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REPORTS ON LEGISLATION  
CONCERNING THE MOVEMENT OF LABOUR  
AND MIGRATION IN GENERAL

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GENEVA, 1926

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# REPORT ON LEGISLATION CONCERNING THE MOVEMENT OF LABOUR AND MIGRATION IN GENERAL

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## INTRODUCTION

### THE TWO FORMS OF MIGRATION

In a study of the problems of migration, the inherent difficulties become evident from the outset, as soon as an attempt is made to define the fundamental terms "emigrant" and "immigrant". There is no uniformity in the different national conceptions as expressed in legal definitions, for these are made up of the most varied elements, intended to include or exclude various classes of travellers in the scope of emigration and immigration laws and regulations. The present impossibility of reconciling the various points of view was clearly brought out at the discussions of the International Conference on Emigration and Immigration held in Rome in 1924, when the Section instructed to draw up an international definition was unable, after prolonged efforts, to produce anything but a very incomplete text<sup>1</sup>. The official representatives of the various Governments agreed to leave out certain less important factors in the definition, in order to obtain a common result; but, on the other hand, the countries of

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<sup>1</sup> "The following proposed international definition of 'emigrant' and 'immigrant' was adopted by the Rome Conference:

"Any person is considered an emigrant who leaves his country for the purpose of seeking work or who accompanies or who goes to join his wife or her husband, his or her relatives in the ascendant or descendant degree, his or her brothers or sisters, his or her uncles or aunts, nephews or nieces, or wife or husband of the latter, who have already emigrated with the same object, or who returns to the country to which he had previously emigrated in the same conditions.

"The Conference understands by the term 'emigrant' the individual defined above from the moment he makes preparations with a view to departure until the moment he enters the country of destination. He is then subject to the laws, regulations and treaties of that country and is covered by the following definition:

- (a) any foreigner who enters a State with the object of seeking work and with the intention, expressed or implied, of settling there permanently, is considered an immigrant;
- (b) any foreigner who lives in a country with the sole object of working there temporarily is considered an ordinary worker."

emigration and immigration were irreconcilably opposed on the importance of the length of the stay abroad. It was finally recognised that the term "migration" really covered two distinct phenomena, which had to be taken into account in the definition proposed by the Conference. These were migration for purposes of settlement, consisting in settlement in another country for a long period (generally permanent), and the international exchange of labour, a temporary and fluctuating phenomenon which follows the oscillations in the international labour market. In point of fact the Rome definition contains three definitions: that of the emigrant, which applies to all, and leaves out of account the factor of time; that of the permanent immigrant; and that of the alien worker.

The following brief account of the regulations which govern this twofold phenomenon of migration, the temporary movement of labour and permanent migration, has been prepared at the request of the Preparatory Committee for the Economic Conference<sup>1</sup>, which thus indicated with accurate foresight the principal outlines of this study. Throughout the report account will have to be taken of the fundamental distinction to be established between the two forms of the artificial movement of population. As it is difficult, however, to classify intentions, this distinction will usually be based on the corresponding facts. For the intention to settle permanently abroad takes the concrete form, as a rule in the earlier stages, of emigration to a distant country, and particularly emigration from European or Asiatic countries to the less densely populated States of America, Africa, and Oceania; emigration for settlement, which is principally permanent, is also generally oversea migration, and it is effected by a sea journey. The temporary exchanges of labour, on the contrary, take place between neighbouring countries. This second form of migration is, above all, continental, and it is effected by a land journey. The attitude of the various countries towards oversea migration and continental migration respectively will therefore be considered in turn.

#### PLAN OF THE REPORT

The phenomenon of migration is both national and international. It profoundly affects the economic interests of the countries of emigration and immigration alike. It also has a marked influence on the various interests (mainly commercial) of the countries whose territories are crossed by the emigrant, or whose steamship lines he uses. The countries of origin, settlement and transit adopt separate regulations in respect of the particular phase of the phenomenon of migration which concerns them. This leads to a national regulation of migration which requires to be analysed first of all. There has been a considerable growth

<sup>1</sup> A single report has been prepared in reply to questions 6 and 7 on the list drawn up by the Commission on Population Questions, which correspond closely to the distinction drawn here.

in such regulations during the last few years. Conditions of entry and departure of migrants, together with limitations upon emigration of nationals or immigration of foreigners, arising from economic, social and political conditions, etc., are matters which can best be dealt with by national legislation. Each individual country, however, can touch only a part of a complex process. It can neither extend the influence of its regulations beyond its national frontiers, nor reach the migrant outside these limits; it has no competence to regulate the process as a whole. This requires an agreement between the different countries concerned. Consequently, international migration regulations are added to the first type, and will be examined in their place, as they are at present undergoing rapid development. Such regulations, in the form of general international Conventions, may apply more especially to the protection and assistance of migrants during their journey, and may establish conditions of labour, and for the application of social insurance or social welfare provisions to foreign workers.

There are many matters, however, which can be regulated by common agreement under bi-lateral treaties, *inter alia* numerous extremely diverse questions, more especially concerning the movement of population between the territories of the contracting States. Finally, the important migration movements within the British Empire present sufficiently interesting features for consideration in a separate chapter.

The study will therefore cover: (1) national regulations; (2) migration within the British Empire; (3) international regulations; showing under each head the position in the countries of emigration, immigration, and transit.

## I. NATIONAL REGULATIONS

In classifying the voluminous regulations dealing with migration it is necessary to fix some kind of order, which is in no way to be taken as an expression of opinion on their relative value. Immigration regulations are at least as numerous and important, if not more so, than emigration regulations. Nevertheless, the traditional order will be observed, and the regulations concerning emigration, immigration, and transit will be dealt with in turn. The examination must necessarily prove incomplete in spite of the very full material available (a detailed analysis of which it is hoped soon to publish). It is scarcely possible, in the short space available, to do more than indicate the headings of chapters, which it would be easy to complete in subsequent reports should this be found necessary. Further details may be found in the various publications of the International Labour Office: for anything previous to 1922 in the volume entitled *Emigration and Immigration: Legislation and Treaties*, and for particulars subsequent to that date in the *Monthly Record of Migration*, which can be easily consulted by means of an index which has been issued for the years 1922 to 1925 inclusive.

In accordance with the wishes expressed by the Preparatory Committee and the League of Nations, all considerations of a general nature have been left out in this report. The information has been collected, but it has had to be much compressed owing to the brevity required in these reports. An effort has been made, however, to make it as exact and complete as possible in the chief parts, in order that the experts on the Committee may duly appreciate the importance and extent of the legislative problems raised by human migration.

### 1. — Regulations in Countries of Emigration

The exodus of their population beyond their frontiers is regarded with more or less favour by the various countries. The unconditional freedom to emigrate is nowadays hardly to be found except in countries more or less indifferent to the phenomenon, where a balance has more or less been established between the density of population and economic resources, and where the members of the population are only occasionally inspired to seek abroad an employment which could also be found at home. On the other hand, in countries where a marked surplus of population makes a general departure for other countries desirable, emigration is encouraged by legislation for protecting the emigrant as well as by the creation of various institutions. Yet the encouragement given to emigration in general often leads to qualitative restrictions affecting certain classes of emigrants. Finally, certain countries are definitely opposed to the emigration of their nationals, and prevent it as much as possible, either permanently or by temporary measures. But severe restrictions are rare in countries where the population is balanced by the economic resources, and which are therefore prosperous. As a rule the more rigid restrictions are to be found in countries in which economic difficulties encourage the wish to leave the country, but in which the Government proposes to overcome these difficulties by other means, or at least to control the process.

The legal distinction made between lasting and temporary emigration in countries of emigration is slight, as appears from the agreement reached on the draft definition of the Rome Conference. As a rule, too, the same measures apply to both forms of emigration. They will therefore be considered together, any special provisions being referred to in passing.

#### RESTRICTIONS ON EMIGRATION

Although the principle of the freedom to emigrate is established in the laws of several countries, there are numerous practical restrictions. Moreover, this freedom is not even general, and some countries require their emigrants to make an individual application for a permit to emigrate. This is the case in Haiti, Japan and Korea, and, for aboriginal natives only, in Australia, the Belgian Congo, the Cameroons, Jamaica, etc.

The legal limitations upon emigration are of very different kinds. The following are among the more important:

(a) *Police measures.* Emigration is subjected, in the first place, to the check of the authorities by the passport system. The issue of the passport, and, in several countries, also of the exit visa, gives the Governments a first and fairly arbitrary means of controlling the departure of their nationals independently of the precise terms of the law. Thus, without modifying its emigration laws, a State is always in a position to restrict migration movements; and this new method of guarding the frontier, a heritage of the war period, is perhaps the most serious obstacle to international circulation. For not only is it possible that the passport may be refused. In addition, the many formalities required for obtaining a passport, and the costs of all kinds involved (stamp duty on the necessary documents, photographs, etc.) are often sufficient difficulties to discourage the hesitating emigrant.

