



## **Round table 2 : Secure, regular Migration can achieve Stronger Development impact**

**General Rapporteur: Mr. Han-Maurits Schaapveld (Netherlands)**

The topic of this round table was discussed in 2 sessions.

The first on Fostering More Opportunities for Regular Migration and the second on Managing migration and minimizing the negative impacts of irregular migration.

In both sessions we relied first on examples from the panelist and the underlying document for each session.

For labour migration we heard reports on three follow-up projects implemented or pursued following the Brussels GFMD in 2007, and a discussion around the working paper on basic elements of a workable temporary labour migration program. The 3 follow-up projects were a workshop on circular migration held by Mauritius and the EC in Mauritius last month, a compendium of good practices in temporary labour migration prepared by Morocco and Spain (with OSCVE, IOM and ILO) and a follow-up workshop just recently; and the beginnings of a study on engaging the private sector in lowering the costs of migration for the migrants and their families.

On managing of migration and irregular migration we heard examples from Australia, Thailand, South Africa, Greece and the Netherlands on how governments are effectively handling irregular migration and have identified policy frameworks at either end of the migration track that can lower the risk to migrants and raise the benefits for all. The chairs and panellists gave examples of effective practices already in place in countries across several regions.

I think for those of us who attended both sessions that we can say that the topic on labour migration and the one on irregular migration are two sides of the same coin.

In both sessions we clearly identified that:

First that Migration policies, be they for temporary labour migration for other types of migration or for the combating of irregular migration, need to be *comprehensive, coherent and transparent*, both in terms of their goals and by including all relevant government agencies. They should take into account the interests of employers, migrant associations, civil society, and so forth. In other words, we have to look at institutional coherence, where all relevant actors know what their roles are and how they relate to the roles of others.

On the **labour migration** comprehensive policies can also help avoid brain-drain, as Norway and a number of other countries pointed out. Migration programs are likely to be more accessible and beneficial if they are:

- streamlined and simpler;
- for longer periods of time to allow workers to save more, and reduce the need to overstay;
- more flexible in allowing for multiple entry and change of status from temporary to permanent residence and eventually provide for dual citizenship.

On the **irregular migration** side we have seen that enforcement policies alone have failed to prevent or solve irregular forms of migration. Countries like Australia have found that a comprehensive approach, which balances more effective admission arrangements matching workers with real jobs, enforcement against illicit forms of migration, capacity building and international cooperation, can bring benefits for all concerned.

A comprehensive package approach would include labour migration programs coupled with employer sanctions, criminalization of people smuggling and trafficking, information campaigns, capacity building, and greater international cooperation, particularly bilateral and regional.

In both sessions we agreed that a comprehensive approach to migration that includes balancing facilitation of regular migration with effective measures against irregular migration, including international cooperation, appears to bring the best benefits for all concerned.

In both sessions we also saw that Migration policies and programs need to be customized to suit the different needs of countries. **No one size fits all.** There is a diversity of needs of countries of origin and destination and a diversity of policy options to meet these different needs.

When it comes to **bilateral migration programs or other schemes**, we heard examples of circular migration programs given by Mauritius, or of the bilateral arrangements between Spain and Morocco. These countries have been successful in identifying their needs and in defining exactly how such programs will be beneficial to both partners.

We noted that most countries – both emigration and immigration – already have systems in place to regulate the movement of people. Some of these intentionally or unintentionally aim at maximizing the benefits that migration can bring for the migrants, their families and their countries.

But the models differ from country to country, in accordance with different needs and capacities, and different stages reached in the management of migration:

When it comes to **managing migration and minimizing the impacts of irregular migration** we also saw how different countries are faced with different geographical situations some have long and porous borders while others have wide stretches of sea for migrants to cross. The possibility of implementing different measures will be very different in each case.

But while there may not be standard or universal solutions, there are some essential, common elements of good practice that can guide new policies and programs.

**In a more session specific way we looked in session 2.1 at more opportunities for regular migration. Because of the vastness of the topic, we concentrated mostly on temporary labour migration.**

We saw that effective matching of workers and skills to labour market needs is crucial to ensuring that migration programs offer more opportunities to migrate in a regular (legal) way.

We heard from Spain and Morocco how they do this effectively, and also about Sweden's impending labour migration reform, which will be completely based on employer-demand. In this respect, we also need to consider countries of origin and their labour market needs (for example to avoid brain drain). Mauritius' circular migration pilots with countries like France seek to meet labour needs in both countries, while aiming at reinserting migrants into the job market with their accumulated skills and capital after they return to Mauritius. The European Commission reinforced the need for cross-cutting migration management, involving employers, unions and civil society to better match the migration with labour needs.

