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Freedom and Intervention in the
Field of International Migration

by Francis BLANCHARD

Reasons for Intervention

During the past half century the developement of international migration has been characterised by increasing intervention on the part of the public authorities. International migratory movements, which were free and spontaneous at the beginning of this century, have become restricted, controlled, selective and, in many cases, organised.

This is no chance developement. The period in question has seen the birth of intervention in many other fields, and the trend apparent in respect of migration forms part of the general pattern of the economic and social development of our time. Everywhere - although in varying degrees - the State has assumed increasingly heavy responsibilities with respect to the direction and co-ordination of national economic life and to the social protection of the individual. The interdependence of economic development and population movements is obvious. An increase in the population of a country, whether it be the result of natural growth or of immigration, demands a corresponding increase in national production, without which it leads to a fall in the standard

of living. In turn, any fall in the standard of living results, at least in borderline cases, in individual hardship which, in any modern society, imposes burdens on the community. In the particular field of international migration therefore, intervention by the public authorities has a twofold protective aim. It seeks to protect the national community from population movements considered dangerous to its balanced development and to the standard of living of its members. It also seeks to protect the migrant and his family from the consequences of migration under unsatisfactory conditions or to help them migrate under the best possible conditions.

The concept of protection has thus encroached on the principle of freedom to immigrate and to emigrate. Public authorities have undertaken the supervision, regulation and organisation of migratory movements. Although the migrant remains free to decide whether to migrate, the public authorities take action either to encourage migratory movements which they consider generally desirable or to restrain those which are deemed harmful.

Forms of Intervention

Intervention by the public authorities may thus be of a negative or positive character.

Negative measures range from complete prohibition of certain movements to the laying down of

eligibility criteria designed to eliminate from the migration stream persons who do not meet the required standards as regards health, means, occupational qualifications, age, sex, national or ethnic origin, etc. Positive measures involve various forms of assistance to migrants which may in some cases extend to the financing of transport and initial settlement costs.

Public intervention may affect all stages of the migration process or only some of them. The public authorities may take part in the distribution of information designed to acquaint the potential migrant with living and working conditions in the country of destination. They may themselves organise or supervise closely the recruitment and selection of migrants. They retain the sole right to issue to the migrant the documents he requires for travel from one country to another and, of course, they alone can grant or refuse entry to their national territory. They issue or withdraw permission for the carrying on of gainful activity, regulate the pursuit of such activity and lay down the conditions under which the migrant shall be covered by the social security or social assistance measures in force. They keep watch over the conditions of work offered to the migrant by checking his work contract or the terms of the letters which lead to his migration. They check the conditions under which

migrants are transported and often supervise their first steps in the receiving country. The degree and form of their intervention vary, according to whether the movement is spontaneous or organised, individual or collective, permanent or temporary.

Intervention is often unilateral. In that event the public authorities of a country, guided only by the national interest, themselves lay down the conditions pertaining to emigration and immigration. Frequently, however, unilateral measures are supplemented by bilateral agreements which, as a result of negotiations prior to their conclusion, seek to reconcile the interests of the countries of reception and departure.

Finally, unilateral and bilateral intervention in the field of international migration has, in turn, been supplemented by international intervention. The most outstanding features of international intervention may be summarised as follows: the framing by the International Labour Organisation of international standards for the protection of migrant workers; the substitution of international agencies - such as the Office of the United Nations High Commissioner for Refugees - for the authorities of the country of origin with a view to the protection of particular categories of refugee migrants; the efforts of the various European international agencies such as O.E.E.C. and E.C.S.C. to simplify administrative

practices relating to migration or to the admission of migrants to employment. Mention should also be made of the important role of the Intergovernmental Committee for European Migration, the aims of whose direct intervention in respect of organised emigration from Europe to overseas countries are to facilitate the transport of migrants by multilateral action and to provide many administrative and technical services in the field of international labour supply and demand.

The intervention of voluntary agencies in the migration field should also be emphasised. Such intervention occurs wherever it is necessary to help the individual migrant overcome the obstacles in his path from the time of his decision to emigrate until his migration is successfully completed. Voluntary agencies have rendered invaluable service to countless migrants and to the authorities of emigration and immigration countries. These services are all the more necessary and useful because it is impossible for the public authorities to study the case of each individual migrant and the particular circumstances of his migration.

