

***Economically-motivated
migration between
national self-interests and
worldwide justice***

*A study by the Group of Experts on
“World Economy and Social Ethics”*

*Published by the
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Research Group on the
Universal Tasks of the Church*

Economically-motivated migration between national self-interest and worldwide justice

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Summary

In its study on “Economically-motivated migration between national self-interests and worldwide justice”, the Group of Experts on “World Economy and Social Ethics” first provides an overview of international migration trends. Around 190 million people currently reside outside their country of birth. Twelve million people per year migrate across national frontiers, and this figure does not even include the number of internal migrants. The impacts on both the countries of origin and the countries of destination are considerable; in no way, however, they can be regarded as only positive or only negative. On the one hand, the emigration of particularly dynamic and highly-qualified workers is a great loss to the countries of origin, with dramatic effects for instance on the health system. On the other hand, they profit from the growing money transfers with which migrants support their families. In the countries of destination, less qualified as well as highly-qualified migrants often fill the gaps in the labour market and contribute to economic growth, but recently the integration problems related to migration have become increasingly evident.

At present, the migration policies of the richer countries are faced with two contrary developments: All over the world there is an ever-increasing competition for highly-qualified workers. People from so-called developing countries definitely meet the demands as the number of skilled workers in these countries is ever growing. On the other hand, however, more and more poorly qualified people seek their fortune in richer countries and try to cross ever more tightly controlled borders. At present, there are new “Iron Curtains”, for example along the borders between Europe and North Africa (Ceuta and Melilla), or along the US border with Mexico. Many people die at these borders, and this represents a serious moral problem by itself.

In the second, socio-ethical part of the document, which is focused on economically-motivated migration rather than on the issues of flight and expulsion, the Group of Experts on “World Economy and Social Ethics” bases its considerations on the following fundamental moral principle: Basically, mankind forms a community from which no one may be excluded. The earth actually belongs to everyone. No one must be condemned to hunger and misery because they happen to have been born in one or other country. Consequently, the mere existence of borders between nations where people are prevented from

crossing them requires justification, particularly at a time when the free flow of capital, goods and services is being continually made easier for economic reasons. Should freedom of movement not also be permitted for male and female workers all over the world as it is allowed among most nations within the European Union? Such a world seems quite imaginable; a world in which social and economic disparities are negligible and migration is generally allowed, and yet a world in which this freedom would not cause any problems because, due to the negligible disparities, there would be no motivation for migration.

There are however two aspects which justify the existence of national borders in the real world we live in. The first is that particular public goods such as a living democracy, social security and the realization of specific concepts of what is right cannot be upheld in the world as a whole, but only in small communities. The second is that at present migration entails, at least in some countries of origin, the loss of skilled, dynamic workers, and thus reduces their chances to escape poverty. However, both considerations go on to suggest setting criteria for not restricting migration: Migration should be allowed if it does not impede the abovementioned provision of goods at national level, and if it is of no disadvantage but of possible benefit to the countries of origin. There are also considerable numbers of examples proving that, under certain circumstances, even the brain drain, which usually has negative connotations, can in certain circumstances have positive effects for both the countries of origin and the destination countries.

On the basis of these fundamental considerations, the group of experts has compiled five criteria for allowing or possibly even promoting migration:

1. poverty alleviation in the countries of origin,
2. limitation and compensation of the brain drain,
3. deliberate limitation and control of migration between complete freedom of movement and absolute prohibition,
4. ethically justifiable criteria for the selection of migrants, especially to avoid arbitrariness and to prevent all kinds of discrimination based on gender, ethnic or national origin and religion, and
5. respect for the human rights of migrants, especially of irregular migrants.

Much has to be done in order to promote a just and humane migration policy. This is incumbent on the nation-states, regional unions such as the EU and on the international community of states as a whole. Although there are already some positive developments to be observed in this context, they have to be

further intensified. The host countries will have to establish transparent, reliable admission procedures for migrants, to ensure legal security by improving the law on residence, to facilitate the family reunification, to promote integration, to combat xenophobia and respect the human rights of migrants, especially those of women and children. The countries of origin will have to improve national living and working conditions and make them more attractive, to inform and advise potential migrants, facilitate money transfers and encourage investments.

Civil society organisations, trade unions and particularly the Churches and religious communities also have a great responsibility. On account of their view of Mankind, their message and their internal plurality, the Christian Churches are particularly well qualified as well as obliged to help create a world with a humane migration system where there are no losers. For the Catholic Church, the approach made by the Second Vatican Council and the teachings of the Popes since John XXIII are of particular relevance in this context. The “Human Rights Charter of the Catholic Church”, i.e. the social encyclical “*Pacem in terris*” (1963), even speaks of a “right to immigrate”. In No. 25, entitled “The right to emigrate and immigrate”, it says that every human being must be permitted “to emigrate to other countries and take up residence there”. Most important is the explanation: “The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men.”

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Brief notes on the
publisher and the authors of the study

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The **Research Group on the Universal Tasks of the Church** is appointed by the Commission for the Universal Tasks (X) of the Church of the German Bishops' Conference. The Research Group consists of scholars from various disciplines who study problems related to the global responsibilities of the Church in Germany.

The authors of the study

The **Group of Experts on "World Economy and Social Ethics"** is a specialised section of the Research Group on the Universal Tasks of the Church of the German Bishops' Conference. It was formed in 1989 to advise institutions of the Catholic Church on aspects of global economic development. The members and aims were chosen with a view to securing an appropriate blend of economic and socio-ethical expertise.

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0. Introduction

15 years after the fall of the Wall between East and West, new walls have been built or strengthened, above all between the North and the South. The dramatic events which are taking place at these walls only occasionally reach the broad public through media headlines, for instance if there are reports on African boat people in the Mediterranean, on migrants¹ on either side of the border fences of the Spanish enclaves of Ceuta and Melilla, or on Mexicans who lose their lives attempting to reach their destination. The rich industrialised nations, and increasingly also the threshold countries, are attracting people from poorer countries who wish to flee from their poverty and would like to avail themselves of even only a small chance to live in a modicum of prosperity and in freedom. On the one hand, fear has increased in recent years of integration problems resulting from immigration. Difficult-to-control international terrorism also increases a reluctance in many countries to accept further migration, although no direct connection exists between migration and terrorist threats. On the other hand, the responsible politicians are becoming increasingly aware of the opportunities presented by migration. For instance, a careful re-think has also gradually been taking place in countries which have not previously considered themselves to be immigration countries.

These countries include Germany. The problems associated with the integration of the children and grandchildren of the “guest workers” who were brought to Germany in the fifties and sixties of the last century, and the integration of the German ethnic resettlers from the transformation countries, still remain to be solved in many cases. After a drastic restriction of the right to asylum, the acceptance of those suffering from political persecution invoking a right to asylum also still plays a role to a slighter extent. Over and above this, however, in light of demographic change and of mistakes in education policy, the additional question arises today as to whether and how Germany can at least alleviate the coming shortage of qualified workers by means of controlled immigration. A reverse in the public debate has taken place to a certain degree, at least for the European states affected by the fall in population size and by excessive population ageing: Whilst only a few decades ago it was frequently a matter of what possibilities a richer country had at its disposal to keep out the

¹ An attempt has been made to use gender-neutral wording as far as possible below.

poor coming from abroad, or against those suffering from persecution who were seeking protection, today it is additionally a matter of how to select young, well-trained experts and bring them into the country. This however gives rise to new social and ethical questions which have so far not seen sufficient public debate. Is it possible to justify such immigration at all, which is in the interest of the receiving countries, in view of the disadvantages this entails for the countries of origin? What rights can the receiving country claim when selecting migrants? How is it possible to avoid discrimination in this process?

This debate is going on in the context of a globalisation process in which free markets for capital, goods and services are developing worldwide. The question suggests itself here as to why this freedom should not also apply to labour. Does free trade not include a free labour market spanning national borders? Does it not correspond to the logic of the globalisation of the world economy that people may also move freely in search of work and prosperity worldwide? The common market and the (partly) joint currency in the European Union go hand-in-hand with the freedom of movement of labour (in the EU initially not including the new accession countries). Also in historic terms, internal migration within the nation-states was one of the most important prerequisites for economic development and a certain equalisation between different regions. Why does this not also apply at global level? What moral justification can there be for limiting the immigration of foreign labour and selecting among them using specific criteria?

These questions are of enormous ethical relevance, given that limiting immigration excludes those who are among the poorer from opportunities to participate to a considerable degree. However, an increase in migration also gives rise to ethical questions, given that it is likely to lead to problems ensuing from the loss of well-trained workers in the countries of origin, to the uprooting of migrants and to integration problems in the receiving countries, and possibly to increasing difficulties for the social systems. This is certainly one of the most important “social questions” of the 21st Century.

This study is intended to help heighten the awareness of the problem as to the trends of increasing migration. It is restricted here to the particularly important phenomenon of *international economically-motivated* migration. Its focus lies in the reflection of justice-related problems on the basis of analyses in the field of social science and economics. It finally makes proposals founded in social ethics for how migration should be regulated, both on the part of the individual nation-

states and at regional and international level. This makes it clear that economically-motivated migration may be permitted, and indeed encouraged, if it is possible to shape the framework conditions in such a way that they satisfy the elementary requirements of justice.

Migration is a complex phenomenon. It is not possible to discuss all aspects of it in this study. Phenomena of national internal migration, for instance from rural to urban areas, are not considered here, nor are escape movements triggered by civil wars, political persecution or natural and environmental disasters. There is also no analysis in the study of forced migration by expulsion or trafficking in human beings. Finally, the very difficult questions of how to deal with irregular migration can only be touched on insofar as they affect the topic of economically-motivated migration.² The distinctions are admittedly difficult, which is why, first and foremost, some clarification is necessary in terms of the content and of the definitions applied.

