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INTERNATIONAL MIGRATION, HUMAN RIGHTS AND DEVELOPMENT IN LATIN AMERICA AND THE CARIBBEAN

Summary and conclusions

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INTRODUCTION

At the meeting of the ECLAC sessional Ad Hoc Committee on Population and Development, held during the thirtieth session of ECLAC in San Juan, Puerto Rico on 29 and 30 June 2004, the country delegations recommended that at its next regular meeting, to be held in 2006, the Ad Hoc Committee should analyse the subject of international migration, human rights and development, and requested the secretariat of the Ad Hoc Committee, in collaboration with the United Nations Population Fund, to prepare the relevant substantive documents, pursuant to the mandate contained in Resolution 604(XXX). In response to this request, the Latin American and Caribbean Demographic Centre (CELADE) - Population Division of ECLAC has drawn up this summary, based on the document entitled “Cuatro aspectos centrales en torno a la migración internacional, derechos humanos y desarrollo” (LC/L.2490).¹ This text is intended to provide guidance to governments in the region so that they may face the most important challenges and opportunities for development presented by migration, with an approach that also takes into account the human rights of migrants and their families. The study has been enriched by the participation of CELADE in numerous meetings, workshops and seminars involving governments, academics, civil society and experts, and by the conclusions reached at these gatherings. It has also benefited from many of the studies reported in CELADE publications, from the intense effort made by the International Organization for Migration (IOM), the United Nations Population Division and other entities in the system, and from the contributions of experts and academics in the region.

The first part of the study presents an overview of the current context in which migratory movements are taking place, paying particular attention to the forces of globalization, the upsurge in transnationalism, the impact these phenomena have on the countries of the region and initiatives launched with a view to achieving migration governance. It is followed by a description of migration trends and patterns, with an emphasis on stylized facts. Three dimensions of the problems and potentials of international migration from Latin America and the Caribbean are examined: remittances, migration and gender, and the migration of skilled workers. Each of them is a source of concern and opportunities for development, and the respective contrasts are explored. Next comes an analysis of the ways that migration intersects with human rights, in which the problems of vulnerability and the need to protect migrants are highlighted. This analysis also underscores the active role that countries can play in this regard, both nationally and multilaterally and in conjunction with civil society organizations. And finally, some general conclusions and guidelines are proposed for migration governance, taking into account the specific characteristics of the region and accentuating the protection of migrants’ human rights as a key reference point. Emphasis is placed on the need to promote and strengthen multilateral cooperation as a legitimate means of ensuring that international migration contributes to the development of the countries in the region.

The central message of this document is that international migration is a question of development and of rights. This requires the promotion of comprehensive measures that will ensure that international migration is managed from a Latin American and Caribbean perspective, enhance free mobility, achieve the potential of positive externalities and protect the human rights of all migrants. It is hoped that the analyses and conclusions presented here will be useful in supporting the high-level dialogue on international migration and development that will take place in the United Nations General Assembly in 2006. As the Secretary General of the organization stressed on the occasion of International Migrants Day (18 December 2005), this is an opportunity for Member States to begin forging closer cooperation on these important issues so that they can take full advantage of the benefits of migration, address the myriad problems and concerns raised by migration, and do more to ensure respect for the human rights of migrant workers and their families.

¹ Produced within the framework of the UNFPA/ECLAC Regional Programme on Population and Development in Latin America and the Caribbean.

I. GLOBALIZATION AND ITS INTERSECTIONS WITH MIGRATION PROCESSES, HUMAN RIGHTS AND DEVELOPMENT

Migration processes are inseparable from globalization. They are one of the flows that take place in the modern world, along with economic, cultural, technological and ideological flows (Appadurai, 1996). Globalization is a dynamic of constant movement and transit of material and symbolic resources in which the space-time relationship tends to disappear (Giddens, 1991) and nation-State borders and lines are blurred. Migration has a tendency to be concentrated, or at least to be more visible, on the North-South axis because of the marked asymmetries in the development of the two hemispheres (United Nations, 2004). When the host States attempt to prevent or restrain these movements in an effort to defend their sovereignty, it is concluded that globalization tends to formally exclude international migration (ECLAC, 2002a and 2002b), which exacerbates some of the adverse consequences suffered by developing countries.

A. GLOBALIZATION AND INTERNATIONAL MIGRATION

The relationship between migration and globalization has been a key element of modernization and has played a central role in the emergence and development of modern capitalism. One of capitalism's most visible contributions is the constant supply and mobilization of cheap, specialized labour. Centres of economic and political power have found a variety of ways to take advantage of this phenomenon, ranging from the slavery system instituted in the New World to the unauthorized migration of today's world, and including guest worker programmes put in place in many industrialized countries and current systems of selective migration, which involve attracting the best students and skilled human resources towards key sectors of developed economies.

In each of these phases the movement of persons has been closely tied to the development and strengthening of the principal economies of the modern world, as it has allowed them to ensure the competitiveness of their sectors of production and industries. In Latin America and the Caribbean, this mobility has had other characteristics, due to a history of cultural affinities, commercial ties and porous borders in many areas, making movement from one country to another practically undetectable during the nascent stages of nationhood.

The initial phase of globalization (from the middle of the 19th century to the early 20th century) was a period of trade integration and liberalization based on the tremendous mobility of capital and labour. During that period, major migrations took place in Europe, both within the continent and overseas. Some of the emigrants sought in the United States and Latin America a place where they could escape the process of proletarianization, whereas others migrated from the country to the city or headed for the principal European economies as replacement labour (Castles and Miller, 2004).

At that time Latin America and the Caribbean received a large contingent of European immigrants, most of them from Southern Europe. Their arrival can be explained by a number of factors, including above all Europeans' desire to emigrate to the New World in search of land and new opportunities. Moreover, the governments of that era adopted measures intended to attract workers and settlers to populate their territories. In specific cases, immigrants from other parts of the world were brought in to work on large-scale public works projects, as in the case of the Chinese labourers hired to build railroads and work in the mines of Brazil and Chile. Although European immigrants went primarily to Argentina, Uruguay and Southern Brazil, they also arrived in the other countries of the region, including the Caribbean.

The liberalization and integration of trade that had been observed since the middle of the 19th century subsided during the period between the two world wars and the depression of 1930, when economies were characterized by strong protectionist measures. The end of World War II marked the beginning of a new phase of globalization. Between 1945 and 1971 there was a transition period, beginning with Bretton Woods and ending with the oil crisis, and from 1970 on, the groundwork for the present situation was laid (Chiswick and Hatton, 2003; Castles and Miller, 2004). The distinguishing features of the current scenario are sharp tensions between migration and globalization, an unstable atmosphere of restrictions, confusion and uncertainty, and unprecedented mobility.

B. MIGRATION AND TRANSNATIONALISM IN THE CURRENT GLOBALIZATION

In the last few years the dynamic of migrations in Latin America has been characterized primarily by the close links between the immigrants and both their old and new societies. The presence of ethnic communities in the heart of industrialized cities and the appearance of transnational practices among immigrants have raised serious questions about the assimilation model. Family, political and economic ties linking immigrants' homelands with their new host countries have led to a variety of practices and lifestyles that transcend geographic and political borders and challenge the power and reach of States as they try to control and govern a specific population living in a restricted territory.

History has shown that ethnic diversity and multiculturalism emerge with varying degrees of strength depending on the political and social contexts in which the immigrants operate. The notion that first-generation immigrants would keep their traditions and culture alive and be reluctant to incorporate the values and social and cultural systems of the host society, whereas their children would be more inclined to adopt them, has proven to be quite far from reality. This second generation has not become completely integrated by means such as mixed marriages, social mobility and access to education, housing and work under conditions similar to those of the local population. The formation, presence and consolidation of ethnic communities in cities receiving immigrants from different parts of the world creates a complex reality when these communities have high rates of poverty, uneven participation in the labour market, low levels of education, significant housing problems, and in general suffer from an exclusion that is aggravated by a process of stigmatization and discrimination by society as a whole. In addition, there are migration practices that challenge the territorial limits of the neighbourhood, the city and the nation and take root beyond borders, in a transnational realm created on the basis of bonds established between the home society and the host society, accompanied by a reconfiguration of personal, local and national identities.

However, the transformations are taking place even in the remotest regions, where the individuals responsible for these changes and new meanings do not need to be physically present. There, in the communities of origin, the absence of those who have left alters the social, family and economic dynamics. Along with phone calls, letters, email and remittances come new lifestyles, patterns of behaviour and consumption, gender identities and ideas about the family, among other shifts. Thus, the changes take place in different geographic locations and are not controlled by the desires and intentions of the actors themselves. Some Latin American and Caribbean countries have acquired a great deal of experience in this regard and their governments have begun to evaluate the situation with a view to adjusting national activities accordingly. Two recent examples that can be cited are Colombia's "Alliance Country" and the various programmes that have been implemented in El Salvador (Ministry of Foreign Affairs of Colombia, 2005, and UNDP, 2005).

Today immigration is producing diversity and multiculturalism and is challenging the myth of homogeneity, while the movement of workers and their families from one country to another is redrawing all political-administrative borders. It is clear that migration cannot be managed on the basis of a unilateral approach based on control (Meyers and Papademetriou, 2002), and it has been proven that any attempt to do so is inefficient and unrealistic (ECLAC, 2002a). In fact, such efforts are totally inconsistent with the harmonious functioning of democracy (Pécoud and de Guchteneire, 2005). There is also widespread agreement on the benefits of migration (IOM, 2005).

C. FROM ASSIMILATION TO TRANSNATIONALISM

Transnationalism emerges in the context of globalization. The development and mass application of new technologies have considerably reduced communication costs not only within a given country, but also between countries and regions, even those that are quite far apart. The use of cellular telephony has made it possible for immigrants to stay in constant, open contact with their families back home and with relatives who have emigrated to other places (Tamagno, 2003). The Internet has made communication easier and cheaper, which explains the large number of cybercafés and telecentres that have opened up in neighbourhoods with a large number of immigrants and in places with high rates of international emigration.

Transnationality offers a different economic and social integration strategy than integration through assimilation. It is the result of a number of survival strategies and practices derived from the exclusion of these communities in their host countries. Latin American and Caribbean immigrants, lacking access to the best jobs, seek out independent alternatives. For this purpose, they activate their social and cultural capital based on the network of contacts they maintain with their families and their community of origin (Canales and Zolniski, 2000). Transnationality reproduces the social inequalities characteristic of the home countries, since the more affluent immigrants who settle in a given place do not have much interaction with those who come from lower-income sectors or rural areas settling in the same cities (Guarnizo, Sánchez and Roach, 2003).

The transnational nature of migration is not yet present in all migration processes, or at least not to the same degree. There is some agreement among experts that the strength of ties linking emigrants to the community of origin is closely related to the type of migration that occurs. The attributes of the place of origin, that is, whether it is rural or urban, middle class or lower class, take on special importance. There are two ways to measure the intensity of transnationality: the frequency of remittances and the presence of relatives in the home country. In both cases, the starting premise is that insofar as there are children, siblings or close relatives remaining in the place of origin, transnationality is an extension of those family ties; and in many Latin American and Caribbean countries, the most palpable evidence of that is the sending of remittances. Thus, the idea of diasporas becomes completely meaningful in contemporary migration.

Some questions remain unanswered, such as whether the geographical and cultural proximity of countries in Latin America and the Caribbean enhances the transnational aspect of migration, and whether the migration of skilled labour, both within and outside the region, translates into similar levels of transnationality. Another question is to what extent this favours the transfer of knowledge, networks and technology that immigrants might contribute to their home countries.

D. CONCERNS ABOUT INTERNATIONAL MIGRATION, PARALLEL PATHS AND SHARED GOALS

International migration is now a recurring topic on the globalization agenda, and it figures prominently among the concerns and activities of the United Nations, specific intergovernmental forums and organizations, and regional development, integration, trade, security and human rights agencies.

ECLAC has consistently emphasized that restrictions on the mobility of individuals should be addressed in comprehensive agreements that go hand in hand with the development of a contemporary international agenda. Once it is recognized that this is a controversial subject, it is clear that such agreements should take into account the particular characteristics of the region in question, the dynamics of labour markets, and the protection of migrants' human rights (ECLAC, 2002a and 2005). This approach complements the process of identifying major issues that is necessary for migration governance on the international scene and the specific work carried out by regional agencies and institutions that, in one way or another, include international migration among their areas of interest. The Global Commission on International Migration (GCIM) contends that progress must be made towards the liberalization of the labour market as a means of optimizing the advantages and positive aspects of international migration, and that one of the ways this can be achieved is by signing temporary agreements on migrant labour, especially between countries with long-standing migration relationships (GCIM, 2005).

In the 1990s the idea of convening an international conference devoted exclusively to international migration and development was discussed in the United Nations. After hearing various concerns and receiving proposals, officials decided that it would first be necessary to reach a number of agreements regarding the nature, objectives, content and other substantive aspects of such a gathering. Consultations carried out for the purpose of gathering the opinions of all Member States of the United Nations and of the relevant international and regional organizations did not bear a lot of fruit, although most of those who responded were in favour of holding the conference. While the initiative died, the preliminary measures did bring to the fore at least two significant facts: (i) towards the end of the 1990s there was wide recognition of both the importance of international migration and the existence of the many challenges to the international community that its ultimate treatment entailed, and (ii) multilateralist approaches could be taken without creating binding obligations for the countries and could be pursued, for example, as part of a "bottom-up" effort (Klein, 2005)

The United Nations has launched a high-level institutional dialogue, a process that will be consolidated in the 2006 General Assembly as its response to the challenges of migration in the multilateral sphere.

The concern about international migration quickly put the spotlight on two major issues. First, the need to protect the human rights of all migrants became a primary topic of discussion. Secondly, it is now widely believed that smuggling and trafficking in persons has become so prevalent that it should be foremost on the agenda, even in the area of bilateral cooperation. However, although discrimination, xenophobia and threats to migrants' rights have also been a major area of concern, cooperation in this regard has garnered less attention, as evidenced by the slow progress in ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (a matter that is not as urgent a problem in this region) and the problems identified by the Global Commission on International Migration (GCIM, 2005).

Recently the Inter-American Development Bank, the World Bank and other international organizations have shown a great interest in the issue of migration and development, and have therefore established entities devoted to promoting the productive use of remittances, and beyond the financial sphere, to exploring some of the benefits that could come from the new waves of skilled migrants, including the circulation of talent. This suggests an increasing acceptance of the various aspects of contemporary migration. A broader analysis of migration and the Millennium Development Goals remains to be done, although the United Nations Population Fund and the International Organization for Migration are already undertaking similar efforts (UNFPA, 2005; Usher, 2005). For the countries of Latin America and the Caribbean, the situation described above should be seen as an unprecedented opportunity to advance towards a migration agenda in which regional, subregional and national needs are distinguished.

Box 1

**THE WORLD BANK AND ITS COMMITMENTS
TO INTERNATIONAL MIGRATION**

In the framework of its Knowledge for Change Program, the World Bank has proposed 10 priority themes for the 2006-2008 period, among them international migration and development. Research will be conducted to identify policies, regulations and institutional reforms that can enhance the impact of migration on developed and developing countries alike, based on the hypothesis that migration is more likely to benefit the latter if the former are aware of its advantages and cooperate in designing and implementing sustainable reforms. These studies will help identify policies that benefit all three actors involved (win-win-win): developing countries, developed countries, and migrants. The issues selected are remittances, brain drain, mode 4 of the General Agreement on Trade in Service (GATS) and the temporary movement of persons, trade, foreign direct investment and migration, the demographic imbalance, shortages of skilled labour and governance (the analysis of these matters will focus on seeking ways to legalize migration, change negative attitudes towards migrants and promote their social protection in the host countries).

Source: World Bank website (www.worldbank.org).

E. SECURITY AND MIGRATION

These distinctive aspects of the international situation are interwoven with a renewed interest in national and human security. It has become a commonplace to stress the importance of the 11 September 2001 attacks on the World Trade Center in New York and the Pentagon in Washington, D.C., in bringing about a change in the immigration policy not only of the United States, but also of many countries receiving migrants. Nevertheless, concerns about security and migration were evident before the attacks, even during the Cold War (Andreas, 2002; Faist, 2002).

