
FOREWORD

The International Organization for Migration (IOM) is dedicated to promoting humane and orderly migration worldwide by serving the policy and programme needs of governments and migrants. The challenges of migration management reflect the contemporary challenges posed by migration itself, many of which can be turned into opportunities that can benefit countries of origin, countries of destination and migrants themselves. To be effectively managed, migration has to be looked at comprehensively, taking into account its economic, social, humanitarian, demographic, development, security and normative aspects.

The normative approach to migration can be viewed mainly from two different, but complementary angles. Firstly, there are the principles and standards deriving from State sovereignty, among which are the right to protect borders, to confer nationality, to admit and expel foreigners, to combat trafficking and smuggling and to safeguard national security. Secondly, there are the human rights of the persons involved in migration. These two elements constitute the main pillars of what is generally known and accepted today as ‘international migration law’.

International migration law instruments are spread across various branches of international law, such as human rights law, humanitarian law, refugee law, criminal law and labour law; the relevant norms are therefore dispersed throughout a wide range of texts. This disparity or dispersion of norms contributes to the belief that there are gaps in the set of norms protecting migrants and/or regulating migration. Occasionally, it is argued that the major gap in the current international structure is the absence of a multilateral framework for governing the movement of people.

The IOM plays an increasing role in promoting understanding and effective practices in migration management, including in the promotion of international migration law. To streamline and strengthen its growing involvement in this field, the IOM established in 2005 the International Migration Law and Legal Affairs Department. Its objective is to increase awareness and knowledge on international migration law and contribute to a better understanding of the legal instruments that govern migration at the national, regional and international level. It has, for example, created an online database on migration law; it organizes training and capacity building activities for government officials and other stakeholders in migration in all regions of the world, and it conducts research on selected migration law topics and general issues concerning international migration law.

This publication is an outcome of the Department’s involvement in research activities. *International Migration Law: Developing Paradigms and Key Challenges* encapsulates the current state of international migration law by re-visiting key topics first addressed in a companion volume, *Migration and International Legal Norms*, published by T.M.C. Asser Press in 2003, and by addressing the substantial developments that have since taken place and investigating new issues.

This book analyzes the legal framework related to matters such as trafficking, multiple nationality, consular protection, biometrics, remittances, trade, terrorism, and detention. It also maps out recent developments as well as current and future challenges. In our globalized world, in which international movements of people are growing and diversifying and thus moving up the policy agendas of governments, international organizations, the private sector and civil society, my hope is that this body of work will contribute to a better understanding of international migration law, particularly among stakeholders such as policy makers, academics, civil society representatives and students of the subject. It will also no doubt stimulate further thinking and work in this important field and help to promote international migration law as an essential component of comprehensive migration management frameworks.

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Brunson McKinley
Director General
International Organization for Migration