(b) *Economic restrictions.* Several restrictions are inspired by economic motives. Thus, collective emigration, which may depopulate a whole district or compromise the prosperity of an industry, requires a special permit in Spain and Roumania, and, before granting this, the competent executive authority (the General Emigration Department in Spain and the Ministry of Labour in Roumania) must previously consult the Emigration Council, which consists of technical experts on labour and emigration.

A recent German Decree provides also that permission to recruit workers in a particular trade may be suspended, and the Czechoslovak Emigration Act prohibits in a general way the emigration of agricultural workers except by special permit. In Italy and Poland, the economic conditions of the district are also carefully examined before the permit to recruit workers for foreign employment is granted.

Some laws are opposed to the emigration of persons who leave thoughtlessly without having the necessary means for meeting the costs of the journey and settlement, or of ultimate repatriation (Czechoslovakia, Hungary, Switzerland). Sometimes, even, a deposit is demanded to cover, if need be, the costs of maintenance abroad or repatriation (Belgian Congo, West Indies, Syria, and the Lebanon).

Certain countries, however, are opposed to letting the recruiting agents, whether private individuals or Governments, give the emigrant pecuniary assistance, and in order to protect the liberty of their nationals they prohibit the (possibly unconsidered) departure of those who have received a ticket paid for by a third party.

In other cases official care with regard to the economic position of national emigrants takes the form of the legal compulsion to have a contract of employment, which secures that the emigrant will have sufficient resources in the country of destination, and the clauses of which are often subject to the approval of the authorities. It may be added that while a contract of employment

approved by the Government is sometimes necessary for all kinds of emigration (China, Haiti), it is usually demanded more particularly for continental emigration, because in this case the emigration is considered mainly as an employment exchange operation. This applies in particular to Italy and Portugal.

Thus the emigration of workers is sometimes subject to more strict regulations than that of other nationals. Additional conditions are imposed on them, which explains the particular severity of regulations concerning the admission of foreign workers.

(c) *Protective restrictions.* Many laws are opposed to the emigration of persons who are exposed to special risks. For instance, they prohibit the emigration of minors who are alone, especially of young girls, or make it conditional on the permission of the responsible parents or guardians and sometimes even of the authorities (Australia, Belgian Congo, China, Costa Rica, Czechoslovakia, Germany, Greece, Haiti, Hungary, India, Italy, Nicaragua, Poland, Portugal, Roumania, Serb-Croat-Slovene Kingdom, South Africa, Spain, Switzerland, and many of the British Colonies). The freedom of movement even of adult women is sometimes restricted; they may not emigrate without the permission of their husbands or without being subject to special supervision (Czechoslovakia, France, Greece, Hungary, New Guinea, Nicaragua, Portugal, Serb-Croat-Slovene Kingdom, Spain, Tanganyika).

Similarly, aged or disabled persons who are presumably unable to earn their living are sometimes refused the right to emigrate, unless their livelihood in the country of destination is guaranteed by their personal means or the assistance of their families (China, Czechoslovakia, Denmark, Italy, Portugal, Roumania, Spain, Switzerland).

Some restrictions relate, not to the protection of the emigrant himself, but to the children for whom he is responsible. The Roumanian Act prohibits the emigration of any woman who leaves young children behind. Other laws compel the parents who leave children behind to provide them with the necessary means (Belgium, Costa Rica, Czechoslovakia, France, Hungary, Nicaragua, Norway, Roumania, Portugal, Sweden, Switzerland).

(d) *Restrictions based on national interests.* Some restrictions are inspired by the care for national interests. Thus persons who have not fulfilled their obligations towards their countries are not allowed to emigrate, viz.:

Those who have not complied with military laws (Czechoslovakia, Greece, Hungary, Italy, Norway, Portugal, Roumania, Serb-Croat-Slovene Kingdom, Spain, Sweden, Switzerland) or the compulsory labour law (Bulgaria). Sometimes emigration of men whose age renders them liable to compulsory military service is allowed on the deposit of a heavy sum ensuring return (Portugal);

Those who have to carry out a legal sentence (Belgian Congo, China, Czechoslovakia, Germany, Greece, Hungary, Japan, Mexico, Portugal, Roumania, Serb-Croat-Slovene Kingdom, Spain);



Those who have failed to discharge their fiscal obligations (Norway, Roumania, Serb-Croat-Slovene Kingdom).

The prohibition to export capital, which on various occasions since the war has been enforced by countries in financial difficulties, may also interfere with the departure of certain emigrants.

(e) *Miscellaneous restrictions.* Certain measures correspond to the restrictions of the countries of immigration, being intended to obviate the rejection of inadmissible persons and the subsequent complications of repatriation. The obligation to satisfy the legal conditions of the country of immigration in respect of which the emigrant applies for a passport is specified in the Czechoslovak, Hungarian, Italian, Roumanian, Serb-Croat-Slovene, and Swiss laws. Reference may also be made to the special measures adopted during the last few years in several countries to control departures for the United States in order that the annual quota of those countries may be reserved for certain classes (wives and children of immigrants already settled in the United States, etc.).

Sometimes emigration to certain countries is prohibited. In India unskilled workers may emigrate only to the countries designated by the Government (at present these are Ceylon, the Straits Settlements, the Federated and Unfederated Malay States, British Guiana).

Several emigration laws give the executive authorities the right to suspend the emigration of certain classes of persons if this is necessary in the general interest or for the protection of emigrants (Belgian Congo, Czechoslovakia, Germany, Greece, Hungary, Japan, Lithuania, Portugal, Roumania, the Serb-Croat-Slovene Kingdom, Spain).

#### MEASURES TO DIMINISH EMIGRATION

An example of this kind of measure is to be found in the efforts made in certain important emigration countries to develop home settlement and thus to divert part of the current of migration to less populated national areas. This is the case in Spain, where since 1924 even the emigration fund has been given the power to subsidise the work of home settlement and repopulation. In Italy and Japan, settlement is turned towards badly developed areas in the country itself and its colonies. A similar attempt has been made in Czechoslovakia.

Finally, one of the functions of the Polish Emigration, Immigration and Re-emigration Department is to give returning emigrants the necessary assistance for settlement on the land.

The organisation of employment exchanges, by which the nationals of a country may learn of all the possibilities of employment on the home market, is a measure of a similar nature. This organisation has been developed everywhere during the last few years since the Washington Convention of 1919 concerning the compulsory establishment by the States Members of the International Labour

Organisations which have ratified the Convention of a system of free employment exchanges. Some countries, however, systematically use this organisation to hold back emigration, and these make every effort to inform any of their nationals who express the intention of seeking employment abroad of any possibility of immediate employment in their own country.

Another indirect restriction on emigration is the limitation frequently applied to the employment of foreign workers with a view to keeping vacancies in the national labour market for nationals.

In the wider sense this type of restriction may also be taken to include all measures for increasing national production. It is obviously unnecessary to enumerate them here.

#### MEASURES FOR THE PROTECTION OF EMIGRANTS AND FOR INCREASING THE VALUE OF EMIGRANTS

Protective measures are not always restrictive. When a State agrees to the departure of its nationals, it tries to arrange that the exodus takes place in the best conditions for the emigrant himself and that it should also, if possible, be profitable to the country. There are various institutions and regulations which thus try to alleviate the consequences of this inevitable phenomenon. They may be briefly passed in review:

(a) *Emigration Offices.* Reference should be made in the first place to the creation in the more important emigration countries of special bodies to co-ordinate all the administrative work relating to emigration, thus promoting uniform governmental action for directing this social phenomenon. These executive bodies are often assisted by advisory councils.

(b) *Information for emigrants.* The systematic supply of information to emigrants has been assisted by the creation of these special bodies, one of whose chief functions is to collect and publish all the particulars on the national laws to which the emigrant becomes subject on arrival, and on the possibilities of settlement and employment offered in the country to which he wishes to go.

(c) *Training of emigrants.* Measures for the training of the emigrant consist in vocational instruction likely to increase the value of the labour offered abroad, and a general preparation for the new conditions of life to be led by the emigrants in order to facilitate their adjustment to these conditions. Such instruction may be either agricultural, such as training for oversea emigration, or industrial, such as training for continental emigration. The system of educating future emigrants is particularly advanced in Great Britain and Italy.

(d) *Protection of emigrants before departure.* The recruiting of emigrants and workers for abroad, which is prohibited in Spain, is closely supervised everywhere else. The private individuals and companies who engage in such

recruiting have to obtain a licence, which is valid for varying periods and can always be withdrawn. Special measures are often adopted as regards the recruiting of women and children.

Hostels for emigrants have been opened in various places (Belgium, Italy, Poland).

