The Linkage Between Migration and Child Labor: An International Perspective

by Sarah Flamm

Youth move within and between countries for various reasons: escaping violence, searching for work or an education, societal pressures, or reuniting with family. Children on the move risk being trafficked in the migration process and becoming involved in child labor upon arrival at their destination, especially when they migrate alone and internationally. Here we explore the factors that make children migrants vulnerable, and argue that international and state actor responses need to recognize that children have a right to move. There is no basis in international law by which to restrict the migration of children of legal working age. It is therefore important not to stop migration, but to increase the protection of migrant children as well as enable them to better protect themselves.
n estimated 214 million people worldwide – or 3.1 percent of the world’s population – are international migrants. Yet the number of internal migrants dwarfs this figure. Youth make up a disproportionate share of the world’s migrants; approximately one third of the migrants from all developing countries are between 12 and 24 years old.

This paper discusses both internal and international migration and their possible links to child labor. Youth under 18 years of age are at great risk when migrating. This specific age group has a propensity to become involved in child labor, particularly when migrating without their parents.

States have the obligation to ensure the protection of all children, migrant children notwithstanding. Article 2.1 of the United Nations Convention on the Rights of the Child (UNCRC) states that:

Every child without discrimination of any kind, irrespective of the child’s or his/her parents or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status is born with the same rights, including the right to be free of child labor.

Given the propensity for child migrants to become entangled in negative forms of child labor and the “global consensus that immediate and effective measures are required to secure the prohibition and elimination of the Worst Forms of Child Labor” by 2016, the international community should dedicate immediate attention to the situation of child migrants.

This paper argues that child migration and child labor are uniquely linked and centers on three categories of children associated with immigration. A large portion of the paper focuses on the most vulnerable group: unaccompanied migrant children. This paper also considers the situation of children who migrate with their parents, and, finally, children left behind by migrant parents. The conclusion presents a series of considerations for future action.

**Unaccompanied Child Migrants**

A significant percentage of all migrant children are unaccompanied by any parents or guardians. As recognized by the United Nations Special Rapporteur on the Human Rights of Migrants, “children who are unaccompanied or separated from their parents are particularly vulnerable to human rights violations and abuses at all stages of the migration process.”

Adding to the disadvantages migrants face, such as the lack of understanding of the law, possible language barriers, and often undocumented status, child migrants are inexperienced and underage. They are therefore more vulnerable, and risk becoming victims of trafficking, sexual exploitation and other Worst Forms of Child Labor.

Internal migration (within a country) is more common than international migration among independent child migrants. There were eleven times as many inter-province child migrants than international ones in Argentina, Chile and South Africa. Similarly, in a study of various cities in Mali and Ghana, most child migrants were internal migrants, all fifteen to seventeen years old, and living independently of their parents. The likelihood that a child will migrate independently increases substantially with age. The majority of those who migrate internationally tend to be older than fifteen years. In one case study, the ILO found that half of all young migrants who migrated internationally from Cambodian villages near the Thai border were ages fifteen to seventeen years old.

Several studies from African countries highlight differences in migration patterns based on gender. Overall, boys tend to migrate more than girls. When girls do migrate, they tend to stay within their country of origin and closer to home. Girls also tend to migrate at a slightly younger age (on average, 11.2 years for girls, 11.8 years for boys). One possible explanation for this pattern is that in patrilineal societies, girls are more mobile than boys, since they are less embedded in their home community.

Asylum application statistics demonstrate that the number of unaccompanied minors has increased in recent years. Data from Eurostat indicates that in Europe, 10,960 unaccompanied minors lodged applications for asylum in 2009, a 13% increase compared to 2008.

Sarah Flamm, of the Class of 2011, is majoring in Public Policy with a concentration in immigration, and a minor in Spanish. She is interested in immigration policy, worker’s rights, and U.S. diplomacy. In Summer 2010, she served as the Stanford In Government fellow at the International Labor Organization (ILO) in Geneva, Switzerland where she worked on international policy to combat child trafficking. This paper draws from work done at the ILO under the supervision of Hans Van de Glind.
Motivation for migration

Children move within and between countries for various reasons, such as work, education, societal pressures, escaping violence or civil unrest, or reuniting with family. For many children, moving is the only option to improve their chances at a better life.