1. Definitions and necessary distinctions

1.1 Different forms of migration

The extremely multi-layered phenomenon of *migration* is defined in a variety of ways in the expert discussion. No definition will be both sufficiently precise and comprehensive. A relatively broad definition is: Migration is a *change of location of individuals from one geographical region to another over administrative or political borders, seeking to remain temporarily or permanently in a place other than their place of origin.*

This definition necessitates further distinctions: It is important *firstly* that the change of location is over a certain *spatial distance* and that at least administrative borders are crossed. After the spatial dimension, it is possible to distinguish between *internal migration* or *migration* taking place within a country, and *international migration*, where state borders are crossed. Within international migration, it is possible to distinguish whether the change of

² cf. the statement of the Commission for Migrants of the German Bishops' Conference entitled "*Leben in der Illegalität in Deutschland - eine humanitäre und pastorale Herausforderung*" (Life as an illegal – a humanitarian and pastoral challenge) of 21 May 2001 and the activities of the Catholic "*Leben in der Illegalität*" (Life as an Illegal) forum, <http://www.forum-illegalitaet.de>.

location takes place only between neighbouring states in relatively small border regions, and possibly regions with minor cultural differences, or over great distances, possibly even between continents.

Secondly, migration must be differentiated according to the way which it comes about. It makes a difference whether people take migration decisions voluntarily on the basis of individual or family considerations, or whether people get into a situation which makes migration appear to be the only solution for them, such as in case of natural disasters or civil wars, or in the case of political, racist, sexist or religious discrimination. Then we must speak of *flight* caused by *coercion* to leave one's own place of residence because there is no other possibility for dignified survival. This distinction is important because refugees have different rights to migrants because of international agreements. Having said that, the distinctions are sometimes difficult, given that an economic emergency can also constitute life-threatening coercion, which is why one also speaks of "poverty refugees".

Thirdly, a role is played by the duration of the stay. For instance, the *circular* migration of commuters, which also takes place over state borders, may be distinguished from the *temporary* migration of seasonal or contract workers and the *permanent* migration of individuals who remain at the destination of their migration for a longer period or forever. There are many examples of temporary migration that may lead to permanent migration, such as with foreign students who remain in the receiving country after completing their studies.

Fourthly, forms of migration differ according to the types of social forms constituted by migration. Until recently, the focus was above all on *immigration* and *guest worker migration*. In the former case, immigrants wish to stay in the destination country forever, and hence attempt to integrate there as well as possible, to find a new home there. The immigration movements of Germans to the USA in the 19th Century, for instance, are typical. In the second case, migration is only intended for a short period from the outset; integration efforts are hence unlikely. The result is a life in the *diaspora*. A typical example of this is the concept of the recruitment of guest workers in Germany in the nineteen fifties until the beginning of the seventies. However, this guest worker migration led to *immigration* in some cases, and partly to new forms, so that the term *transnational migration spaces* has been coined. These are typified by the establishment of permanent everyday contexts over national borders. People in the countries of origin and migrants in the destination countries are connected to

form their own kind of social network by means of frequent communication and by visiting one another, by financial transfers and joint identity-creating elements. The change between the different places within these transnational migration spaces is neither unique nor temporary, but is a recurrent element of this social form. In the case of *immigration* with the aim of integration, the difference to the destination country gradually disappears at the expense of the connection with the country of origin. When it comes to *guest worker migration*, conversely, it is retained, at the expense of integration. Transnational migration spaces, by contrast, lead to long-term complex structures of differences and connections, both with the country of origin and with the destination country, in other words to partial integration in the destination country without renouncing ties to the country of origin.

Fifthly, a distinction must be made as to whether or not migrants violate applicable laws by changing their place of residence. It should be taken into account here that, firstly, existing laws may be morally illegitimate, and secondly that the designation ‘illegal’ is to be used not to label individuals, but only their activities, where appropriate. No person is illegal. In order to avoid the negative connotations linked with this term, the expressions irregular migration and irregular migrants are always used below.

1.2 Economically-motivated migration

1.2.1 To distinguish between economic motives and non-economic causes

Economically-motivated migration is typified by two characteristics. It is based, *firstly*, on a *voluntary* decision, for which, *secondly*, a weighing up of advantages and disadvantages in material terms, in other words with regard to *income and standard of living*, is vital.

Such volition is missing with climate or natural disasters, wars or civil wars, political persecution, human rights violations and ethical or religious discrimination. In such situations, the people affected are *forced* to leave their homes if they wish to save their lives and/or their freedom. It is clear in this case that economic aspects may play a role here too since the factors listed above also lead as a rule to a dramatic worsening of the economic situation in the country in question. Nonetheless, one may not speak of *economically-motivated* migration in the case of a famine which the people affected are attempting to flee. On the

other hand, it will certainly not be possible to refer to *voluntary* migration decisions as *economically* motivated if they result from a preference for the culture, nature or religious offerings in a country, from the choice of a foreign life partner or from the decision for a specific type of work such as pastoral work in a church facility.

It is above all the future net income expectations which are relevant to *economically-motivated* migration decisions. Social transfer benefits, the amount of the fiscal burden, a lower cost of living or generally favourable conditions, as well as a viable infrastructure, also play a role here in addition to the anticipated work income and the probability of finding a job at all. However, possible disadvantages such as xenophobia or inferior legal status as a migrant are also considered. Such decisions are frequently also not taken by individuals, but are the result of considerations in a family in order to improve their overall situation. Expectations and hopes may be included in the cost-benefit calculation in all these cases which do not necessarily have to correspond to the real circumstances in the destination country.

There are various forms of economically-motivated migration. The most significant is labour migration because the anticipated work income is in most cases the main benefit to which the possible costs are compared in the weighing up process. If migrants benefit from social transfer payments without taking up work, and hence improve their income situation, this migration is also economically motivated, but it is not labour migration. Over and above this, there are other forms, such as pensioner migration, for whom the aspect of use of income is central. Some of them want to spend their retirement abroad because their pensions have greater purchasing power there, something which may become particularly relevant for domestic or in-patient long-term care. Finally, it is possible to refer to wealthy individuals or those on a high income who wish to avoid high tax rates in their country of origin as *fiscal migrants*. The more usual term *tax refugees* appears to be unsuitable given the definition of refugees above.

This study will focus above all on labour migration, which accounts for the lion's share of economically-motivated migration.

1.2.2 Forms of labour migration

The forms of labour migration are very much determined by the jobs which migrants can find in the destination country. The probability of finding a job is considerably increased by labour shortages in a specific area or by existing networks of migrants of the same origin who provide help in finding work. Such opportunities for migrants in the destination countries have a major influence on the nature and the composition of the groups of migrants. Up until a few years ago, above all male labour was recruited in the areas of agriculture, construction and industry. Certain female-specific sectors of labour migration have crystallised in recent years as the demand for services has grown, especially in the areas of healthcare and private households. Whilst for a long time the migration of women was primarily related to family reunification, more and more women are migrating alone today and leaving their families behind. As a result, the migration of women is growing disproportionately and their share among the total number of migrants is rising, this being referred to as the *feminisation of migration*.

Temporary labour migration serves to close one-off or recurring, short-term gaps in the labour market of the receiving country. Typical of this are seasonal workers in certain areas of agriculture or tourism. The recruitment and employment of such labour is very dependent on the needs of the labour market in the receiving country. *Commuter migration* of so-called cross-border workers is also a form of temporary labour migration. Since, however, the place of residence is not moved in this case, this form is frequently not referred to as migration. However, it plays a major role at many state borders.

Legally-permitted labour migration is contingent on a work permit or work visa. With temporary migration, labour migrants retain the nationality of their countries of origin. Permanent migration may entail the possibility of dual nationality or a right to naturalisation, depending on the receiving country. After the reform of nationality law in 2000, migrants in for instance Germany have a right to naturalisation after eight years of legal residence, at which point they have to renounce their previous nationality. In the USA, individuals “of national interest”, “individuals with special skills” or people who successfully take part in a lottery can receive a Green Card and then obtain US nationality after five years. This is contingent on their waiving their former nationality, although the USA generally accept dual nationality and it is also permitted for those who have already been naturalised.

Migrants who do not have legal residence status as a rule also do not have access to the regular labour market. If they rely on work income, they therefore have to take up *illegal* employment. They then live in a situation of *dual illegality*. It also happens that individuals initially stay in a country legally as tourists, students, refugees or asylum-seekers, but still try to remain in this country at the end of the time-limited right of residence, or if they are not recognised as asylum-seekers. Then too they have to make a living illegally as a rule.

Many employers have specific interests in such illegal employment. The employers gain competitive advantages by virtue of saving wage and ancillary wage costs and avoiding any contractual obligations. Depending on the situation in the receiving country, such forms of illegal employment are especially widespread in agriculture, in the construction sector and in the service sector. They can establish themselves to become dual structures of a divided labour market, in which the employment of irregular migrants becomes indispensable. The governments of some countries then find themselves forced into a hypocritical policy of simultaneously combating and tolerating irregular migrants, which also promotes the work of people smugglers. There is a considerable danger that such irregular labour migrants will be exploited since they can seldom defend themselves against inadequate wages or arbitrary treatment because of their illegal and consequently dependent status. Extreme forms of such exploitation are trafficking in women and forced prostitution. Many women are attracted by the promise of an interesting, lucrative job, but then end up for instance in brothels where, as a result of their lack of legal status, they face dependency and a lack of dignity within the red-light scene and in organised crime.

2. International migration-Figures, causes, consequences

2.1 The phenomenon of international migration in figures

Because a variety of different definitions of migration are used and the forms in which the data are collected are frequently not comparable, it is virtually impossible to provide reliable figures. There are frequent misunderstandings because no distinction is made between the total of foreigners living in a country and annual immigration or emigration. The United Nations state the total of people who live outside their countries of birth worldwide for 2000 at 175 million, i.e. twice as many as in 1970. The amount is estimated to be between 185 and 192 million for 2005. This does not include irregular migration, and by definition also leaves out internal migration within the states. The annual number of individuals migrating over state borders is estimated at roughly 12 million.

The International Migration Organisation (IOM) estimates that the number of migrants could grow to 230 million by 2050. It should be taken into account here that it would be much higher if the barriers which frequently exist, particularly for labour migrants, were to be relaxed or waived. The potential is certainly much greater than the actual number of migrants. In some countries, such as in Peru, the number of young people aged between 18 and 24 who would like to emigrate is 70 or 80 %. Almost half of the migrants are now women. There have also been considerable increases in the share of highly-qualified migrants.

Migrants are distributed very differently among the various groups of countries. 56 million lived in Europe in 2000, followed by 50 million in Asia and 41 million in North America. The spread of refugees who live outside their birth countries is different. According to UNHCR estimates, they account for roughly 10 % of the 175 million migrants. Most of them live in Asia (37 %) and in Africa (31 %). The picture changes once again if one considers internal migration. Urbanisation processes, as well as refugee movements within states, by themselves account for most internal migrants living in countries of the so-called Third World.

