IMRF Dialogue Series

Webinar in preparation of Round Table One: Preliminary Note
19 January 2022 15.30 CET

A background note for each of the four round tables which form part of the International Migration Review Forum (IMRF) will be circulated at least six weeks prior to the IMRF. To facilitate preparation of these notes, the United Nations Network on Migration is convening a preparatory discussion[1] ahead of each round table, supported by a preliminary summary of progress and identified gaps with respect to the objectives under consideration, and posing questions to help guide discussions. These notes can also be used to guide Member States and stakeholders as they consider pledges towards the objectives under consideration round table.

1. Introduction

The first of the round tables of the International Migration Review Forum (IMRF) will offer space for discussion of progress made in the implementation of objectives 2, 5, 6, 12, and 18 of the Global Compact for Safe, Orderly and Regular Migration (GCM). This will take into account that the GCM is based on a set of ten cross-cutting and interdependent guiding principles[2].

This round table covers a broad range of topics. Objective 2, focusing on how to reduce the adverse drivers of migration, is an area in which many countries face challenges. The GCM suggests that the focus should be on achieving broad-based sustainable development, to tackle those factors which compel so many to move. Objectives 5 and 12 focus on ensuring that when people do decide to migrate, they are able to do so through regular and predictable channels. Objectives 6 and 18 cover key themes related to labour migration – which remains the most significant type of international migration globally, with labour migrants making up nearly 5 per cent of the global labour force (169 million).

The GCM, in line with the 2030 Agenda for Sustainable Development, recognises that well-managed migration – when undertaken voluntarily – can benefit communities of origin, transit and destination. This has become even more evident with the COVID-19 pandemic. Many migrant workers provide essential services to communities, such as healthcare and transport, food systems and construction.[3] Migrant workers continue to play a critical role in the socio-economic response to COVID-19.

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[1] For further information and to register please contact unmignet@iom.int

[2] People-centred, International Cooperation, National Sovereignty, Rule of law and due process, Sustainable Development, Human Rights, Gender-responsive, Child-sensitive, Whole-of-Government approach, Whole-of-society approach

[3] ILO, 2021, ILO Global Estimates on International Migrant Workers – Results and Methodology – Third edition

2. Overview of progress per objective

Objective 2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin

The GCM places the achievement of sustainable development[4] at the heart of minimizing the adverse drivers and structural factors that compel people to leave their countries of origin. In 2021, 20 of 42 states included migration in their sustainable development Voluntary National Reviews. Many countries - including Madagascar, Morocco, Nepal, and Tonga - have mainstreamed migration into their development or sector plans at national and local levels or developed specific migration and development approaches, policies, or mechanisms. Others focused their efforts on providing populations more prone to migrate with training opportunities to achieve higher employability levels or by providing access to credit for SMEs. Increasingly, sector-based sustainable development programmes, for example those supporting health, education, and rural development, are being linked to migration. In some cases, these programmes explicitly aim to address the drivers of irregular migration, though some have raised the importance of ensuring that development assistance interventions focus on sustainable development as an end in and of itself, rather than a means of preventing migration.

Many people continue to be compelled to migrate. Even before COVID-19, progress towards the achievement of the sustainable development goals was slow. Almost two years into the pandemic, poverty and inequality – both key structural factors underlying people's need to migrate – continue to pervade. These are exacerbated by the impacts of natural disasters, the adverse effects of climate change and environmental degradation. Finding solutions for people who feel compelled to leave their communities in the context of sudden and slow-onset disasters continues to pose a challenge for states and regions.

Several countries, particularly in the Caribbean and the Pacific, included mobility in climate strategies and participated in regional processes to respond to migration linked to the impacts of climate change. Many countries also incorporated migrants into their emergency preparedness and response efforts, consistent with recommendations of the Guidelines to Protect Migrants in Countries Experiencing Conflict and Natural Disaster[5]. Many - particularly small island developing states, such as Mauritius and Vanuatu - have responded by developing assessments, baselines, and projects - in partnership with the UN system - to support the formulation of national and regional policy, legislation, and action plans.

Objective 5. Enhance availability and flexibility of pathways for regular migration

The GCM recognizes that expanding and diversifying regular pathways, protecting rights of migrant workers, and reducing the complexities and costs of regular migration for all actors, will reduce the reliance on irregular and dangerous forms of migration and recourse to informal forms of work, and better protect those most at risk. Bilateral, multilateral, and regional cooperation and agreements can provide feasible options for agile, rights-based migration across regular pathways when they are developed through social dialogue and are responsive to skills needs and labour market realities. Such cooperation could also help to ensure migrant workers are protected through social protection and social security portability. Such pathways can also offer solutions in the context of emerging drivers of migration, including disasters, the adverse effects of climate change and environmental degradation.

