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## Understanding The Pattern of International Migration: Challenges in Human Rights Protection

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### ABSTRACT

*International migration is defined as the movement of individuals from one country to another across boundaries to stay for an extended length of time. International migration was initially legally restricted by the Ottoman Empire's Tanzimat, signed on March 9, 1857, under which the Ottoman Empire gave limited residency rights to religiously persecuted persons. Since then, major movements of people have been quite prevalent, particularly following World Wars I and II, when millions of people were forced to relocate due to hostilities. The key trends and reasons of migration are monitored and evaluated using the doctrinal qualitative technique, the Mixed Migration Dataset of 9745 respondents, and the 2020 international remittance data, then the primary migratory trends and motivations are tracked and studied. According to the findings of this study, international migration patterns are as follows: from East Africa to North Africa, from East Africa to South Africa, from East Africa to Europe, from the Middle East to Europe, from the Middle East to Southeast Asia, from Bangladesh/Myanmar to Malaysia, and from South America to North America. The reasons for this include economic, conflict and bloodshed, and a lack of political rights. However, it has been identified that the challenges in International Migrant Protection are due to different legal definitions of migrants, the fact that not all destination countries have ratified the 1951 Convention on Refugees and the 1967 Protocol, and the cultural and political context that causes people in destination countries to reject migrants.*

## 1. Introduction

International Migration is one of the global phenomena facing by almost every country worldwide, it can be described as the movement of the people between one country to others, to stay in a certain time<sup>1</sup>. Migration not only an effective way to pursue a higher quality of life, but also in the wider perspective, international migration is a key contribution to development as a universal channel for promoting exchanges of ideas, culture, money, and products<sup>2</sup>. Furthermore, global migration can be described as a network made up of nations connected by numerous human movement links. Despite the critical

1 International Organization for Migration, *Glossary on Migration*, 2011

2 Ibid

significance of human migration in linking people from all over the globe, the pattern and motives of the international migration network, as well as its variations through time, are little understood.

The pattern and motives of migration can be understood from the identification of the push and pull factors which explained by the variety of variables including economic, social, political, cultural, environmental, health, education, and transportation reasons<sup>3</sup>. The push factor, frequently described as of fewer chances in the socioeconomic condition, moreover, the pull factor frequently people are looking to fulfill their economic condition, to migrate to the more developed places<sup>4</sup>. Furthermore, the push and pull factor of migration is very diverse and cannot be generalized, because those factors are always changes from time to time, depending on the socioeconomics, politics, and cultural events which happened at a specific time<sup>5</sup>.

The determinant of the push and pull factors, in the past, is dominated by the displacement issues because of the war and violence. The first regulated mass migration phenomenon has already happened far before the event of world war occurred, it can be tracked from the year of 1857 when the Ottoman Empire issued a *Tanzimat*, which gave permits to everyone, whether he/she is Christian, Catholic, Muslim, or Jews to register as refugees in the Ottoman Empire territory<sup>6</sup>. The migrants during that time can be identified as the victims of the great war which happening in the past, such as the first Crimea War which happening in the 1850s.

The World War I which happening between 1914 to 1918 also emphasized displacements issues because of the war and conflict is taking places at the European countries. The refugees who originated from Belgium are move to Armenia. Also, the citizen of France, Italy, and even Austria-Hungary, are moved to Turkey and some Balkans countries for the safer places and avoiding the violence of wars<sup>7</sup>. The mass migration phenomenon because of the war and conflict also continued after World War II, with the destination countries are the United States, Canada, and Australia. Those war and conflict related events, is contributed to the formulation definition for the refugees, which stated in the Geneva Convention 1951 about refugees, stated: "*A refugee, according to the Convention, is someone unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political*

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3 Kyaing Kyaing Thet, *Pull and Push Factors of Migration: A Case Study in the Urban Area of Monywa Township*, Myanmar, n.d.

4 Hein De Haas, Working Papers The Determinants of International Migration Conceptualising Policy, Origin and Destination Effects The IMI Working Papers Series, *IMI Working Papers Series*, 2011, [www.migrationdeterminants.eu](http://www.migrationdeterminants.eu).

5 Fabio Mariani, Marion Mercier, and Thierry Verdier, *Diasporas and Conflict*, *Journal of Economic Geography*, Vol.18 No.4, 2018

6 Başak Kale, Transforming an Empire: The Ottoman Empire's Immigration and Settlement Policies in the Nineteenth and Early Twentieth Centuries, *Middle Eastern Studies*, Vol.50 No.2, 2014, page.252–71

7 Peter Gatrell, Refugees and Forced Migrants during the First World War, *Immigrants & Minorities*, Vol.26 No.1-2, 2008, page.82–110

*opinion*”.

However, the globalization of the world, especially after the “*jet age*” phenomenon in the 1970s make people can easily move from one place to another, changed the determinant of the push factor in International Migration drastically<sup>8</sup>. The push and pull factor to migrate between countries is becoming diverse, and the displacement issues are not only the main factor for the people to migrate, then the *economic factor* is increasingly relevant to explain the global migration that occurred at the end of the 20<sup>th</sup> century.

In relevance with that event, the global migraton patterns have tended to move from south to north, with the south being deemed poorer and the north being wealthier (this is a generalization but applies in many historical migrant patterns). Workers in poorer nations want higher pay and better job possibilities, which are often available in wealthier ones. As a result, almost every economic model of migration includes income disparities and finds them to be a significant component in explaining migrant flows over time. Low-income levels might function as a “push” factor, forcing people to leave their native country<sup>9</sup>.