Unfortunately, there are no reliable figures relating to *economically-motivated* migration. In 2002 the International Migration Organisation (IOM) estimated the number of labour migrants to be between 60 and 65 million, whilst others speak

of as many as 90 million labour migrants, these figures including estimates of the number of irregular migrants. This means that the share of labour migration among migration as a whole is second-largest after family reunification. One should however presume that the share of economically-motivated migration is larger than that of the labour migration shown by most statistics. A certain amount of family reunification is also likely to be economically motivated. The trend in developments appears to be unambiguous. The share of labour migration among worldwide migration flows is growing.

Labour migration is a global phenomenon. There are however three major directions: *Firstly*, a flow from East to West, from the so-called transformation countries (former Eastern bloc states) to rich, largely Western European countries; *secondly* a flow from South to North, from developing and threshold countries to the industrialised nations; and *thirdly*, migration flows from South to South, i.e. from poorer developing countries to less poor or to threshold countries. In Asia, for instance, the economically more successful states and the oil-exporting Gulf States are the most important receiving countries of migrants; in Africa it is the Republic of South Africa. In part, South-South migration also serves as a transitional stage for migration on to richer countries (transit migration). Foreign-origin employees account for 15 – 20 % of all employees in immigration countries such as Australia, Canada and the USA; this share is 9 % in Germany. Conversely, in the case of many emigration countries a large share of the nationals lives outside the country, roughly 8 % in the case of Mexico for instance.

Europe is affected above all by the influx of Northern African poverty refugees and immigration from the former transformation countries, some of which now belong to the EU as a result of EU enlargement to the East. Because of demographic change, the interest of European countries in well-qualified young workers in particular is growing. Various countries made it easier to immigrate in the context of labour migration at the end of the nineties. It can be observed here that temporary migration, which in some cases is regulated by bilateral agreements between the countries in question, has increased.

Mexico remains the most important emigration country on the *American* double continent. Increasingly, however, people from Central America, the Caribbean and South America, especially from the poor Andes countries, are also attempting to enter the USA to find work there. The USA attracted roughly three million temporary migrants in 2001 alone. The total number of workers in the

USA who were born abroad is estimated to be more than 29 million. The number of irregular migrants there is roughly 8.5 million. It is estimated that roughly half of them come from Mexico. There is a demand for irregular foreign labour particularly in US agriculture.

The most important immigration countries in *East Asia* are Hong Kong, Japan, South Korea and Taiwan. Migration is relatively strictly controlled there, but the immigration of highly-qualified workers is particularly welcomed, and is hence also made easier. Malaysia, Singapore and Thailand are among the most important immigration countries in *South East Asia*. Immigration of highly-qualified employees is also promoted in Malaysia; immigration of unskilled labour is only permitted if there is corresponding demand on the labour market. The share of illegal labour migration is nonetheless also high here, above all for labour from the Philippines and from Indonesia. Immigration of unskilled labour is prohibited in Singapore, and is punished. Nonetheless, an increase in irregular migration can be observed here too.

In the *Middle East*, the six Gulf States of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates are temporary employers for people from the much poorer countries of South Asia and South East Asia. The share of foreign labour is more than one-quarter in most countries of the Gulf region. It is however being attempted to counter this dependence on foreign labour potential by political means. The proportion of irregular labour in the Gulf States should also not be underestimated.

The data for *Africa* are particularly bad. Several thousand Africans per year try to get to Spain or Italy by crossing the Mediterranean with unseaworthy boats or by climbing barbed-wire fences into the European enclaves in Morocco. 5,000 people have lost their lives here in the last ten years according to conservative estimates. There are no precise figures on those who have tried. There are repeated dramatic refugee movements caused by states disintegrating and by civil war. The most reliable information on economic migration is available with regard to Southern Africa. The emigration of highly-qualified labour to the United States, Australia, the United Kingdom, New Zealand and Canada is very high in the Republic of South Africa in particular, in turn partly attracting corresponding specialists from the neighbouring countries to South Africa.

The future is likely to entail a considerable increase in international migration overall, in the share of economically-motivated migration and in the share of

temporary migration. Migration has become a global phenomenon which will affect more and more states and more and more people. The migration of highly-qualified labour is increasingly welcome, and is hence being made easier. It also plays an increasing role in migration between the richer countries. Irregular migration will also increase because it is evidently virtually impossible to control; furthermore, it is tolerated to some degree for macroeconomic reasons.

2.2 Causes and consequences

2.2.1 Explanation methods in terms of social science

A distinction is frequently made between push and pull factors to explain the causes of migration: Push factors act on migrants as thrust from the country of origin and motivate them to leave their country of origin; pull factors, in contrast, are attracting forces from the receiving country and constitute the attractiveness of the receiving country. With refugees, it is the push factors which force them to migrate: the unbearable, survival-threatening situation in the country of origin. With economically-motivated migrants, the opportunity for a potentially higher income, taking account of the presumed costs of migration, as well as greater security and economic stability, are the most important pull factors from the receiving country. Conversely, a difficult economic situation, high unemployment and low net income in the country of origin act as push factors. Economic factors may therefore act as both push and as pull factors.

Whilst these factors are described in a sociological view as large force fields, a microeconomic view targets the decision-making situation of individuals and families. In principle, one must presume that the decision will be taken in favour of migration if the anticipated benefit of going is considered to be greater for the individual or for the family than that of staying. The presumed advantages must overcompensate any disadvantages. The estimate of an individual's skills and performance, as well as their willingness to take risks, plays a major role here.

Admittedly, no potential migrant compares their current income with a possible income in *all* potential destination countries. The decision of which country to migrate to depends in great measure on existing connections to groups of migrants in potential destination countries, in other words on network structures which exist between the country of origin and the receiving country. These

networks reduce the costs incurred in acquiring information and orientation, offer initial opportunities for accommodation and food and provide assistance in placement in work and in the necessary initial integration steps. Such *transnational migration spaces* allow migration flows to become established between countries since each additional migrant is able to benefit from the existing structures abroad and reinforces them in turn. Such networks are frequently also linked with colonial history and the common language and established connections which result.

Migration is frequently not a matter of an individual, but originates from the decision of a whole family. Opportunities and risks of migration abroad are divided within a family by for instance only one person migrating abroad, but this person remaining connected with their family and hence on the one hand obligated to them, but on the other hand also given security. Migration then benefits not only the person who leaves the country, but also those who remained at home since they receive transfers from abroad from family members who have emigrated. This leads to a better overall income situation for the family and reduces dependence on the respective individual income. Such labour migration can be described in economic terms as an attempt to spread risk. Having said that, it frequently happens that family members who have emigrated cease contact with their families after a certain time, for instance because they have formed a new family in the destination country.

It should finally be taken into account that the decision to migrate first and foremost entails costs not immediately countered by gains. The journey must be paid for at least. Migration is hence first of all an investment. It is therefore not an option at all for the poorest of the poor since they cannot afford it.

2.2.2. Effects for the country of origin

Two effects are of particular significance among the consequences of migration for countries of origin: Firstly, the money transfers from emigrants to their homes, and secondly the emigration of well-trained citizens (brain drain). If emigrants return, they frequently also contribute to a transfer of knowledge and know-how in the countries of origin. Finally, migration changes not only the culture(s) of the destination country, but also impacts the culture(s) in the countries of origin.

Transfers home

These transfers enacted by migrants to their country of origin, primarily serving to support their relatives, have increased considerably in recent years and according to World Bank estimates reached a total of 93 billion US Dollars worldwide in 2003, almost one-third flowing to Latin America and the Caribbean. They flow more continuously than foreign direct investment, are one of the most important sources of currency for many developing countries, and are much higher on average than public development aid. Transfers home account for between 20 and 50 % of the national incomes in countries such as Eritrea, Yemen, Jordan, Lebanon, Nicaragua or Sudan. However, they only seldom reach the migrants' countries of origin via official channels since the transfer fees and commission payments are still very high and are falling only gradually. For this reason, the money is frequently brought to the country of origin via a network of friends or family members.

Even if these transfers home at individual level have a positive impact, above all for the families who remained at home, the consequences at macroeconomic and overall societal level are not entirely positive. The large amounts flowing into the country on the one hand make it easier to pay debts, but can on the other hand cause inflation and an undesirable increase in the value of the country's currency, and hence hinder exports.

Positive effects arise if the money flows not only into consumption, but if the recipients, whom it has made richer, also invest the money in the education of family members, and hence in the formation of *human capital*³, in improving social relations and supporting community facilities for social purposes (community centres, etc.) or in establishing small businesses.

By virtue of the fact that migrants act as market openers in the receiving country for the products of their home country by creating a demand for products from there, sales structures are established and the export potential of the country of origin is promoted. Conversely, if migrants however support their family members not only through financial transfers, but also with goods from the receiving country which they send or take to them when visiting home, these goods may replace domestic products, leading to a fall in domestic production

³ Economists have used the technical term "human capital" for a long time when referring to the totality of a worker's skills, abilities, individual knowledge, experience and health.

and to losses for domestic trade. Such phenomena are of a significance which should not be underestimated in the Balkan countries and in Turkey.

Emigration of highly-qualified labour (brain drain)

The loss through migration of people with skills, abilities and individual knowledge which are then no longer available in the country of origin is referred to as a brain drain, and as a rule is seen in a negative light. The investment which the country of origin made in the education and training of the migrants in question is lost (initially), whilst the receiving country benefits from them. Having said that, the impact depends on the size and the state of development of the country, and differs from sector to sector. The healthcare sector in many African countries is particularly affected. The OECD reports that for instance more than 23,000 South African workers from the medical sector (physicians and care staff) were in countries such as Australia, Canada, the USA, New Zealand or the United Kingdom in 2001. 2,200 doctors from Ghana live and work in the United Kingdom, whilst the number of doctors in their home country fell from 2,000 to 800 between 1990 and 2004, this being accompanied by simultaneous demographic growth from 14 to 18.5 million. The aggressive recruitment policy of countries suffering from a shortage of labour with specific qualifications is exacerbating this process. Problems also emerge when grants are awarded to students from poor countries. The return rates in the medical field are only 30 %. The emigration of highly-qualified people is also sometimes induced by development aid since it builds up workers' skills whilst bringing them into contact with international organisations which open up interesting vocational perspectives to them. The consequences are exacerbated by the fact that highly-qualified specialists from key positions frequently emigrate, so that large areas are immediately affected and it is virtually impossible to fill the gaps.

