

# ***INTERNATIONAL MIGRATION BULLETIN***

No. 5, November 1994

This *Bulletin* is published semi-annually, in May and November, by the Population Activities Unit (PAU) of the Division for Economic Analysis and Projections of the United Nations Economic Commission for Europe (UN/ECE). The *Bulletin* is a product of *The Rapid Information System* of the PAU project "International Migration in the ECE Region" funded by the United Nations Population Fund. *The Rapid Information System* collects up-to-date and comprehensive information on various forms of international migration in the UN/ECE region, and the *Bulletin* presents and analyses these data.

## ***Highlights***

- ◆ As a result of the war in Bosnia and Herzegovina, a major population redistribution along ethnic and religious lines is taking place.
- ◆ The number of asylum seekers in Western Europe and North America in 1994 is expected to be around 500,000, a continued decline from 830,000 in 1992 and 720,000 in 1993.
- ◆ Immigration to the United States and Germany, two major immigration countries, was considerably lower in the first half of 1994 compared to 1993.
- ◆ At the end of 1993, 1.3 million or 18.5 per cent of the population of Switzerland were foreigners; this proportion is the highest in Europe and the highest Switzerland has ever experienced; over 60 per cent of Swiss population growth is due to net immigration; a significant amount of this immigration originates in former Yugoslavia followed by Portugal.
- ◆ On 1 November 1994, the Canadian government issued a policy document *Into the 21 st Century: A Strategy for Immigration and Citizenship*. This outlines a framework for reducing the number of immigrants and defines shares of specific immigrant categories in total immigration.
- ◆ During the spring and summer of 1994 the US government amended asylum and refugee policies for Haitians and Cubans in response to thousands leaving the two countries; safe havens were established in Guantanamo Bay and Panama; Cubans fleeing are no longer granted automatic political asylum; and an agreement was reached with the Cuban government on emigration procedures.
- ◆ On 8 November 1994, 59 per cent of the California electorate approved the *Save Our State* (SOS) initiative or Proposition 187. This aims to reduce the number of illegal immigrants coming to the US and persuade those present to leave by making it impossible for them to be employed or eligible for social services.
- ◆ The International Conference on Population and Development (ICPD), Cairo, September 1994, reiterated the principle of "making the option to remain in one's country a viable one for all people" by addressing the root causes of migration and focusing on the prevention of forced migration.
- ◆ International migrant trafficking has assumed critical proportions, was the consensus reached at a major IOM seminar on migration; particularly alarming has been the increasing criminal dimension of the phenomenon and its negative effect on the basic human rights of migrants.



**United Nations**  
**Geneva, 1993**

## INTRODUCTION AND ACKNOWLEDGMENTS

In this issue of the Bulletin we bring together a number of items in our ongoing effort to provide timely data and basic evaluation and analysis of recent trends, patterns and policies in international migration. Unfortunately, many of the items relate to grievous and troublesome developments in the ECE region reflecting the profound suffering of large numbers of people.

Even more than in previous issues, we were fortunate to benefit from contributions by collaborating institutions and colleagues. As always, data provided by the Inter-governmental Consultations (IGC)<sup>1</sup> and by the United Nations High Commissioner for Refugees (UNHCR) were extremely useful. For these we wish to thank Mr. Henrik Olesen and Mr. Michael Bisi, IGC, Geneva and Mr. Bela Hovy, UNHCR, Geneva. Their information complements the data collected directly by the UN/ECE Population Activities Unit in collaboration with the UN/ECE Statistical Division. We also appreciate material provided by Mr. Hector Cowan, Canada Mission to the UN, Geneva; and Mr. Reinhard Lohrman, International Organization for Migration (IOM), Geneva. Furthermore, our special thanks are extended to colleagues who made their contribution to specific sections (in alphabetical order): Mr. John Eibner, Christian Solidarity International, Binz, Switzerland (Azerbaijan and Armenia); Mr. Philip Martin, University of California, Davis, USA (California); Ms. Kathleen Newland, Carnegie Endowment For International Peace, Washington, D.C., USA (Haiti and Cuba); Mr. Tom Priester, Federal Statistical Office, Bern (Switzerland); Ms. Hania Zlotnik, UN Population Division, New York (ICDP, Cairo).

We wish to remind our readers that whilst we devote much care and attention to the reliability of the information published, such data are frequently preliminary and lack of space does not always permit a full discussion of data limitations.

## REFUGEES AND DISPLACED PERSONS DUE TO ARMED CONFLICTS

### Bosnia and Herzegovina

No significant changes were reported in the overall numbers of refugees and displaced persons (over 4.2 million) in the successor states of Yugoslavia by autumn 1994 compared to the data published in *Bulletin* No. 4. The entire populations of the successor states of Yugoslavia continue to be affected by the ongoing war. In Bosnia and Herzegovina in particular, major tensions as well as some fighting and ethnic cleansing persist and thus in reality more and more people are being forced to leave their homes.

These tragic events during the course of the war have led to a major and continuing redistribution of population. Recent data on the population distribution by ethnicity/religion assembled by the UNHCR Office of the Special Envoy for former Yugoslavia along with data obtained in the March 1991 population census enable a comparison of population distribution caused by the war. Understandably, the war-time conditions under which the UNHCR data were compiled predetermine their arguable quality, and in the words of the authors "the data represent only general population shifts" and they may not match other information. These data also imply that the two years of war in Bosnia and Herzegovina have resulted in the loss of over 270,000 people, or