(e) *Protection during the journey.* The transporters of emigrants are always subject to strict supervision and must satisfy numerous obligations. The clauses of the transport contracts are often defined by the emigration laws. The legislation of several countries lays down the minimum conditions of health and welfare on board, and provides for inspection by special officials. Insurance during the voyage of all the emigrants or the head of the family is organised on various lines by the laws of the following countries: Belgium, Czechoslovakia, Hungary, Lithuania, Roumania, Serb-Croat-Slovene Kingdom, Spain, Switzerland.

(f) *Protection of emigrants abroad.* This is one of the most difficult aspects of the migration problem, for whereas the countries of emigration tend to aim at transforming emigration into an expansion of their national influence abroad and to strengthen as much as possible the bonds between the emigrants and their home country, seeking to extend their tutelary influence to foreign territory, the countries of immigration fear the creation of foreign groups which are impervious to their influence and they, on the contrary, therefore often take the necessary measures for the rapid assimilation of immigrants.

Nevertheless, the countries of emigration have sometimes been given the right under certain conditions to organise the protection and assistance of their emigrants. National officials are appointed by the several countries to assist emigrants. Thus China has emigrant protectors; India agents of the Government; Italy emigration offices; Poland and the Serb-Croat-Slovene Kingdom emigration attachés; Spain emigration consuls assisted by consular councils, and Switzerland emigration commissioners.

The Italian, Polish, Spanish, Swiss, etc., Governments readily encourage and subsidise trade unions, mutual aid societies, co-operative societies, schools, charitable institutions, whenever their nationals have been given permission to organise special institutions of this kind.

(g) *Repatriation.* The repatriation of emigrants, whether of those who have been rejected, in which case the carrier usually defrays the expenses, or of those who desire to return, is also organised by the countries of emigration. The costs incurred in respect of poor emigrants are in some cases met by the State. Often the authorised carriers are required to grant a certain number of passages for repatriated persons, either free of charge or at half fares (Czechoslovakia, Greece, Italy, Portugal, Serb-Croat-Slovene Kingdom, Spain). Sometimes it is the employer who is made responsible for repatriating the emigrant when the contract of employment expires (China, Haiti, India, Mexico, Nicaragua, Tanganyika, and, in certain cases, Japan and Czechoslovakia).

(h) *Transfer of savings.* Although in this respect unilateral action is very inadequate, attempts have also been made to encourage emigrants to send home their savings (creation of Polish or Italian banks in immigration centres).

#### ENCOURAGEMENT OF EMIGRATION

This head covers not so much legislative measures properly so called as the measures taken by institutions and various administrative decisions.

(a) *Travelling subsidies.* The simplest and most usual form of encouragement is that of advancing the fare. This has been granted by the Austrian Government on several occasions, most recently for the settlement of Austrian emigrants on the land granted by Soviet Russia. In 1923 Switzerland subsidised the emigration of a certain number of agricultural workers to Canada. Similar action has been taken by Japan during the last few years for the settlement of Japanese emigrants in Brazil and Peru. This form of encouragement obtains in the Netherlands, where assistance is granted to unemployed workers towards their settlement abroad, and in Great Britain, where a very interesting system is in force which will be discussed later.

Belgium grants a 50 per cent. reduction on its railway fares to emigrants who embark at Antwerp. A similar reduction is granted in Roumania, and various other countries, for the journey, both by land and sea. Poland and Italy also grant reductions on their railway rates to their continental emigrants.

(b) *Assistance for settlement.* The most important initiative in this field has been the recent creation of the "National Credit Institute for Italian Labour Abroad". Its object is to finance altogether or in part the industrial undertakings or settlements abroad which employ Italian labour, and to make the necessary loans to co-operative societies of Italian workers, and even private individuals — settlers or small employers — who establish themselves abroad. The Institute also collects the savings of Italians, who thus contribute to the foreign development of Italian labour.

## 2. — Regulations in Countries of Immigration

### IMMIGRATION FOR SETTLEMENT (OVERSEA)

Here there is a clear distinction between the two forms of migration, permanent and temporary. In new countries where there are vast areas of uncultivated land, the privileges of the law are reserved for immigrants who propose to settle permanently and whom it is desired to assimilate. For such countries immigration is a means of populating the country. In France, on the contrary, where during the last few years so many foreigners were welcomed and even

demanded, these have hitherto been regarded mainly in the light of temporary workers: immigration is considered above all as a means of obtaining labour, although a considerable proportion of these workers gradually take root in the country, and although the number of foreigners who come to settle on French farms is steadily growing.

The extent to which a State favours the increase of its population by the settlement of other nationals on its soil varies, and the desire takes concrete form in the advantages offered to immigrants. Nowadays these consist largely of assistance towards their settlement, facilities for rapid naturalisation, and equality of treatment with nationals. On the other hand, the material advantages granted some fifty or a hundred years ago under the first immigration laws, such as the grant of land and advances of capital, tend to be reduced even in the countries which approve of the settlement of foreigners on their soil. Moreover, the endeavour to increase the population from abroad is compatible with restrictive measures. The States where, on the contrary, immigration has already attained what are considered to be excessive proportions now tend to reduce numerically the external increase of their population. There is thus a twofold reason for a steady increase in restrictive measures. Attention is drawn below to quantitative and qualitative limitation, the selection of immigrants and the encouragement of immigration.

#### *Quantitative Restrictions*

The maximum number of immigrants of each nationality admitted yearly in the United States has been fixed by the Quota Acts. The first of these Acts, that of 1921, restricted the right of aliens of any nationality to enter the United States for purposes of settlement to three per cent. of the number of foreign-born persons of such nationality resident in the United States as determined by the United States Census of 1910. The Immigration Act of 1924 reduced the quota to two per cent., and established as the basis of calculation the United States Census of 1890. The same Act provided also for a new system of determination of annual national quotas, to come into force as from 1 July 1927; in accordance with this provision, the annual quota of any nationality shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin bears to the number of inhabitants in continental United States in 1920. This was a bold innovation, being the first to introduce a numerical limitation, and produced a considerable disturbance in emigration movements by closing the ports (almost entirely to certain nationalities) of the most important and universally popular country of immigration.

In other cases a numerical limitation is effected by more elastic means — the refusal of the entrance visa. This method is systematically adopted in Australia, where on previous notice having been given to the Government concerned, only a limited number of visas a month is granted to the nationals of certain States,

and it can be used occasionally by any immigration country which demands an entrance visa. Such use is made of it according to the situation on the home labour market.

### *Selection*

Almost all countries of immigration try to ensure the satisfactory selection of their immigrants. There are few questions which excite as much interest as this in the countries preferred by immigrants. So far, however, the development of this policy has been hampered by the conflict between national sovereignties, and it has not yet taken very definite form. Reference may be made to the United States, which by the strictness of the Quota Act has created in many countries a number of applicants for immigration often ten times as large as the number that can legally be absorbed, thus producing the best possible conditions for selection. Special powers have in fact been granted to the American consuls for this purpose in general agreement with the countries interested.

These selective influences are still new and will no doubt become more clearly defined in the near future.

### *Qualitative Restrictions*

These should be regarded as a negative means of selecting immigrants. They are imposed for various purposes.

(a) *As police measures.* All countries require the presentation of certain identity papers and, with a few exceptions (Cuba, Uruguay, and Venezuela), of a passport, often requiring also a consular visa. The absence of the proper documents is a reason for rejection. By refusing a visa the Governments are thus able to regulate admission to the country by a purely administrative decision, and to exclude persons according to circumstances, in cases for which the law makes no provision. Consequently, the system of compulsory passports and visas, which makes it possible to limit the number of immigrants outside the law, also allows of their selection.

(b) *For economic reasons.* The majority of the countries refuse to admit persons who cannot work and who therefore, instead of promoting the prosperity of the country, are likely to become a burden.

Unaccompanied children are not admitted in Argentina, Mexico, and Venezuela, and in certain French Colonies they are not admitted as part of a group of workers recruited as a unit (Madagascar, Oceanic Settlements); the aged (60 years, and sometimes less) in Argentina, Brazil, Guatemala, Honduras, Paraguay, Peru, Uruguay, Venezuela; women alone with children under 15 years of age in Argentina.

A similar exclusion applies to the disabled and physically or mentally deficient who are unable to earn their living (Argentina, Australia, Belgian Congo, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Great Britain, Greece, Mexico, New Zealand, Panama, Paraguay, Peru, Union of South Africa, United States, Uruguay, and several British Colonies). Nevertheless, exemptions are generally allowed for persons with adequate means or those who are supported by their families.

Illiterate persons or certain classes of illiterates are excluded in Australia, Belgian Congo, Canada, Guatemala, Mexico, New Zealand, Union of South Africa, United States. The strictness with which this clause is enforced sometimes varies according to nationality or race.

Persons without adequate means or employment are generally rejected by the country of immigration. There are different systems of exclusion.

