

**Committee: Legal**

**Issue: Evaluating the right of states to determine their own immigration policy**

**Student Officer: John Lykouris**

**Position: Deputy President**

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Dear Delegates,

My name is John Lykouris and I will be co-chairing in the Legal Committee of the 4<sup>th</sup> Arsakeia Tositseia Schools Model United Nations. My co-chairs and I, guarantee you that our debate session will be as fascinating and productive as possible either you are a newcomer or not.

From my experience of the ATSMUN conferences I'm positive that this conference will lead to a fruitful debate of legal issues that are greatly important globally. I strongly advice you all, to read carefully both the brief guide we will provide you and come up with possible solutions to these urgent problems. So... go ahead and practice your public speaking skills, make new friends, learn how the UN works and most importantly have fun!

With that being said if you have any questions regarding our topic, your country's policy or general questions about the conference it would be my pleasure to help you bypass these difficulties. Do not hesitate to contact me at: [lykourisjohn@gmail.com](mailto:lykourisjohn@gmail.com)

## **INTRODUCTION**

The second topic of our committee is concerned of the rise of Worldwide Immigration. Most importantly it refers to the policies a state should follow with great respect to the law including human rights in order to face such a timeless problem. Before trying to find ways as a delegate to solve the issue and compose a resolution for your country, I think that it is best if you knew in advance some important migration facts, in order to achieve an holistic approach on the matter.

Migration is natural to human existence. People have always tried to chase new opportunities for a better future, but what do today's people feel about immigrants? Some consider immigrants to offer a wide range of positive aspects to their new countries such as cultural diversity, innovation, increased tax income, having strong influence on the productivity and efficiency of local workers thus boosting development rates. On the other hand, there are people that are opposed to immigrants settling in their country as they think

that they are the main cause of unemployment rise due to their unrestricted number or the cause of public services vast stress levels.

As a delegate you should always think for the future and don't be surprised if you see in some years developing countries accommodating countless of migrants trying to make a "new start". These countries stepping up the game in some years might even create efficient immigration policies that take advantage of their foreign population more effectively than others. This will lead them to strengthen their economy in very fast rates. Always remember if you fail to plan for the future you plan to fail.

Migration policies reflect the economic, social and political circumstances of each country, and it is foolish to claim that any country could simply adopt the policies being pursued elsewhere.

Also keep in mind that nowadays mainly because of visa restrictions, people are willing to risk their lives in order to find safety and job opportunities. More than often, they end up paying huge sums of money even up to ten times what a legal trip on an airplane would normally cost. Others make dangerous overland trips or flee on unsafe boats. This is because we are intentionally making it difficult for people to migrate. To conclude we need more channels of safe, legal migration and I would like once more to emphasize that our role in the UN is to make sure that there is equality and safety in every part of the planet.

## **DEFINITION OF KEY TERMS**

### **Immigration policy**

An immigration policy is any policy of a state that deals with the transit of people across its borders into the country, but especially those that intend to work and stay in the country. Immigration policies can range from allowing no migration at all to allowing most types of migration, such as free immigration.

([https://en.wikipedia.org/wiki/Immigration\\_policy](https://en.wikipedia.org/wiki/Immigration_policy) )

### **Visa**

A visa is a paper document affixed to a page of the holder's passport.

It permits a person to travel to the State during the dates stated on the visa. It does not guarantee entry to the State. An Immigration Officer at the Port of Entry has the authority to

grant or deny admission, and to decide on the duration a person may remain in the State.