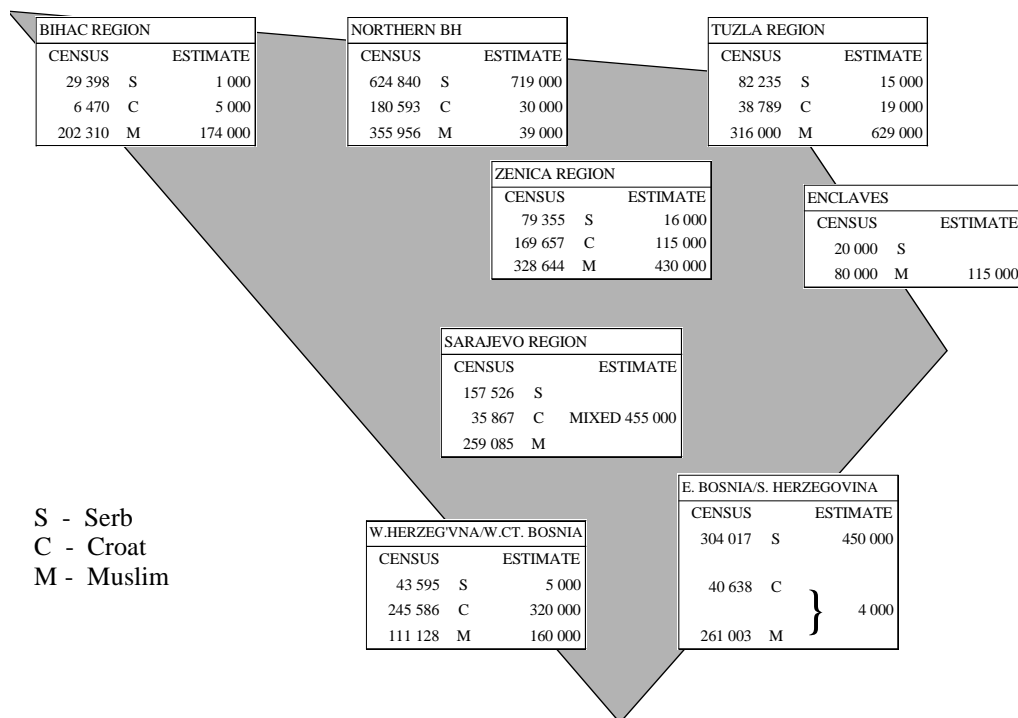
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1. The full title of this organization is *Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia*. The following countries are members: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, and the United States of America. The IGC has an administrative arrangement with the International Organization for Migration (IOM) and the UNHCR

7 per cent of its population either because of emigration or death. It needs to be emphasized that while the presented data are the best available, they are very rough estimates.

In this formerly truly multi-ethnic and multi-religious society, the population of villages, towns and regions has become decidedly divided along ethnic and religious lines. The general population shifts that have occurred are reflected in the chart. For instance, the Croats and Muslims have been driven out of Northern Bosnia-Herzegovina, as well as Eastern Bosnia/Southern Herzegovina. The regions of Bihac and Tuzla are now predominantly Muslim, and in the Zenica region and in Western Herzegovina and West Central Bosnia there are very few Serbs left.

### Population by region and ethnicity, Bosnia and Herzegovina, March 1991 and September 1994



Source: UNHCR Office of the Special Envoy for former Yugoslavia *Information Notes*, No. 10, October 1994

### Azerbaijan and Armenia

The struggle between Azerbaijan and Armenia for control of the former Soviet Autonomous Region of Nagorno Karabakh and the adjacent Shaumyan district, estimated to have had in 1989 a combined population of approximately 210,000 (165,000 Armenian and 45,000 Azeris), has gravely affected both the 7.2 million inhabitants of Azerbaijan and the 3.4 million inhabitants of Armenia.<sup>2</sup> Over 50,000 people have been killed, and more than one million displaced, since 1988.<sup>3</sup>

- According to the 1989 Soviet census, there were 189,029 people in the Autonomous Region of Nagorno Karabakh, including 145,450 Armenians, 40,632 Azeris and 2,417 Slavs. Official sources in Nagorno Karabakh estimate that the total population of the Shaumyan district was then about 20,000, of which approximately 17,000 were Armenians and 3,000 were Azeris. Unofficial sources suggest that there were about 15,000 inhabitants in the Shaumyan district, including about 3,000 Azeris and other minorities
- Koutcharian, *Gerayer*, (1994) "Armenien, Aserbeidschan und der Krieg um Arzach: eine Bilanz, *Pogrom*, Göttingen, No. 179, October/November, p.38.

Population movements began a few days after 20 February 1988 when Nagorno Karabakh's Supreme Soviet passed a resolution calling for the transfer of the Autonomous Region from the Azerbaijan SSR to the Armenian SSR. Pogroms followed in the Azerbaijani city of Sumagait, driving out its entire Armenian population of 18,000.<sup>4</sup> This marked the beginning of a series of anti-Armenian pogroms that culminated in the Baku massacres of mid-January 1990. It is estimated, that some 245,000 Armenians left Azerbaijan (excluding Nagorno Karabakh) as a result of these events. Most of these refugees went to Armenia, though 22,000 fled to Nagorno Karabakh.<sup>5</sup>

Armenia responded to the anti-Armenian pogroms in Azerbaijan by deporting its Azeri population. This process began in the autumn of 1988 and intensified after the earthquake of December 1988 which destroyed the homes of over 500,000 people.<sup>6</sup> Within the next eighteen months virtually all of Armenia's 195,000 Azeris had been expelled from Armenia to Azerbaijan.

Expulsions and deportations of Azeris from Armenian neighbourhoods and vice versa also occurred in Nagorno Karabakh and the Shaumyan region. The first forced population movements took place in spring 1991 when Azerbaijani troops, supported by the 23rd Division of the Soviet 4th Army began to systematically deport entire Armenian villages. Approximately 10,000 Armenians were forced to flee, mainly to other towns and villages in Nagorno Karabakh.<sup>7</sup> A second wave of migration ensued between the end of 1991 and spring 1992, as a result of the Karabakhi Armenian offensive on the Azeri-populated towns of Khodjaly, Shusha and Latchin. During this period, virtually the whole Karabakhi Azeri population left Nagorno Karabakh for Azerbaijan.<sup>8</sup> At the same time, the Armenian population in the capital of Nagorno Karabakh, Stepanakert, and the regional centres Mardakert and Askeran were also forced, to a considerable degree, to migrate due to Azeri offensives. A third migratory wave was triggered in June 1992 when the Azerbaijani Army overran the Shaumyan district and 40 per cent of Nagorno Karabakh, causing 50-70,000 Armenians to seek refuge in Stepanakert and Armenia.<sup>9</sup>

By the end of 1993, however, the war for Nagorno Karabakh had moved to Azerbaijan. Karabakhi Armenian forces began to establish a buffer zone around the enclave, which was completed in spring 1994. In the process, some 550-650,000 Azeris were forced to flee their homes, mainly to camps in Azerbaijan.<sup>10</sup> At the same time, about 39,000 Armenians who had been displaced by the Azerbaijani offensive of June 1992 were able to return to their homes in Nagorno Karabakh.<sup>11</sup>

Living conditions are extremely grim for the overwhelming majority of refugees and internally displaced persons, be they in the Nagorno Karabakh province, Azerbaijan or Armenia.