Thus necessitous persons and beggars are rejected in Argentina, Australia, Belgian Congo, Brazil, Canada, Cuba, Panama, Paraguay, Peru, United States, Uruguay, Venezuela, and several British Colonies.

Persons who do not possess a fixed sum of money, as specified by the law in each country, are rejected in Colombia (in the case of settlers), Costa Rica, Mexico, Guatemala, Panama, Union of South Africa. Sometimes a contract of employment may take the place of the possession of this capital (Algeria, Colombia, Guatemala, Union of South Africa); or else the assistance promised by an able-bodied family (Panama). In the United States and certain other countries, the affidavit of immigrants who have already settled serves as a guarantee.

Other States require the deposit of a certain sum of money to pay for the repatriation of the immigrant or his maintenance in case of illness (French West Africa, New Zealand, Panama for workers holding a contract, Portuguese Colonies, and certain British Colonies).

The United States excludes persons who are likely to become a public charge, and the very vagueness of this prohibition makes it particularly to be feared by the immigrant.

The United States also demands the payment of a head tax, the proceeds of which are paid into the Immigrant Fund.

Canada and the United States reject in certain cases persons who are financially assisted by an employer or a charitable society.

Other laws exclude persons without a trade (Bolivia, Chile, Paraguay, Venezuela).

Whereas certain countries require a contract of employment as proof of the immigrant's future means of livelihood, the United States and some other countries on the contrary refuse persons holding a contract of employment which is considered to have been concluded by undue pressure, and to be likely to injure national workers by its unfavourable conditions (except for certain classes of workers such as actors, teachers, students, etc.). Similar measures have been adopted in Cuba, an exception being made for the contracts concluded by certain authorised companies.

Finally, measures are sometimes taken to prevent immigrants from taking up work in occupations for which there is a sufficient supply of nationals. Recent laws in Chile, Guatemala, Mexico, Salvador, and Uruguay require commercial and industrial undertakings to employ a considerable proportion of nationals (50 to 80 per cent. of their staff).

(c) *For national and racial reasons.* In the United States the exclusion of persons belonging to races which cannot acquire American nationality is explicitly laid down. Moreover, the calculation of the quotas, being based on the 1890 census instead of that of 1910 as before, accord an additional privilege, subject to general limitations of the right to immigrate, to the nationals of northern and western European countries, who were already placed in a relatively favoured position by the first Act at the expense of other nationalities. The system of calculation which is to come into force in July 1927, based on the national origin of the inhabitants of the United States in 1920, will probably modify the present intention somewhat; at present, however, it is impossible to determine in what direction.

Exclusions based on race or nationality are also in force in the following countries: Argentina, Australia, Canada, Costa Rica, Ecuador, Guatemala, Haiti, New Zealand, Panama, Union of South Africa, Uruguay, Venezuela; exemptions sometimes being allowed for certain classes of persons.

(d) *For reasons of social or national defence.* Persons who have been sentenced or are liable to prosecution for a criminal offence are excluded by practically all countries, a certificate of the legal authorities being required. Some countries admit such persons after they have carried out their sentence (Venezuela), while others require an additional period of five years to have elapsed (Argentina, Bolivia).

Prostitutes and persons living on the proceeds of prostitution, or promoting it, or engaged in any other dishonourable occupation are rejected in Australia, Belgian Congo, Brazil, Canada, Chile, Costa Rica, Guatemala, Honduras, Mexico, Paraguay, Peru, Union of South Africa, United States, Venezuela, and several British Colonies. For this reason women immigrants travelling alone are subject to special supervision and are admitted only on certain conditions in Cuba, the Federated Malay States, Mexico, and the Straits Settlements.

Anarchists, and in general persons who are likely to disturb public order, are often excluded (Argentina, Australia, Canada, Chile, Colombia, Costa Rica, Honduras, Mexico, Panama, Paraguay, Roumania, United States, Venezuela).

Further, persons suffering from infectious diseases or certain chronic diseases (tuberculosis, etc.) or even certain acute diseases are usually not admitted. In the latter case a certain period is occasionally allowed for treatment and the person in question may be admitted after examination (Canada).

Finally, persons suffering from chronic alcoholism may also be excluded (Canada, Paraguay, United States).



### *Encouragement of Immigration*

Immigration may be encouraged in various ways.

(a) *Assistance for the journey*: The Government may make a cash grant towards the fare (Brazil). In other cases the law promises assistance which is not necessarily granted regularly (Cuba, Guatemala, Uruguay, Venezuela).

(b) *Assistance on arrival*: This may take the form of free board and lodging during the first days, exemption from customs duties on luggage and tools, the supply of information of various kinds, the services of an interpreter, placing in employment through the medium of official bodies, occasionally free transport or reduced fares from the port of arrival to the place of settlement (Argentina, Bolivia, Brazil, Colombia, Guatemala, Paraguay, Uruguay).

(c) *Free grants of land*: Such grants may be made on condition of cultivating the land within a specified period. The system was formerly much employed, but is dying out owing to the fact that practically all public land has been disposed of. Such grants are still made, at least as regards waste land, in Colombia, Ecuador, Guatemala, Paraguay, Peru, and Venezuela. In some cases they are made only to persons who have the necessary capital for farming the land (Colombia).

(d) *Facilities for settlement*: Facilities for purchasing land and for settling may be granted in the form of mortgage or long-term loans (Argentina, Brazil, Dutch Guiana, Paraguay, Uruguay).

Reference may also be made to the closer settlement system adopted in Australia for providing new settlers with the necessary land, which was formerly granted too easily. Since about 1890 Acts have been passed in the various States providing for the voluntary or compulsory re-purchase by the Government of uncultivated land and its sale on advantageous terms to arriving immigrants.

It will be shown below that the British Dominions grant special privileges to British settlers. Canada, however, also facilitates the settlement of certain immigrants from Northern Europe, particularly domestic servants and agricultural workers.

(e) *Exemption from taxes*: In some countries immigrants are exempt from certain obligations imposed on nationals (military duties and taxes).

(f) *Repatriation*: In certain cases the Federal Government of Brazil and certain local Governments (Bahia, São Paulo) repatriate at their own cost the widows and orphans of immigrants who die in Brazil, and persons whose physical condition has become such that they can no longer earn their living.

Some laws require the employer to bear the cost of repatriation of the immigrants he has recruited (Belgian Congo, Panama, and certain French Colonies), Several States impose the obligation of free repatriation on the shipping companies.

It should be observed that many of these measures for promoting immigration relate to settlement. The demand for agricultural labour is a characteristic feature of the present day and is very clearly reflected in immigration legislation.

### *Assimilation of Immigrants*

This may take one of two forms:

(a) The rapid acquisition of naturalisation and nationality. This is particularly striking in Latin America, where the period of residence for naturalisation is very short. As regards nationality the *jus soli* applies from the first generation; children born in the country whose parents are foreigners are regarded as nationals.

(b) Equality of treatment with nationals is recognised in many constitutions and social laws (the Argentine Constitution is typical).

### IMMIGRATION OF LABOUR (CONTINENTAL)

Continental immigration has been defined as consisting, when taken as a whole, of an exchange of labour. The conditions of admission of foreign workers are consequently mainly economic. The liberality of the various countries towards foreign labour varies with their permanent needs and the state of their labour market; and the national regulations on this special form of immigration tend to ensure or restore equilibrium in the labour market.

### *Restrictions on the Admission of Foreign Workers*

In the majority of European countries, the post-war economic depression led to the enactment of various laws and decrees "for the protection of national workers", most of these being subsequent to 1922. The following methods of protecting national labour have been used:

(a) Complete prohibition of the admission or employment of foreign workers, unless special permission is obtained in the case of indispensable specialists or certain classes of workers (Albania or Austria).

(b) Obligation to obtain a permit from the Ministry of Labour or a central employment exchange for the admission or employment of foreign workers: (Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary, Irish Free State, Italy, Luxemburg, Netherlands, Poland, Roumania, Serb-Croat-Slovene Kingdom, Sweden), the application for the permit having to be made either by the worker (e.g. Czechoslovakia), or by the employer (e.g. Luxemburg, Serb-Croat-Slovene Kingdom).

The permit is issued only if the kind of labour required cannot be found in the home country, and often the trade organisations are first consulted (Germany, Serb-Croat-Slovene Kingdom). It may be granted either for a specified job or for a specified period, sometimes very short (three months in the Serb-Croat-Slovene Kingdom). The employer of foreign labour is often required to pay a duty, or placed under the obligation to pay his foreign workers at the same rate as national workers.

(c) Refusal of permits of residence applied for in order to take up work in an overcrowded occupation (Hungary, Sweden, Switzerland).

(d) Special formalities for the registration of foreign workers, the need for an identity card for the worker in cases of subsequent engagement by other employers, and prohibition against changing from one occupation to another within a specified period except under special circumstances (France). In Germany such transference from agricultural work to industry requires a permit.

