The Business Case for Migration

The GFMD Business Mechanism's Position Paper and Recommendations for Presentation at the Ninth GFMD Summit

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I. INTRODUCTION

A. Toward a Global Framework for Migration Governance

The work of the Ninth Global Forum on Migration and Development is taking place amidst an ongoing worldwide migration crisis. Countries of origin, transit and destination face a range of humanitarian and development issues as they manage increased refugee and economic migration and an imperative to leverage the potential of skills migration in the face of looming skills shortages. A review of current trends leads to several important premises: First, inexorable forces drive migrants to safety and opportunity, regardless of their status. Second, some countries are facing the labour market impact of aging populations and falling birth rates, and increasingly need large numbers of foreign workers to compensate for declining domestic population, while others have large, increasingly educated populations that seek employment. Third, the legal rights of migrants of all statuses, of citizens and of residents must be scrupulously protected. Fourth, public perception of migration is becoming increasingly negative, fuelling initiatives to close borders. Current migration systems and frameworks – developed in the wake of the Second World War – have proven inadequate to deal with these present-day realities.

The convergence of these challenges brings into high relief the fact that there is no modern comprehensive framework for the governance of international migration. Earlier this year, the UN Secretary-General convened the High-Level Summit on Large Movements of Refugees and Migrants, calling for an agreement on responsibility-sharing with respect to refugees and, more broadly, urging member states to work toward a global compact on safe, orderly and regular

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migration, consistent with the UN's 2030 Agenda for Sustainable Development and its related Sustainable Development Goals (SDGs).[1]

The ninth GFMD convened stakeholders in government, the private sector and civil society to develop a unified structure for a coherent, balanced governance system that addresses all aspects of migration and integrates development, human rights and security priorities. Key themes are (1) the creation of a set of safe and regular options for the mobility of individuals from one country to another, recognizing the positive impact of migration as a driver of prosperity and social progress; (2) recommendations and best practices for a facilitative administration of migration; and (3) safeguards for both foreign and domestic workers.

B. The Business Mechanism of the GFMD

The Business Mechanism of the GFMD was launched to enhance public-private dialogue and deepen the engagement of international companies in the development of migration policy. The Business Mechanism articulates the priorities of the private sector and brings its expertise to the shared goals of the UN system, governments, and civil society in promoting more transparent, effective and humane migration policies, taking into account labour market needs and economic perspectives. The work of the Business Mechanism is coordinated by the International Organisation of Employers (IOE) and the World Economic Forum Global Agenda Council on Migration (WEF GACM).

The Business Mechanism's overarching goal is a regulatory environment in which labour migration policies support business and development to create job opportunities and economic prosperity. Its key policy issues are: (1) the global need for workforce mobility; (2) the matching of skills to labour market needs; (3) fair recruitment and decent work opportunities; (4) integration and social welfare of migrants; (5) the role of entrepreneurship and circular migration for development; and (6) engagement in public discourse to promote positive perceptions of migrants.

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[1] Report of the U.N. Secretary General, "In Safety and Dignity: Addressing Large Movements of Refugees and Migrants," April 21, 2016, available at http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/21-Apr_Refugees-and-Migrants-21-April-2016.pdf.

First conceived in 2011-2012, the Business Mechanism was the subject of a series of exploratory meetings throughout 2015 on the global competition for skills and international mobility of skills, aimed at identifying potential avenues for regular public-private sector interaction through the GFMD. These meetings culminated in a formal endorsement at the Eighth Annual Summit Meeting of the GFMD in Istanbul, Turkey in October 2015. Following a proposal by the WEF GACM and the IOE, the IOE has hosted a GFMD Business Coordinating Unit since early 2016. Austin T. Fragomen, Jr. was thereafter appointed the first Chair of the Business Advisory Group. Business Mechanism Thematic Meetings took place in Geneva in April 2016 and in New York in July 2016 to provide a forum for key migration stakeholders in business, government, and civil society to discuss issues of mutual interest and develop concepts for presentation during the Ninth GFMD Summit in Dhaka, Bangladesh in December 2016.

This paper addresses the recommendations and roles of the private sector in promoting a coherent and comprehensive migration strategy and toward meeting the SDGs. It begins with an overview of current trends in forced, economic and skills migration. It then frames the components of a well-balanced labour migration model. Key human rights issues are addressed in sections analysing business's role in addressing the ongoing refugee crisis, the surge in economic migration, and the promotion of fair recruitment practices worldwide. Circular migration and development are addressed from the perspective of migrant entrepreneurs and investors, with special attention to remittance policies. The paper concludes with a discussion of the role of business in public advocacy on migration. Ultimately, this paper sets the context for the recommendations of the Business Mechanism as presented in the appendix.

