



THE COMPLEX DYNAMICS OF INTERNATIONAL MIGRATION
Interdisciplinary Dialogue on the Conceptualization of the Migration Phenomenon

2005 2006 Scientific Seminar of the

Canada Research Chair on International Migration Law

University of Montreal

The *Canada Research Chair on International Migration Law* organizes, annually, a scientific seminar aimed at exploring numerous features of the migration phenomenon. The first seminar is devoted to the study of the multifaceted dynamics of international migration, from the perspective of several disciplines, as a means to expand legal horizons. This seminar, to be organized as a series of conferences, will provide an opportunity to pave the way for further more focused seminars in the years to come.

Within the framework of this first seminar, we wish to enhance dialogue between law and other disciplines undertaking research on migration issues, such as sociology, demography, anthropology, psychology, political science and economics.

Twelve issues related to international migrations will be considered:

- **Migration, a constant of civilization**
- **Migration, an individual trajectory through social space**
- **Migration, an economic transfer**
- **Migration, a development issue**
- **Migration, a demographic objective**
- **Migration in the political discourse on identity**
- **Migration, a vector of social transformation**
- **Migration, a challenge to territorial sovereignty**
- **Migration, a security concern**
- **Migration, a clandestine phenomenon**
- **Migration, a key to cultural pluralism**
- **Migration, a human right**





MIGRATION, A CONSTANT OF CIVILIZATION

Migration is consubstantial to human destiny. Migration has always been a reality, constantly modifying the composition of human populations on earth, and should therefore be considered and analysed in the long term. The settling process is recent, nomadic nations still exist, and the yearning to leave still torment people. Seeking a new life elsewhere remains a significant “frontier” of our imagination.

MIGRATION, AN INDIVIDUAL TRAJECTORY THROUGH SOCIAL SPACE

Migration is often described as a collective matter. Common expressions mention, flow, wave, invasion. Politicians have compared it to a *marabunta*. However, migration, like other human phenomena, is the result of an interaction between individual decisions and social constraints. The human being is never merely a pawn on a chessboard which he fails to control, or simply a victim. The human being is also a strategist for him or herself and his or her family, in a constant search to improve his or her fate.

MIGRATION, AN ECONOMIC TRANSFER

Migration is often the result of profound inequities in peace and prosperity between bordering regions. Migration is also a factor in the transfer of technology, knowledge and know-how. The economic impact of migration transfers cannot be measured only in terms of supply of capital or immediate work force. One should also consider, in the long term, the economic dimensions of the contribution of a family to the prosperity and collective life of the host country.

MIGRATION, A DEVELOPMENT ISSUE

As a development concern, migration plays contradictory roles. Depriving countries of origin from their most dynamic citizens, it represents a debilitating ‘brain drain’. Nevertheless, through the game of ‘remittances’, migration contributes towards the financial growth of entire areas of the country of origin. Furthermore, the weaving and maintenance of links between the country of origin and the host country leads to the development of economic communication networks (import-export among others) for the mutual benefit of both countries.





MIGRATION, A DEMOGRAPHIC OBJECTIVE

Migration enables rapid population growth in certain countries, such as Canada. Considering the significance given to the population factor in the comparative evaluation of the power of States, is there a political-demographic objective of certain States to pursue immigration policies? Furthermore, significant immigration allows long-lasting ties with numerous other countries throughout various social and family networks. Is there a geo-strategic dimension of the policy of immigration States to be at the centre of influential networks and consequently act in a capacity as useful or essential broker on delicate political issues?

MIGRATION IN THE POLITICAL DISCOURSE ON IDENTITY

Migration issues have become, since the mid-70s, very politically sensitive. Movements of the extreme right have taken on migration their hobby horse and other politicians have failed to counter these pernicious debates by an unambiguous choice of intellectual values. The media has not always played its role as a critic of such drifts, considering the complexity of the phenomenon at stake, often difficult to explain through predetermined media formats. Western public opinion, shaken by years of economic instability and profound social changes, has sometimes too easily pointed to the foreigner as the scapegoat for its identity crisis.

