GMPA
Global Migration Policy Associates

An International research, policy development, advisory services and advocacy group

MIGRATION, DEVELOPMENT, INTEGRATION & HUMAN RIGHTS
Global Challenges in the 21st Century

A Global Migration Policy Brief for the
GLOBAL PARLIAMENTARY CONSULTATION on INTERNATIONAL MIGRATION AND THE GLOBAL COMPACT ON MIGRATION
Organized by the Inter-Parliamentary Union and the Parliament of the Kingdom of Morocco
Rabat, Morocco
6-7 December 2018

by Patrick Taran, President, GMPA[1]

Setting the record straight: what migration is about

Migration is about people and it is fundamentally about development, human rights and social welfare in today's world. However, the world seems to be getting it wrong today on migration.

There are an estimated 260 million foreign-born people residing today in countries other than where they were born or held original citizenship.[2] However, this figure is a significant under-count. Many other persons in temporary, short-term or seasonal employment and/or residence situations are not counted in UN and other statistics on *migrants* when their sojourn is less than a year and/or if they retain formal residency in their home or another country – even though they may fit the definition of *migrant worker*. This UN estimate also does not include persons visiting a country for short periods such as tourists, commercial or transportation workers who have not changed their place of established residence, for example cross-border traders – many in Africa – circulating across various countries although remaining legally resident in their home country.

That UN global estimate does account for refugees and asylum/seekers – although not internally displaced persons (IDPs). Refugees and stateless persons comprise about 12 percent of the global migrant population. Current UNHCR figures count 25.4 million refugees (19.9 million under UNHCR mandate and 5.4 million Palestinians registered by UNRWA, the UN Relief and Works Agency) and 3.1 million asylum seekers.[3] UNHCR also counts 10 million Stateless People.

The generalized focus on so-called *crises* of refugee flight and irregular arrivals of *mixed flows* of refugees and migrants (many of whom are escaping situations of denial of economic, social, cultural

---

[1] *This briefing paper does not necessarily reflect collective views of GMPA or of its member Associates.*

[2] Extrapolated from UN Department of Economic and Social Affairs (DESA), *The International Migration Report 2017 (Highlights).* https://www.un.org/development/desa/publications/international-migration-report-2017.html

As noted in DESA estimates, "The estimates are based on official statistics on the foreign-born or the foreign population, classified by sex, age and country of origin. Most of the statistics utilised to estimate the international migrant stock were obtained from population censuses. Additionally, population registers and nationally representative surveys provided information on the number and composition of international migrants."

[3] UNHCR Figures at a glance (at 16 July 2018). http://www.unhcr.org/figures-at-a-glance.html

and civil rights) has completely distorted the reality of what migration is about in today's globalized world.

Migration is about international labour and skills mobility in a globalized world. That mobility is key to sustaining the *world of work* in the Twenty-First Century. It is key to the viability of labour markets worldwide, to obtaining return on capital in a globalized economy, and key to development.

Development –and sustaining development– in Africa, the Americas, Asia-Pacific, Eurasia, Europe and the Middle East depends on migration. Migration maintains viability of agriculture, construction, health care, hotel, restaurant and tourism and other sectors; it meets growing demand for skills; it dynamizes workforces and productivity; and mobility promotes entrepreneurship across every region. Migrant remittances, transfer of skills, investments, and expanded trade enhance development and well-being in many countries North and South.

In a globalized world dominated by a capitalist mode of economic relations, governing migration is inevitably about ensuring protection of people, about decent work for all, about social protection, and about *just* and *integrated human development* for all people, whether they are working or not.

Migration, economic activity and development

Well over 90 percent of migration today –whether for immediate reasons of family reunification, immigration, education and studies, or due to refugee flight—is bound up in employment and economic activity outcomes. In a new report released yesterday (5 December), ILO calculated that 164 million of the 277 million people –including refugees – living outside their countries of birth or origin in 2017 were migrant workers[4], meaning economically active —employed, self-employed or otherwise engaged in remunerative activity. International migrant workers in 2017 constituted 59.2% of all international migrants and 70.1% of all working age migrants[5]. Taking into account family members of working migrants means that nearly all migrants and refugees are directly engaged in the world of work or dependent on persons who are.

Migration represents growing portions of populations and of work forces in many countries across Asia, the Americas, the Caribbean, Europe, and Eurasia. Foreign born workers comprise 10% to 15% of labour forces in Western European countries, around 20% in immigration countries Australia, Canada and the USA,[6] and 40% to 93% of work forces in member States of the Gulf Cooperation Council (GCC). That proportion is 10 to 20% across Eurasia (Russian Federation, Caucasus and Central Asia). Although less in much of Africa, 25% of the workforce in Cote d'Ivoire is foreign born/foreign origin while a large portion of labour in commercial agriculture and mining in South Africa is provided by migrants from neighbouring countries.

An irony is that this occurs as populations age, workforces decline and unemployment remains high in 'old' industrial countries. The dichotomy is threefold: a significant proportion of unemployment is structurally inherent to jobless growth approaches by finance and industrial capital, while technological evolution in the world of work results in many workers left with obsolete skills or simply without skills relevant to today's employer needs. This is compounded by education and training lagging behind evolving economic and labour market needs, both in numbers and in content of training.

---

[4] *ILO Global Estimates on International Migrant Workers – Results and Methodology.* 2nd ed. International Labour Office - Geneva: ILO, 2018. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_652106/lang--en/index.htm

[5] Ibid.

[6] Figures for most EU countries and "immigration countries" mentioned can be found in the OECD *International Migration Outlook:* and its *Statistical Annex.* Latest available issued 20 June 2018. http://www.oecd.org/migration/international-migration-outlook-1999124x.htm

Development is the catchword for discussion of migration. Development is often simplistically equated with growth of GDP –increased economic growth measured by domestic production of goods and services. However, a more adequate understanding of development is:

> the elaboration of productive means, forces, capacities, organization and output that provide goods, services, technology and knowledge to meet human needs for sustenance and well being.

> Development comprises building the material means for: extraction and transformation of resources; production of goods, services and knowledge; constructing infrastructure for extraction, production, transportation and distribution; reproducing capital and labour and skills; and providing for human welfare/well-being in terms of housing, nutrition, healthcare, social protection, education, and culture in its broad sense.[7]

Economic activity underpinning development does not occur without capital, labour power and skills, resources and technology coming together. Development is not sustainable and will not be sustained in developed countries without the labour and skills to run economies and provide for human welfare.

However, nearly all developed countries face: ageing and declining working age populations –and thus work forces; increasing disparities between new skills needed and education that can't keep up with rapid change –even when not facing declining funding; and changes in technology and organization of work that renders existing skills obsolete and moves jobs and entire industries elsewhere.
The very survival of developed economies today in Europe and elsewhere depends on migration.

