

# MIGRATION TERMINOLOGY\*

**admission:** The granting of entry into a state.

**alien:** *See non-national.*

**amnesty:** A general pardon, “regularization” or “legalization” that is extended to people who can show residence in a country for which the amnesty is granted, despite the fact that such residence was unauthorized.

**assimilation:** Adaptation of one ethnic or social group – usually a minority – to another, involving the subsuming of language, traditions, values and behaviour or even fundamental vital interests.

**assisted voluntary return:** Logistical, financial and reintegration support to rejected asylum seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country, who volunteer to return to their countries of origin. *See also voluntary return.*

**asylum seeker:** A person who seeks safety from persecution or serious harm in a country other than her/his own and awaits a decision on the application for refugee status under relevant international and national instruments. *See also refugee.*

**best (effective) practices:** Means to further the application of the existing norms and principles, both at the international and the national levels. Best practices may be translated into operational directives, codes of conduct or other manifestations of soft law, but should not lead to a weakening or erosion of positive law. They are characterized by: being innovative, developing creative solutions; showing a positive impact on the level of

implementation of the rights of migrants; having a sustainable effect, especially by involving migrants themselves; and having potential for replication.

**bilateral labour migration agreements:** Formal mechanisms concluded between states, which are essentially legally binding treaty commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by states as well as a range of other actors, including individual ministries, employer organizations, etc.

**biometrics:** The study of measurable biological characteristics. “Biometric identifiers” (BIs) are pieces of information that encode a representation of a person’s unique biological make up (e.g. fingerprints, facial recognition photographs, retinal scans or voice scans).

**bonded labour:** Service rendered by a worker under condition of bondage arising from economic considerations, notably indebtedness through a loan or an advance. Where debt is the root cause of bondage, the implication is that the worker (or dependents or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid.

**border control:** A state’s regulation of the entry of persons to its territory, in the exercise of its sovereignty.

\* Many of the terms in this section are drawn or adapted from the terms found in a similar section in *World Migration 2005* and IOM’s *Glossary on Migration*, November 2004.

**border management:** Facilitation of authorized flows of persons across a border and the detection and prevention of irregular entry of non-nationals into a given country.

**brain drain:** Emigration of trained and talented persons from the country of origin to another country resulting in a depletion of skills resources in the former.

**brain gain:** Immigration of trained and talented persons into a destination country. Also called “reverse brain drain”.

**business migrant:** A person who is granted entry for a limited term to take up a pre-nominated position with approved national sponsor-employers, generally in a professional or managerial capacity.

**business visitor:** A person who is granted entry under a business visa or for the purposes of conducting business.

**capacity building:** Building capacity of governments and civil society by increasing their knowledge and enhancing their skills. Capacity building can take the form of substantive direct project design and implementation with a partner government, training opportunities, or in other circumstances the facilitation of a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally accepted benchmarks of management practices.

**change/switching of status:** Procedure whereby a non-national present in a state may seek a different immigration status.

**circular migration:** The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.

**citizen:** *See national.*

**citizenship:** *See nationality.*

**clandestine migration:** Secret or concealed migration in breach of immigration requirements. The generic term “irregular migration” should preferably be used. *See irregular migration.*

**consular officers:** Government officials representing the state abroad in visa and residency issues (*Art. 1(d), Vienna Convention on Consular Relations, 1963*).

**consular protection:** Consular functions aiming at helping nationals abroad, including assisting in the protection of their rights and interests before local courts. In particular, protection extended to migrants arrested or committed to prison or custody pending trial or detained in any other manner; such migrants must be informed without delay of the right to communicate with consular authorities.