In the public discourse, immigration was associated with terrorism because those who committed the attacks were immigrants, even though some of them had visas and permits that were completely legal. However, the introduction of the security dimension was legitimized as the only way to reassure the public, such that any immigration initiative, from issuing student visas to debating the temporary worker program, began to be analysed from the standpoint of security (Meyers and Papademetriou, 2002).

Countries have sovereignty when it comes to regulating the security of their borders. Nonetheless, Latin America and the Caribbean should argue for the separation of the fight against terrorism from any policy or measure related to migration. One of the main criticisms of this new emphasis on security is that greater control does not necessarily prevent possible terrorists from entering the country. Very few immigrants are involved in actions of this type, and furthermore, most of them not only do not identify with the motives of those who perpetrate terrorist acts, but have actually shown a high degree of loyalty and support for the host societies that have suffered such attacks (Castles and Miller, 2004).

II. STYLIZED FACTS OF INTERNATIONAL MIGRATION IN LATIN AMERICA AND THE CARIBBEAN

Worldwide, the number of international migrants increased by nearly 100 million between 1960 and 2000, when they totaled almost 180 million. The largest growth was seen in the 1980s, when the rate was 4.3%. However, the percentage of the world population represented by migrants has remained relatively constant (see table 1). In earlier times, including the trade boom that gave rise to the first phase of globalization, migrants accounted for a much higher percentage (ECLAC, 2002a).

Of the total increase seen since 1960, 78% corresponds to emigration to developed regions. According to recent estimates by the United Nations Population Division, in 2005 the total cumulative figure for the world was 190 million persons, two-thirds (120 million) of whom were concentrated in those regions, in contrast to 42% in 1960. This leads to two conclusions: first, that the number of migrants has risen more quickly in developed regions, where they represent higher proportions of the host populations; and second, that this tendency has been accompanied by a shift to new destinations, although the concentration in the richest countries, especially the United States, has been growing (United Nations Population Division, 2005).

Table 1
**INDICATORS OF THE CUMULATIVE TOTAL OF INTERNATIONAL MIGRATION
BY LARGE REGIONS,^a 1960-2000**

Regions	Millions of persons (cumulative totals)					Growth rate of cumulative totals				Migrants/population ratio (percentages)		Distribution by region (percentages)	
	1960	1970	1980	1990	2000	1960-1970	1970-1980	1980-1990	1990-2000	1960	2000	1960	2000
World	75.9	81.5	99.8	154.0	174.9	0.7	2.0	4.3	1.3	2.5	2.9	100.0	100.0
Developed	32.1	38.3	47.7	89.7	110.3	1.8	2.2	6.3	2.1	3.4	8.7	42.3	63.1
Developing	43.8	43.2	52.1	64.3	64.6	-0.1	1.8	2.1	0.0	2.1	1.3	57.7	36.9
Africa	9.0	9.9	14.1	16.2	16.3	0.9	3.6	1.4	0.0	3.2	2.0	11.8	9.3
Asia ^b	29.3	28.1	32.3	41.8	43.8	-0.4	1.4	2.6	0.5	1.8	1.2	38.6	25.0
Latin America and the Caribbean	6.0	5.8	6.1	7.0	5.9	-0.5	0.7	1.3	-1.7	2.8	1.1	8.0	3.4
North America	12.5	13.0	18.1	27.6	40.8	0.4	3.3	4.2	3.9	6.1	12.9	16.5	23.3
Oceania	2.1	3.0	3.8	4.8	5.8	3.5	2.1	2.3	2.1	13.4	18.8	2.8	3.3
Europe	14.0	18.7	22.2	26.3	32.8	2.9	1.7	1.7	2.2	3.3	6.4	18.5	18.7
Former USSR/Russian Federation	2.9	3.1	3.3	30.3	29.5	0.5	0.5	22.3	-0.3	1.4	10.2	3.9	16.8

Source: United Nations, *World Economic and Social Survey 2004: International Migration* (ST/ESA/291/Add.1), New York, Department of Economic and Social Affairs, 2004.

^a The information presented includes an estimate of refugees that is added to the cumulative totals of migrants for each region.

^b Excluding Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

^c Excluding Belarus, Estonia, Latvia, Lithuania, Republic of Moldova, Russian Federation and Ukraine.

A. AN EMPIRICAL SYNTHESIS: MOBILITY IN THE SECOND HALF OF THE 20TH CENTURY AND THE NORTH-SOUTH TRANSITION

Some key aspects of the migration trends in Latin America and the Caribbean can be summed up in the following stylized facts, among others.

1. Considerable increase

According to census data on cumulative migration totals collected by CELADE – Population Division of ECLAC, in the last few years the number of Latin American and Caribbean migrants has gone up considerably, from an estimated total of more than 21 million in 2000 to nearly 25 million in 2005. This means that they account for more than 13% of international migrants in the world. Without considering figures on temporary mobility or other movements that do not involve leaving the country of residence, their number is the equivalent of the population of a medium-sized country in the region.

According to the background information provided, and within the limits of the currently available information on migration, it can be stated that since the second half of the 20th century, three major patterns have dominated migration trends (Villa and Martínez, 2004).² The first corresponds to overseas immigration, primarily from the Old World. By 2000 the cumulative total had dropped to 1.9 million, representing 41% of immigrants. The second pattern is a result of the exchange of people among countries within the region. And finally, the third pattern involves emigration outside of Latin America and the Caribbean, which has been growing not only in intensity but also in the diversity and number of destinations, as well as the number of countries of origin. These patterns coexist, although the quantitative importance of the first one has declined over time (Pellegrino, 2000; Villa and Martínez, 2004).

The number of immigrants (1% of the population of Latin America and the Caribbean) is approximately one fourth of the number of emigrants in the region as a whole, but there are major exceptions. Most noteworthy are Argentina, Costa Rica and the Bolivarian Republic of Venezuela, where the percentage of immigrants exceeds that of emigrants. The percentage of the population represented by immigrants is the highest in some island countries of the Caribbean (see table 2).

² Within the region as well as in some host countries outside the region, one of the obstacles to learning about migration patterns and trends is the lack of information. CELADE – Population Division of ECLAC has repeatedly emphasized that the lack of adequate, timely and relevant information also militates against the possibility of designing policies and agreements aimed at achieving migration governance, a problem that has been addressed partially by initiatives intended to set up information systems on cumulative totals and flows in Central America and the Andean nations. However, shortages of information on international migration persist, and are becoming especially acute in the face of rising demand for data on returns, circulation, trafficking of persons, remittances and temporary mobility, just to cite a few of the issues that have come to the fore in countries of the region in recent years.

Table 2
LATIN AMERICA AND THE CARIBBEAN: IMMIGRANTS AND EMIGRANTS AS A PERCENTAGE OF THE TOTAL POPULATION, BY COUNTRY OF RESIDENCE AND OF BIRTH, AROUND 2000
(Minimum estimates in thousands of persons and in percentages)

Country	Total Population	Immigrants		Emigrants	
		Number	Percentage of country's population	Number	Percentage of country's population
Region total^a	523 463	6 001	1.0	21 381	3.8
Latin America	511 681	5 148	1.0	19 549	3.5
Argentina	36 784	1 531	4.2	507	1.4
Bolivia	8 428	95	1.1	346	4.1
Brazil	174 719	683	0.4	730	0.4
Chile	15 398	195	1.3	453	2.9
Colombia	42 321	66	0.2	1 441	3.4
Costa Rica	3 925	296	7.5	86	2.2
Cuba	11 199	82	0.7	973	8.7
Dominican Republic	8 396	96	1.1	782	9.3
Ecuador	12 299	104	0.8	585	4.8
El Salvador	6 276	19	0.3	911	14.5
Guatemala	11 225	49	0.4	532	4.7
Haiti	8 357	26	0.3	534	6.4
Honduras	6 485	27	0.4	304	4.7
Mexico	98 881	519	0.5	9 277	9.4
Nicaragua	4 957	20	0.4	477	9.6
Panama	2 948	86	2.9	124	4.2
Paraguay	5 496	171	3.1	368	6.7
Peru	25 939	23	0.1	634	2.4
Uruguay	3 337	46	1.4	278	8.3
Venezuela (Bolivarian Rep. of)	24 311	1 014	4.2	207	0.9
Caribbean	11 782	853	1.9	1 832	15.5
Bahamas	303	30	9.9	28	9.2
Barbados	267	25	9.4	68	25.5
Belize	240	17	7.1	43	17.9
Dominica	78	4	5.1	8	10.3
Granada	81	8	9.9	56	69.1
Guadaloupe	428	83	19.4	2	0.5
Guyana	759	2	0.3	311	41.0
French Guiana	164	...		1	0.6
Jamaica	2 580	13	0.5	680	26.4
Martinique	386	54	14.0	1	0.3
Netherlands Antilles	215	55	25.6	118	54.9
Puerto Rico	3 816	383	10.0	6	0.2
Saint Lucia	146	8	5.5	22	15.1
Suriname	425	6	1.4	186	43.8
Trinidad and Tobago	1 289	41	3.2	203	15.7
Others ^b	605	124	20.5	99	16.4

Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, Investigation of International Migration in Latin America project (IMILA); Cuba, Haiti and Caribbean: United Nations Population Division.

Note: Data on immigrants in Colombia, El Salvador, Nicaragua, Peru and Uruguay correspond to the 1990 censuses.

^a In the cases of Cuba, Haiti and the Caribbean, the figures are from the United Nations Population Division.

^b Includes Anguila, Antigua and Barbuda, Aruba, Bermuda, Cayman Islands, Turks and Caicos, the British and United States Virgin Islands, Montserrat, Saint Kitts and Nevis, and Saint Vincent and the Grenadines. Estimates of emigrants are minimum, since they cover a limited number of countries in Europe and Oceania.

Emigrants make up nearly 4% of the regional population, according to a minimum estimate, and the largest number corresponds to Mexico. Next are the countries of the Caribbean Community and Colombia, which easily exceed one million persons in each case.³ Nine other Latin American countries exceed 500,000 each, and only one country reported fewer than 100,000 emigrants. These figures suggest a considerable presence of Latin Americans and Caribbeans outside their countries of origin, although in relative terms the repercussions for the populations remaining in the home countries are varied: in many Caribbean nations, more than 20% of the population is living abroad, while in Latin America the highest percentages (between 8% and 15%) correspond to Cuba, El Salvador, Mexico, Nicaragua, the Dominican Republic and Uruguay.

2. Intraregional migration

In Latin America and the Caribbean, intraregional migration is a function of the stage of development in which each country finds itself, just as internal migration was in past decades. The main destinations for migrants are Argentina, Costa Rica and the Bolivarian Republic of Venezuela, but there are some signs of change. Some countries are both recipients and senders of migrants, both transit points and home to returnees (this is true of several island States of the Caribbean as well as Central American countries and some Southern Cone nations). In contrast to the 1980s, mobility within the region underwent a resurgence in the 1990s. Intraregional migrants now total nearly three million, and they tend to go primarily to countries bordering their own or to nearby countries. At the same time, efforts at subregional integration have included the issue of freer mobility.

In 2000, people from within the region accounted for more than 60% of all registered immigrants, and the cumulative total for that year of nearly three million reflected a recovery of the growth rate in the 1990s after very small increases in the 1980s. In the countries receiving the most regional immigrants, the number stabilized in Argentina and the Bolivarian Republic of Venezuela, but rose significantly in Costa Rica and most especially in Chile (Martínez, 2003). Regional immigrants are more likely to be women than men (see table 3).

In the Caribbean, migration among countries and territories in the subregion is characterized by some general features. For example, Haitian immigrants in the Dominican Republic and intraregional migrants among the countries of the Caribbean Community (CARICOM) make up a significant share of the national population. There is a marked circular pattern to the movement, which means that migrants return in stages to their countries of origin. In nearly all cases, there is a combination of emigration, hosting and transit. Thomas-Hope (2005) maintains that intra-Caribbean migration cannot be separated from the pattern of extraregional emigration; in this regard, the Caribbean is experiencing a wide variety of movements (for reasons of work, education, accompaniment) characterized by a combination of temporary stays, permanence, returns, irregularity and lack of documentation.

³ The Caribbean is one of the subregions with the highest rates of emigration in the world. The United Nations Population Division estimates that in the last 50 years, the subregion has lost more than 5 million inhabitants for this reason (Schmid, 2005).

Table 3
**LATIN AMERICA AND THE CARIBBEAN: CUMULATIVE TOTALS OF INHABITANTS BORN
 ABROAD, BY COUNTRY OF RESIDENCE AND BY SEX, AROUND 2000**

Country of residence	Total born abroad				Born in Latin America and the Caribbean			
	Both sexes	Men	Women	SR ^a	Both sexes	Men	Women	SR ^a
Argentina	1 531 940	699 555	832 385	84.0	1 041 117	477 985	563 132	84.9
Belize	34 279	17 517	16 762	104.5	29 305	14 804	14 501	102.1
Bolivia	95 764	49 299	46 465	106.1	76 380	38 853	37 527	103.5
Brazil	683 769	365 915	317 854	115.1	144 470	78 800	65 670	120.0
Chile	195 320	94 677	100 643	94.1	139 082	64 693	74 389	87.0
Costa Rica	296 461	149 495	146 966	101.7	272 591	136 055	136 536	99.6
Ecuador	104 130	52 495	51 635	101.7	74 363	36 569	37 794	96.8
Guatemala	49 554	22 180	27 374	81.0	39 515	16 891	22 624	74.7
Honduras	27 976	14 343	13 633	105.2	20 097	9 915	10 182	97.4
Mexico	519 707	261 597	258 110	101.4	91 057	43 071	47 986	89.8
Panama	86 014	43 719	43 264	101.1	53 322	25 259	28 063	90.0
Paraguay	171 922	89 453	82 469	108.5	158 276	81 901	76 375	107.2
Dominican Republic	96 233	58 069	38 164	152.2	79 494	48 303	31 191	154.9
Venezuela (Bolivarian Rep. of)	1 014 318	508 958	505 360	100.7	752 819	363 115	389 704	93.2
Total countries	4 907 387	2 427 272	2 481 084	97.8	2 971 888	1 436 214	1 535 674	93.5

Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, Investigation of International Migration in Latin America project (IMILA).

^a SR = sex ratio

3. The United States as the main destination

Nearly half of the emigrants from the region left their countries of origin during the 1990s, and were headed primarily to the United States, the preferred destination of most of them. By 2004, that country had close to 18 million Latin Americans and Caribbeans living in it (more than half the cumulative total of immigrants in the United States). They, along with their descendants born in the host country, make up an ethnic group known as “Latinos” and are the largest minority in the United States. The Latino community is not, in any case, a socially and economically homogeneous group. There are differences among them depending on the number of immigrants from each country, their ethnicity, their territorial distribution, how many of them are undocumented, the extent to which they are integrated into society and the labour market, their level of organization and other factors.

Immigrants have acquired a major national presence as they have continued to flow into the country in ever larger numbers (see table 4). Their countries of origin, sources of income and sociodemographic characteristics have become increasingly diverse as well. The socioeconomic inequalities between North and South and the demand for labour in the United States, the role of recruiters and the sharp contrast between the labour market in the United States and that of Latin America and the Caribbean, all largely explain the migratory movement towards that country. Nevertheless, there are social and cultural factors accounting for the emergence of ethnic and labour enclaves, for example. Latin Americans and Caribbeans—especially Mexicans—have consolidated their role as the principal low-wage manpower reserve for the United States economy, as is the case in California. In addition, the

presence of indigenous migrants from various regions and rural areas of Mexico, such as the Mixtecos, has become more evident as another element in the multicultural make-up of the immigrant population.

