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# International Migration Law

# GLOSSARY

# ON MIGRATION



IOM International Organization for Migration

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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**International  
Migration  
Law**

**GLOSSARY  
ON  
MIGRATION**



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## FOREWORD

Migration is increasingly being acknowledged as an issue that needs a global approach and coordinated responses. States are not only discussing migration issues at the bilateral level, but also regionally and lately in global arenas. A commonly understood language is indispensable for such coordination and international cooperation to be successful. This glossary attempts to serve as a guide to the mire of terms and concepts in the migration field, in an effort to provide a useful tool to the furtherance of such international cooperation.

This glossary has been some time in the making. Informal drafts were prepared by IOM in the seventies and used by its staff. A renewed attempt to a consolidation was made in the late eighties by IOM technical cooperation centre in Vienna and its output was published in 2001 in the “Migration Handbook” edited by P. J. Van Krieken. In the context of IOM’s recent initiative to strengthen and enhance its involvement in the field of international migration law, the decision was taken to produce this glossary and to consolidate into one definitive text the terminology used in the migration field in order to provide a reliable reference for practitioners, government migration officials, students and others. The present product cannot be said to be exhaustive and any comments or suggestions for an eventual second, and more complete, edition will be welcome.

When compiling the glossary, it became quickly apparent that definitions in this field are often vague, controversial or contradictory. There is an absence of universally accepted definitions, which stems partially from the fact that migration is something which has traditionally only been addressed at the national level; the result is that the usage of migration terms varies from country to country. Further, even within a country, terms can vary as to the meaning or implication. Definitions – and this is true of all terminology, not only that related to migration – may vary according to a given perspective or approach. Migration is of concern to a number of bodies, including governments of both sending and receiving countries, police and border authorities, governmental and non-governmental organizations, migrants themselves. Where there are no universally accepted definitions, the potential exists for each group to decide, formally or informally, on its own definition, according to its perspective. By way of example there was a wide array of definitions for the term “trafficking”, which have only recently been consolidated with a definition being provided in a formal treaty at the international level; many other terms have not yet been internationally agreed upon. Within this glossary, care has been taken to provide the international definition where it exists; in other cases, a general definition is provided and mention made of alternative definitions.

Another challenge faced in this compilation was the variety of terms used to describe the same or similar phenomenon. For example, there may be nuances between the terms “illegal migration”, “clandestine migration”, “undocumented migration” and “irregular migration”; however, to a large extent they are used loosely and often interchangeably. To this end, some cross-referencing of terms has been inevitable in order to guide the reader to alternative or interchangeable terms.

Last but not least, I wish to express my gratitude and appreciation to Shyla Vohra, Jillyanne Redpath and Katarina Tomolova, my colleagues in Legal Services, who contributed to this endeavour and made it happen: their competence, smiling dedication and untiring efforts were instrumental in bringing the glossary to life.

Richard Perruchoud (Ed.)

**A**

- abduction** The act of leading someone away by force or fraudulent persuasion.  
*See also kidnapping, trafficking*
- accord** *See treaty*
- acculturation** The progressive adoption of elements of a foreign culture (ideas, words, values, norms, behaviour, institutions) by persons, groups or classes of a given culture. The partial or total adaptation is caused by contacts and interactions between different cultures through migration and trade relations.
- adjudication** In the migration context, a decision as to whether an applicant is qualified for the visa, refugee status, or other immigration status s/he seeks.
- adjudicator** A generic term to describe a government official who is authorized by law to issue adjudications.
- adjustment of status** *See change of status*
- admission** The granting of entry into a State. An alien has been “admitted” if s/he passed through a checkpoint (air, land or sea) and is permitted to enter by border officials. An alien who has entered clandestinely is not considered to have been admitted.  
*See also border officials, checkpoint, entry, non-admission*
- adoption** The statutory process of terminating a child’s legal rights and duties toward the natural parents and substituting similar rights and duties toward adoptive parents (family law).  
In international law, the term is used to denote the agreement of the parties as to what the text of a proposed treaty shall be.
- affidavit of support** A certified legal document, normally signed by a sponsor, guaranteeing full cost of maintenance to a migrant to enable entry to be granted into the country, frequently required for elderly migrants and those who are ill and unable to fend for themselves.

<b>agreement</b>	<p>A mutual understanding (written or unwritten) between two or more parties intended to have a legally binding character. <i>See also treaty</i></p>
<b>alien</b>	<p>A person who is not a national of a given State. <i>See also foreigner, non-national, undocumented alien</i></p>
<b>amnesty</b>	<p>A general pardon that is used in tandem with “legalization” and deals with people who can show residence in a country for which the amnesty is granted, despite the fact that such residence was illegal. <i>See also legalization, regularization</i></p>
<b>ancestry based settlers</b>	<p>Foreigners admitted by a country other than their own because of their historical, ethnic or other ties with that country, who, by virtue of those ties, are immediately granted the right of long-term residence in that country or who, having the right to nationality in that country, become nationals within a short period after admission. <i>See also alien, foreigner, national, nationality,</i></p>
<b>appeal</b>	<p>A procedure undertaken to review a decision by bringing it to a higher authority; often the submission of a lower court’s or agency’s decision to a higher court for review and possible reversal.</p>
<b>applicant</b>	<p>A person who formally requests some government or legal action, such as the granting of refugee status, a visa or working permit. <i>See also refugee, visa, working permit</i></p>
<b>application</b>	<p>A request (usually written) submitted to the government by a person or organization seeking some governmental action. <i>See also claim</i></p>
<b>arbitrary</b>	<p>In an unreasonable manner, related to the concepts of injustice, unpredictability, unreasonableness and capriciousness.</p>
<b>armed conflict</b>	<p>All cases of declared war or of any other armed conflict which may arise between two or more States, even if the state of war is not recognized by one of them (<i>see Art. 2, Geneva Conventions I-IV, 1949-international armed conflict</i>). An armed conflict exists</p>

whenever there is a resort to armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state (*Tadic case No. IT-94-I-AR 72, p.35, Appeals Chamber, ICTY- non-international armed conflict*).

**arrival/departure card**

A card which is filled out by an individual prior to or upon arrival in the country of destination and presented (along with passport and, if requested, visa) to officials at the checkpoint.

*See also checkpoint, passport, visa*

**assets forfeiture**

The governmental taking of property due to its, or its owner's, involvement in criminal activity, such as the impounding of a vehicle used for smuggling or trafficking aliens into a State.

*See also smuggling, trafficking*

**assimilation**

Adaptation of one ethnic or social group – usually a minority – to another. Assimilation means the subsuming of language, traditions, values and behaviour or even fundamental vital interests and an alteration in the feeling of belonging. Assimilation goes further than acculturation.

*See also acculturation, integration*

**assisted migration**

The movement of migrants accomplished with the assistance of a government, governments or an international organization, as opposed to spontaneous, unaided migration.

*See also assisted voluntary return, spontaneous migration*

**assisted voluntary return**

Logistical and financial support to rejected asylum seekers, trafficked migrants, stranded students, 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 repatriation, return*

**asylum (diplomatic)**

The refuge which States may grant beyond the boundaries of their territory in places which are granted immunity from jurisdiction, to an individual seeking protection from the authority who persecutes or claims him or her. Diplomatic asylum may be granted at diplomatic missions and the private residences of the

heads of mission, warships or aircrafts, but not in the premises of international organizations, nor consulates. There is no right of an individual to obtain diplomatic asylum, nor an obligation of a State to grant it. *See also asylum (territorial), non-refoulement, right of asylum*

**asylum (territorial)**

Protection granted by a State to an alien on its own territory against the exercise of jurisdiction by the state of origin, based on the principle of non-refoulement, leading to the enjoyment of certain internationally recognized rights. *See also asylum (diplomatic), non-refoulement, right of asylum*

**asylum seekers**

Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds. *See also alien, application, refugee, right of asylum*

## B

- best practices** Means to further the application of 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 migrants' rights; having a sustainable effect, especially by involving migrants themselves; and having the potential for replication.
- bilateral** Involving two parties or two States.  
*See also multilateral, treaty*
- 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, retinal scans or voice scans). Some governments have introduced the use of biometrics as an improved security measure in issuing passports, visas or residence permits.
- birth certificate** An original document, usually issued under governmental or religious authority, stating *inter alia*, when and where a person was born.
- bona fide** (latin) "In good faith"; made without fraud or deceit; sincere, genuine.  
*See also mala fide*
- bona fide applicant** A person who genuinely intends to enter the State for a lawful purpose.
- bond** Monetary sum collected by the State as an assurance that an alien will take some required action, usually leaving the State. Departure bonds might be collected upon visa issuance or entry. Funds held as a bond are typically refunded upon proof of departure, such as when the person visits the State's consulate in his/her home country.

