

**U.S. Immigration Policy in the 21st Century:
Consistencies, Contradictions, and Conflicts with Current Law,
Practice, and Broader National Policy Concerns
(a panel)**

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Thank you for that kind introduction, and for inviting me to be part of this conference today. I am a lawyer and an immigration specialist, but today I want to talk to you as a diplomat about the challenges of dealing with so-called “mixed migration flows” and about how governments are working together to address the demands created by such complex migration patterns. As we think about US immigration policy, I want to make sure we also consider what the US is doing diplomatically to encourage more humane and sensible laws around migration.

First, when we look around the world, we realize that no country has created the perfect immigration regime. After 9/11 and the incorporation of the Immigration and Naturalization Service into the new Department of Homeland Security, we saw a big drop in the number of refugees and immigrants to the United States, and heard lots of complaints about new and cumbersome procedures. Alarming, US colleges and universities reported a major decrease in the number of foreign applicants as well. I’m happy to report that these trends have reversed, and we are now back at pre-September 11th levels with over 60,000 refugees admitted to the U.S. in Fiscal Year 2008. But like all countries, there are areas we can improve, and I hope today’s conference yields ideas for a better system.

What makes immigration so complicated? One of the factors, the one I’d like to talk about today, is mixed migration. With some 200 million migrants in the world today, migrant flows are admittedly comprised in large part of legitimate travelers. The challenge posed by mixed migratory flows is how to distinguish these legitimate travelers from others, who may be documented or undocumented, who may be asylum seekers or refugees, or smugglers and traffickers in human being, or other persons with criminal intents. Some migrants are smuggled in, and some are victims of trafficking for labor or sexual exploitation. Further complicating the equation is the fact that smugglers and traffickers often travel with proper documentation.

This phenomenon is not just in the US – we see it around the world, in the Caribbean, in the Gulf of Aden – where “pirates” are also part of the mixed flows, and in the Mediterranean. In Italy, for example, there are victims of trafficking, legal immigrants, and undocumented immigrants who have been smuggled in aboard inflatable boats – and that’s just from one country, Albania. Some of these Albanian migrants travel back and forth between Albania and Italy.

Such mixed migration flows occur all over the world, and not just between poor countries and rich countries. In southern Africa, for instance, we have seen conflict arise from the presence of guest workers from a neighboring country. In such complex situations it becomes even more important for countries to work together on realistic and humane immigration policies. At the heart of what we call the “asylum-migration nexus” is the challenge of developing and applying immigration policies which control illegal migration, while effectively providing protection for those who need it, such as asylum

seekers, refugees, and victims of trafficking in persons, even when they are traveling without proper documentation.

The United States promotes this policy in several ways. First, the US is the largest donor to the International Organization for Migration, IOM, and the UN High Commissioner for Refugees, UNHCR. In the migration area, our contributions fund projects that build the capacity of government to deal with immigration cases; help victims of trafficking escape their captors and learn to support themselves; and reunite unaccompanied children with their families. For example, IOM and UNHCR are joining forces with ECOWAS to organize a regional conference on refugee protection and international migration in West Africa, which will take place in Dakar, Senegal next month (November 13-14).

Next, we support various regional migration efforts, such as the Regional Conference on Migration, in which countries of Central and North America, including the U.S., come together to discuss migration policies and share best-practices in migration management. No country can solve problems related to migration on its own, so such efforts are key if we are to reduce the suffering endured by some migrants around the world, including here in the US.