On the other hand, in some of the “*other parts*” of the world, the push factor is relatively different. In the Africa continent, people are tend to move to the “North” countries, because of the Civil wars, harsh dictatorships, environmental calamities, and, in particular, famines and terrorism, are the main causes endangering people's lives and causing them to flee their nations<sup>10</sup>. Also, the different pattern is found in the Middle East, and some of the Asian countries, where people tend to move from their countries because of the better wage and standar of living. Then, it can be concluded if the push-and-pull factors, also the pattern between the different parts of the world are different.

Today, based on the UNHCR report 2020, the people who were involved as International Migrants were reaching 272 million people, counted as 3.5 percent of the global population<sup>11</sup>. Most of the migration in the world has happened because of the impact of globalization, and easy access to travel to more developed countries, to pursue a higher living standard, especially in the European Union (EU) territories<sup>12</sup>. However, in the process to migrate, there is the biggest obstacle for the International Migrants to pursue their dream, which are the issues of the legal protection, whether provided by the origin or destination countries.

The legal protection absence for the International Migrants is creating a

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8 Reginald Appleyard, International Migration Policies: 1950-2000, *International Migration* Vol.39 No.6, 2001

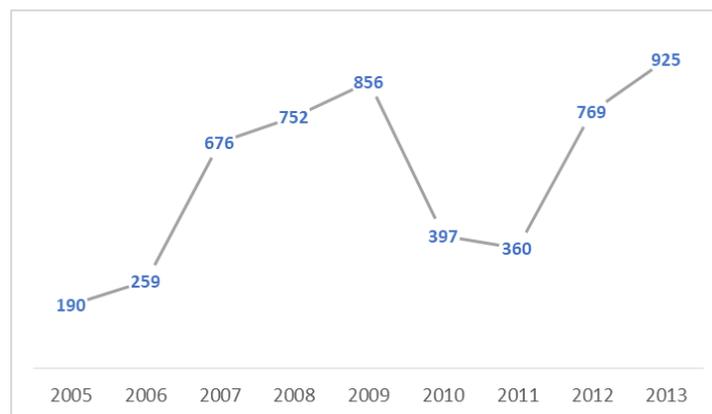
9 Emilia Titan, Simona Ghita, and Mihaela Covrig, Migration Phenomenon: A Globalization Effect or a Consequence of Poverty?, *Procedia - Social and Behavioral Sciences*, Vol.62, 2012, page. 367–71

10 William Minter, African Migration, Global Inequalities, and Human Rights CuRRent AfRICAn Issues 46 African Migration, Global Inequalities, and Human Rights Connecting the Dots, 2011.

11 UNHCR, *Global Trends Forced Displacements in 2020*, Denmark, June 18, 2020).

12 Titan, Ghita, and Covrig, *Migration Phenomenon: A Globalization Effect or a Consequence of Poverty?*

complex problem in the human trafficking issues. Based on the 22 U.S. Code § 7102 "Sex trafficking whereby a commercialized sex act is induced by force, deception, or coercion, or in which the individual compelled to do such act has not achieved the age of 18 years," according to US law. or "the recruiting, sheltering, transportation, supply, or acquiring of a person for work or services by means of force, deception, or coercion for the purpose of enslavement, peonage, debt bondage, or slavery." is made more than 24.9 migrants are trapped in the modern slavery, 16 million (64%) were used for work, 4.8 million (19%) were sold into sexual slavery, and 4.1 million (17%) were coerced into forced labor through the government<sup>13</sup>.



**Figure 1. Reported Cases on Human Trafficking in South East Asia 2005 to 2013<sup>14</sup>**

From the data above, the transnational crime and terrorism activities related cases are still ongoing in South East Asia territory, and show the increasing in trends. From that context, this research will be very important to conduct, because the issues in the International Migration field are becoming more complex, developing and need to be solved as soon as possible. In the simple framework, there will be two steps will be conducted. First, the global migration pattern will be analyzed by utilizing the related databases, with the output is the movement pattern, and motives, then secondly, the output will be analyzed by creating a list of the available protection law which may be available and the challenges in the protection to the international migrants will be discussed.

## 2. Research Methods

The qualitative doctrinal analysis is used in this study. The purpose of qualitative analysis is to analyze items in their natural settings, grasp and interpret their social reality, and provide feedback on many aspects of social life.

<sup>13</sup> Human Rights First, Human Trafficking by the Numbers, *Human Rights First Trafficking by Number Report 2017*, accessed June 17, 2022, <https://www.humanrightsfirst.org/resource/human-trafficking-numbers>.

<sup>14</sup> The Globalized and Illegal Economy, *Transnational Organized Crime: Let's Put Them out of Business* [www.unodc.org/toc](http://www.unodc.org/toc) *Transnational Organized Crime-The Globalized Illegal Economy*, 2009, [www.unodc.org/toc](http://www.unodc.org/toc).

It is interested in people's feelings, perceptions, and experiences<sup>15</sup>. It differs from quantitative research in terms of data kind, theoretical background, and data collection tools. A description of the social context, interpretation of social facts, verification of assumptions, and policy assessment should all be included in qualitative legal research.