<b>bondage</b>	The state of being under the control of another person. <i>See also bonded labour, debt bondage</i>
<b>bonded labour</b>	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. <i>See also bondage, debt bondage, migrant worker</i>
<b>border</b>	Line separating the land territory or maritime zones of one State from another.
<b>border control</b>	A State's regulation of the entry of persons to its territory, in exercise of its sovereignty. <i>See also border management</i>
<b>border management</b>	Facilitation of authorized flows of business people, tourists, migrants and refugees and the detection and prevention of illegal entry of aliens into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular aliens to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation. <i>See also border control</i>
<b>border officials</b>	A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed "border guards", "border police" or "aliens police". <i>See also checkpoint</i>
<b>boundary</b>	<i>See border</i>
<b>brain drain</b>	Emigration of trained and talented individuals from the country of origin to a third country, due to causes such as conflict or lack of opportunities . <i>See also brain gain, emigration, reverse brain drain</i>

**brain gain**

Immigration of trained and talented individuals from a third country into the receiving country. Also called reverse brain drain.

*See also brain drain*

**burden of proof**

A party's duty to prove a disputed assertion or charge. In the migration context, an alien seeking entry into a foreign State generally bears the burden of proof; that is, the alien must prove that s/he is entitled to enter and not inadmissible under the laws of the State.

## C

- capacity building** Building capacity of governments and civil society through strengthening their knowledge, skills and attitudes. Capacity building can take the form of substantive direct project design and implementation with a partner government, or in other circumstances can take the form of facilitating a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally acceptable benchmarks of management practices.
- carbon dioxide sensors** Equipment (either stationary or portable) used to determine whether carbon dioxide is present in a closed container, such as a railway car or the back of a truck. Such sensors are used to determine whether persons are being moved clandestinely across a border. *See also sensors*
- carrier** “Carrier” in relation to conveyance means the owner or charterer of the conveyance. A carrier usually refers to an airline, bus or rail company, or cruise line. Under the laws of some States, the term includes any owner of a means of conveyance, which carries a person onto its territory. *See also conveyance*
- carrier liability law** A law imposing fines upon carriers who bring in to the territory of a State persons who do not have valid entry documents.
- certificate of identity** A document (other than a passport) issued by a government to an individual in order to facilitate his/her entry into or exit from the country. *See also travel documents*
- change of status** Procedure whereby an alien lawfully present in a State may seek a different immigration status. For example, provision may be made by law by which a non-national on a student visa, on completion of studies, is able to seek a change of status so that his/her student visa is replaced by a work visa. *See also alien, immigration status, visa*

<b>checkpoint</b>	A location (on the land border or at an airport or seaport) where persons are stopped by border officials for inspection and clearance, in order to enter the State. <i>See also border, border control, border officials</i>
<b>child</b>	An individual being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier ( <i>Art. 1, UN Convention on the Rights of the Child, 1989</i> ). <i>See also minor</i>
<b>child adoption (international)</b>	Adoption of a child from a foreign country. <i>See also adoption</i>
<b>child exploitation</b>	According to the Convention on the Rights of the Child, 1989 and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, child exploitation includes: economic exploitation (any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development), sexual exploitation (sexual abuse, prostitution, child's pornography) and abduction of, sale of or trafficking in children, or any other forms of child exploitation. <i>See also abduction, child labour, exploitation, kidnapping, trafficking</i>
<b>child labour</b>	Any work performed by a child which is detrimental to his/her health, education, physical, mental, spiritual, moral or social development. <i>See also child exploitation, slavery, worst forms of child labour</i>
<b>citizen</b>	<i>See national</i>
<b>citizenship</b>	<i>See nationality</i>
<b>civil and political rights</b>	Commonly used to describe the various rights contained in the <i>International Covenant on Civil and Political Rights, 1966</i> (e.g. right of self-determination; of free disposition of natural wealth and resources; of non-discrimination; of equal rights of men and women; right to life; freedom from torture, cruel, inhuman or degrading treatment or punishment; of freedom from slavery and servitude; of freedom from arbitrary arrest or detention; of freedom of movement

within a State; right to liberty and security of the person; equality before the courts; right to a fair and public hearing by an impartial tribunal in respect of criminal charges; prohibition of retroactive criminal liability; right of privacy of the family, the home or correspondence; freedom of thought, conscience and religion; freedom of expression; right to peaceful assembly; freedom of association and of participation in public affairs).

**claim**

An assertion made to a government agency or court seeking an action or determination of a right or benefit, such as refugee status or the right to compensation or legal redress in civil proceedings.

*See also application*

**clandestine migration**

Secret or concealed migration in breach of immigration requirements. It can occur when a non-national breaches the entry regulations of a country; or having entered a country legally overstays in breach of immigration regulations.

*See also irregular migrant, irregular migration, regular migration, undocumented alien*

**coercion**

Compulsion by physical force or threat of physical force.

**constitution**

The fundamental and organic law of a State, establishing the conception, character, and organization of its government, as well as prescribing the extent of its sovereign power and the manner of its exercise.

Treaty establishing an international organization and defining its mandate and functioning.

**consular functions**

Consist of the protection of the interests of the sending State and of its nationals in the receiving State; furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State (*Art. 5, Vienna Convention on Consular Relations, 1963*).

**consular officers**

Government officials representing the State abroad in visa and residency issues. *Art. 1(d), Vienna Convention on Consular Relations, 1963* provides that a consular officer is “any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions”.

*See also consular functions*

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<b>consular protection</b>	Consular functions aiming at helping nationals abroad, 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.
<b>(pre) consular support services</b>	Services that assist governments and migrants in facilitating visa applications prior to the submission of the application. They may include: assistance in completing and filling visa application forms; assistance in compiling supporting documentation for the visa application; verification of legal, educational and employment related papers; translation of documents.
<b>convention</b>	<i>See treaty</i>
<b>conveyance</b>	Any form of aircraft, ship, train, automobile or other vehicle or vessel capable of being used to transport a person to or from a State. <i>See also carrier</i>
<b>country of destination</b>	The country that is a destination for migratory flows (legal or illegal).
<b>country of habitual/ usual residence</b>	The country in which a person lives, that is to say, the country in which s/he has a place to live where s/he normally spends the daily period of rest. Temporary travel abroad for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage does not change a person's country of usual residence. <i>See also residence</i>
<b>country of origin</b>	The country that is a source of migratory flows (legal or illegal). <i>See also state of origin</i>
<b>country of transit</b>	The country through which migratory flows (legal or illegal) move. <i>See also state of transit</i>
<b>covenant</b>	<i>See treaty</i>

<b>credibility assessment</b>	Step taken in adjudicating an application for a visa, or other immigration status, in order to determine whether the information presented by the applicant is consistent and believable.
<b>crime, international</b>	Under international law, crimes against peace, war crimes, crimes against humanity, piracy, genocide, apartheid and terrorism are considered as international crimes. Every State has a duty to prosecute or extradite individuals responsible for the commission of those crimes; individual responsibility for those crimes is also enforceable at the international level (International Criminal Tribunals for Former Yugoslavia and Rwanda, International Criminal Court). <i>See also genocide, terrorism</i>
<b>cultural orientation</b>	Training courses provided to migrants that seek to impart knowledge of the host country.
<b>custody</b>	Responsibility for the care and control of an individual. A court might assign custody of a minor to a relative or other guardian. A person who is detained by authorities is “in custody”.
<b>customary law, international</b>	A source of international law. The two criteria for a norm to be recognized as “customary law” are state practice and <i>opinio juris</i> (a conception that the practice is required by or consistent with the prevailing law).