Throughout, our conclusions and recommendations are informed by a Business Mechanism survey of migration and mobility professionals from over 210 global organisations. Organisations from an array of industries responded to the survey, including those in the professional services, manufacturing, construction, financial services and natural resources industries. The survey had a broad geographic scope, with respondents based in the Americas, Europe and Central Asia, the Asia-Pacific region, the Arab States and Africa. Fifty-nine percent

of the respondents were from organisations employing more than 5000 people worldwide. The survey is a significant effort to capture private-sector migration practices and priorities.

II.   CURRENT MIGRATION TRENDS

The world is in the midst of sustained growth in migration that began more than a decade ago. There were more than 244 million migrants worldwide in 2015, up from 232 million in 2013 and 175 million in 2000. Approximately 21 million are refugees.

Labour migrants make up a significant and growing percentage of the migrant population, with more than 150 million individuals. Of these, 60 million are skills-based migrants, whose numbers have increased more than 25 percent in the last decade.[2] Labour migrants make up a significant percentage of the local workforce in many developed economies. Roughly 9 percent of the local workforce in Germany is made up of foreign skilled workers and Canada's workforce includes 22 percent foreign skilled workers. In Kuwait, some 69 percent of the local workforce is foreign-born. Worldwide, migrants typically have a higher rate of labour market participation than non-migrants – 75 percent versus 64 percent.

Of the world's migrant population, an unknown number are irregular migrants – those who have entered or remain in a country without fulfilling immigration requirements. There is very limited data on this population, but one expert estimates their number to be roughly 50 million – far exceeding the refugee population.[3] The countries with the largest numbers of unauthorized migrants include the United States (11 million), India (at least 10 million), the Russian Federation (4 million), Malaysia (1 million) and the United Kingdom (1 million). The high level of migrant participation in local workforces generally suggests that irregular migrant participation in the labour force is substantial.

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[2] United Nations Population Fund, available at http://www.unfpa.org/migration; International Labour Organisation, "ILO Global Estimates on Migrant Workers," December 2015, available at http://www.ilo.org/global/topics/labour-migration/publications/WCMS_436343/lang--en/index.htm.
[3] Joseph Chamie, "Understanding Unauthorized Migration," IPS-Inter Press Service, November 15, 2016, available at http://www.ipsnews.net/2016/11/understanding-unauthorized-migration.

III. KEY MIGRATION CHALLENGES

A. Demographic and Skills Challenges Facing Economies and Employers

Around the world, developed economies are facing the labour impact of aging populations and falling birth rates. The shrinking domestic labour pool means shortages of workers at all skill levels. Worldwide, a shortfall of 38 to 40 million workers with tertiary education is projected by 2020.[4] By 2030, a shortage of up to 40.9 million workers is predicted in Brazil, 2.3 million in Canada, 24.5 million in China, and 10 million in Germany.[5]

There is a global mismatch of worker skills with the needs of the labour market, in both high-skilled and low-skilled occupations. This is caused in part by demographic realities and an inadequate alignment of educational programming and skills training with the needs of business. Businesses and governments are engaged in multiple partnerships to close this skills gap to ensure all willing workers have opportunities. Efforts include education reform, apprenticeships, diversity and inclusion programs, and reforms to labour market policies. Mobility of talent across borders is a small but important piece of maximising global economic opportunity.

The Business Mechanism's survey of global organisations illustrates the impact of demographic changes and skills gaps on private sector employers worldwide. Eighty-three percent of respondents report that their organisations hire foreign workers to fill key positions within the organisation, and 66% cited the need to address skills gaps in the domestic labour market as a reason for hiring or transferring foreign employees. Other key drivers are the need to develop internal talent, to build teams with special expertise, to launch key or new products, and to construct or maintain sophisticated technology projects.

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[4] McKinsey Global Institute, "The world at work: Jobs, pay, and skills for 3.5 billion people," June 2012, available at: http://www.mckinsey.com/global-themes/employment-and-growth/the-world-at-work
[5]BCG, "The Global Workforce Crisis: $10 Trillion at Risk," July 2014, available at: https://www.bcgperspectives.com/content/articles/management_two_speed_economy_public_sector_global_workforce_crisis/?chapter=2

Sponsored foreign workers are overwhelmingly highly educated. Eighty-seven percent of survey respondents sponsor foreign nationals with bachelor's degrees or higher, compared to 19% at the secondary, apprenticeship or technical level. Foreign hires tend to be experienced: just 12% of respondents indicated that foreign hires fill entry level positions.