On the other hand, more attention has been paid in recent times to possible positive effects which the *brain drain* may also have under certain conditions. For instance, the relatively large amounts of transfers home by highly-qualified migrants frequently lead to an increase in families' investment in education in the countries of origin. There is a demand for better education because the family members who have emigrated have shown that there is a realistic perspective for successful migration for the highly-qualified. Furthermore, some education facilities cannot work effectively until they have a certain minimum

number of pupils, students or trainees, but then rely on some of the graduates emigrating because the local labour market cannot take up larger numbers of highly-qualified workers. Their emigration then relieves the burden on the labour market in this field, and the migrants can repay training loans more quickly through their work abroad, and hence help fund the educational facilities.

A higher general educational level in turn enhances the prospects for growth in the country of origin, and probably also attracts more foreign investors, creating jobs and keeping some of the highly-qualified in the country. Well-trained experts from abroad frequently come into the country with this investment, which constitutes a positive countermovement in the sense of a worldwide *brain exchange*. The positive economic development which this causes may entail a chance for some of those who previously emigrated to return to their country, bringing with them know-how and business connections from developed countries. However, there is frequently insufficient incentive for the highly-qualified to return. This incentive could be increased by political measures to improve legal security, democratic participation and above all economic development.

Finally, it is virtually impossible to quantify the positive and negative effects of the *brain drain*, and these can be stated most precisely in relation to individual countries and professional fields. A certain amount of emigration by specialists need not only be negative for a country's development process. The contexts which have been touched upon have certainly helped to establish a competitive IT sector in parts of India. If however this creates a considerable shortage of labour as a result of the emigration of the highly-qualified in certain fields, it can become a massive problem. The risk for this is presumably greater in smaller and poorer countries than in the high-population states and in threshold countries.

Emigration of less-qualified labour

The emigration of less qualified labour is also significant to the country of origin. One should presume in most cases that it at least has a positive influence in the sense that, by reducing the labour supply, it reduces the unemployment figures in the country of origin. On the other hand, migrants are mostly among the more dynamic and more active demographic element, so that their leaving

hinders the development of the country. What is perhaps more important is that they frequently leave behind painful gaps in their families. Children grow up without fathers, and also without mothers in view of the increasing feminisation of migration. They enjoy much less parental care, which also cannot be compensated for by generous transfers home. They are sometimes left to their own devices or taken care of by grandparents, other relatives or individuals who are specifically employed for this purpose, but who are very badly paid in most cases. Thus, so-called *service chains* are created in which female migrants who for instance work in childcare in the receiving country use the income they make there to pay for their own children who remained at home to be taken care of by employees, who may in turn have their own children taken care of by others. The term *care drain* is already being used to refer to this case of emigration of care. The consequences for the female migrants concerned are ambivalent: On the one hand, they may become more independent and receive greater respect from their families of origin; migration may even break up traditional gender roles. On the other hand, the jobs which they customarily carry out in the receiving country once more one-sidedly attach them to specific gender-related roles, and hence they are also exploited and suppressed in many cases.

Non-economic consequences

The *non-economic* consequences of migration are closely related to the impact of modernisation processes taking place at a slower or faster pace all over the world as a result of the increasing communication possibilities and the intensifying economic networks. Above all in poorer regions, the traditional lifestyle frequently undergoes major changes by virtue of the fact that a large proportion of younger people leave their homes, the purchasing power of those who remained at home increases considerably as a result of the transfers home and migrants bring with them not only presents from another culture, but also changed attitudes and values when they visit or return home. This even affects religious identity, if for instance Latin American migrants introduce Protestant sects and free churches from the USA to their homes. All these processes can lead to the disintegration of families, to conflicts between the residents of a village community and to the erosion of traditional lifestyles. They may however also help to open up better opportunities and cultural learning processes, both for the migrants and for those who remained at home.

2.2.3 Effects for the receiving country

Consequences for the labour market

It is repeatedly feared that immigration means “competition” for domestic employees. If one first of all takes a highly simplified look at the relationship between supply and demand on the labour market, immigration initially leads to an increase in the supply of jobs. If the demand for jobs does not change, and if wages are sufficiently flexible, real wages will fall and employment will increase, the share of domestic labour falling in line with this development. If one attempts to counter this tendency to reduce wages on the sub-markets concerned through statutory minimum wages or wages that are kept high by means of collective bargaining, this may lead to growing unemployment. In a rash interpretation, this result could be regarded as a confirmation of the fears mentioned at the outset.

The effects of labour migration on the labour market of the receiving country however depend on whether migrants tend to replace domestic labour (substitutive labour migration) or to supplement it (complementary labour migration), i.e. how similar the two groups are in terms of their skills profile. Substitution might take place if the immigrants had a very similar skills profile, and hence at least potentially supplanted domestic labour. Things are different if the profiles complement one another, i.e. if immigrants bring with them skills which are needed but not sufficiently available in the receiving country, for instance if there are temporary or permanent shortages on the domestic labour market in certain sectors (e.g. in care professions or in the IT sector) which can be compensated for by immigrants. It is becoming at least highly probable that such a development will take place over the coming decades in many European countries as a result of demographic change.

Immigrant and domestic labour both benefit from this kind of compensation, given that this means that growth deficits are overcome in the receiving country and more and better goods can be produced. In many cases, migrants do indeed tend to constitute such a supplement to the domestic labour market, mostly because there are insufficient working individuals in the receiving country who are able or willing themselves to carry out work which immigrants are willing to take on. Such complementarities, as well as the risk of substitution, can take place both if low-skilled individuals immigrate, and with highly-skilled immigrants. In both cases, immigration may however be an advantage for the

national economy *as a whole* since the domestic labour market either does not provide sufficient applicants, or corresponding activities are carried out for lower wages if labour markets are flexible to some degree. In the final analysis, immigration may increase the international competitiveness of a national economy if new developments on world markets cause employees with the requisite requirement profiles to immigrate and they can be employed relatively rapidly.

Over and above this, the capital intensity of jobs plays a major role in the estimation of the consequences of migration on the labour market. Its significance emerges from the fact that wages as a rule increase in line with capitalisation per job. The wage level and capital intensity also depend closely on one another in an international comparison. Capital formation evidently plays a pivotal role in the question of whether additional labour can find employment at high or low wages. Additional capital formation can contribute to more jobs being offered at higher wages. A migration-related increase in the job supply does not therefore have to have a negative impact if the capital formation grows with the additional job supply. Many classical immigration countries have recognised this problem and impose corresponding conditions on immigration, such as documentation of sufficient assets. The reason for this is immediately comprehensible: The aim is to bring about a situation in which wealthy immigrants bring their own capital stock with them, so to speak.

From the point of view of the receiving country, immigration therefore only leads to problems on the labour market if migrants directly replace domestic employees and if capital formation in the country does not keep pace with the increasing job supply. It is therefore all the easier to permit immigration the more attention is paid to the complementarity of migrants' skills profiles and the more improvement is made to investment conditions in the receiving country. Immigration could have all the more positive effects the more investment is made in the education and training of migrants.

Consequences for the social security systems

Migrants make a positive net contribution in states which have a well-established social welfare system if the taxes and social levies which they pay exceed the financial payments which they receive (such as child benefit, housing benefit or social assistance and unemployment benefit). Younger labour

migrants in particular first of all pay into the social insurance systems and reduce the burden on them, but they also accrue expectancies of their own which are incurred at a later date. In many cases, migrants establish small enterprises and create jobs (frequently with only a modicum of capital investment), but sometimes at the expense of larger domestic enterprises.

Social transfer payments are received above all by migrants who do not immigrate to take up jobs, but in the context of family reunification or above all seeking asylum and because of flight, and in many cases are not even permitted to work. Furthermore, many individuals become recipients of social benefits who have already lived in the receiving country for a longer period (in some cases in the second or third generation), but who find it difficult to find a job because of shortcomings in integration, specially in their knowledge of the language of the receiving country and their vocational training.

Non-economic consequences

The non-economic questions are also significant in addition to these economic contexts. These may however certainly have economic consequences in turn, including the problems connected to the integration of migrants or of the children of migrants born in the country. However, integration problems arise for different groups of immigrants to differing degrees and in different ways. For the highly-qualified, it is frequently more necessary, but certainly also simpler, to learn the language of the receiving country as the most important prerequisite for integration, to become familiar with the culture of the receiving country and to share, or at least accept, fundamental values of developed societies. However, the duration of residence is also important for the integration process. If immigrants only take up work temporarily, integration into society is less significant than in the case of permanent migration.

The awareness of these problems has increased considerably in most immigration countries in recent years. Indeed, if migrants do not even have a good command of the language of the receiving country in the second or third generation, and only have low or no educational qualifications, if there is a tendency towards ghetto forming, and migrants are therefore virtually unable (or unwilling) to play their part in the society of the receiving country, they remain excluded, which can cause considerable social tensions, at least at local level. Conversely, it is certainly possible to achieve successful integration which does

not need to be linked to broad cultural assimilation by promoting language acquisition, by improving the education on offer (above all for children, young people and parents), by combating unemployment among migrants, and not lastly by offering opportunities for political participation, which admittedly can only be fully granted by offering naturalisation. This in turn is however conditional on the willingness of the receiving country to combat xenophobia, to permit cultural pluralism, to be tolerant and to commit itself to a cultural learning process.

3. Social and ethical reflection

An analysis of the phenomenon of migration in social scientific and economic terms shows that its consequences are by no means purely positive or purely negative. It is not the case that all migrants, the countries of origin and the receiving countries benefit from migration, simply leading to a “win-win situation” for all concerned. Equally, the disadvantages also do not clearly outweigh, so that there is no justification for simply prohibiting migration across the board, quite apart from the individual freedom rights which this would affect. Migration gives rise to complex justice-related problems because the people in the countries of origin and receiving countries, and the migrants themselves, benefit from them to a highly differing degree because there are winners, but also losers. For these reasons, an attempt must be made to steer migration between opening and limiting such that it is as fair as possible. However, from what social and ethical maxims is it possible to derive that migration may be limited or must be permitted, and if so how this is to be effected? How are these maxims themselves to be justified? What collective rights of states and what individual rights of their citizens are compared to migrants’ individual rights?