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## D

- de facto*** (latin) Existing as a matter of fact.  
*See also de jure*
- de facto partner*** A growing number of States recognize not only spouses, but also certain relationships between unmarried adults, for purposes of granting permanent residence or other immigration status.
- de facto protection*** Protection granted as a consequence or effect of the implementation of the purpose of an organization.  
*See also international protection*
- de facto refugees*** Persons not recognized as refugees within the meaning of the *UN Convention Relating to the Status of Refugees, 1951* and *Protocol relating to the Status of Refugees, 1967*, and who are unable or, for reasons recognized as valid, unwilling to return to the country of their nationality or, if they have no nationality, to the country of their habitual residence.  
*See also externally displaced persons, internally displaced persons, refugee*
- de facto statelessness*** Situation of individuals who possess the nationality of a State but, having left the State, enjoy no protection by it, either because they decline to claim such protection or because the State refuses to protect them.  
*De facto* statelessness is a term often connected with refugees.  
*See also nationality, statelessness*
- de jure*** (latin) Existing by right or as a matter of law.  
*See also de facto*
- 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 the liquidation of the debt or the length and nature of those services are not respectively limited and defined (*UN Supplementary Convention on the Abolition of Slavery, 1956*).  
*See also exploitation, slavery, worst forms of child labour*

<b>deception</b>	In the migration context, this term not only refers to false or wrong information, but also to the intentional abuse of capitalizing on the lack of information available to the migrant.
<b>defendant</b>	A person sued in a civil proceeding or accused in a criminal proceeding.
<b>demography</b>	The study of human populations, especially with reference to size and density, distribution and vital statistics.
<b>denationalization</b>	<i>See loss of nationality</i>
<b>dependants</b>	In general use, one 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. <i>See also child, de facto partner, derivative applicant, members of the family, minor</i>
<b>deportation</b>	The act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain. <i>See also expulsion, refoulement</i>
<b>derivative applicant</b>	A person, typically a spouse or minor child, who might receive immigration status on the basis of another’s application. <i>See also child, minor, de facto partner, members of the family, principal applicant</i>
<b>derogation</b>	Restriction or suspension of rights in certain defined situations. (For example <i>International Covenant on Civil and Political Rights, 1966</i> permits a State to derogate from its obligations under the Covenant “in time of public emergency which threatens the life of the nation.”) The partial repeal or abrogation of a law by a later act that limits its scope or impairs its utility and force.
<b>detention</b>	Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention. Criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as

deportation or expulsion) can be implemented. In the majority of the countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

**determination**

*See adjudication*

**diaspora**

Refers to any people or ethnic population that leave their traditional ethnic homelands, being dispersed throughout other parts of the world.

**diplomatic asylum**

*See asylum (diplomatic)*

**diplomatic protection**

An elementary principle of international law that a State is entitled to protect its subjects, when injured by acts contrary to international law committed by another State, from whom they have been unable to obtain satisfaction through the ordinary channels. By taking up the case of one of its subjects and by resorting to diplomatic action or international judicial proceedings on his behalf, a State is in reality asserting its own rights- its right to ensure, in the person of its subjects, respect for the rules of international law (*Mavrommatis Palestine Concession Case (Jurisdiction)*, P.C.I.J.1924).

**discrimination**

A failure to treat all persons equally where no 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), UN 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*).

*See also non-discrimination*

**displacement**

A forced removal of a person from his/her home or country, often due to of armed conflict or natural disasters.

*See also displaced person*

**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 internal conflict or natural or man-made disasters.

*See also de facto refugees, externally displaced persons, internally displaced persons, refugee*

**documented migrant**

A migrant who entered a country legally and remains in the country in accordance with his/her admission criteria.

**documented migrant worker**

A migrant worker or members of his/her family 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 that State is a party (*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

*See also: documented migrant, migrant worker, undocumented alien, undocumented migrant workers*

**domicile**

The place at which a person is physically present and that the person regards as home; a person's true, fixed, principal, and permanent home, to which that person intends to return and remain even though currently residing elsewhere.

*See also residence*

**Dublin Convention**

An agreement between EU States (adopted in 1990, entered into force in 1997) determining which Member State of the European Union is responsible for examining an application for asylum lodged in one of the contracting States. The Convention prevents the same applicants from being examined by several EU Member States at the same time, as well as ensuring that an asylum seeker is not re-directed from State to State simply because no one will take the responsibility of handling his/her case.

*See also refugees in orbit*

**due process**

The conduct of legal proceedings according to generally accepted rules and principles providing for the protection and enforcement of private rights, including notice and the right to a fair hearing before the court or administrative agency with the power to decide the case.

## E

- 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 may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without *bona fide* cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.  
*See also frontier worker, migrant worker, poverty migrant, seasonal worker*
- emigration** The act of departing or exiting from one State with a view to settle in another. International human rights norms provide that all persons should be free to leave any country, including their own, and that only in very limited circumstances may States impose restrictions on the individual's right to leave its territory.
- entry** Any entrance of an alien into a foreign country, whether voluntary or involuntary, legally or illegally.  
*See also admission, non-admission*
- entry into force** The moment at which all provisions of a treaty are legally binding on its parties. According to Art. 24, *Vienna Convention on the Law of Treaties, 1969*, the entry into force of a treaty takes place in such a manner and on such date as the treaty may provide or the negotiating States agree, or, failing any such provision or agreement, as soon as all the negotiating States have consented to be bound. Where a State joins the circle of parties after a treaty has already come into force, unless the treaty otherwise provides, it enters into force for that State on that date.
- entry stamp** A mark made by a border official in a person's passport stating the date and place at which that person entered the State.

<b>exclusion</b>	The formal denial of an alien's admission into a State. In some States, border officials or other authorities have the power to exclude aliens; in other States, exclusion is ordered by an immigration judge after a hearing.
<b>exit visa</b>	Visa issued for individuals with expired visas who need to extend them before leaving the country.
<b>exodus</b>	Movements in groups (isolated and sporadic) out of country of origin. Mass exodus is a movement in large numbers or of a section of the community at a given time.
<b>exploitation</b>	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). <i>See also child exploitation, forced labour, slavery, trafficking in persons</i>
<b>expulsion</b>	An act by an authority of the State with the intention and with the effect of securing the removal of a person or persons (aliens or stateless persons) against their will from the territory of that State.
<b>expulsion order</b>	The order of a State informing of the prohibition of a non-national to remain on its territory. This order is given either if the individual entered illegally on the territory, or is no longer authorized to remain in the State. This order is generally combined with the announcement that it will be enforced, if necessary, by deportation. <i>See also deportation, expulsion</i>
<b>expulsion en masse</b>	Massive, collective expulsion. Collective expulsion of aliens is prohibited by several instruments of international law ( <i>Art. 4, Protocol 4 of the European Convention on Human Rights, 1950; Art. 12-5, African Charter on Human and People's Rights, 1981; Art. 22-9, American Convention on Human Rights, 1969</i> ). According to the European Court of Human Rights, collective expulsion is any measure compelling aliens, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each

individual alien of the group (*Andric v. Sweden, No. 45917/99, 23 February 1999*).  
*See also expulsion*

**externally displaced persons**

Persons who have fled their country due to persecution, generalized violence, armed conflict situations or other man-made disasters. These individuals often flee en masse. Sometimes they are also referred to as “*de facto* refugees”.  
*See also de facto refugees, displaced person, internally displaced persons*

**extradition**

The formal surrender, generally based on treaty or other reciprocal arrangements, by one State to another of an individual accused or convicted of an offence outside its territory and within the jurisdiction of the other, for the purpose of trial and punishment.  
*See also refoulement*

## F

- facilitated migration** Fostering or encouraging of legitimate migration by making travel easier and more convenient. Facilitation can include any number of measures, such as a streamlined visa application process, or efficient and well-staffed passenger inspection procedures.
- family members** *See members of the family*
- family reunification/reunion** Process whereby family members already separated through forced or voluntary migration regroup in a country other than the one of their origin. It implies certain degree of State discretion over admission.  
*See also dependants, family unity*
- family unity, right to** A family's right to live together and, as a fundamental unit of a society, to receive respect, protection, assistance and support. This right is not limited to nationals living in their own State and is protected by international law (e.g. Art. 16, *Universal Declaration of Human Rights, 1948*; Art. 8, *European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950*; Art. 16, *European Social Charter, 1961*; Art. 17 and 23, *International Covenant on Civil and Political Rights, 1966*; Art. 1, *International Covenant on Economic, Social and Cultural Rights, 1966*; Art. 17, *American Convention on Human Rights, 1969*).
- feminization of migration** The growing participation of women in migration. Women now move around more independently and no longer in relation to their family position or under a man's authority (roughly 48 per cent of all migrants are women).
- first asylum principle** Principle according to which an asylum seeker should request asylum in the first country where s/he is not at risk.
- 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*).