(<http://www.inis.gov.ie/en/INIS/Pages/What%20is%20a%20visa> )

### **Legal alien**

A legal alien is a non-citizen who is legally permitted to remain in a country

([https://en.wikipedia.org/wiki/Alien\\_\(law\)](https://en.wikipedia.org/wiki/Alien_(law)))

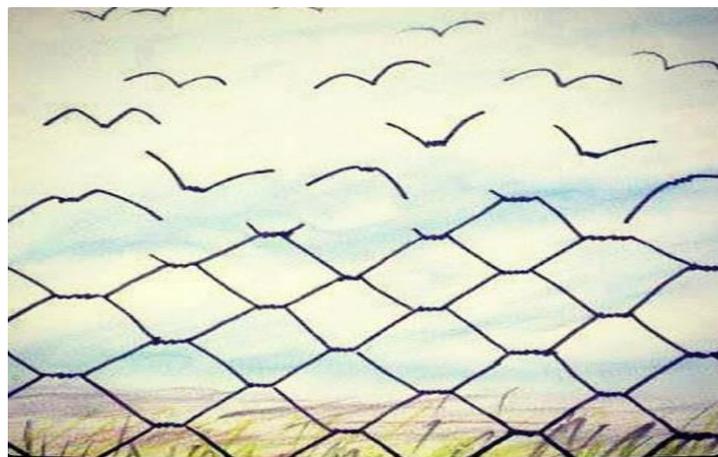
## **BACKGROUND INFORMATION**

### **The right to free movement**

Most people are already in favour of free movement – at least for themselves-. Europeans have taken advantage of this right. Hundreds of thousands of people who migrated to North America in the 17th and 18th centuries did the same thing. We also notice that rich countries continue to do the same today. In addition, immigration control, is a recently developed world concept, or at least with the sense that we use it today. In the 20<sup>th</sup> century Commonwealth Immigration Act, let people from Commonwealth countries –mostly British Empire territories- like Kenya and India come freely to Britain. This changed only because of xenophobic scaremongering of people.

We don't hear often opponents of free movement arguing to curtail their own rights to move, live, work, study or travel. In order to prevent free movement arguments are always being presented with the assumption that it is the movement of 'others' that should be stopped.

The push for open borders has intensified as it is believed that it is horrible to unjust a person's life prospects by something utterly beyond their control.



**Net Migration rates**

According to “[analytics company Gallup](#)”, 14% of the world’s adults which is nearly 710 million people, said they want to permanently migrate to another country.

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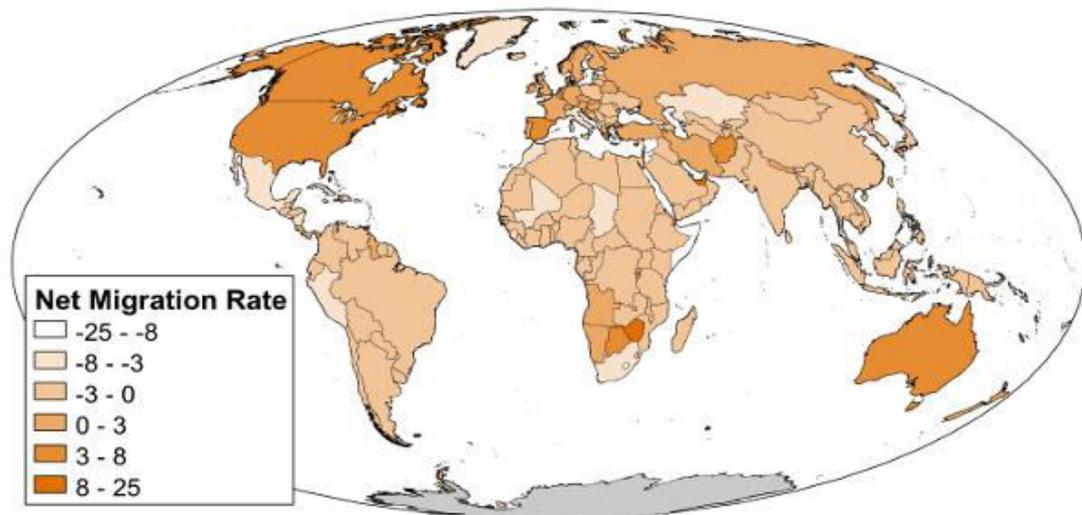
**Top 10 countries migrants want to move to**  
Based on the opinions of those looking to move, 2013-2016

Country	% of potential migrants naming this country	Estimated number of adults (in millions)
United States	21	147
Germany	6	39*
Canada	5	36
United Kingdom	5	35*
France	5	32
Australia	4	30
Saudi Arabia	3	25*
Spain	3	20
Italy	2	15
Switzerland	2	13

Source: Gallup

10 countries that most immigrants want to migrate to. (2013-2016)

Net migration rates of each country are of great importance when it comes to decide policies you should follow as these numbers concern the whole international community and especially border neighboring countries.

