

MC/INF/267

**Original: English
6 November 2003**

EIGHTY-SIXTH SESSION

WORKSHOPS FOR POLICY MAKERS: BACKGROUND DOCUMENT

LABOUR MIGRATION

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1. Today approximately 60 to 65 million migrant workers are working in a State other than their own in search of a better life, accompanied by as many dependants. The last decade has seen an increase in the number of countries experiencing this phenomenon and a growing tendency for many countries to be both countries of origin and destination of migrant workers. Labour migration will be an increasingly important aspect of globalization, posing new challenges to and opportunities for policy makers in terms of management of migratory flows.

I. DETERMINANTS AND EFFECTS OF LABOUR MIGRATION

2. While the liberalization of international flows of goods, capital and information is well under way, progress towards the freer movement of persons is harder to achieve. Despite this fact, differences in employment opportunities and living standards between countries, increased education and broader access to information on living conditions and employment opportunities abroad, as well as established intercountry networks based on family, culture and history, will ensure that labour emigration continues, and indeed increases. On the demand side, changing demographics and labour market needs in many industrialized countries will put pressure on many governments to consider new or modified approaches to labour migration.

3. The impact of labour migration varies from country to country. Economic migration can have differentiated effects resulting from the volume, composition and characteristics of the migratory flows, as well as the context in which the flows take place. Indeed, the effects will vary depending on the level of skills, geographical source, the employment situation, age and sex of the migrants. The duration of the stay (temporary or long term), the organized or spontaneous nature of the movements, their legal or irregular character, as well as the stages of development and the demographic and labour market conditions in both sending and receiving countries, are other determinants. Even within the same country – whether sending or receiving – economic migration may not have a uniform effect on different groups (owners of capital, skilled and unskilled workers, etc.).

4. Labour migration can represent an enormous potential for countries at both ends of the migration spectrum. For countries of origin, it can provide a form of development support, especially through remittances, transfer of know-how and creation of business and trade networks. Immigration can remove labour scarcity, facilitate occupational mobility and add to the human capital stock of the receiving countries. In the context of demographic changes, it can help developed countries in their effort to maintain the current workforce level. Governments at all points on the migration spectrum increasingly recognize the potential of regulatory mechanisms to maximize the positive impact of labour migration.

II. LABOUR MIGRATION MANAGEMENT

5. Many sending and receiving countries are developing their regulatory capacities to manage labour mobility, taking into consideration the interests of respective governments, societies and the migrant.

A. Issues faced by receiving countries

6. Labour migration differs from other migration flows, such as refugees and family reunification, which might also have an impact on the labour market, as labour migration policies are oriented not to humanitarian considerations but to economic criteria.

Assessing the labour market situation and the need for the recruitment of foreign labour

7. The decision to recruit migrant workers usually arises from the idea that the resident labour reserve is insufficient or lacking in skills, or simply not easy to mobilize rapidly to meet labour demand. Immigration is one of a number of resources available to policy makers to react to potential labour shortages. Many countries are undertaking studies on employment projections, but labour shortages are difficult to measure. It seems that the demand for foreign workers is rarely established on the basis of these projections but on current reported difficulties to fill labour needs (employers' surveys, etc.). However imperfect, information on projections of labour market needs can be useful for immigration policy makers, as well as for countries of origin willing to better respond to the international labour market.

Admission policy

8. As future needs of the labour market by sector and occupations are very hard to forecast accurately, receiving countries are increasingly keen to rely either on the flexibility provided by temporary migration programmes and/or on systems of selection of migrants such as points systems, designed to attract migrants who can adapt to changing conditions. States have generally been more reluctant to create opportunities for less skilled workers than for highly skilled, and when they do, entry is often limited by quotas/ceilings, the emphasis put on short-term employment and the conditions for such employment are less advantageous compared to those available to skilled workers in terms of entry and legal status (access to permanent migration, family reunification, etc.).

9. However, managing labour migration is not only about responding to labour market needs through opening up new labour migration routes. Fiscal, social and political impacts also need to be taken into account. To better take into consideration the competing interests and priorities of different stakeholders, some countries have established coordination mechanisms involving not only concerned ministries but also employers' associations and representatives of the countries of origin to determine the orientation of the policy.

Social and economic integration and fight against discrimination and xenophobia

10. Integration of immigrants is not only a question of social cohesion but also a condition of economic efficiency. The admission of migrants for employment requires a substantial strengthening of integration policies for immigrants residing legally on the territory.

11. Integration policies help promote a cohesive, inclusive and tolerant society, where the immigrant population lives in harmony with the local population. Failure to promote tolerance in a society is often a precursor to discrimination, social exclusion and the rise of racism and xenophobia. Integration policies in the traditional countries of immigration tend to focus on permanent migrants. Given, however, the increasingly long-term presence of temporary migrants, a number of countries have various strategies in place to assist with the socio-economic integration of migrants, regardless of whether they are permanent or not. These include language training, translation services, information referral, migrant resource centres, access to health care, employment possibilities for spouses and the right of family members to accompany the migrant. Receiving countries are also gradually encouraging pre-departure training as a cost- and time-saving mechanism aimed at facilitating integration on the migrant's arrival. While private sector, church and community groups can play an important role, government involvement is necessary to set up a coherent national integration policy.

Controlling irregular migration

12. Left unattended, irregular migration challenges a society's social and economic system of governance, and can fuel xenophobia and undermine the integrity of immigration regimes. Hence, there is a need for comprehensive policies to address irregular migration. Current approaches are focused mainly on three fields. Firstly, efforts are undertaken to prevent unauthorized entry through entry and border control. Secondly, interior controls are being enhanced, including cooperation and coordination among police and other enforcement authorities (such as labour, tax revenue, and social welfare ministries), employers' sanctions and systems of penalties targeting unauthorized workers. Thirdly, a recent trend has been for receiving countries to try to enhance sending countries' willingness to cooperate in countering irregular migration by offering in exchange greater access to their labour market.