Development has been significantly dependent on *migration* for centuries. The forced movement of millions of slave labourers from Africa from the 16th to the 19th Centuries as well as, since the late 18th Century, tens of millions of migrants displaced by wars, famine and industrialization in Europe provided the people to develop the Americas North and South as well as the Caribbean region. Over a century from the early 1800s, the British Empire shipped an estimated 2.5 million East Indians to parts of Africa, the Americas and the Caribbean to replace freed slaves in agriculture and to develop rail roads and industrial activity[8], while "between 1815 and 1914, 22.6 million people left the shores of Britain to settle somewhere abroad."[9] Large population movements –some forced—redistributed large numbers of people around the Soviet Union during much of the 20th Century to develop industry and industrialize agriculture across the twelve Soviet Republics.

Migration became a formal, legally regulated pillar of development across several regions since the 1950s. Mobility across a growing European integration space was a primary component of building the European Economic Community succeeded by the European Union. Regional free movement for development systems were established in Central, East and West Africa and among the Andean region of South America in the 1970s.

Labour Mobility for Regional Integration and Development

Common terms that shape perceptions –South-North and South-South– do not accurately convey the reality that most migration is taking place within regions –not between. 52% to over 60% of migration originating in Africa, Asia, Eurasia, Europe and South America remains within those regions. Much migration today takes place within the twelve Regional Economic Communities that have formal regimes of free circulation of persons that involve a total of over 120 countries. 80% of migration originating in West Africa goes to other member states of the Economic Community of West African States (ECOWAS), the proportion is similar in the Eurasia Economic Union. It is 45-60% for the East

---

[7] In "Rethinking Development and Migration; Some Elements for Discussion," online GMPA Working Paper by Patrick Taran, Global Migration Policy Associates.

[8] See http://www.nationalarchives.gov.uk/pathways/blackhistory/india/forced.htm

[9] *How important was Migration to the British Empire?* Webpage: http://www.britishempire.me.uk/migration.html

Africa Community as well as for the European Union, *Mercosur* and the Southern African Development Community (SADC).

Development today will not advance without integrating the material and human resources, capital, technological capacities and larger markets across groups of states that only combined together can obtain: 1) the breadth of resources, 2) scale of production, and 3) size of markets that guarantee viability in a highly competitive globalized world economy.

Free movement of persons has long been recognized as a key pillar of economic integration and development in Regional Economic Integration processes (commonly referred to as Regional Economic Communities – RECs). Free movement of persons -with rights to residence and establishment of employment or entrepreneurial activity- is the means to ensure availability of skills and labour where needed to spur investment and economic development by mobilizing the full breadth and diversity of professional and technical competencies as well as labour power across the member States of RECs. It is the practical means for expanding free trade and commerce throughout regions, particularly of locally-produced goods and services.

Twelve regional integration processes worldwide involving more than 100 countries have in place or are negotiating free circulation regimes. These include the Andean Pact (South America); CARICOM –the Caribbean Community; CEMAC/ECCAS –Economic Community of Central African States, SICA –the Central American Integration System (Spanish: Sistema de la Integración Centroamericana); COMESA –Common Market of Eastern and Southern Africa; EAC –East Africa Community; ECOWAS –Economic Community of West African States; EEU – Eurasian Economic Union; EU – European Union; GCC –Gulf Cooperation Council; IGAD –Inter-Governmental Authority on Development (Horn of Africa area); and SADC –Southern African Development Community. Migration in terms of free circulation is –or is potentially—an engine of development and integration for each of these regions, as it has been for the EU.

Intra-regional mobility and associated benefits represent a vital livelihood strategy for many Africans, Asians and Latin Americans, as well as Europeans. However, many observers miss the crucial labour mobility-economic development interdependency of regional integration.

These factors and conditions must be taken into account in the domestication and implementation of free circulation regimes across Africa and elsewhere –as they were in the EU—and in negotiating viable regimes among RECs still lacking effective approaches.

Economic importance of migration

Recent figures indicate that the annual flow of remittances just to developing countries was 439 billion US dollars in 2016[10]. Total global remittances including to developed countries was $613 billion in 2017[11]. That is considerably larger than total annual overseas development assistance (ODA - "foreign aid") and larger than total foreign direct investment (FDI). But remittances generally comprise less than 20% of migrant earnings, 80% goes into and bolsters host country economies.

Often missed in the 'migration-development' narrative is the huge value of remittances sent <u>to</u> developed countries. For example, overall, the 28 member countries of the European Union receive 125 billion dollars equivalent in 2016, considerably more than the total 98 billion remitted to other countries within as well as outside Europe. France alone received 25 million dollars, Germany 16 billion and Italy 9 billion, according to the most recent World Bank tally.[12]

---

[10] World Bank. Trends in Migration and Remittances 2017. April 2017.
http://www.worldbank.org/en/news/infographic/2017/04/21/trends-in-migration-and-remittances-2017
[11] World Bank. Annual Remittances Data. April 2018.
http://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data
[12] Ibid.

A more comprehensive measure of value of economic activity by migrants to host countries may be 3 trillion dollars, measured by an extrapolation of aggregate direct earnings. That does not indicate the value added or created by migrants' labour not returned to workers in remuneration or benefits but that adds to the worth of employers, private and public, in formal and informal sectors.

Furthermore, migrants contribute to health of national social security systems, in some cases without ever obtaining benefits or use of their contributions. The acknowledged subsidy that undocumented migrant workers provide to the US Social Security system is estimated to be near 50 billion dollars over a recent 5 year period: this subsidy comprises the contributions by undocumented migrant workers that they will never be able to collect or benefit from.

Remaining un-measured is the value of training and social reproduction cost transfers made by migrants moving usually from less to more developed countries. In aggregate terms, that represents a sort of *foreign aid* primarily from South to North. Assuming that each migrant with tertiary education represents $40,000 in cost of usually State-financed higher education, migration of 100,000 skilled workers represents an aggregate transfer of tertiary educational investment equivalent to 4 billion US dollars. This figure is indicative, no research on costings and aggregate values has been widely done.

Greater mobility anticipated

Within 15 years, the majority of world's countries and populations will be in serious work force decline.[13] Germany loses 6 million members of its work force over the next twelve years, Italy 3 million, the Russian Federation has lost 12 million since 2000, with currently a rate of reduction of 1 million workers per year in its domestic labour force. The Japanese labour force will have shrunk by 37% in 2040 from what it was in 1990. A study says that Switzerland will need 400,000 additional workers by 2030. China's work force may decline as many as 126 million people in the next 30 years.

More than 100 of 224 recognized countries and political territories are at or well below *zero population growth* fertility rates[14]. Examples from regions:

Africa: Libya, Mauritius, Morocco, Seychelles, South Africa and Tunisia.

Asia: Bhutan, Brunei, Hong Kong, Indonesia, both South and North Korea, Malaysia, Mongolia, Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam.

Americas: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Mexico, Nicaragua, Paraguay, Peru, Uruguay, USA, plus nearly all Caribbean states.

All EU member countries.

Eurasia: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan.

Middle East: Bahrain, Iran, Lebanon, Qatar and soon Saudi Arabia.