The data which used in this research is the *Mixed Migration Data Report*, obtained in the year of 2019, consisting of 9745 repondent worldwide by using the *snowball sampling method*, a nonprobability selection strategy in which current research subjects recruit prospective study volunteers from their acquaintances. The data is sorted and analyzed by using the Microsoft excel, and triangulated with the World Bank remmitances inflow and outflow data in the year of 2019, and the literature review based on the several related journal and legal directory to increase the data analysis accuracy.

### **3. Result and Discussion**

#### **3.1 Historical Global Migration Motives and Pattern**

The first regulated migration law is Turkey *Tanzimat* Decree, which was issued on 09 March 1857<sup>16</sup>. It proclaimed that anybody willing to pledge allegiance to the Sultan, become his subject, and obey the country's laws were welcome to enter the Ottoman State. It further said that settlers would be safeguarded from any interference with their religious practices and would have the same religious freedom as the rest of the empire's citizens. The decree drew an outpouring of support, with applications arriving from all around Europe.

After the World War (1916-1952), recorded if most of the World Migrants are came from Europe, because of the displacement issues. The United Kingdom and Italy (both had over 600,000 people), Poland (460,000), Germany (290,000), the Soviet Union (230,000), Spain and Portugal (180,000 each), and Romania (460,000). (160,000). In other European countries approximately around 300,000, most of them are going to the United States, Canada, Australia, and Argentina<sup>17</sup>. However, the global changes of migration pattern happened between 1960 to 2000, when globalization, which lead to faster, and better access to overseas sources, has successfully shifted the migration pattern, from the European to the Non-European Countries, to the Non-European to the European countries<sup>18</sup>. From post-World War II, the Motives of migration mostly related to the South-North Pattern of Migration, because the South considered a developing country and the north as the developed country<sup>19</sup>. The Economic factors always come first, followed by political factors, and finally the impact of migrant networks.

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15 Simion Kristina, Practitioner's Guide: Qualitative and Quantitatif Approaches to Rule of Law Research, in *Practitioner Guide by International Network to Promote the Rule of Law*, Vol.6, 2016,.

16 Dilek LATİF, Refugee Policy Of The Turkish Republic, *Milletleraras*, Vol.1 No.29, 2002,

17 Dudley Kirk and Earl Huyck, *Overseas Migration from Europe Since World War II*, Vol.19, 1954

18 Mathias Czaika and Hein De Haas, The Globalization of Migration: Has the World Become More Migratory?, *International Migration Review*, Vol.48 No.2, 2014, page.283-323

19 Appleyard, *International Migration Policies : 1950-2000*

The recent discussion about the *pole* style migration started in 1989 uprisings were sparked by huge migrations of people from the East to the West. Not just East-West migration, but also South-South and South-North migration appear to be growing concerns during the next two decades<sup>20</sup>. Millions of people continue to be displaced by conflict, instability, and environmental degradation in the Third World, and poor economic prospects are driving an increasing number of people to move to the affluent and democratic North. As the South's population grows, these patterns will become more pronounced. Governments in both the South and the North will face unprecedented political, social, and economic challenges as a result of migration pressures.

However, *the "summer of migration"* in 2015 was crucial in bringing the problem of forced displacement and immigration to the forefront of political and societal debates across Europe, particularly in Germany<sup>21</sup>. With hundreds of thousands of desperate people crossing dangerous migration routes across and along the Mediterranean and making their way north (and thousands dying in the process), forced migration became a political issue in both countries temporarily hosting large numbers of forced migrants, such as Germany, Greece, Italy, and Sweden, and countries that were vocally opposed to immigration, such as Austria, Denmark, the Netherlands, Poland, and the United Kingdom.

Then, the dynamics pattern of migration, from the displacement issues in the past, economic reason, and conflict reason make the migration protection regime must be adapted in relevance with the current trends in the international migrants. This research limits the International Migration Protection regime only in the recent migration phenomenon.

### **3.2 Current Situation for the Migrant Protection**

The difference of the International Migrants, who divided into several terms makes the protection for the Migrant Protection cannot be applied universally. Some human rights organizations and experts distinguish between international migrants and internal migrants, often known as internally displaced individuals, as well as between migrants who were forced to relocate and migrants who relocated willingly to better their circumstances.

One of the legal protection laws to protect International Migrants, especially migrant workers, is the International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families (ICRMW), a migrant worker is defined as *"a person who is to be engaged in a remunerated activity in a State of which he or she is not a national"*. of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, went into force 1 July 2003). The ICRMW is the most comprehensive convention on migrant worker rights, laying out civil and political rights as well as economic, social, and cultural rights for migrants.

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20 André Bank and Christiane Fröhlich, *German Institute of Global and Area Studies (GIGA) Forced Migration in the Global South: Reorienting the Debate*, n.d.

21 Bank and Fröhlich.

An irregular migrant worker, also known as a non-documented migrant worker, is someone who enters a nation *without authorization to find work*. In 1975, the United Nations General Assembly asked that non-documented and irregular migrant workers be used instead of phrases like *"illegal migrant worker"* by UN institutions and agencies. Irregular migrant workers enjoy the same rights as ordinary migrant workers under the ICRMW, and States may not deny an irregular migrant worker his rights under the ICRMW). States must interpret their duties toward irregular migrant workers in accordance with the international human rights treaties they have signed, just as they do with documented or regular migrants. On the other hand, strikes a compromise between the state's ability to control migrant workers' *entry and leave and migrants'* rights.

