



IOM • OIM

The importance of migration terminology

Course on International Migration Law
jointly organized by UNITAR, IOM, UNFPA and the
MacArthur Foundation
13-15 June 2012



Migration Terminology

- Importance of terminology in the area of migration
- Challenges in the area of migration terminology
- ***What terms in the area of migration do you use in your daily work / can name?***



International Migration

- Movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country. An international frontier is therefore crossed.

IOM, Glossary on Migration



Circular Migration

- It is the fluid movement of people between countries, including temporary or more permanent movement which, when it occurs voluntarily and is linked to the labor needs of countries of origin and destination, can be beneficial to all involved.

IOM, Glossary on Migration



Internal Migration

- A movement of people from one area of a country to another for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration).



Irregular Migration

- Irregular migration can be defined as migration that occurs outside the regulatory norms of the origin, transit, or destination country
- By and large, two groups of irregular migrants:
 - Those who arrive in a clandestine fashion
 - Those who arrive legally and then overstay the period for which their visas/permits are valid
 - Although clandestine migration attracts the most attention, it is widely acknowledged that the second group is in the majority

From IOM Glossary on Migration



Trafficking in persons

Trafficking in persons shall mean

- the recruitment, transportation, transfer, harbouring or receipt of persons,
- by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,
- for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (...)

Art. 3, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000



Smuggling of migrants

Smuggling of migrants shall mean

- the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident

Art. 3, Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000



Illegal entry

- Illegal entry shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State; (...)

Art. 3, Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Crime, 2000



Migrant...

- The term “migrant” in article 1.1(a) of IOM Constitution, should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of “personal convenience” and without intervention of an external compelling factor.



Migrant

- At the international level, **no universally** accepted definition of migrant exists. The term migrant is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor. This term therefore applies to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.
- The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Under such a definition, those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work planting or harvesting farm products.



Migrant Worker

- The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

Art. 2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990



Members of the Family

- The term refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

Art. 4, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990



Migrant workers and member of their families in a regular / irregular situation

Migrant workers and members of their families:

- Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party;
- Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

Art. 5, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990



States

- The term "State of origin" means the State of which the person concerned is a national;
- The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;
- The term "State of transit" means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

Art. 6, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990



Refugee

- Is any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Art. 1, Convention Relating to the Status of Refugees, 1951

- Is a person who meets the eligibility criteria under the applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR's mandate, and/or in national legislation.

Master Glossary of Terms, UNHCR, June 2006



Internally Displaced Persons (IDPs)

- Are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

Guiding Principles on Internal Displacement, 1998



Stateless person

- means a person who is not considered as a national by any State under the operation of its law

Art. 1, Convention relating to the Status of Stateless Persons, 1954



Migration Terminology

- Variety of migration terms. Migration terminology in national migration laws
- Commonly used migration terms
- IOM Glossary on Migration



IOM Glossary on Migration

- This glossary attempts to serve as a guide to the mire of terms and concepts in the migration field, in an effort to provide a useful tool to the furtherance of such international cooperation and the common understanding of migration issues
- Currently available in Albanian, Arabic, Chinese, English, French, Greek, Korean, Portuguese, Romanian, Russian, Slovenian, Spanish, and Turkish





Thank you!