Many children migrate in search of employment, often drawn from rural areas to cities where they perceive greater opportunities. Child migrants tend to work in agriculture, domestic work, the urban informal sector, and the army. If children are able to earn money, they may use their earnings to support themselves or send home remittances, perhaps contributing to the education of a sibling. Even if the child were not to earn enough to save, parents still have an incentive to send their children out on their own, as it decreases the burden on household expenses. A study of Argentina, Chile, and South Africa revealed that independent migrant children over 15 years old were more likely to be working compared to either dependent migrant children, or independent non-migrant children. An ILO study of child labor in the informal economy in urban areas of Uganda revealed that 63% of working children were migrants.

Besides trying to earn money to support themselves and their families, many children migrate independently in hopes of gaining an education, thereby increasing their human capital. Because independent children must support themselves, they often, however, end up working in addition to (or instead of) going to school. The likelihood that child migrants end up in school depends also on their surroundings. In South Africa, a study of child migrants found that 65% of unaccompanied minors were not in school (though this masked great variation due to location). Children living in Johannesburg were much more likely to be in school (96%) compared to those living in the border zones (6%). Even children who did not attend school cited education as one of the top benefits of being in South Africa and expressed a desire to learn. When interviewed, children often cite the positive aspects of migration and express their desire to not return home but instead to gain access to education and better jobs.

Cultural and societal pressures may also contribute to a child’s decision to migrate. The rate of child migration tends to be highest in areas from which the adult migration rate is also high. In some societies, both children and parents see migration as an important learning experience. Migration can give children the opportunity to develop their independence and autonomy and is thus often regarded as an important part of the transition to adulthood. A study in Burkina Faso reported that it is labor migration that is most particularly admired, and to improve social status and earn respect amongst his peers, a boy must travel to work and must obtain material rewards, such as a bicycle.

Migration can also be a way for a child to improve his or her position within the family. For example, a non-firstborn son from a large rural farming family may not have many opportunities for economic improvement within his family structure. Due to this, migration may be a beneficial alternative.

Some children are pushed to migrate by negative factors in their home communities, such as armed conflict, political instability, domestic violence, AIDS, and climate change, traveling to another country seeking refuge or protection.

While waiting for confirmation of their migration status, children are often kept in detention centers or institutions. There are reports of children “disappearing” from these institutions. In one Eastern European country, the high rate of rejections experienced by child asylum seekers was a reason cited for children escaping from the institutions. It is uncertain how many of them move on to another destination, go into hiding, or join the informal labor economy.

Another reason children may migrate alone is to reunite with family or friends. Even in this case, in which the child migrant unites with others upon arrival at his final destination, he still faces a dangerous journey, during which he is vulnerable to falling victim to trafficking or child labor.

The dangers of unaccompanied child migration

Children migrating to a new place with no adult to accompany him or her are extremely vulnerable to coercion, violence, and exploitation, both in transit and upon arrival at their final destination. Places of transit, such as train stations and bus stops, are particularly dangerous for young migrants. A lost or confused child may naively accept assistance from a predator. In response, the International Programme on the Elimination of Child Labor (IPEC) division at the ILO helped launch the Spring Rain Campaign in China in 2007. The campaign involved thousands of volunteers, posted in 22 train stations across China who raised
awareness about the dangers of trafficking for labor exploitation, offered general assistance, and distributed information and advice on safe travel, accommodation, and work.

As national immigration policies grow increasingly stringent and border controls improve, many migrants resort to paying smugglers, or “coyotes,” to illegally sneak them into a country. When children place themselves in the hands of smugglers, what may begin as willful migration can easily turn into a case of human trafficking. Girls are especially susceptible to sexual abuse during the migration process. Even children of legal working age face difficulties migrating through legal channels and are therefore likely to migrate illegally. In a survey of independent migrant children travelling from Nepal to India, only 4% carried any form of identity document, making them “illegal.”