Countries in every region have reported progress on the conclusion of bilateral and regional labour migration agreements aimed at creating pathways for labour migration. The Community of Portuguese

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[4] As defined in the 2030 Agenda for Sustainable Development, Addis Ababa Action Agenda, Paris Agreement, and Sendai Framework for Disaster Risk Reduction 2015-2030.

[5] See MICIC initiative here.

Speaking Countries (CPLP) mobility agreement is under negotiation, and India, Moldova and Morocco are negotiating bilateral labour agreements with Portugal. The UN system has developed guidance on negotiating and implementing bilateral labour migration agreements that are in line with international labour and human rights standards.[6] The countries of the Intergovernmental Authority on Development (IGAD), furthermore, endorsed the Protocol on Free Movement of Persons and Transhumance within the IGAD region, which enables citizens of these countries to move and work freely in other countries of the region and, significantly, makes provisions for disasters and climate change situations. The implementation of the African Union Protocol on Free Movement of Persons, Right of Residence and Right of Establishment offers considerable scope for African countries to reduce barriers impeding the free movement. Similarly, the Agreement on the African Continental Free Trade Area (AfCFTA), which came into effect on 1 January 2021, opens pathways to strengthen regional integration. Stakeholders have also formed cross-border agreements to support protection along labour migration pathways. For example, the trade union confederations[7] signed a MoU in May 2018 to cooperate to protect migrant workers.[8]

Colombia's policy of regularization, social integration and protection of the human rights of Venezuelan migrants in an irregular status, aids in reducing their extreme vulnerability and allowing their access to the formal economy, labour market, basic services, protection and assistance from the host state. This includes access to education and health services for all Venezuelan migrants, and to nationality for their children born in Colombian territory, thus avoiding statelessness.

Other countries reported on measures such as simplified procedures. These combine residence and work permit approval and one-stop-centres for visa application, facilitation of academic exchange, and strengthened opportunities for temporary migration, including in the context of disasters, the adverse effects of climate change and environmental degradation.

For example, Germany introduced measures to promote academic mobility. The Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications on Higher Education in African States entered into force, establishing a legal framework supporting academic mobility amongst the African States to facilitate inter-university cooperation and exchanges.

Some Member States increased options for family reunification. Greece indicated that measures to ensure family reunification were under review.

Furthermore, many countries extended amnesty to foreigners whose visas expired and migrant residents whose work permits expired during the early stages of the Covid-19 pandemic.

Objective 6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

Some Member States and stakeholders acted to ensure fair and ethical recruitment and decent work for migrant workers, upholding international human rights and labour standards and ending unethical or illegal practices, such as charging fees, or engaging in contract substitution, wage discrimination and other practices harming migrant workers' rights. As recognised in Objective 6, the Fair Recruitment Initiative[9] and IRIS initiative provide guidance and support in meeting this objective. Kenya implemented online recruitment methods to strengthen transparency in recruitment. Ecuador's Employment Partnership Network is designed to serve as a tool for facilitating free recruitment and personnel selection processes.

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[6] Guidance forthcoming

[7] Arab Trade Union Confederation (ArabTUC), Association of South-East Asian Nations Trade Union Council (ATUC), International Trade Union Confederation for Asia-Pacific (ITUC AP), International Trade Union Confederation for Africa (ITUC Africa), South Asian Regional Trade Union Council (SARTUC) and the Trade Union Confederation of the Americas (TUCA)

[8] International Trade Union Organisations signed an agreement to promote and protect rights of migrant workers | ITUC-Asia Pacific (ituc-ap.org)

[9] https://www.ilo.org/global/topics/fair-recruitment/news/WCMS_778555/lang--en/index.htm

The ASEAN Forum on Migrant Labour continues to bring together governments, employers, workers and civil society actors to strengthen migrant worker protections in the region. The International Trade Union Confederation has implemented a Migrant Recruitment Advisor to enable migrants to provide feedback on recruitment agencies.

Countries such as the Republic of Korea, and Viet Nam engaged in legal reforms which banned the charging of recruitment fees, while many countries adopted or strengthened rules for private employment agencies to ensure compliance with ILO standards. Mexico included a component in its Integrated Development Plan on labour migration and fair negotiation.

Many countries strengthened labour inspection capacity as a critical means towards ensuring decent work for migrant workers, while countries, for example Canada, adopted measures to ensure that migrant workers who experienced abuse were able to report this abuse without fear of reprisals. Migrant Worker Resource Centres, such as those in Argentina, El Salvador, and Indonesia, have been highlighted as key tools for empowering migrant workers for decent work. However, many countries still indicate that they face challenges in strengthening inspections in the economic sectors where labour exploitation is most prevalent, such as domestic work.

Countries such as Ghana, Kenya, Tonga, Uzbekistan, and Vanuatu progressed on developing national labour migration frameworks aligned with international labour standards and integrating whole-of-government approaches, while employers in Egypt joined discussions on ethical recruitment and trade unions in Viet Nam indicated that their mandate extended to include Vietnamese workers abroad. Colombia issued a Special Permit of Stay for Venezuelans in irregular migration status as to allow their recruitment by Colombian employers.