(e) Taxation of foreigners, from which workers are not always exempted (in France only those workers who are admitted under a contract of employment and those who obtain employment through the intermediary of the frontier stations benefit by a reduction of the usual taxes, upon the presentation of their identity card).

#### *Encouragements offered to Foreign Workers*

(a) The inclusion in the contracts of employment of foreign workers of specially favourable clauses.

(b) Facilities for placing foreign workers in employment, either by allowing them to use the public employment exchanges or by placing special offices at their disposal on entering the country (frontier stations in France).

(c) Reductions on railway fares (France, Belgium).

### **3. — Transit**

The legislation of transit countries is, on the whole, more liberal than that of countries of emigration or immigration, it being to their interest to facilitate and promote migration. Yet the interests of the various States in this particular form of commerce may differ; some — the countries of oversea embarkation — are particularly concerned with the material profits, and attract their customers by granting them facilities; others — the continental transit countries — are more concerned with the disadvantages of the passage of foreigners over national territory (risk of epidemics, etc.), or fear that once the transmigrants have entered

they will remain. They therefore strictly supervise the observation of the immigration laws. Finally, there are the countries which are particularly generous towards immigrants and are careful that ordinary transmigrants do not take advantage of their expenditure on behalf of future inhabitants.

#### RESTRICTIVE MEASURES

- (a) Obligation imposed on transmigrants to satisfy the conditions laid down by the country of destination (Mexico);
- (b) Strictly limited period of stay (Guatemala, Mexico, Panama, Poland);
- (c) Medical supervision, exclusion of persons suffering from infectious diseases (Canada, Czechoslovakia);
- (d) Compensation for expenditure on transmigrants who profit by the advantages offered to immigrants (Argentina, Guatemala, Paraguay).

#### PRIVILEGES GRANTED TO TRANSMIGRANTS

- (a) Freedom of transit is frequently granted to persons who are not allowed to stay in the country. Sometimes the payment of a deposit is required which is returned on leaving the country if the period of transit has not been exceeded (e.g. Guatemala, for members of the coloured races). In other cases security must be given by the shipping company which assumes the responsibility for the prompt departure of the transmigrant (Great Britain).
- (b) The same protection may be given as that granted to national emigrants (Belgium, Italy, Serb-Croat-Slovene Kingdom), whether within the country, at the ports or on board ship.
- (c) Reduction of railway rates for crossing the country (Belgium).
- (d) Repayment upon departure of the head tax or the deposits required on admission by certain countries.
- (e) Simplification of police measures.

The cost of transit visas is often less than that of entrance visas and special privileges are granted to transmigrants in this connection (Belgium, Hungary, Italy for Russians holding a Nansen passport). Facilities for obtaining the visa are granted by Latvia, Belgium, France, Great Britain, and certain other countries have introduced a transit card to take the place of all other documents. Transit visas have been abolished in the Netherlands and Sweden. Denmark, Great Britain, and Luxemburg have abolished the passport itself in the case of transmigrants.

## II. MIGRATION IN THE BRITISH EMPIRE

Migration within the British Empire is of considerable importance, the two principal centres of emigration being Great Britain and India.

These internal migrations are powerfully aided by the fact that the countries of emigration and immigration are parts of a whole, which in spite of its complexity preserves real unity of action. This leads to a simplification of the problems, and although the regulation of migration within the British Empire may be considered by the countries concerned as a purely domestic matter, it seems impossible not to give a short sketch of the characteristic features of an important organisation which has been facilitated by the respective position of the countries concerned and constitutes one of the most advanced forms of the organisation of continental and oversea migration.

The Imperial Conference of 1926 strengthened the foundations of such an organisation by giving expression to the desire of various countries belonging to the British Empire to co-operate, so far as circumstances permit, in a satisfactory distribution of the white population over all parts of the Empire, to the greatest advantage of its various members. The Conference, while recognising that for financial, economic, and political reasons, it was impossible to undertake mass movement of population, expressed the intention of progressively increasing the flow of migration between Great Britain on the one hand and, more especially, Canada, Australia, and New Zealand on the other hand, with a view to supplying colonists for the needed development of insufficiently exploited regions.

In order to facilitate the transfer of workers on these lines, the Conference further provided for the conclusion of agreements between the countries interested, relating to the application of protective labour legislation, more especially the provision of workers' accident compensation, and the transfer of rights acquired in respect of old-age or other pension, etc., in any one of these countries to another.

### ADVANTAGES RESERVED FOR BRITISH SUBJECTS

It is true that these internal migrations do not exclude other movements of population between the Empire and other countries; the immigrants in the countries constituting the Empire are of various nationalities, but the British emigrant is always in a privileged position. Thus, in principle, New Zealand admits only British subjects, and the admission of the nationals of other States is subject to an individual permit from the Government. Elsewhere, even where no such express provisions exist, the settlement of British subjects is facilitated by the agreements concluded in pursuance of the Empire Settlement Act of 1922. This important Act granted credits and provided for the study of emigration schemes, organised and financed jointly by the British Government, the Dominion Governments, and the voluntary emigration societies, with a view to facilitating the

settlement of British emigrants in other parts of the Empire. From the particular point of view of a study of migration movements, there are two chief groups of agreements: those relating to emigrants from Great Britain, and those to emigrants from India.

### 1. — Organisation of British Emigration

Agreements have been concluded between the British Government and the Dominion Governments, and also between the British Government and the chief voluntary emigration societies, under which emigration schemes have been drawn up. Each of the contracting parties contributes a proportion, as fixed by the agreement, of the expenditure involved in carrying out the plans. The amount of the credits and the number of migrants, or of families of migrants, who may take advantage of the privileges in question are fixed.

Under a variety of agreements, British emigrants enjoy the following privileges:

(a) *Assistance for the journey.* The Governments concerned provide adults with fares at very reduced rates for Australia, Canada, New Zealand, Southern Rhodesia, and free passages to young persons.

By agreement with certain voluntary associations grants and loans are made towards the fares (British Dominions Emigration Society and the Salvation Army).

(b) *Assistance for land settlement.* This consists mainly (1) in facilities for the purchase of land (Australia, Canada, Southern Rhodesia), and (2) in the advance of money towards the costs of settlement (Australia, Canada, Southern Rhodesia), the preparation of the land intended for settlement, provision of the necessary means of communication (Australia), or the technical assistance of experts given to the settlers during the first period of settlement in order to teach them the methods of cultivation suited to the soil and climate of the country (Australia, Canada).

An agreement with a private association (1820 Memorial Settlers' Association) also provides for loans for the settlement of immigrants in South Africa.

(c) *Vocational training and placing in employment.* Agricultural schools are run by the Governments concerned in which young migrants are trained, either in Great Britain before emigration, or in Australia, Canada, or New Zealand on arrival.

After their training they are placed on the farms, or given facilities for starting an agricultural undertaking by means of loans at a low rate of interest (Australia, New Zealand). In agreement with the Governments private societies also subsidise the vocational training of young settlers or arrange for their reception on

landing and for placing them in employment (Australia, Canada, Union of South Africa).

Reference may also be made to the nomination system, under which individuals or organisations, such as churches, for example, in the Dominions may nominate persons in the United Kingdom for assisted passages, undertaking thereby to find suitable accommodation and work for the nominee.

## **2. — Organisation of Indian Emigration**

The emigration of Indian coolies, which was formerly so unfortunate a phenomenon, has been legally suspended, except to countries designated by the Indian Government, and with these countries agreements have been concluded with a view to improving the conditions of Indian workers. The countries in question are at present British Guiana, Ceylon, the Federated and Unfederated Malay States, and the Straits Settlements.

The national legislation of the countries of immigration has had to be adapted to satisfy the aim of Indian legislation, namely, the welfare of Indians abroad. By these agreements the conditions of recruiting, employment in the country of immigration, and repatriation of Indian immigrants have been clearly defined, and are imposed by the laws of the two countries concerned.

An Indian immigration fund, derived from the taxes on employers and fines for contravention of the law, is used to meet the travelling expenses of Indian immigrants to and from the country of destination and to insure medical attendance for them at the place of work.

The enforcement of these provisions, imposed by law and contract, is supervised by an official appointed by the Indian Government, or, if there be no such official, by an official of the Colonial Government.

## **III. INTERNATIONAL REGULATIONS**

Since the war international regulations on migration have increased steadily in importance. The various countries thought first that by multiplying their laws, defining them in more detail, and extending them they would solve their difficulties. But the interdependence between the nations at peace and the need for regulating an international phenomenon on international lines have led to the negotiation of agreements between the nations which have taken very different forms.

### **1. — Bilateral Treaties concerning Migration**

Under these bilateral treaties, the influence of the legislation of one country is extended by common consent to the territory of the other. They make it

possible to regulate the movements of migrants before departure or after arrival, and to extend the application of the laws of their present or future country. They thus form an almost necessary complement to national regulations.

The form of bilateral treaties has gradually changed.