3.1 Human rights and justice for all people

The starting point of the social and ethical argumentation forms a broad consensus which is stipulated in international conventions and declarations, namely that general human rights apply to all people, and of course also to migrants. In addition to the right to freedom of movement within a person’s home state, Article 13 (2) of the UN’s Universal Declaration of Human Rights formulates a *right to emigrate*: “Everyone has the right to leave any country, including his own, and to return to his country.” It remains unclear, however, which country may have the duty to actually accept an emigrant. The *right to emigrate* does not entail a *right to immigrate*. So that a *right to emigrate* may be claimed, other countries must be willing to accept people wanting to emigrate from other countries. There are international conventions and nation-states’ statutory provisions for this purpose (albeit they are in need of improvement) which apply to refugees and those suffering from political persecution, and which in some cases are entrenched in the constitution. The question however needs to be asked in this study as to whether for reasons of justice there should

also be obligations incumbent on states to accept such migrants in the case of *economically-motivated migration*. One might even go so far as to ask the theoretical question as to whether it is fair at all that the world is divided up into states. It is certainly not necessarily clear from a moral point of view that states may assert a right to have borders, to control them and to act in a selective manner in permitting border crossings. Does the receiving country have the right to set its own sovereign standards when selecting among those who wish to immigrate?

In many cases, migrants develop a perception of justice, including a *right to immigrate*, which denies states the right to absolute sovereign control of their borders at least in moral terms. They consider that they are in the right if they reside in a country as irregular migrants. They consider it to be unjust for people with comparable skills who put the same effort into their work to have very unequal chances in different countries. The closer the world grows together by virtue of increasingly networked communication and the free movement of goods, services and capital, the more there are people who compare themselves not only with others within their own country and their own culture, but who relate as a matter of course to all possible ways of living in all parts of the world. These migrants trace the massive inequalities of life opportunities among different people to a “lottery of birth” and demand the possibility to correct it in terms of the equality and dignity of all people. Dealing with migration is hence a real touchstone when it comes to demands for global justice.

Having said that, one is right to criticise a *right to emigrate and immigrate* which is universal but which is understood in individualist terms. This ignores that all people also have obligations towards the communities and states from which they come and to which they go because these benefit from their possibilities to a lesser or greater degree. Those who leave the level of individual rights and present such obligations as arguments must however also face the converse question of which obligations these communities and states have towards their own citizens and towards people from other countries, especially if they are much poorer than they themselves are.

The idea of fundamental, universal equality and the call for justice among all people cannot be placed on an absolutely logical foundation. Nonetheless, they form the starting point for the following considerations. They constitute the centre of all universalistic moral concepts. The core concept is ultimately as follows: Each person has a right to his/her interests being taken into fair

consideration and to norms affecting him/her being justified to him/her. In the final analysis, it is *all* people, without exception, who form the group of those who have to arrange their co-existence, accounting for all who are affected in accordance with standards of justice. If, according to this understanding, the Earth is ultimately there for all people, should not all people then also have the right to settle anywhere? Should not a right to freedom of movement also apply internationally, as is largely taken for granted within the states?

3.2 The legitimacy of borders within the community of all people

Some public assets, such as protection against menacing climate change, are *global* public assets. Their provision is hence also contingent on regulations at global level, such as in the context of agreements between states. Because however other public assets, for instance the state monopoly of power, legal certainty, social security, culturally-adjusted legal forms, educational institutions and measures of cultural promotion, can be better provided by smaller units, there is a need for subsidiary structures which provide for nation-states, regions, local communities, etc., below the global level. Finally, the plurality of various political communities makes it possible for people to implement their own ideas of a good social order without enforcing this on all others. Furthermore, it is only in smaller units, which are held together through a shared language and a higher degree of commonality than would be possible at world level among all people, that such dense democratic participation is possible that power structures can lay claim to legitimacy.

All three aspects are however contingent on borders and affiliations. The provision of public assets by nation-states, the implementation of particular ideas of the public good and democratic participation, would fail if borders were given up and all states granted unrestricted access universally. For this reason, the call for institutions which are only possible within state borders does not reflect a minority interest, but is a sign of the general interest in creating conditions in which such institutions can be created in all states and each person can become affiliated to at least one such state.

Because of the universal call for justice in the context of growing global networking, there is however certainly a duty to support the weaker of these state units. The moral principle of equality and the community of all people is not done justice to if the inequalities between the levels of prosperity of the

states separated from one another by borders become too great. Justice among all people and individual freedom would be served best if these differences were so slight that no one was forced to migrate, but at the same time everyone had the freedom to settle where they wished.

With these considerations, it is certainly possible to justify in principle that the community of the people as a whole needs smaller units with borders. However, all borders remain encumbered with the proviso that they may not give rise to consequences towards the poorest and those they exclude which can no longer be justified. This does not mean to say that it would be morally required to generally question the contingent borders of today's nation-states, which ultimately are very young *constructions* in historic terms, and frequently are also not optimal in economic terms. An ex-post correction of today's borders would lead to such serious problems in most cases that a balancing of interests would dictate that the existing state borders should be accepted as a rule. The global proviso which acts as an encumbrance on borders however leads to a re-think of these contingent borders. It should then be possible to justify in general terms at least the nature of the structure of these borders and the extent of and restrictions placed on border crossing, including towards the poorest and the excluded.

3.3 Preconditions for the moral justification of migration

If a world without borders is not morally required, and completely open borders are therefore not right, it may and must be possible to control border crossings. Migration is then to be permitted for specific groups, whilst it may be restricted for others, the criteria for the number and selection being in need of justification. Some fundamental aspects are named below which are to be taken into account here, from which conclusions are drawn for trade in section 4.

3.3.1 The obligation to combat poverty in the countries of origin

General human rights include the right to a dignified life, which is more than survival pure and simple. First of all, therefore, all individual states (and particularly the elites ruling in them) are obliged to prevent extreme poverty in their own countries. However, where these individual states fail, the call for global justice means that the richer countries have the obligation, over and above the creation of suitable frameworks, to make as large a direct contribution

as possible towards fighting poverty in the poor countries. This means supporting people in poor countries at least to the degree that development can take place there which alleviates poverty, and certainly refraining from actions which exacerbate poverty. Opening borders for migrants can help improve the situation of the poor, but it is inadequate as a rule because the vast majority, and the poorest in particular, do not migrate because they are unable to afford the necessary resources. Certain forms of migration may even do lasting damage to the poor. However, as long as the poor are only able to survive in a dignified manner by means of migration, they must be enabled to leave their country and seek to make a living in another country. If the richer countries do not comply with this responsibility to fight poverty in the poorer countries, they should not be surprised if there are large influxes of migrants. They may also not promote the migration of the highly-qualified which they consider welcome solely in their own interest and to the disadvantage of the poorer countries. Both restrictions on immigration and the specific self-interested immigration programmes of the richer countries can only be justified if they are linked with the necessary degree of fairness in the global economic structures and sufficient development aid to combat poverty effectively.

3.3.2 Limiting and compensating for the brain drain

The consequence of the criterion of justice is therefore that certain forms of migration must be restricted or regulated for the sake of the poor who remain at home and of the common good of the countries of origin. Development in the poor countries may not be made impossible or prevented by emigration, or indeed by targetedly promoting migration by the highly-qualified. In cases in which the emigration of the highly-qualified would lead to the countries of origin losing investment in human capital to a relevant degree without this entailing other advantages for them, the brain drain must be restricted in an effective manner. This does not mean preventing all forms of migration. A short-term exchange, such as in the form of internships, study visits or time-limited employment, may be highly beneficial to both sides if it is ensured that the migrants as a rule return to their country of origin and place their skills at its disposal.

Where all this is not possible, or where forced return is not possible in individual cases, one must think of new forms of compensation. By no means may the rich

nations one-sidedly exploit the labour potential of the developing countries for their own benefit. Having said that, such a compensation obligation may not unreasonably restrict the fundamental human right to emigration.

3.3.3 Justified restriction of migration

If the negative impact of migration on the countries of origin can be adequately restricted, or if migration is indeed in the interest of the countries of origin, the question arises as to what extent of economically-motivated migration the receiving countries must permit. If borders are justified because it is proven that they are necessary for the provision of certain public assets, this argument also forms the criterion for the nature and number of migrants which the destination country is morally obliged to accept. As long as the number of migrants, or the composition of the migration flows, does not markedly impair the functioning of distinct communities, there is no reason to restrict migrants' freedom, apart from those stated in the sections above. The prevention of voluntary migration which does not violate the rights of others and does not place at risk the provision of public assets in the receiving countries would contradict the recognition of individual freedoms, which are claimed as a matter of course by the vast majority of people in the destination countries. Conversely, however, states have the right to control their borders where this is necessary in order to maintain in working order their social welfare state arrangements, as well as their democracy and the rule of law. On condition of compliance with these criteria, states must also be consistently granted the right not only to refuse entry to irregular migrants, but also to expel them, arrangements for hardship cases having to ensure that human dignity is respected in each case and that individual cases are accommodated. At the same time, a clear distinction is needed here to identify those migrants who may lay claim to protection from political persecution or as refugees, quite independently of any arrangement for economically-motivated migration.

The question as to the number of economically-motivated migrants who are to be admitted requires a careful assessment of the situation in the receiving country, and will ultimately always be based on political negotiations and compromises. How many a receiving country can accept is also closely linked to how migration is supported by integration measures and what arrangements are made in detail. Many arguments which have frequently been put forward to

restrict migration more strictly do not hold water. Public safety is much more threatened by freedom to travel than by immigration. Ecological capacity limits, which in any case can only be formulated in most cases for individual regions, must apply to internal migration just as much as to international migration. With a corresponding structure, migration also does not need to increase unemployment or to take place at the expense of the social welfare systems, but can indeed improve their financing. Cultural homogeneity, which in any case could only be created today using means which would pose a massive danger to liberal democracy, is neither a value per se nor a sine qua non for democratic societies. All this accepted, everyone, including migrants, must be willing and able to take part in public life, to partake of the public debates of a civil society and to comply with the constitutional and statutory rules of the receiving countries.