4. Hrair Balian, Nagorno-Karabakh and Soviet Nationalities Conflicts: Human Rights Concerns, Working Paper Submitted to the United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-third Session, 5-30 August 1991, Human Rights Advocates, Berkeley, p. 11

5. COVCAS Bulletin: Nationalities, Conflicts and Human Rights in the Caucasus, COVCAS Center for Law and Conflict Resolution, Vol. IV, No. 12, Geneva, June 22, 1994, p. 13

6. Balian, *op.cit.*, p. 23

7. Sakharov Memorial Congress Delegation to Nagorno Karabakh, Moscow Press Conference, July 1991; Dr. Tessa Hoffman, (HG), *Armenien und Armenien - Heimat und Exil*, Reinbek, 1994, p. 245

8. Between 1988 and 1991, most of Nagorno Karabakh's Azeri villagers sought refuge in the Azerbaijani-controlled strong-holds of Shusha, Latchin, Khodjaly in Nagorno Karabakh or in Azerbaijan. With intensive bombardment of densely populated centres, the Azeri population began to leave these towns. The evacuation of Azeris was completed when these towns were occupied by Karabakhi Armenian forces in spring 1992.

9. Hrair Balian, Nagorno Karabakh, Working Paper Submitted to the United Nations Economic and Social Council, Commission on Human Rights, Fiftieth session, 31 January-11 March, 1994, Human Rights Advocates, Preveessin, p. 5; Dr. Tessa Hoffman, Coordinating Group Armenia, *Gesellschaft für bedrohte Völker*, November 1994

10. According to UNHCR, Populations of concern to UNHCR: A statistical overview 1993, Geneva, May 1994, 778,000 citizens of Azerbaijan were internally displaced by the end of 1993 as a result of the Karabakhi Armenian offensive. However, in mid-August the Azerbaijani State Committee for Refugees put the figure at 637,419. Non-government organizations working in Azerbaijan estimate that between 550,000 were displaced by this military action

11. Balian, *op.cit.*, p. 7; Dr. Tessa Hoffman, Coordinating Group Armenia, *Gesellschaft für bedrohte Völker*, November 1994

Grossly inadequate shelter, diet, medical care and education facilities prevail and unemployment is widespread. In Nagorno Karabakh, the already desperate situation of war victims is further compounded by the absence of the United Nations and other major relief agencies because of Azerbaijan's blockade of the enclave (notable exceptions to this are the Red Cross, Médecins Sans Frontières and Christian Solidarity International).

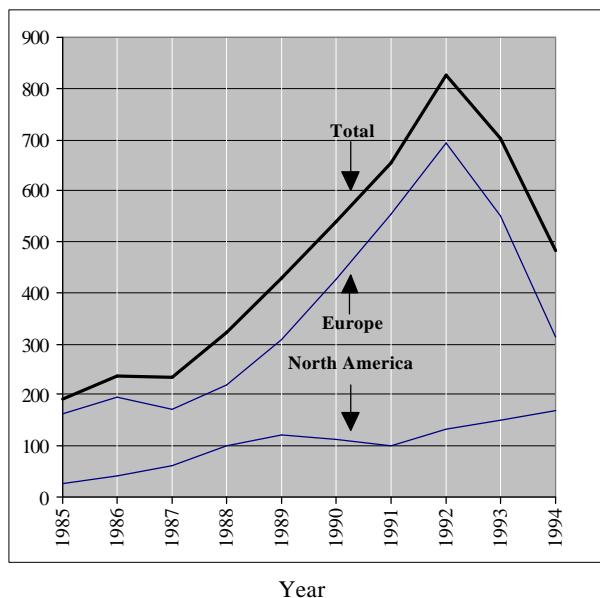
Although the United Nations and other major relief agencies are active in Armenia, the refugees' conditions are not much better than those in Nagorno Karabakh; the Turkish and Azerbaijani blockade has reduced most of the Armenian population to grinding poverty. This in turn has prompted a dramatic rise in emigration. According to official Armenian figures, 21,000 people emigrated in the second half of 1993, about 90 per cent of whom (18,800) went to Russia.<sup>12</sup> This figure may be increasing for official Russian sources indicate that 24,100 people have emigrated from Armenia to Russia in the first half of 1994.<sup>13</sup>

According to the Azerbaijan State Committee for Statistics, 97,000 people emigrated from Azerbaijan in 1992 and 74,000 in 1993. Most of these emigrants were Russians, Jews, Ukrainians and Tartars who, in most cases, left for other areas of the former Soviet Union. In 1992 35,000 and 1993 16,000 people immigrated to Azerbaijan. The overwhelming majority of immigrants were Azeris from other former Soviet Republics.<sup>14</sup>

There has been a generally respected cease-fire on the Karabakhi front since June 1994. Negotiations for a permanent settlement will be extremely problematic because of the numbers of refugees and internally displaced people on both sides who will need resettlement. In Nagorno Karabakh, the Shaumyan district and the buffer zone, tens of thousands of homes have been destroyed. Furthermore, abandoned properties have in many cases been occupied by the displaced.

## ASYLUM SEEKERS

### Asylum applications in UN/ECE region (in thousands)



Note: a Estimated forecast

Source: IGC

The rapid decline in the total number of asylum applications in the ECE region has continued during 1994. Projections for the year, based on data for the first nine months, indicate that the 1994 fall has been more marked than that of 1993. The total number of asylum seekers for the year 1994 in the whole ECE region (Europe and North America) is likely not to exceed 500,000, over 200,000 less than in 1993 (a 30 per cent drop), and 330,000 less than it was in 1992. Whilst the decline is almost universal throughout Europe and Canada, the numbers for the Netherlands are expected to increase by approximately 50 per cent and in the United States the total number of asylum seekers for 1994 is likely to be larger than it was in 1993.