<b>forced migration</b>	General term used to describe 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). <i>See also internally displaced persons, refugee</i>
<b>forced repatriation</b>	<i>See involuntary repatriation</i>
<b>forced resettlement/relocation</b>	Involuntary transfer of individuals or groups within the jurisdiction of a State away from their normal residence as part of a government policy.
<b>forced return</b>	The compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act. <i>See also deportation, expulsion, involuntary repatriation, refoulement, repatriation, return, voluntary repatriation, voluntary return</i>
<b>foreigner</b>	A person belonging to, or owing an allegiance to, another State. <i>See also alien</i>
<b>fraud</b>	A misrepresentation of the truth or concealment of a material fact in order to obtain some benefit.
<b>fraudulent document</b>	Any travel or identity document that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or that is being used by a person other than the rightful holder ( <i>Art. 3(c), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000</i> ). <i>See also identity document, travel documents</i>

**freedom of movement**

This right is made up of three basic elements: freedom of movement within the territory of a country (*Art. 13(1), Universal Declaration of Human Rights, 1948*: “Everyone has the right to freedom of movement and residence within the borders of each state.”), right to leave any country and the right to return to his or her own country (*Art. 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.”).

*See also right to leave, right to return*

**frontier**

*See border*

**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 (*Art. 2(2) (a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

*See also migrant worker*

**fundamental human rights**

Within the large scope of human rights, some human rights are claimed to be of particular significance. Support for this view comes from the non-derogability of some rights. Thus, *Art. 4(1), International Covenant on Civil and Political Rights, 1966*, permits derogation “in time of public emergency threatening the life of the nation” but prohibits any derogation from Arts. 6 (right to life), 7 (torture), 8(1) and (2) (slavery and servitude), 11 (imprisonment for breach of contractual obligation), 15 (retroactive criminal liability), 16 (recognition as a person in law) and 18 (freedom of thought, conscience and religion). This notwithstanding, the trend is to regard all human rights as universal, indivisible, interdependent and interrelated, to be treated in fair and equal manner, on the same footing and with the same emphasis.

*See also human rights, prohibition of torture, slavery, torture*

## G

**gender based violence**

*See violence against women*

**genocide**

Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such as: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group (*Art. II, Convention on the Prevention and Punishment of the Crime of Genocide, 1948*).

**genuine and stable marriage**

A marriage that a consular or immigration officer determines to be genuine, because it has been entered into with the intention of being maintained on a long-term and exclusive basis, and to be stable because it is likely to endure. In many States, if officers are unable to determine whether the marriage was entered into with the intention of maintaining it on a long-term and exclusive basis, there is a presumption that it is genuine, unless there is evidence to the contrary.

**good faith**

A state of mind denoting honesty in belief or purpose, freedom from intention to defraud or to seek unconscionable advantage.

*See also bona fide*

**green border**

Term used to describe a State's land border between checkpoints. A water border (river or coastline) might also be referred to as a "blue border".

*See also border, checkpoint*

**green card**

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

**grounds of inadmissibility**

Definitions set forth in migration law or regulations, of reasons for which non-nationals may be prohibited from entering the State. Even where a person is otherwise eligible for a visa or other immigration status, if s/he falls within a ground of inadmissibility, the visa or other status will be denied. Grounds of inadmissibility are typically designed to preclude entry of undesirable non-nationals, such as persons without valid travel documents, persons with criminal convictions, persons who are believed to be a danger to public health or public safety, persons who have been previously deported.

*See also waiver*

**guardian**

One who has the legal authority and duty to care for another's person or property, usually because of the other's incapacity, disability, or status as a minor.

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## H

- habeas corpus** An action before a court to test the legality of detention or imprisonment.
- habitual/usual residence** A place within a country, where a person lives and where he or she normally spends the daily period of rest.  
*See also country of habitual/usual residence, domicile*
- health** A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.
- health assessment** In the migration context, the function of reducing and better managing the public health impact of population mobility on receiving countries as well as to facilitating the integration of migrants through the detection and cost-effective management of health conditions and medical documentation. Pre-departure health assessments offer an opportunity to promote the health of assisted migrants in providing an occasion to initiate preventive and curative interventions for conditions that, if left untreated, could have a negative impact on the migrants' health status and/or public health of the host communities.
- hearing** The opportunity to be heard or to present one's side of a case before a tribunal.
- holding centre** A facility lodging asylum seekers or migrants in an irregular situation as soon as they arrive in a receiving country; their status is determined before they are sent to refugee camps or back to their country of origin.
- host country** *See receiving country*
- human rights** Those liberties and benefits which, by accepted contemporary values, all human beings should be able to claim "as of right" in the society in which they live. These rights are contained in the *International Bill of Rights*, comprising the *Universal Declaration of Human Rights, 1948* and the *International Covenants on Economic, Social and Cultural Rights, and on Civil*

*and Political Rights, 1966* and have been developed by other treaties from this core (e.g. *The Convention on the Elimination of All Forms of Discrimination against Women, 1979; International Convention on the Elimination of All Forms of Racial Discrimination, 1965*).

*See also fundamental human rights*

**human trafficker**

*See trafficker*

**humanitarian law**

Rules of international law especially designed for the protection of the individual in time of war or armed conflict.

**humanitarian principles**

Ethical standards applicable to all humanitarian actors, which have their underpinnings in international human rights and humanitarian law, and seek to protect the integrity of humanitarian action. The first explicit statement of humanitarian principles is found in the “*Fundamental Principles of the Red Cross and Red Crescent*” adopted in 1965.

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# I

<b>identity document</b>	A piece of documentation designed to prove the identity of the person carrying it. <i>See also passport, travel documents</i>
<b>illegal alien</b>	<i>See undocumented alien, migrant in an irregular situation</i>
<b>illegal entry</b>	Act of crossing borders without complying with the necessary requirements for legal entry into the receiving State (Art. 3(b), <i>UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000</i> ). <i>See also irregular migration, undocumented alien</i>
<b>illegal migrant</b>	<i>See irregular migrant</i>
<b>illegal migration</b>	<i>See irregular migration</i>
<b>immigration</b>	A process by which non-nationals move into a country for the purpose of settlement. <i>See also emigration</i>
<b>immigration status</b>	Status which a migrant is accorded under the immigration law of the host country.
<b>immigration zone</b>	The zone of the high seas and land territory of a State, in which the State's immigration laws are applicable (also called "migration zone").
<b>inalienable</b>	Not transferable or assignable; often used in the context of human rights.
<b>individual migration</b>	Cases where persons migrate individually or as a family. Such movements generally are self-financed or have individual, organizational or Government sponsorship, as opposed to mass scheme programmes. <i>See also mass migration</i>
<b>influx</b>	A continuous arrival of non-nationals in a country, in large numbers. <i>See also mass/collective migration</i>

<b>inhumane treatment</b>	Physical or mental cruelty so severe that it endangers life or health.
<b>injunction</b>	A court order commanding or preventing an action. To get an injunction, the complainant must show that there is no plain, adequate, and complete remedy at law and that an irreparable injury will result unless the relief is granted.
<b>instrument</b>	A formal or legal document in writing such as a contract or treaty. In the case of ratification, acceptance, approval or accession to a treaty, it is the document which establishes the consent of the State to be bound by the treaty.
<b>integration</b>	The process by which immigrants become accepted into society, both as individuals and as groups. The particular requirements for acceptance by a receiving society vary greatly from country to country; and the responsibility for integration rests not with one particular group, but rather with many actors: immigrants themselves, the host government, institutions, and communities. <i>See also acculturation, assimilation</i>
<b>interception</b>	Any measure applied by a State outside its national territory to prevent, interrupt, or stop the movement of persons without required documentation from crossing borders by land, air or sea, and making their way to the country of prospective destination. <i>See also country of destination</i>
<b>inter-country adoption</b>	<i>See child adoption (international)</i>
<b>internal migration</b>	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). <i>See also de facto refugees, internally displaced persons, international migration, rural-rural migrants, rural-urban migrants, urban-rural migrants, urban-urban migrants</i>
<b>internally displaced persons/ IDPs</b>	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 (*Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.*).  
*See also displaced person, externally displaced persons*
- international assistance** Support provided by the international community such as assistance in kind, financial contributions and services of trained personnel.
- international law** The legal principles governing the relationships between States. More modernly, the law of international relations, embracing 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. An international frontier is therefore crossed.  
*See also internal migration*
- 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 aliens 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).  
*See also national treatment*
- international protection** Legal protection, based on a mandate conferred by treaty to an organization, to ensure respect by States of rights identified in such instrument as: *1951 Refugee Convention, 1949 Geneva Conventions, and 1977 Protocols*, right of initiative of ICRC, ILO Conventions, human rights instruments.  
*See also de facto protection, protection*

**interview**

The process of questioning or talking with a person in order to obtain information or determine the personal qualities of the person. An interview is a common step in the adjudication of an application for refugee or other immigration status.