B. Irregular Migration

Irregular economic migration is a major issue that has not been fully addressed in the international community. Thus far, global work on economic migrants has focused largely on concerns related to human trafficking. Addressing irregular migration by strict border controls, including increased land border security and interdiction at sea, tends to increase risk to migrants, resulting in injury and even death without abating the problem.

The more complex problem is the place of economic migrants within the legal migration system. The huge reservoir of economic migrants must be addressed not simply from a border security perspective, but from the perspectives of both human rights and the labour market needs of the countries of destination and origin.

As the current migration crisis demonstrates, when large numbers of individuals are displaced from their home countries because of conflict or environmental disaster, or leave voluntarily due to economic necessity, significant concern about labour market competition and social disruption may arise in receiving countries while countries of origin may lose some of their most talented citizens. It is incumbent upon governments, civil society and the private sector to work together to combat xenophobia and work to prevent the conditions driving mass migration.

A large proportion of migration-related human rights issues affect irregular economic migrants. Legal migration actors can institute agreements and laws dealing with legal administration and worker rights. Issues of fair recruitment, fair pay and other labour rights are solvable problems and can be addressed through international agreements and at the local, host country level through a sound regulatory scheme.

Addressing economic and irregular migration is also a political imperative because it is at the very heart of the negative public perception of migration generally. Though much of the recent anti-migration rhetoric has been directed at refugees, the refugee population has in truth become a convenient straw man amidst the more pervasive and diffuse problem of irregular migration.

C. The Evolution of the Workplace

Emerging global trade, investment and finance regimes demand that people are placed at the centre of economic planning and business decision-making; this requires facilitating the movement of people to a greater extent than in the past. Current migration systems attempt to address the myriad needs of business for labour migrants with mixed success at best.

Among the many challenges facing existing immigration systems is the reality that most were built for a now-obsolete economic model based upon fixed work locations and contracts for structured employment. Migration law, policy and administration have not kept pace with the workplace changes outlined above. In fact, local labour market policy increasingly conflicts with labour needs at both national and employer-specific levels. The collision of business needs with dysfunctional and outdated policies leads to frustration. Businesses face significant impediments to accessing the global workforce, while governments lag in migration-fuelled development.

A significant complicating factor faced by employers and migration administrations is the ongoing evolution in the workplace. Existing systems and policies do not adequately address the new workplace flexibility in its various forms, which include work at home and work at client worksites (with or without a home base and even across borders). The so-called "gig economy" is another new development, where on-demand or crowdsourced jobs require workers available "just in time", perhaps for multiple employers. Project-based work is increasing, in which knowledge of proprietary or unique products or services may be required and where employers may not have a permanent presence in the continuity of employment.

Working at a customer site is a frequent component of outsourcing contracts for foreign-based employers. This may result in the replacement or displacement of the domestic workforce.

The Business Mechanism survey illustrates these challenges. Employers face increasing hurdles in obtaining visas and work permits for all employment durations, but are particularly challenged when sponsored employees will work in short- and medium-term assignments – those most characteristic of the evolving workplace. Seventy percent of respondents find that medium-term assignments of three to twelve months in duration are somewhat difficult to extremely difficult to obtain.

D. Operational Challenges Facing Migration Systems

Migration systems face many challenges beyond their labour market impact. At a global level, institutions and processes have difficulty responding to contemporary risks and realities, and fail to provide pragmatic solutions for effectively addressing migration issues and protecting human rights. This is frequently the result of conflicts between politics and policymaking. Fundamental limitations include structures that are inflexible and maladaptive to change, often with excessive bureaucracy that is further burdened by excessive politicization.

Border management and security continues to challenge the countries that receive migrants in large numbers. Key problems include overtaxed processing systems and overburdened safety and security mechanisms. When border and security systems are strained, human rights protections often suffer; this is particularly true during periods of increased forced migration. A lack of effective multinational cooperation contributes significantly to these challenges.

From the employer perspective, systems flaws pose a significant business risk, as when slow and unpredictable processing leads to delays in the onboarding of needed workers. Respondents to Business Mechanism survey identified a range of process challenges in immigration systems. Seventy-seven percent of respondents identified long time gaps in the official procedures as a somewhat difficult to extremely difficult challenge, while 74% cited inconsistent and unpredictable processing as a significant hurdle. Among other significant

challenges, the inability to hire certain types of workers was identified by 73% of respondents, a lack of visas and work permits by 70%, and requirements to hire nationals by 69%.