Currently and more so over coming years, all of these countries face increasing departures from the work force uncompensated by decreasing numbers of youth entrants. All require immigration as one of the measures to compensate for work force decline. This means increasingly intense global competition for the most crucial economic resource of all today, trained skills at all levels. The likely consequence for many developing countries will be even greater drain of skilled and educated human resources. It also means looming crises for contributory-based social security systems as declining work force numbers face increasing numbers of retired workers.

---

[13]   For a corporate view on the phenomena, see Ernst & Young online report: "Six global trends shaping the business world: Demographic shifts transform the global workforce" at http://www.ey.com/GL/en/Issues/Business-environment/Six-global-trends-shaping-the-business-world - Demographic-shifts-transform-the-global-workforce

[14]   2.1 children per woman is considered the 'replacement rate' of zero population growth, below which population will decline. The figures for countries available in the on-line *CIA World Factbook, Country Comparison: Total Fertility Rate*(s) at https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html.

Pressures for labour displacement and emigration from countries North and South remain intense; in some situations they have significantly intensified in the last five years. Particularly in Africa, the main factor remains the absence of jobs and decent work in countries with growing youth populations.

Job creation remains consistently flat while youthful populations are increasing, adding millions of new workers each year to labour markets in which new jobs created only match numbers of jobs lost. Significant population growth is expected to continue over the next three decades across sub-Saharan Africa, with fertility rates and population growth gradually decreasing by mid-century. A major consequence will be millions more youth reaching working age with no prospects for employment and many with no training or qualifications to meet employer needs.

Meanwhile, financial crises and austerity measures that devastated national economies as well as social protection systems even in Europe have resulted in youth unemployment rates at or above 40% in several countries[15]. New waves of emigration, especially of young skilled workers, have been departing from Greece, Italy, Portugal and Spain, among others.

20 law, policy and practical challenges for governance of migration and human rights

In this context of globalized migration and increasing systemic structural need for mobility of people with their skills and work capacities, GMPA associates identified 20 key law, policy and practical challenges for governance of migration. These are all concerns for migrants, especially migrant workers, as well as refugees, and for governments. They are concerns for the future of our peoples, societies, for economic viability, for development and for social cohesion. The risk of leaving any unaddressed is that what may be gained in action on one area is lost elsewhere. They are all concerns that directly challenge parliamentarians, and call for consideration, legislative action and follow-up on implementation by Parliaments in every country.

1. Lack of legal protection, non-recognition of migrants; non-recognition of rights under law.

2. Utilitarian instrumentalization of migrants and migration subordinating human rights.

3. Increasing xenophobic hostility and violence against migrants worldwide, no region excepted.

4. Prevalence of sub-standard, abusive employment relations and conditions of work for migrants.

5. Systematic/structural discrimination and exploitation of migrant women.

6. Lack of health care and OSH for migrants and refugees; denial of their health rights.

7. Absence of access to social protection and social security for many migrants, non-portability.

8. Social exclusion and absence of participation of migrants and refugees in associations and unions

9. Migrant and refugee family separation and family decomposition coupled with social disruption for separated family members –particularly children—remaining 'at home.'

10. Growing gaps between skills needs and the numbers and types formed worldwide.

11. Barriers and restrictions for migrant and diaspora entrepreneurs and for migrant SMEs.

12. Increasingly restrictive policies and attitudes towards migrants and refugees, threatening the future economic viability of developed countries.

13. Instrumentalisation of development aid to support and extend migration control and repression.

14. Non-implementation of free circulation regimes and/or increasing restrictions and pressures to constrain free circulation where existent –including in Europe, effectively impeding development.

15. Concentration of *migration management* in security and policing institutions, contrasted with absence of policy and administrative responsibility by labour and social protection institutions.

16. Criminalization of migrants, association of migrants with criminality – including trafficking.

---

[15] Eurostat. Youth Unemployment Figures, 2011-2013.

17. Criminalization of solidarity with migrants and repression of migrants rights defenders.

18. Obtaining comprehensive, rights-respecting national policy frameworks on migration consistent with and fulfilling human rights conventions and the 2030 Sustainable Development Agenda.

19. Implementation of city/urban policy and practice *welcoming migrants and refugees* in line with the New Urban Agenda guidance.

20. Obtaining accurate and reliable data, analysis and knowledge about migration and development

Brief reflections on several of these follow.

Exploitation versus Protection

Exploitative conditions are commonly experienced by migrants. They are in general structurally driven. An excerpt from the executive summary of a report on the UK sums up treatment of many migrants, consistent with data from other developed, industrialized countries:[16]

> "Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them, and large numbers of the general public on the other.
>
> The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between (native) born/migrant and between different groupings of labour migrants."

Global competition, free trade, and the race to the bottom phenomena push against costs of labour and provision of social services; they challenge the very social function of States.

For many enterprises in many countries, for entire economic sectors, low cost foreign labour is the only ticket to survival. Labour dependent agriculture would not be viable in Europe nor in North America nor in the Maghreb –nor could a part of the population afford to eat– without cheap immigrant labour. Health, home care and schooling for children and care for populations of ageing people increasingly depend on migrants in all regions as do hotel, restaurant and tourist sectors.

Keeping some migrants cheap, docile, flexible and removable without social costs– becomes not just highly desirable. It becomes imperative to keep jobs at home and economies afloat, no matter what those jobs are and who is doing them. Despite rhetoric about controlling migration, migrant workers fall into or remain in irregular situations, tolerated because they provide that cheap, flexible labour needed to sustain enterprises, employment and competitiveness. At the same time, labour standards are not applied in migrant-dependent sectors and industries, while labour inspection is left with little or no capacity or competence to reach the workplaces and areas where migrant workers are prevalent.

Attention to protection of human and labour rights and of decent work is thus an essential pillar of any approach to international labour mobility, in particular, application of international labour standards and their domestication to all workplaces formal or informal, especially where migrants are employed.

Convergence and contention between economic actors

Capital, managed today mostly by private sector employers and *labour* represented by worker trade unions, are incontestably the core actors of economic activity. They are the operational pillars for advancing –or simply maintaining– development. They are thus key actors to advancing regional integration, certainly in the fundamental economic dimensions. They are the primary beneficiaries of liberalizing international circulation of capital, goods, services, technology and labour. They most

---

[16]   Ian M. Cook, *Hierarchies of Vulnerability: Country report United Kingdom; Labour migration and the systems of social protection,* Multikulturni Centrum Praha, Czech Republic, 2011, page 4

immediately suffer the losses engendered by restrictions on circulation –whether of capital, goods or people. And they are, in some cases together, the proponents and beneficiaries of free circulation of persons. Participation of these actors, referred to as the *social partners*, is thus essential in any process liberalizing circulation of labour, or on migration generally.

However, migration is a key terrain of contention between capital and labour: between the employers/private sector versus workers/especially organized unions. It is where the division of wealth is fought out– how much of what is generated is returned to capital versus how much goes to working people as remuneration and to and populations as public services. Migrants are also vectors of contention over conditions of work and investment in safety and health protections versus lowering costs to obtain higher returns on capital.