Table 4
**UNITED STATES: POPULATION BORN IN LATIN AMERICA AND THE CARIBBEAN,
 COUNTED IN 1970, 1980, 1990 AND 2000 CENSUSES**

Region and country of birth	1970		1980		1990		2000		Annual growth rate		
	Population	Relative distribution (percentage)	Population	Relative distribution (percentage)	Population	Relative distribution (percentage)	Population	Relative distribution (percentage)	1970-1980	1980-1990	1990-2000
Region total	1 725 408	100	4 383 000	100	8 370 802	100	15 939 770	100	8.7	6.3	6.2
Latin America	1 636 159	94.8	3 893 746	88.8	7 573 843	90.5	14 800 865	92	8.2	6.4	6.5
South America	234 233	13.6	493 950	11.3	871 678	10.4	1 665 445	10.4	7.1	5.5	6.3
Argentina	44 803	2.6	68 887	1.6	77 986	0.9	125 220	0.8	4.2	1.2	4.6
Bolivia	6 872	0.4	14 468	0.3	29 043	0.3	53 280	0.3	7.1	6.7	5.9
Brazil	27 069	1.6	40 919	0.9	82 489	1	212 430	1.3	4.1	6.7	8.8
Colombia	63 538	3.7	143 508	3.3	286 124	3.4	509 870	3.2	7.7	6.6	5.6
Chile	15 393	0.9	35 127	0.8	50 322	0.6	80 805	0.5	7.8	3.6	4.6
Ecuador	36 663	2.1	86 128	2	143 314	1.7	298 625	1.9	8.1	5	7.0
Paraguay	1 792	0.1	2 858	0.1	4 776	0.1	-	-	4.6	5	-
Peru	21 663	1.3	55 496	1.3	144 199	1.7	278 185	1.7	8.8	8.9	6.3
Uruguay	5 092	0.3	13 278	0.3	18 211	0.2	-	-	8.9	3.1	-
Venezuela (Bolivarian Rep. of)	11 348	0.7	33 281	0.8	35 214	0.4	107 030	0.7	9.8	0.6	10.1
Central America	873 624	50.6	2 530 440	57.7	5 391 943	64.4	11 155 715	70.0	9.7	7.2	7.0
Costa Rica	16 691	1	29 639	0.7	39 438	0.5	71 870	0.5	5.6	2.8	5.8
El Salvador	15 717	0.9	94 447	2.2	465 433	5.6	817 335	5.1	14.3	13.3	5.5
Guatemala	17 356	1	63 073	1.4	225 739	2.7	480 665	3.0	11.4	11.3	7.2
Honduras	27 978	1.6	39 154	0.9	108 923	1.3	282 850	1.8	3.3	9.4	8.9
Mexico	759 711	44	2 199 221	50.2	4 298 014	51.3	9 177 485	57.6	9.7	6.5	7.2
Nicaragua	16 125	0.9	44 166	1	168 659	2	220 335	1.4	9.3	11.7	2.7
Panama	20 046	1.2	60 740	1.4	85 737	1	105 175	0.7	10.1	3.4	2.0
Caribbean and others	617 551	35.8	1 358 610	31	2 107 181	25.2	3 118 610	19.6	7.5	4.3	3.9
Cuba	439 048	25.4	607 814	13.9	736 971	8.8	872 715	5.5	3.2	1.9	1.7
Barbados	-	-	26 847	0.6	43 015	0.5	52 170	0.3	-	4.6	1.9
Guyana	-	-	48 608	1.1	120 698	1.4	211 190	1.3	-	8.5	5.5
Haiti	28 026	1.6	92 395	2.1	225 393	2.7	419 315	2.6	10.7	8.4	6.0
Jamaica	68 576	4	196 811	4.5	334 140	4	553 825	3.5	9.7	5.2	4.9
Dominican Rep.	61 228	3.5	169 147	3.9	347 858	4.2	687 675	4.3	9.4	6.9	6.6
Trinidad and Tobago	20 673	1.2	65 907	1.5	115 710	1.4	197 400	1.2	10.4	5.5	5.2
Others	-	-	151 081	3.4	183 396	2.2	124 320	0.8	-	1.9	-3.8

Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, Investigation of International Migration in Latin America project (IMILA).

Efforts to control all these flows are at odds with the needs of the United States labour market and with the upsurge in transnational and ethnic communities. According to official data on entries into the country under the quota system, since 1971 Latin Americans and Caribbeans represent only a little over 40% of total immigrants allowed into the country (*Yearbook of Immigration Statistics* [online])

<http://uscis.gov/graphics/shared/statistics/yearbook/index.htm>), such that by the middle of the 1990s they amounted to more than half the cumulative total.

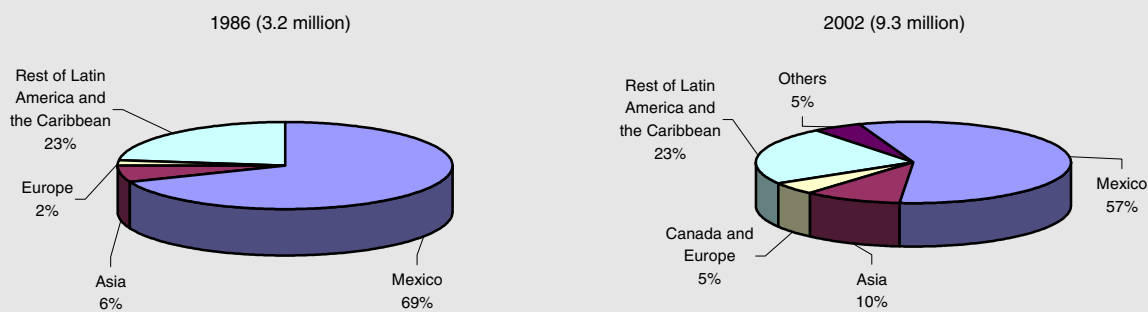
The magnitude of the flow of immigrants coming in surreptitiously or overstaying their visas has dominated the debate on the immigration problem in the United States, and now there are more and more attempts to associate it with threats to national security. The rise in the number of undocumented immigrants from the region has solidified public perception of the stereotype of Latin Americans as a low educational and social status population (Portes, 2004). At the same time, immigrant communities have gradually been recognized as key players in the development of their countries of origin, especially because of their remittances, but also as key players in the sociocultural transformations evidenced by the introduction of new lifestyles, values, customs and consumption patterns (Guarnizo, 2004). They have also expanded their presence and importance in all spheres of the social, economic, cultural and political life of the United States. Analysts agree that their influence on culture and politics in the cities and regions of the United States has become quite significant, which is not inconsistent with their necessary integration into local society (Portes, 2004). In turn, experts question the perception that, in contrast to the immigrants of the past, in comparative terms the United States is admitting considerably less skilled individuals now. Although behind this perception there is evidence of immigrant selectivity, what they are questioning is the notion that Latin American and Caribbean immigrants are a homogeneous group (Massey and Bartley, 2005).

Box 2

UNAUTHORIZED ALIENS IN THE UNITED STATES AND THE VULNERABILITY OF LATIN AMERICANS AND CARIBBEANS

Immigrants in the United States include ever-larger percentages of persons who are in an irregular situation. Among them, Latin Americans and Caribbeans are clearly in the majority (80%). Estimates of the total number of unauthorized aliens differ, and are a source of concern. The differences stem from procedures and results. The fiscal year statistics indicate that between 1986 and 2002 the number of unauthorized aliens went from 3.2 million to 9.3 million, nearly tripling the total. However, some studies for that period differed by as much as 1.5 million between one estimate and the other (as was the case in 2000). If these figures are accepted, practically half of all Latin Americans and Caribbeans living in the United States are unauthorized at present.

The constant presence of high percentages of unauthorized aliens has led to a number of initiatives establishing conditions that reflect different visions, with a wide variety of measures ranging from legalizing the status of immigrants who join guest worker programmes to enacting harsher and more stringent immigration laws.

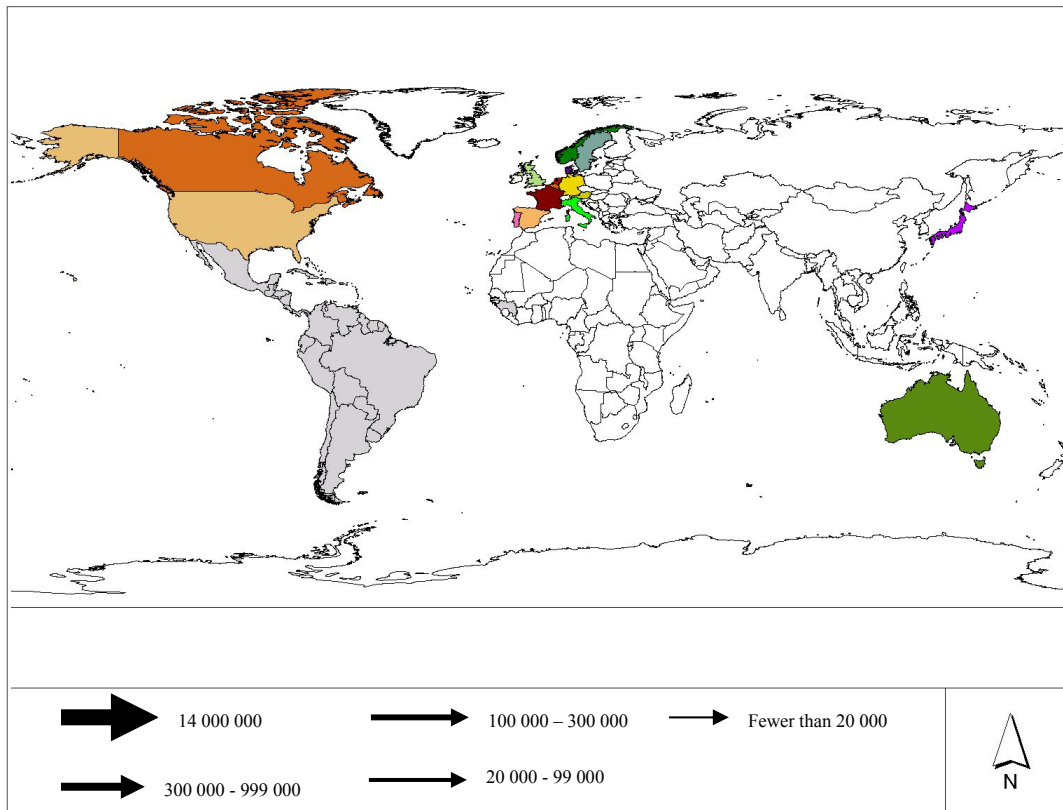


Source: Immigration and Naturalization Service (INS), *1998 Statistical Yearbook of the Immigration and Naturalization Service*, Washington, D.C., Department of Justice, 2000; and Ruth Wasem, *Unauthorized Aliens in the United States: Estimates since 1986*, Congressional Research Report, No. RS21983, Washington, D.C., 2004.

4. Expansion and diversification of destinations

In geographic terms, the destinations of migrants have been expanding and diversifying gradually (see map 1). Expulsion factors, the demand for specialized workers and the emergence of social networks (which in some cases coincide with historical ties) explain the renewed flow of Latin Americans toward Europe—particularly Spain—as well as Japan and Canada in the 1990s and the 2000-2005 period. Migrants from the region also have a significant presence in other European countries (such as the Caribbeans in the Netherlands and the United Kingdom and South Americans in Italy, France and Portugal), and in Australia and Israel (Chileans and Argentines). It is estimated that approximately 3 million Latin Americans and Caribbeans are living outside the region in countries other than the United States.

Map 1
LATIN AMERICAN AND CARIBBEAN RESIDENTS IN SOME COUNTRIES OUTSIDE THE REGION, AROUND 2000



Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, Investigation of International Migration in Latin America project (IMILA).

B. LATIN AMERICAN MIGRATION TO SPAIN

After the immigration of nearly 3.5 million Spaniards to various countries in the region between 1850 and 1950, (Gil Araújo, 2004), the migration trend reversed. Initially there was a small trickle of migrants and asylum applicants that turned into a considerable flow after 1990 (Pellegrino, 2004). The number of persons born in Latin America counted in the census grew from 210,000 in 1991 to 840,000 in 2001 (see table 5). According to the Municipal Register of Inhabitants, in January 2004 there were 1.2 million persons who were born in and nationals of Latin American countries. This contingent continues to grow, representing nearly half of all foreigners entering the country since 2000 (Domingo, 2004). As a result, Spain is now the second most popular destination for emigrants from the region.

Table 5

SPAIN: CUMULATIVE TOTALS OF LATIN AMERICAN AND CARIBBEAN NATIONALS LIVING IN THE COUNTRY, BY BIRTH COUNTRY AND SEX, 1991 AND 2001

Birth country	Both sexes		Men		Women		SR ^a	
	1991	2001	1991	2001	1991	2001	1991	2001
Central America	49 960	131 383	20 875	50 467	29 085	80 916	71.8	62.4
Cuba	24 059	50 753	10 659	22 185	13 400	28 568	79.5	77.7
Dominican Rep.	7 080	44 088	2 331	13 264	4 749	30 824	49.1	43.0
El Salvador	...	2 754	...	1 014	...	1 740		58.3
Honduras	...	3 498	...	1 212	...	2 286		53.0
Mexico	11 776	20 943	4 980	8 899	6 796	12 044	73.3	73.9
Others	7 045	9 347	2 905	3 893	4 140	5 454	70.2	71.4
South America	160 499	708 721	75 185	324 943	85 314	383 778	88.1	84.7
Argentina	53 837	103 831	25 486	51 690	28 351	52 141	89.9	99.1
Bolivia	...	13 184	...	5 987	...	7 197		83.2
Brazil	13 673	33 196	6 048	12 224	7 625	20 972	79.3	58.3
Colombia	...	174 405	...	73 099	...	101 306		72.2
Chile	...	18 083	...	8 468	...	9 615		88.1
Ecuador	...	218 351	...	106 601	...	111 750		95.4
Paraguay	...	2 113	...	822	...	1 291		63.7
Peru	...	53 621	...	22 164	...	31 457		70.5
Uruguay	...	24 626	...	12 291	...	12 335		99.6
Venezuela								
(Bolivarian Rep. of)	42 344	67 150	20 116	31 526	22 228	35 624	90.5	88.5
Others	50 645	161	23 535	71	27 110	90	86.8	78.9
Region total	210 459	840 104	96 060	375 410	114 399	464 694	84.0	80.8

Source: National Institute of Statistics of Spain (www.ine.es)

^a SR = sex ratio.

The current flow of Latin American migrants to Spain also shows a different generational return pattern: for some people, immigration to Spain has been made possible by measures designed to encourage the recovery of the citizenship of their forbears who emigrated to Latin America between the end of the 19th century and the later years of the first half of the 20th century. Not all Latin American

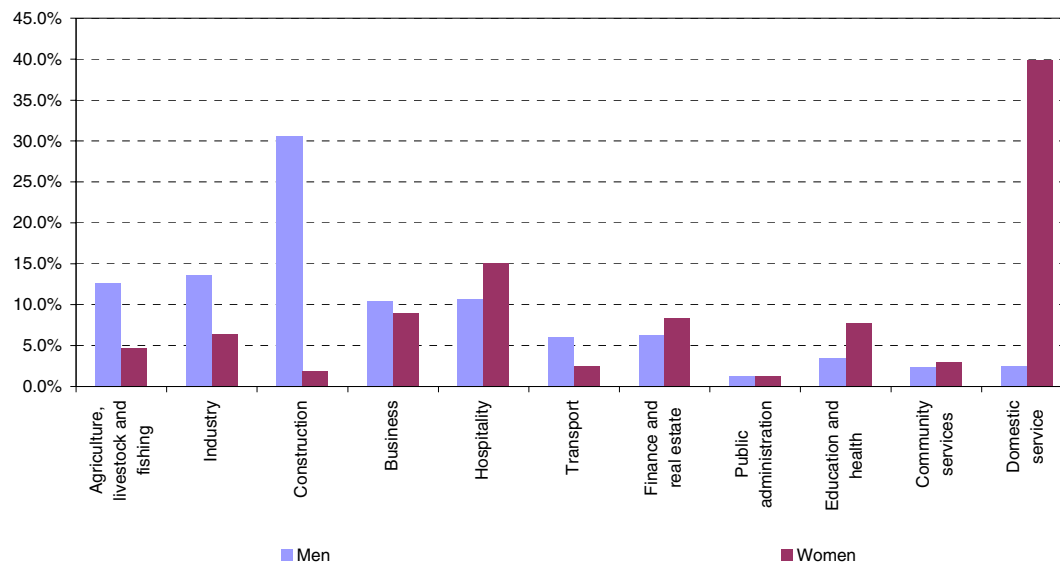
immigration to Spain is directly associated with the recognition of citizenship; on average, nearly a third of Latin American migrants to Spain have become naturalized citizens, but for some groups as many as 40% have done so. The latter groups have the highest percentages of naturalizations granted by the Spanish Government, and have also benefited the most from regularization and normalization measures. This reflects an effort on Spain's part to integrate them.