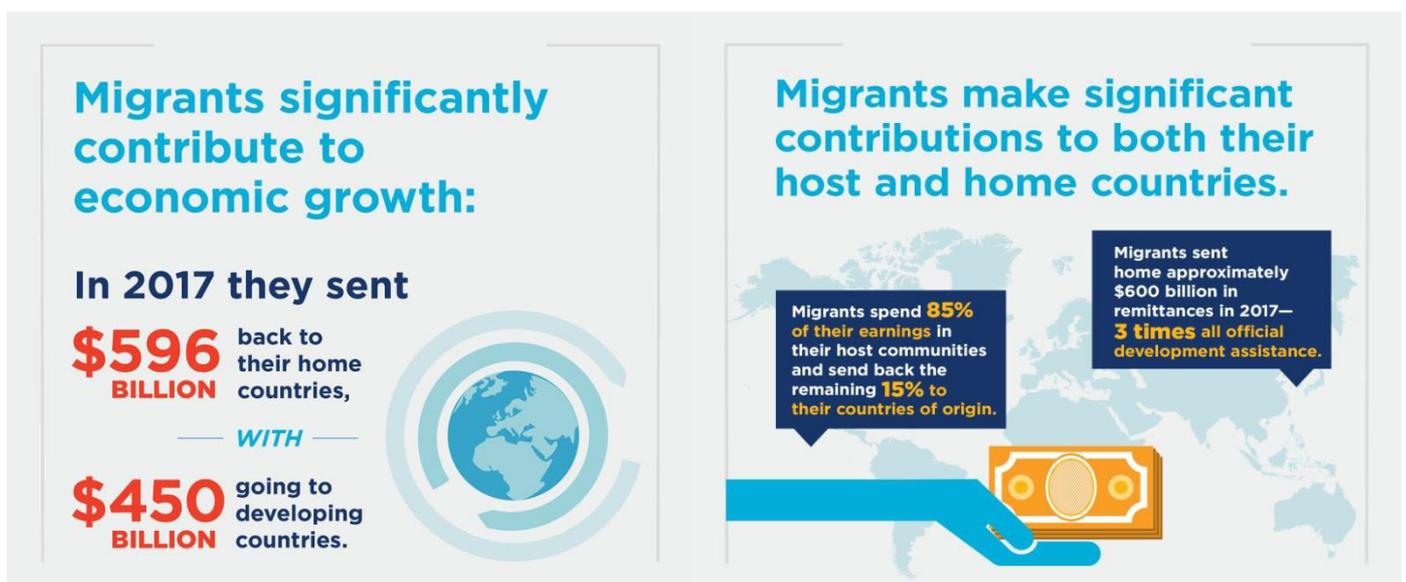


Net Migration Rate Globally

### The moralities an agreement should follow

It is believed that the free choice of a state to choose their partners is like a state's free choice in admitting or excluding immigrants. But what is the morality an agreement should follow?

Self-determination of a country is a right that should respect both decisions by the members themselves and mutual aid. Don't forget that law exists to create order and to protect people and society. The controversy of what constitutes a migration policy effectiveness has always been existent and reflected a conceptual confusion. Immigrants and generally asylum seekers due to the ethics of mutual aid have an undeniable reason to get admitted by a country. Keep in mind that immigration has not always led to interstate problems and this is once more proven as most pluralistic societies that are full of different races, cultures and ideas thrive both economically and technologically. In fact the 40th President of the United States (Ronald Reagan) wanting to emphasize on the importance of immigration to the US once said: "All of the immigrants who came to the US brought their own music, literature, customs and ideas. And the marvelous thing, a thing of which we're proud, is they did not need to relinquish these things in order to fit in. In fact what they brought to America became American. And this diversity has more than enriched us; it has literally shaped us." But morality is something subjective and while someone may think that we should protect immigrants and provide them financial help in order to stop being dependent on the state others could also suggest that if the state excludes an immigrant it is morally justified to do so.