3.3.4 Criteria for the selection of migrants

Justified limitations of migration in the above sense are of necessity always linked to migrants being *selected* by certain criteria. It is necessary to make a selection both in case a country promotes migration because of its own interests, and in case it only permits migration up to a certain number, as also ultimately applies if it becomes necessary to limit immigration of the highly-qualified to reduce the brain drain. Appropriate procedures are therefore certainly justified in principle. It is not a problem to demand a willingness to learn the language and accept the constitution of the receiving country. For criteria beyond this, certain formal rules must be followed, above all the avoidance of arbitrariness and the prevention of forms of discrimination by sex, ethnic or national affiliation or religion. The selection criteria must be justified on their own merits in each case. All procedures must be transparent, that is it must be clear who takes decisions on the basis of what criteria and within what periods. The procedures must be reliable and subjected to planning over longer periods; if there are to be changes to the procedures, corresponding transitional periods are to be respected. Since a large number of eventualities cannot be generally regulated with final effect, there is also a need to provide for hardship arrangements for humanitarian reasons.

3.3.5 Respect for human rights

Any procedure for restricting migration must also respect basic human rights, both for those who receive a work permit and for those to whom it is refused. Anyone who may work in the receiving country must be able to acquire secure residence status (which could be time-limited), and also social welfare expectancies, corresponding to his/her contributions to the social security system, without excessive bureaucratic obstacles, especially without having to engage in corruption. In particular, no one may be excluded from the normal channels of a state based on the rule of law. This also applies to preventive detention and expulsion. Each migrant has the right to a subsistence level for dignified survival. Each person must have the right to fetch his/her family after a specific residence duration. Harsh restrictions in this respect, for instance for spouses, minor-aged children or parents in need of long-term care, are counter to human rights and established ideas of the value of the family in most cultures, and in Christian cultures in particular. Because of the social ties which become established during residence, children who grow up in the receiving country must also receive a residence right after a minimum residence period if their parents return to the country of origin. Delayed decisions on the part of authorities may not be held against migrants, but must lead to residence status being regularised. The longer the stay lasts, the more migrants must also be granted participation rights, ranging through to naturalisation. That people should remain permanently fixed in migrant and foreign status at their main place of residence and be excluded from participating in political decision-making processes in the long term would contradict elementary ideas of democracy. The latter derive their legitimacy from the concept that all individuals who are affected by political power must have the possibility to help govern via democratic processes. Conversely, respect for migrants' rights implies that migrants themselves should respect the laws, in particular the constitution of the receiving country, that they are willing to learn the language of the receiving country and to respect the culture of the receiving country without thereby having to give up their own cultural roots.

4. Migration policy methods and recommendations for action

In order to be able to submit recommendations for action for a socially and ethically justifiable migration policy for the states and the international community, it is necessary to first of all take a look at existing processes, regulations and organisations. Only the most important aspects of a complex set of events can be mentioned here, in the framework of which much is already being done in order to jointly overcome the problems arising as a result of migration. In any case, the awareness of the problem as to the questions related to migration has grown enormously in recent years, as the willingness for cooperation between many countries has increased.

4.1 Previous regulations on economically-motivated migration

4.1.1 Germany and Europe

With exceptions applying to recently acceding Eastern European states, freedom of movement for employees from the other EU Member States applies within the European Union. On the basis of joint foreign policy goals at least among the Member States of the Schengen Agreement, each country additionally regulates by its own statutes how to deal with foreigners from non-EU States.

The Immigration Act (*Einwanderungsgesetz*), which was controversial until recently, and which came into force in Germany on 1 January 2005, made a careful attempt to pursue a new overall strategy by means of which immigration is not only limited, but also promoted in a specific and targeted manner. Migration policy and integration policy are to be more closely interlinked against the background of demographic change. The Immigration Act regulates by law the exercise of dependent or freelance employment for migrants for the first time. Permission for foreign employees and freelancers is orientated in line with the needs of economic development in Germany. The local and regional circumstances on the labour market must be taken into consideration here prior to granting permission for taking up employment. There is no generally-regulated access to the labour market via a points system. Only for the highly-qualified is there the possibility to receive a permanent right of residence from the outset, including for family members. A possibility was created for foreign

students to take up employment and remain in Germany in the long term after completing studies in Germany.

The age of 16 years continues to apply as the maximum reunification age for children, and this is also established in an EU directive. There is no longer a waiting period for joining spouses to be able to seek work in Germany. The “settlement permit” can already be applied for after three years. Whether it is granted, as well as the extension of a previously-granted simple time-limited residence permit, depend on documentation of sufficient linguistic knowledge and on basic knowledge of the legal and social system which is to be obtained through “integration courses”. However, the Act is not consistent here: Firstly, EU citizens may not be obliged to attend language courses, and secondly nationals of specific states (such as the USA) are explicitly exempted from the arrangement. There have however been improvements in the field of refugee protection, which now also covers civil war refugees and migrants who are affected by non-governmental and gender-specific persecution. Separate commissions may be established at *Länder* level for hardship cases. Nonetheless, the paradigm change originally intended to make migration markedly easier and improve integration has been only partly achieved.

Back in 1985, some EU States signed the Schengen Agreement in order to ameliorate employees’ freedom of movement in the framework of the EU Single Market and to reduce border controls. This was also followed by a process of harmonising entry and residence regulations. On entering a Schengen State, a traveller acquires a de facto right to (time-limited) residence in the entire Schengen area.

The coordination of migration policy concepts within the European Union was further stepped up in the following years. The EU Member States agreed in the Amsterdam Treaty of 1999 to accelerate the harmonisation of migration and asylum policy. This however increasingly entailed relinquishing separate national interests, which is why the project turned out to be difficult. The common migration and asylum policy is to achieve four main goals: a better partnership with the countries of origin, fair treatment of third-state nationals (migrants who come from countries outside the EU), efficient control of migration flows and a common European asylum system, together with the necessary common security policies.

The directives adopted on the basis of the Amsterdam Treaty relate above all to dealing with refugees and asylum-seekers. In particular, minimum standards were adopted for the acceptance of asylum-seekers. The Hague Programme of 5 November 2004 provides for the further development of the common returns policy and the common visa policy. The European Employment Strategy should be named as a further Community instrument to promote integration, aiming inter alia to promote the employment of the second generation of immigrants and of third-state nationals, and furthermore to combat irregular employment. Since a fall in the potential for employable individuals is also anticipated for the EU as a whole, particularly as a result of demographic trends, it will become necessary to open up the currently rather restrictive European migration policy.

4.1.2 International agreements and organisations

There are also many efforts outside Europe to reach closer cooperation in migration-related matters. They develop partly at bilateral, partly at multilateral level, and typically between states which are affected by migration, and also work more closely together in economic terms. Their designations reflect the process-based nature of an approach which is not simple, but which is becoming more and more necessary in the long term: “Puebla Process”, “Manila Process” or “Colombo Process”. Regional agreements on migration-related questions also exist in connection with free trade agreements on the freedom of movement of highly-qualified labour. There are frequent efforts to standardise visa policy, to seek common standards for entry conditions and to develop concepts to combat illegal migration. With the aim in mind of promoting dialogue and cooperation between states and their civil societies, migration conferences took place in some regions with the participation of non-governmental organisations which dealt amongst other things with irregular migration, standards of refugee protection, migrants’ human rights and matters related to the connection between migration and development.

The amalgamation of the world’s 32 leading industrialised nations, the Organisation for Economic Cooperation and Development (OECD), also deals intensively with the problems related to migration, and collates reports on current developments and trends. Questions of economically-motivated migration are particularly important to the OECD states since their members are among the main receiving countries of labour migration.

Migration-related questions are also playing an enhanced role in the context of the World Trade Organisation's GATS (General Agreement on Trade in Services) – above all in Mode 4 – because trade in services is frequently also linked to the sending of labour. Corresponding regulations are to be reached for this in order to at least facilitate time-limited stays. In this respect, GATS could also make a long-term contribution, in addition to free trade in goods, capital and services, towards promoting employees' freedom of movement. Because of the current re-negotiation of GATS in the context of the Doha Round, however, it cannot yet be clearly forecast what impact it will have on migration as a whole, on the seconded workers themselves and on other migrants. There is considerable reluctance in most destination countries of labour migration to further open the service sector to foreign suppliers. On the one hand, GATS has been able to make temporary legal migration easier and open up employment possibilities for migrants, whilst on the other hand it is still extremely unclear whether the seconded labour is sufficiently protected as employees and migrants with rights. This in turn raises the question of how binding the conventions and core labour standards of the International Labour Organization (ILO) are for the WTO.

The International Organisation for Migration (IOM) has been in existence at global level since 1951. It developed out of an organisation which took care of refugees and expellees in post-War Europe, and today has 112 states among its members. It focuses on providing organisational and technical support, such as in the migration policy advice of states, in voluntary returns of migrants or in the recruitment and care of labour. The IOM also provides fora for governments and non-governmental organisations. It seeks to promote public debates regarding questions related to worldwide migration and to document academic expert opinions. The IOM published its latest World Migration Report in June 2005.

The ILO has also dealt with labour migration for a long time. Above all it promotes the equal treatment of home and foreign employees and seeks to coordinate migration policies between employers, states and trade unions. Heightened attention has also recently moved to trafficking in human beings and to the situation of particularly vulnerable migrants (children and women).

The UN, to which the ILO belongs as a special organisation, adopted a Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990. This serves to improve the legal status of labour migrants. The Convention entered into force on 1 July 2003 after being

ratified by 20 states. It has now been ratified by 29 states, albeit not a single one of the main destination countries of labour migration. The UN's attempt to bring together an international conference on the topic of migration failed in 1995 because of a lack of agreement as to the goals, funding and composition of the secretariat. However, a Global Commission on International Migration (GCIM) has now been established by the United Nations.

Thought has already been given to a World Migration Organization (WMO) in analogy to other UN organisations. Its proponents consider that it might facilitate improved coordination of the individual national migration policies and perform a certain worldwide "arbitration function". However, many are expressing concerns as to the bureaucratic inefficiencies of such organisations and their lack of ability to assert themselves, together with considerable scepticism as to whether the establishment of another UN sub-organisation would make an efficient contribution towards actually solving the ever more urgent problems.