Objective 12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment, and referral

As demonstrated through their increased use during the pandemic, digital technologies can boost the effectiveness and transparency of migration procedures, provided that these tools are equitable and accessible, and data is processed in line with migrants' rights to privacy.

Countries such as Armenia, Azerbaijan, Kenya, Pakistan, and the Republic of Korea introduced technological solutions to streamline migration procedures, for example through the adoption of online visa system, the enhancement of passports to e-passports and improved border management strategies through modernization and digitization of most borders and border procedures.

Albania, Azerbaijan, Belgium, Costa Rica (within the framework of the Conferencia Regional sobre Migración), Ireland, Malta, Mexico, North Macedonia, and Qatar, amongst others highlighted actions such as training reforms, development of technological tools, and procedures in place to ensure safe reception and referral for migrants, especially unaccompanied minors. Other countries, such as Kenya, trained private employment agencies on various migration issues including migrant protection.

Similarly, countries in Africa and Latin America invested in the capacity of consular services through trainings and deployment to support migrants in need via screening and referral.

A common concern remains the need for awareness and capacity of migration control personnel, particularly those at border stations, regarding human rights, profile detection, and the activation of systems for specialized attention and protection. Too often migration procedures and rules still allow for high levels of discretion to officials and minimal defence and appeal mechanisms for migrants, who frequently find themselves in the middle of processes without recourse.

Objective 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competences

Member States and employers increasingly recognize the importance of labour migration at all skills levels for the contributions migrant workers can make to sustainable development. Private sector, employers' organizations and enterprises and workers' organizations are well-placed to identify labour market gaps and skills needs that migrants could fill.

However, migrant workers' and returnees' academic qualifications, and technical and vocational skills, learned both formally and informally, are often not recognized. This wastes talent and skills, limiting migrants' contribution to development, and leaving them vulnerable to exploitation. Furthermore, migrants are often unable to engage in upskilling activities, denying them opportunities for professional growth.

Countries of origin, transit and destination have made limited progress on mutual recognition of qualifications and skills, including those acquired informally. This is hampered by a lack of stakeholder engagement in policymaking, particularly by the private sector and trade unions.

Despite these challenges, positive practices were identified in regional reviews. In Africa, Europe and the Pacific, regional frameworks for academic and vocational qualifications were being developed, and countries were aligning their qualification frameworks to ensure recognition and transferability of skills. Belgium supported training in countries of origin to ensure migrants were equipped with recognized skills. Germany widened access for skilled vocational workers and adopted measures to improve procedures for skilled migrants to have their qualifications recognized. Bangladesh, Egypt and Indonesia indicated efforts to upgrade the academic and vocational skills of migrant workers and Sri Lanka's government and employers' federation developed a skills recognition scheme for returning migrants.

3. Guiding questions

1. Objective 2: What are the most effective measures that states and stakeholders can take to minimise the drivers and structural factors compelling people to leave their countries of origin, and to make the option to remain in one's country viable to all? What is the most effective and appropriate use of development assistance in achieving this objective?

2. Objective 5: What kind of regular pathways for admission and stay for migrants are currently in place? Do they apply in situations of disaster, climate change and environmental degradation? What actions can be taken to enhance the availability of pathways, upon arrival or after irregular stay? What lessons can be learnt from the COVID-19 pandemic to upgrade and streamline access to admission and stay related procedures?

3. Objective 6: What opportunities are there for strengthened cooperation between governments and other stakeholders to improve implementation of fair and ethical recruitment, at national, bilateral, (inter) regional or global level to ensure safe, orderly and regular labour migration based on fair and ethical recruitment and decent work?

4. Objective 12: Which tools and actions have proven impactful in strengthening certainty and predictability of migration procedures? What challenges have been faced in establishing adequate screening, assessment and referral procedures at borders? What pledges can be made to strengthen rights-respecting, gender-responsive and child-sensitive screening, assessment and referral processes at borders, including the training of personnel?

5. Objective 18: What tools and good practices can be highlighted by states and stakeholders, on decent work for migrant workers and skills recognition, portability, and development as guidance for other countries or future reforms?

Annex

Objective 2:

- Can targeted interventions mitigate the adverse drivers of irregular migration and forced displacement? November 16, 2021: https://www.undp.org/publications/can-targeted-interventions-mitigate-adverse-drivers-irregular-migration-and-forced
- Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster

Objective 5:

- UN Network on Migration, Guidance Note: Regular pathways for admission and stay for migrants in situations of vulnerability (2021)
- System-wide Guidance on Bilateral Labour Migration Agreements

Objective 6:

- ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs
- ILO Declaration on Fundamental Principles and Rights at Work
- IRIS Standard
- Montreal Recommendations on Recruitment: A Road Map towards Better Regulation

Objective 18:

- Global Skills Partnership on Migration