workers. Advocates for the legalization of undocumented migrants, on the other hand, maintain that low-skilled migrants come here because they are needed and that their presence benefits the economy.

As flows of unauthorized migrants have increased worldwide, so have the efforts of receiving countries to stem them. While the United States has instituted employer sanctions, Australia, Canada and many Western European countries—most of which already had