Despite these initiatives, Spain has seen an increase in the number of Latin Americans “without papers”. By comparing the number of people listed on the Ongoing Register of Inhabitants and the number of Residency Permits issued by the Interior Ministry, it can be estimated that in 1999 4% of all foreigners in Spain were undocumented. In 2000 the picture changed, and the figure climbed to 15% (Izquierdo, 2004). In 2001 32% of Latin Americans were unauthorized, and in 2004 about 51% were. 4 Foreigners born in Latin America are more likely than any others to be undocumented (Izquierdo, 2004).

By country of birth, Ecuadorians are the fastest-growing group of immigrants, and their cumulative total is exceeded only by that of Moroccans.

Latin American immigration to Spain has traditionally been led by women, and while in recent years there has been a trend towards more male immigrants, this group of foreign residents is still the only one composed primarily of women. The predominance of women emigrating from the region to Spain is closely tied to the existence of an unprecedented demand for immigrant labour in niches traditionally reserved for women, such as domestic service and elder care (Martínez Buján, 2000; Pérez, 2004). More than 40% of immigrant women work in domestic service, while most men tend to work in construction (a third of those employed), industry and agriculture (see figure 1).

Figure 1
**SPAIN: RELATIVE DISTRIBUTION OF EMPLOYED LATIN AMERICAN NATIONALS,
 BY SECTOR AND SEX, 2001**



Source: Andreu Domingo and Rosana Martínez (2005), “La población latinoamericana censada en España en 2001: un retrato sociodemográfico”, unpublished, based on data from the Population and Housing Census of 2001.

⁴ Authors' own compilation based on data available at www.ine.es. Figures from the Municipal Registers were calculated for persons born in Latin America and nationals of one of the countries of the region.

C. LATIN AMERICANS AND CARIBBEANS IN CANADA

In Canada, the cumulative total of Latin Americans and Caribbeans reached approximately 600,000 in 2001. Two thirds of these immigrants are from the Caribbean. The distinguishing characteristic of regional migration to Canada is the predominance of women.

The flow of migrants from the region to Canada has been associated with the demand for specialized workers, programmes to attract immigrants, refugee programmes and social networks. This migration is different from that flowing to other countries. Canada has one of the highest percentages of immigrants from diverse regions of the world (comprising 18% of the total population in 2000, according to information posted at www.statcan.ca). Latin Americans and Caribbeans represent nearly 11% of the cumulative total of immigrants (the majority are from Europe and Asia). The flow of migrants from the region has an interesting dynamic: the total number of immigrants doubled between 1986 and 2001, although most of those counted in the 2001 census arrived in the country prior to 1990.

Canada is noteworthy for the efforts authorities have made to integrate immigrants and strengthen social cohesion. The government seeks to stimulate the entry of foreigners by applying educational and employment qualification criteria (Liu and Kerr, 2003). This is a country in which multiculturalism seems to have acquired a concrete dimension, insofar as it is recognized that immigration promotes diversity and strengthens ties among Canadians. Nonetheless, since not all Canadians have a positive view of immigration, public opinion is constantly being monitored by means of opinion polls, and programmes encouraging education and tolerance are being stepped up (Cornfield, 2005). The scale of immigration and the characteristics of the process belie alarmist visions and concerns about the use of social services and other adverse effects for the economy and society. In fact, it is widely recognized that immigration has contributed to the prosperity of Canadian society, and countries in the region should take advantage of that reality.

D. LATIN AMERICANS IN JAPAN

Latin American migration to Japan increased considerably in the 1990s. In 2000 the cumulative total was more than 312,000. Much of the growth can be attributed to measures adopted by the Japanese Government in 1990 to facilitate the issuance of visas for entry and temporary residence to blood descendants of Japanese residents in Brazil and Peru (Martínez, 2003). Most of the immigrants from the region are Brazilians, who accounted for 81% of the total in 2000. They are followed by Peruvians (14.8%) and Bolivians (1.3%).

Migration to Japan has some unique characteristics: on the one hand, it is a matter of seizing opportunities, in view of the fact that most migrants have documentation, are of Japanese extraction or are workers hired temporarily through manpower agencies, and the largest proportion of them are young men (Melchior, 2004). Workers recruited by manpower agencies work predominantly in the manufacturing sectors. On the other hand, there are risks. The difficulties faced by many migrants can be summed up by noting that their occupations are characterized by the “five Ks”: heavy (*kitsui*), dangerous (*kiken*), dirty (*kitanai*), demanding (*kibishii*) and undesirable (*kirai*) (Rossini, 1994). It has been observed that the in majority of these jobs, there is no contribution for social security, medical insurance or retirement. Aside from the temporary nature of the visas, Japan’s immigration policy does not seem to show any concern for integration (Iguchi, 2005). All in all, these issues merit further research.

E. SOME NOTEWORTHY FEATURES AND CONSEQUENCES

International migration in Latin America and the Caribbean bears one mark of distinction from migration in other regions: the growing participation of women and the fact that they account for the majority of migrants in numerous cases, especially more recently. The trend towards more female involvement entails qualitative changes in the significance and consequences of international migration. It can be seen in various intraregional currents, including that of South Americans heading for the United States and Canada, and especially those going to Europe. The gender composition of flows is closely related to the extent to which the countries' labour markets are complementary, the demand for labour in service activities, the effects of networks and patterns of family reunification.

Intraregional migration in Latin America and the Caribbean is not only becoming more feminized, but is also showing a greater concentration in urban areas, an increase in the migration of skilled labour between countries, and a lower incidence of housing shortages among immigrants from within the region in comparison with the nationals of the host country. Perhaps the most significant development is the high percentage of migrants working as domestics (27%), which means that there is an expanding transnational labour market made up of networks of women working in domestic service and in other occupations. This shows that to meet its need for flexible and cheap labour, the market is making use of occupational identities built on the basis of gender relations.

III. PROBLEMS AND POTENTIALS: REMITTANCES, GENDER AND SKILLED HUMAN RESOURCES

Both remittances and the participation of women in contemporary migration are receiving more and more attention because of their many implications for development. The migration of skilled human resources is another issue that should be considered, as it is an increasingly frequent topic on the relevant regional agenda.

A. MIGRANT REMITTANCES

1. Volume and macroeconomic effects of remittances in Latin America and the Caribbean

In the last 25 years, remittances received in the region grew from US\$ 1.12 billion in 1980 to more than US\$ 40 billion in 2004. Remittances have climbed steadily throughout this period, doubling every five years since 1980, except for some minor fluctuations. Although more and more countries are receiving remittances, they are still a major social and economic phenomenon in only a handful of countries. Mexico, Brazil and Colombia account for more than 60% of all remittances received in the region, while Guatemala, El Salvador and the Dominican Republic represent 20%.

Remittances have multiple effects, depending on their amount and the size of the economy. In countries such as Haiti, Nicaragua and Honduras, they represent 24%, 11% and 10% of GDP, respectively. In slightly larger economies, such as those of El Salvador and the Dominican Republic, they represent 14% and 10% of GDP. Remittances are relatively less important in Ecuador and Guatemala, accounting for about 6% of GDP. In the larger countries, which are the ones taking in a greater volume of remittances, they represent less than 5% of GDP. In Mexico they add up to just 1.7% of GDP, whereas in Brazil they are a mere 0.4% and in Peru they total less than 1.5% of GDP. Only in Colombia, with the third-largest volume of remittances in Latin America, is the share slightly bigger, amounting to 3.1% of GDP (figure 2).

Box 3

TYPOLOGY OF COUNTRIES RECEIVING REMITTANCES

There is a great deal of variety among the countries receiving remittances in the region. Since 1980, 80% of remittances have been taken in by six countries. The countries of Latin American can be divided into three major categories, depending on the pattern of remittances and the stage at which they have attained more significance (amounting to more than US\$ 500 million).

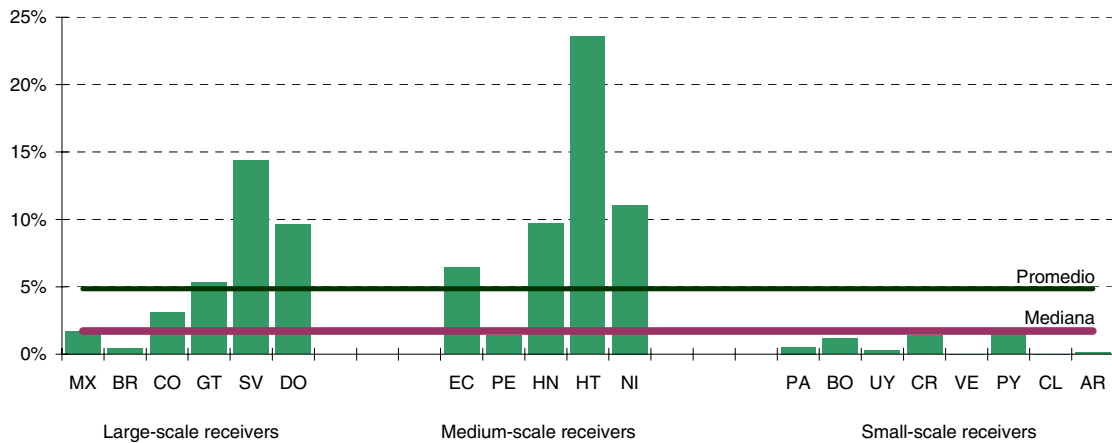
Large remittance receivers: Brazil, Colombia, El Salvador, Guatemala, Mexico and the Dominican Republic. Mexico joined the remittance circuit very early, and it is a special case in this first category. The other five have begun receiving remittances more recently and currently take in about US\$ 2.5 billion or more each.

Medium remittance receivers: Ecuador, Haiti, Honduras, Nicaragua and Peru. These countries joined the group more belatedly, but today they are receiving about US\$ 1 billion or more each.

Countries receiving very small amounts: Argentina, Bolivia, Costa Rica, Chile, Panama, Paraguay, the Bolivarian Republic of Venezuela and Uruguay. In these cases, the remittances amount to less than US\$ 500 million each. In Chile, and to a lesser extent in the Bolivarian Republic of Venezuela and Uruguay, remittances are practically non-existent. In the other five countries they are negligible, just over US\$ 150 million. The countries with the largest numbers of intraregional migrants also originate remittances.

Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC.

Figure 2
LATIN AMERICA: REMITTANCES AS A SHARE OF GROSS DOMESTIC PRODUCT, 2000-2004

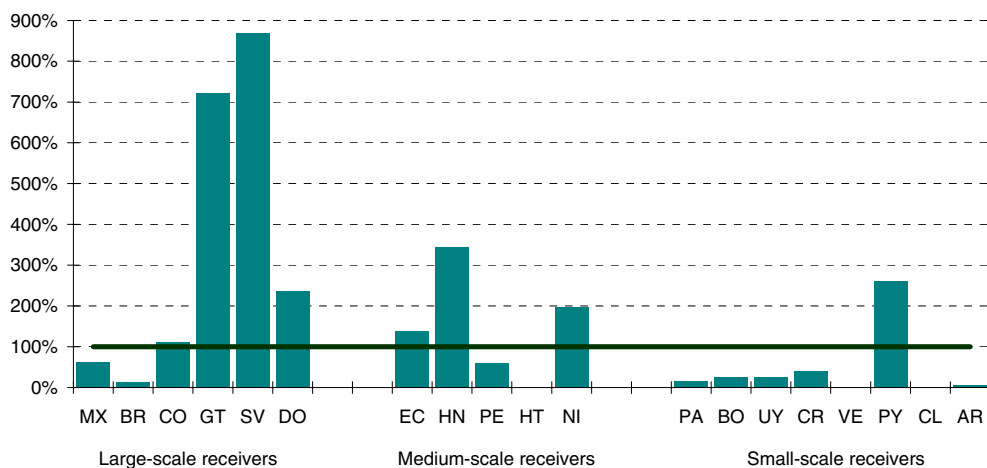


Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, based on information from the Social Indicators and Statistics Database (BADEINSO) and the International Monetary Fund.

Practically all of the countries with medium and high levels of remittances, but with smaller economies, receive more than twice as much in remittances as in foreign direct investment (FDI). Guatemala and El Salvador are particularly noteworthy in this regard, as their remittances are more than six times (Guatemala) and seven times (El Salvador) greater than their FDI. In Honduras remittances are more than triple the size of FDI, and in Nicaragua they are twice as much. Ecuador is the exception, as its remittances are only 40% greater than its FDI.

In countries with larger and more dynamic economies, however, remittances are an important source of revenue but do not amount to as much as FDI. In Brazil, remittances are equivalent to only 12.4% of foreign exchange taking the form of FDI, whereas in Mexico they total about 63% of FDI. Only in Colombia do remittances approximately equal FDI inflows (figure 3).

Figure 3
LATIN AMERICA: REMITTANCES AS A SHARE OF FOREIGN DIRECT INVESTMENT, 2000-2004



Source: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, based on information from the Social Indicators and Statistics Database (BADEINSO) and the International Monetary Fund.

2. Three major topics of debate

There is no doubt that migrants' remittances are one of the principal categories of current transfers in many countries' balances of payments. Given their magnitude, they represent an important contribution of financial resources for specific sectors in the national, regional and local economies. Moreover, for many families receiving them they are a major source of income, which in most cases goes to supporting the household.

A debate is going on in which three main topics can be identified. The first is related to the conceptual and methodological aspects of remittances. After a period when opinion surveys and indirect methods were used to estimate their volume, a growing interest in the macroeconomic effects of remittances has prompted researchers to examine balance of payments data. There is a consensus that the current design of this source of information is not adequate for measuring the actual flow of remittances, so efforts are being made to adapt the method of recording data to the characteristics of these payments so that they can be accounted for completely and comparisons can be made between countries and time periods (it is also necessary to include the origin of the remittances so that an analysis matrix can be built).

A second topic is the social and economic effects of remittances, beginning with families and communities of origin and moving to the macroeconomic level. This issue is being amply discussed, but there is a very uneven empirical basis in the different countries of the region. In the most recent regional study, encompassing 11 countries, the impact of remittances in alleviating poverty throughout the population is not very significant. The picture is different if the analysis focuses only on those households receiving remittances; in nine of the countries studied, 50% or more of the persons in those households would be living below the poverty line without this income. The effects of these transfers on the distribution of income are very limited (ECLAC, 2005). Nonetheless, it is known that in household surveys the volume of remittances tends to be underestimated, so they are probably having a greater impact on reducing poverty than is acknowledged.

The third topic has to do with the identification of determining factors and motivations in the decision to send remittances. Traditionally, studies have predominantly focused on the new domestic economy and the social networks, and in that framework remittances are seen as an exercise in solidarity vis-à-vis migrants' families, communities and countries in a transnational context. An attempt is made, therefore, to identify the characteristics of migrants who send remittances and of their households. Based on the assumption and partial demonstration that remittances can contribute to the formation of small businesses, a line of analysis has emerged that attempts to correlate the amount of remittances with various macroeconomic factors associated with the profitability of the businesses. In this case, remittances are viewed as a flow of investment (Canales, 2004 and 2005; Durand and Massey, 1992).