#### PRE-WAR TREATIES

The spirit of the former pre-war treaties differs considerably from that of present treaties. In those days most of these treaties were general, covering all questions affecting migrants: treaties of friendship, consular arrangements, settlement treaties (*conventions d'établissement*), defining to some extent the rights of foreigners from certain countries. Such treaties have long been in existence, as for instance that entered into on 3 April 1783 between Sweden and the United States. It is obviously impossible to enumerate them all here, as there are hundreds of them, and they have frequently undergone alterations.

They are of real importance, as they sometimes grant migrants rights of great interest. The most-favoured-nation clause, which was formerly nearly always included in treaties, may in some cases have so much influence that nowadays there is a tendency to leave it out.

Several treaties which are already of some standing also deal especially with the emigration of particular nations or races: for instance, the agreement of 1904 between Great Britain and China on the recruiting of coolies, and those between the United States or Canada and Japan. These treaties, which are sometimes regarded as "unfair", are at present the subject of considerable controversy.

During the last few years, an attempt was also made to introduce social clauses in commercial treaties. Italy, for instance, included provisions in favour of her emigrants, in return for certain commercial privileges.

#### THE LABOUR TREATIES

Since the war some very interesting labour treaties have been concluded between certain countries in order to regulate in a general way the position of foreign workers from these countries. In nearly every case, these treaties provide for equality of treatment of foreign and national workers, and they procure for immigrants a number of privileges as regards insurance, relief, education, the right of association, wages, savings, etc.

They are often supplemented by model contracts of employment, to be signed before departure, which lay down both the general conditions of work and specific instructions on the employment offered. Sometimes supplementary international treaties may be added on certain particular points, concerning, for instance, social welfare or charitable relief, and the like. The contracting parties assume certain



obligations, demand and give certain guarantees, and grant privileges of various kinds, with a view to improving the moral, intellectual and material conditions of immigrants. Already certain countries with a surplus population refuse to permit the departure of their citizens unless the conditions offered are favourable and unless they obtain guarantees both as to their employment and their contract.

France, in particular, has concluded several treaties of this kind:

- on 7 September 1919 with Poland,
- on 30 September 1919 with Italy,
- on 20 March 1920 with Czechoslovakia, and
- on 24 December 1924 with Belgium.

Several other countries have already concluded, or are negotiating, similar treaties.

The work of the special committees and official employment exchanges concerning the placing and recruiting of foreign workers is connected with the labour treaties (Czechoslovakia, Italy, Poland, etc.).

#### SPECIAL TREATIES ON QUESTIONS CONCERNING FOREIGN WORKERS

Besides the general labour treaties, there are also various special bilateral agreements and treaties on particular questions, such as social insurance, social welfare, and the pensions of foreign workers. Treaties on workmen's compensation are particularly numerous<sup>1</sup>.

In addition to the bilateral treaties concluded between European countries, which relate particularly to continental migration, reference should also be made to a recent development in this connection affecting oversea migration, namely, the various treaties concluded by Argentina and Brazil during the last few years.

### 2. — Multilateral Migration Treaties

Multilateral treaties on migration are not concerned with the particular interests of the nationals of certain States. They form a general field applying to several countries, whose migration regulations are thus standardised, extended, and more adequately enforced. They can be denounced only after complying with strict conditions, and they are therefore more stable than bilateral treaties.

#### PRE-WAR TREATIES

Taking the old multilateral treaties still in force, it will be found that since the Paris Treaty of 1814 various international arrangements have prohibited the negro traffic and govern with some strictness the recruiting of workers on the coast of Africa.

<sup>1</sup> Cf. *Emigration and Immigration: Legislation and Treaties*, pp. 370-383.

Since then several international treaties have been concluded relating to foreigners. Special interest attaches to The Hague Treaties of 1902 and 1905 on legal procedure, protection and assistance as regards foreigners, which, in many respects, set an example to the work of the League of Nations in the field of private international law.

The Copenhagen Conference of 1910 drafted an important international Convention on the various forms of assistance to be given to foreigners, based on absolute equality between nationals and foreigners, but this work was interrupted by the war of 1914.

The Berne Labour Conventions of 1906, ratified by several European States, are the precursors of the international Conventions on labour legislation.

#### THE ACTION OF THE INTERNATIONAL LABOUR ORGANISATION

The International Labour Conference is of great importance to-day, as it leads to wide agreements for the international regulation of labour in the form of the Recommendations voted and the Draft Conventions already ratified by many States.

There are many such agreements. Those relating particularly to migration may be enumerated.

In 1919 the first Conference held at Washington studied unemployment and adopted Recommendations and a Draft Convention concerning the organisation of employment exchanges, the recruiting of workers abroad, and equality of treatment for immigrants and nationals. Among other things, the International Labour Office was instructed to co-ordinate internationally, in agreement with the Governments, the work of the various national systems of employment exchanges. The Draft Convention on unemployment dealt also with the status of immigrants as regards unemployment insurance.

Among the subsequent Conferences reference may be made to that of 1922 in Geneva, which made the International Labour Office the centre for the collection of international information on all migration questions. This Recommendation, voted by all the States represented, required them to communicate to the International Labour Office all information on migration, and it is one of those best observed.

The complex problems arising out of workmen's compensation were dealt with by two consecutive Conferences, those of 1924, and 1925, which adopted a Draft Convention and a Recommendation. The 1926 Conference came to an agreement on a Draft Convention, a Recommendation, and various Resolutions for simplifying the inspection of emigrants on board ship. Finally, the 1927 Conference proposes to examine the question of sickness insurance, which will also affect the interests of foreign workers.

## THE ACTION OF THE LEAGUE OF NATIONS

Side by side with the International Labour Office and working in close collaboration with it, the League of Nations has begun to examine several international problems which have an important bearing on migration. This action has been taken chiefly in the humanitarian field, and in the study of the technical problems of transit and communications.

As regards the humanitarian aspect, the Advisory Commission on the Traffic in Women and Children has drafted various Conventions on the protection of women and children who, on their journeys, run the risk of becoming victims of this traffic.

This protective work has now been transferred to the Committee for the Protection and Welfare of Children and Young People. Among the chief questions at present under discussion, reference may be made to:

- (a) the protection of child migrants;
- (b) the repatriation of deserted children;
- (c) the payment of the sums for maintenance due to children separated from the head of the household who is at work abroad;
- (d) the protection of deserted children in the Near East.

The League of Nations has also undertaken effective work for the assistance of emigrants of various classes. Attention was given in the first place to war prisoners, and by the action of its Commissioner, Dr. Nansen, 427,000 prisoners of 26 different nationalities have been repatriated. Next, the High Commissioner for Russian and Armenian Refugees paid special attention to the refugees of these two nationalities. Thus 250,000 Russians in distress in Constantinople and other places have been assisted and evacuated, and a whole series of measures for their protection and assistance have been taken. The relief of 120,000 Bulgarian refugees is at present being organised. Even more important action was taken for the permanent material and moral relief of the Greek refugees of Asia Minor, by which effective relief and work has been provided for some 700,000 refugees, who are now established in various parts of Greece and organised in colonies where they are already prospering, thanks to the financial assistance procured for them by the League of Nations.

The influence of the League of Nations also extends to the technical field. Various economic conferences and commissions have adopted a number of resolutions aiming at securing that foreigners shall receive fair treatment, and, if possible and desirable, the same treatment as that enjoyed by the population of the country where they settle.

A special Committee was appointed to study the question of legal assistance for foreigners, which has submitted to the League of Nations and the Governments various proposals to make such protection effective.

The Passport Conference, which met in October 1920 and May 1926, endeavoured to simplify passport formalities by drawing up a model passport, improving the conditions under which passports are granted, and in several cases abolishing the need for visas. At the present time special interest is being taken by the League of Nations in the question of passports for migrants in transit and for persons without nationality (*Staatenlosen*).

The Communications and Transit Conference, held at Barcelona in March 1921, adopted a series of resolutions, several of which have been incorporated in Conventions concerning transit and transport which also affect emigrants. Here, too, the examples of intervention can be multiplied.

### 3. — Resolutions of Technical and Diplomatic Conferences, Official or Private

The end of the war brought the different nations together, and gave a new impulse to international questions, one result of this being that the Governments have consulted each other on various occasions concerning the general solutions to be given to international migration problems. Special reference may be made to the meeting at Geneva in 1921 of an International Emigration Commission, which, under the chairmanship of the ex-Speaker of the British House of Commons, Viscount Ullswater, was convened by the International Labour Office in pursuance of the Resolution of the International Labour Conference in Washington, 1919, and examined the principal international questions relating to migrants.

A few years later, in 1924, the Italian Government convened an important conference of the countries of emigration and immigration, which was attended by representatives of sixty countries, presided over by Mr. de Michelis, the Commissioner-General of Emigration in Italy.