*See also adjudicator, application, secondary inspection*

**involuntary repatriation**

Repatriation of refugees to the country of origin induced by the receiving country by creating circumstances which do not leave any other alternative. As repatriation is a personal right (unlike expulsion and deportation which are primarily within the domain of State sovereignty), as such, neither the State of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of an eligible person, whether refugee or prisoner of war. According to contemporary international law, prisoners of war or refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from refoulement and given, if possible, temporary or permanent asylum.

*See also deportation, expulsion, forced return, refoulement, repatriation, return, voluntary repatriation, voluntary return*

**irregular migrant**

Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/ illegal/undocumented migrant or migrant in an irregular situation).

*See also clandestine migration, documented migrant, illegal entry, irregular migration, undocumented alien*

**irregular migration**

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases

in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons. *See also clandestine migration, irregular migrant, regular migration, undocumented alien*

**itinerant worker**

A migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation (*Art. 2(2) (e), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2000*). *See also migrant worker*

## J

<b>judgement</b>	A court's final determination of the rights and obligations of the parties in a case.
<b>judicial review</b>	A court's power to invalidate legislative and executive actions as being unconstitutional or being contrary to law; a court's review of lower court's or an administrative body's factual or legal findings.
<b>judiciary</b>	Branch of government responsible for interpreting the laws and administering justice; a system of courts; a body of judges.
<b>jurisdiction</b>	The legal power or authority to hear and determine a cause of action. It can also refer to the limits of territory within which any particular power may be exercised.
<b><i>jus cogens</i></b>	Rule of law which is peremptory in the sense that it is binding irrespective of the will of individual parties. A peremptory norm of general international law ( <i>jus cogens</i> ) is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character ( <i>Art. 53, Vienna Convention on the Law of Treaties, 1969</i> ), for example the prohibition of torture.
<b><i>jus sanguinis</i></b> (latin)	The rule that a child's nationality is determined by its parents' nationality, irrespective of the place of its birth. <i>See also</i> jus soli
<b><i>jus soli</i></b> (latin)	The rule that a child's nationality is determined by its place of birth (although nationality can also be conveyed by the parents). <i>See also</i> jus sanguinis

## K

### **kidnapping**

Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party. Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

## L

<b>labour migration</b>	Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.
<i>laissez-passer</i>	A travel document issued by the UN (and recognized and accepted as a valid travel document by States) to its staff for official travel ( <i>General Convention on the Privileges and Immunities of the United Nations, 1946</i> ).
<b>lawful</b>	Not contrary to law; permitted by law.
<b>lawful admission</b>	Legal entry of an alien into the country, including under a valid immigrant visa.
<b>law of nations</b>	<i>See international law</i>
<b>legalization</b>	The act of making lawful; authorization or justification by legal sanction.
<b>legitimate</b>	Something that is genuine, valid, or lawful. For example, a legal migrant enters with a legitimate intent to comply with the migration laws, and present legitimate travel documents. <i>See also bona fide</i>
<b>lineage</b>	Ancestry and progeny; family, ascending or descending.
<b>local remedies, exhaustion of</b>	The rule that local remedies must be exhausted before international proceedings may be instituted is a well-established rule of customary international law; the rule has been generally observed in cases in which a State has adopted the cause of its national whose rights are claimed to have been disregarded in another State in violation of international law. Before resort may be had to an international court in such a situation, it has been considered necessary that the State where the violation occurs should have an opportunity to

redress it by its own means, within the framework of its own domestic legal system (*Interhandel Case (Preliminary Objections)*, ICJ 1959).

**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 permanent settlers, short-term migrant*

**lookout system**

A State's official list, usually (but not necessarily) automated, of persons who should be prevented from entering the country or who should be arrested upon arrival. A lookout system (also called a "watch list" system) is typically an inter-agency project, which receives input from all law enforcement, intelligence, and migration agencies. Whether on computer or in book form, the lookout list is routinely checked by consular and border control officials when making decisions about granting a visa or allowing someone to enter the State.

*See also biometrics*

**loss of nationality**

Loss of nationality may follow an act of the individual (expatriation, deliberate renunciation of nationality by an individual, or automatic loss of nationality upon acquisition of another nationality) or of the State (denationalization). Denationalization is a unilateral act of a State, whether by decision of administrative authorities or by the operation of law, which deprives an individual of his/her nationality. Although there are no uniform provisions for denationalization, some States have developed a number of statutory grounds for it, including: entry into foreign civil or military service, acceptance of foreign distinctions, conviction for certain crimes. Although acquisition and loss of nationality are in principal considered as falling within the domain of domestic jurisdiction, the States must, however, comply with norms of international law when regulating questions of nationality, such as Art. 15(2), *Universal Declaration of Human Rights*: "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

*See also nationality, statelessness*

## M

<b><i>mala fide</i></b> (latin)	In bad faith; with intent to deceive or defraud. <i>See also</i> bona fide
<b>mandate refugee</b>	<i>See refugee (mandate)</i>
<b>mass/collective migration</b>	The sudden movement of large number of persons. <i>See also individual migration, influx</i>
<b>mediation</b>	A non-binding method of dispute resolution involving a neutral third party who tries to help the disputing parties to reach a mutually agreeable solution.
<b>member of minority</b>	A person who, while having his or her origin in another country, has become a national of the host country, either by birth or by naturalization. <i>See also minority</i>
<b>members of the family</b>	Persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multi-lateral agreements between the States concerned ( <i>Art.4, International Convention on the Protection of All Migrant Workers and Members of their Families, 1990</i> ). <i>See also child, dependant, derivative applicant</i>
<b>migrant</b>	At the international level, no universally accepted definition of migrant exists. The term migrant is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor. This term therefore applies to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.
<b>migrant in an irregular situation</b>	<i>See irregular migrant, undocumented migrant worker</i>

<b>migrant flow</b>	The number of migrants counted as moving or being authorized to move, to or from a country to access employment or to establish themselves over a defined period of time.
<b>migrant stock</b>	The number of migrants residing in a country at a particular point in time.
<b>migrant worker</b>	<p>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 (<i>Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also documented migrant worker, frontier worker, itinerant worker, project-tied worker, seafarer, seasonal worker, self-employed worker, specified employment worker, worker on an offshore installation</i></p>
<b>migrant worker in an irregular situation</b>	<i>See undocumented migrant worker</i>
<b>migrants for settlement</b>	Foreigners granted permission to stay for a lengthy or unlimited period and subject to virtually no limitation regarding the exercise of an economic, social and political rights (e.g. employment-based migrants, family-based migrants, ancestry-based migrants, migrants with the right to free establishment, or foreign retirees).
<b>migration</b>	<p>A process of moving, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants.</p> <p><i>See also total migration/net migration</i></p>
<b>migration management</b>	A term used to encompass numerous governmental functions and a national system of orderly and humane management for 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.
<b>minimum standard</b>	<i>See international minimum standard</i>

- minor** A person who, according to the law of the relevant country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.  
*See also child*
- minority** Although there is no universally accepted definition of minority in international law, a minority may be considered to be a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity directed towards preserving their culture, traditions, religion or language.  
*See also member of minority*
- 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 bilateral, treaty*

## N

- 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 nationality, naturalization*
- national territory** The geographical areas belonging to or under the jurisdiction of a State.
- national treatment** According to this standard, the alien can expect no better legal protection than that accorded by a host State to its own nationals. However, the national standard cannot be used as a means of evading international obligations under the minimum standard of international law.
- nationality** Legal bond between an individual and a State. The International Court of Justice defined nationality in the *Nottebohm case, 1955*, as "...a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties...the individual upon whom it is conferred, either directly by law or as a result of the act of the authorities, is in fact more closely connected with the population of the State conferring the nationality than with any other State." According to *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 insofar as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality."  
*See also citizenship, loss of nationality, national*