IV.   LABOUR MARKET NEEDS AND IMMIGRATION STRUCTURE

A.   Key Characteristics of Well-Functioning Migration Systems

Policymakers should recognize labour market needs and modern business practices in the revision and reorganisation of immigration systems. Because employers are best positioned to determine the skills and business models necessary to effectively achieve their business objectives, governments should actively consult employers when undertaking reforms.

Multinational organisations, as well as small and medium-sized enterprises, overwhelmingly seek predictability and efficiency in immigration processing and systems. Ninety percent of survey respondents seek transparent processes for visas and work permits and 87% seek predictable processing timeframes. Respondents commented that processing delays and burdens "place a choke-hold on…growth" and are "a barrier to planning". Shifting immigration regulations and requirements make it challenging to mobilise assignees in a timely manner. In general, the processing of immigration benefits applications should be centralised in a single government agency, preferably consular services abroad, rather than a two-tiered process involving in-country agencies and consulates. If implemented consistently across consulates, consular processing options can streamline the application process and reduce delays in onboarding needed foreign workers.

Laws should be crafted to accommodate flexibility and future evolution in employment models. Current migration regimes often lack appropriate visa categories to meet current business needs. GFMD survey respondents cite a dearth of visa categories for short-term assignments, and particularly technical work, along with unpredictable processing times, as especially challenging limitations of current systems. One respondent remarked: "The short/medium term assignment type typically requires quick execution to meet a critical business need. Immigration processing is generally a significant roadblock."

Systems should provide adequate immigration numbers for employment-based categories. As noted previously, 70% of survey respondents cited a lack of visas or work permits as a challenge that restricts talent mobility. Respondents commented that annual quotas make it particularly difficult to hire and retain talented foreign graduates.

Facilitative administration is essential and must be strongly promoted. Governments should be encouraged to develop coherent, efficient and predictable labour migration policies, and to ensure that the processes of policymaking and adjudication are transparent and timely. As the Business Mechanism survey demonstrates, respondents overwhelmingly view transparency as an urgent need (90%). In a similarly robust response, around 70% of surveyed organisations reported difficulty obtaining medium-term and long-term visas or work permits. This indicates that a strong majority of employers have a difficult time navigating immigration systems around the world. Efficiency and transparency is also a significant need in the mechanics of immigration administration. Eighty-six percent of respondents want to see more governments establish online application systems, with functionality that allows electronic submission of applications and supporting documentation. The creation of mechanisms to match cross-border labour supply and demand should be encouraged to promote efficiency. Such mechanisms can serve as a viable alternative to and solution for irregular migration.

Immigration agencies and their adjudicators must be charged with consistent application of law and policy. This can be achieved by clearly defining immigration categories, by establishing objective criteria for immigration eligibility, and by establishing and enhancing ethics standards to give policies credibility. On a practical level, the use of trusted employer programs – which simplify migration processes for employers and confer other benefits on organisations with an established record of compliance – would do much to promote consistency and conserve resources as well. Features of such programmes include attestation-based immigration benefits applications as well as compliance obligations such as reporting and auditing. Seventy-nine percent of respondents seek such programmes.

B. Key Components of a Balanced Labour Migration System

A well-designed labour migration system should encompass a range of mechanisms to address business needs.

i. Visitors for Business

A sound migration system begins with provisions that promote legitimate business travel and international trade. A business visitor immigration classification must clearly specify the activities business travellers may undertake, including restrictions on local work and a requirement that visitor activities benefit the foreign employer. Visa waiver agreements among nations should be more widely used. Governments should promote expeditious processing of visitor visas where they are required, including avoiding complex adjudications standards; this is appropriate given the short stays typical of business travellers. Harmonisation of the rules for business visitors across countries or trading regions would reduce confusion and noncompliance in this area.

ii. Foreign Students

Student migration categories should facilitate undergraduate, professional and graduate education as well as provide for post-study practical training and first professional experiences as an entrée to skilled-professional temporary migration and to permanent settlement where appropriate.

iii. The Best and Brightest

There is increasing global competition to fill management, executive and top research jobs with the most qualified candidates regardless of citizenship. The growth of the "global CEO" exemplifies this trend. In Western Europe, for example, some 30 percent of multinational companies are led by foreign-born executives.[6]

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[6] Ken Favaro, "Is there really such thing as a 'global CEO'?," Fortune, April 16, 2013, available at: http://fortune.com/2013/04/16/is-there-really-such-thing-as-a-global-ceo/

Among the best and brightest are the most qualified foreign graduates of local universities, who are sought after to attend school in undergraduate and particularly in graduate programmes. Top foreign students are encouraged to remain in the host country after completion of their studies through offers of employment and facilitative immigration policies. Also included in best and brightest are the most highly skilled and talented foreign nationals beyond the student and early career stages.