As “undocumented” immigrants, children lack appropriate documentation that permits them to legally live and work in a country, thus causing them to face even greater dangers and disadvantages. It is also difficult for undocumented children to access social services such as public housing and schooling, despite national and international laws that guarantee these basic rights.

Practical barriers at the national level, such as fears of deportation, lack of money to pay for school, lack of identification cards, or language barriers, often prevent children from actually accessing that education. If children are not able to go to school, they are more likely to become involved in child labor. By attending school, children gain knowledge and skills that will help them attain better jobs in the long run, and escape the poverty trap.

Undocumented child migrants also face challenges obtaining housing. According to international law, all children have a right to housing. But in reality, a valid residence permit is required to apply for social housing and is often also required to sign lease agreements in the private housing market. Even if undocumented immigrants are able to obtain housing in the private market, they are often subject to exploitation by landlords who get away with charging artificially high rent, over-crowding apartments, and providing poor living conditions by threatening to report children to immigration authorities. Such barriers result in driving migrants towards rather informal means of housing, where regulation is nonexistent and exploitation is rife.

On the other hand, unaccompanied minors
receive more legal protection in some countries than those immigrating with their families. That being said, this protection, where it exists, only lasts until the migrant becomes of legal age. The migrant then becomes illegal and at risk of deportation.

As an alternative response to increasingly stringent border policies and tough immigration laws, children may choose to migrate to lawless border zones that are difficult to monitor and thus easier to cross. This leaves children unprotected and increases the likelihood that they become trafficked into armed combat, as is the case in Colombia.

Upon arrival at their final destination, many unaccompanied child migrants work in the informal, or "underground," economy, in which it is easier to find employment, but where they are more likely to be exploited. With no governmental oversight, employers can get away with all sorts of abuse: verbal or physical assault, sexual harassment, denial of wages, denial of meal and rest breaks, and subjection to unhealthy or dangerous working conditions. In this environment, a child's well-being is entirely dependent on the whims of his employer. Due to a combination of hopelessness, lack of parental guidance, and ignorance of the resources available and the rights to which they are entitled, unaccompanied child migrants often find themselves stuck in unhealthy environments.

Children who are not registered at birth are another population of child migrants who, like undocumented children, are particularly at risk. Children born abroad or born to undocumented migrants do not have access to birth registration. According to UNICEF, as of 2009, 51 million children are unregistered at birth. Under the UN Convention on the Rights of the Child (UNCRC), every child has the right from birth to a name and a nationality. Besides helping prevent exploitation, birth registration is important as it makes it easier to trace a child's origins and to confirm a child's nationality when conducting case assessments and arranging for repatriation.

**Response of the international community**

It is for these and other reasons that the European Commission adopted an Action Plan on May 6, 2010, calling for the increased protection of unaccompanied minors entering the European Union. The four-year Action Plan for 2010-2014 states that the EU must adopt more solid standards for protecting children who travel to Europe alone. According to Cecilia Malmström, the EU Commissioner for Home Affairs:

Europe must take immediate action to look after unaccompanied minors, who are the most exposed and vulnerable victims of migration. This Action Plan aims at setting up a common and coordinated approach to meet a challenge that is to increase over the coming years. It is paramount that all Member States commit to grant high standards of reception, protection and integration for unaccompanied minors.

Given that children over the age of 15 years (14 years in some countries) have a right to work and to obtain an education, it is important to focus on ensuring safe migration rather than stopping it altogether. Implementing trafficking and child protection laws that are designed to protect unaccompanied children can be tricky and may actually have negative consequences. In some circumstances it may be best to intervene and remove a child from a dangerous situation or to arrange for a child to return home to his or her family. But, for the child who has migrated to another country independently to work, detention and involuntary return home are often contrary to his or her best interests.

A “child-rights” approach, such as the one adopted by the United Nations Children's Fund (UNICEF), focuses on enabling children to better protect themselves in their search for decent work and creating safer migration and working conditions through increased monitoring and law enforcement. Anti-trafficking efforts should fight third parties involved in the trafficking chain while creating conditions for youth of working age to migrate for decent work.