Source: (2) Migration and Remittances - Recent Developments and Outlook Migration and Development Brief 28, October 2017, World Bank, Washington, DC



Find out more: <http://refugeesmigrants.un.org/migration-compact>

Source: Report of the Secretary-General, Making Migration Work for All, 12 December 2017

## **MAJOR COUNTRIES AND ORGANISATIONS INVOLVED**

Mainly based on how well migrants get integrated in the country, if the country takes active part in international conventions on migration and of course if it has a willingness to accept migrants, Canada, New Zealand, Norway and Australia are believed to have the most development-friendly migration policies. On the other side, Hungary, Czech Republic, Portugal, Slovakia, South Korea, Japan and Poland are thought to have the most non-friendly migration policies.

### **United States**

America's UN ambassador Nikki Haley underlined in a UN meeting that "Neither the United Nations nor anyone else will dictate how the United States upholds its borders" after accusing the international body of hypocrisy for assailing America.

### **Liberia**

Liberia's thoughts about immigration policies are that already existing policies must be strengthened by international cooperation and partnerships so as to create new approaches to address mobility and migration.

### **Russian Federation**

The Russian federation believes that sustainable development has been significantly impacted from international migration. The view of Russian federation to the solution of the problem is to keep fighting for international harmony so as to face the difficulties of constant migration movement. Their migration policy is made to ensure national security and population and economic growth.

### **Libya**

Libya having been greatly affected by migration, proposes an international discussion which will ensure that fragile countries like itself that don't have the ability to provide its people the basic needs should receive help.

### **Canada**

Canada has one of the most welcoming policies to immigrants. Nearly 22% of its population consists of foreign-born people with some of them having being selected for being skilled entrepreneurs due to a Start-up Visa program which gives the aliens a chance for permanent residency in exchange for the creation of a new business created by them.

## TIMELINE OF EVENTS

Date	Description of Event
1985	Schengen Agreement
1999	The EU the EU starts development of a common immigration policy for Europe
2009	Treaty on the Functioning of the European Union
2015	UN updates The World Population Policies Database

## UN INVOLVEMENT: RELEVANT RESOLUTIONS

- 6 April 2017: 71/280. Modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration
- 21 December 2016: 71/237. International migration and development
- 17 December 2015: 70/147. Protection of migrants

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Immigration rules are not always identical in different EU countries but there are certain agreements between states about what they should have in common such as, immigration and visa rules that will be valid all across the EU mostly set out in the Treaty on the Functioning of the European Union. For example the Schengen Agreement has played an important role in abolishing border checks.

## POSSIBLE SOLUTIONS

When trying to come up with a solution to weather a country should follow its own policy, we notice a difficulty when it comes to understanding if a country can afford to accept more migrants or not. The main cause of this problem is that migrants sometimes get included in the native population of the country thus making the evaluation of the effects of immigration painful. So you need to come up with the best possible ways to get over this stressful situation that will have a negative effect in the final resolution if an international law gets agreed upon.

It is of great significance to try and propose the implementation of an international law so as to improve equality between countries with a stronger economy and others that are still struggling to develop. Focus more on the abilities a country has, to afford immigration. Do not forget to take into consideration what benefits an immigrant can have if he chooses to settle in the country. Consider the most important factors a state should offer to migrants such as migrant security and vacancies. After taking all that information into consideration you could suggest what happens to countries that do not obey the law such as sanctions implemented based on both the extent and the reasons of the disobedience to the international agreement.

For a short term solution, obliging strong countries to pay some sort of tax if they deny to accept the immigrants that they should have, could be of great help for other countries that are suffering from large numbers of immigrants that come in daily basis.

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