Migration also raises challenges to the extent working people remain organized to defend their interests. Migrant workers are key to whether and how workers freely associate and organize to collectively bargain for fair remuneration and decent work conditions; freedom of association of migrants or restrictions on it can make or break unionization in industrialized countries.

In the context of promoting freer mobility of people –of labour and skills– '*social dialogue*' is especially important to facilitate agreement among the social partners on common positions and cooperation across their diverging interests. This to find workable approaches that engage both employers and workers and to bring to bear the strength of a common front to ensure that government and parliamentary approaches take full account of their role and perspectives. That is ultimately essential to making free movement work to advance integration and development.

The clear and present danger of xenophobia

A burning concern is the generalized rise of discriminatory practices and of racist and xenophobic behaviour against migrants. Recent events from China to Morocco to South Africa to almost every European country to the USA indicate hostility towards migrants is manifested worldwide. Reported incidents in all regions include: shootings of migrant workers at or near workplaces, individual or mob attacks on and killings of migrants. In several situations of domestic unrest and civil conflict, foreigners have been explicitly targeted with deadly hostility.

The concern is aggravated by the absence with few exceptions of vigorous responses by governments to anticipate, discourage, and prevent manifestations of racist and xenophobic hostility against foreigners and to prosecute perpetrators. Instead, anti-foreigner hostility is aggravated by discourse and action by some governments that engage in public brutality and violent repression against migrants, including police round-ups and mass detention of migrants in what can only be characterised as concentration camps.

Social cohesion can only be maintained by deliberate legal, institutional and practical measures. Demonstrable proof is that in a few countries where discrimination and xenophobia have been vigorously discouraged by government and civil society, there have been few or no racist killings of migrants nor burnings of businesses, homes or places of worship of foreigners and where anti-immigrant politicians and political parties have gained no traction.

Gender Specificity

The feminization of migration is not about the gender proportions of migration. The share of female migrants has been above 45% for decades and is nearly 49% today[17], meaning that nearly half of all international migrants are women and girls. The difference from previous times is that today most women migrants are economically active. They often migrate on their own rather than as dependants. This is generally true in all regions.

---

[17] UN Department of Economic and Social Affairs (DESA), *The International Migration Report 2017 (Highlights).* https://www.un.org/development/desa/publications/international-migration-report-2017.html

In a global context of stratification of employment and segmentation of labour markets, women migrants hold particular appeal for employers as they are sought after for 'women's work' that, not coincidentally, is usually low paid and unprotected: domestic work, healthcare, agriculture, hotel and restaurant, semi-skilled manufacturing in export processing zones. Common across these sectors is that while some workplaces may be highly socialized they are not organized, meaning no unions or associations for mutual defence and solidarity, nor any bargaining power to press for decent work conditions.

Women and girl migrants face high risks of sexual and gender based exploitation as well as violence, both in the migration process and in destination countries. Adoption of ILO Convention 189 on Decent Work for Domestic Workers has brought attention to a sector of activity almost entirely comprised of women workers. Attention to the risks faced by migrant domestic women workers should be a springboard to highlight the generalized lack of effective protection faced by women migrant workers in agriculture, in textile sweatshops, in services and elsewhere. Testimony abounds of women working in these sectors subject to abusive working conditions, sexual harassment, unprotected exposure to dangerous pesticides or chemicals, and other risks.

Social Protection

Effective social security systems provide income security, prevent and reduce poverty and inequality, and promote social inclusion and dignity. Social security enhances productivity and employability and supports sustainable economic development, contributing to decent living conditions for all and making extension of social security coverage for migrants vital to workers, the economy and society.

Although migrant workers contribute to the economies of both destination and origin countries, they are not usually taken account of in national social security schemes. Migrants often lose entitlement to social security benefits in their country of origin due to absence. They face restrictive conditions or non-access to social security in the country of employment. Even when they can contribute in host countries, their contributions and benefits often are not *portable* to origin countries.

Migrants are today unwitting players in a vast global redefinition of social protection: who is responsible for it, who is covered and with what benefits. The intent in international law is universal coverage, as laid out in ILO Convention 102 on social security. The ILO and UN have now established the notion of a *social protection floor* as a universal expectation. But assertions abound that social protection for migrants is today a question of finding a median between two "extremes," one being full coverage, the other none at all.

In contrast, progressively extending social security to migrant workers is imperative to ensure welfare and social cohesion in every country and across regions. However, it can only be achieved with political will to obtain necessary legislative acts, administrative mechanisms and practical measures.

Family and social welfare

Many migration regimes other than long term or permanent immigration, essentially require family separation, only calling for and admitting workers –whatever skills levels– alone, without family, at least initially.

In some situations of civil warfare, men heads of family leave under conditions considered unacceptable for women and children, to find a way to safe haven to then find ways of bringing wives and children.

In both cases, the absence of breadwinner and family adults and role models often has devastating consequences for the socialization and eduction of children, left in care of less able grandparents or otherwise overwhelmed relatives. Little or no compensatory social and schooling support is available in most countries experiencing large emigration, likely correlatable with higher rates of school leaving, delinquency and psycho-social pathology among children with one or both parents abroad.

Skills and training constraints

No country today can form or train the entire range and number of evolving skills needed to perform the ever more complex work performed on its territory. This drives a constantly increasing, international mobility of skills, competences, and labour at all skill levels.

The skills crisis is critical. A forecasting study by the McKinsey Global Institute estimated that the global shortage of high skilled and trained technical skills is projected to reach 85 million by 2020. 38-40 million skilled workers with tertiary education will be lacking, especially in developed countries. Another 45 million will be missing with needed technical, vocational and scientific skills, particularly in developing countries.[18] This when today employers and their associations around the world complain that they cannot fill one in three jobs on offer with the needed level of skills.

It is widely observed that institutions and educational systems in many countries are producing graduates with inappropriate, inadequate or obsolete skills and knowledge. At the same time, educational, vocational and technical training systems are not accessible to many youth seeking employable skills and qualifications.

The development cost for is huge, skills are absent where they are needed to spur investment and support economic and infrastructure development. Impediments to mobility and absence of recognition of skills and experience compound the lack of training for current and future needs.

The governance framework

Despite academic literature and political discourse to the contrary, there is indeed a comprehensive international framework for governance of migration. Much of it is designed to support good governance and administration at national and local levels, where most responsibilities and issues lie.

This framework is based in a broad set of complementary international legal standards in several areas of law. It comprises supportive mandates and responsibilities in a range of international and regional agencies and organizations. It includes globally applicable policy recommendations elaborated in formal, authoritative international conferences over the last two decades.

The legal framework is provided by 1) the nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the 1951 Convention and 1967 Protocol on the Status of Refugees, 4) the Vienna Convention on Consular Relations; and 5) the two Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime.

At the core of the global legal regime for migration governance are three complementary, sequential instruments on international migration: ILO Convention 97 on Migration for Employment (1949), ILO Convention 143 on migrant workers (Supplementary Provisions) of 1975, and the 1990 International Convention on the Protection of All Migrant Workers and Members of Their Families (ICRMW).[19] All three contain norms for governance and administration of migration and for international dialogue and cooperation as well as specific standards recognizing and protecting the rights of migrants.