**Children who migrate with their parents**

It is more common for children to migrate with a parent or guardian than alone. Children who migrate with a parent or guardian are less likely than unaccompanied children to end up in child labor, but are still at risk.

Many migrant families that work in the agricultural sector depend on the output produced by their children to earn a living. It is sometimes the case that families are given shelter in exchange for their work, including that of their children. For example, a study of tobacco estates in Malawi found that one in
five children under the age of 15 years worked full-time, and almost the same number worked part-time.\textsuperscript{48} Children are usually not employed directly on the estates but rather work to meet quotas as part of a tenant family. Without child labor, families could not meet their quota. An ILO study on commercial agriculture in South Africa found that children of migrant workers on some farms were actually required to work if they wished to live with their parents. Infants, toddlers, and young children who may not be working are often brought to the fields, because there is no accessible or affordable day care in rural areas. Young children are thus exposed to many of the same workplace hazards as their older siblings and parents.

Children are especially at risk if their parents are undocumented migrants, even if the children themselves are legal citizens by birthright.\textsuperscript{49} Many undocumented migrant parents do not send their children to school out of fear but instead go into hiding and to work in the informal economy. Undocumented migrants face difficulties accessing social services such as education, despite the UNCRC, which specifically states that all children have such rights, regardless of whether they or one of their parents are in an irregular situation insofar as staying or working in a country is concerned.\textsuperscript{50} Children’s rights guaranteed under international law are not in any way conditional upon the legal status of their parents. As previously mentioned, children not attending school have negative long and short-term consequences, including the increased likelihood that they become involved in child labor.

One response by the government of China to the lack of schooling experienced by children of migrants has been to improve the educational enrollment of the estimated 8 million children of migrant workers from rural areas. In 2006, revisions were made to the China Education Law, including special provisions making sure that the children of migrant workers, children with disabilities, and children in remote areas could get equal access to schooling. Vice Minister of Education Chen Xiaoya said the aim of the law was to offer equal education to children regardless of whether they lived in the city or countryside.\textsuperscript{51}

The education level of migrant parents correlates with the risk that a child will become involved in child labor. The lower the parents’ education level, the more likely it is that they have low-paying jobs, and the higher the chance that their migrant children will be working rather than in school. Research in the US suggests that having one irregular migrant parent increases the chances of a child living in poverty threefold and having two irregular migrant parents increases it sevenfold.\textsuperscript{52}
Having parents or guardians migrate can have mixed consequences for the child left behind, influencing his or her welfare and potential involvement in child labor. The positive contributions remittances bring might be counteracted by the negative results of parental absence. In many cases, parents migrate without their children in order to obtain better, higher-paying work. They often send a portion of their earnings home in the form of remittances, which in 2009 totaled $316 billion sent to developing countries.

Remittances can benefit the child recipient in various ways. For example, they can be invested in education, thereby providing alternatives to child labor and increasing the child's prospects for decent work in the future. Recent World Bank studies point to how remittances from migrant household members contribute to closing the gender gap by putting girls in school and improving child health. Remittances can contribute to helping a family meet its basic consumption needs, therefore decreasing the need to have children work for extra income. Additionally, remittances can serve as a form of insurance in times of crisis, making families less vulnerable and less likely to resort to child labor. Studies demonstrate the inverse relationship between remittances and child labor: the higher the remittances, the lower the rate of child labor. It is important to note, however, that increased remittance levels can have negative effects if they are used to invest in businesses that employ child labor.

In addition to financial remittances, parents may also send back information or ideas known as “social remittances” that could impact child labor. Migrants may send back appreciation for the value of education and reduced tolerance of child labor. They also may transmit business ideas and knowledge, which improve the earning potential of adult members of the household. In addition, a child knowing that a parent migrated in order to pay for his or her education could provide increased motivation to perform well in school.