12. Report of the Armenian State Statistical Office to the UN/ECE, 26 April 1994

13. Report of the Russian Goscomstat to the UN/ECE, 12 September 1994

14. Turan News Agency, 22 November 1994, Baku. Reported in *Summary of the World Broadcasts*, BBC Monitoring, Reading, Third Series, SU2/163, 26 November 1994, p.F/1

The implementation of new legislation and/or the procedures adopted in many ECE countries in recent years, continues to have an important effect on the number of asylum applications. Essentially all the countries receiving significant numbers of asylum seekers have modified their legislation or procedures for processing asylum applications. These include the Nordic countries, Austria, Canada, France, Germany, Spain and Switzerland (see earlier issues of the *Bulletin* for reports on legislative changes). The United States has not amended its legislation for asylum seekers of all nationalities, but only for Haitians and Cubans (for details, see below). The one country that has ongoing discussions, but as yet no decisions on changes is the Netherlands.

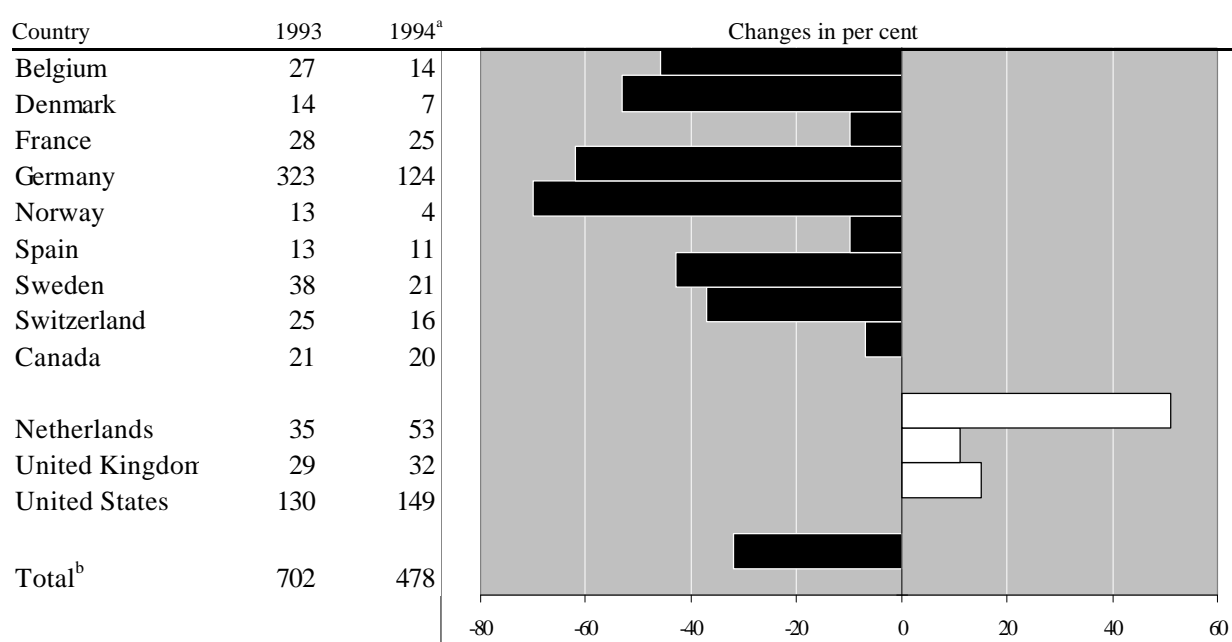
### Asylum applications, Western Europe and North America, 1992-1994

	Number of applications (in thousands)			Change (per cent)		
	1992	1993	1994	1993/1992	1994/1993	1994/1992
Western Europe	693	551	314	-20	-43	-55
North America	132	151	168	+14	+11	+27
Total	825	702	482	-15	-31	-42

Note: a Estimated forecast  
Source: IGC

Most countries in Western Europe have had significantly fewer asylum applications, often 40, 60 or even 70 per cent less than in the preceding year. The largest absolute decline significantly affecting the overall values occurred in Germany; the number of asylum seekers for 1994 is likely to be around 125,000 compared to 323,000 in 1993; a decline of over 60 per cent. It should be noted that this comparison is somewhat misleading for the new regulations affecting asylum procedures only went into effect in mid-1993. Therefore it appears more appropriate to compare the last six months of 1993 with the first six months of 1994 giving a decline from 99,000 to 63,000, or 36 per cent.

### Asylum applications, selected countries, 1993-1994 (in thousands)



Notes: <sup>a</sup> Estimated forecast  
<sup>b</sup> Total includes data for Austria, Finland and Italy  
Source: IGC

Amendments to legislation and procedures appear to have had several consequences. A number of asylum seekers who would previously have applied in Germany, did so in the Netherlands. This has led to a notable change in the distribution of asylum applications in European receiving countries. In 1993 Germany received almost 60 per cent of all asylum seekers in Europe, whereas in 1994 this figure will be about 40 per cent. On the other hand, the proportion of asylum seekers applying in the Netherlands rose from 6 to 17 per cent between 1993 and 1994. Many experts believe that another consequence of the modified legislation is that large but unknown numbers of people enter west European countries illegally.

The number of illegal aliens in western European countries is increasing also because only a relatively small proportion of the asylum applications have been approved and many of those whose applications have been rejected avoid deportation and stay in the respective country without appropriate documentation. According to UNHCR Food and Statistical Unit (*Asylum Seekers in Western Europe: A statistical overview* 1 November 1994), in the years 1989-1993 some "17,000 asylum seekers were recognized as refugees under the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol". This amounts to 11 per cent of the processed cases. During the same period 183,000 persons were allowed to stay in west European countries for humanitarian or similar reasons.

On the other hand, the status of some illegal residents is being regularised. The asylum seekers in Bundesland Hessen of the German Federal Republic who arrived before 1 March 1987 and whose applications were not approved have been granted a temporary stay of deportation; some 15,000 may remain in the country for a further six months. The Hessen Minister of Interior justified the decision on humanitarian grounds, that it would not be defensible to send asylum seekers back to their country of origin after having been in Germany for eight years.<sup>15</sup>

## REGULAR MIGRATION

Western Europe and North America continue to attract migrants. Official preliminary data for the first half of 1994, however, indicate that immigration to these regions is at a lower level than during the previous two years. In particular, countries receiving relatively large numbers of immigrants took in fewer during the period from January to June 1994 compared with the same six month period in 1993. This is certainly the case for the United States and Germany where the numbers have declined by considerably more than 20 per cent. The net migration additions to western European populations, for which data are available, appear to be declining notably in the large immigration countries, such as Germany, the Netherlands and Switzerland. The one exception is Sweden, where the level of immigration as well as that of net migration in the first half of 1994 were the same as those in the preceding half year (see table on following page).