These two meetings examined thoroughly the whole field of migration problems, and adopted a series of resolutions — there were over a hundred — concerning their international treatment, which form a very extensive programme besides enumerating the points on which an agreement might be reached. There can be no question of reproducing, or even analysing, these resolutions here, for each of them is interesting in itself and requires explanation to bring out its interest. Moreover, the two meetings have been dealt with in special publications which are easy to obtain <sup>1</sup>.

These resolutions are important as evidence of the theoretical agreement of Governments, but they do not constitute precise and binding treaties. Before they can be carried into effect they must be redrafted into precise Draft Conventions and duly ratified. As a matter of fact the Governments have taken

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<sup>1</sup> INTERNATIONAL LABOUR OFFICE: *Report of the International Emigration Commission, Geneva, August 1921.* Geneva, 1921.

ITALIAN GENERAL EMIGRATION DEPARTMENT: *International Conference on Emigration and Immigration, Rome, 15-31 May 1924.* (3 volumes.)

action on these lines: the Rome Conference has become, so to speak, a permanent institution, and a second session will be held shortly in a country of immigration, probably at Havana. Further, the International Labour Office has set up a Permanent Migration Committee which, assisted by a number of experts, is to examine this question in detail and prepare the way for carrying the decisions into effect.

With somewhat less ceremony, first the countries of emigration and then the countries of immigration have held special meetings, the former at Rome and the latter at Paris. They have tried to define their common interests and the special points of view of the groups of countries represented. Here, too, however, only resolutions were adopted, and declarations of principle made.

On various occasions, too, the countries interested in the refugee problem have held meetings, and in this particular field they have found it fairly easy to arrive at agreements which have been ratified.

Only a brief reference is possible here to the considerable activity of certain private organisations, side by side with official organisations, in the examination of migration problems on the international side. This growing interest and increasingly felt need for closer contact between the workers in this field and for co-ordination of the work indicate a profound change in public opinion, which is now taking a real interest in a problem that a few years ago seemed to affect only the individual initiative of migrants and to have nothing to do with the public. As proof of this tendency reference may be made to the body set up last year by all the important associations interested in the protection of migrants, which comprises hundreds of sections, to be found in all countries and belonging to all denominations and all shades of opinion. This new and special institution is engaged in preparing the way for agreements and measures to be presented to the Governments for the application of the theoretical resolutions they adopted at their meetings in Rome and Geneva. The important International Association for Social Progress, which comprises active representatives of the social movements of the day side by side with the pioneers of international social activity, has recently undertaken a detailed investigation into the legal status of foreign workers with a view to putting concrete proposals before the Governments. Important national and international political associations, such as the League of Nations Union and the Inter-Parliamentary Union, have also included migration problems as a permanent item on the agenda of their meetings and set up sections for the study of these questions. The International Federation of Trade Unions of Amsterdam and the Labour and Socialist International examined the problem at the special congress recently held in London, and for the first time drew up a programme stating the demands of labour for which they intend to work. Moreover, the question is continually being raised by trade organisations, whether of workers or employers, which seek practical solutions. Reference may be made here to the attempt at regulating the problems connected with the insurance of passengers and emigrants on board ship which are being studied by the International Maritime

Committee. The International Commercial Conference, too, recently included the question of emigration on the agenda of its next session at Rio.

It would be easy to quote a number of other initiatives, but these examples are sufficient to show the practical turn which is being given to the examination of the problem of migration. Several programmes have already been formulated which are steadily gaining in precision, but hitherto not much progress has been made in putting them into effect, as they have met with considerable opposition.

#### 4. — Discussions, Negotiations, and Special Agreements between Countries of Emigration and Immigration

Of late almost every country in which there is a considerable current of migration, whether entering or leaving the country, has started discussions on the problem with other countries, or even opened negotiations for special agreements which, without having the formal character of bilateral treaties or involving the complex formalities of multilateral agreements, are intended to adapt the too rigid national regulations to the practical requirements of the countries concerned. It may even be said that the multiplicity of these semi-official negotiations is the most interesting phenomenon brought out by the study of the migration movements of the present day.

A national law thus tends to become the general rule which it is sought to make more flexible by means of special arrangements intended to secure a privileged position in the distribution of currents of migration.

Negotiations are being carried on in many countries. It lies outside the scope of this report to examine this subject in detail, and a few brief indications must suffice. Fuller details may be found in the *Monthly Record of Migration*, published by the International Labour Office.

#### INTERNAL REGULATIONS

Before discussing the relations between the sovereign nations it is necessary to recall what was stated above in connection with the arrangements concerning the distribution of the population within certain large empires, for which it is difficult to make a clear distinction between internal and external currents of emigration.

As regards the British Empire in particular, the Empire Settlement Act has led to the daily conclusion and negotiation of treaties and agreements on emigration and settlement, by means of which tens, and even close on hundreds, of thousands of persons will have been helped to leave the mother country and settle in the Dominions and Colonies. The unity of the Empire and the elastic form of its constitution make it possible to deal with these problems as internal matters in which the Governments, the local authorities, and private associations

take part on a footing of equality and mutual trust, free from all the difficulties arising out of the question of sovereignty. It follows that these agreements are particularly numerous and far-reaching and deserve detailed examination even by those who are more concerned in international solutions.

Another factor which should not be forgotten is to be found in certain model regulations established in the mandatory countries. Settlement and migration in Palestine and certain African mandatory territories are of particular interest in this respect, owing to the care that is taken to protect the interests and lives of the mandated population, the mandatory power, and new arrivals alike.

All migration between the mother country and oversea colonies is at present subject to careful supervision and regulation in practically every country.

Apart from such regulations, which may to some extent be described as domestic, the emigration and immigration authorities of various countries, and sometimes even the sovereign States, negotiate with one another fairly generally without having recourse to the complicated form of formal treaties.

#### COUNTRIES OF IMMIGRATION

For some time the Federal Government of Brazil has followed the policy of repaying the travelling expenses of the agricultural immigrants whom it has agreed to admit and certain other persons; it makes them loans and grants them land in the settlement centres on particularly advantageous terms; it encourages the repatriation of families if the head of the household dies, and takes a number of similar measures, the enforcement of which is often the subject of special negotiations with the Governments.

The regulations and practice of some of the individual Brazilian States go even further in this respect. The State of São Paulo makes a special effort to attract immigrants by offering permanent employment in the coffee plantations, where it may be mentioned in passing that the work is fairly hard, by repaying their fares and promoting protective institutions. The other States are gradually adopting similar regulations. Recent action has been taken for instance by the States of Minas Geraes, Rio de Janeiro, Parana, Rio Grande do Sul, Bahia, Pernambuco, Amazonas, and various others, which thus supplement federal legislation and necessarily negotiate with various foreign countries.

Argentina is particularly interested in settlement and immigration questions, and recent official documents show the regret of the authorities that an excellent and varied countryside which can support every kind of cultivation and industry and every race in prosperity, has a population of some 10 million only, although it could easily provide for 100 million. The various presidential messages, ministerial schemes, memoranda of important associations, and reports of social and banking institutions are full of schemes for international settlement, which are proof of the great interest taken in the matter, but which have not

yet been given definite legislative form. Such a form is being sought on every hand, for the problem of populating the country is one of great national importance. Certain practical results have been obtained by the High Commissioner for Russian and Armenian refugees, who has been authorised to arrange for the settlement of certain areas. Here, too, the provinces are beginning to play a part, side by side with the central Government, in emigration policy, and seek by means of special regulations and arrangements to attract the best elements in the current of migration, which all are agreed in finding much too slow. In the provinces of Mendoza and Rosario in particular, important schemes were recently submitted to the legislative authorities.

Peru, whose experience in the matter of emigration has not always been satisfactory, is again taking particular interest in attracting the better elements of European emigration. Negotiations are in progress in various directions. A General Immigration Department, whose functions in this respect are of particular importance, has been set up at Lima, and a recent Decree organised the grant of land and subsidies to immigrants who wish to settle in the rich but almost uninhabited provinces on the eastern slopes of the Andes.

For the sake of completeness it would be necessary to refer to almost all the Latin-American countries, each of which in turn has come to the fore in order to acquire an important share in world migration, or temporarily retired to the background. It would be difficult to mention any Latin-American State, from Mexico to Tierra del Fuego, which is not at present negotiating or proposing to negotiate with some country of emigration on the question of introducing and settling immigrants on their soil. Nor does this propaganda prevent the maintenance, and often even the introduction, of measures for keeping out undesirable immigrants.

At the other end of the American continent, British North America takes a particular interest in the problem of populating the land. The Dominion Government and several provinces are not interested solely in the somewhat sluggish current of the immigration of British settlers. Relations have been established with the administrative authorities of various European countries, in particular the Scandinavian countries, the Netherlands, Germany, and Poland, with a view to discovering how selected emigrants may be obtained, especially experienced farmers. Particular reference should be made to the attitude of the organised workers of these countries, who are not systematically hostile towards immigration like the workers in many oversea countries.