A refugee, according to the 1951 Refugee Convention, is a person who has a *"well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion,"* is outside his country of nationality, and is unable to, or unwilling to, take advantage of that country's protection. Refugee rights and duties are outlined in the 1951 Refugee Convention and its 1967 Protocol, as well as other international and regional treaties. The concept of non-refoulment is one of the duties of states (not returning individuals to places where their lives would be threatened)<sup>22</sup>. States that have signed the Protocol owe it to smuggled individuals to offer protection and aid, including by upholding a person's right to life and the right not to be tortured or subjected to any cruel, barbaric, or degrading treatment or punishment<sup>23</sup>.

A stateless person is defined as *"a person who is not regarded a national by any State under the operation of its law,"* according to the Status of Stateless Persons (Statelessness Convention). The only international instrument that guarantees the treatment of stateless people is the Statelessness Convention. States parties to the Statelessness Convention are required to provide stateless people with certain rights, including, but not limited to, the right to non-discrimination; the right to a personal status; the right to identity papers; and the right to due process, particularly in expulsion proceedings<sup>24</sup>.

Migrants, according to international human rights principles based on the inherent dignity of all people, have the same fundamental rights as everyone else, regardless of their legal status in a country, including access to the social protection provided by one of the 1951 refugee convention signatories<sup>25</sup>. All migrants have a right to life, and states have a responsibility to guarantee that this right is not unjustly denied. All persons, including migrants, are guaranteed freedom from discrimination in the exercise of their human rights under

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22 Eric A Ormsby, The Refugee Crisis as Civil Liberties Crisis, *Law Review*, Vol.117, 2017, [www.cnn.com/2016/06/20/world/](http://www.cnn.com/2016/06/20/world/).

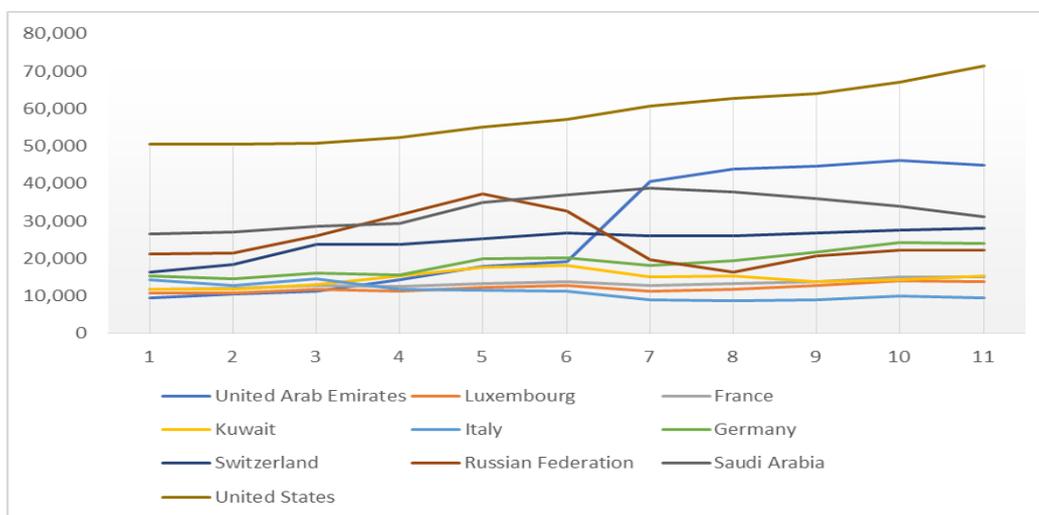
23 Linda S Bosniak, Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention, *International Migration Review* Vol.25 No.4, 1991, page.737

24 David S Weissbrodt and Clay Collins, The Human Rights of Stateless Persons, *Human Rights Quarterly*, Vol.28 No.1, 2006, page.245-76

international human rights law. *"The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status,"* based on the International Covenant on Economic, Social, and Cultural Rights.

Under international human rights law, anyone, including migrants, shall not be subjected to arbitrary arrest or imprisonment. The state cannot arbitrarily arrest and detain a person, and it must establish that other, less invasive methods have been explored and determined to be insufficient to prove detention is not arbitrary. When reporting duties or other requirements would be less invasive methods to verify that the migrant's position conforms with local law, extended detention of a migrant is not justified solely by the need to wait for entrance permission or until the completion of removal proceedings. The prohibition of torture is a jus cogen or peremptory norm of international law, which implies that even if a state has not signed a relevant convention, it is nevertheless required to apply it.