It appears that in central and eastern Europe low levels of regular immigration persist. Those countries for which we have data suggest that most of them are emigration countries. The level of emigration shown by official registration, however, is not very large.

### Former Soviet Union

In the first half of 1994 Russia continued to gain population from all the republics of the former Soviet Union. The level of official immigration to Russia in the first half of 1994 was roughly equal to that of 1993. Net migration between Russia and the other successor states of the Soviet Union in the first half of 1994 was also similar to that of the second half of 1993. The only significant change was a larger net migration from Ukraine.

15. Neue Zürcher Zeitung, 5-6 November 1994

**International migration, selected ECE countries, semi-annual totals,  
1993 and January-June 1994**  
(in thousands)

Country	Immigrants			Net migration		
	Jan.-June 1993	July-Dec. 1993	Jan.-June 1994	Jan.-June 1993	July-Dec. 1993	Jan.-June 1994
<b>North America</b>						
Canada	125	119	104	..	..	..
United States	398	434	332	..	..	..
<b>Western Europe</b>						
Denmark	19	24	20	+6	+5	+5
Finland	7	8	5	+5	+4	+2
Germany	643	625	490	+281	+190	+143
Netherlands	54	65	45	+28	+32	+16
Norway	12	19	13	+5	+7	+5
Sweden	20	42	42	+6	+26	+27
Switzerland	57	61	48	+23	+24	+18
<b>Central and eastern Europe</b>						
Estonia	1	1	1	-8	-6	-2
Latvia	1	2	1	-16	-12	-10
Lithuania	2	1	1	-8	-5	-1
Poland	3	3	3	-6	-10	-9
Romania	-	1	-	-10	-10	-6
Slovak Republic	5	4	3	-	+1	+3
Slovenia	1	1	1	+1	+1	+1

Note: a Estimate based on data January-April 1994

Source: Reports of National Statistical Offices to UN/ECE

The reasons for the population shifts appear to be political and economic. Approximately one quarter of the immigrants are considered by the Russian government as "forcibly displaced persons". They come mainly from the Transcaucasian and central Asian republics as a result of the armed conflicts and changes in the status of the Russian speaking population. In addition, the economic situation as well as living standards (with the exception of the Baltic states) were more difficult and problematic in the other successor states of the Soviet Union than in Russia, and this may have contributed to the decision to move.

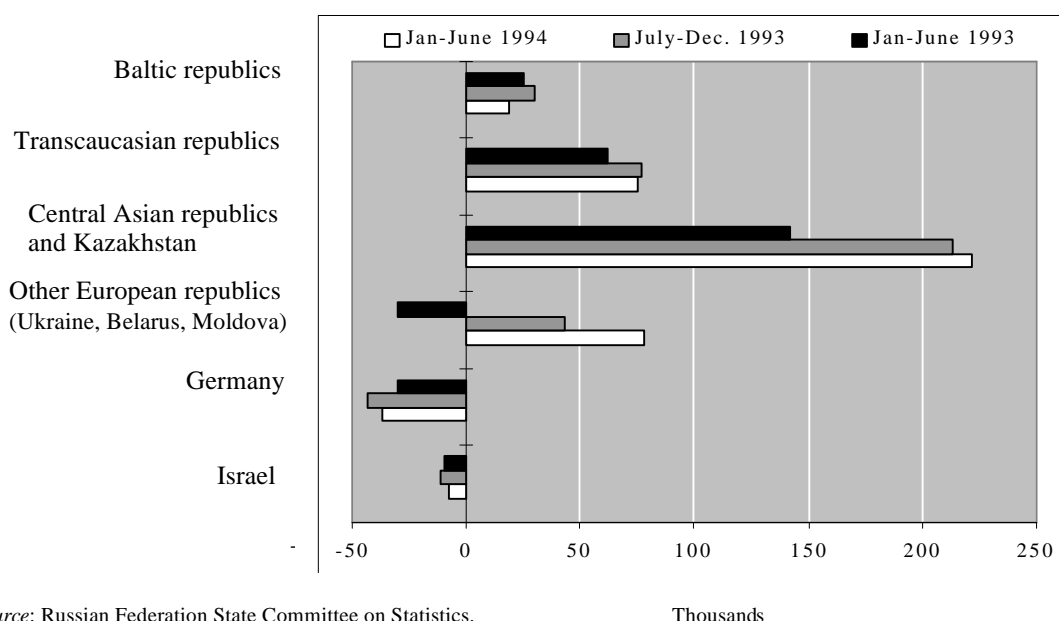
**International migration, Russian Federation, January-June 1994, preliminary data**  
(in thousands)

Region/Country of origin or destination	Immigrants	Forcibly displaced persons	Emigrants	Net migration
Baltic republics	21	4	2	+19
Transcaucasian republics	81	19	6	+75
Central Asian republics and Kazakhstan	255	67	33	+222
Other European republics (Ukraine, Belarus, Moldova)	147	1	69	+78
Germany	-	-	37	-37
Israel	-	-	8	-8
Other	-	-	10	-10
<b>Total</b>	<b>504</b>	<b>91</b>	<b>165</b>	<b>+339</b>

Note: a Included in previous column. The status of a "forcibly displaced person" is assigned on the basis of the Law of the Russian Federation on Forcibly Displaced Persons, approved by the Russian Parliament on 19 February 1993 which went into effect on 20 March 1993. Data in this column do not include forcibly displaced persons within the Russian Federation (11 783 were registered during the period) but only those from the other republics

Source: Russian Federation State Committee on Statistics

**Net migration, Russian Federation, 1993 and January-June 1994**  
(immigrants minus emigrants in thousand)



Source: Russian Federation State Committee on Statistics.

Thousands

## Switzerland

At the end of 1993, 1.3 million or 18.5 per cent of the total population of Switzerland (some 7 million) were foreigners. With the exception of very small countries like Luxembourg or Monaco, this proportion of foreign population is by far the highest in Europe and the highest Switzerland has ever experienced. In the past 15 years immigration has had a marked effect on Swiss population growth with over 60 per cent due to net immigration; more recently most have come from the successor states of Yugoslavia followed by Portugal.