In the whole of America, the United States is the only country which at present has no demand for European emigration, but rather the reverse. The exception is of importance, as the United States has always been and still is the immigrants' promised land. All diplomatic Government action in this respect is subject to strict laws, especially the provisions relating to the quotas, which, like all restrictive measures, are ardently supported by the workers' organisations, who fear that the American standard of life may be brought down, as well as by the majority



of the public, which desires that the population should be more homogeneous. Consequently, no negotiations are in progress for the systematic organisation of immigration from Europe or other countries. At most reference may be made to certain recent attempts to arrive at an improved selection of the immigrants who everywhere apply spontaneously for admission in far larger numbers than can be accepted. The preference given to agricultural workers under the Quota Act and the necessary extension of the powers of American Consuls in Europe obviously involve certain negotiations, for selection can scarcely be effected satisfactorily before the departure of the emigrants without the consent of the countries concerned.

No case of negotiation can be quoted for the British Dominions other than Canada. Neither Australia nor New Zealand makes any effort to introduce non-British settlers, and South Africa confines its propaganda to the countries from which it can obtain European "Boers".

Many international agreements and negotiations which are of too special a nature to be dealt with here, although worthy of study, are those relating to the migration of negroes in the industrialised parts of South Africa. A whole series of agreements are concluded annually between the Union of South Africa, Rhodesia, the Portuguese Colonies, and the Belgian Congo.

Among the European countries of immigration a good deal could be said on the activity of the French authorities. Reference has already been made to the treaties concluded by France with Italy, Poland, Czechoslovakia, and, more recently, Belgium. Others are being negotiated. The Departments for industrial and agricultural labour and official committees are continually devising new measures for organising collective and individual recruiting in various foreign countries. Official and private offices have been set up at home, at the frontier, and abroad. A powerful immigration society is at present being organised, the patrons of which have already assisted in introducing hundreds of thousands of immigrants into France. For France is to-day the principal country of destination for European emigrants, besides which such immigration is becoming increasingly organised by means of special agreements, official or semi-official, with the countries of emigration. The efficiency of this method is increased by the fact that French industry might appear, at the first sign of crisis, almost saturated with foreign workers, and that agriculture has already absorbed many immigrants, although its demand for labour still seems far from being satisfied.

#### COUNTRIES OF EMIGRATION

It will be found that in the countries of emigration, too, most Governments are interested in increasing the number of agreements intended to promote the emigration of their surplus population. This activity has been greatest in countries which have a surplus population in certain occupations and a deficit in others.

Thus Belgium has recently concluded a formal treaty with France, supported by a number of separate arrangements, for ensuring the satisfactory distribution of the Belgian agricultural and industrial population in France. Agreements have also been entered into with Italy, Poland, and Czechoslovakia, securing satisfactory conditions of transit, placing in employment, and work for the workers of those countries who embark in Belgian ports or find employment in Belgian mining and building.

Similarly, Austria has concluded very interesting agreements with the Soviet Government for the introduction of skilled Austrian workers, while special arrangements with Czechoslovakia have been adopted for the reception of Slovak agricultural workers.

In the Netherlands a widespread system of official emigration offices, both national and local, has been set up for studying the possibilities of emigration to other countries and opening negotiations for the purpose, for supplying the emigrants with information, and occasionally subsidising them, especially those who leave for British North America. In agreement with the French Government, an agent has been appointed in Paris who organises and supervises the immigration of agricultural workers. Similarly, interesting agreements have been concluded with the Belgian employment exchanges. For there has been a considerable development of Dutch emigration towards these countries, besides which the Government continues to bear in mind the old currents of migration in the direction of Germany, and still maintains at Oberhausen its special employment exchange for emigrants and immigrants.

During the last few months Germany, too, has abandoned her isolation and re-opened negotiations with her neighbours for agreements on migration questions. The question arises whether she will be a country of emigration or immigration in the future, and is much discussed by experts. Reference is made on the one hand to the considerable volume of unemployment amongst industrial workers, and, on the other, to the demand for agricultural labour. At present agreements are being entered into in both directions. With Poland, Germany's new neighbour, who has already supplied her with so many hundreds of thousands of workers for her agriculture, negotiations, which for long were difficult, now seem in a fair way of reaching a conclusion. Similar, though less important, agreements with Czechoslovakia are already in force. On the other hand emigration agreements with France, towards which Germany is a country of emigration, have been tried on various occasions, for instance, for organising the payment of reparations in German labour and providing for the reconstruction of the devastated areas. Important national bodies have also taken in hand the organisation of oversea emigration, and quite recently the President of the Imperial Bank, Dr. H. Schacht, a man of the greatest economic authority, submitted to the Colonial Society a complete programme for the organisation of migration, in which he laid special stress on the need for finding an outlet for German labour beyond the seas, and which attracted the Society's interest in no small degree.

It would need a much fuller report than the present to give even the briefest survey of the innumerable negotiations and schemes for organising and encouraging Italian emigration, both oversea and continental, in which the Italian Government, its General Emigration Department, the financial world, and in particular the new National Credit Institute for Italian Labour Abroad are interested. Without entering into details it may be said that probably there is to-day no country of immigration with which the Italian authorities are not studying immigration and settlement schemes, or where they have not bought land and invested capital and labour, or appointed inspectors, or with which treaties and agreements are not being examined or negotiated<sup>1</sup>.

The other important country of European emigration, Poland, pursues a similar policy. Its activity was devoted during the first years of existence of the Republic to temporary continental emigration, but is now being turned more and more towards oversea countries, where it sends missions, undertakes settlement schemes, and, in agreement with the country concerned, carries out a campaign of action, the results of which are already becoming apparent.

A number of schemes for organising emigration to oversea countries, some emanating from official organisations, others from important private institutions, are also being examined or carried out in the Scandinavian countries and Switzerland.

Even in the new Baltic States the interest in these problems is continually growing, enquiries are being made, plans examined and discreetly drafted; and it is a striking fact that even in the most distant countries it is possible suddenly to come on prosperous and particularly well-organised and appreciated colonies of Latvians and Esthonians.

The migrations which have taken place since the recent wars in the former Turkish Empire have led to systematic schemes of colonisation, which are probably the most extensive that have ever been carried out. Hundreds of thousands of persons have had to emigrate, and, under the protection of the League of Nations and the International Labour Office, they have formed large colonies in the Balkan States, especially in Bulgaria and Greece; a further colony may, perhaps, shortly be added, in Armenia. In these the cultivation of large areas of waste or practically vacant land has led to the settlement of masses of immigrants and refugees, and consequently completely transformed the conditions of life. Very interesting financial arrangements have been concluded with this object in view by the intervention of the League of Nations.

A number of agreements have already been concluded on behalf of Russian and Armenian refugees, the earliest customers of the High Commissioner for Refugees. These fully ratified agreements relate to their passports, their employment, their transport and settlement in foreign countries. Special offices have

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<sup>1</sup> Cf. particularly *L'Emigrazione italiana negli anni 1924 e 1925*. Relazione dal Commissario generale. Rome, 1926.

been organised for or by them in European and oversea countries, which direct their migration, place them in employment, and promote their settlement.

Even outside Europe the countries of emigration seek to establish relations with the countries of immigration.

In Japan a remarkable effort has been made to organise migration, and the public appears to take more energetic and systematic interest in the matter than in European countries. Many schemes, official and private, for home or foreign settlement and for encouraging emigration have been examined and carried into effect. Subsidies have been granted to emigrants, and already large colonies, well organised and making satisfactory progress, have been established in various South American countries. Moreover, the Government has definitely proclaimed the disinterestedness of its attitude and its opposition to any emigration to countries in which Japanese are not wanted <sup>1</sup>.

India, formerly the country of unhappy coolies and other workers employed under indentures abroad, now jealously supervises the settlement and welfare of its nationals. The employment of unskilled Indian workers is allowed only after formal agreement and under the most carefully defined conditions, as already described above.

Similar special agreements, in which much more interest is shown than formerly in the material and moral conditions of immigrant native workers, have also been concluded or are being examined in the Dutch, Spanish, Portuguese, and Belgian colonies. It would take too long to analyse them here.

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<sup>1</sup> At the request of Mr. Nagai, the Japanese Minister at Stockholm, we have pleasure in inserting the following statement, made to the Japanese House of Lords in January 1926 by the Minister for Foreign Affairs. It gives interesting details concerning what has been said above in regard to the emigration policy of the Japanese Government:

“It is not in our policy to send emigrants to any country in which they are not welcomed. Our constant desire is to supply capital or labour to undeveloped regions of the world and to promote the welfare and prosperity, not only of the emigrants themselves and their mother country, but also of the countries in which they choose to establish their permanent homes. Towards this end we are prepared to exert our unremitting efforts.”