Box 4

QUANTIFYING REMITTANCES IN THE BALANCE OF PAYMENTS

The primary source of information for the analysis of remittances is the balance of payments. The categories considered are “Compensation to employees” under current revenues and “Remittances from workers” under current transfers, both in the current account, as well as “Transfers from migrants” among capital transfers in the capital account. These data are compiled by the competent authorities of each country, usually the central bank or the national statistics agency, and sent to the International Monetary Fund (IMF) for publication in its *Balance of Payments Statistics Yearbook*.

The analysis of remittances from a comparative and international point of view led to the decision to use the balance of payments. Although there is a consensus that in these official records the total amount of remittances tends to be underestimated, there are two advantages to using them: international comparability and the existence of the same type of estimates over long periods of time. This allows for an analysis of trends in that variable along with other microeconomic and macroeconomic variables. The problem is that these data do not precisely reflect the overall flow of remittances, given the conditions and specific parameters of each country’s data gathering. Furthermore, because of the diversity of mechanisms for sending remittances, some of them informal, it is difficult to account for the total volume of the flows. Therefore, the comparison and aggregation of the figures compiled by the different countries that IMF offers should be considered a mere approximation.

That is why efforts to achieve a greater conceptual precision and a better recording system should be encouraged, so that as many remittances as possible can be accounted for and they can be kept separate from other types of transfers. Another desirable outcome of such efforts is application of the system to different countries for comparative purposes. The measures currently under study seem to be aimed at adopting the criteria traditionally applied by researchers in their definitions of remittances, so that they will include, for example, deposits made by migrants in banks in their home countries (now recorded as financial investment, when they are usually intended to be withdrawn by family members), the goods taken with them as gifts when they visit their home countries (automobiles, appliances and others), and the remittances sent through informal channels (entrusted to friends and acquaintances visiting the home community). Because of the obvious difficulty of recording this type of transaction, it is necessary to combine balance of payments data with specific surveys.

Source: C.B. Keely and B.N. Tran, “Remittances from labor migration: evaluations, performance, and implications”, *International Migration Review*, vol. 23, No. 3, 1989; Jans Reinke and Neil Patterson, “Remittances in the balance of payments framework”, document presented at the International Technical Meeting on Measuring Remittances, Washington, D.C., World Bank, 24-25 January 2005.

3. Remittances behaviour and sender profiles

The practice of sending remittances is associated with various migrant characteristics: the point they have reached in their life cycle, the migration history of their family, the individual’s migration trajectory, their participation in the labour market, their level of education, their sociodemographic profile, the level and degree of their integration in the host society and the extent of their cultural and symbolic relations with the home community. Other contextual factors involved include the migrant’s country of origin. This is a line of research on determining factors of remittances behaviour that starts from the premise that not all migrants are equally likely to send them.

There are differences with respect to the proclivity of each migrant to send money, and there are variations in other aspects of the transfer process, such as the amounts, frequency and periodicity of the remittances, the means used, the recipients of the money and the use they make of it. When the migrants’ home countries undergo economic crises, there is more pressure to make these money transfers. On the other hand, remittances behaviour also depends on the migrant’s place of origin, because migration histories and dynamics may be rooted in different eras, circumstances and structural causes, and they may involve populations with varying socioeconomic and demographic profiles.

According to a study published by the Inter-American Development Bank (IADB), in 2001 Latin American and Caribbean migrants living in the United States sent their families an average of US\$ 250 between eight and ten times a year. A total of 69% of them reported having sent remittances at one time or another, with Central Americans leading other groups (IADB, 2001). The National Survey of Latinos (NSL) in the United States yields similar figures for 2002 (see table 6). These studies show that the overall volume of remittances is made up of innumerable and multiple transfers of small amounts of money, and in the majority of cases they are sent with great periodicity and regularity. According to these sources, the remittances in question are sent through formal businesses dedicated to money transfers and by means of bank deposits; in both cases, the transfers tend to be done electronically. This description of the process helps define the nature of the remittances and the role they play in the family and local economies. The data suggest that this is the means used by immigrants to transfer part of their employment earnings to their families of origin. It is undeniable that the great frequency and periodicity of the remittances is a response to the families' day-to-day needs for support. Given the amount of each transfer, it is difficult for many households to save the money or use it for anything other than daily expenses.

Table 6
UNITED STATES: LATIN AMERICAN AND CARIBBEAN IMMIGRANTS, AMOUNTS OF ANNUAL REMITTANCES BY REGION OF ORIGIN, 2002

Annual remittance (US\$)	Region of origin				
	Total	Mexico	Central America	Caribbean	South America
Total	100.0	100.0	100.0	100.0	100.0
Less than 1 800	33.6	29.9	34.6	54.5	41.7
1 800 to 2 999	26.4	26.9	28.8	27.3	16.7
3 000 to 5 999	26.4	27.9	26.9	0.0	37.5
6 000 and over	13.6	15.2	9.6	18.2	4.2
Annual average	2 953	3 205	2 595	2 750	2 160

Source: Pew Hispanic Center, *National Survey of Latinos: Education 2002*.

4. Characteristics of households receiving remittances: the case of Mexico

Mexico is propitious for studying the effects of remittances at the household level because of the volume of migration, the amounts of the transfers and the availability of information. Household surveys can also be relied upon to study the profile of recipients in other countries (ECLAC, 1999 and 2005). In addition, in the population censuses of the 2000 round, Belize, Mexico and the Dominican Republic included questions about remittances received from abroad and the approximate amount. In the Caribbean, a large number of countries are analysing these issues as well.

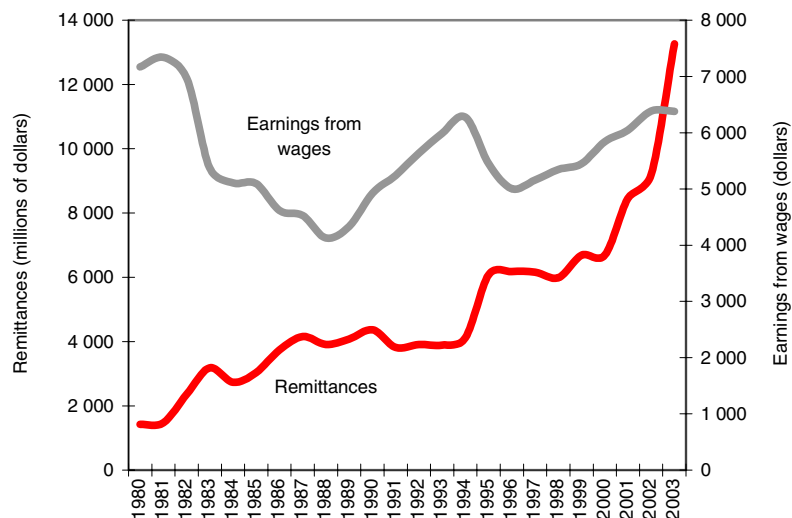
In Mexico, however, the available sources of information have been used to the fullest advantage. Data from the 2000 census has been cross-referenced with indicators of migration intensity, receipt of remittances and other socioeconomic characteristics at the municipal level. Among the principal findings is the strong correlation between the intensity of migration from municipalities and their receipt of remittances, the territorial dispersion of the transfers and their enhanced per-capita impact in rural areas (Tuirán, 2002).

Since 1992, the National Survey of Household Income and Expenditures (ENIGH) in Mexico has included transfers of money from family members living abroad. The data, which are not comparable to those from any other source, indicate that between 1992 and 2002 the number of households receiving remittances rose from 650,000 to 1.4 million (less than 5% of all households in the country), and the volume of these payments grew from US\$ 1.8 billion in 1992 to more than US\$ 3.6 billion in 2002. Between 1994 and 1996, when Mexico underwent one of the most severe economic crises in its history, there was a large increase in both the number of households receiving remittances and the annual volume sent. Since that time the volume has remained stable, although there was a rise in 2000 and then a return to the previous level in 2002. This is why these flows are believed to be stable (Solimano, 2003).

This appears to be, then, an *anticyclical* tendency. During times of crisis remittances may be a means of supplementing family economies in migrants' home communities (Canales and Montiel, 2004), whereas in times of economic growth (from 1996 to the present) the levels remain relatively stable. During economic crises there is an imbalance between consumption and income in household economies: devaluations raise the cost of consumer goods while eroding the buying power of wages and other sources of income. Dollar remittances help maintain consumption at pre-crisis levels, which reinforces the theory that they are a *wage transfer* that the migrant sends to family in Mexico, the effects and uses of which are the same as any other wage income: financing families' material reproduction.

In addition, remittances are the principal source of income in households receiving them, accounting for 46.9% of the family budget, while wages contribute less than 30%. These households have lower average incomes than those not receiving remittances. This difference is not seen in all social strata, however, and it is more marked in households with higher incomes.

Figure 4
MEXICO 1980-2003: TRENDS IN FAMILY REMITTANCES AND AVERAGE ANNUAL INCOME FROM WAGES (DOLLARS AT CONSTANT 2003 PRICES)



Source: Remittances: Latin American and Caribbean Demographic Centre (CELADE) – Population Division of ECLAC, based on Bank of Mexico, *Informe anual* 1985-2004; earnings from wages: National Institute of Statistics, Geography and Informatics (INEGI), Economic Databank [online] www.inegi.gob.mx.

5. Perspectives on use of remittances

As demonstrated in numerous commentaries presented in intergovernmental forums and meetings organized by international and national agencies, the countries in the region are in the process of defining terms with respect to remittances, and there is a great interest in supporting and reinforcing measures aimed at reducing transfer costs, addressing issues related to exchange rates and the loss of competitiveness, and seeking mechanisms to enable these resources to contribute to economic productivity and job creation. In general, it is a matter of establishing best practices to help alleviate poverty and improve overall well-being. Consequently, many governments in the region, along with organizations such as the World Bank, the International Monetary Fund and in particular the Inter-American Development Bank, are advocating that remittances be used to create small and medium-sized businesses (Ratha, 2003) and for spending aimed at promoting the formation of productive and human capital, thus improving competitiveness (IDB, 2001a). Based on well-known cases in some countries in the region (such as Colombia, El Salvador and Mexico), there has been increasing acceptance of the idea that the relationship between remittances and development has great potential that has not yet been explored. Equally important is the fact that the debate is still ongoing with regard to the dependency effect caused by remittances in the receiving families and communities, and it is still difficult to predict the amount and regularity of the flows, always subject to fluctuations associated both with the economic and social context of host and home countries, and with migrants' behaviour and circumstances as time passes since they left home (ECLAC, 2002a). Moreover, there is ever-wider recognition of the fact that remittances are an important alternative investment resource when other sources of financing for productive investment, whether public or private, are lacking. In short, this new critical focus suggests that development problems cannot be overcome through emigration, but will require policies to develop and promote investment, be it government or private (Canales, 2004).

It should also be noted that in recent years collective remittances, that is, donations sent by home town associations of migrants to finance infrastructure and social projects such as remodeling churches and schools, have become particularly powerful resources. Although they are just a small fraction of total remittances, by nature they have a direct impact on the development or at least the well-being of migrants' home communities. As a result, they have been described as high quality resources (ECLAC, 1999 and 2002a).

Box 5

THE INTER-AMERICAN DEVELOPMENT BANK AND REMITTANCES

Since the beginning of the present decade, the Inter-American Development Bank (IDB), through the Multilateral Investment Fund (MIF), has been carrying out a number of projects under the heading of “Remittances as a Development Tool” for the purpose of increasing the flow of remittances to the region, reducing transmittal costs and enhancing the development impact of these funds.

The projects are oriented towards freeing up the development potential of remittances by improving the regulatory frameworks and encouraging popular savings, while prompting microfinance institutions to expand their services to persons and families previously excluded from financial systems and tools. Characteristically, they support the creation of investment funds intended to make good use of emigrants’ capital by creating new businesses and advancing other innovative applications. In addition, they identify the need to promote financial fund management training and to boost the funds’ positive effects by offering more financial options to families and communities receiving remittances. IDB has conducted studies and sponsored seminars on the subject, and has also financed projects to increase competition as a means of reducing the cost of sending remittances.

Since its creation, MIF has financed nearly 500 products. Sixteen projects related to remittances have been approved, three of them regional in nature and five of them involving South American countries. MIF grants a maximum of US\$ 2 million in financial assistance and requires the local counterparts to contribute at least 30% of the total cost. Such counterparts include public and private sector institutions, emigrants’ organizations, microfinancing institutions, credit entities and cooperatives.

Source: Inter-American Development Bank (IDB), “Remittances to Latin America and the Caribbean: Comparative Statistics”, Washington, D.C., 2001 [online], <http://www.iadb.org/mif/V2/remitConf01.html>.

B. WOMEN AND THE GENDER CHARACTERISTICS OF MIGRATION

Women have played a major role in international migration, at both the world and regional levels. At least since the 1960s, the number of women migrants in the world has been slightly lower than that of men, but they make up the majority of migrants in developed regions and in Latin America and the Caribbean. Their participation suggests that the issue must be viewed appropriately, taking into account the influence of economic factors as well as the close interaction between women’s migration and social, family and cultural considerations. At the same time, studies should be conducted from the standpoint of women’s experience, with a gender focus, without ignoring the fact that men’s experience also plays a role in terms of gender and migration. Moreover, greater efforts should be made to overcome the limitations of information sources, which for many years kept women’s migration invisible. Information must also be compiled about family reunification, trafficking in persons, remittances, migration of skilled workers, short-term movements and temporary stays, views and attitudes towards immigration, and other issues, always incorporating the gender perspective.

In studies on women and gender issues it is emphasized that a combination of factors prompt women to migrate, and they are not just economic and employment-related. It is also suggested that the decision to migrate and the individual consequences of it are not necessarily the same for men as for women.

1. The aftermath of women's invisibility in migration

The idea that women migrants are invisible is supported by signs that still persist, especially in connection with their lack of protection. In much of the world it is recognized that women suffer more acutely from the vicissitudes of migration, and that they, along with children, suffer from abuses that practically do not affect men. This is particularly true of undocumented migrants. The evidence is very fragmentary, however, as official estimates of unauthorized aliens do not tend to distinguish by gender, for example, and it is assumed that they are primarily men.

Trafficking in women is generally invisible in that not only is the magnitude of the problem concealed, but so are the methods of coercion and abuse. There is widespread ignorance about the crime of trafficking in women and the penalties involved, and about the extent of the criminal networks and the corruption of authorities. Recently researchers have begun to examine and recognize the consequences this trafficking has for the victims, in the area of sexual and reproductive health, for example (Mora, 2002). In attempting to make trafficking in persons more visible, exaggerated links to migration in general should be avoided, because most migrants are not victims, and not all victims are forced into prostitution. Overemphasizing these problems may lead them to be used to justify restrictions on migration, and consequently the smuggling of migrants could increase. According to Chiarotti (2003), establishing a profile of the female victim leads to many different forms of sexual discrimination; according to Oishi (2002), the result is that women migrating alone are viewed too often as vulnerable individuals at risk for prostitution.

The problem of invisibility that until recently had characterized women's migration does not mean the matter has not been studied enough, but that reports and analyses have not had much impact on legislators or the media. The literature on female Latin American migrants—principally in the United States—has been developed on the basis of case studies examining the causes of migration selectivity by age and its relationship with socioeconomic attributes, types of participation in the labour market, the correlation between domestic work and paid employment, family life, changes in gender relations, consequences for fertility, education, differences between the status of women in the country of origin and the host country, and many other circumstances. This reveals a great diversity of theories, objectives and political agendas (Bilac, 1995).

If the limited visibility of female migration cannot be attributed to a lack of concern for protecting women from objective risks, a dearth of information or a scarcity of empirical research—even in the case of remittances and how they are sent and spent—it should be recognized that there is a gender problem. First, because, as Pessar and Mahler (2001) point out, both migration itself and the study of it are gendered processes. Discussions of female migration have been dominated by women, and this reproduces the classic distribution of labour by gender; furthermore, the risk of not covering the full range of aspects of women's migration is very great if the perspective of male researchers is missing. And second, debates on migration have shown a marked bias towards the male vision of mobility, either by omission, by emphasis on economic rationality and labour aspects, or a combination of factors, all of which impedes the analysis of women's role in international migration.