<b>naturalization</b>	Granting by a State of its nationality to an alien through a formal act on the application of the individual concerned. International law does not provide detailed rules for naturalization, but it recognizes the competence of every State to naturalize those who are not its nationals and who apply to become its nationals. <i>See also national, nationality</i>
<b>net migration</b>	<i>See total migration</i>
<b>neutrality</b>	The condition of a State that in times of armed conflict takes no part in the dispute but continues peaceful dealings with the parties to the conflict.
<b>next of kin</b>	The person or persons most closely related by blood to an individual.
<b>nomad</b>	An individual, often a member of a group, who migrates from place to place, often searching for water, food, or grazing land.
<b>non-admission</b>	Refusal to permit entry to the territory of a State. <i>See also admission</i>
<b>non-discrimination</b>	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, <i>International Covenant on Civil and Political Rights, 1966</i> , 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.” <i>See also discrimination, humanitarian principles</i>
<b>non-documented migrant workers</b>	<i>See undocumented migrant workers</i>
<b>non-national</b>	<i>See alien, foreigner, third country national</i>
<b>non-refoulement</b>	A principle laid down in the <i>Geneva Convention Relating to the Status of Refugees, 1951</i> 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.” This principle cannot be “claimed by a refugee, whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.” (*Art. 33 (1) and (2), Geneva Convention Relating to the Status of Refugees, 1951.*)

## O

- oath** A solemn pledge of truthfulness, usually given force by being said in connection with something viewed as sacred (such as a god or gods) or something revered. In the legal context, making an oral or written statement under oath invokes a legal obligation to tell the truth. In most countries, one who does not tell the truth while under oath commits a criminal offence.
- ombudsman** An official appointed to receive, investigate, and report on private citizens' complaints about the government (in some national jurisdictions, dealing as well with migration issues).
- 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 of the country of origin and travel, transit and entry into the host country.  
*See also migration management*
- organized crime** Widespread criminal activities that are coordinated and controlled through a central syndicate.  
*See also smuggling, trafficking*
- overstay** To remain in a country beyond the period for which entry was granted. Also sometimes used as a noun, e.g. "the undocumented alien population is evenly divided between overstays and those who entered illegally".  
*See also irregular migrant, undocumented alien*

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## P

- Palermo Protocols** Supplementary protocols to the Convention against Transnational Organized Crime (2000): Protocol Against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials.
- passenger** A person riding in a vehicle (boat, bus, car, plane, train, etc.) who is not operating it.
- passport** A government document identifying a person as a national of the issuing State, which is evidence of the holder's right to return to that State. In Western traditions, passports have been used for foreign travel purposes, not as domestic identity documents. The passport is the accepted international certificate or evidence of nationality, although its evidentiary value is *prima facie* only.  
*See also identity document, travel documents*
- permanent residence** The right, granted by a host State to a non-national, to live and work therein on a permanent (unlimited) basis.
- permanent settlers** Legally admitted immigrants who are accepted to settle in the receiving country, including persons admitted for the purpose of family reunion.  
*See also long-term migrant*
- permit** Documentation, usually issued by a governmental authority, which allows something to exist or someone to perform certain acts or services. In the migration context, reference to residence permits or work permits is common.  
*See also residence permit, visa, working permit*
- persecution** In refugee context, a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group.

<b><i>persona non grata</i></b> (latin)	“Person not wanted”. An unwanted or undesirable person. In the diplomatic context, a person rejected by the host government.
<b>place of habitual residence</b>	<i>See country of habitual/usual residence</i>
<b>plaintiff</b>	A party who brings a civil suit (by filing a complaint) in a court of law. <i>See also defendant</i>
<b>policy</b>	General principles by which a government is guided in its management of public affairs.
<b>population displacement</b>	<i>See displacement</i>
<b>poverty migrant</b>	An individual who is forced to migrate due to economic necessity.
<b><i>prima facie</i></b> (latin)	At first sight; on first appearance but subject to further evidence or information. In the migration context, an application for immigrant status may undergo preliminary review to determine whether there is a <i>prima facie</i> showing of all the basic requirements (often as a condition for receiving financial assistance or a work permit).
<b>primary inspection</b>	In international practice, review of applicants for admission at checkpoints is divided into “primary” and “secondary” inspection. The vast majority of applicants for admission undergo only a short screening at primary inspection booths prior to admission. Any applicant about whom the migration official has doubts is referred to secondary inspection, where the applicant undergoes an interview or additional investigation. The use of this two-step approach is more efficient and minimizes delays for the majority of legitimate travellers. <i>See also admission, checkpoints, interview, secondary inspection</i>
<b>principal/primary/ main applicant</b>	The person who applies for refugee or other immigration status. General international practice is that dependants (usually a spouse and any minor children) are considered derivative applicants and receive the same status afforded to the principal applicant. <i>See also derivative applicant, migrant, refugee</i>

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<b>private international law</b>	Branch of domestic law which deals with cases having a foreign element, i.e. contact with some system of law other than the domestic system. Not a branch of public international law.
<b>pro bono</b> (latin)	“For the public good”, being or involving uncompensated legal services performed especially for the public good.
<b>prohibition of torture</b>	Torture is prohibited by numerous international documents, such as the <i>Universal Declaration of Human Rights, 1948</i> (art. 5), <i>American Declaration of Rights and Duties of Man, 1948</i> (art. 26), <i>UN International Covenant on Civil and Political Rights, 1966</i> (art. 7), <i>European Convention on Human Rights, 1950</i> (art. 3), various UN resolutions. Torture is an international crime; the protection against torture is an obligation of States and is seen as a fundamental human right. The prohibition of torture is generally viewed as having reached the level of <i>jus cogens</i> , a peremptory norm of international law. <i>See also</i> jus cogens, <i>fundamental human rights, torture</i>
<b>project-tied worker</b>	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), <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i> ). <i>See also</i> migrant worker
<b>prosecution</b>	A criminal proceeding in which an accused person is tried.
<b>protection</b>	All activities aimed at obtaining respect for individual rights in accordance with the letter and spirit of the relevant bodies of law (namely, Human Rights Law, International Humanitarian Law, Migration Law and Refugee Law).
<b>push-pull factors</b>	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 new country.

## Q

- qualified national** Expatriate national with specific professional skills in demand in the country or region of origin.  
*See also skilled migrant*
- quarantine** The temporary isolation of a person or animal afflicted with a contagious or infectious disease.
- quasi-judicial** Relating to, or involving an executive or administrative official's adjudicative acts. Quasi-judicial acts, which are valid if there is no abuse of discretion, often determine the fundamental rights of nationals. They are subject to review by courts.
- quota** A quantitative restriction. In the migration context, many countries establish quotas, or caps, on the number of migrants to be admitted each year.

## R

### racial discrimination

Discriminatory or abusive behaviour towards members of another race. Racial discrimination is any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (*Art. 1(1), International Convention on the Elimination of All Forms of Racial Discrimination, 1965*).

*See also discrimination, xenophobia*

### racism

An ideological construct that assigns a certain race and/or ethnic groups to a position of power over others on the basis of physical and cultural attributes, as well as economic domination and control over others. Racism can be defined as a doctrine of or belief in racial superiority. This includes the belief that race determines intelligence, cultural characteristics and moral attitudes. Racism includes both racial prejudice and racial discrimination.

*See also racial discrimination, xenophobia*

### 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 the contracting States, deposited with a depositary or notified to the contracting States or to the depositary, if so agreed (*Art.16*). 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 government can accept a treaty as binding.

*See also instrument, reservation to a treaty, treaty*

<b>readmission</b>	Act by a State accepting the re-entry of an individual (own national, third-country national or stateless person), who has been found illegally entering or being present in another State.
<b>readmission agreement</b>	Agreement which addresses procedures for one State to return aliens in an irregular situation to their home State or a State through which they passed <i>en route</i> to the State which seeks to return them. <i>See also agreement, bilateral, return</i>
<b>receiving country</b>	Country of destination or a third country. In the case of return or repatriation, also the country of origin. Country that has accepted to receive a certain number of refugees and migrants on a yearly basis by presidential, ministerial or parliamentary decision. <i>See also country of destination, country of origin, third country</i>
<b>reception centre</b>	<i>See holding centre</i>
<b>re-emigration</b>	The movement of a person who, after having returned to his/her country of departure, again emigrates. <i>See also emigration, return</i>
<b>refoulement</b>	The return by a State, in any manner whatsoever, of an individual 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. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the frontier (border), extra-territorial interception and physical return. <i>See also deportation, expulsion, forced return, involuntary repatriation, non-refoulement, persecution, return</i>
<b>refugee (mandate)</b>	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. <i>See also refugee (recognized)</i>