On the other hand, parents leaving their children at home, even if this enables them to provide more financial support, can have serious negative consequences. A study by McKenzie and Rapoport argues that parents who migrate for work often do so as a survival strategy and are unable to send remittances. Their research also shows that parental migration negatively affects school attendance. Additionally, restrictive migration policies often make it difficult for parents to visit their children, and prolonged absence can lead to the erosion of family relationships and cause psychological distress for the child. Children may suffer without parental guidance and are more likely to abandon school and adopt risky behavior, increasing their vulnerability to violence, abuse, and exploitation. In some cases children are left in the care of relatives...
who find it difficult to care for them and are more likely to make the child work.

Children left behind may have to fill in for a role their parent previously filled, such as performing domestic chores or caring for younger siblings, to the detriment of their education. Alternatively, children whose parents leave but do not send home remittances may be forced to work to support themselves and, in order to do so, may become engaged in negative forms child labor.

_A closer look: remittances, immigration and the global economic crisis_

The impact of remittances at the household and the larger macroeconomic level is a field of extensive study that has received much attention since the financial crisis began in 2007. According to an April 2010 World Bank Report, unlike private capital flows, which declined sharply during the crisis, remittance flows have remained resilient overall and have become even more important as a source of external financing in many developing countries. Furthermore, remittance flows to developing countries are projected to grow by 6.2 percent in 2010 and 7.1 percent in 2011.

It is important to note, however, that these estimates are based on the assumption that migrant stocks are likely to remain stable, which could change if the crisis turned out to be deeper and longer than anticipated, and migrants start to return home. If remittance flows decrease, this would have far-reaching effects on child labor, as poor families would face even more pressure to remove their children from school in order for them to work and help contribute to family income.

It is also important to account for regional variation. According to the International Organization for Migration (IOM), remittances to Latin America in particular have been falling (due in part to a decrease in construction activity in the United States, a sector in which many Latin American migrant workers are/were employed). Exchange rates also matter; if a migrant’s host country’s currency depreciates, then the amount received in his or her home country decreases.

As for migration itself, the flow has been slowing. This is due both to decreased expected benefits of migration and also more restrictive immigration policies, such as reduction of annual quotas in principal destination countries. Though the flow of migrants is decreasing, the stock of migrants has remained relatively stable. Return migration is not as common as before, and the average duration of migrant stays is increasing. Irregular migrants in some countries, such as the US, are choosing not to leave despite the scarcity of employment opportunities because of the difficulties and risks associated with re-entry. An additional factor in a potential migrant’s decision-making process may be that job prospects in his or her home country are also suffering from the crisis. The crisis has had a negative impact on employment, with a 28-year low of a 5.8% OECD (the Organization for Economic Cooperation and Development) unemployment rate in late 2007, rising to 8.7% in the first quarter of 2010. Unemployment rates have been high in non-OECD countries, as well.

Migrants who remain in their host countries, have been especially affected by the downturn as immigrants tend to work in sectors that were hit particularly hard such as construction and the hospitality industry. Migrants are often more likely to be fired and to suffer sharper decreases in their wages. Migrants who lose their jobs may shift to employment in the informal sector, exposing themselves to greater risk of exploitation. Furthermore, during times of economic hardship, anti-immigration sentiments rise, and migrants suffer from increased discrimination.

_The way forward_

With regard to the independent migration of children, it should be recognized that children have a right to move; there is no basis in international law by which one could restrict the migration of children of working age. However, it is important to recognize that as a group, unaccompanied youth migrants are particularly vulnerable to exploitation and negative forms of child labor, in particular when they migrate across national borders. Programmatic responses – beyond those that focus on child trafficking – need to reach out to this group. One possible response would be to expand young migrant workers’ ability to access, (to both join and associate with) trade unions. Trade unions are an important tool to protect and guarantee the rights of all migrant workers in the workplace.

As important as it is to protect migrant children, it is equally necessary to enable them to protect themselves. Governments and international agencies should provide children with information and resources on what dangers to beware of. Brochures such as “Aware and Prepared” produced by the ILO’s
CP-TING Project in China, are helpful in this manner, as they provide children with advice on how to find decent work, whom to contact for help, and additional resources. Child migrants should be informed of their basic rights, such as the right to education, decent work, and freedom from forced labor. Knowledge and awareness are the first steps to enabling children to defend themselves.