In recent years there has been a growing consensus regarding the need to introduce a gender perspective to move towards a more comprehensive understanding of migration and to prevent the existing omissions from being blamed on the lack of data. We have moved from the invisibility of women migrants to the effervescence and analytical revitalization of women's problems in light of that perspective (Ariza, 2000), which has important consequences for devising solutions.

2. Gender in international migration

Gender differences are among the most important characteristics that can be identified in international migration (United Nations, 2005b). This recognition is the result of a long process of defining the problems of female migration, although with two notorious biases: women have been perceived from an *associational* perspective as a passive actor, the husband's companion, the person who follows him, the person who waits back home for her spouse and children. The issue has also been relegated to the back seat in theoretical formulations on migration, an aspect that distinguishes numerous arguments in which women's role is implicitly recognized (Martínez, 2003; Staab, 2003).

Many studies have even suggested that women were the subjects of the various phases of the migration process, that they motivated family groups and propelled and instigated the establishment of migration networks linking places of origin and places of settlement. In turn, questioning the traditional approaches has served to highlight the uniqueness of South-North migration and has shown that, within that phenomenon, female migration can be interpreted as part of a response to trends in the world economy, with its adjustments, deregulation and increased flexibility. Some authors, such as Sassen (2000), believe it is a matter of the *feminization of survival*, in that the migration of many women is increasingly related to the global sex trade in which women are forced to participate to ensure the survival of households in developing countries. It is not as simple as that, however, since as Le Breton (1995) notes, the concept of "sex trade" presents problems of delimitation. It only explains certain forms and mechanisms of exploitation, it implies that women are victims and it makes them seem incapable of deciding and acting independently.

3. Consequences for gender equity

The feminization of migration brings with it the possibility of opening up new spaces in the family and society, making the sexual division of labour more flexible and transforming gender roles and models; but it also bears a hidden risk of undermining women's life plans, reinforcing their subordination and asymmetrical gender hierarchies, diminishing their dignity and threatening their rights.

Gender introduced the notion of a conflict of interest in the analysis of migration, as it shows that migration decisions in the family are the result of the confrontation of different degrees of bargaining power (Jiménez, 1998). It is a question of determining how gender relations influence international migration processes and what the consequences are for the countries and societies sending and receiving the migrants, for their families and for the individuals themselves.

In Latin America and the Caribbean, a growing number of researchers have sought to delve into differences between men and women in terms of their social construction of migration and their respective reasons for emigrating. The different roles played by the sexes in reproduction mean that the family context is a more important factor for migration among women; for them, the reasons to emigrate are increasingly tied to the rupture or absence of ties to a man, polygyny and the status of being unmarried in a context of changing roles in the family (Mora, 2002). Women's migratory impulses resoundingly negate the notion of their dependency, and even in cases of family migration, a large number of women end up joining the labour force in response to global economic changes (Bilac, 1995; Chant, 2003; Jiménez, 1998).

Although it is possible to discern a clear evolution in discussions of gender and international migration, there is a consensus that we are still a long way from explaining the complexity of the matter and determining what role migration may play in gender inequalities. Frequently the empiricism with

which the concept of gender is employed is called into question, as it is applied in only a nominal fashion that hinders attempts to arrive at a more holistic understanding of migration. Moreover, there is an acknowledged risk that too much emphasis will be placed on women's migration experience at the expense of men in migration research (Boyd and Grieco, 2003). Add to that the lack of evidence and the specific characteristics of migration trends in each region, and it is clear that there are still many unanswered questions.

The foregoing underscores the need to carry out more case studies and to identify new problems linking female migration to human rights, trafficking in persons and new global threats such as HIV/AIDS (Mora, 2002).

With respect to policy, it is no surprise that concern for women migrants falls within a very rigid framework. According to Lim's (1998) diagnosis of migration policies in general, frequently they are not gender neutral, which ultimately translates into an inequality of opportunities. The status the migrant attains upon arriving in a country other than his or her country of origin will largely determine his or her chances to obtain work and gain access to services and other opportunities, with consequences for the degree of adaptation and real insertion in the host country. Even when countries' migration policies are gender neutral, it is not certain that the effects or results are too. In other words, this approach brings to mind the notion that equality does not guarantee equity. What this situation suggests is that countries' policies should be gender sensitive (Lim, 1998).

Cross-border domestic labour is closely tied to the international community's concern about the vulnerability of female migrants that can lead them to fall victim to discrimination and the violation of their human rights and fundamental liberties. A thorough analysis of this issue will facilitate agreements among the countries in the region and allow them take advantage of various activities that are being undertaken to improve migration governance, including the protection of both male and female migrants (Cortés, 2005).

Box 6

MIGRANT WOMEN EMPLOYED AS DOMESTIC WORKERS

One of the defining characteristics of female migration among Latin American countries is employment status. Various case studies agree that women migrants are increasingly likely to cite an economic reason for their decision to migrate, and many of them engage in domestic service in the host country. These women are essentially migrant workers, which means they are protected by every single provision of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Consequently, both the home country and the host country should afford them the full protection guaranteed by international law, taking into account the particular concern that is expressly noted in the convention with respect to the specific situation of female migrant workers, in addition to numerous United Nations resolutions referring to the vulnerability of domestic workers.

In the principal receiving countries it is noteworthy that the majority of these women are mothers. For example, 72% of the Nicaraguans employed in domestic service in Costa Rica have children; 87% of the Colombian women working in that capacity in the Bolivarian Republic of Venezuela are mothers, as are 85% of Peruvian women in Chile and 66% of Peruvian women in Argentina. This fact is significant, because it means that many of these women migrating alone have economic responsibilities, so in a large percentage of cases the decision to emigrate is not autonomous but is heavily influenced by family strategy.

Source: Patricia Cortés, "Mujeres migrantes de América Latina y el Caribe: derechos humanos, mitos y duras realidades", *Población y desarrollo series*, No. 61 (LC/L. 2426-P), Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), 2005. United Nations publication, Sales No. S.05.II.G.173; Jorge Martínez, "El mapa migratorio de América Latina y el Caribe, las mujeres y el género", *Población y desarrollo series*, No. 44 (LC/L.1974-P), Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC), 2003.

C. THE MIGRATION OF SKILLED HUMAN RESOURCES

For decades, Latin America and the Caribbean have lost highly skilled workers while the potential benefit to be derived from their return does not visibly materialize, though in several countries measures have been proposed to establish links with the emigrant communities and support scientific networks associated with the diasporas. Of particular concern is the situation of the smaller economies, which tend to be more severely affected by the emigration of their professionals to developed countries, as is the case with nurses and teachers in many Caribbean nations. The countries in the region with the largest populations are suffering equally significant losses of professionals in highly specialized areas, however. A constant outflow of these resources represents a threat to the critical masses of knowledge. Therefore, human capital emigration is still an aggregate problem, as the emigrants' individual characteristics (high selectivity) and the nature of their mobility (limited circulation and linkage with their countries of origin) tend to undermine the countries' potential for competitiveness. A variety of factors related to conditions on the labour market and in research and science and technology, and to the demand for specific competencies in developed countries as well, all contribute to the persistence of skilled worker emigration (ECLAC, 2002b; Martínez, 2005; ILO, 2005; Solimano, 2005).

According to data compiled by CELADE – Population Division of ECLAC, census figures indicate that the number of Latin American professional, technical and related workers (PTR) living outside their country of origin increased markedly from 1970 on, reaching a little over 300,000 in 1990 and nearly one million in 2000 (within the region, they accounted for 33% in 1990, a figure which dropped to 25% in 2000). The share of PTRs among economically active migrants moving from one Latin American country to another grew from 6% in 1970 to 8% in 1990 and 13.5% in 2000. Although the total number of professionals and technicians in the migrant economically active population (EAP) is still small, the increased share of PTRs in the entire migrant EAP is important: not only does this trend enhance the significance of this migration pattern, but it can also serve as a basis for promoting regional cooperation activities with a view to enabling the shared employment of skilled human resources (Villa and Martínez, 2000). The Dominican Republic, Argentina, the Bolivarian Republic of Venezuela, Costa Rica and Paraguay have smaller percentages of PTRs in the regional immigrant PEA, whereas Brazil, Mexico and Chile have the largest percentages.

1. Persistence and consequences of losses

A basic approximation can be arrived at by estimating the emigration of skilled workers in relation to the national availability of PTRs in each country. According to census data, between 5% and 10% of the PTRs of several countries are living abroad. Assuming that most of the emigrants were trained in their country of origin, the interpretation of losses is almost direct. Nevertheless, in this interpretation no distinction is made between permanent and temporary emigrants, nor is it easy to determine whether the skill level was obtained in the country of origin or was part of the emigrant's life plans. Available historical information suggests that Latin American and Caribbean PTRs are more likely to emigrate permanently than seasonally (Pellegrino, 2001). As far as the acquisition of skills is concerned, some researchers point out that nearly three quarters of foreign doctoral students in the United States end up staying there today, as compared to half of them in the early 1970s (Lema, 2000).

The consequences traditionally suffered in the region consist of brain drain, and in the context of losses, there are also widening gaps, the erosion of critical masses of knowledge and growth effects. There is a broadening consensus that if measures are not taken to establish links with the emigrants, the

undeniably adverse consequences for the home countries will persist, given the rising demand in developed countries for foreign personnel with specific skills. The fact that developed countries are attempting to fill this need within the framework of the General Agreement on Trade in Services (GATS), which attributes special importance to the temporary movement of skilled personnel, or through recruitment policies, will also contribute to these negative consequences. Furthermore, if mobility becomes freer, efforts must be made to encourage emigrants to return.

Conducting a rigorous evaluation of the consequences of skilled worker emigration has always been a very difficult undertaking, not to mention a source of controversy. This was true of the attempts to quantify the human capital transferred in this manner and the proposal to establish tax systems to compensate developing countries in a system of international accounts, which came about in the context of the discussion of *inverse technology transfer* during the third session of the United Nations Conference on Trade and Development (UNCTAD, Santiago, Chile, 1972) (Martínez, 2005). These proposals were considered unfeasible, and today the proper forum for addressing them would be the World Trade Organization (WTO), after raising the issue of temporary mobility and the need for greater flexibility in standards for qualification (ECLAC, 2002a).

Box 7

THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS), A VERY NARROW FRAMEWORK FOR MIGRATORY FLOWS

The GATS is linked to international migration through its mode 4 on service delivery, which covers the presence of natural persons in other Member States. An examination of mode 4 from the migration standpoint reveals that countries, especially those hosting migrants, do not want to address the issue in the framework of trade agreements. In fact, it is the developing countries that have exerted pressure for a broader inclusion of temporary labour in the service delivery regulated by the Agreement.

The GATS contemplates four kinds of service delivery: cross-border trade, consumption abroad, commercial presence and movement of persons. The latter category, which corresponds to mode 4, covers two kinds of natural persons: service providers living in a Member State (self-employed) and natural persons from one Member State employed by a service provider in another, who are sent abroad to deliver the service for the same company, but that company has a commercial presence in another territory (intracorporate transfer), or to a consumer in the territory of another Member State. The negotiations on the types of movement of natural persons within the framework of the Agreement concluded in 1995. During the negotiating process, developing countries insisted that all kinds of movements of temporary labour should be included (both skilled and unskilled workers, intracompany transfers, self-employed workers, short-term stays and temporary residency). An “Annex on Movement of Natural Persons Supplying Services Under the Agreement” was added, and it includes the different types of natural persons mentioned above. However, in paragraph 4 of this Annex a clarification that is of great significance is made: *“The Agreement shall not prevent a Member from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Member under the terms of a specific commitment”*.

In the round of negotiations leading up to the fifth Ministerial meeting of the World Trade Organization (WTO) in Cancún, Mexico, in September 2003, the countries of the region renewed their request for more commitments under mode 4, a requirement that had been pointed out earlier by ECLAC (ECLAC, 2002a). Among the major limitations the Latin American and Caribbean countries highlighted in this type of service delivery were, first, the lack of recognition of titles and licenses, and second, the residency or nationality requirement. These obstacles, added to the proof of economic need required for hiring and the fact that the commitments refer almost exclusively to upper management, make it difficult for countries in the region in particular, and for developing countries in general, to be involved in delivering services. Not much progress has been made on this issue.

Some observers point out that the GATS deals only with the liberalization of services, and at heart it does not have much to do with countries’ migration policies. Moreover, temporary service providers make up a very small fraction of migrants. Bilateral and regional agreements deal with migration issues more extensively than mode 4 does. In general, such agreements refer to the temporary movement of workers, without distinction between service and manufacturing sectors. In addition, they cover areas that extend beyond the concept of market access in the realm of trade, such as managing migratory flows, compensating for labour shortages and creating cross-border or expanded labour markets. Above all, they address, or make it possible to address, problematic issues such as the protection of migrants’ rights and social cohesion, crucial aspects that are not considered in a trade agreement such as GATS.

Source: María José Acosta, “Negociaciones actuales sobre comercio de servicios en la Organización Mundial del Comercio (OMC)” [online] <http://www.eclac.cl/comercio/noticias/noticias/2/13112/NotasCancunMJA.pdf>; Economic Commission for Latin America and the Caribbean (ECLAC), *El Acuerdo General sobre el Comercio de Servicios: retos y oportunidades para América Latina y el Caribe* (LC/R.1588/Rev.1), Santiago, Chile, 1996 and *Globalization and Development* (LC/G.2157(SES.29/3)), Santiago, Chile, 2002; J. Martínez and F. Stang, “Lógica y paradoja: libre comercio, migración limitada. Memorias del Taller sobre Migración Internacional y Procesos de Integración y Cooperación Regional”, *Seminarios y conferencias series*, No. 45 (LC/L.2272-P), Santiago, Chile, Economic Commission for Latin America and the Caribbean (ECLAC). United Nations publication, Sales No.S.05.II.G.99.

2. Underutilization of human resources in the region

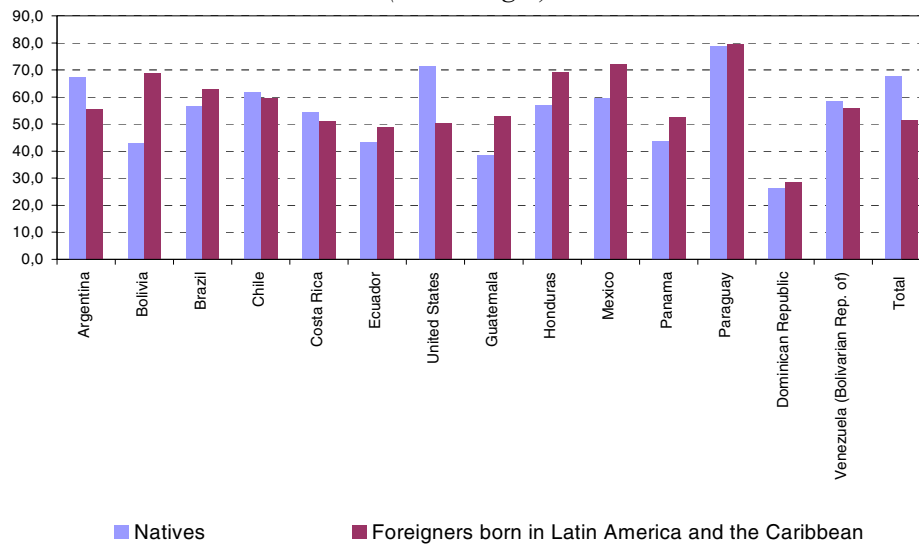
There is evidence of underutilization of skilled human resources in the region, which encourages emigration. Factors contributing to this situation include the inability to absorb labour, which is inconsistent with the rapid development of a pool of individuals with professional and technical training (which is well above that of unskilled labour and especially high among women), low pay, involuntary inactivity, open unemployment, underemployment, “desalarization” policies and outsourcing (ECLAC, 2002b). The skilled workforce continues to comprise less than 20% of the total in most countries, despite the recent intense generation of PTRs. Consequently, all of this suggests that skilled workers will continue to emigrate.

3. Participation of skilled migrants in the labour market: a waste of education

A significant percentage of skilled immigrants from Latin America and the Caribbean in other countries are employed in occupations not commensurate with their level of education.