**contractual labour:** Labour supplied by a contractor.

**country of destination:** The country that is a destination for migratory flows (regular or irregular). *See also host country and receiving country.*

**country of origin:** The country that is a source of migratory flows (regular or irregular). *See also sending country and source country.*

**country of transit:** The country through which migratory flows (regular or irregular) move.

**cross-border migration:** A process of movement of persons across international borders.

**debt bondage:** The status or condition arising from a pledge by a debtor of his/her personal service or those of a person under his/her control as security for a debt, if the value of those services as reasonably assessed is not applied toward liquidation of the debt or the length and nature of those services are not respectively limited and defined (*Art. 1(a), United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Abolition of Practices Similar to Slavery, 1956*).

**demography:** The study of human populations, especially with reference to size and density, distribution and vital statistics.

**dependant:** A person who relies on another for support. In the migration context, a spouse and minor children are generally considered “dependants”, even if the spouse is not financially dependent.

**deportation:** The act of a state in the exercise of its sovereignty in removing a non-national from its territory to his/her country of origin or a third country after refusal of admission or termination of permission to remain. *See also expulsion, refoulement.*

**detention:** Restriction on freedom of movement, usually through enforced confinement, of a person by government authorities.

**diaspora:** Diasporas are broadly defined as individuals and members of networks, associations and communities who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the citizenship of the host country, dual citizens, and second-/third-generation migrants.

**discrimination:** A failure to treat all persons equally where no objective and reasonable distinction can be found between those favoured and those not favoured. Discrimination is prohibited in respect of “race, sex, language or religion” (*Art. 1(3), United Nations Charter, 1945*) or “of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (*Art. 2, Universal Declaration of Human Rights, 1948*).

**displaced person:** A person who flees his/her state or community due to fear or dangers other than those which would make him/her a refugee. A displaced person is often forced to flee because of international or non-international armed conflicts, or natural or man-made disasters. *See also internally displaced persons, refugee.*

**documented migrant workers:** Migrant workers or members of their families authorized to enter, to stay and to engage in a remunerated activity in the state of employment pursuant to the law of that state and to international agreements to which the state is a party (*Article 5(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

**dual/multiple nationality:** Simultaneous possession of the nationality of two or more countries by the same person. *See also nationality.*

**economic migrant:** A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term is often loosely used to distinguish from refugees fleeing persecution and is also similarly used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without *bona fide* cause. It may equally be applied to persons leaving their country of origin for the purpose of employment. *See also frontier worker, migrant worker, seasonal migrant worker.*

**emigration:** The act of departing or exiting from one state with a view to settling in another.

**entry:** Any entrance of a non-national into a foreign country, whether voluntary or involuntary, authorized or unauthorized.

**environmental migrant:** Environmental migrants are persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.

**exclusion:** The formal denial of a non-national’s admission into a state.

**exploitation:** The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one’s own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs). *See also forced/compulsory labour, slavery, trafficking in persons.*

**expulsion:** An act by an authority of the state with the intention and with the effect of securing the removal of a person or persons (non-nationals or stateless persons) against their will from the territory of that state. *See also deportation, refoulement.*

**family reunification/reunion:** Process whereby family members separated through forced or voluntary migration regroup in a country other than the one of their origin.

**family migration** A more general concept covering family reunification, the migration of a family unit as a whole and family formation.

**feminization of migration:** The growing participation of women in migration (some 49 per cent of all migrants globally are women). While the proportion of migrants who are women has not changed greatly in recent decades, their role in migration has changed considerably. Women are now more likely to migrate independently, rather than as members of a household, and they are actively involved in employment.

**forced/compulsory labour:** All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (*Art. 2(1), ILO Convention No. 29 on Forced Labour, 1930*).

**forced migration:** A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects).

**forced return:** The compulsory return of a person to the country of origin, transit or third country, on the basis of an administrative or judicial act. Also referred to as mandatory return.

**foreigner:** A person belonging to, or owing an allegiance to, another state. *See also alien and non-national.*

**freedom of movement:** A human right which comprises three basic elements: the freedom of movement within the territory of a country (*Article 13(1), Universal Declaration of Human Rights, 1948*: “Everyone has the right to freedom of movement and residence within the borders of each state”); the right to leave any country; and, the right to return to his or her own country (*Article 13(2), Universal Declaration of Human Rights, 1948*: “Everyone has the right to leave any country, including his own, and to return to his country.”). Freedom of movement is also referred to in the context of freedom of movement arrangements between states at the regional level (e.g. European Union).