Advantages of Intervention

Whatever opinion one may hold concerning the actual principle of intervention by the public autho-

rities in economic and social fields, it must be recognised that such intervention is one of the outstanding features of the present time.

It has been shown that from the point of view of immigration countries, public intervention has a twofold purpose. On one hand, it aims at confining admission to persons who will represent an economic or demographic gain for the receiving country. On the other hand, it seeks to encourage, more or less actively, the immigration of persons it is desired to attract. Immigration countries therefore consider it essential to their interests to establish selection or eligibility criteria based on a series of requirements. These criteria naturally vary in different countries, at different times and in relation to different types of migration. A country still in the early stages of economic development does not have the same attitude to immigration as a highly industrialised country. Furthermore, immigration policy differs according to whether a country is passing through a period of economic prosperity, recession or stagnation. The authorities of a receiving country may intervene, for example, in order to restrain or encourage permanent immigration or temporary immigration. In some cases, they may waive the regulations and open their frontiers for humanitarian reasons. Intervention also enables them to take account, where necessary, of special

circumstances. Thus, immigration criteria may vary according to whether it is desired to attract rural or urban immigrants. Alternatively, such factors as the availability of housing for immigrants' families may be taken into account and there may be a combined immigration and housing construction policy. In principle, from the point of view of immigration countries, the advantage of intervention by the public authorities is that it makes it possible to adapt migration currents to economic needs and absorption capacity. Moreover, it must be repeated that restriction and control are not the only means open to a country wishing to canalise immigration. Intervention of a more positive character may also prove effective. Thus, immigration countries, acting independently, or in accordance with bilateral agreements or with the aid of international intergovernmental or voluntary agencies, organise information, recruitment, transport and reception services to assist them in carrying out their immigration policy.

Intervention by the public authorities also occurs in emigration countries. For many of these countries, emigration contributes to the solution of the problems created by relative over-population and unemployment. It is therefore in the interest of the public authorities to intervene with a view to finding outlets for their nationals and extending the economic relations which migration invariably

establishes between the countries of origin and reception. At the same time, countries of origin naturally wish to intervene in order to ensure that their nationals emigrate under the best possible conditions and are given the maximum social protection. Intervention on the part of emigration countries is normally of a more positive kind than that practised by immigration countries. However, the former may, if necessary, have recourse to intervention of a negative character. For example, an emigration country may discourage the departure of persons particularly useful to its economy. Alternatively - and this often happens - it may attempt to discourage emigration likely to take place under conditions involving undue risk of failure.

Finally, intervention has undeniable advantages from the point of view of the migrant himself. When migratory movements were much freer than they are today the migrant and his family had to face alone the considerable risks involved in migration. There were successes and failures, and though the failures received less publicity, they were numerous. The migrant who failed was left to his fate. Today, the concept of social solidarity has secured much wider acceptance in all countries and the migrant relies on the public authorities to ensure him certain minimum living and working conditions. Moreover, he is faced with many material, administrative and

psychological difficulties and even if public intervention is, for other reasons, the cause of some of these difficulties, it is effective in helping the migrant to overcome them.

Drawbacks to Intervention

Experience has shown that there are some drawbacks to intervention which merit careful consideration.

Public intervention in the field of international migration is generally criticised on the three following grounds: it reduces the volume of useful migration; it involves administrative procedures which are too slow and too rigid; it has unfavourable psychological effects on the migrants.

Of course, prohibitive and restrictive regulations do sometimes deprive immigration countries of a real economic and demographic gain. This is particularly true of regulations adopted for other than economic reasons. In such cases, the immigration country knowingly accepts a slower rate of economic developement because it wishes, for example, to preserve the ethnic balance of its population. However, when regulations are based on economic factors and the state of the emploument market, they are often a symptom rather than a cause of the slackening of migratory movements. The volume of migration does indeed decrease when there is a slowing down of eco-

conomic development or when changes occur in the manpower structure of immigration countries. This fact is borne out by statistics of migratory movements between countries which raise practically no obstacles to the immigration and emigration of their nationals. The moment the integration of newcomers becomes more difficult and migration failures increase, there is a reduction in migratory movements and even some repatriation. Moreover, it has been shown with respect to Europe, (1) that the efforts of immigration countries to increase productivity have led to a decrease in the demand for foreign manpower. In addition, these manpower economies have been effected mainly in respect of unskilled work whereas shortages always occur in skilled trades. As European emigration countries also have skilled manpower shortages, migration possibilities are reduced. Thus, mere repeal of the regulations impeding immigration would certainly not solve the problems of relative overpopulation. The solution of these problems lies, to a large extent, in the speeding up of economic development in the countries concerned.