B. Issues faced by sending countries

13. While demand for labour in the receiving countries largely determines overall patterns of migration, some sending countries have adopted proactive approaches to foreign employment.

Regulating emigration

14. Sending countries usually acknowledge that policies aiming to limit emigration commonly result in a rise in irregular migration, while a more efficient approach is to manage emigration in a way that benefits migrants, their families and the economy. While many sending developing countries have adopted laws and regulations for the recruitment of their nationals for employment abroad, the level of intervention of the State and that left to the market varies. Some governments

leave the recruitment mainly in the hands of the private sector, while others have a more proactive approach and have built up comprehensive foreign employment policies implemented through their national and local administrations as well as through foreign employment offices. These policies are mainly oriented towards protection and the promotion of the well-being of migrant workers and enhancing the positive contribution of migration to the economy.

Protecting migrant workers abroad and migrant services

15. Importantly, governments need to strike a balance between elaborating regulations for protection and inadvertently creating incentives for irregular migration by ensuring that procedures are not overly cumbersome. There is a need to distinguish between policy intervention towards migrant recruitment and preparation for deployment, and protection of citizens abroad. The latter will depend largely on the legal framework of the country of destination and its willingness to cooperate. In order to prevent malpractice in recruitment, often private agencies are required to obtain a license, and the level of fees that can be demanded is regulated. Pre-departure training, information dissemination and counselling are other important ways of protecting the rights of workers, as can be the determination of minimum standards and the introduction of standard model contracts. To protect migrant workers while abroad, labour-sending countries can negotiate bilateral agreements on social security and contributions to national schemes, develop voluntary insurance and contributory schemes and post a labour attaché in their embassies to monitor respect for the rights of their nationals.

Maximization of the benefit of labour migration to the national economy

16. For sending countries, the benefits of economic migration can be optimized through policy packages that create the conditions for efficient institutions to handle remittances, new shares in the international labour market for their nationals, and systems for skills development and diaspora mobilization.

17. Remittances can be a very important source of foreign exchange, enabling a country to afford vital imports or pay off external debts. Good practices in channelling remittances through the formal banking system, reducing transfer costs, and enhancing the development impact of remittances through investment schemes have been developed in several countries. An increasing number of countries with economies in transition are also adopting policies, legislation and structures to actively promote the foreign employment of part of their workforce.

18. Brain drain is one of the major concerns of many sending countries. Various approaches are being tried by governments to mitigate the potential negative effects of skilled emigration on countries of origin, focusing on prevention, compensation mechanisms, or mobilization of the diaspora as a development tool. Preventive approaches include taking into account the international demand in human resource development planning, consultation with countries of origin when recruiting to avoid the drain of skilled workers considered essential for home economies, and a return and reintegration assistance component when designing new programmes. Compensation mechanisms, besides general development cooperation policies and aids, may take the form of countries of destination helping to strengthen the capacity of countries of origin to better plan their

labour emigration, and supporting pre-departure training of migrants, including language and skills upgrading, to improve their chances of better jobs and earnings. Finally, in addition to endeavouring to ensure a better recognition of the qualifications of their nationals (to avoid brain waste), sending countries are elaborating specific programmes to mobilize the human and financial resources of the diaspora for the development of the country of origin (for example, consultancies, investment schemes, etc.).

19. In order to plan and monitor labour migration, data are essential for both sending and receiving countries for targeted policy intervention. Data collection and analysis mechanisms can be elaborated within the framework of inter-State cooperation agreements.

C. Bilateral, regional and multilateral arrangements for labour migration

20. Inter-State cooperation in managing labour migration occurs at three levels: bilateral, regional and multilateral. Bilateral labour agreements are a more common mechanism to regulate inter-State labour migration. They formalize each side's commitment to ensure that migration takes place in accordance with agreed principles and procedures. Within the framework of economic regional integration processes, structures for coordinating policies of the major countries of origin and destination have sometimes been put in place. However, such coordination exercises can also take the form of regional consultative processes, which are informal.

21. At the multilateral level, there is no global agreement or convention in place to manage migration flows. Negotiations are ongoing under the General Agreement on Trade in Services (GATS) on the supply of services entailing the temporary migration of persons, otherwise referred to as Mode 4. The international community has developed norms on protecting the rights of migrant workers through conventions such as the two International Labour Organization (ILO) general conventions on migrant labour (Nos. 97 and 143) and the United Nations "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families".

Questions:

- How do governments determine (in some cases even quantify), their needs for foreign labour? What should be the role of social partners in this exercise?
- What types of policy measures or regulations should be used to manage the quantity and characteristics of migrants being admitted to a country?
- How can the unintended effects of labour migration, such as irregular migration, be avoided?
- What are the main components of a successful integration policy? What types of activities are better performed at national level or at the local level? What should be the role of employers?

- How can the protection of migrant rights be ensured, particularly those of vulnerable groups such as women, low-skilled workers and migrants in an irregular situation? What can be done by sending and receiving governments, by migrant associations and non-governmental organizations (NGOs)?
- What is needed to strengthen the institutional capacity of countries to better manage labour migration?
- How can the positive impacts of migration on sending countries' economies be enhanced?
- What examples of cooperation mechanisms on labour migration management exist? Do they favour a bilateral or regional approach? What type of support can be expected from international organizations?