**UN Migrant Workers Committee**

 **Day of General Discussion on the role of statistics for migration reporting purposes**

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**Overview of presentation:**

1. What figures do we have of UDM?
2. How can we debunk myths on irregular migration through accurate data?
3. Collecting data on UDM through inclusion in social policies and data in indicators
4. Collecting data on UDM through qualitative studies and implementation of relevant legislation
5. Ensuring data protection and data sharing is separate from law enforcement

**1. Estimates of undocumented migrants on global level**

* IOM estimates (2010): Approximately 10-15% of the world’s 214 million international migrants are undocumented (between 21.4 million – 32.1 million UDM worldwide).
* Yet on global level, no authoritative source specifically focusing on global trends and numbers on irregular migration and, as a result, the available sources are either not comprehensive or not adequately shared.
* Estimates in major migration regions:
	+ United States:
		- 11.1 million UDM (based on 2012 figures) - one of few countries worldwide with credible estimates of the undocumented population, due to the use of the government data collected through the census.
	+ EU:
		- “Clandestino” research: 1.9 to 3.8 million UDM (2008 figures)
		- Spain: Municipal Population Register (Padrón Municipal): 600,000 UDM (based on 2012 figures)
	+ Russia: OECD: 5-6 million UDM
* Age and gender: Women and children disproportionately impacted by limitations of basic rights and by restrictive migration policies; yet these policies often insensitive to needs faced by women and children.
* In most countries, data collection systems on irregular migration do not collect disaggregated information concerning socio-demographic features such as gender and age. But what data do we have?
	+ Women: 49% of the 214 million international migrants worldwide.
		- Women: 39.4% of adult undocumented population in US and 58% of undocumented women in US are in the labour force.
		- In 2010, women averaged 18% of migrants apprehended in EU 27.
		- FRA study (2011): data on regularization in Spain and Italy show that 500,000 female domestic workers regularized in those countries since 2002.
	+ Children: 16% of international migrants worldwide are under the age of 20.
		- Citizen children born in countries of destination to undocumented parents:
			* 4.5 million children in US (and 1 million foreign-born)
			* 85,000 in UK (and 35,000 foreign-born)
		- 41,455 of migrants apprehended in Europe in 2011 were children.

**2. Developing reliable statistics on irregular migration and UDM to debunk myths**

* Combating irregular entry key focus within EU migration policies in the fight against irregular migration.
* Considerable financial resources invested in border and visa management, detection of irregular migrants, detention and expulsions to counteract the perceived threat posed by migrants entering Europe.
* However, when data on irregular migration are carefully contextualised, it becomes clear that the political significance of irregular migration far outweighs its numerical significance.
	+ Clandestino research: irregular entry least relevant pathway into irregularity.
	+ Frontex:
		- Number of refusals of entry at the European borders in 2012: 115,305 refusals
		- Compared to total of 16.3 million visas and new residence permits issued during the same period.
		- Frontex publicly admits that border control alone will not solve the issue of irregular migration, but budget has seen 180% increase between 2005 and 2011
	+ Academics have long established that due to the militarisation and intensification of border controls, migrants are forced to seek out alternative, more dangerous routes, which increases the number of fatalities
	+ Civil society organisations monitoring and mapping the numbers of fatalities report that since 1988, nearly 15,000 migrants have died while trying to reach Europe, the majority in the Mediterranean Sea area.
* In the absence of complete, reliable and up to date statistics, policy decisions and public opinions may be based on erroneous information possibly provided by biased sources. Hence: importance of data to debunk myths on irregular migration
* *Myth*: Detention for migration purposes as a deterrent for irregular migration.
	+ Recent studies have concluded: no empirical evidence that detention deters irregular migration, despite the often significant cost to States of maintaining such a detention infrastructure
* *Myth*: Regularization programs and schemes are magnet for further migration.
	+ Little evidence in support of this claim and scarce academic research dedicated to this issue in Europe.
	+ Council of Europe has acknowledged that these concerns may be exaggerated if other factors contributing to irregular migration, such as narrow front-door policies for regular migration and difficulties in returning irregular migrants, are not taken into account.
* *Myth*: Granting access to social services and health care pull factor and would lead to “health tourism.”
	+ April 2013 Doctors of the World report (data collected in 14 cities across 7 EU MS, covering 8,412 patients):
		- UDM usually not aware of their pathologies before migrating and often lack awareness on the functioning of the healthcare systems in Europe and on their entitlements to health treatment.
		- Amongst patients surveyed in 2012, health represented only 1.6% of the reasons for migration.

**3. Social policies: collecting qualitative information on undocumented migrants to promote adequate protection of vulnerable groups**