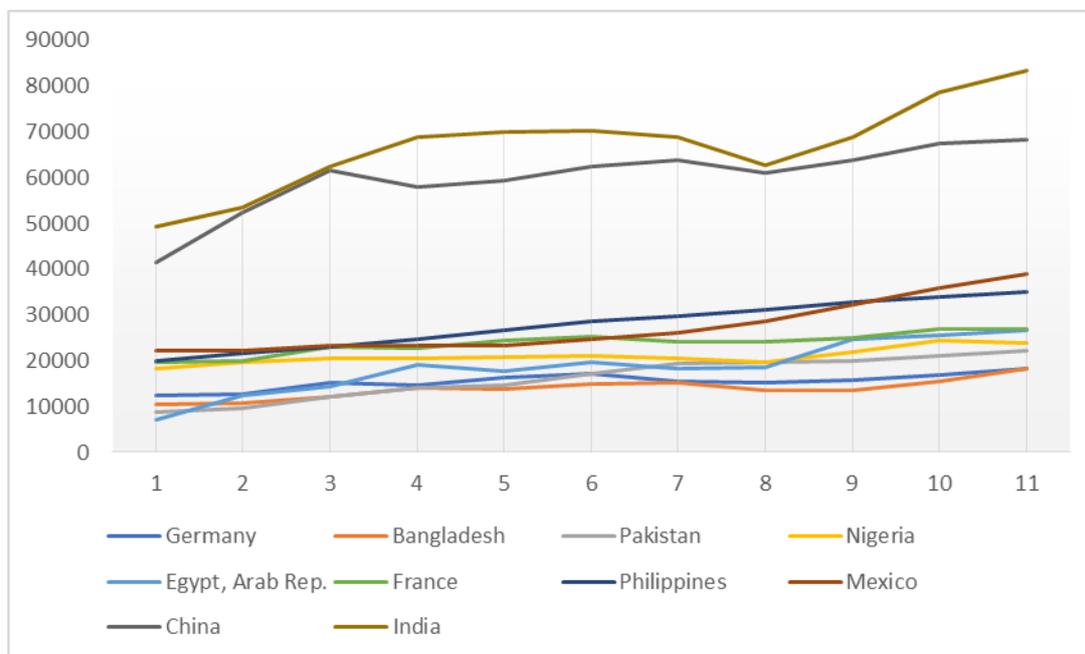
The data which used in this research is coming from the Mixed Migration Center Dataset in 2019, which interviewed 9754 respondents. On the other hand, the data is confirmed by using the worldbank remittance report 2019. The outflow remittances is considered as the most important data to identify the biggest migrant destination country, in the other hand, the inflow remittances data can be used to identify the migrant sending countries<sup>26</sup>, with the results as follows:



**Figure .2. 10 Highest Migrants Outflow Remittances Countries (in US\$ Billion) from 2009 to 2019**

26 OCDE, International Migration Outlook: Annual Report, *International Migration*, 2006, page.1-330, [http://www.amazon.de/dp/9264086013%5Cnhttp://en.istat.it/istat/eventi/2006/ocse/ocse\\_migration\\_report\\_2006.pdf](http://www.amazon.de/dp/9264086013%5Cnhttp://en.istat.it/istat/eventi/2006/ocse/ocse_migration_report_2006.pdf).

From the data above, can be concluded if the highest remittances sending countries are The United States, Saudi Arabia, Russia, Switzerland, Germany, Italy, Kuwait, France, Luxembourg, United Arab Emirates. From the outflow remittances data, those countries are the main destination of the migrants today. Furthermore, the world bank inflow migration data which will be used to identify the migration sending countries can be shown as follows:



**Figure .3. 10 Highest Migrants Inflow Remittances Countries (in US\$ Billion) from 2009 to 2019**

As the migrants sending countries, are lead by India, China, Mexico, Phillipines, France, Egypt, Nigeria, Pakistan, Bangladesh, and Germany. Triangulated with the data from the Mixed Migration Report, the data from the worldbank outflow migration can be considered as valid, because the region which founded by those two data source are similar. In this research, the data is divided into 3 main patterns of migration, which can be described as follows:

### 3.2.1 African Regions Migration

In the African region, some migration patterns dominated the movement of the people, from one region to the other. The research conducted by the Mixed Migration Center, involved 1471 respondents (West/Central African to North Africa), 657 respondents (East African to North Africa), 228 respondents (East Africa to Southern Africa), 106 respondents (East Africa to Europe). The results of the survey can be seen as follows:

**Table 1. Motives of Migration in African Region**

West/Central African to North Africa	Violence and General Insecurity	7.3
	Lack of Rights	30.7
	<b>Economic Reason</b>	<b>94.8</b>
	Personal/Family Reason	22.4
	Lack of Social Services/Poorly Governed	37.2
	Everybody Around me Was Leaving	42.2
	Environmental Factors	2.3
East Africa to North Africa	Violence and General Insecurity	61.5
	Lack of Rights	60.7
	<b>Economic Reason</b>	<b>62.3</b>
	Personal/Family Reason	36.6
	Lack of Social Services/Poorly Governed	30.1
	Everybody Around me Was Leaving	4.4
East Africa to Southern Africa	<b>Violence and General Insecurity</b>	<b>60.1</b>
	Lack of Rights	33.5
	Economic Reason	59.1
	Personal/Family Reason	28.0
	Lack of Social Services/Poorly Governed	8.8
	Everybody Around me Was Leaving	3.8
East Africa to Europe	Environmental Factors	1.5
	Violence and General Insecurity	54.4
	<b>Lack of Rights</b>	<b>82.9</b>
	Economic Reason	17.4
	Personal/Family Reason	5.2

Lack of Social Services/Poorly Governed	35.6
Everybody Around me Was Leaving	20.3
Environmental Factors	2.0

Source : Authors, taken from 4Mi, 2019

From the survey, it can be concluded if the motivation to migrate in the *West/Central Africa to North Africa and East Africa to North Africa* is dominated by **Economic motivation**. On the other hand, the motives to migrate from *East Africa to Southern Africa* are dominated by **Violence and General Insecurity** reasons. Also, the motives to migrate *from East Africa to Europe* are dominated by the **Lack of Rights Reason**.

