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LEGAL ASPECTS OF MIGRATION

According to Cambridge Dictionary, *migration* is “the process of a person or people travelling to a new place or country, usually in order to find work and live there temporarily or permanently” [1]. Today more and more people around the world are migrating from one country to another. The international movement of people has become an integral part of a globalizing world.

As stated in the *World Migration Report 2018*, there are 244 million international migrants globally (or 3.3% of the world’s population). While the vast majority of people in the world continue to live in the country in which they were born, more people are migrating to other countries, especially those within their region. Many others are migrating to high-income countries that are further afield. Work is the major reason that people migrate internationally, and migrant workers constitute a large majority of the world’s international migrants, with most living in high-income countries and many engaged in the service sector. Global displacement is at a record high, with the number of internally displaced at over 40 million and the number of refugees more than 22 million [2].

While migration is a positive and empowering experience for many, it is increasingly clear that a lack of human rights-based migration governance at the global, regional and national levels is leading to the routine violation of migrants’ rights in transit, at international borders, and in the countries they migrate to. Migrants tend to be vulnerable to discrimination, exploitation and marginalization, often living and working in the shadows, afraid to complain, and denied their human rights and

fundamental freedoms. In this context, Office of the United Nations High Commissioner for Human Rights (OHCHR) works to promote, protect and fulfill the human rights of all migrants, regardless of their status [3].

Although there is no comprehensive legal instrument at the international level that establishes a framework for the governance of migration, a set of legal rules constrain, regulate, and channel state authority over migration. Such rules – which have been created through state-to-state relations, negotiations and practice – are enshrined in multilateral and bilateral treaties, non-binding instruments, or have become part of customary international law.

International migration law (IML), which is the international legal framework governing migration, is not covered by any one legal instrument or norm. Instead, IML is an umbrella term covering a variety of principles and rules that together regulate the international obligations of States with regard to migrants. Such broad range of principles and rules belong to numerous branches of international law.

Recognition of the rights of migrants and the need for the promotion and protection of these rights in the exercise of state sovereignty has been present in constituent documents of the International Organization for Migration (IOM) [4]. The IOM works to increase knowledge and acceptance of the legal instruments that protect migrants' rights, as well as the ratification and implementation status of these instruments. The IOM also works to make the legislation more effective and to bring it more in line with regional and international standards.

References:

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