Facilitative migration policies for this group include broader permissible activities, such as self-employment and entrepreneurial activities, and more generous policies in regard to dependent family members, including employment authorisation. Business Mechanism survey respondents cited lack of options for dependents as a key challenge to attracting the most highly skilled foreign workers.

iv.   *Intracompany Transferees*

Intracompany transfer categories facilitate the movement of employees between related companies within multinational organisations in order to promote international trade and develop the skills of employees through global assignments. Such categories must be defined clearly, with objective eligibility criteria, an exemption from labour market impact tests and expedited processing. Liberal interpretation of eligibility standards is necessary and appropriate in view of the temporary nature of intracompany assignments and their goal of facilitating the development of employee skills and knowledge.

v.   *Local Hires*

Categories for the direct hire of foreign nationals by local employers – including skilled, semi-skilled and low-skilled employees – should be defined with variable eligibility standards to accommodate labour market fluctuations and to protect both local and foreign workers. These protections may include a requirement for employers to give back through the training of the domestic workforce, local-hire quotas and job portability for foreign workers, among other policy mechanisms. Local-hire immigration categories are the only ones for which labour market impact should be tested.

vi.   *Bilateral and Multilateral Mobility Provisions*

Provisions in bilateral and multilateral trade agreements can facilitate the movement of workers among signatories and are essential to accommodate trade partnerships and regional relationships. Mobility provisions are particularly appropriate in treaties because they support the trade activities contemplated by such agreements. Mobility provisions should cover a range of immigration options, from business visitors to intracompany transfers to direct hires. They should also facilitate the recognition of skills and credentials between countries.

A large portion of survey respondents advocate for free trade and labour mobility agreements, with 42% reporting efforts to promote such agreements when engaging with governments.

vii.   *Investors, Innovators and Entrepreneurs*

A fully developed migration system must include opportunities for self-employment by those who can offer unique benefits to receiving countries, including investment, start-ups and development of existing businesses, and innovative ideas. Self-employment categories should include a range of subcategories to attract foreign nationals at each stage of the innovation lifecycle, from recent graduates to early-stage entrepreneurs to later-stage entrepreneurs and investors.

Migration promotes entrepreneurship and development in home and host countries. The entrepreneurial spirit of migrants has helped create and develop some of the most successful businesses. Migration of innovators and investors must therefore be encouraged to promote development. Sound, well-developed immigration categories for entrepreneurs and investors, must be promoted as an aid to development.

viii.   *Short-Term Assignments and Project Work*

These categories permit foreign nationals to perform brief assignments that facilitate contractual relationships for the provision of services. Such categories should be exempt from labour market testing in view of their limited impact on the local labour market and their importance to the global trade in professional services.

As noted throughout this paper, GFMD survey respondents cited a lack of short-term options and administrative hurdles with existing options as significant roadblocks to business and development.

<p style="text-align:center">ix.   Essential Workers</p>

Advancements in economic development typically create a greater need for unskilled or semi-skilled labour. Migration schemes inadequately consider these labour needs since there is often the perception that local workers can fill these positions. Labour shortage areas and seasonal employment are exceptions, however, and these needs can be addressed effectively through migration. Historically, options for lower-skilled workers have been the most underdeveloped aspect of migration systems because of their potential impact on the local labour market and because of resistance to filling essential needs with foreign labour. In reality, however, countries often fill low-skill labour needs with foreign workers who lack proper status; this is one of the key drivers of irregular migration.

The legal migration system should create mechanisms that allow the employment of foreign nationals in essential worker positions. Shortage categories must facilitate both seasonal and indefinite work that meets essential labour market needs. Sound low-skill migration mechanisms – with appropriate protections for local workers such as recruitment obligations as well as skills matching components – are crucial elements of a coherent migration system. Their absence has serious consequences. Creation of more regular avenues for low skilled migration tends to reduce incidences of trafficking, irregular migration, informal employment activities, unethical recruitment practices and forced labour.

<p style="text-align:center">x.   Residents</p>

Resident visas facilitate the long-term retention of valuable migrants who contribute to economic growth and competitiveness. Residence visas should be made available based on the length of a foreign national's stay in a temporary immigration category or on a labour market test.