### 3.2.2 The Middle East and South Asia Region Migration

Besides the African region's motivation to migrate the Mixed Migration Center also surveyed the Middle East and South Asia region. This survey Involved 205 Respondents (the Middle East to Europe), 1007 respondents (the Middle East to South East Asia), 333 respondents (Bangladesh/Myanmar to Malaysia). The results of the survey can be seen as follows:

**Table 2. Motives of Migration in Middle East and South Asia Region**

The Middle East to Europe	Violence and General Insecurity	62.7
	Lack of Rights	25.8
	Economic Reason	24.2
	Personal/Family Reason	45.9
	Lack of Social Services/Poorly Governed	8.9
	Everybody Around me Was Leaving	12.0
	Environmental Factors	0.6
The Middle East to southeast Asia (Indonesia, Malaysia, and Thailand)	Violence and General Insecurity	77.1
	Lack of Rights	33.9
	Economic Reason	14.5
	Personal/Family Reason	23.3
	Lack of Social Services/Poorly Governed	13.5

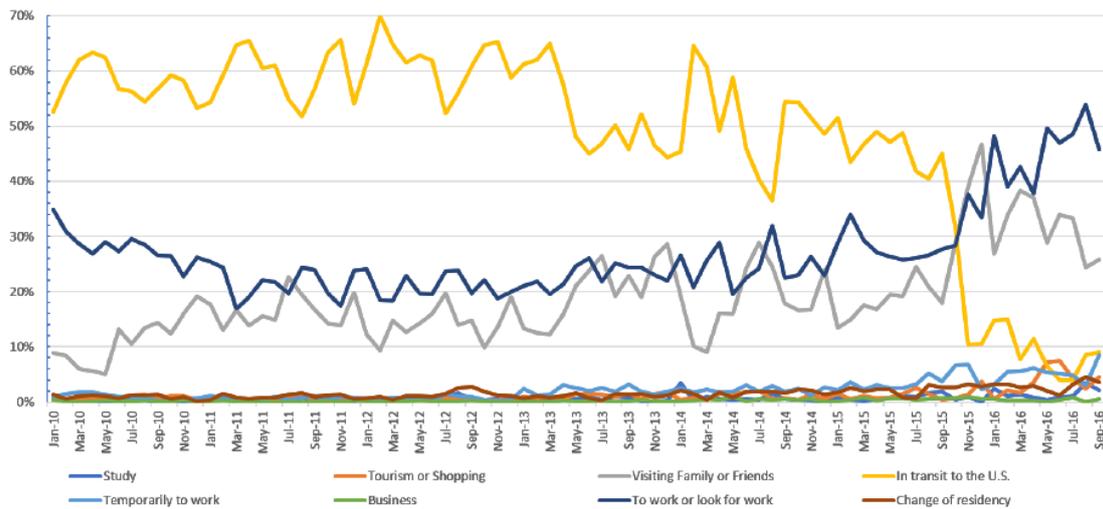
	Everybody Around me Was Leaving	2.7
	Environmental Factors	0.8
	<b>Violence and General Insecurity</b>	<b>83.8</b>
	Lack of Rights	83.7
	Economic Reason	12.9
Bangladesh/Myanmar to Malaysia	Personal/Family Reason	18.7
	Lack of Social Services/Poorly Governed	10.0
	Everybody Around me Was Leaving	6.1
	Environmental Factors	0

Source : Authors, taken from 4Mi, 2019

From the survey, can be concluded if all of the motivation to migrate from the Middle East and South Asia to Europe, South East Asia, and Malaysia is the **Violence and General Insecurity**.

### 3.2.3 South America Migration

The unemployment rate in the United States varies inversely with economic motives for crossing into the United States, according to a probity analysis of survey data from 44,017 people crossing from Mexico to the United States between 2010 and 2016. Similarly, economic growth in the United States is linked to the economic desire to move to the United States. Furthermore, most of the immigrants who arrived shortly after the Great Recession (i.e., in 2010 and 2011) were considerably less likely to move for economic reasons, whereas those who arrived in 2013 and 2014 were significantly more likely (the reference category was 2015 and early 2016).



**Figure 4. Migration to South America**

Based on the data above, the pattern of migration from South America to North America is dominated by the people who are in transit in the United States. This means, most of them are going to Canada, not to the United States as their destination countries. However, still, the highest motives from South America to the United States is to work or look for work, which is not far from the economic reason.

From the several migration patterns above, nowadays, can be concluded there are several main migration patterns, in terms of regional which are African pattern (Inside African regions), Africa to Europe, the Middle East to Europe, the Middle East to Southeast Asia, and South to North America. The findings are emphasizing the previous research results, which stated if the economics reason (which is measured by the GDP) and better way of living (level of the individual nor community security) always becoming a pull factor which motives people to migrate from a country to another country, the low degree of freedom, low Gross Domestic Product (GDP), and high population pressure always becoming push factor for the people to migrate<sup>27</sup>. Those relation is mostly happening from developing to the more developed nation or region.

On the other hand, being landlocked, sharing a shared border, speaking the same official language, speaking a minority language, and having colonial ties all had statistically significant but lesser influences on international migration, with the horizontal relation between developed countries<sup>28</sup>.

These research findings found if nowadays most of the people are moving from East Africa to North Africa, East Africa to North Africa, East Africa to Southern Africa, East Africa to Europe, the Middle East to Europe, the Middle East to southeast Asia (Indonesia, Malaysia, and Thailand), Bangladesh/Myanmar to Malaysia, and from South America to North America. The motives are

<sup>27</sup> Paola Barrientos, Institute for Advanced Development Studies Development Research Working Paper Series Analysis of International Migration and Its Impacts on Developing Countries by : Analysis of International Migration and Its, No.12, 2007

<sup>28</sup> Keuntae Kim and Joel E Cohen, Determinants of International Migration Flows to and from Industrialized Countries: A Panel Data Approach beyond Gravity, *International Migration Review*, Vol.44 No.4, 2010, page.899–932

economics, Violence and General Security, and Lack of Rights. But, it's there any legal protection for them in the destination country?