MIGRATION, A VECTOR OF SOCIAL TRANSFORMATION

Migration causes long term social impacts, which are neither expected nor planned. The social integration of migrants concerns western societies, particularly Europe. This integration crisis results from a number of factors including: a high unemployment rate amongst migrants and their descendants, as well as a permanent vulnerability towards economic instability; a growing concern regarding religious fundamentalism, revealing possible identity rifts between migrant communities and host populations; alarmist positions in the political and public arena testifying to a clear refusal of multiculturalism as a framework for integration; restrictive access to citizenship of the host country and the precarious situation in which many migrants are kept. Anti-racism policies are often unsuccessful to fight social marginalization and community ghettoization. In numerous host countries, social integration of migrants is neither desired nor promoted.





MIGRATION, A CHALLENGE TO TERRITORIAL SOVEREIGNTY

Host countries often understand migrations through an assessment of their capacity to manage them. Following the classical theory of territorial sovereignty, a vast majority of States still believe that deciding who can enter or stay on their territory remains a free and unrestricted prerogative of the State. States are unwilling to concede restrictions to their power of admitting or expelling foreigners, and will fight tooth and nail before the courts any attempt to subject such decisions to human rights obligations, for example. The free movement of persons on the common European territory – the first real limitation of territorial sovereignty resulting from the withdrawal of controls at the internal borders of Europe – is specifically restricted to “European citizens” and is, therefore, a rare exception to the rule.

MIGRATION, A SECURITY CONCERN

Since the end of the 80s, the increase in irregular migration flows and in asylum applications in western countries has transformed the migration issue – considered up till now as a social and labour phenomenon – into an internal security matter. As for arms and drugs trafficking or mafia-like criminality, illegal migration is then a police matter. Following 9/11, the paradigm is yet again altered and illegal migration becomes a national security concern, migrants being suspected of terrorism. Since then, we have witnessed a militarization of the migration issue.

MIGRATION, A CLANDESTINE PHENOMENON

This change of paradigm highlights an increasingly frequent characteristic of migration on a world-wide scale, namely, the irregularity of status. Systematic policies repressing irregular migrations fail to meet the social and economic needs brought to light by these population movements. They merely contribute to driving deeper underground the crossing of borders and the subsequent lives of migrants. Their clandestine status results in political and social invisibility.

MIGRATION, A KEY TO CULTURAL PLURALISM

Nevertheless, migration is a cause of constant renewal of populations, in terms of ideas, social ties, international solidarity, political discourse and cultural expression. It weaves the social fabric of communities in the country of origin and those in the host country. It contributes to world music, multicultural literature, culinary transformations, conceptual appropriations and adaptations, thus creating cultural pluralism, both in host countries and in countries of origin.





CHAIRE DE RECHERCHE DU CANADA
EN DROIT INTERNATIONAL DES **MIGRATIONS**
CANADA RESEARCH CHAIR
ON INTERNATIONAL **MIGRATION** LAW

MIGRATION, A HUMAN RIGHT

Is migration a human right? Migrants should be able to enjoy, on an equal footing, fundamental rights and freedoms (except for some rights restricted to citizens). Yet, at the beginning of this millennium, migrants' rights are almost universally denied and a migrant is usually perceived as a second-class individual. How can we conceptualize migration as a freedom? How can we recognize it as a fundamental choice? How can we extend beyond our concept of citizenship and territorial sovereignty to acknowledge the pre-eminence of the freedom and rights of human beings?

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The Chair will invite experts on these various issues to stimulate discussion, aimed at promoting public debate as well as expanding scientific knowledge.

A publication gathering all the presentations of lecturers will sustain dialogue, giving students, experts, academics, decision-makers, civil servants and journalists, a precise, diversified and objective overview, of the complex dynamics of international migration.



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