**frontier worker:** A migrant worker who retains his or her habitual residence in a neighbouring state to which he or she normally returns every day or at least once a week (*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, Article 2(2)(a)*). *See also migrant worker.*

**globalization:** A process of interaction and integration among the people, corporations, and governments of different states; a process driven by international trade and investment and aided by information technology. This process has effects on the environment, culture, political systems, economic development and prosperity, and human well-being in societies.

**green card:** An identity card issued by the U.S. Government to non-nationals who have been granted permanent resident status in the United States. Also called a Permanent Resident Card, it is evidence of a non-national being a lawful permanent resident with a right to live and work permanently in the United States.

**highly skilled/qualified migrant:** While there is no internationally agreed definition, two overlapping meanings are often intended. In very general terms a highly skilled migrant is considered to be a person with tertiary education, typically an adult who has completed a formal two-year college education or more. In a more specific sense, a highly skilled migrant is a person who has earned, either by tertiary level education or occupational experience, the level of qualifications typically needed to practice a profession.

**host country:** *See country of destination, receiving country, state of employment.*

**human rights:** Those liberties, benefits and entitlements, which, by accepted contemporary values, all human beings should be able to claim “as of right” in the society in which they live; e.g. as contained in the *Universal Declaration of Human Rights, 1948* and the *International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, 1966* (together frequently referred to as the “International Bill of Rights”), and developed by other treaties from this core.

**illegal/irregular/unauthorized entry:** Act of crossing borders without complying with the necessary requirements for legal entry into the receiving state (*Art. 3(b), Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*).

**illegal migrant/migration:** *See irregular migrant/migration.*

**immigration:** A process by which non-nationals move into a country for the purpose of settlement.

**immigration status:** Status which a migrant is accorded under the immigration law of the host country.

**integration:** While the term is used and understood differently in different countries and contexts, “integration” can be defined as the process by which migrants become accepted into society, both as individuals and as groups. It generally refers to a two-way process of adaptation by migrants and host societies, while the particular requirements for acceptance by a host society vary from country to country. Integration does not necessarily imply permanent settlement. It does, however, imply consideration of the rights and obligations of migrants and host societies, of access to different kinds of services and the labour market, and of identification and respect for a core set of values that bind migrants and host communities in a common purpose.

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

**internally displaced persons (IDPs):** Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border (*Para. 2, Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2*).

**international law:** The legal principles governing relationships between states. The contemporary law of international relations embraces not only states, but also such participants as international organizations and even individuals (such as those who invoke their human rights or commit war crimes). Also termed law of nations, public international law, *jus gentium*.

**international migration:** Movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country.

**international migration law:** Instruments of international law applicable to migration.

**international minimum standard:** A state is required to observe minimum standards set by international law with respect to treatment of non-nationals present on its territory (or the property of such persons) (e.g. denial of justice, unwarranted delay or obstruction of access to courts are in breach of international minimum standards required by international law).

**intra-corporate transferee:** An employee of a firm who is temporarily transferred to a foreign affiliate of that firm (branch, subsidiary, office, joint venture, etc.).

**irregular migrant:** A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment. *See also undocumented migrant, illegal migrant, clandestine migration.*

**irregular migration:** Movement that takes place outside the regulatory norms of the origin, transit and destination countries.

***jus sanguinis* (Latin):** The rule that a child's nationality is determined by its parents' nationality, irrespective of the place of its birth.

***jus soli* (Latin):** The rule that a child's nationality is determined by its place of birth (although it can also be conveyed by the parents).

**labour migration:** Movement of persons from their home state to another state or within their own country of residence for the purpose of employment.