(1) Xavier Lannes, International Mobility of Manpower in Western Europe, International Labour Review, Vol. LXXIII, No. 1, January 1956, pp. 4-6.

In the administrative field, intervention has a series of drawbacks which are not always easy to overcome. The rigidity of selection criteria and the tendency to apply them too mechanically often lead to undesirable restriction of movements. When the responsible officials are given some scope to interpret the rules laid down in legislative or administrative texts their interpretation is apt to be restrictive. Officials do not always have the necessary time and means to make a thorough examination of each individual case. At best, any attempt to obtain a relaxation of criteria when this is justified in a particular case entails long and complicated administrative procedures. Indeed, even in the simplest cases, the welter of administrative formalities generally required in connection with departure transport, entry and installation, call for many procedural steps and much travelling to and fro on the part of the migrant. Government departments need considerable time for the preparation of an excessive number of documents and for the study of case files.

For an ordinary citizen unfamiliar with administrative rules, all this constitutes an obstacle which it is often difficult to overcome unaided. Of course, in this field as in others, voluntary agencies play a vital role as intermediaries between the migrant and the government departments. However, governments wishing to rationalise migratory movements should neglect no opportunity of reducing and simplifying administrative formalities.

The psychological consequences of intervention constitute the most important problem and the most difficult one to solve. Migration, like any other human activity, involves the personal responsibility of the individual concerned. In former times, initiative on the part of the migrants was one of the essential requirements for the success of migration. Of course, there are also a number of objective requirements for success. However, migration will certainly fail if the migrant himself does not show certain qualities of which initiative is one of the most important. There is a risk that too much intervention may either weaken initiative or result in the movement of persons who are psychologically unsuitable for emigration. Moreover, too much intervention leads migrants to expect more from the public authorities than the latter are able to give. The migrant's power of resistance is consequently weakened and he tends to blame the authorities for any difficulties he encounters, even if such difficulties are inherent in any migratory movement or any change of surroundings. This excessive confidence in public intervention often leads to disappointment which in turn breeds discontent fatal to the continuity of migratory movements. Moreover, by treating emigration and immigration as an administrative matter, intervention renders the public authorities directly responsible to public opinion and thus exposes them to the classic forms of opposition

sometimes aroused by emigration and, to a greater extent, immigration.

Conclusions

Where then lies the solution, since intervention has undoubted advantages, but no less important drawbacks?

It is obvious that under present conditions there can be no question of dispensing with intervention on the part of the public authorities. To do so would, moreover, inevitably give rise to grave disturbances in the economic and social situation of the countries concerned. In addition, the protection of migrants would be seriously affected. The efforts being made to simplify regulations and administrative measures governing migration within Europe, which are particularly complex and restrictive, will certainly result in some progress and open the way to liberalisation of such movements. Simultaneously, however, there should be some toning down of intervention by the public authorities in respect of international migration in general. Such intervention should be as flexible as possible in order to obviate the psychological effects which, as previously mentioned, it may have on migrants and their families. Intervention by the public authorities should avoid stifling individual initiative and leave the migrant a share of the responsibility for his deci-

sions and, above all, his acts. It should relate essentially to protection and assistance within the framework of appropriate organisation of the migratory movement. Protection and assistance should be given to persons who really wish to make a new home abroad, are prepared to run certain risks which this involves and have the occupational ability likely to enable them to overcome the difficulties inherent in any migratory movement. Viewed in this light, intervention by the public authorities is necessary, beneficial and useful. It is necessary in order to ensure the emigration of persons who could not meet all the material requirements of emigration without assistance from public authorities or voluntary agencies. It is beneficial in so far as it improves and prolongs the chances of success of an undertaking which, even under the most favourable conditions, involves risks that increase with the distance separating the country of destination - geographically; economically and socially - from the country of departure. Finally, it is useful in so far as it is conceived in a constructive spirit and therefore helps to strengthen the links between emigration and immigration countries and thus promote the solution of the equally important problems facing countries with large population surpluses and those that have vast possibilities of economic expansion but whose efforts are thwarted by a lack of skilled manpower in all sectors of their economy.