- refugee (recognized)** A person, who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, 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” (*Convention relating to the Status of Refugees, Art. 1A(2), 1951* as modified by *the 1967 Protocol*).  
*See also asylum seekers, de facto refugees, externally displaced persons, refugee, refugees in orbit, refugees in transit*
- refugee status determination** A process (conducted by UNHCR and/or States) to determine whether an individual should be recognized as a refugee in accordance with national and international law.
- refugees in orbit** Refugees who, although not returned directly to a country where they may be persecuted, are denied asylum or unable to find a State willing to examine their request, and are moved from one country to another in a search of asylum.  
*See also asylum, refugee*
- refugees in transit** Refugees who are temporarily admitted in the territory of a State under the condition that they are resettled elsewhere.  
*See also refugee, resettlement*
- refugees *sur place*** Persons who are not refugees when they leave their country of origin, but who become refugees (that is, acquire a well-founded fear of persecution) at a later date. Refugees *sur place* may owe their fear of persecution to a coup d'état in their home country, or to the introduction or intensification of repression or persecutory policies after their departure. A claim in this category may also be based on bona fide political activities, undertaken in the country of residence or refuge.  
*See also persecution, refugee*
- regional consultative processes** Non-binding consultative fora, bringing representatives of States, civil society (Non Governmental Organizations (NGOs)) and international organizations together at the regional level to discuss migration issues in a cooperative manner (e.g. Budapest process, Puebla process, Manila process, Migration Dialogue for Southern Africa (MIDSA)).

<b>regular migration</b>	Migration that occurs through recognized, legal channels. <i>See also clandestine migration, irregular migration</i>
<b>regularization</b>	Any process by which a country allows aliens in an irregular situation to obtain legal status in the country. Typical practices include the granting of an amnesty (also known as “legalization”) to aliens who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible. <i>See also amnesty, legalization</i>
<b>reintegration</b>	Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his country of origin. <i>See also assimilation, integration</i>
<b>reintegration (cultural)</b>	Re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology, and traditions of the country of origin’s society.
<b>reintegration (economic)</b>	Reinsertion of a migrant into the economic system of his/her country of origin. The migrant shall be enabled to earn his/her own living. In developmental terms, economic reintegration also aims at using the know-how which was acquired in the foreign country to promote the economic and social development of the country of origin.
<b>reintegration (social)</b>	Reinsertion of a migrant into the social structures of his/her country of origin. This includes on the one hand the creation of a personal network (friends, relatives, neighbours) and on the other hand the development of civil society structures (associations, self-help groups and other organizations).
<b>rejected candidate</b>	An applicant refused by a selection mission, as not meeting the criteria for migration to the country concerned.
<b>remittances</b>	Monies earned or acquired by non-nationals that are transferred back to their country of origin.
<b>removal</b>	<i>See deportation</i>

**repatriation**

The personal right of a refugee or a prisoner of war to return to his/her country of nationality under specific conditions laid down in various international instruments (*Geneva Conventions, 1949 and Protocols, 1977, the 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). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. Repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis.

*See also assisted voluntary return, involuntary repatriation, return, right to return, voluntary return*

**rescue at sea**

The duty to rescue those in distress at seas is firmly established by both treaty and customary international law. A State where those rescued arrive may refuse disembarkation and require the ship master to remove them from the jurisdiction; or it may make disembarkation conditional upon satisfactory guarantees as to resettlement, care and maintenance, to be provided by flag or other States, or by international organizations.

**reservation to a treaty**

A unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State (*Art. 2 (1)(d), Vienna Convention on the Law of Treaties, 1969*).

*See also treaty*

**resettlement**

The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. The durable settlement of refugees in a country other than the country of refuge. This term generally covers that part of the process which starts with the selection of the refugees for resettlement and which ends with the placement of refugees in a community in the resettlement country.

*See also forced resettlement, permanent settlers, refugee*

<b>residence</b>	<p>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.</p> <p><i>See also country of habitual/usual residence, domicile</i></p>
<b>residence permit</b>	<p>A document issued by a state to an alien, confirming that the alien has the right to live in the State.</p> <p><i>See also permit, residence</i></p>
<b>respondent</b>	<p>A person required to answer a complaint filed in a civil suit.</p> <p><i>See also defendant, plaintiff</i></p>
<b>restitution</b>	<p>Return or restoration of some specific thing to its rightful owner or status; compensation or reparation for the loss caused to another; compensation for benefits derived from a wrong done to another.</p>
<b>return</b>	<p>Refers broadly to the act or process of going back. This could be within the territorial boundaries of a country, as in the case of returning IDPs and demobilized combatants; or from a host country (either transit or destination) to the country of origin, as in the case of refugees, asylum seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, e.g. repatriation (for refugees).</p> <p><i>See also assisted voluntary return, deportation, expulsion, refoulement, repatriation</i></p>
<b>return migration</b>	<p>The movement of a person returning to his/her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.</p>
<b>reverse brain drain</b>	<p><i>See brain gain</i></p>

- right of asylum** A generic term, used in two senses: the right to grant asylum (a State may grant asylum in its territory to any person at its own discretion) and the right to be granted asylum either vis-à-vis the State in whose territory asylum is requested, or vis-à-vis the pursuing State.  
*See also asylum*
- 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.” It 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 country under international law.  
*See also freedom of movement, international minimum standard, repatriation, return*
- right to return** Another aspect of the right to freedom of movement. According to *Art. 13 (2) of the Universal Declaration of Human Rights, 1948*: “Everyone has the right to ... return to his country.” *Article 12(2), International Covenant on Civil and Political Rights, 1966* states that: “No one shall be arbitrarily deprived of the right to enter his own country.” Nevertheless, paragraph 3 of the Covenant provides for certain restrictions: “The above-mentioned rights [in Article 12(2)] 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 right and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”
- rural-rural migrants** Internal migrants who move from one rural area to another.  
*See also internal migration*
- rural-urban migrants** Internal migrants who move from rural to urban areas.  
*See also internal migration*

## S

- safe country of origin** A country or origin of asylum seekers is considered safe if it does not, or not generally, produce refugees. Receiving countries may use the concept of safe country of origin as a basis for rejecting summarily (without examination of the merits) particular groups or categories of asylum seekers.  
*See also country of origin, safe third country*
- safe haven** Neutralized zones intended to shelter from the effects of war “the wounded and sick combatants or non-combatants” and “civilian persons who take no part in hostilities.” (*Art. 15, Geneva Convention concerning the Protection of Civilian Persons in Time of War, 1949.*)  
*See also asylum*
- safe third country** A safe third country is considered by a receiving country to be any other country, not being the country of origin, in which an asylum seeker has found or might have found protection. The notion of safe third country (protection elsewhere/first asylum principle) is often used as a criterion of admissibility to the refugee determination procedure.  
*See also country of origin, receiving country*
- Schengen Agreement** Intergovernmental agreement signed in 1985 to create a European free-movement zone without controls at internal land, water and airport frontiers. In order to maintain internal security, a variety of measures have been taken, such as the coordination of visa controls as external borders of Member States. Although the Schengen Agreement was concluded outside the context of the European Union (EU), it has been brought into the realm of the European Communities/European Union under the Amsterdam Treaty, 1997.
- screening** The process of checking for a particular attribute or ability. In the migration context, a preliminary (often cursory) review to determine if a person is “prima facie” eligible for the status applied for.  
*See also prima facie*

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<b>seafarer</b>	<p>Migrant worker employed on board a vessel registered in a State of which he or she is not a national (includes fishermen) (<i>Art. 2(2)(c), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
<b>seasonal worker</b>	<p>A migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year (<i>Art. 2(2)(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
<b>secondary inspection</b>	<p>In cases of doubt in the primary inspection during the admission procedure, the applicant undergoes an interview or additional investigation as a part of secondary inspection.</p> <p><i>See also primary inspection</i></p>
<b>secondary migration</b>	<p>A movement of a migrant within a host country, away from the community in which s/he originally resided.</p>
<b>self-employed worker</b>	<p>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 to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements (<i>Art. 2(2) (h), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
<b>sending country</b>	<p>A country from which people leave to settle abroad permanently or temporarily.</p> <p><i>See also country of origin</i></p>
<b>sensors</b>	<p>Equipment designed to detect the movement or presence of persons. This includes motion sensors, carbon dioxide sensors. Some sensors require a human operator, while others are fixed in remote places along the border and transmit information to a border control facility.</p> <p><i>See also carbon dioxide sensors</i></p>

- servitude** *See debt bondage, slavery*
- 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 purposes 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, permanent settlers, temporary migrant workers, transients*
- skilled migrant** Migrant worker who, because of his/her skills, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification).  
*See also 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 1953 Protocol*). Slavery is identified by an element of ownership or control over another's life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g. traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).  
*See also bonded labour, child labour, worst forms of child labour*
- smuggler (of people)** An intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them 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 entry of a person into a State Party of which the person is not a national or a permanent resident (*Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational*

*Organized Crime, 2000*). Smuggling contrary to trafficking does not require an element of exploitation, coercion, or violation of human rights.