V. FAIR RECRUITMENT STANDARDS

The private sector strongly supports the promotion of fair and ethical recruitment practices to promote human rights, reduce abuse and avoid the negative consequences of migration. Employers of skilled and unskilled workers alike must ensure that recruited employees are not victims of trafficking, and are adequately informed of their rights and obligations.

Recruiters and other employment service providers play a significant role in matching labour supply and skills with international employment opportunities. Because recruiters are often the first entry point to international employment for many foreign nationals, it is imperative to promote the responsible and ethical agencies that ensure high quality recruitment standards that protect migrant workers throughout the recruitment process.

Businesses should partner with policymakers and responsible recruitment agencies to help develop and promote fair recruitment initiatives. Business and ethical recruitment agencies can lend their expertise to combat exploitative practices; develop clear, transparent and efficient recruitment best practices; and reliable and accessible compliance tools. In particular, they can advise on recruitment in the context of employment-based migration structure and policies, and make recommendations on the need to reform labour recruitment policies and practices.

There must, however, be shared responsibility between the private sector and government. Government should play the principal role in adopting appropriate regulation on the recruitment industry to promote ethical recruitment and prohibit bad actors that take advantage of inadequate regulation or enforcement. Global initiatives to combat exploitative recruitment practices must clearly delineate the respective roles of governments and of the private sector. Ultimately, it is the duty of government to adopt and enforce regulations, while the private sector must respect and comply with laws.

Yet, many countries have not ratified the International Labour Organisation's Convention No. 181, which established clear criteria for ethical and responsible recruitment. Ratifying this convention is an important step in promoting fair domestic and international recruitment. For

this reason, we generally endorse the ILO's Fair Recruitment Initiative, and IOM's IRIS guidelines, where they promote appropriate regulation on recruitment based on ILO standards and ILO Convention No. 181 and recognize the role of business in respecting the law and carrying out the due diligence process along their operations. However, we see limits with regard to the ILO's call for joint employer and recruiter liability for recruitment violations, as employers are limited in their ability to control recruitment activities that take place further down the supply chain, and therefore, their obligations and liabilities must be based on actual knowledge and limited with respect to the conduct of remote or occasional suppliers, where there is no knowledge. We note that supply chain enforcement is principally a domestic labour issue, and not solely a migration problem. It may involve foreign workers, but more commonly is a problem for the local workforce and is in essence a host country enforcement responsibility.

As our survey results demonstrate, global companies already make significant efforts to monitor the labour and recruitment practices of their suppliers, with 89% of respondents reporting that their organisations take steps to promote ethical recruitment internally and in their supply chain. An extension of their fair recruitment efforts is fair compensation, with 89% of respondents indicating that they provide comparable pay and benefits to foreign and domestic workers. Business organisations can do further work to raise awareness of global fair recruitment initiatives. Forty-six percent of respondents were aware of the SDGs and the UN Global Compact on migration, though 26% were familiar with IOM's IRIS guidelines. Eighty two percent of respondents thought governments could work more effectively with national and regional federations on fair recruitment.

Host country governments and employers should as a matter of course provide foreign nationals issued work visas with information on their rights in country. A useful model might require consulates to provide a brochure outlining employer obligations, the rights of foreign nationals, including labour and wage protections, as well as contact information for appropriate government agencies that offer information and assistance. Employers could also provide

foreign nationals with immigration paperwork filed on their behalf, with appropriate protections for the employer's financial and proprietary information.

Key components of a fair recruitment initiative should include:

- Adopting appropriate regulation on the recruitment sector based on ILO Convention No. 181 to promote the development of ethical and responsible and eliminate bad actors;

- Education for employers, recruiters and migrants;

- Provision of information to migrants regarding terms and conditions of employment, contact information for consular services and basic rights in the host country;

- Transparent employment contracts;

- Clear rules on recruitment costs;

- Build synergies to make use of various initiatives in this space, including the IRIS and the ILO Fair Recruitment Initiative; and,

- Safe harbors for employers and recruiters acting in good faith.

VI. ENTREPRENEURSHIP, CIRCULAR MIGRATION, REMITTANCES AND DEVELOPMENT

In addition to competition for migrants who can help close skills gaps, there is an ongoing worldwide competition for capital and ideas from migrants who can make contributions in a unique way. A prime example is in the technology sector, where many of the top global companies are run by foreign nationals.

Economic citizenship/residence and entrepreneur programmes are a means to attract foreign capital and ideas as well as foreign innovators themselves. But to avoid the negative impact of "brain drain" and to promote the economic and social development in sending countries, organisations and governments must promote and encourage circular migration as well as the efficient flow of remittances.