### Net migration, by nationality, Switzerland, 1990-1993 (in thousands)

Region or nationality	1990		1993	
	in thousands	per cent	in thousands	per cent
<b>Europe</b>	<b>48.4</b>	<b>85</b>	<b>32.2</b>	<b>82</b>
Italy	-1.1	-2	-3.5	-9
Former Yugoslavia	21.7	38	26.3	67
Portugal	14.8	26	5.9	15
Spain	1.6	3	-4.3	-11
Switzerland	-0.4	-1	-5.4	-14
Turkey	3.3	6	1.6	4
Other	8.5	15	11.6	30
<b>Africa</b>	<b>1.8</b>	<b>3</b>	<b>2.1</b>	<b>5</b>
<b>America</b>	<b>2.1</b>	<b>4</b>	<b>2.0</b>	<b>5</b>
<b>Asia</b>	<b>4.0</b>	<b>7</b>	<b>3.2</b>	<b>8</b>
<b>Oceania</b>	<b>0.3</b>	<b>1</b>	-	-
<b>TOTAL</b>	<b>56.6</b>	<b>100</b>	<b>39.5</b>	<b>100</b>

Source: Bundesamt für Statistik, Bern

Swiss immigration policy, as stipulated in the 1986 decree "Limiting the Number of Resident Aliens" aims to achieve, an appropriate ratio between aliens and Swiss, the integration of foreign workers and their families and a qualitatively and quantitatively improved labour market structure. The array of instruments for achieving these goals ranges from the differentiated regulation of residence status through admission limits, to quotas for the number of foreign workers. Annual fluctuations in the number of immigrants and emigrants are closely linked to the labour market situation and legislation governing aliens and the right of asylum. These factors determine the duration of residence, the temporary or permanent nature of this residence and the degree of integration.

Foreigners may be granted one of four types of residential status. The majority, 922,000 persons in 1993, had a permanent residence permit. Another 315,000 were living under temporary, and therefore more precarious, residence conditions, mostly with a one-year residence permit. In 1993, some 50,000, mainly seasonal workers from Portugal and the successor states of Yugoslavia were employed in the construction industry, hotel trade and agriculture. Seasonal workers are not allowed to bring their families with them and have to leave the country after nine months. They may, however, re-enter Switzerland. Finally, the fourth category consists of the 24,500 international officials working in embassies and international organizations and their family members. Most immigration is for labour purposes; according to the 1994 Swiss Labour Force Survey aliens accounted for some 22 per cent of the economically active population of Switzerland, more than their share of the resident population.

Switzerland also continues to implement an asylum and refugee policy which aims to grant protection to those who are politically persecuted or threatened with inhuman treatment in their country of origin. Asylum seekers accounted for one third of all immigrants in 1991. In that year almost half the applicants were from the successor states of Yugoslavia, 10 per cent from Somalia, 8 per cent from Albania and 7 per cent from Sri Lanka. The recognition rate amounted to 14.7 per cent overall. Estimates for 1994 indicate that there will be a decline in the recognition rate to about 11.3 per cent. At the end of 1993, 118,300 people held residence permits granted under the asylum regulations. They represent 1.7 per cent of the resident population of Switzerland and 9.1 per cent of resident aliens. Switzerland has one of the highest percentages of refugees and asylum seekers in Europe.

## LEGISLATIVE DEVELOPMENTS

### Canada

On 1 November 1994, the Canadian government announced revisions to its immigration policy. The Citizenship and Immigration Canada (CIC) policy document, *Into the 21st Century: A Strategy for Immigration and Citizenship*, outlines a framework for reducing the number of immigrants and defines the shares of specific immigrant categories in total immigration. Greater emphasis will be placed on selecting immigrants that can instantly contribute to Canada's economic and social development while maintaining strong support for the family and realizing Canada's humanitarian approach towards refugees and asylum seekers.

Annual immigration is expected to decline from levels which averaged just over 240,000 in recent years to between 190,000 and 215,000 in 1995. It should be noted that this lower level is still substantially higher than the average 125,000 immigrants per year of the 1980s.

Family immigration remains an important element of Canadian immigration policy. Priority will continue to be given to the admission of spouses and dependent children. Measures will be implemented to help ensure that Canadian-resident sponsors honour obligations to support their families. Consideration will be given to providing more choice to sponsors regarding whom they can sponsor (at present, in addition to spouses and dependent children, parents, grandparents and their accompanying dependants are eligible for sponsorship). The proportion of family immigrants will decline in relation to that of economic migrants.

Family immigrants at present constitute 51 per cent of all immigrants to Canada, while economic immigrants make up 43 per cent (the remainder are mainly refugees). The Canadian Government stipulates that the proportions will be 44 per cent family immigrants and 53 per cent

economic immigrants by the year 2000. This change in policy is justified by a desire to improve the overall affordability of immigration by reducing immigrant integration costs and government payouts in welfare assistance to immigrants. The Canadian Government wants to favour independent, well-qualified and highly skilled immigrants, who will require relatively few integration programmes (such as language training), who will be able to enter Canada's labour markets easily and who will rapidly contribute to the Canadian economy.

### **Hungary**

The new Hungarian Aliens Law, Act LXXXVI came into force on 1 May 1994. This Act replaces the obsolete Law Decree No.19 of 1982 on the stay of aliens in Hungary. The new Act formally excludes refugees and asylum seekers and concentrates upon aliens and immigrants. It increases the financial requirements for aliens to enter and stay in Hungary and requires 3 years legal residence in Hungary before an application for permanent immigration can be made. It also extends the powers and competence of the Border Guard and the Aliens Police in controlling the entry and stay of both aliens and immigrants. At the same time, however, the Act also establishes administrative and judicial safeguards to protect aliens and immigrants from arbitrary measures. In particular, concerning expulsion, the Act states that "no alien shall be returned or expelled to a country or to the frontiers of territories where, owing to racial or religious causes or to his social status or political views, he could be subjected to the threat of persecution, nor to the territory of a state or to the frontiers of territories where there are serious reasons to believe that the expelled alien would be subject to torture, inhuman or degrading treatment..." (page 24, section 32, paragraph 1).

### **US policy towards Haitian and Cuban asylum seekers**

The refugee policy of the United States changed dramatically in the spring and summer of 1994 with respect to two countries that have been major sources of asylum seekers: Haiti and Cuba.