Protection of migrants rights cannot be realized nor enforced without recognition in national law and practice. Ratification of these instruments is the essential foundation for migration law, policy and practice. In reality, 90 countries have ratified at least one of these three instruments, including 15 Council of Europe participating States, 28 African Union Member States and nearly all States in Central and South America. Counting additional signatories of the ICRMW, 100 countries worldwide are legally committed to uphold legal standards governing migration and protecting rights of migrants.

---

[18] McKinsey Global Institute. Jobs, pay, and skills for 3.5 Billion People. McKinsey & Company, 2012
http://www.mckinsey.com/global-themes/employment-and-growth/the-world-at-work
[19] Texts, ratification status and related information available respectively at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0 and: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx

Fitting for a large global population present in many countries, the international institutional structure mirrors the multitude of concerns of governing large populations, whether within a particular state or spread across many. A number of specialized UN and other international institutions address relevant aspects of migration in their mandates, competencies and activity. These include the international agencies addressing labour and employment, health, security, development, education, human rights, criminal justice, etc. No single migration agency can possibly address competently the range of concerns of governing populations, each requiring specialized knowledge, law, technical approaches and functions, no more than any government could abolish its 12 to 20-plus ministries addressing specific areas of governance to instead operate with a sole super-ministry.

The Sustainable Development Agenda and New Urban Agenda

The first global development policy framework to feature the role of migration and its immense contribution to sustainable development worldwide was the Declaration and Programme of Action of the International Conference on Population and Development at Cairo in 1994[20]. The overarching contemporary frameworks are the 2030 Agenda for Sustainable Development with its Sustainable Development Goals (SDGs) adopted by the United Nations in 2015 and the New Urban Agenda adopted in Quito in October 2015.

The UN 2030 Sustainable Development Agenda is the broadest contemporary global consensus policy framework of today. It covers most topics and issues concerning development and human welfare, relevant at all levels: local, national and international. It was agreed at the UN following two years of negotiations involving inputs from many stakeholders and an assessment of the previous 15 years experience with the 2000-2015 Sustainable Development plan. While explicit reference to migration and development is laid out in Sustainable Development Target 8.8 on protecting labour rights and promoting safe and secure working environments for all workers including migrant workers and 10.7 on "safe, regular and responsible migration and mobility," more than 44 SDG Targets across 16 of the 17 SDGs apply to migrants, refugees, migration and/or migration-compelling situations[21].

Sustainable Development Agenda Targets relevant to migrants and refugees include, among others:

1.3 Nationally appropriate social protection systems and measures for all

3.8 Achieve universal health coverage, including access to quality essential health-care services

3.c Substantially increase...retention of the health workforce in developing countries.

4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

5.4 Recognize and value unpaid care and domestic work...

8.3 Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation...

8.6 Substantially reduce the proportion of youth not in employment, education or training.

---

[20]The ICPD was the biggest conference ever held on population, migration and development with 11,000 delegates from 179 countries and some 4,000 participants in the parallel NGO Forum. It articulated a bold new vision about the relationships between population, development and individual well-being. Two of the ten chapters of the Programme of Action were entirely about migration and development, comprising an extensive framework, most of whose elements were reflected –although less amply– in subsequent frameworks. Adopted by all 179 States/governments participating, the ICPD Declaration and 20-year Programme of Action (extended in 2010) continues to serve as a comprehensive guide to progress in people-centred development. https://www.unfpa.org/fr/node/9038

[21] GMPA. The Sustainable Development Goals and Migrants/Migration Regarding the UN 2030 Sustainable Development Agenda: Relevant SDGs and Targets, Rationales for Inclusion, Implementation Actions, and Realization Measurement Indicators. Global Migration Policy Associates. Prepared by P. Taran and multiple contributors. Revised 2018. Available at: www.un.org/en/development/desa/population/migration/events/coordination/14/documents/backgrounddocs/GMPA_14CM.pdf

8.7 Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour, eradicate forced labour...

*8.8 Protect labour rights and promote safe and secure working environments for all workers, **including migrant workers**, in particular **women migrants**, and those in precarious employment.*

10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

*10.7 Facilitate orderly, safe, regular and responsible **migration and mobility** of people, including through the implementation of planned and well-managed migration policies.*

11.3 By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

13.5 Promote raising capacity for effective climate change-related planning and management in least developed countries...

15.3 By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land-degradation-neutral world.

The *New Urban Agenda* provides even more explicit attention to people-centered migration and development linkages. It constitutes the global guidance framework for governance and welfare in cities and urban settlements worldwide –where most migrants and refugees reside. The NUA commits "to strengthening synergies between international migration and development at the global, regional, national, sub-national and local levels." It calls for all cities to adopt law, policy and practice "promoting, as appropriate, full and productive employment, decent work for all and livelihood opportunities in cities and human settlements, with special attention to the needs and potential of women, youth, persons with disabilities, indigenous peoples and local communities, **refugees, and internally displaced persons and migrants**, particularly the poorest and those in vulnerable situations, and to promote non-discriminatory access to legal income-earning opportunities."

Unfortunately, the newly elaborated Global Compact on Migration (GCM) does not enhance the existing governance system. Rather, it diverges from upholding normative standards of human rights protection and the legal accountability of States under international law by establishing a non-binding set of general policy recommendations, many of which represent lower expectations than those in existing human rights Conventions and international labour standards. As a pact of guidelines explicitly addressed to executive migration *management*, it does not give space for a primary participation in governance to the legislative branch of government, nor at all to the review and supervisory role of the judiciary.

The GCM furthermore incorporates for the first time in a UN policy framework language and policy notions of repressive control of mobility. It commends measures that effectively criminalize irregular migration as well as migrants in irregular situations. The GCM calls on States to strictly control national borders, objectively constraining universal rights to leave and return freely to one's own country, at the expense of regional free movement essential for development across economic communities notably in Africa and Europe.

Restructuring Governance: defining a new regime?

The governance structure for migration –as well as ideology and practice of governance of migration – is changing in both old and new immigration countries. The locus of migration governance in immigration/migrant-receiving States over previous decades was generally in labour and employment ministries. That designation reflected the primacy of needs to regulate labour markets and protect both migrant and national workers as well as oversee employment relations and social dialogue. Those ministries retained vital competences in labour market administration, in supporting and mediating negotiation between social partners, and in taking account of interests of the key migration actors: employers – public and private – and unions – the latter representing workers both native and migrant.

Those ministries also supervised the vital regulatory and administrative functions of labour inspection and social security.

Today, security and control institutions of States widely predominate in managing migration and controlling migrants: ministries of interior or home affairs now hold lead responsibilities on migration in many countries in all regions. Consolidation of home affairs' lead responsibility for migration is coincident with a broad redefinition of conditions for labour. The treatment imposed on a substantial migrant component of work forces can and does influence treatment of the work force more broadly.