4.2 Recommendations for receiving countries and countries of origin

The implementation of the ethical guidelines portrayed is contingent on the phenomenon of migration being perceived at all and taken seriously in the context of increasing globalisation. It is not helpful if the problem is denied, as was the case for decades in Germany. Over and above this, migration must be regarded in the context of the current development policy, as well as security and peace policy, and the ecological challenges. The specific management of problems linked with migration can only be successful as a coordinated, coherent approach in the various policy areas. The nation-states still have the greatest significance here. They have the right and the duty to set the conditions for migration in such a way that they do justice both to the interests of their own populations and to their worldwide responsibility. By means of changed incentives, the countries of origin can modify the push factors, and the destination countries can modify the pull factors; and hence influence migration decisions. Because of growing international networking and of the increasing interdependence of the states, governments will however have to act here in an increasingly coordinated manner, which is why international cooperation will become more relevant within regions and at global level (cf. 4.3).

4.2.1 Recommendations for receiving countries

Transparent procedures for the selection of migrants

The receiving countries must first of all establish how many and which migrants can be accepted, taking fair account both of the interests of potential migrants, of the countries of origin and of their own population, and whether this acceptance takes place only temporarily or permanently. The law on immigration, residence and nationality should be accordingly shaped on the basis of these decisions.

The necessary limitation and the selection of the migrants must take place via a transparent, non-discriminatory procedure ruling out arbitrariness and avoiding excessive delays, above all when it comes to the refusal of a residence permit, which leads to expulsion. The criteria can be much more open in the case of temporary migration than in the case of permanent migration, a particularly important criterion for temporary migration lying in the willingness to in fact return to the country of origin. The procedures which are possible in principle are distinguished by who carries out the selection, in what manner and by what criteria.

For instance, immigration quotas can be established for individual nationalities, the question arising as to whether this criterion makes sense.

A second possibility lies in regulating the immigration of labour migrants by applying the criterion of their economic independence. Anyone who acts as an entrepreneur or can show that they have a job would then be able to enter (at least for a certain duration). Conversely, they would have to leave once again if they were no longer able to safeguard their livelihood themselves, or if they once more lost the expectancies for social transfer services acquired by their employment. Here too, questions arise as to practicability and ethical problems, above all if the person concerned has already lived in the destination country for a longer period.

Finally, various point systems are conceivable, above all for permanent migration, by means of which the evaluations of the personal skills, the linguistic knowledge, the willingness to integrate and the opportunities on the labour market of the receiving country may be combined in a transparent manner. If such point systems are carefully implemented, do not contain hidden discrimination and are applied free of arbitrariness, both the interests of potential migrants and those of the receiving countries can be taken into consideration in

a fair manner. In this respect, they best correspond to the social and ethical criteria that have been put forward.

It is important that the receiving countries obtain information themselves on these procedures and on the opportunities open to migrants in the countries of origin and make corresponding advisory offers so that potential migrants are not attracted to the country by false promises and do not entertain illusions as to their chances and the situation awaiting them.

Legal certainty through improved residence law

Residence law must be structured in such a way that as great as possible a measure of legal certainty and support for planning is provided. If a receiving country wishes to associate certain migrants with it permanently, and this does not cause problems in social and ethical terms, residence law should be structured such that there is in fact an incentive to remain in the country. Furthermore, there must be a possibility to also receive permanent residence status subsequently if appropriate criteria are met. Migrants with a residence permit must have the possibility to access the labour market; discrimination must be prevented. They must be able to obtain corresponding benefits if they pay contributions to social insurance. In order to improve migrants' legal status, all states should ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Special attention for the problems of female migrants

Some fields of work in which one particularly finds *female* migrants (such as domestic employees), are frequently in a grey area when it comes to statutory regulations, social security and possibilities to organise. This frequently leads to a disadvantage or indeed to the exploitation of the women in question, which is exacerbated by their lack of knowledge of the language and of the laws of the receiving country. It is a matter here of providing corresponding protection measures by means of organisation, advice and information services, improving the relevant statutory regulations and consistently checking compliance with them.

Facilitation of family reunification

The subsequent migration of spouses and children until the age of at least 16 must be guaranteed. The migration of other family members, such as parents in need of long-term care, should also be facilitated under certain preconditions. Children born to foreigners living lawfully in the receiving country should be able to receive the nationality of the receiving country in addition to the nationality of their parents. Dual nationality will do better justice to the needs of people who both remain tied to their home countries, and establish new roots in the destination country, and hence form a bridge between the cultures. The questions related to dual nationality can be solved by means of bilateral agreements reached between the states in question or through multilateral agreements.

Respect for the rights of irregular migrants

The fundamental human rights and human dignity of irregular migrants are to be respected anyway, also and particularly in case of expulsions and deportations. For migrants whose deportation is suspended only temporarily, and for irregular migrants who have been living in the receiving country for a long time, exceptional regulations should permit them to obtain legal residence status in certain cases. Trafficking in human beings and smuggling gangs must be rigorously prosecuted, but this must not lead to a violation of the elementary rights of the migrants concerned.

Promotion of integration

In particular in the case of migrants who remain in the receiving country for a longer period, it is in both their interest and that of the receiving country that their integration is promoted as far as possible. This may work through environment- and vocation-orientated language courses, by promoting general education, through offers of psychosocial care and support for access to the labour market. The promotion of integration for second- and third-generation migrants is also a major task. Language courses must be concluded with informative certificates increasing graduates' chances on the labour market. The recognition of schooling qualifications from the country of origin in the receiving country should be facilitated if the quality of such qualifications is

comparable. This would also indicate to migrants that they are welcome and are needed, which conversely is likely to considerably increase their willingness to integrate and take on responsibility.

Facilitation of political participation

Finally, political participation opportunities are a major factor for integration, and can be provided without greater effort by a right to vote at local level and/or by creating advisory councils for foreigners and comparable bodies. Since full integration with real political participation rights is only achieved by acquiring the nationality of the receiving country, this is to be made available to migrants who have been living in the receiving country for a longer period.

Combating xenophobia

Those with political responsibility, as well as church and civil society organisations and all citizens as individuals, must act to combat xenophobia and any type of discrimination. It is also a matter of the citizens of the receiving country contributing towards the creation of an integration-friendly atmosphere. To this end, it is helpful and makes sense in the broad public to provide proper information with the necessary differentiation about the benefit of migration for the receiving country, as well as on the possible dangers or problems.

All in all, however, one should not give in to the illusion with all of these measures that the phenomenon of migration, which comes into being through millions of highly-complex decisions on the part of individuals and families, can be regulated down to the finest detail. Also, state borders and foreigners' residence within them cannot be completely controlled. There are limits to controllability; any migration policy must anticipate such incompleteness.

4.2.2 Recommendations for countries of origin

The countries of origin may also not be neglected as holders of responsibility. They have an obligation to at least carry out a cause analysis for the emigration of labour and to discourage it in political terms in case migration poses a burden on their own country. They do not have the possibilities open to the receiving

countries in every respect, given that they may not prevent their nationals from leaving.

Improving living and working conditions in one's own country

The most important task of the countries of origin is to reduce as far as possible the push factors causing people to leave their homes. They will have to be supported here by richer countries through development cooperation. The more successfully poverty is combated and economic growth facilitated, ecological disasters avoided or alleviated and menacing social conflicts (in extremis civil wars) are overcome, the more often will promising future prospects be opened to citizens. If people have a hope that they may achieve greater freedom, more security and greater prosperity at home in the foreseeable future, and in particular that their children will receive better educational and later also employment opportunities, they will not emigrate so easily. All the political measures and reforms which could contribute to this are summarised under the call for "good governance".

Information and advice for potential migrants

The states of the countries of origin also have a responsibility for those citizens who wish to leave the country. Because migrants from the destination countries for a variety of reasons frequently have an incorrect picture of the situation there, governments, as well as non-governmental organisations, should promote realistic information for those citizens who wish to emigrate on the situation in potential receiving countries, identify potential risks and advise and support them in preparing for their re-settlement.

Transfers home

It is in the interest of both the migrants' families and also as a rule of the countries of origin that migrants should transfer money home, and that this money arrives safely, quickly and without high transfer fees being imposed, given that this will lead to higher and more regular transfers home. The countries of origin should support the development of an efficient banking system by means of suitable framework conditions. Particular importance

attaches here to fair, transparent competition between different banks so that fees fall, the security and speed of the transfers increase and as many people as possible receive access to banking services. The countries of origin should, finally, be given incentives by means of special programmes to use transfers back for investment, such as through state-promoted programmes of saving for education.

4.2.3 Recommendations for coping with the problem of the brain drain

The receiving countries may not orientate the selection of migrants in the global competition for the best qualifications solely in line with their own national interests, and should also not attract welcome migrants to the country one-sidedly through aggressive recruitment practices. Depending on the situation in the country of origin and on the vocational field, the emigration of highly-qualified persons in the countries of origin can lead to considerable disadvantages. For example, this particularly applies to the healthcare sector as a rule. For this reason, it should be ensured first of all in the countries of origin that the conditions for highly-qualified labour also become more attractive there, for instance by offers of further skill-building in situ or by expanding facilities for science and research, etc. For development experts from third-world countries, this may provide incentives to remain in their country if their salaries are topped up by funds from development cooperation, which is still cheaper than employing experts from rich industrialised nations. Returnee programmes may make sense in order to benefit from migrants' acquired know-how. There are many examples of countries in which returnees have provided important impulses for development.

The migration of the highly-qualified can be structured under certain preconditions such that both sides benefit. Solutions that are justifiable in socioethical terms could for instance contain arrangements regarding obligations to return or equalisation via compensation payments. These could be paid by the recruited workers themselves, by the recruiting companies by or the receiving states. Green Card arrangements could for instance be made contingent on the recruiting companies paying compensation to the country of origin for the migrants' training costs. The amount should be measured by what investment has been made in higher educational qualifications which the highly-qualified person has received in their country of origin. There is a need for bilateral

agreements, probably even international regulations, to regulate such compensation payments, which may prove extremely complicated to set up.

The possibilities for compensation payments frequently also depend on the structure of the funding of the education system. For instance, the tertiary field of the educational system should certainly be actively expanded in the countries of origin, whilst however it must not be simply made freely available to all. If, for instance, grants are awarded as loans to be repaid linked to income, it is possible to subsequently make graduates who earn well abroad contribute towards the cost of their education at a later time.