#### *Haiti*

In May 1994, the US overturned its long-standing (since May 1992) policy of returning Haitians fleeing by boat directly to Haiti without any form of asylum hearing. Facilities were established aboard the US hospital ship *Comfort*, based in Jamaica, to screen asylum seekers. About one-third of those screened were allowed to enter the United States to pursue their asylum claims. During the summer, however, the numbers of people attempting to flee Haiti by boat escalated. On 5 July alone, more than 3,000 Haitians were picked up by the US Coast Guard. On that day, the Administration announced that Haitians interdicted at sea would no longer be processed for entry to the United States. Instead, they would be offered safe haven at the leased US military base in Guantanamo, Cuba. Attempts to secure other safe haven sites for Haitians in the region met with no success. After the change to a safe haven policy, which admitted no possibility of onward movement to the United States, daily interdiction of Haitian boats fell off sharply.

A procedure which enabled Haitians to apply for asylum without leaving Haiti was established in February 1992. It was, however, a lengthy, elaborate and cumbersome process, which required as many as five interviews and provided no protection to applicants during the very visible procedure; it was used by few people as long as the option of escaping by boat remained open. The direct return policy in force from May 1992 to May 1994 encouraged more than 50,000 people to avail themselves of in-country processing; about 7.6 per cent were approved.

With the US military intervention in September 1994, followed by the negotiated departure of the Haitian military junta and the return of President Aristide in October, refugee policy changed again to meet the new circumstances. In-country processing was suspended pending review. As of 2 November, a total of 15,161 of the more than 20,000 Haitians in Guantanamo had voluntarily returned home; some 5,098 remained. It is assumed that most of these will return as soon as they are convinced that it is safe to do so. Still unresolved, are the cases of Haitians who were granted asylum under the in-country processing program or aboard the USS Comfort but who had not yet entered the United States when the change in government in Haiti occurred.

### *Cuba*

US policy towards Cuban asylum seekers was deeply influenced by the unfolding of events in Haiti and by demands for equal treatment for Cuban and Haitian asylum seekers. Since the 1959 Revolution in Cuba, Cubans seeking asylum in the United States had been admitted without normal refugee screening, most of them under the parole authority of the Attorney General. More than 400,000 entered the US between 1960 and 1970 and today the Cuban American population is over one million.

The change in US policy towards Cuban asylum seekers was set in train in July 1994 following an attempted hijacking in Cuba which set off anti-government riots in Havana. Soon afterwards, the Cuban authorities let it be known that they would no longer stop people from leaving the island on their own boats. During the summer months, more than 35,000 "rafters" were picked up by the US Coast Guard as they headed for Florida; an unknown number perished in the attempt.

The exodus raised fears in the United States of another Mariel boatlift, which in 1980 had brought 125,000 Cubans and much political turmoil to the United States. On 18 August 1994, President Clinton announced that thenceforth Cubans rescued at sea would not be allowed to enter the United States but would, like the Haitians, be offered safe haven at the US naval base in Guantanamo. A short time later, Panama agreed to allow up to 10,000 Cubans to be housed at US military facilities in Panama.

The President's announcement ended the 28-year-old policy of automatic political asylum for Cubans. On 9 September, the United States and Cuba signed a migration agreement. Cuba agreed to discourage boat departures and the United States agreed to increase sharply (to a minimum of 20,000 per year) the number of visas for Cubans wishing to emigrate legally to the United States. This entry level is to be achieved through a combination of normal immigrant visa processing, in-country refugee processing, expanded use of the Attorney General's parole authority, and a visa "lottery" for Cubans. Under the agreement, the United States committed itself to extending extraordinary immigration privileges to Cubans, even those without US relatives, special skills or claims to refugee status. Applications for entry to the United States, however, can only be made from within Cuba. With the exception of humanitarian cases, the 23,699 Cubans in Guantanamo and the 8,206 in Panama (as of 25 October) have been advised that they will have to return to Cuba in order to apply for entry to the United States, even as refugees.

### **California, USA**

On 8 November 1994, 59 per cent of Californians who cast their votes, approved the "Save Our State" (SOS) Initiative or Proposition 187 which aims to: (i) reduce the numbers of illegal immigrants coming to the United States and (ii) persuade those already there to leave, by making it impossible for them to be employed or eligible for support services. Furthermore, the State of

California seeks reimbursement by the federal government for the costs of services provided to illegal aliens who should have been prevented from entering the United States by federal authorities.

Proposition 187 is an initiative statute whose provisions remain state law unless disapproved by a two-thirds vote of the California Legislature or by another initiative; it has five major sections. First, it bars illegal aliens from the state's public education systems, and requires public schools to verify the legal status of both students (on 1 January 1995) and their parents (on 1 January 1996). Second, all providers of publicly funded and non-emergency health care services must, in order to be reimbursed, verify the legal status of persons seeking their services. Third, all persons seeking cash assistance and other benefits are required to verify their legal status before receiving benefits. Fourth, all service providers are required to report suspected illegal aliens to California's Attorney General and to the Immigration and Naturalization Service (INS); it will be the duty of the police to determine the legal status of persons arrested. Fifth, the making and use of false documents becomes a state felony.

Lawsuits challenging the constitutionality of Proposition 187 were filed immediately after the vote effectively delaying implementation until at least 14 December 1994. Proposition 187 is a law whose sections can be implemented individually, however, and despite the anticipated legal arguments, it is expected that at least some sections will go into effect.

The denial of public education to illegal alien children is likely to be the most controversial section. In accordance with the 1982 US Supreme Court decision *Plyler v. Doe*, schools cannot deny education to illegal alien children. Public education is the most costly service used by illegal aliens in California, accounting for about half of the estimated US\$3 billion annual costs of services provided to the estimated 1.7 million illegal aliens (California's annual state budget is \$40 billion; its population in mid-1994 was estimated at 32 million).

Although, most politicians and opinion leaders argued that voters should reject Proposition 187 as too blunt an instrument to deal with the complex issue of illegal immigration, it was approved by voters in 50 out of the state's 58 counties.

The approach to immigration control contained in Proposition 187 is likely to remain an important political issue. After the vote Governor Wilson of California proposed that Congress adopt a federal version, which would deny all benefits except emergency medical care to illegal immigrants.