According to census data from the 2000 round, 49% of college-educated migrants born in Latin America and the Caribbean and residing in countries in the region and in the United States do not hold managerial or professional jobs. It should be noted in this regard that only 32% of the native population holds such positions (see figure 5). Nonetheless, this masks the situation in countries with little immigration, where the disadvantage of migrants vis-à-vis native-born workers is reversed. The regional trend is heavily influenced by trends in the main countries of immigration, where the percentage of college-educated migrants from Latin America and the Caribbean in managerial and professional jobs is lower than the corresponding percentage in the native population.

Figure 5
**LATIN AMERICA AND THE UNITED STATES: COLLEGE-EDUCATED IMMIGRANTS
 FROM COUNTRIES IN THE REGION WITH MANAGERIAL
 AND PROFESSIONAL JOBS, AROUND 2000**
(Percentages)



Source: National Population Censuses, special processing using REDATAM software. In the case of the United States, the information was compiled by the Current Population Survey (CPS) 2005 (<http://www.unicon.com/>).

In the United States, where the gaps between the native-born and immigrants are wider, college-educated persons employed in managerial and professional positions have a different degree of participation in the labour market depending on their level of education. Thus, those with an undergraduate degree holding managerial and professional jobs represent 40% of the relevant population born in Central America, 35% of those born in Mexico, 45% of those born in South America and 44% of those born in the Caribbean (compared to 64% of native-born employees in this category). Employees with master's degrees or doctorates are considerably more likely to hold managerial or professional positions: 61% of the population born in Central America, 56% of those born in Mexico, 80% of those born in South America and 85% of those born in the Caribbean (the proportion is 86% among the native-born) (www.unicon.com).

The wasted education aggravates the losses that emigration represents for Latin American and Caribbean countries. Furthermore, it erodes the possibility of benefiting from the return of emigrants and links with the diaspora. In intraregional migration, this fact is also a sign of employment discrimination against some skilled immigrants.

Box 8

MIGRATION OF HEALTHCARE AND EDUCATIONAL PROFESSIONALS IN THE CARIBBEAN

Nurses and teachers who emigrate have become a critical issue in the Caribbean. The loss of these professionals affects some countries' ability to maintain and improve the quality and quantity of public services. Moreover, the ageing of the population and the prevalence of HIV/AIDS in the region are factors that place even more emphasis on the future growth of the demand for healthcare professionals. Studies conducted over the past 50 years agree that the principal reasons why skilled personnel emigrate are inadequate remuneration and limited benefits in the country of origin, unfavourable working conditions, the lack of adequate management and leadership, insufficient training and professional development, the absence of possibilities for career advancement, the underutilization of acquired skills and the lack of professional recognition.

At the same time, the factors contributing to demand in North America and the United Kingdom, already evident in the 1960s, have become even more attractive: better salaries and abundant benefits, modern human resource management, a more professional work environment and possibilities for permanent residence in the host country, to which can be added financial support offered by employers for professional registration and immigration procedures, support networks of family or friends, opportunities for professional development, better recognition and an improved quality of life (ECLAC, 2003).

Brain drain is a matter of serious concern in nearly every country of the Caribbean. There are initiatives intended to deal with these losses. Regional and global institutions such as the Regional Nursing Body (RNB), the Caribbean Community (CARICOM), the Pan American Health Organization (PAHO) and the Commonwealth Secretariat are promoting the retention of nurses and stimulating the return of those who have emigrated (Schmid, 2005). The Commonwealth Secretariat has adopted an agreement on teacher recruitment. The objective of these proposals is to set minimum standards so that in the international recruitment of professionals, due consideration is given to their interests and well-being, the obligations of recruiting nations and the potential repercussions in the countries of origin (Cox, 2005).

Source: Winston Cox, Opening speech at the meeting titled *Training and Temporary Movement: Towards a Trade and Development Approach in the Caribbean Region*, Barbados, 30-31 March 2005 (www.thecommonwealth.com); Karoline Schmid, *Migration in the Caribbean – What do we know? An overview of data, policies and programmes at the international and regional levels to address critical issues* (LC/CAR/L.54), Port of Spain, ECLAC Subregional Headquarters for the Caribbean, September 2005.

4. Perspectives on skilled worker migration

There are many reasons to admit that the migration of skilled workers in Latin America and the Caribbean will not cease. It will be difficult to end this practice in view of labour market trends (unemployment, underemployment, involuntary inactivity, “desalarization” policies and outsourcing) (ECLAC, 2002b), which contrasts with the abundant supply of professionals and the serious science and technology gaps. In addition, in developed countries a fierce competition for qualified personnel has already begun, at least in some fields. Nor can positive results be expected in terms of the return of PTRs to societies where people with equivalent education face these adversities. Consequently, it is imperative that active policies be adopted to address the needs of skilled emigrants, recognizing the diversity of situations that prevail in various countries and the rapid pace at which today’s world is changing (Pellegrino and Martínez, 2001).

Return and linkage are aspects that should be considered complementary. For the time being, for a variety of reasons —associated with social and economic conditions and with the technical context of the work and individual and family life histories— a significant percentage of the emigrant community will not want to return permanently to their country of origin, and will not do so. To best serve Latin American and Caribbean societies’ interests, therefore, the most feasible option is to establish linkage through programmes that help stimulate production, innovation and culture in skilled migrants’ countries of origin, built on the foundation of experience, knowledge, initiative and other resources that emigrants can contribute.

One disturbing issue that warrants further examination is the extent to which different types of brain drain may combine with new proposals on the circulation and exchange of skilled professionals. It has been noted that such proposals are aimed at taking advantage of the opportunities offered by globalization, but it will be difficult to implement them, among other reasons because of the labour flexibility policies of large corporations, the fact that the most outstanding students tend to remain in the universities of the developed world, and the tremendous disparity in working conditions and salaries between developed and developing countries (ECLAC, 2002a).

IV. HUMAN RIGHTS OF MIGRANTS

There is growing international concern about protecting the human rights of all migrants, in view of the many indications that contemporary international migration is a risky venture for Latin Americans and Caribbeans, one that can put them in vulnerable and unprotected situations. These migrants face a number of obstacles created by racism, xenophobia and other forms of intolerance, which are expressed in different forms of discrimination and in abuse, violence and deceit in the case of trafficking in persons, as well as threats to personal safety. These factors combine and interact depending on migrants' ethnic origin, nationality, sex and age, involvement in the labour market, method of entering the country and legal status. Upon assuming his new position as United Nations Special Rapporteur on the human rights of migrants, Jorge Bustamante has expressed his deep concern about the anti-immigrant sentiment that can be observed in industrialized countries. He pointed out that these countries will continue to need migrant labour, and in his opinion this poses predictable risks for Latin Americans and Caribbeans (Bustamante, 2005).

A. MIGRANT SMUGGLING AND TRAFFICKING

Migrant smuggling and trafficking in persons are defined in two protocols of the United Nations Convention against Transnational Organized Crime: according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, trafficking occurs when the following three conditions occur: (i) the recruitment, transportation, transfer, harbouring or receipt of persons is carried out; (ii) 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 (except when both persons are under the age of 18), for the purpose of exploitation; and (iii) 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. According to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, *"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.*

The distinction between trafficking and smuggling is not always obvious. An error in identifying a victim of trafficking could result in a denial of that person's rights. In migrant smuggling, the person is not coerced and his or her origin is not necessarily associated with the poorest communities or families of a country; in the case of trafficking, which usually involves women, children and ethnic groups, the victim is deceived upon leaving the country of origin. Distinguishing between an unauthorized alien and a victim of trafficking, or even a refugee, is a great responsibility. Sometimes the migrant worker prefers the conditions of exploitation in a rich country to his or her "impoverished" freedom in the home country; moreover, filing a complaint about exploitation would lead to immediate deportation, which means that "rescuing" the person would actually be "catching" him or her (CELADE, 2003).

It has been proposed that trafficking in persons and related activities be defined as crimes under national laws, granting protection to victims who opt to cooperate with the prosecution, and in the interests of social protection, granting residency visas to victims in the host country (CELADE, 2003).

Consequently, from the formal, institutional, regulatory and political points of view, broad recognition should be given to progress made in forging a common commitment to fighting this serious crime. Just a few years ago, these activities went on practically unnoticed in many countries of the region, and there were no laws written for the express purpose of defining and punishing these crimes. Gradually, the situation has changed and the definitions of “smuggling” and “trafficking” have begun to be more properly applied by immigration management and control officials, although much remains to be done in this regard. An important milestone was the Hemispheric Conference on International Migration: Human Rights and the Trafficking in Persons in the Americas, held in Santiago, Chile 20-22 November 2002, which was attended by government representatives, experts, members of civil society and representatives of international organizations (CELADE, 2003).

B. ARREST AND DEPORTATION OF IRREGULAR MIGRANTS

The conditions under which irregular migrants are arrested and deported always entail the risk of threatening rights, though not necessarily violating them. In general, these procedures conform to national laws, but the fact is that they do not always comply with international conventions. One issue of concern is the mass deportations of unauthorized migrants, especially when they produce clearly harmful effects for those who have lived in the host countries for several years, and for their families. The origin of these risks is irregular migration, one of the greatest worries of host countries. The solution to these problems requires agreements of shared responsibility with sending countries.

C. VIOLENCE IN BORDER REGIONS

In different ways and to different degrees, the violence that accompanies border crossings in many territories highlights the vulnerability of rights and the serious lack of protection for migrants, especially women and children. According to numerous accounts, women tend to be forced into prostitution or into providing favours for smugglers in various coercive ways. There is also increasing recognition of the fact that migrant women face multiple difficulties with respect to their sexual and reproductive health, and that they are at great risk for contracting sexually transmitted diseases, including HIV/AIDS.

Furthermore, both the forms that enforcement operations have taken in some developed countries and certain practices of *coyotaje* or smuggling have caused the deaths of migrants. This situation has underscored the extreme risks that international migration can involve.

D. PARTIAL INTEGRATION OF IMMIGRANTS

The large proportion of immigrants who are in an irregular situation in some host countries is one of the most important manifestations of the vulnerability of rights. When the presence of these immigrants is tolerated, not only are labour rights, social protection and possibilities for family reunification threatened, but it is also more difficult to honour obligations. When some of these problems affect documented immigrants as well, the result is partial integration and exacerbated exclusion. Reports from civil society organizations and from the Special Rapporteur on the human rights of migrants indicate that many Latin American and Caribbean immigrants in developed countries suffer from this plight.

The social integration of immigrants is crucial insofar as it ensures the functioning of social cohesion mechanisms and the exercise of immigrants' rights and responsibilities. It also helps in efforts to combat xenophobia and discrimination against immigrants engaging in certain activities which are often less valued socially. These problems are accentuated by a combination of factors, such as national origin, ethnicity and gender. Controversies surrounding the acceptance of emigrants' descendants who try to return to the country of origin, the regulation of unauthorized migration through constant reforms and amnesties, the ongoing debate on humanitarian efforts to take in refugees and the contradictory measures taken to allow workers to be admitted in response to a demand for cheap but skilled labour, are just some of the general manifestations of the need for more integration opportunities for immigrants.

Box 9

WOMEN ON THE BORDER: MIGRANTS IN DANGER

Between 1990 and 2002, more than 3,000 individuals, most of them Mexicans, have died or disappeared along the border between Mexico and the United States. In recent years, the number of unauthorized immigrants arrested by the Border Patrol has declined, but the number of persons who have died or been rescued has remained constant or increased. The ratio of deaths to Border Patrol arrests climbed from 15 per 100,000 to 35 per 100,000 between 1999 and 2002. This contrasts with the ratio in Spain—the highest in Europe—of 3 deaths per 100,000 arrests in 2000.

ARRESTS, RESCUES AND DEATHS ON THE BORDER BETWEEN MEXICO AND THE UNITED STATES, 1999-2002

	Arrests	Rescues	Deaths
Fiscal year 1999	1 536 947	1 041	231
Fiscal year 2000	1 643 679	2 454	377
Fiscal year 2001	1 235 717	1 233	336
Fiscal year 2002	929 809	1 764	323

Source: Bureau of Citizenship and Immigration Services (BCIS), Yearbook, various years.

Unauthorized migration has not diminished, but has merely shifted to new crossing sites; this “diversion effect” has led to the use of more dangerous routes. Migrants remain persistent because they want to work in the informal market. Border deaths occur because people cross in areas where the climate is hostile or the infrastructure is dangerous. The result is that by employing more hazardous routes and failing to obtain proper directions and sufficient information about the risks involved, migrants become more vulnerable, the deaths mount, and smuggling organizations gain power as greater dependence on guides boosts the demand for their services and raises prices. Various researchers have pointed out that the Governments of Mexico and the United States bear equal responsibility for finding solutions to this problem. In March 2002, the two governments invited Gabriela Rodríguez Pizarro, at that time the Special Rapporteur on the human rights of migrants, to visit the border area between the two countries. The Rapporteur's report (Rodríguez, 2002a) contains a number of criticisms as well as suggestions for improving local conditions. With specific reference to the deaths, the report cites testimony and complaints received by the Rapporteur and emphasizes anxiety about the plight of migrants crossing the border in inhospitable areas, as well as the difficulty in gathering information on the exact number of deaths because of the irregular nature of the migratory flows and the fact that they occur in remote locations. It also mentions the commitments made by the two countries to respond to these concerns.

Source: Guillermo Alonso, “Human rights and undocumented migration along the Mexican-U.S. border”, *UCLA Law Review*, No. 51, October 2003; United Nations, Human rights of migrants. Report submitted by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur, in conformity with resolution 2002/62 of the Commission on Human Rights. Addendum: Mission to the border between Mexico and the United States of America (E/CN.4/2003/85/Add.3), New York, 30 October 2002.

E. MIGRANTS' VULNERABILITY AND THE URGENT NEED TO PROTECT THEM

Not all migrants face risk and situations in which their rights are threatened, and this is not just true in industrialized nations. Some host countries have had success with granting political rights to immigrants and implementing social integration programmes that respect diversity, as well as proposals for accepting on humanitarian grounds persons who have been forced to emigrate, just to mention a few good practices. Although much progress has been made in recent decades in the area of human rights, the international community must develop a specific agenda on the challenging issue of migration (Castillo, 2005). All States declare that they intend to protect the rights of migrants; but although progress has been made in terms of legislation, there are still regulations, national practices and institutional arenas in which adequate measures have not been taken to guarantee that, or human rights protection is simply ignored in laws and policies on migration (Grant, 2005).

Although it must be recognized that the difficulties are unavoidable, in the sources cited below there is evidence of at least some semblance of an understanding of the problem.

(i) On a national scale: in recent years there has been a notable increase in mentions of migrants' rights in many reports and declarations emanating from countries. Nevertheless, the tenor of these references is not clear and it cannot be determined if they are the result of an increase in violations or a greater awareness and exposure of them (Grant, 2005). At any rate, the States can provide background information in the form of social and migration statistics, though complaints are under-reported and information on some matters (such as the number of irregular immigrants, victims of trafficking and arrests, and the conditions under which deportations take place) should always be viewed with caution.

(ii) In civil society: there is a tremendous quantity of background information in numerous national, transnational and ecclesiastical organizations that are carrying out critical work assisting and defending migrants (women, children and ethnic groups, in particular). These are entities, sometimes made up of migrants, whose complaints, testimony and tangible efforts are very important in obliging governments to honour their agreements and obligations.

(iii) The international system: advances in drawing up an agenda on the human rights of migrants can be attributed in large measure to the work, reports and recommendations of the specialized agencies of the United Nations and others such as the International Organization for Migration (IOM). The efforts of the Inter-American Commission on Human Rights (IACHR) and the United Nations Commission on Human Rights (UNHCR) are also noteworthy. In 1997, IACHR established a Special Rapporteur on migrants based on a resolution passed by the Organization of American States General Assembly; and UNHCR created the office of Special Rapporteur on the human rights of migrants in 1999. The reports are public information and describe both threats to migrants' human rights and the responses of national authorities.