We definitely need to know more about how labour migration policies can be best designed in order to contribute to development in countries of origin and destination. Temporary and circular migration are not the one and only solution to development challenges, but they do have an enormous potential to contribute to development if managed properly. For instance, a number of states mentioned that the time limits for temporary labour migration are too short, and should be increased in order to allow migrants to become true agents of development.

This may create a *tension* between temporary labour migration programs and the development goals of such countries that we need to address. Migrants must gain relevant and important new skills in countries of destination in order to be able to contribute to development in their home countries. We must also continue to address potential negative effects of increased opportunities for legal migration such as brain-drain and remittance dependency! We need more focus on these in the beginning in order to know how to develop appropriate policies.

In this respect, many mentioned the need to empower migrants and to make them agents of their own development and the development of countries of origin. We talk far too often about government, but do not discuss the migrants interests themselves. Also, if states are able to make procedures for labour migration simpler and quicker, we can improve migrants' access in general and therefore their ability to contribute to development in countries of origin.

We should look at a more enabling legislative framework for global mobility. We are seeing more and more temporary migration used as a livelihood strategy by migrants (old paradigm of permanent settlement does not always apply nowadays). Migration policies should acknowledge this fact. We should begin to look at potential barriers and facilitators to

mobility in our national legislations. Sweden pointed out a number of these, including the ability to leave Sweden for up to 12 months without losing status – also policies that allow for *dual citizenship*, *repatriation grants*, *portability of pension rights*, simplified application procedures, and so forth. Other possible enabling measures are:

- allow access to social security and portability of pensions;
- recognize the rights of migrants and their families;
- good governance to include civil society and the business sector to prevent exploitation of workers;
- bi- and multilateral agreements and dialogues;
- incentives such as lowering the costs of migration (e.g. cheap loans by banks, financial institutions, or lower recruitment costs (tied to formal contracts) (Prof. Martin);
- equal employment opportunities for migrants;
- mutual recognition of skills/qualifications;

For greater policy coherence, these should be accompanied by empowering measures relating to the cost of remittances and investment capacities.

We feel that there is a need to further explore and consider the rights of migrants engaged in circular migration or temporary labour migration programs. Temporary or seasonal migrants often do not have full access to such rights as e.g. pension funds. We must consider the negative impacts of this on children and families who may be left behind. We must encourage *comprehensive legal frameworks* in origin and host countries for the protection of migrant rights and to promote cooperation between countries in this respect. Civil society gave us some clear messages on these issues.

Out of our discussions, and in line with the message from civil society, came clearly the need to address the social costs of migration through policies and measures on:

- family reunification,
- reintegration,
- security fund/retirement,
- information packages also for families.

**In session 2.2 on minimizing the negative impacts on irregular migration we saw clearly that irregular migration increases personal risks and reduces developmental gains**

When migrants are in irregular status, particularly through the criminal actions of *migrant smugglers and traffickers in human beings, or the exploitative behaviour of recruiters or employers*, they are at high personal risk. For example, they have less access to social welfare, including medical attention, less access to formal banking or other financial systems, and little access to grievance mechanisms in case of exploitations or abuse.

They can lose all the economic or social benefits they had hoped to accrue for themselves and the benefit of their families and communities back home.

Exploitation, abuse, reduced income and other negative side effects of smuggling, trafficking and illegal recruitment can directly impact on the welfare of the migrants and their capacity to remit earnings or transfer other kinds of benefits back home.

This kind of disempowerment of migrants also has negative consequences for the country of origin and the host country, and their strategic relations, as well as the credibility of migration.

We also saw that while many countries have counter-trafficking systems in place we can wonder whether they are sufficient?

Most countries have legislation and programs in place to prevent, prosecute and protect against trafficking in human beings.

Few governments connect their Counter-trafficking policies with development initiatives, as does the UK, or allow victims temporary residence with work rights as in Greece. Different policy approaches may also be needed, for example to respond more pre-emptively to the economic and labour dynamics of trafficking.

Some key elements of “good practice” policies were identified:

- Incorporation of international treaties in national legislation, policy and practice;
- A National Action Plan against Trafficking in Persons;

- A “whole of government” approach to coordinate the activities of all agencies involved in managing irregular migration;
- Closer management of the migration/employment nexus at origin and destination ends;
- Strong sanctions against employers, traffickers, smugglers and others, as a deterrence;
- Effective victim protection; giving particular regard to gender considerations, children and those fleeing persecution;
- More operational cooperation among authorities across affected countries;
- More systematic study of the economics and economic impacts of trafficking in persons.

It was repeatedly mentioned that combating irregular migration should not take the form of criminalising the migrant. Reference was made to migration policies in Mercosur-countries which had definitely reduced irregular migration. Also the Mexican example of help to unaccompanied children was given as a good practice.