**lawful admission:** Legal entry of a non-national into the country, including under a valid immigrant visa.

**legalization:** The act of making lawful; authorization or justification by legal sanction. *See also amnesty, regularization.*

**less/low-skilled and semi-skilled migrant worker:** There is no internationally agreed definition of a less or low-skilled and semi-skilled migrant worker. In broad terms, a semi-skilled worker is considered to be a person who requires a degree of training or familiarization with the job before being able to operate at maximum/optimal efficiency, although this training is not of the length or intensity required for designation as a skilled (or craft) worker, being measured in weeks or days rather than years, nor is it normally at the tertiary level. Many so-called "manual workers" (e.g. production, construction workers) should therefore be classified as semi-skilled. A less or low-skilled worker, on the other hand, is considered to be a person who has received less training than a semi-skilled worker or, having not received any training, has still acquired his or her competence on the job.

**long-term migrant:** A person who moves to a country other than that of his or her usual residence for a period of at least a year, so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure, the person will be a long-term emigrant and from that of the country of arrival, the person will be a long-term immigrant. *See also short-term migrant.*

**migrant flow:** The number of migrants counted as moving, or being authorized to move, to or from a given location in a defined period of time.

**migrant/worker in an irregular situation:** *See irregular migrant, undocumented migrant/worker.*

**migrant stock:** The number of migrants residing in a given location at a particular point in time.

**migrant worker:** A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national (*Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

**migration:** A process of moving, either across an international border, or within a state. It includes migration of refugees, displaced persons and migrants moving for other purposes.

**migration management:** A term used to encompass numerous governmental functions within a national system for the orderly and humane management of cross-border migration, particularly managing the entry and presence of foreigners within the borders of the state and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.

**mixed flows:** Complex population movements including refugees, asylum seekers, economic migrants and other migrants.

**multilateral:** In relation to treaties and negotiations, multilateral (or multipartite) connotes the involvement of more than two states in the process. *See also treaty*.

**national:** A person, who, either by birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil and political rights and protection; a member of the state, entitled to all its privileges. A person enjoying a nationality of a given state. *See also citizen, nationality, naturalization*.

**nationality:** Legal bond between a person and a state. Under *Art. 1, Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930*, "it is for each state to determine under its own laws who are its nationals. This law shall be recognized by other states in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality".

**naturalization:** Granting by a state of its nationality to a non-national through a formal act on the application of the person concerned.

**net migration:** *See total migration*.

**non-admission:** Refusal to permit entry to the territory of a state. *See also admission*.

**non-discrimination:** The refusal to apply distinctions of an adverse nature to human beings simply because they belong to a specific category. Discrimination is prohibited by international law, for example in *Art. 26, International Covenant on Civil and Political Rights, 1966*, which states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status". *See also discrimination*.

**non-national:** A person who is not a national or citizen of a given state. *See also alien, foreigner*.

**non-refoulement:** A principle laid down in the *Geneva Convention Relating to the Status of Refugees, 1951*, according to which "no contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." (*Art. 33(1), Geneva Convention Relating to the Status of Refugees, 1951*). Non-refoulement has also been recognized as a principle of customary international law. *See also refoulement*.

**orderly migration:** The movement of a person from his/her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit from the country of origin and travel, transit and entry into the destination or host country.

**offshoring:** The relocation of business activities of an entity to another country. *See also outsourcing*.

**outsourcing:** The sub-contracting by an entity of specific business processes such as design or manufacturing to another company. Also referred to as global resourcing.

**overstay:** To remain in a country beyond the period for which entry was granted. Persons who overstay are referred to as "overstayers".

**permanent residence:** The right, granted by the authorities of the destination country to a non-national, to live and work therein on a permanent (unlimited or indefinite) basis.

**petition:** *See sponsorship*.

**policy:** General principles by which a government is guided in its management of public affairs.



**project-tied worker:** A migrant worker admitted to a state of employment for a defined period to work solely on a specific project being carried out in that state by his or her employer (*Art 2(2)(f), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*). See also *migrant worker*.