However, the legal basis for the human rights protection for international migrants is still questionable. Three main problems make the protection of human rights even harder to implement. Firstly, the difference in terms of the migrant, migrant's worker, refugees, and a stateless person. Those terms different make the Geneva Convention for Refugees and its 1967 Protocol, Rights of Migrant Workers and Members of Their Families (ICRMW), and other international laws are hard to be implemented, for example, Egypt didn't have the specific terms for the International Migrants who entering their territory. Based on that, the Immigration department in Egypt will treat everyone on the same way, even those are student nor refugees, which make the access to social benefit is very limited. On the other hand, in Europe, under the Central European Asylum System (CEAS), is very clearly defined the difference between migrants, migrant workers, refugees, and stateless people.

Secondly, not all destination countries for the international migrants ratified the Geneva Convention 1951 and 1967 Protocol. Several North African countries, such as Tunisia and Morocco, and Asian countries such as Indonesia and Malaysia are not yet ratifying that international convention. That facts implement the International Migrants protection becoming hard to be implement. In addition to having no legal framework or domestic mechanism in place to deal with asylum seekers and/or refugees, the immigration law lumps all foreigners, including asylum seekers and refugees, who enter those countries illegally into the same category as illegal migrants. As a result, asylum seekers and/or refugees are arrested and detained in overcrowded detention centers or other locations<sup>29</sup>.

Thirdly, there are some of the cultural and political contexts, mostly in the destination countries which indirectly refuse the international migrants, especially asylum seekers to enter their territories. It explains how the systems balance the state's competing demands to protect residents from terrorists and hordes of undesirable economic migrants while still honoring their legal, moral, and treaty commitments to offer a safe refuge for individuals escaping persecution. Rejecting Refugees is a thoughtful and new look at the challenges that asylum seekers encounter, as well as the cultural, procedural, and political inconsistencies that exist in the political asylum procedure<sup>30</sup>.

In many countries, the legal application of human rights principles to non-citizens is insufficient or severely lacking, particularly in the case of irregular migrants. In recent years, widespread hatred, abuse, and violence directed against migrants and other non-nationals have grown considerably more evident across the world. The amount of research, documentation, and analysis of the nature and scope of issues, as well as successful solutions, is still insufficient. Resistance to the acknowledgment of migrants' rights is linked to

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29 Dita Liliansa and Anbar Jayadi, Should Indonesia Accede to The 1951 Refugee Convention and Its 1967 Protocol?, *Indonesia Law Review*, Vol.5 No.3, 2015

30 S Weston, Rejecting Refugees: Political Asylum in the 21st Century. By Carol Bohmer and Amy Shuman., *Journal of Refugee Studies*, Vol.21 No.3, 2008, page.399-401

the exploitation of migrants in low-status, poorly regulated, or illegal economic sectors.

Globalization evidence suggests that migratory pressures are worsening in many regions of the world. Globalization's processes have amplified the disruptive consequences of modernity and capitalist growth, adding too many people's economic instability and migration. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families concluded the expansion of concepts in the Universal Declaration of Human Rights. Ratifications were moving at a snail's pace until two years ago, due to a lack of attention. A global effort rekindled interest, and the treaty is expected to enter into force in 2001. According to a comparative analysis, ILO migrant worker conventions have usually fulfilled their goals, although states have resisted adopting any rules on non-nationals treatment.

Resistance to extending human rights protection to migrants is based on a counter-offensive against human rights as universal, indivisible, and inalienable. The purposeful linkage of migration and migrants with criminality is a parallel trend. Human rights safeguards have been subordinated to control and anti-crime measures as human trafficking have arisen as a worldwide topic contextualizing migration in the context of combating organized crime and criminality.

Intergovernmental cooperation on migration "management" is rapidly expanding, with regional intergovernmental consultative processes in operation in all regions. These processes are primarily focused on improving inter-state cooperation in controlling and preventing irregular migration through improved border controls, information sharing, return agreements, and other measures.

Efforts to protect migrants' human rights and prevent xenophobia are scattered, ineffective, and underfunded. NGOs in all regions, however, provide migrants with orientation, services, and support, as well as public education and advocacy for respect for migrants' rights and dignity. Several international initiatives, including the UN Special Rapporteur on Migrants' Human Rights, the Global Campaign promoting the 1990 UN Convention, the UN General Assembly proclamation of International Migrants Day, the 2001 World Conference Against Racism and Xenophobia, ILO anti-discrimination activity, and IOM training, are now highlighting migrant protection concerns.

To ensure beneficial migration, social harmony, and dignified treatment of nationals and non-nationals, recommendations to governments emphasize the need to define comprehensive, coordinated migration policy and practice based on economic, social, and development concerns rather than reactive control measures. NGOs, corporations, trade unions, and religious organizations are asked to promote international standards, professionalize services and capacities, take the lead in combating xenophobia, and participate in international efforts. International organizations should pay more attention to migrants' rights efforts and inter-agency collaboration, according to the report.