Rather than returning children to their homes (which is often not in their best interest) or focusing on preventing all child migration, a more effective solution would be one that adopts a socio-economic approach. This involves identifying the incentives and disincentives for child migration and aims to provide alternatives that would improve the outcome for children. For youth of working age who wish to migrate, states should create conditions that allow for safe internal migration and result in decent jobs.

It is crucial that children who migrate with their parents have access to basic social services, regardless of the immigration status of their parents. It is especially important for immigrant children to go to school. International and national laws stipulate that all children have the right to an education, but for various reasons, they may face barriers to actually accessing that education. Advocates should focus efforts on ensuring that migrant children can access the services to which they are entitled and overcome financial, informational, or language barriers.

Though migration of parents and the remittances they send could reduce the need for child labor, further research is needed to determine under which conditions parental migration can be beneficial to children and reduce their involvement in child labor. Such research should include a gender dimension that looks at the impact of father versus mother migration. More research is also needed to determine ways to mitigate the negative side effects of parental absence, perhaps by expanding the availability of family care facilities or increasing education opportunities for children left behind.

Ultimately, child laborers in all sectors would benefit from the development and improvement of educational programs, in particular in rural areas. It is important that children be given practical skills and vocational training to improve their job prospects and

The children of a Palestinian refugee family.

Sourced from GAIA Photos
keep them from resorting to dangerous forms of child labor. Discrimination (including gender-based) and the marginalization of socially excluded groups also deserve special attention. Measures should be taken to create employment and development opportunities for boys and girls of working age in rural areas and to address gender inequalities by providing skills development and employment opportunities to girls.

Migration and child protection policies should incorporate a child rights perspective that takes into consideration the specific conditions and needs of migrant children, who are particularly vulnerable. Businesses should design their corporate social responsibility policies with the same level of awareness to ensure that migrant children are free from child labor. Recruitment agencies and labor inspectors should be made sensitive to issues concerning child labor and child labor by migrant children.

Future work addressing migration and child labor should begin by recognizing that youth (particularly rural youth) make up a significant percentage of all migrants and that many are vulnerable to exploitation and child labor, particularly if they migrate unprepared, ill-informed, and without proper protection. §

ENDNOTES
1 I would like to acknowledge the contributions of Jacqueline Demeranville, another summer fellow at the ILO who assisted in conducting background research on this topic.
4 Child labor as defined in ILO Convention 138 comprises regular work undertaken by children under the age of completion of compulsory education which shall not be less than 15, hazardous work undertaken by children under 18 (16 under exceptional situations) and light work undertaken by children under 13 (12 in exceptional situations).
5 International Programme for the Elimination of Child Labour (IPEC) Roadmap to End Child Labour, Article V
8 The Worst Forms of Child Labor Convention (ILO Convention N.182) defines the worst forms of child labor as all forms of slavery and practices similar to slavery, such as the sale and trafficking of children; debt bondage and serfdom; forced or compulsory labor, 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; and the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs.
9 Yaqub (Feb 2009)
15 (Add other citation) UNDP, World Development Report 2009
18 However, a paper by the UNICEF Innocenti Research Centre points out that in developed countries families find it advantageous to maintain the dependency ratio longer. Yaqub (Jan 2009), p.74.
19 Yaqub (Jan 2009).
20 The term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities… are operating outside the formal reach of the law; or… although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance” – ILO Resource Guide on the Informal Economy
23 Ibid.
26 “Going to Kompienga” – A Study on Child Labor Migration and Trafficking in Burkina Faso’s South-Eastern Cotton Sector, IREWOC, Amsterdam, August 2006. Available at: http://www.childlabor.net/docs/albertinedelange Trafficking Burkina_FINAL_19-09.pdf.
27 FN 19 from other paper
28 Depending on the circumstance, a child may qualify for special status. Laws vary by country. In the US, for example, a child can apply for refugee/asylee status, Temporary Permanent Residency or Special Immigrant Juvenile Status (SIJS). SIJS allows certain juveniles who have been abused, neglected or abandoned to apply for permanent residency if they are in the United States without their parents. Alternatively, a child may qualify for a "T" or "U" visa, which allow certain victims of human trafficking or other crimes, respectively, to remain in the US if they assist law enforcement with investigations.