**protection:** All activities aimed at securing respect for individual rights in accordance with the letter and spirit of the relevant bodies of law (namely, International Human Rights Law, International Humanitarian Law, International Labour Law, International Migration Law and International Refugee Law).

**push-pull factors:** Migration is often analysed in terms of the “push-pull model,” which looks at the push factors, which drive people to leave their country, and the pull factors, which attract them to a new country.

**qualified national:** Expatriate national with specific professional skills in demand in the country or region of origin. See also *highly skilled migrant, skilled migrant*.

**quota:** In the migration context, a quantitative restriction on the number of migrants to be admitted each year.

**ratification:** Ratification refers to the “acceptance” or “approval” of a treaty. In an international context, ratification “is the international act so named whereby a state establishes on the international plane its consent to be bound by a treaty” (*Art. 2(1)(b), Vienna Convention on the Law of Treaties, 1969*). Instruments of ratification establishing the consent of a state take effect when exchanged between contracting states, deposited with a depositary or notified to the contracting states or to the depositary, if so agreed (*Art. 16, Vienna Convention on the Law of Treaties, 1969*). In a domestic context, it denotes the process whereby a state puts itself in a position to indicate its acceptance of the obligations contained in a treaty. A number of states have in their Constitutions procedures which have to be followed before the state considers itself bound by a treaty. See also *treaty*.

**readmission:** Act by a state accepting re-entry of a person (own national, third-country national or stateless person).

**readmission agreement:** Agreement which addresses procedures, on a reciprocal basis, for one state to return non-nationals in an irregular situation to their home state or a state through which they have transited.

**receiving country:** Country of destination (host country). In the case of return or repatriation, also the country of origin. See also *host country, country of destination, state of employment*.

**refoulement:** The return by a state of an person to the territory of another state in which his/her life or liberty would be threatened, or s/he may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or would run the risk of torture. See also *non-refoulement*.

**refugee (mandate):** A person who meets the criteria of the UNHCR Statute and qualifies for the protection of the United Nations provided by the High Commissioner, regardless of whether or not s/he is in a country that is a party to the Convention Relating to the Status of Refugees, 1951 or the 1967 Protocol Relating to the Status of Refugees, or whether or not s/he has been recognized by the host country as a refugee under either of these instruments.

**refugee:** A person, who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (*Article 1A(2), Convention relating to the Status of Refugees, 1951 as modified by the 1967 Protocol*).<sup>1</sup>

**regional consultative processes:** Non-binding consultative fora, bringing representatives of states and international organizations together at the regional level to discuss migration issues in a cooperative manner. Some regional consultative processes (RCPs) also allow the participation of other stakeholders (e.g. NGO or other civil society representatives).

**regular migration:** Migration that occurs through recognized, authorized channels. See also *irregular migration*.

**regularization:** Any process or programme by which the authorities of a country allow non-nationals in an irregular or undocumented situation to stay lawfully in the country. See also *amnesty, legalization*.

**reintegration:** Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his/her country of origin. See also *integration*.

<sup>1</sup> In Africa, the term “refugee” also applies to a person who “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [her] country of origin or nationality, is compelled to leave his [her] place of habitual residence in order to seek refuge in another place outside his [her] country of origin or nationality” (*Article I(2) OAU Convention Governing the Specific Aspects of Refugee Problems in Africa 1974*). In Central America, the term applies equally to persons “who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (*Conclusion 3, Cartagena Declaration on Refugees, 22 November 1984*).

**remittances:** Monies earned or acquired by non-nationals that are transferred back to their country of origin.

**removal:** See *deportation, expulsion*.

**repatriation:** The return of a refugee or a prisoner of war to his/her country of nationality under specific conditions laid down in various international instruments (*Geneva Conventions, 1949 and Protocols, 1977, Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907*, the human rights instruments as well as in customary international law).

**replacement migration:** Internal migration that occurs where the vacuum created by workers departing for another country is filled by workers from other parts of the country, or international migration that a country would need to offset population decline and population ageing resulting from low fertility and mortality rates (see Chapter 7).