Administration of increasing foreign components of work forces by control institutions has consequences in shifting emphasis of law enforcement regarding work from labour standards to immigration enforcement and in imposing policing solutions to labour conflicts at the expense of social dialogue.

In parallel, the enhanced –in some cases generalized—border and movement control measures within regional economic community spaces in Africa, the Americas and Eurasia have large implications in impeding and slowing mobility as well as raising costs, contrary to facilitating free and flexible movement of labour, skills and services. The plethora of control posts along land routes across Africa, each with obligatory inspections and payment of 'fees,' does not facilitate circulation of goods, services, or people. In Europe, the increasing surveillance of internal borders, re-imposition of border controls, and incidences of muscled expulsions of migrants across borders from one EU member country to another appear consistent with this international trend.

Movement control measures also undermine exercise of freedom of association rights in internationalized labour markets and employer supply chains. Tightened control on movement facilitates tightened control on workers and work forces, restricting realization of rights to change employers or workplaces to escape exploitative, oppressive conditions. Tightened control and restricted mobility also impede union organizing across sectors, industries and production chains that are increasingly organized across borders.

Meanwhile, advocates of expanded 'circular migration' (a generic misnomer for short term, temporary, and seasonal migration regimes) characterize it as the solution to both employment needs and to protecting 'national cohesion and cultural integrity' of nation states needing foreign labour. Many contemporary temporary migration regimes in fact offer explicitly restricted labour rights, notably exclusion of freedom of association, while permitting reduced application of labour standards.

Of immediate and direct concern to civil society regarding application of *human rights for all* is the widening enactment of the '*delit de solidarite*' (the "offence of solidarity"), criminalising provision of assistance and support to migrants in irregular situations –including food, housing or transportation– and/or for rescuing migrants at sea, and prosecution of individuals and organizations for doing so. This is coupled with the reduction, even denial, of funds to some non-governmental organizations working on migration issues, particularly those critical of government policies and/or overtly advocating rights-based policy and measures.

Coincidentally to these trends is consolidation of the IOM as the hegemonic global agency on migration and its inaccurate promotion as the *UN migration agency* when it remains a *related organization* to the United Nations, the same status as that of the WTO – World Trade Organization. By the official Agreement, the IOM "shall function as an independent, autonomous and non-normative international organization in the working relationship with the United Nations..."[22]. As such, it is not formally subject to the UN Charter nor to strict compliance with United Nations normative conventions. Reporting to the UN is also limited: the IOM "may, if it decides it to be appropriate, submit reports on its activities to the General Assembly through the Secretary-General."[23]

---

[22] United Nations. *Agreement concerning the Relationship between the United Nations and the International Organization for Migration.* UN General Assembly Resolution A/70/976, Article 2, para 3. New York, 8 July 2016. http://www.un.org/ga/search/view_doc.asp?symbol=A/70/976
[23] Ibid. Article 4.

The '*price of rights*'

A justificatory discourse associated with these initiatives posits that the level of rights protections for migrants is negotiable. The terminology of *rights versus numbers* and *the price of rights* is used to show the advantages of trade-offs where wider access by migrant workers to higher wage labour markets would be obtained by accepting reductions in application of labour rights. The argument that lowering wages instigates creation of more jobs is not infrequently invoked.

A fundamental premise in this discourse – and in policy initiatives– is that foreigners are not equal, nor are they equally entitled to protection or inclusion under law or ideology of the nation State. In practical terms, the notion of limiting rights of migrants presumes incentivizing greater migrant access to labour markets in higher income countries, and consequently, greater "development gains" through more jobs created at lower wages and more remittances returned to migrant origin countries.

Anchoring discourse and program on a development starting point facilitates a rights **versus** development discourse. The *rights versus numbers* argument explicitly poses that less rights for migrant workers will generate more employment in higher income situations and thus more development. Setting *development* as the main reference point in a deregulatory environment easily permits posing equality of treatment as a constraining conditionality. Development discussion anchored in economic indicators risks perceiving migrants as agents of development rather than first and foremost human beings regardless of their –or each individual's– utility to development.

Challenges for Parliaments and parliamentary action

Parliaments face in contemporary migration discourse, policy and practice huge contentions with human-centred, rights-based, socially responsible law, national policy and local administration. Addressing these contradictions calls for human-centred narrative based on careful analysis, vigorous advocacy for rights-based law and policy, and socially-responsible practice by individuals, institutions and government and particularly by Parliamentarians.

We suggest below a globally applicable *agenda for action* as a key reference in shaping action by Parliaments everywhere. These recommendations derive from World Conferences in 1994 (Population and Development), 1995 (Social Development) and 2001 (Against Racism and Xenophobia) –at which parliamentarians from countries worldwide made many contributions. It incorporates the conclusions and recommendations from many national, regional and global trade union, employer federation and civil society forums. It also reflects the Plan of Action on Migrant Workers adopted by the world's employer, trade union and government leadership representatives at the International Labour Conference in 2004 and the ensuing ILO Multilateral Framework for Labour Migration.[24]

An *Agenda for Action*

The following agenda comprises policy lines and practical actions for rights-based, economically sustainable and socially responsible governance of migration that supports development, social welfare, social cohesion and indeed respective international cooperation.

1. **Full recognition and legal protection of all migrants**
   a) Promoting ratification and full implementation of the legal standards recognizing and protecting rights of all migrants: the **ICRMW, ILO C-97, ILO C-143 and ILO C-189**.
   b) Promoting and assisting in **regularization** of migrants in unauthorized situations.
Global Policy Reference: SDG 16.1: *Promote rule of law at the national and international levels and ensure equal access to justice for all*.

2. **Rights- and people-based discourse**

---

[24] ILO, *Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, International Labour Office, Geneva, 2006. Available at:
http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

    a) Identify migrants as people and rights-holders first and foremost

    b) Call for respect for four freedoms for all migrants: Freedom of choice; freedom of movement; freedom to remain; freedom of association and participation.

Normative references: UDHR, ICCPR, ICESCR, ICRMW, regional conventions and protocols.

3. Decent Work for all migrants: Vigorous enforcement of labour standards

    a) Adoption and application of International Labour Standards, particularly to places and conditions where migrants are working.

    b) Extend labour inspection to and in sectors and workplaces where migrants concentrated.

    c) Fully 'fire-walling' labour inspection from immigration control.

References: *All International Labour Standards, particularly ILO C-81 (labour inspection), ILO C-129 (labour inspection in agriculture), ILO CEACR –Committee of Experts on Application of Conventions and Recommendations– rulings.*

SDG Target 8.8: *Protect labour rights and promote safe and secure working environments for all workers, **including migrant workers**, in particular **women migrants**, and those in precarious employment.*

4. Stop Xenophobia, racism and discrimination against migrants

    a) Repeal discriminatory legislation; reinforce non-discrimination/equality of treatment in practice

    b) Define and implement national action plans against racism, xenophobia, discrimination

    c) Denounce and repudiate any and all acts of xenophobic violence.

    d) Demand anti-racist, anti-xenophobia political discourse, media reporting and school curricula.

