

Critical Legal and Policy Aspects
relating to
International Labor Migration

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Three Principal Considerations in Creating Comprehensive Legal Regimes for Managing Labor Migration

- The Supply and Demand of Labor Today
- The Terms of the Migration Debate
- Balancing the Interests of Relevant Parties

Types of Migratory Flows

Short term admissions

- Visitors for pleasure
- Business purposes
- Residence abroad
- No remuneration
- Temporary

Business entries

- Employment abroad
- No local services for hire
- Limited duration
- Defined purpose
- Trade in services

Long term entries: Intra-company

- Length of services abroad
- Corporate relationship
- Executive or Management Level
- Specialist
- Trainees
- Accompanying Dependents

Long term entries: New Hires

- Competition for global talent, highly skilled workers
- Labor market protection
- Displacement of local workers
- Occupation schedules, labor clearances
- Duration, cap, skill level
- Circular migration or path to residence
- Dependents

Treaty Entries

- Economic and Trade focus
- Bilateral or multilateral agreements
- NAFTA
- EU
- FTAs
- Temporary workers agreements

Long term residence

- Family migration
- Sponsoring relative and accompanying dependents
- Points system
- Numerical limitation

Long term residence

- Labor migration
- Employment or independent based
- Labor market protection
- Skill level restrictions
- Numerical limitations

Irregular Migration

- Person enters without inspection
- Person enters with fraudulent documents
- Person enters lawfully but overstays and/or violates terms of admission.

Mechanisms for Protecting Interests of Receiving States

- Border protection
- Consular screening
- Workplace enforcement
- Labor Market Tests
- Quotas, caps, and limits on stay
- Authenticating identity
- Temporary worker programs
- Legalization

Rights of Migrants

- Full protection of domestic law
- Access to administrative process
- Discrimination and equal wages
- Social services and education
- Individual rights
- Portability of Pensions

Interests of Employers

- A transparent and predictable system
- Working with a single agency, high level leader
- Quotas, caps and periods of authorized stay that reflect business realities
- Reasonable processing times and procedures

Countries of Origin

- Minimizing Consequences of Brain Drain
- Remittances
- Linkages with Diasporas
- Encouraging expatriates to return, facilitating transfer of knowledge.

Thank you.