**resettlement:** The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country.

**residence:** The act or fact of living in a given place for some time; the place where one actually lives as distinguished from a domicile. Residence usually just means bodily presence as an inhabitant in a given place, while domicile usually requires bodily presence and an intention to make the place one's home. A person thus may have more than one residence at a time but only one domicile.

**residence permit:** A document issued by a state to a non-national, confirming that s/he has the right to live in the state concerned. See also *residence*.

**return migration:** The movement of a person returning to his/her country of origin or habitual residence usually after at least one year in another country. The return may or may not be voluntary. See also *circular migration, forced return, voluntary return*.

**reverse brain drain:** See *brain gain*.

**right to leave:** "Everyone has the right to leave any country, including his own..." (Art. 13(2), *Universal Declaration of Human Rights, 1948*). This right was set down in other international law instruments, for example in Art. 12(2), *International Covenant on Civil and Political Rights, 1966*, which states: "Everyone shall be free to leave any country, including his own." Some restrictions

on this right can be legitimately imposed however (Art. 12(3), *International Covenant on Civil and Political Rights, 1966*: "The above-mentioned [right] shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant"). The right to leave is an aspect of the right to freedom of movement, and it applies to all persons without distinction. There is however, no corollary right to enter the territory of a foreign country under international law. See also *freedom of movement, international minimum standard, repatriation, return*.

**seafarer:** Migrant worker employed on board a vessel registered in a state of which he or she is not a national (includes fishermen) (Art. 2(2)(c), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*). See also *migrant worker*.

**seasonal migrant worker/migration:** A migrant worker whose work, or migration for work that, by its character is dependent on seasonal conditions and is performed only during part of the year (Art. 2(2)(b), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*). See also *migrant worker*.

**self-employed migrant worker:** A migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and any other migrant worker recognized as self-employed by applicable legislation of the state of employment or bilateral or multilateral agreements. (Art. 2(2)(h), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*). See also *migrant worker*.

**sending country:** A country from which people leave to settle abroad permanently or temporarily. See also *country of origin*.

**short-term migrant:** A person who moves to a country other than that of his or her usual residence for a period of at least three months, but less than a year, except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business or medical treatment. For the purpose of international migration statistics, the country of usual residence of short-term migrants is considered to be the country of destination during the period they spend in it. See also *long-term migrant, temporary migrant workers*.



**skilled migrant:** A migrant worker who, because of his/her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country. *See also highly skilled migrant, qualified national.*

**slavery:** The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (*Art. 1, Slavery Convention, 1926, as amended by the 1953 Protocol*).

**smuggler (of migrants):** An intermediary who is moving people by agreement with them, in order to transport them in an unauthorized manner across an internationally recognized state border. *See also smuggling, trafficking.*

**smuggling:** The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal [or unauthorized] entry of a person into a state party of which the person is not a national or a permanent resident (*Art. 3(a), Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*).

**sovereignty:** As a concept of international law, sovereignty has three principal aspects: external, internal and territorial. The external aspect of sovereignty is the right of the state freely to determine its relations with other states or other entities without the restraint or control of another state. This aspect of sovereignty is also known as independence. The internal aspect of sovereignty is the state's exclusive right or competence to determine the character of its own institutions, to enact laws of its own choice and ensure their respect. The territorial aspect of sovereignty is the exclusive authority which a state exercises over all persons and things found on, under or above its territory. In the context of migration, this means the sovereign prerogative of a state to determine which non-citizens should be admitted to its territory subject to the limitations of the *non-refoulement* principle, human rights and provisions in bilateral or regional agreements (e.g. free movement or integration agreements). *See also non-refoulement, human rights.*

**specified-employment worker:** A migrant worker: (i) Who has been sent by his or her employer for a restricted and defined period of time to a state of employment to undertake a specific assignment or duty; or (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly-specialized skill; or (iii) Who, upon the request of his or her employer in the state of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required

to depart from the state of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work (*Art. 2(2)(g), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*). *See also migrant worker.*

**sponsorship:** The act of promising support, in particular financial support, for a non-national seeking entry to the state, generally for a defined period of time. Some states require either sponsorship or proof of adequate income as a condition of entry for certain categories of migrants as well as visitors.