Normative references: *ICERD, ILO C-111 (discrimination in employment and occupation), ICRMW, also the 2001 Durban Declaration and Program of Action.*

SDG 16.1: *Significantly reduce all forms of violence and related death rates everywhere;* Preamble to the 2030 Sustainable Development Agenda, paragraph 8*: we envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity.*

5. Gender-specific migration legislation and policy

    a) Ensure equality of rights, opportunities and protection for all migrant women and girls

    b) Obtain gender specific policy, measures and practices recognizing gender-based risks and ensuring equality in outcomes as well as intent.

Normative references: *CEDAW, ILO C-100 (equal remuneration).*

SDG 5: *Achieve gender equality and empower all women and girls,* and its respective Targets.

6. Health for all migrants (health is a right for all)

    a) Full access by migrants to health prevention and care services and facilities

    b) Elaboration of national public health and OSH policy on health for migrants

    c) Uphold and monitor occupational safety and health (OSH) protection for migrants in all workplaces.

Normative references: *UDHR, ICESCR, ILO C-155, 161, 187 on OSH* plus some 30 other *International Labour Standards* on specific branches or specific risks.

SDG 3*: Ensure healthy lives and promote well-being for all at all ages,* and SDG Targets 3.3 (*eliminate communicable diseases*), 3.7 (u*niversal access to sexual and reproductive health-care services*) 3.8 (*universal health coverag*e), and 3c (*increase health financing... and training and retention of the health workforce in developing countries*).

7. Social Security for migrants

    a) Immediate unilateral measures to extend social security coverage and portability to migrants in both origin and employment countries

    b) Incorporate and harmonize social security access in regional integration spaces.

c) Wider ratification and implementation of ILO C-102 (social security) C-118 (portability)

Normative references: *UDHR, ICESCR, ILO C-102, C-118; ECOWAS General Convention on Social Security, European Union and MERCOSUR instruments.*

SDG Target 1.3: *Implement nationally appropriate social protection systems and measures for all.*

8. Social inclusion of migrants and refugees and their participation in unions and associations
   a) Advocate for legislation ensuring freedom of association rights for migrants and refugees
   b) Support migrant organizing in unions, by unions
   c) Conduct outreach to engage migrants and refugees in unions, associations, and CSOs

Normative references*: ILO C-87 (freedom of association), ILO C-98 (collective bargaining rights), ICCPR, rulings of ILO Committee on Freedom of Association.*

SDG Target 10.2: *By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.*

9. Family Unity and family support
   a) Demand family unity provisions in all immigration and migration regimes
   b) Ensure immigration law facilitates family reunification
   c) Measures to sustain socialization & education for children and adolescents remaining at home.

Normative references: *UDHR, CRC, CEDAW*

10. Training youth for employment; overcoming skills shortages
   a) Reform, renovate and expand technical and vocational education and training for all youth
   b) Promote migrant access to schooling, higher education and vocational and technical education and training (VTET) without discrimination.
   c) Harmonize qualifications and training standards across regions (such as the EU)

Normative references: *UNESCO Conventions; international occupational classifications.*

SDG 4: *Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all;* SDG Targets 4.1 (*all girls and boys complete free, equitable and quality primary and secondary education*); 4.3 (*access for all women and men to affordable and quality technical, vocational and tertiary education, including university); 4.4 (increase the number of youth and adults who have relevant skills...); 4.5 (eliminate gender disparities in education);* and other SDG 4 Targets.

11. Facilitate migrant and diaspora entrepreneurship and their establishment of SMEs
   a) Provide comprehensive training and accompaniment coaching to candidate migrant/diaspora entrepreneurs in conception, organization, product/service development, legal registration, fiscal matters, start-up and operational management of enterprises.
   b) Advocate for access to modest cost financing for qualified migrant entrepreneurial initiatives.
   c) Support migrant entrepreneur/employer participation in employer/business associations.

SDG Target 8.3: *Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services.*

12. Re-frame the narrative, policy and practice on migration towards inclusive, rights-based, mobility-facilitating discourse, policy, measures and institutional behaviour.

Points to address include: migration is about people with rights and dignity; migration is structurally necessary for current and future economic viability and prosperity worldwide; migration is about *integrated human development* in all societies and countries; forced migration can be impeded by ending military intervention and arms sales in areas of armed conflicts; support to material development in many places will make it possible for people to both move freely and uphold their *right to remain* where they are established.

Normative references: *International Human Rights Conventions, International Labour Standards, ILO Multilateral Framework on Labour Migration; regional Migration Policy Frameworks; formal policies adopted by States in various regions.*

SDG Target 10.7: *Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*.

13. Ensure that all development aid is mutual determined by both 'donor' and recipient country, in accord with supporting material development of the latter first and foremost

    a) Ensure that development aid supports: *jobs rich* building up of industry, productive agriculture, and infrastructure; local, national and regional transformation of resources; local and regional production and consumption of goods, services, and knowledge; regional economic integration; and fair trade, especially of value added local resources employing people within their own regions.

    b) In contrast, development aid must not be linked to migration control policies, measures nor to enhancing repressive capacities of control and policing institutions in recipient states.

14. Promote full implementation of free circulation regimes

    a) Advocate political will by governments to implement and maintain free circulation of people

    b) Advocate ratification of regionally agreed regimes by REC member States-namely their parliaments

    c) Promulgate national implementing legislation

    d) Harmonize labour codes and recognition of qualifications across REC member countries.

    e) Derogate legal, administrative and control measures that thwart labour circulation.

Normative references: *REC Treaties, Protocols and Executive Decisions/Directives in: Andean Pact; CARICOM; CEMAC/ECCAS; COMESA; EAC; ECOWAS; EEU; EU; MERCOSUR; SICA.*

15. Consolidate migration policy and administrative responsibility, capacity and coordination by labour and social protection institutions:

    a) Concentrate labour migration governance responsibilities in labour/employment ministries

    b) Designate focal points or units in labour institutions on labour migration/mobility

    c) Encourage engagement on migration by social partner organizations.

    d) Training and capacity building for labour institutions and social partners.

    e) Tripartite policy consultation and coordination at national, regional and continental levels.

Normative references: *ILO C-143 (involvement of social partners in migration policy); ILO C-144 (Convention on Tripartite Consultations) and ILO C-150 (labour administration)*

SDG 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

16. Decriminalization of migrants, refugees, and migration:

    a) De-criminalization/non-criminalization of immigration law and infractions to it.

    b) Non-detention/ending detention of migrants for non-criminal offences.

    c) Treatment of minors according to best interests of the child.

    d) Repeal of generalized migrant/traveller identify control, surveillance and restriction measures.

    e) Lift border controls and eliminate in-country travel/transport inspection-control posts within established areas of REC free circulation of persons.