## **MEETINGS**

### **The International Conference on Population and Development, Cairo, September 1994**

The International Conference on Population and Development (ICPD) held in Cairo last September, brought to a close a long and thorough process of intergovernmental consultations and meetings which defined the agenda for action in the field of population for the coming years. The main outcome of the Conference was the adoption of a Programme of Action that fully examines all issues relating to population.

In the area of international migration, the Programme of Action builds on the foundations laid by the World Population Plan of Action and the further recommendations for its implementation to reflect the increasing interest of the international community on migration and its interrelations with development.

Although more modulated than in the past, the thrust of the recommendations on international migration made in the Programme of Action is mostly directed to “making the option to remain in one’s country a viable one for all people”. Thus, the first objective stated is “to address the root causes of migration” and considerable attention is focused on preventing forced migration. Paragraph 10.23, for instance, provides a comprehensive list of ways in which Governments are encouraged to address the root causes of movements of refugees and displaced persons. The list includes “the alleviation of poverty, democratization, good governance and the prevention of environmental degradation”, all of which are actions that are beneficial in, and of themselves, irrespective of their effects on migration. In a similar vein, paragraph 10.3 calls for an increase in efforts “to defuse international and internal conflicts before they escalate; to ensure that the rights of persons belonging to ethnic, religious or linguistic minorities, and indigenous people are respected; to respect the rule of law, promote good governance, strengthen democracy and promote human right”. Although a call is also made to ensure a better economic balance between developed and developing countries and countries with economies in transition, it is nevertheless recognized that the economic situation of those countries is likely to improve only gradually and that migration flows will continue in the short-to-medium term. In view of the above, a call is made for countries to allow certain forms of temporary migration (paragraph 10.4) and to cooperate with a view to integrating migration issues in their political and economic agenda (paragraph 10.6). The need to strengthen the role of international organizations with mandates in the area of migration is also recognized (paragraph 10.8).

The Programme of Action is very strong in promoting the rights of documented migrants, particularly those having the right of long-term residence in receiving countries. The Programme underscores the importance of family reunification and validates its centrality by citing the provisions on that issue contained in widely recognized international human rights instruments, such as the Convention on the Rights of the Child.

With respect to undocumented migration, the Programme of Action emphasizes the need for cooperation between countries of origin and destination (paragraph 10.17), especially in addressing the causes of such flows. It calls for effective sanctions against those who organize undocumented migration and for the regulation of intermediaries (paragraph 10.18).

The Programme of Action stresses the importance of repatriation as a durable solution for the plight of refugees while recognizing the need to provide returnees with rehabilitation assistance. The right to seek asylum is validated and the principle of non-refoulement is underscored (paragraph 10.27). Governments are called upon to provide “at least temporary protection” to refugees and displaced persons who arrive in “massive numbers” (paragraph 10.28). It is stressed that, as far as possible, persons in need of protection should be encouraged to stay near their countries of origin.

Lastly, throughout the chapter on international migration, the particular needs of female migrants are addressed, especially those of refugee women, whose involvement in planning refugee assistance activities is called for (paragraph 10.25) and whose special need for physical protection is underscored (paragraph 10.24).

## **International Organization for Migration Seminar, “Trafficking in Migrants”, Geneva, October 1994**

International migrant trafficking has assumed critical proportions, appeared to be the consensus of the eleventh International Organization for Migration (IOM) seminar on migration held in Geneva, Switzerland, 26-28 October 1994. Particularly alarming is the increasingly criminal dimension of the phenomenon, which is detrimental to both the basic human rights of migrants and the very foundations of states and societies affected by migration, as noted in Resolution 48/102 passed by the UN General Assembly in December 1993. Safeguarding the human rights of migrants and preventing illegal migration have become a major challenge to the international community.

Migrant trafficking has four essential characteristics according to the discussion paper submitted at the Seminar. Firstly, it involves a trafficker or intermediary who undertakes to facilitate migration. Secondly, the trafficker is paid by the migrant for his services. Thirdly, the migration itself is illegal and has to be supported by various illegal acts. Finally, the migrant who is a party to the transaction is making a voluntary choice. Migrant trafficking encompasses different types of activities ranging from small-scale operators who offer a specific service, such as providing documentation, to large-scale operators who control transnational networks and provide the entire range of services from documentation, transportation and assistance in crossing borders, safe places for transit, residence in receiving countries and illegal employment.

In this context, large-scale migrant trafficking operations have become a lucrative activity of huge proportions; the total volume of illegal migrant trafficking is estimated to generate gross earnings of between US\$5-7 billion per year according to Jonas Widgren, the Director of the International Centre for Migration Policy Development (ICMPD). Such operations are increasingly coming under the control of international networks of organized crime. As countries tighten restrictions on illegal migration and emigration pressure mounts, better networks, which only organized crime possesses, are necessary to circumvent these restrictions. In these circumstances, migrants often become the victims of various forms of exploitation which frequently continue after they take up residence in the receiving country. Their irregular status prevents their proper participation in civil society, deprives them of their basic rights and entitlements and fosters their social exclusion within the receiving society. Migrant smuggling networks frequently run parallel to drug trafficking and prostitution rings. Often women and children are particularly vulnerable as migrants and special attention needs to be paid to the protection of their rights. Furthermore, the increasing association of migration with organized crime may also contribute to a negative image of migration and migrant communities in receiving societies, resulting in a rise in xenophobia.

The IOM seminar gave utmost priority to the fight against internationally organized criminal networks engaged in the trafficking of migrants, as they are the most serious threat to migrant rights. At the same time, it was strongly emphasized that the protection of migrant's rights should go hand in hand with the intensification of efforts to combat illegal migration generally. On a national level, this would involve the development of new legal systems relating to migration and migration options. At the international level, governments must conclude bilateral and multilateral agreements on transiting, readmission and return of migrants; improve the exchange of information; and facilitate the coordination of border controls to prevent illegal entry. Globally, this would entail the international coordination and harmonization of migration, through the creation of an orderly migration regime, combined with development assistance linked to rapid employment creation in areas most affected by migratory push factors. To achieve this, an international institutional framework that would promote concerted global action and international cooperation is necessary. The Seminar participants noted the important role that NGOs and intergovernmental bodies in particular the IOM, could play in this process.

NOTE

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