**source country:** *See also country of origin, sending country.*

**state:** A political entity with legal jurisdiction and effective control over a defined territory, and the authority to make collective decisions for a permanent population, a monopoly on the legitimate use of force, and an internationally recognized government that interacts, or has the capacity to interact, in formal relations with other entities.

**state of employment/state of origin/state of transit:** *See country of destination, country of origin, country of transit.*

**stateless person:** A person who is not considered a national by any state under the operation of its law (*Art. 1, United Nations Convention Relating to the Status of Stateless Persons, 1954*). As such, a stateless person lacks those rights attributable to nationality: the diplomatic protection of a state, the inherent right of sojourn in the state of residence and the right of return in case s/he travels.

**step migration:** Where a person moves to one or more locations within the country before emigration to another country, or from one country to another before moving to his/her ultimate or final country of destination.

**technical cooperation:** The sharing of information and expertise on a given subject usually focused on public sector functions.

**temporary (labour) migration:** Migration of workers who enter a foreign country for a specified limited period of time before returning to the country of origin.

**temporary migrant workers:** Skilled, semi-skilled or low-skilled workers in the destination country for definite periods, for example under a work contract with an individual employer or a service contract with an enterprise.

**terrorism:** Any act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act is to intimidate a population, or compel a government or an international organization to do or abstain from doing an act (*Art. 2(1)(b), International Convention for the Suppression of Financing of Terrorism, 1999*).

**third country:** A country other than the country of origin of a person. In the context of the European Union, third country refers to non-EU Member States. *See also country of destination, country of origin, country of transit.*

**total migration/net migration:** Total migration is the sum of the entries or arrivals of immigrants, and of exits or departures of emigrants; net migration is the balance resulting from the difference between arrivals and departures.

**trafficker, human:** An intermediary who is moving people in order to obtain an economic or other profit by means of deception or coercion for the purpose of exploitation.

**trafficking in persons:** The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (*Art. 3(a), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000*).

**transit:** A stopover of passage, of varying length, while travelling between two or more countries, either incidental to continuous transportation, or for the purposes of changing planes or joining an ongoing flight or other mode of transportation. *See also country of transit, state of transit.*

**transnational identity/transnationalism:** The process whereby people establish and maintain socio-cultural connections across geopolitical borders.

**treaty:** An international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. (*Art.2(1)(a), Vienna Convention on the Law of Treaties, 1969*).

**travel documents:** All documents which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents.

**unaccompanied minors:** Persons under the age of majority who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them.

**unauthorized/unlawful entry/admission:** Act of crossing borders without complying with the necessary requirements for legal entry into the receiving state (*Art. 3(b), Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*). *See also irregular migration.*

**undocumented migrant workers/migrant workers in an irregular situation:** Migrant workers or members of their families not authorized to enter, to stay or to engage in employment in a state. *See also irregular migrant/migration.*

**victim of human trafficking:** A person who is a victim of the crime of trafficking in persons. *See also trafficker, trafficking in persons.*

**visa:** An endorsement by a consular officer in a passport or a certificate of identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of non-nationals who can be admitted under the state's laws.

**violence against (migrant) women:** Any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (*Art. 1, Declaration on the Elimination of Violence against Women, 1993*).

**voluntary return:** The assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.

**vulnerable group:** Any group or sector of society at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship than other groups within the state; any group or sector of society (such as women, children, the elderly, persons with disabilities, indigenous peoples or migrants) that is at higher risk in periods of conflict and crisis.

**work permit:** A legal document giving authorization for employment of migrant workers in the host country.

**xenophobia:** While no universally accepted definition of xenophobia exists, it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity.