**In both sessions we concluded that there was a clear need for capacity building.**

In countries of origin capacity building is necessary in order to successfully expand opportunities for labour migration. Examples of Philippines, Spain and Morocco gives an idea of the complexity of what is actually required to implement successful systems and to fully ensure and protect the rights of migrants. This extends also to supporting partner countries’ efforts to provide pre-departure information/orientation or set up Migrant Information Centres.

Not all countries are yet equipped and ready to take a comprehensive approach to managing migration and there is a need for Governments to invest in capability and capacity building. They may need to receive technical support from developed countries and international organizations.

Working cooperatively with regional partners can help build capacity to reap the benefits of orderly migration and curb the harmful effects of people smuggling and trafficking.

Regional consultative process such as the Bali Process on People Smuggling, Human Trafficking and related Transnational crime, has demonstrated success in international cooperation, in part, due to the freedom that members feel to discuss difficult issues frankly and work towards solutions on matters of common interest and shared priority.

**The need for better information in general seemed to be a recurring theme, and the meetings opened up a large number of issues that required further attention:**

- Policy makers need information on migration flows (e.g. are flows becoming more temporary or circular quite naturally or by program design?); demand and supply; impacts of temporary vs permanent, or high skilled vs low skilled labour migration on development; best practices in how to set up programs for labour migration and/or circular migration; and on temporary vs permanent migration as voluntary choices.

In regard to training, some tools exist, such as the migration management training manual used by IOM in its capacity building work with governments.

- Migrants and diaspora need information on temporary legal migration programs, salary and working conditions, laws and regulations in destination countries, risks of irregular migration, how migrants can engage in development work, send remittances cheaply and effectively,

The question was posed: how do we reach migrants and their families if we are to establish viable labour migration programs?

- Nigeria mentioned training workshops and radio broadcasts in local languages

Some gave the example of a west African Rapper (for those of you who are of my age I can tell you that is a singer) who warns youth against the evils of irregular migration

- Morocco mentioned specialized services for migrants, and the need for a web-portal for candidates. Sri Lanka mentioned their website for potential migrants.

- Others mentioned the critical need for dialogue between NGOs and governments.

- In addition to pre-departure information, diplomatic channels were an important way of disseminating information to migrants once abroad; as well as hometown and migrant associations.



- The EU and ACP were establishing facilities to inform, train and/or prepare migrants for work abroad (e.g. Mali job centre).

Information needs are complex and differ in accordance with whether the migrant wants to be temporary or permanent.

Finally we included as per your orders mr Chairman possible effects of the Global financial crisis in our discussions. There was some caution on not talking ourselves into a worse crisis than we otherwise might have. We do think that better linked-up labour market and migration planning is likely to help us, governments, to make projections about migrants' situations in time of financial or economic strife. It is clear that we need to study deeper and further the effects of the financial crisis on migration in general and remittances in particular.

**From session 2.1 we can take along as homework till the next GFMD meeting:**

1. Follow-up on particular pilot schemes (e.g. on circular migration) to evaluate them and provide examples of best practices! It is a good idea to establish pilot projects. Need to evaluate labour migration and circular migration programs and/or legislative enabling frameworks in order to identify models of best practices (???).
2. Extrapolate on the new Compendium of good practices in labour migration prepared by the Governments of Spain and Morocco (by OSCE, IOM, ILO) to include contact information on persons in countries with experience in these types of program. (Nigeria) (OSCE, IOM, ILO).
3. Complete the project begun last year on assessing how to lower the costs of migration through greater involvement of banks and financial institutions (Prof martin).
4. Compile information for all governments on available websites and other information vehicles regarding jobs abroad and/or available supply of labour that facilitate “matching” and regular forms of labour migration (Canada).
5. Explore how international and other organizations inform migrants (check the example of the European Commission on a Joint Initiative on Migration and Development); and assess how Migrant Information Centers (e.g. in Mali) are working.

**From session 2.2 our home work is:**

1. Undertake targeted research on economic benefits of regular and irregular migration on development for developing countries with significant inward and outward migration flows
2. Organise a meeting for heads of regional consultative processes, possibly in Bangkok, to share information on migration and development related activities and achievements;
3. Explore what the discussions in the GFMD and RCPs can learn from each other about best practices between sending and receiving countries, including capacity building and international cooperation to curb people trafficking and smuggling; This would follow up one

of the suggested outcomes of the Brussels Global Forum and also link in with roundtable 3 on policy and institutional coherence and partnerships;

4. Set up a systematic data collection and analysis of trafficking and devise a useful common methodology for this (eg based on IOM's CTM database, which could be expanded to include issues such as the real economic circumstances of the victims of trafficking).

That concludes my report on round table 2. I would like to thank the official rapporteurs of the 2 sessions as well as the unofficial writers who did a lot of the work. And thank you, mr Chairman for the confidence you gave me by asking me to do this job.

Thank you