#### **4. Conclusion**

The International Migration is one of the dynamic historical events, which was first legally regulated through the *Tanzimat* in the Ottoman Empire, signed on the 09 March 1857, which give the people who under the religious prosecuted legal permit to enter Turkey territory. Since then, the mass movement of the people between people becoming very common, especially after World War I, and World War II, when millions of people are moving from one region to another because of the displacement and violence. However, nowadays the pattern of the migration is from East Africa to North Africa, East Africa to North Africa, East Africa to Southern Africa, East Africa to Europe, the Middle East to Europe, the Middle East to southeast Asia (Indonesia, Malaysia, and Thailand), Bangladesh/Myanmar to Malaysia, and from South America to North America. The motives are economics, Violence and General Security, and Lack of Rights. Still, International Migrants protection becoming a big challenge for many destination countries. From the analysis, can be concluded if the challenges in International Migrants Protection are because of the difference in terms, not all of the destination countries ratified the 1951 Convention about refugees and 1967 protocol as the legal basis and cultural and political context which make society in the destination countries refusing the International Migrants.

#### **References**

##### **Books :**

Thet, Kyaing Kyaing., *Pull and Push Factors of Migration: A Case Study in the Urban Area of Monywa Township*, Myanmar, n.d;

UNHCR, *Global Trends Forced Displacements in 2020*, Denmark, June 18, 2020;

##### **Journal Articles:**

Appleyard, Reginald., *International Migration Policies: 1950-2000*, *International Migration*, Vol.39 No.6, 2001;

Bank, André, and Christiane Fröhlich., *German Institute of Global and Area Studies (GIGA) Forced Migration in the Global South: Reorienting the Debate*, n.d.;

Barrientos, Paola., *Institute for Advanced Development Studies Development Research Working Paper Series Analysis of International Migration and Its Impacts on Developing Countries by: Analysis of International Migration and Its*, No.12, 2007;

Bosniak, Linda S., *Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention*, *International Migration Review*, Vol.25 No.4, 1991;

Czaika, Mathias, and Hein De Haas., *The Globalization of Migration: Has the World Become More Migratory?*, *International Migration Review*, Vol.48 No.2, 2014;

First, Human Rights., *Human Trafficking by the Numbers*, *Human Rights First Trafficking by Number*, Report 2017, Accessed June 17, 2022;

- Gatrell, Peter., Refugees and Forced Migrants during the First World War, *Immigrants & Minorities*, Vol.26 No.1-2, 2008;
- Kale, Başak., Transforming an Empire: The Ottoman Empire's Immigration and Settlement Policies in the Nineteenth and Early Twentieth Centuries, *Middle Eastern Studies*, Vol.50 No.2 2014;
- Kim, Keuntae, and Joel E Cohen., Determinants of International Migration Flows to and from Industrialized Countries: A Panel Data Approach beyond Gravity, *International Migration Review*, Vol.44 No.4, 2010;
- Kirk, Dudley, and Earl Huyck., Overseas Migration from Europe Since World War II, No.19, 1954;
- Kristina, Simion., Practitioner's Guide: Qualitative and Quantitative Approaches to Rule of Law Research, *Practitioner Guide by International Network to Promote the Rule of Law*, Vol.6, 2016;
- LATİF, Dilek., Refugee Policy of The Turkish Republic, *Milletleraras*, Vol.1 No.29, 2022;
- Liliansa, Dita, and Anbar Jayadi, Should Indonesia Accede to The 1951 Refugee Convention and Its 1967 Protocol?, *Indonesia Law Review*, Vol.5 No.3, 2015;
- Mariani, Fabio, Marion Mercier, and Thierry Verdier., Diasporas and Conflict, *Journal of Economic Geography*, Vol.18 No.4, 2018;
- Migration, *International Organization for*, Glossary on Migration, 2011;
- Minter, William., African Migration, Global Inequalities, and Human Rights Current African Issues 46 African Migration, Global Inequalities, and Human Rights Connecting the Dots, 2011.
- Ormsby, Eric A., The Refugee Crisis as Civil Liberties Crisis, *Law Review*, Vol.117 2017;
- Titan, Emilia, Simona Ghita, and Mihaela Covrig, Migration Phenomenon: A Globalization Effect or a Consequence of Poverty?, *Procedia - Social and Behavioral Sciences*, Vol.62, 2012;
- Weissbrodt, David S, and Clay Collins., The Human Rights of Stateless Persons." *Human Rights Quarterly*, Vol.28 No.1, 2006;
- Weston, S., Rejecting Refugees: Political Asylum in the 21st Century. By Carol Bohmer and Amy Shuman, *Journal of Refugee Studies*, Vol.21 No.3, 2008;

### **Websites:**

- Globalized, The, and Illegal Economy., Transnational Organized Crime: Let's Put Them out of Business [www.unodc.org/toc](http://www.unodc.org/toc) Transnational Organized Crime-The Globalized Illegal Economy," 2009. [www.unodc.org/toc](http://www.unodc.org/toc).
- Haas, Hein De., Working Papers The Determinants of International Migration Conceptualising Policy, Origin and Destination Effects The IMI Working Papers Series, *IMI Working Papers Series*, 2011,

[www.migrationdeterminants.eu](http://www.migrationdeterminants.eu).

OCDE, International Migration Outlook : Annual Report., *International Migration*, 2006,

[http://www.amazon.de/dp/9264086013%5Chttp://en.istat.it/istat/eventi/2006/ocse/ocse\\_migration\\_report\\_2006.pdf](http://www.amazon.de/dp/9264086013%5Chttp://en.istat.it/istat/eventi/2006/ocse/ocse_migration_report_2006.pdf).