

# **Where's the Movement?**

## **Comparative Assessment of EU and US Migration and Trade Policies towards Latin America**

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## 1. WHERE'S THE MOVEMENT?

Complex normative framework: which kind of obligation states prefer to comply with? Asymmetric process and non reciprocity

National framework will complement or oppose an harmonization process?

- National legislation often does not reflect or correspond to the laws of the regional trade agreements (RTAs). A major pending issue: the transposition of rules
- States continue to use unilateral measures and bilateral agreements

## 2. INTERNAL/EXTERNAL DIMENSION OF MIGRATION POLICIES

How to make sure that domestic migratory policies are aligned to international framework?

- Political will and public support
- Institutional reform and better conditions of governance
- Financial and material resources

### 3. MIGRATION IN LATIN AMERICA - PERSPECTIVE

Several factors related to the political, economic and social situation had their share of influence + democratisation

Geographical and Cultural Proximity  
Intra and Extra regional Migration

Which instruments are in place to manage labour mobility?

Objectives: highlight relevant provisions, stakeholders involved, protection issues implementation mechanisms.

## 4. MIGRATION AND TRADE POLICIES : HOW TO MAP DIFFERENT APPROACHES TO LABOR MOBILITY?

**RTA AND  
SELECTIVE  
MOBILITY  
US  
NAFTA**

**RTA AND FREE LABOR  
MOBILITY  
EU  
MERCOSUR, CAN**

**BLAS  
US-CHILE**

**BLAS  
AND LABOR  
MOBILITY  
SPAIN-COLOMBIA**

## 5. FREEDOM OF MOVEMENT OF WORKERS – REGIONAL APPROACH

### Agreement on residence for nationals of MERCOSUR states- Bolivia and Chile, 6 December 2002

- Balance of the rights between migrants (permanent or temporary) and nationals
  1. Right to perform any activities
  2. Right to enjoy the same rights
  3. Employment rights

### Multilateral Agreement regarding Social Security (2005)

- No discrimination against social services and benefits

## 6. BILATERAL APPROACH

Two models between GATS and NAFTA

US Bilaterals (NAFTA model) ≠ EU Bilaterals (GATS model)

NAFTA, US-CHILE FTA

- Limited to temporary entry
- 4 high-skilled categories
- Visas required
- General immigration requirements apply

Clear time frame

≠ inclusion of “development-friendly” provisions

## 7. CONCLUSION

Need to build these agreements on common PREMISES:

- Protection and Safeguard of human rights of migrants and member of their families
- Prevention of Exploitation: the role of private sector?
- Securing Protection