Migrants' remittances to home countries provide invaluable funding to families and businesses. Though not directly a function of migration, remittances to home countries should be highlighted and facilitated as a tool that can support access to education, financial inclusion and the development of remittance receiving economies. There continue to be significant

opportunities to improve access to and innovation of remittances, market efficiencies and reduced costs and linkages to an array of needed financial services (e.g. payments, savings, insurance, credit) that are essential to sustained development. However, remittances do not operate in isolation as a crucial tool in development. Equally important to remittance effectiveness and cost reduction are countries' enabling environments for access, productivity and investment.

As a starting point for a Global Compact on migration, Civil Society's New Deal for Refugees suggests a need to ensure effective and fair systems to transfer remittances, to support opportunities for investment in home communities and to provide acquired benefit portability. Multilateral governments and related organisations have espoused largely for cost reduction of remittances, but also promoted goals to improve innovation, transparency, competition, and access to payment systems. The SDGs explicitly note the relevance of enabling tools including identification, literacy, access to technology (broadband, internet, mobile) and gender equality all of which are essential to ensuring effective systems.

The goals have been established in a complex and changing environment where remittances have evolved towards connectivity and inter-operability within a global financial system. Concurrently, however, there has been limited harmonisation across country regulatory, supervisory, and ID standards which are necessities to security, enforcement and formalisation, but often barriers to access, implementation of innovations and cost-reducing market efficiencies. The same conditions that have produced xenophobia and slowed advancement of fair mobility and employment policies for migrants have likewise generated additional barriers for companies providing remittance services. Regional influences such as terrorism, refugee crises, downturns in dominant industries (oil or extractives) and revenue/currency crises have likewise elevated a focus on migrants and the services they use.

The business community as a whole has been limited in its ability to directly impact such factors that influence remittance costs and access to technology and services. This exposes a need for a collaborative framework that is inclusive of Business with Civil Society and Government to:

- Highlight market barriers to innovative, technology-based remittances;

- Promote consumer protection and enforcement on informal, unregulated services;

- Expand transparency of costs to all providers;

- Leverage remittances framework for migrant investment and benefits portability;

- Reduce perception of migrant risk among bankers and regulators;

- Create efficiencies and reduce costs; and,

- Financial literacy for migrants' tech-based services.

VII. THE ROLE OF THE CORPORATE SECTOR IN REFUGEE AID

Meeting the essential needs of refugees is a key goal of the 1951 Refugee Convention and the 1967 Protocol. The Draft Global Compact on Responsibility Sharing for Refugees and accompanying Draft Outcome Document direct that a comprehensive response to large movements of refugees should include a whole-of-society approach spanning all actors, including the private sector. The international community needs to come together in a spirit of responsibility sharing and solidarity particularly with countries hosting large numbers of refugees.

Business is recognized as a significant stakeholder in this effort, though its role is limited. Business expertise, research and innovation can be leveraged to address the humanitarian crisis. The private sector can offer its administrative capability to develop innovative infrastructure, processing systems and management solutions. Several large global technology companies have already lent their know-how to the development of electronic systems to manage refugee intake, as well as applications to provide refugees with information on available social services and to assist in access to basic necessities such as food and clothing.

The private sector is indispensable to achieve a positive and sustainable result in providing employment opportunities to refugees and building human capital. Private organisations around the world are already engaged in an array of efforts to support refugees' entry into the local workforce. Corporations play a major role in skills and knowledge assessments,

programmes to match skills and opportunities and skills training through apprenticeships and programmes to match skills and opportunities.

Businesses set an example in local communities by encouraging domestic employees to volunteer in refugee aid efforts and providing equal opportunities for development and inclusion of migrant employees in the fabric of the company. This supports the goal of societal integration, and helps to change negative public perceptions of migrants generally and refugees in particular. The private sector also helps support stability through financial contributions toward social services, housing and other refugee needs, as well as programs to match the donations of their employees.

Direct employment of refugees is one of the clearest ways private organisations can help. However, as our survey results demonstrate, employers face significant challenges in recruiting and hiring from this population. Although there are highly skilled among some refugee populations, it can be difficult to verify skills. Lack of skills and qualifications and language barriers are some of the other practical challenges.

But the most difficult hurdle is the challenge of obtaining and maintaining work authorisation for refugees. Currently, there are significant delays in the initial processing of refugees and in employment authorisation processing. Applicants for asylum are particularly disadvantaged, because in many jurisdictions they have no work rights until their applications are approved. Other countries do not confer work permission immediately upon approval, but rather require asylees to wait for a period of time after the grant of status until they are authorised to accept employment. Still other countries require prospective employers of refugees and asylees to conduct labour market tests. There are also impediments to mobility: while some refugees will have travel documents, many may not. A Business Mechanism survey respondent described these uncertainties as "a state of limbo" with negative impacts on employees personally and on business planning.