V. CONCLUSIONS ON MIGRATION GOVERNANCE, HUMAN RIGHTS AND DEVELOPMENT

All of the issues raised below should be incorporated into the proposals that Latin American and Caribbean Governments make during the high-level dialogue on international migration and development, under the leadership of the United Nations, which will culminate in the General Assembly in 2006. As ECLAC (2002a) has pointed out, however, moving from unilateralism to consensus requires successive rounds of negotiations.

A. MIGRATION AND HUMAN RIGHTS OF MIGRANTS: RESPECTING COMMITMENTS UNDER INTERNATIONAL LAW

The United Nations, through the instruments of international law, and the inter-American system provide a framework for solving the problems that migrants must contend with in exercising their rights. In this regard, it is crucial that countries sign these instruments, accept international systems and pledge to uphold them.

In view of the contrasting reality confronting many migrants and the risks that their rights will not be respected, as has been demonstrated by the reports of the aforementioned Special Rapporteurs, the international community, and in particular the countries of Latin America and the Caribbean, are facing major uncertainties and challenges. The Global Commission on International Migration also recognizes these facts, which have been amply documented in regional hearings (GCIM, 2005). Some of them are already being addressed multilaterally, as indicated by the deliberations held at the Summit of the Americas, and more recently, at the Iberoamerican Summit of the Heads of State and Government. The same can be said at the national level, based on the ratification of international law instruments drafted to protect migrants' rights and to combat trafficking in humans.

All of these elements are signs of progress in the development of a Latin American and Caribbean agenda on migrants' rights, as they provide a basis on which to deal with the invisibility of the problem.

At the same time, there are still gaps and obstacles. To ensure that the international instruments, which are the product of a long struggle to define and protect the human rights of migrants, are universally accepted as standards, domestic legislation must undergo an urgently needed reform process to bring it in line with the commitments undertaken. The fact that countries are now recognizing that their emigrants are being subjected to discrimination and exploitation is solid proof of migrants' vulnerability and the need for governments to cooperate with each other. Civil society organizations must play the key role of enforcing the rules that States have pledged to the international community they will uphold and filing complaints when they are broken. Protection instruments cannot be fully effective without a complementary effort to sensitize and train the personnel responsible for implementing them.

These needs are also, in general, consistent with those identified by the Global Commission on International Migration. Its report also notes that countries of origin must take responsibility for good government, democracy and the empowerment of women, along with the factors of development and the inequality that have turned migration into something that is not always undertaken by the population with informed judgement. Host countries, according to the report, must strive to ensure respect for the human rights of those who cross their borders —particularly individuals who have suffered persecution in their

own countries— while exercising the sovereign right to control their borders and protect the security of their citizens. These countries should develop standards and implement practices to protect migrants' human rights in keeping with the international treaties they have ratified (GCIM, 2005, pp. 58-60).

Therefore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the central system for defending migrants. If it is not widely ratified, the onerous task of protecting migrants may encounter difficulties. It is important to consider that developed countries' reluctance to ratify this instrument does not have to be an impediment to encouraging Latin American and Caribbean countries that are still holding back to sign on. The countries that become signatories can demand reciprocity, benefit from a uniform framework for migration legislation and forcefully present their concerns to the international community. Civil society organizations have played an active role in defending human rights and lending assistance to migrants, but the primary responsibility rests with the States. Making sure the instruments are not ignored, eradicating prejudices that tend to come into play in opposing their approval, and demonstrating their validity as part of the history of international law is an urgent task for the region. Undertaking this endeavour will provide a realistic and effective platform for protecting migrants.

Table 7
**STATUS OF THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF
ALL MIGRANT WORKERS AND THEIR FAMILIES**
(November 2005)

Country	Signed	Ratified	Country	Signed	Ratified
Algeria		2005	Kyrgyzstan		2003
Argentina	2004		Lesotho		2005
Azerbaijan		1999	Liberia	2004	
Bangladesh	1998		Libya		2004
Belize		2001	Mali		2003
Bolivia		2000	Mexico		1999
Bosnia and Herzegovina		1996	Morocco		1993
Burkina Faso		2003	Nicaragua		2005
Cambodia	2004		Paraguay	2000	
Cape Verde		1997	Peru		2005
Chile		2005	Sao Tome and Principe	2000	
Colombia		1995	Senegal		1999
Comoros	2000		Serbia and Montenegro	2004	
Ecuador		2002	Seychelles		1994
Egypt		1993	Sierra Leone	2004	
El Salvador		2003	Sri Lanka		1996
Philippines		1995	Syria		2005
Gabon	2004		Tajikistan		2002
Ghana		2000	Timor-Leste		2004
Guatemala		2003	Togo	2001	
Guinea		2000	Turkey		2004
Guinea Bissau	2000		Uganda		1995
Honduras		2005	Uruguay		2001
Indonesia	2004				

Source: www.december18.net

B. MIGRATION AND DEVELOPMENT: RECOGNIZING MIGRANTS' CONTRIBUTIONS

International migration, especially that of less skilled workers, faces restrictions that are not commensurate with the measures in place to ease the circulation of financial flows, trade, information and ideas. This inconsistency should be discussed thoroughly, highlighting the fact that freer mobility contributes to the integration of immigrants, circulation and return, which in turn would be conducive to achieving the full potential that migration can offer for development.

Migration is essential for many countries, so neither migrants' rights nor the adversities they suffer can be treated like marginal issues. Although it tends to be emphasized that women and children are vulnerable, which makes them easy prey for abuse, exploitation or the violation of their human rights and fundamental liberties, it should also be recognized that migration has positive aspects. From the individual point of view, Rodríguez (2002b) calls attention to the fact that migrant men and women are people with abilities, strengths and potentials that should be stimulated and developed with respect for their cultural dignity, their religiousness and all their expressions as human beings.

It is also important to appreciate the links between migration and development, which means that migrants' contributions both to their own country and to the society that takes them in, when they manage to become integrated, should be duly recognized. The potential contribution to the country of origin takes the form of collaboration in development projects, through scientific diasporas as well as remittances and return. Among these contributions, the one that usually receives the most notice is remittances. Although the debate on remittances has advanced considerably in the region, there is still much to be learned about their consequences in terms of attenuating poverty and enhancing well-being. Migrant workers' individual strategies have a symbolic potential for linkage, and they represent a material substratum of support for the national economy that poses a challenge for public policy. It is also time to ask about the intersection between human rights and the efforts made by migrants (many of them unauthorized or simply lacking in social protection) as agents of support for their families and communities of origin and even as potential agents of their development, at least if we take into account the fact that their contributions amount to more than the total value of international cooperation assistance.

More information should be disseminated throughout the region regarding the prominent role played by migrants in maintaining the competitiveness and prosperity of host countries, which justifies efforts to promote their integration, the regularization of those who have been living for several years in the host country and the adoption of new temporary employment agreements so that migration can be regulated adequately. In this regard, it should be pointed out that some countries are striving to integrate migrants, who also have duties in the host country. Canada always emerges as an example of good practices designed to reinforce social cohesion and move towards multiculturalism. The Global Commission on International Migration has noted that there are several similar examples in the world that should be publicized, given that migration is essentially a transnational process (GCIM, 2005).

At the same time, the role that migrants can play through linkage with the diasporas, especially in the case of professionals and science and technology networks, deserves to be supported by governments in an ongoing manner in order to offset the losses that their emigration entails. ECLAC has been emphatic in stressing the urgent need to establish academic ties, promote electronic communication and temporary visits, encourage and decisively support the formation of research networks, and implement shared research programmes. All of these measures should go hand in hand with the genuine incorporation of emigrant technical workers and scientists into national science and technology projects (ECLAC, 2002a).

It is more difficult for countries in the region to promote the return of emigrants. However, an important starting point is for the governments of Latin America and the Caribbean to send signals of expanded political rights to their nationals living abroad. In the debate on the political rights of emigrants, and of diasporas in general, the allure of transnationalism should be admitted.

In the case of women migrants, the contribution they make to their families, communities and home and host countries should be recognized. It is equally important to identify situations that prevent women's empowerment and reproduce gender inequalities, such as their relegation to low-productivity occupations and, in particular, the plight of many domestic workers.

C. INTERNATIONAL MIGRATION GOVERNANCE: STRENGTHENING MULTILATERALISM

Early in the 21st century migration ceased to be an internal matter and took on local, community, regional and transnational dimensions that transformed daily practices and lives from the bottom up, both for immigrants and for their home and host societies. Today the strengths of multilateralism and global principles on migration issues need to be brought in line with the desire that many States have to preserve their prerogatives in the area of migration. This condition should plant the seed for new policies and a renewed vision of cooperation among States (Castles and Miller, 2004; Klein, 2005; Mármora, 2002).

The countries of Latin America and the Caribbean are not immune to any of the transformations, and are aware of the proposals for migration governance. In addition to the proposals emerging from the Summit of the Americas, many of them participate actively in intergovernmental forums, and are following a path that includes achievements, progress and challenges for the shared governance of international migration.

After a few years, it has become quite clear that activities intended to strengthen migration governance have been carried out at a regional or topic-specific level following some global, multilateral principles. This does not preclude any questioning of global approaches to migration governance. Although international organizations have defended these principles, which are specific to the United Nations, they recognize that the actual work has been heavily influenced by the overlapping of their respective activities. As a result, these efforts must be revitalized, as emphasized in the report of the Global Commission on International Migration (GCIM, 2005). Moreover, as ECLAC (2002a) pointed out, bilateral dialogues between countries should continue, since talks on specific migration issues affecting individual countries are more likely to succeed and the policies involved (such as those referring to social security) are a less complex mix.

The task of achieving migration governance requires the active collaboration of countries and represents a challenge that begins at the national level. In the specific case of Latin America and the Caribbean, one of the problems that have been pointed out is the fact that in most countries migration issues are handled by a number of different institutions and sectors (the interior ministry, the foreign ministry, the education system, the healthcare sector, law enforcement and others), which can make the necessary coordination difficult. This problem is exacerbated by the absence of an explicit policy on migration. What is more, governments do not always include key players such as trade unions, employers and migrants' associations in the formulation of policies. Civil society has not participated actively in this process, despite the important role that its organizations can play.

Overcoming these obstacles will contribute a great deal to the coordination and development of shared visions, which is the most important premise for strengthening migration governance. The various activities undertaken in recent years support this principle in some forums, both global and regional. Progress has been made on the identification of priorities, common terminology and procedures have been developed for managing migration, and migration and development issues have been interwoven. All things considered, the outlook is positive, although not without uncertainty, tensions and shortcomings that could undermine the interests of developing countries, and among them, of countries in the region.

1. Worldwide processes

There are three major processes going on worldwide in the effort to achieve migration governance. All are in full swing, though they have progressed to differing degrees. The International Organization for Migration (IOM) and the United Nations are the main agents and promoters of these processes. The Berne Initiative and the International Dialogue on Migration are being coordinated by the IOM, while the Global Commission on International Migration set out to place the issue of migration in the international debate, analyse migration policies and make relevant recommendations to the United Nations and to individual governments.

Regardless of the agendas proposed in each of these initiatives and any eventual overlap, active participation in all of them is essential because of their role in building political frameworks and establishing basic principles in the area of migration, and also in incorporating the particular aspects of each region of the world and their different impact on migration. Intergovernmental cooperation and dialogue are being advanced as a means of creating a governance system that will impart certain common principles to each region and each government.

In the report entitled *Migration in an Interconnected World: New Directions for Action* (GCIM, 2005), published by the Global Commission on International Migration in October 2005, it is noted that the international community has not been able to capitalize on opportunities and face the challenges associated with international migration, which has prompted an effort to find new ways of working together. The report lists a number of principles that provide a framework for the actions of decision makers and can be used both by governments and by the international community to devise broad, coherent and effective policies, and to monitor and evaluate their impact on migration processes (GCIM, 2005).

The GCIM report employs the concept of human security to address the need to protect people's rights and freedoms within the framework of States' sovereignty. The idea that States are sovereign in determining who should be allowed to enter and remain in their territory is reinforced, but it is also noted that this right should be exercised in a manner compatible with the responsibility and obligation to protect migrants' rights and to readmit citizens who desire to or are obliged to return to their countries of origin. To reduce irregular migration, governments should cooperate with each other and ensure respect for human rights, including the right of refugees to seek asylum. The report adds that governments should carry on dialogues and consultations with employers, trade unions and civil society organizations involved in these matters.

The Commission stresses that countries lack the capacity required to formulate and implement effective migration policies that are consistent with intergovernmental cooperation. It also points out that there is an urgent need to strengthen coordination among the various international organizations with a mandate to deal with migration issues. It further emphasizes the need to generate more detailed and

updated information and to train professionals working in the field of migration. It indicates that in devising coherent policies, governments must consider the effects of development policies, humanitarian aid and trade on international migration, and should encourage relevant non-governmental actors to participate in the formulation of policies on this matter (GCIM, 2005).

The Commission report concludes that to maximize the benefits of international migration, policies should be based on shared objectives and a common vision. In turn, it recognizes that there is no single model of action that should be considered by States and decision makers, and they should assume that so far no global consensus has been reached with respect to introducing a formal international migration governance system that would set up new international legal instruments or new agencies.

2. Regional consultation processes: sustaining intergovernmental forums on migration

In the last few years, simultaneously with the initiatives described above, various intergovernmental forums have been established in every region of the world to consult on migration issues. These forums have been created by governments to address one or more aspects of shared regional migration problems, based on the principle that any agreements emerging from them should be non-binding. In practice, however, that has not been the case.

Over the years, stable institutional frameworks have been developed with varying degrees of success to work in specific areas of coordination. An effort has been made to reach non-binding agreements that would nonetheless exact some sort of commitment while honouring the sovereign rights and responsibilities of each government to establish migration criteria, practices and policies. In general, it can be said that the process of dialogue and exchanging experiences has resulted in common mechanisms for coping with problems such as migrant smuggling, irregular migration, social integration, repatriation and the regulation of refugee applications. These forums have acted on the principle of coherence, and in the majority of cases they have succeeded in encouraging countries that historically have been incapable of forging bilateral agreements to share information and good practices (Klein, 2005; Lohrmann, 1999).

This region has had an important experience with intergovernmental consultation forums that should be hailed as a good practice leading up to the high-level dialogue on international migration and development that the United Nations has convened for 2006. In 1996 the Regional Conference on Migration was created in Puebla, Mexico, encompassing the countries of Central America and North America. In 2000 the South American Conference on Migration was formed in Buenos Aires, Argentina, with 12 countries in the subregion participating. Since their inception, both processes have enjoyed the support of the IOM in its capacity as a specialized international organization. In addition, cooperative relations have been established with other international organizations and civil society. In the case of the Puebla Process, the close ties with UNHCR, the Central American Commission of Migration Directors (OCAM), the Puebla-Panama Plan (PPP), the Central American Integration System and ECLAC should also be highlighted. In both forums, governments have set out to exchange experiences on specific migration issues, and they have compiled results that suggest they have achieved an institutional consolidation. This is especially true of the Puebla Process, which has drawn the interest of many other countries in the region and the international community itself.

There is no doubt that the specific focus on the subregion and the sustainability of these two forums are the most positive characteristics. There is also the qualitative advantage derived from the fact that international migration is being treated formally in the framework of an intergovernmental dialogue. Thus, they have agreed on a platform of understandings that is the basis for cooperation and negotiations

on issues that have always sparked disputes in the past, especially in Central America. As expressions of migration governance, these forums share several principles, particularly those related to the protection of migrants, although only the South American forum has explicitly proposed to advance the adoption of measures to facilitate the movement of persons.

The Caribbean is absent from these initiatives, and it is imperative that a dialogue be undertaken there on the same terms. By the same token, migration-related relations among the countries of the region make it necessary to strengthen efforts at cooperation with the European Union (the Iberoamerican Summit is a case in point) and Japan. The subregional integration blocs have continued to make progress on the inclusion of migration as a component of the integration process, and in the last few years they have interacted more productively with intergovernmental migration forums. This trend should be carried forward in order to expand social opportunities and labour markets.

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