* Lack of inclusive social policies providing adequate protection for vulnerable social groups disproportionately places undocumented migrants in situations of increased vulnerability to violence, abuse and exploitation.
* Crucial to promote better data collection on UDM health needs, access to justice and protection from violations of their human rights, for migration and social policies to ensure adequate protection of undocumented migrants’ human rights.
* Yet lack of representation of UDM as vulnerable group in EU statistics in relevant social policies
* Child poverty
	+ European Commission recently issued recommendation on “Investing in children: breaking the cycle of disadvantage” with the aim of encouraging regional and local authorities to follow EU guidelines on reducing child poverty and social exclusion, and promote child well-being.
	+ Recommendation recognises the particular vulnerability of undocumented migrant children and calls for EU Member States to ensure access to healthcare for all children, listing undocumented children as one of the groups requiring special attention.
	+ Although explicit recognition of the increased vulnerability of undocumented migrant children is a considerably positive development within EU policies, lack of inclusion of undocumented children in data which will serve as indicators could jeopardise the implementation of measures addressed at tackling child poverty
		- Most indicators rely on Eurostat, OECD or WHO statistics, which do not provide for disaggregated data specifically referring to the situation of undocumented migrant children
* Gender based violence:
	+ Council of the EU has highlighted the problem of a persistent lack of comparable data, as have various civil society organisations and researchers
	+ To address this problem, the European Parliament issued resolution asking European Union Agency for Fundamental Rights (FRA) to collect comparable data on violence against women
	+ FRA currently preparing a survey aiming at gathering information on women’s exposure to gender-based violence across Europe. As part of the survey, 40,000 women across the 27 EU Member States and Croatia will be interviewed on barriers they face in reporting crimes to the police and in accessing justice, healthcare and victim support services.
	+ Although this initiative is a crucial step towards the collection of nuanced evidence on gender-based violence for policy-makers, undocumented women are not included in the survey.

**4. Collecting data on UDM through qualitative studies and implementation of relevant legislation**

* A variety of methods can be used for estimating the size and structures of irregular migration.
* However, studies providing qualitative information on undocumented migrants are also essential both for the development of sound migration policies and as a tool for monitoring the implementation of existing provisions addressing the issue of irregular migration.
* What are some examples of qualitative data collection on UDM?
	+ Italian Paediatric Society National Working Group on Migrant Children (GLNBI)
		- Undertakes local and national epidemiological investigations, creating the evidence base for GLNBI’s research initiatives.
		- By conducting isolated research on specific groups of migrant children, the study is able to compare the core barriers to accessing healthcare for each “category” of migrant child.
		- By focusing on the prevalent health needs of undocumented children nationwide, the group of professionals is well placed to advise government on gaps in service provision.
	+ EU FRA comparative report (2011)
		- Fundamental rights of irregular migrants in EU 27.
		- *How?* Review of literature and legal sources, questionnaires to national and local authorities and NGOs and interviewed migrants in an irregular situation and those who work with them.
* Monitoring and evaluation frameworks could serve as effective tools to gather information on the impact of social and migration policies on undocumented migrants
* EU directives
	+ Employers’ sanctions:
		- Directive aimed at preventing irregular migration by reducing “pull factor” of irregular employment, by imposing sanctions against employers of undoc. workers
		- Directive foresees measures for undocumented workers to file complaints against employers for back wages (up to 6 months)
		- EU Member States had to transpose the directive by 20 July 2011 and the European Commission is currently assessing the implementation of the directive at national levels. The European Commission will publish a report assessing the implementation of the Directive within EU Member States by 20 July 2014.
		- Collecting more accurate information on the levels of exploitation and violation of undocumented workers’ labour rights at national levels.
		- 17/4/2013: Employers on a strawberry farm in rural Southern Greece employers shot at nearly 30 workers, mainly from Bangladesh, who had asked for wages they had not been paid for 6 months.
			* 28 people were injured, some in life-threatening circumstances
	+ Returns’ directive, Anti-trafficking directive, Victims’ support directive – implementation reports should all shed light on degree to which UDM are accessing essential services and protection and can contribute to better data analysis

**5. Data sharing: ensuring data protection and isolating data collection from law enforcement**

* Data collection and the creation of specific databases to register irregular migration are often related to the establishment of border or in-country migration control mechanisms that would allow for a large amount of data on border crossings to be stored as part of national or regional databases.
* These practices might however become highly problematic in terms of the potential impact on undocumented migrant workers’ and their families’ fundamental rights, privacy, data protection, due process, the presumption of innocence and democratic accountability.
* What is the role of civil society organisations, professionals, local authorities and public institutions in data protection and sharing?
	+ Sanctuary cities in U.S. and Canada:
		- Key role played by local authorities in ensuring the realisation of the human rights of UDM.
		- As part of other broader “sanctuary policies” addressed at promoting the social inclusion of undocumented migrants, local authorities in the United States and in Canada also adopt confidentiality principles that would guarantee to undocumented migrants the right to access justice and other social services without the risk of being apprehended or reported to the immigration authorities.
	+ EU Fundamental Rights Agency (FRA) guidelines
		- While states have a right to control immigration, certain enforcement measures, such as reporting obligations, data sharing, or arresting migrants in front of schools, have a negative and often disproportionate impact on the effective exercise of the fundamental rights of irregular migrants
		- Has developed guidelines for immigration enforcement officials.
		- Firewall principle: crucial tenet of any data collection on UDM
	+ Civil society and professional responses against sharing of data
		- Greece: public nurseries required by Ministry of Interior to compile a list of non-Greek children currently attending nurseries including their country of origin
		- Italy: 2009 Security Bill would have required health professionals to report UDM to authorities
* Misperception that irregular migration poses threats on national security and state sovereignty needs to be corrected through careful and objective analysis and contextualisation of available data.
* Political sensitivity of the issue of irregular migration generally outweighs its numerical significance.
* Irregular migration does occur in significant numbers, but it represents a fairly small proportion of total migration and consistent and inclusive policies that avoid further categorisation of vulnerable groups and that promote social inclusion shall therefore be adopted.
* Safeguards are necessary in data collection and data sharing in order to guarantee the privacy, confidentiality and security of personal information in accordance with data collection standards.