The discussion of this extremely difficult question has unfortunately only made it clear that no practically-tested models are available so far, and that most experts remain highly sceptical as to whether compensation arrangements can really be implemented.

The problem of the “care drain” is even more difficult to solve. The losses are considerable here, in particular for the families in the countries of origin, and these can also hardly be compensated for via transfers home, especially since the female migrants in question frequently only earn very little in the destination countries. Since they also frequently work in the informal or even in the illegal sector, it is likely to be virtually impossible to oblige their employers to pay compensation – unless it is possible to promote the organisation potential of female employees so that they can claim their rights themselves.

4.3 Recommendations for action at international level

Since the impact of individual countries’ immigration policy depends on the policies of the other countries – there may be competition both for those with the highest qualification, and there may be negative competition for the most efficient shoring up policy – the view must be widened onto a regional or global perspective – from the respective nation-state interests towards the joint international structural possibilities.

4.3.1 Regional cooperation

If one looks at the most important migration flows worldwide, it becomes clearly recognisable that certain networks of particularly dense migration

movements have formed. There are certain regions with a small number of countries involved, between which the main flows of migrants occur. This applies for instance to migration flows from Eastern Europe to Central and Western Europe, from Northern Africa to Europe, from Latin America to the USA, from Asian countries to the Gulf States and Asian threshold countries, etc. It makes sense within such regional groups of countries, as is already taking place to a certain degree, to regulate migration via bilateral or multilateral agreements between countries of origin and receiving countries in order to harmonise migration policies and alleviate any problems which may arise. This should be particularly easy where the countries involved already have ties as a result of closer political and economic cooperation (such as a free trade agreement). In most cases, such agreements as a rule already contain agreements on the travel and residence possibilities of the highly-qualified and of those individuals who work within the framework of services. Depending on the degree of networking, internal freedom of movement within the EU may be a model for the transferability of social entitlements then becoming necessary and for improved compatibility of the social security systems.

4.3.2 Global organisation

It is already incumbent on international organisations such as the UN today, and on the UNHCR in particular, to take care of refugees and those suffering from political persecution, and initial steps are being taken to establish the rights of migrants universally. The further international migration extends beyond regional migration spaces and increasingly becomes a global phenomenon, the more the need arises for coordination between regional agreements and regulations. The corresponding need for coordination necessitates, if not a new UN sub-organisation on migration-related issues, then at least better bundling of various activities at global level. Organisations such as the IOM, the WTO (particularly with regard to GATS and its Mode 4), the ILO, the OECD and the UNHCR should be involved here. Convening a world migration conference could be a major step towards achieving improved international cooperation in migration. Similar to the major world conferences on other topics, it would have the opportunity of making a contribution towards creating a greater awareness of the problem of migration, among people in both the countries of origin and in the receiving countries. It may have been possible to set the stage for this

following the recent establishment of the UN's Global Commission on International Migration in Geneva (2003).

4.4 Recommendations for action for non-state players

4.4.1 Enterprises

Enterprises in the receiving countries have their own interest in suitable workers becoming available to them through easier migration. For this reason, they must also share responsibility both for a foreigner-friendly atmosphere in their companies, and in the receiving countries overall, as well as for improved integration. Both can for instance be promoted through in-house further training, including the imparting of linguistic knowledge. Intercultural learning for managers and staff working abroad is an important investment in improving corporate performance, and it benefits the efficiency of workflows in the long term. Enterprises' integration efforts should also at least partly include programmes for the family members of foreign workers. Such attitudes and measures are already embodied in many enterprises' codes of practice and their description of a "corporate identity". Finally, enterprises may not tolerate illegal employment of migrants, and must themselves make a contribution towards fighting illegal employment and trafficking in human beings.

Above all, enterprises in countries of origin have to deal with migration problems when they send employees to other countries in the context of international trade in services. They must carefully prepare their employees for their task in the destination country and ensure that they find favourable working conditions and that their rights are respected. At the same time, they also have a shared responsibility to ensure that their employment meets the regulations and statutes of the destination country.

4.4.2 Civil society organisations

Civil society organisations can and should make a major contribution towards fighting xenophobia, creating an awareness with regard to the need for and the mutual benefit of migration. They can and should support the development of citizens' skills to co-exist with members of different cultures, religions and ethnic affiliations. Some organisations which particularly express solidarity with

the needs of migrants give them latitude in the countries of origin and receiving countries for self-help and political self-organisation, but are also advocates of those who cannot organise themselves so easily, in particular irregular migrants. They should where necessary create “counter publics” and point out problem situations, whilst working together in a constructive manner with nation-state institutions and international organisations. Independent welfare organisations, if they have their own funding, have a special responsibility to find a public ear. They can then act more independently than state social facilities.

4.4.3 Trade unions

In the context of labour migration, the trade unions above all are predestined to use their skills and experience to also represent the interests of minorities in the workforce. When it comes to representing the interests of labour migrants with no legal status, however, the trade unions suffer from a conflict of interests between the international solidarity of the workers’ movement and the protection claims of their own members. Whilst labour migrants with legal status are as a rule organised in the trade unions in the same way as their national colleagues, this frequently does not apply to the group of labour migrants who do not have legal status. Specialist trade unions have several possibilities for dealing with this conflict of interests. According to the proposal made by UNI (Union Network International), a global association of trade unions from the service sector, they could for instance create cross-border membership in cooperation with foreign partner trade unions. Making use of existing cross-border networks of trade unions, church organisations and non-governmental organisations could also help to achieve better protection for this group of employees. A further possibility lies in the concrete establishment of new employee movements, such as the “European Migrant Workers Union”. This association, which was not established until 2004, seeks to represent migrant workers from various sectors regarding their protection under labour law. This points the way for established trade unions in facing new tasks and challenges on the labour market.

5. The role and task of the Churches

Because of their perception of mankind, their message and their own internal plurality, the Christian Churches are particularly well suited, and are indeed obliged, to campaign for a world in which dignified migration becomes possible with as few losers as possible. For the Catholic Church, the approach of the Second Vatican Council and the teaching of the Popes since John XXIII are particularly relevant for this.

The “Human Rights Charter of the Catholic Church”, the social encyclical entitled “*Pacem in terris*” (1963) in fact indicates a “right to immigrate”. In No. 25, headed “The Right to Emigrate and Immigrate” it states that every human being must be permitted to “emigrate to other countries and take up residence there”. The reasoning is important: “The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men.” “It is therefore the duty of State officials”, as it goes on to say in No. 106 “to accept such immigrants and – so far as the good of their own community, rightly understood, permits – to further the aims of those who may wish to become members of a new society”. “*Mater et Magistra*” (1961) already spoke of “the solidarity which binds all men together as members of a common family”^{*} (MM 157). The social encyclical “*Centesimus annus*” of 1991, and finally the “Compendium of the Social Doctrine of the Church” published in 2004, repeat the traditional teaching of the “universal destination of the goods of the earth”, which are said to be ultimately there for all. The “option for the poor” emerges as a natural conclusion from such an idea of justice. They deserve particular consideration because otherwise they are excluded or discriminated against.

The stance of a universalist, all-embracing morality already put forward above is therefore also the moral stance of the Catholic Church. She certainly frequently fails to live up to this ideal in practice. Nonetheless, together with the Protestant Churches, which in principle do not hold a different view on these matters, valuable work is done at several levels with regard to the problems of migration and integration. This takes place to a considerable degree through public

^{*} Translator’s note: Whilst adhering to the spirit of MM 157, the German source text differs in letter from the English wording reproduced here.

statements (some of which are ecumenical)⁴, which naturally are particularly effective if they originate from Church representatives from both countries of origin and receiving countries⁵. With their facilities orientated towards political dialogue, the Churches can tackle migration-relevant topics and act as motors for cross-cultural alliance- and cooperation-formation within society.

On the other hand, the Churches may not tire of caring for migrants in their concrete pastoral work in the local communities and in categorial pastoral work, promoting their integration and at the same time encouraging the willingness of their faithful in the receiving country to co-exist with migrants and to respect their differentness. The Churches thus see themselves as places of integration. Pastoral services offered in the migrants' mother tongue may make sense, but they should not impair integration. Particular importance attaches to pastoral work for migrants in detention awaiting deportation and to commitment to the human rights of irregular migrants. In order to protect them against economic exploitation and undignified dependencies, and to strengthen their rights, a "Catholic Forum on Life in Illegality" has for instance formed in Germany at the initiative of the migration commission of the German Bishops' Conference. The work of Church social facilities must naturally also support migrants. Church youth work and church educational facilities, such as church kindergartens and schools, promote not only awareness-creation in this matter, but are also open to migrants themselves.

Where this does not cause problems for pastoral reasons, non-Christian migrants may also not be excluded in awarding church jobs. They could certainly be a "gain for a Catholic facility. This applies above all in the care area, where an increasing number of Muslims are also being admitted as patients and have a

⁴ For Germany it is possible to refer to "*...und der Fremdling, der in deinen Toren ist*" ("... and when a stranger shall sojourn with thee." Joint Statement by the Churches on the Challenges Posed by Migration and Flight) (1997) and Promoting integration – shaping co-existence (*Integration fördern - Zusammenleben gestalten*), Statement by the German bishops on the Integration of Migrants (2004). Cf. also "Erga migrantes", Instruction of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People (2004).

⁵ cf. for instance the Pastoral Letter entitled "Strangers No Longer: Together on the Journey of Hope" from the Catholic Bishops of Mexico and the United States. Printed in German in: *Weltkirche* 23(2003)3/4, 63-73 and 89-98, available in English and Spanish at <http://www.usccb.org/mrs/stranger.shtml>

right to being cared for and guided in a manner which is sensitive to their culture.”⁶

The Catholic Church considers migration to constitute not lastly a “historic opportunity” to examine its own identity: “The Church is *one* because in a certain sense it also expresses the unity of the whole human family; [...] it is *catholic* furthermore in its openness to diversity that is to be harmonised [...]” (Erga migrantes 97)

⁶ Promoting integration – shaping co-existence (*Integration fördern - Zusammenleben gestalten*), 4.7.

Research Group on the Universal Tasks of the Church of the German Bishops' Conference

As per

Brochures

- Poverty and Demographic Trends in the Third World (1990: also in French and Spanish); authors: Franz Böckle/Hans-Rimbert Hemmer/Herbert Kötter
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