In addition to private-sector initiatives, governments should make significant efforts to lift the legal barriers to refugee access to work and to facilitate their ability to travel for employment opportunities, through legal, regulatory and systems improvements.

Mandatory collective repatriation of refugees, which some countries are beginning to consider, must be discouraged. While refugees must receive training and education that prepares them for possible return to their country of origin, repatriation should remain voluntary for this population.

VIII.   THE ADVOCACY ROLE OF BUSINESS

Domestic and regional politics will have a profound effect on achieving the ideal migration policy result. It is therefore crucial that global businesses play a prominent role in advocating for fair and open immigration policy. Businesses can and must promote the successes of migrants, highlighting their positive economic, social and cultural contributions. In their advocacy role, businesses can contribute significantly to counter xenophobia and widespread distortions about migration in society.

The results of the GFMD survey and other studies indicate that global organisations are making significant efforts to promote inclusion and create positive impressions of migrants in the workplace. Eighty two percent of survey respondents have anti-discrimination policies in place, and 79% have implemented policies to promote diversity and inclusion. More than half of respondents have established mentorship programmes for migrants and 57% have cultural orientation initiatives to assist with integration.

Businesses must also look outward and strive for greater engagement with policymakers. The Business Mechanism survey shows that 27% of respondent organisations participate in public policy debates, and 17% report that they have been able to influence national migration policies. These numbers illustrate the pressing need for Business Mechanism and allied groups to continue to foster partnerships and constructive dialogue with migration stakeholders, and to ensure that the private sector is part of the migration policy dialogue.

RECOMMENDATIONS OF THE GFMD BUSINESS MECHANISM

Labour Migration Structure and Administration

1. Policymakers should recognise labour market needs and modern business practices in the revision and reorganisation of immigration systems. Because employers are best positioned to determine the skills and business models necessary to effectively achieve their objectives, governments should actively consult employers before undertaking reforms.

2. A balanced migration system should include a robust and flexible framework for labour migration, including a range of categories to spur innovation, fill skills gaps and promote development. Categories of labour migration must reflect and adapt to the evolving workplace.

3. Migration systems should be accessible and transparent, with clearly defined immigration categories and objective eligibility criteria.

4. Governments should administer an efficient and coherent system, with timely and predictable processes. Immigration agencies and their adjudicators must be charged with consistent application of law and policy. This includes the establishment and enhancement of ethics standards to give policies credibility. On a practical level, the use of trusted employer programs would do much to promote consistency and conserve resources as well.

Fair and Ethical Recruitment

5. Governments should enforce existing laws and facilitate employer portability to prevent exploitative labour recruitment, protect foreign and domestic workers, and ensure that labour migration systems function effectively. ILO standards, including Convention No. 181, provide important tools to this end.

6. Governments should partner with stakeholders to develop reliable and accessible compliance tools and promote efforts to inform foreign workers of their rights and protections.

7. Governments should work with stakeholders to identify regulatory gaps that enable exploitative recruitment practices. Where gaps exist, governments and stakeholders

should partner to reach consensus on standards for fair and ethical recruitment that effectively combat exploitation, promote the development of ethical recruitment agencies, and target bad actors.

Circular Migration, Entrepreneurship and Remittances

8. Migration systems should include robust categories for foreign entrepreneurs and innovators to foster development in both the home and host economies.

9. The public and private sectors should jointly promote voluntary circular migration to reduce the negative effects of "brain drain" on sending economies.

10. Global initiatives on remittances should facilitate direct engagement between business and government stakeholders, to effectively ensure secure and accessible transfer mechanisms that can foster development, while at the same time generating efficiencies to reduce the costs of remittances.

Corporate Initiatives to Aid Refugees

11. Governments should reduce barriers to refugee employment, integration and travel.

12. Employers can play a significant role in resettlement and integration through training, skills and opportunity matching and direct employment. Businesses can also lend expertise to facilitate refugee processes and deliver vital products and services to those in need.

Business Advocacy

13. Businesses should play a prominent role in advocacy for fair and open migration policy, identifying policy challenges and emphasising the benefits of well-managed migration.

14. Businesses should counter xenophobia and common misconceptions about migration in society, by promoting the successes of migrants and highlighting their positive economic, social and cultural contributions.