*See also illegal entry, trafficking*

**sovereignty**

Sovereignty as a concept of international law has three major 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.

**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 financial support for a non-national seeking entry to the State. Some States require either sponsorship or proof of adequate income as a condition for certain categories of immigration status.

<b>spontaneous migration</b>	<p>An individual or group who initiate and proceed with their migration plans without any outside assistance. Spontaneous migration is usually caused by push-pull factors and is characterized by the lack of State assistance or any other type of international or national assistance.</p> <p><i>See also assisted migration, assisted voluntary return, push-pull factors</i></p>
<b>standard of proof</b>	<p>The degree or level of persuasiveness of the evidence required in a specific case. For example, in the refugee context, “well-founded” is a standard of proof when assessing the fear of persecution.</p>
<b>State</b>	<p>A political entity that has 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. The criteria of statehood for purposes of international law are commonly held to be possession of a permanent population, a defined territory, government and capacity to enter into international relations with other States (<i>Art. I, Montevideo Convention on the Rights and Duties of States, 1933</i>).</p>
<b>State of employment</b>	<p>A State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be (<i>Art. 6(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also migrant worker</i></p>
<b>State of origin</b>	<p>The State of which the person concerned is a national (<i>Art. 6(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also country of origin</i></p>
<b>State of transit</b>	<p>Any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence (<i>Art. 6(c), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</i>).</p> <p><i>See also country of transit</i></p>

**stateless person**

A person who is not considered as a national by any State under the operation of its law (*Art. 1, UN 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, no inherent right of sojourn in the State of residence and no right of return in case s/he travels. *See also de facto statelessness*

**suit**

Any proceeding by a party or parties against another in a court.

**summons**

A notice requiring a person to appear in court or before an administrative agency to serve as a juror or witness.

## T

- technical cooperation** The sharing of information and expertise on a given subject usually focused on public sector functions (e.g. development of legislation and procedures, assistance with the design and implementation of infrastructure, or technological enhancement).  
*See also capacity building*
- temporary migrant workers** Skilled, semi-skilled or untrained workers who remain in the receiving country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise. Also called contract migrant workers.  
*See also short-term migrant*
- temporary protection** Procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there exists also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.
- territorial asylum** *See asylum (territorial)*
- territorial jurisdiction** Jurisdiction over cases arising in or involving persons residing within a defined territory. Also a territory over which a government, one of its courts, or one of its subdivisions has jurisdiction.
- terrorism** Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature and context, is to intimidate a population, or to 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.  
*See also country of destination, country of origin, receiving country, State of origin, State of transit*

- third country national** *See alien, foreigner, national, non-national*
- torture** Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (*Art. 1, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984*).  
*See also jus cogens, prohibition of torture*
- total migration/net migration** The sum of the entries or arrivals of immigrants, and of exits, or departures of emigrants, yields the total volume of migration, and is termed *total migration*, as distinct from *net migration*, or the migration balance, resulting from the difference between arrivals and departures. This balance is called net immigration when arrivals exceed departures, and net emigration when departures exceed arrivals.
- trafficker, human** An intermediary who is moving people in order to obtain an economic or other profit by means of deception, coercion and/or other forms of exploitation. The intent *ab initio* on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.  
*See also exploitation, smuggler, trafficking*
- 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), UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*).  
*See also abduction, coercion, exploitation, fraud, smuggling, trafficker*

<b>transients</b>	Professional or skilled workers who move from one country to another, often as employees of international and/or joint venture companies. <i>See also migrant worker</i>
<b>transit</b>	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 transport. <i>See also refugees in transit, State of transit</i>
<b>transit passengers</b>	Persons who arrive in a State from another country while in transit to another (third) country destination; and throughout the whole period (up to a maximum of 24 hours from the time of arrival) during which they are in the State, remain on board the craft they arrived on, or in a port or airport secure area, or in the custody of the police. <i>See also state of transit, transit</i>
<b>transit visa</b>	A visa, usually valid for three days or less, for passing through the country issuing the visa to a third destination. <i>See also state of transit, transit, transit passengers, visa</i>
<b>transportation</b>	The movement of goods or persons from one place to another by a carrier. <i>See also conveyance</i>
<b>travel documents</b>	Generic term used to encompass 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. Some States also accept certain identity cards or other documents. <i>See also certificate of identity, passport, visa</i>
<b>traveller</b>	A person who passes from place to place, for any reason. <i>See also migrant</i>
<b>treaty</b>	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 ( <i>Art. 2.1(a) Vienna Convention on the Law of Treaties, 1969</i> ). <i>See also accord, agreement, covenant, instrument</i>

## U

- ultra vires*** (latin) Unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law.
- 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. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors.  
*See also child, minor*
- undocumented alien** An alien who enters or stays in a country without the appropriate documentation. This includes, among others: one (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.  
*See also illegal entry, irregular migration*
- undocumented migrant workers/migrant workers in an irregular situation** Migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State.  
*See also documented migrant workers, migrant worker*
- unlawful entry** *See illegal entry*
- uprooted people** Those, who are forced to leave their communities: those who flee because of persecution and war, those who are forcibly displaced because of environmental devastation, and those who are compelled to seek sustenance in a city or abroad because they cannot survive at home.  
*See also externally displaced persons, internally displaced persons, refugees*
- urban-rural migrants** Internal migrants who move from urban to rural areas either for “new settlement” purposes or as return migration for those who have been rural-urban migrants.  
*See also internal migration*

**urban-urban migrants**

Internal migrants who move from one urban area to another, generally for employment.

*See also internal migration*

## V

- vessel** Any type of water craft, including non-displacement craft and seaplane, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service (*Art. 3(d), Protocol Against Smuggling of Migrants by Land, Sea and Air, 2000*).
- victim of human trafficking** An individual who is a victim of the crime of trafficking in persons.  
*See also trafficker, trafficking in persons*
- violence against 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 in private life (*Art. 1, Declaration on the Elimination of Violence against Women, 1993*).
- 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. A visa establishes the criteria of admission into a State. International practice is moving towards issuance of machine-readable visas which comply with ICAO (International Civil Aviation Organization) standards, printed on labels with security features.  
*See also biometrics, certificate of identity, passport, travel documents*
- visitor** In the migration context, a person who seeks to enter for a temporary period.  
*See also permanent residence, permanent settlers*
- voluntary repatriation** Return of eligible persons to the country of origin on the basis of freely expressed willingness to so return.  
*See also assisted voluntary return, involuntary repatriation, repatriation, return, right to return*

**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.

*See also assisted voluntary return, forced return, involuntary repatriation, return, repatriation, voluntary repatriation*

**vulnerable groups**

Any group or sector of society that is 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 or the elderly) that is at higher risk in periods of conflict and crisis.

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## W

- waiver** The voluntary relinquishment or abandonment, express or implied, of a legal right or advantage. A migration law might provide that certain legal requirements or grounds of inadmissibility not be applied in certain compelling cases, giving the appropriate agency the authority to exercise judgement as to whether the requirement should be “waived” in a given case.
- watch list** *See lookout system*
- withdrawal, of an application** Request that an application previously filed be cancelled or returned, or indication to relevant officials that the person who filed it no longer seeks the benefit or status requested.  
*See also application*
- witness** One who has personal knowledge of certain events or facts by direct experience. In the legal context, a person with such knowledge who is legally qualified to present this knowledge in a court of law. To observe some event or action. In the legal context, to observe the execution of a written instrument, such as an agreement or contract.
- worker on an offshore installation** A migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national (*Art. 2(2) (d), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).  
*See also migrant worker*
- working permit** A legal document giving authorization required for employment of migrant workers in the host country.
- worst forms of child labour** All forms of slavery or practices similar to slavery (such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict); the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic

performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; or any other work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

*See also child exploitation, child labour, debt bondage, trafficking in persons*

**X****xenophobia**

At the international level, no universally accepted definition of xenophobia exists, though 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. There is a close link between racism and xenophobia, two terms that are hard to differentiate from each other.

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