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 and 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