Normative references: *UDHR, CRC, ICRMW, Regional Treaties and Executive Decisions.*

17. End repression of solidarity with migrants and of migrants rights defenders

    a) Repeal any existing 'delit de solidarite' legislation/prevent enactment if proposed.

    b) Demand that social protection, human/social services and CSO solidarity reach all migrants and refugees without discrimination of any kind, including on basis of status.

    c) Ensure that Caritas and other civil society entities concerned attend to all migrants and refugees without discrimination.

    d) Offer legal and political advocacy for anyone prosecuted or persecuted for defence of migrants' human and labour rights and social welfare.

Normative references: *UDHR, ICESCR, ICCPR, etc.*

18. Establish national *policy frameworks on migration*, with "whole of government' consultation and "whole of society" participation including social partners and civil society

    a) Involve concerned government ministries/agencies/authorities at relevant levels as well as legislators/parliamentarians, social partners and civil society and migrant organizations.

    b) Address comprehensively concerns, issues, and challenges of international migration, including human rights and humanitarian protection responsibilities.

    c) Ensure that policy and practice respond to short, medium and long term considerations of domestic economic and social development, demographic trends and labour and skills needs.

    d) Insist that national policy on migration is rights-based and socially responsible in line with international normative standards.

    e) Address considerations of international development cooperation, public and private foreign investment, and migration implications/consequences of arms and munitions exports and international military engagements.

Normative references: Relevant *International Human Rights Conventions* and *International Labour Standards, ILO Multilateral Framework on Labour Migration; regional Migration Policy Frameworks; formal policies adopted by States in various regions.*

SDG Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

19. Support implementation of *welcoming migrants and refugees* policy and practice by cities

    a) Support city elaboration of values-based, inclusive ***welcoming migrants and refugees*** policy.

    b) Advocate for city policy and implementation that upholds and promotes inclusion, non-discrimination/equality of treatment and full participation of migrants and refugees.

    c) Engage with city/urban government administration on formulating and implementing city policy on reception, settlement, inclusion and integration of migrants and refugees.

    d) Promote involvement of local community organizations, local unions, employer and business groups, civil society organizations and migrant/refugee associations.

Global Policy Framework: The *New Urban Agenda* in full.

SDG 11: *Make cities and human settlements inclusive, safe, resilient and sustainable*; SDG 11 Targets.

20. Obtain gender & age disaggregated data on migrant characteristics, situations, conditions.

    a) Adoption/utilization of international labour migration database indicators.

    b) Apply international statistical standards to obtaining data on labour migration.

    c) Establish data sharing and coordination among national institutions concerned.

    d) Interface data with relevant international labour market and labour migration databases.

    e) Support provision of competencies, training and appropriate hardware & software.

See: *International Labour Statistics Standards; UN guidelines on international migration statistics*

SDG Target 17.18 *(increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, **migratory status**, disability, geographic location...)*

In Conclusion

History tells that migration has always been an essential ingredient of development and human welfare. However, unless regulated by appropriate laws and policies, migration entails high costs in violations of rights of persons, in social disruption, in reduced productivity, and in lost opportunities for development.

Migration must be governed under the rule of law with rights-based and socially responsible legislation framing policy and practice, made with the participation of key stakeholders across government, in parliaments, social partners, civil society, and migrants themselves.

<div align="center">* * * * *</div>

ANNEX
KEY TERMS OF REFERENCE

Human Rights
Human rights can be defined as protections for individuals and groups, guaranteed under international law, against interferences with fundamental freedoms and human dignity. Human rights are *inalienable* and cannot be denied to or relinquished by any human being, regardless of any reason including legal status or immigration status. Human rights are *universal* in that they apply to everyone, everywhere. They encompass civil, cultural, economic, political and social rights, and are *indivisible*, meaning that the different sets of rights are all equally important for the full development of human beings and their individual well-being.[25] Human rights instruments and customary international law generate three overarching obligations for States, namely: to respect, to protect, and to fulfil those rights.

Migration
Migration is a major feature of today's globalised world. In broad terms, migration is the movement of people from one place of <u>residence</u> to another. While the term migration covers population movement internal to a country – rural to urban or from one locality to another in a different jurisdiction, the MIND project addresses international migration. International migration is a distinct legal, political and social category applied as people move from a nation-state in which they are citizen with the rights and protections citizenship normally confers, to other countries where rights and protections of nationality, of access to social protection, and of common identity often do not apply and where social and cultural paradigms may be significantly different.

While there is no international normative definition for migration, there are international convention definitions for *refugees* and for *migrant workers and members of their families*; the latter applicable to nearly all international migrants.

Refugees
The definition of a refugee in the 1951 Convention and 1967 Protocol on the Status of Refugees is: "*someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion*".[26] All EU Member States have ratified both the 1951 Refugee Convention and its 1967 Protocol.

Migrant Workers
The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) states that: *The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.*[27] That convention recognises *frontier worker*, *seasonal worker*, *seafarer*, *offshore worker*, *itinerant worker,* and other specific categories of migrant workers as covered under its provisions.

The ICRMW iterates that all basic human rights cover family members present with and dependent on migrant workers. Data from the International Labour Organization (ILO) shows that nearly all international migrants, whatever their reasons for migration or admission, end up economically active – employed, self-employed or otherwise engaged in remunerative activity.

---

[25] Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993, http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx

[26] See UNHCR *What is a Refuge*e, at http://www.unhcr.org/what-is-a-refugee.html

[27] See full text at https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx

Migrants **Statistical Definition**

For statistical purposes, an *international migrant* is defined as 'a person who has resided in a country other than that of birth or citizenship for one year or more, irrespective of the causes or motivations for movement and of legal status in the country of residence' [28]. This definition, agreed under UN auspices to obtain reliable and comparable data globally on international migrants; is used by most governments.

Development

While there is no commonly agreed political-economic usage of the term *development*, this article uses the term to encapsulate:

> the elaboration of productive means, forces, capacities, organization, and output of material goods, services, technology and knowledge to meet human needs for sustenance and well being. It comprises building the means for: extraction and transformation of resources; production of goods, services, knowledge and technology; constructing infrastructure for production, transportation and distribution; reproducing capital as well as skills and labour; and providing for human welfare/well-being in terms of housing, nutrition, healthcare, education, social protection and culture in its broad sense.[29]

Transforming our world: the 2030 Agenda for Sustainable Development endorsed by all 193 UN Member States at the UN General Assembly in September 2015 expresses their shared vision of and commitment to a "*world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realisation of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met*".[30]

The 2030 Agenda has led to paradigm shifts in the perception of development: development and sustainable development concerns all countries on the planet; environmental protection and tackling inequalities are considered among key development goals; peace and social justice are seen as integral components of the universal development agenda; and the need for the commitment and participation of all groups within all societies and states is emphasised in order to achieve development for all. The new worldwide consensus on development is grounded in the *Universal Declaration of Human Rights* and all human rights treaties; therefore, if states do not make progress on the actual realization of human rights for all, the SDGs cannot be reached.

* * *

---

[28] UN *Statistical Guidelines on International Migration*

[29] In "Rethinking Development and Migration; Some Elements for Discussion," online GMPA Working Paper by Patrick Taran, Global Migration Policy Associates.

[30] The 2030 Agenda for Sustainable Development, paragraph 8.