29 Vienna migration Group, Unaccompanied Minors in the European Union Member States Panel Discussion (Vienna, June 8, 2009).


31 "Protocol Against the Smuggling of Migrants by Land, Sea and Air," Art. 2. United Nations. 2000. The Protocol does not criminalize the involvement of the migrants themselves for having being smuggled. Article 5 of the Protocol says that a person cannot be charged with the crime of migrant smuggling, only for having been smuggled. Also, the Protocol does not intend to criminalize family members or other groups who smuggle a person (or enable or facilitate their stay) for non-profit reasons.

32 Human trafficking and migrant smuggling are distinct, yet related crimes. There are three basic differences: the primary purpose and source of profit of trafficking in persons is exploitation, smuggling always occurs across national borders while trafficking does not necessarily have to, and trafficking in persons is always a crime against a person while smuggled migrants provide their consent, at least initially. See "Issue Paper: A Short Introduction to Migrant Smuggling". UNODC 2010. p10.

33 Ibid.

34 R. Adhikari and N.P. Pradhan: Increasing wave of migration of Nepalese children to India in the context of Nepal’s armed conflict (Kathmandu, Central Child Welfare Board and Save the Children, 2005) cited in Yaqub (Jan 2009)

35 UN Convention on the Rights of the Child. See, for example Article 28 recognizing the right of the child to education, Article 27 housing, and Article 26 to social security.

36 Opening remarks at a Platform for International Cooperation on Undocumented Migrants (PICUM) workshop on 4 April 2008 in Brussels, Belgium. The workshop focused on the protection of undocumented children in their access to basic social rights. See the Workshop Report for more information.

37 (CRC Article 27(3)), garantees


39 GET CITATION - OSHA


44 "European Commission calls for increased protection of unaccompanied minors entering the EU". Europa. 6 May, 2010


48 ILO fact sheet 'Migrant families, child labor and child trafficking’ (WDACL 2007).

49 Preston, Julia. "Citizenship From Birth is Challenged on the Right". NYTimes. August 6, 2010

50 UN International Convention for the Protection of the Rights of all Migrant Workers and Members of their Families, Article 30. For an example of national policy see Plyer v. Doe 457 US 202 (1982), which struck down a Texas statute that denied free public education to undocumented alien children.

51 “China Adopts Amendment to Compulsory Education Law”. Xinhua News Agency. 30 June, 2006


60 "The Impact of International Migration: Children Left behind in Selected Countries of Latin America and the Caribbean", UNICEF. May 2010


64 Ibid

65 OECD “International Migration Outlook 2010”. Launched July 12, 2010 includes recent changes in migration movements and policies by country.


69 OECD “International Migration Outlook 2010”


71 "Aware and Prepared; for girls aged 16-24". CP-TING Project.

72 Yaqub (Jan 2009), p73.


75 McKenzie and Rapoport (2006).

76 "The Impact of International Migration: Children Left behind in Selected Countries of Latin America and the Caribbean", UNICEF. May 2010


80 Ibid

81 OECD “International Migration Outlook 2010”. Launched July 12, 2010 includes recent changes in migration movements and policies by country.


85 OECD “International Migration Outlook 2010”


87 "Aware and Prepared; for girls aged 16-24". CP-TING Project.

88 Yaqub (Jan 2009), p73.


92 Ibid

93 OECD “International Migration Outlook 2010”. Launched July 12, 2010 includes recent changes in migration movements and policies by country.


97 OECD “International Migration Outlook 2010”


99 "Aware and Prepared; for girls aged 16-24". CP-TING Project.

100 Yaqub (Jan 2009), p73.