



# **Toward a Global Compact on Migration: Perspectives on Labour Migration from the GFMD Business Mechanism**

## **Recommendations and targeted actions**

September 2017

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*The Business Mechanism published a comprehensive policy paper outlining the private sector's recommendations for the Global Compact for safe, orderly and regular migration (GCM): "Toward a global compact on migration: Perspectives on labour migration from the GFMD Business Mechanism". Based on this policy paper, as well as on extensive consultations of different industries from various regions, this document suggests targeted actions for governments, defined as priorities for the private sector, for inclusion in the GCM.*

## Introduction – The private sector's expectations for the GCM

The overarching goal of the private sector is a regulatory environment where labour migration policies support business and economic development to create job opportunities and economic growth. The GCM should present a non-binding framework for comprehensive international cooperation on migration. It should encourage governments to create orderly pathways of migration through sound migration policies; it should also aim at elevating the discourse around migration by highlighting how skills mobility promotes opportunity. Presenting migration through the prism of opportunity can lead to a more honest and nuanced debate.<sup>1</sup>

### I. Skills mobility

Global skills mobility – the international movement of workers at all skill-levels for employment – is integral to business and economic growth. A well-designed migration system should be predictable, reliable, efficient, transparent and encompass a range of mechanisms to meet labour needs at all skill levels. Migrants bring skills that mitigate gaps in native workforces, as well as introduce new ideas and perspectives. They help business compete, innovate, and expand. Facilitating labor mobility can advance opportunity for both the host and sending country, but proper migration policies will enhance its returns. The GCM presents a timely opportunity to advance concrete actions that address barriers to skills mobility.

#### Recommendations:

- 1) Adopt migration policies that are timely and flexible to accommodate new and longstanding business models, but also predictable and transparent so that employers can effectively manage compliance.
- 2) Ensure employers are partners in identifying skills gaps and establishing frameworks for assessing foreign qualifications. Policies should avoid narrow qualification requirements and skills definitions, trusting employers to identify the most-qualified candidate.
- 3) Adopt migration policies that foster family unity by creating accessible pathways for accompanying family to obtain work authorization.
- 4) Provide sustainable assistance to employer organizations to communicate the benefits of labor migration and how migrants apply their skills to enrich the local economy and the community.

#### Targeted actions:

1. Processing timeframes do not exceed one month for standard employment authorization and two weeks for business visitors, and should improve by 10% annually.
2. Ensure work authorization is portable, allowing migrants to change employers with minimal administrative processes, and modifiable, allowing migrants to change conditions or length of stay to meet changing business needs with minimal administrative processes.
3. Migration systems offer accelerated and facilitated processes for employers with a track-record of compliance – or “trusted employers.”
4. Migration and work authorization processes are clearly outlined, forms are accessible, processing fees are transparent and reasonably related to the application, and processing timeframes are reported and accurate.
5. Substantive systems or platforms exist for engaging employers to identify skills gaps and necessary skill sets not available in the labour market and for consulting employers on the performance of migration selection criteria.
6. Migration systems include pathways for accompanying family to reside, study, and work in the country.

### II. Innovations for migrants and refugees access to labour markets

Seismic demographic shifts have created large skills gaps throughout the world, stunting business opportunities and economic growth. Migrant labour provides potential to fill hiring needs and facilitate business growth, yet there are challenges which inhibit the private sector's access to the migrant talent pool. These challenges include: skills identification and matching; skills assessment, certification, and recognition; and skills development and integration. The private sector innovations and models with the participation of

<sup>1</sup> The term migrant refers to any qualified person who would engage in global mobility in order to seek an employment opportunity through a regular, orderly, and safe pathway.

governments can enhance both the private sector's access to needed talent and migrants' access to gainful employment.

#### Recommendations:

- 1) Lower information barriers that businesses face in accessing qualified migrant talent.
- 2) Train migrants so that employers can more effectively benefit from their contributions to the labour market.
- 3) Harmonize certification processes and improve methods for assessments and skills-recognition processes to facilitate efficient hiring.

#### Targeted actions:

1. Adopt measures to address unique barriers that companies face in accessing migrant talent, such as: implementing technological solutions to assess skills and facilitate virtual interviews; and beginning skills screening and certification processes of migrants prior to arrival, dedicating budgets to training and adopting up-to-date technology to maximize migrant access to quality skills-based learning and job readiness training. Trainings should include job-specific language trainings and soft skills training to navigate the job market.
2. Support global skills partnerships where specific skill training is provided for migrant employment and ensure all governments support industry in adopting, where appropriate, regional or bilateral certification systems or "skills passports" and have systems which assess foreign educational credentials.
3. Provide work authorization to migrants and refugees in the host country, where possible.
4. Implement skills development programs for both local and migrant workforce to improve their employability in the local labour market.

### III. Irregular migration <sup>2</sup>

High numbers of irregular economic migrants can signal a disconnect between migration policies on one side and labour market dynamics in receiving countries on the other. Border security and human rights protections are essential elements of any program to control irregular migration, mechanisms to allow economic migrants to perform services within the legal migration system can also be of relevance in this regard. This includes assessing unmet labour needs provided by irregular migrants as well as gauging the impact of irregular migrants on the domestic labour market.

#### Recommendations:

- 1) Establish a humane but credible enforcement mechanism as a counterpoint to a comprehensive essential worker program that meet labour shortages.
- 2) Enact national laws that ensure the protection of this vulnerable unlawful group of migrants.
- 3) Develop solutions to support the domestic labour market in providing workers with the necessary spectrum of skills

#### Targeted actions:

1. Craft new essential worker immigration programs that take into account the dynamic of the domestic labour market and meet labour shortages. The assessment of availability of local labour must be realistic and based on objective criteria for determining whether domestic workers are ready, willing, able and available
2. Establish international agreements to promote fair recruitment practices and fair pay. Partner with businesses to help develop and promote fair recruitment initiatives for legal employment.
3. Establish local recruitment initiatives and skill training to ensure that local workers are not disadvantaged by legal channels for economic migrants.

### IV. Responsible recruitment

The criteria for fair and ethical recruitment are well established in various multi-stakeholder initiatives. The ultimate aspiration is to ensure that the rights of workers are not violated through the recruitment process and that workers will not be exploited in the workplace. Accountable recruiters who professionally match people to jobs increase the benefits of regulated labour migration and limit its costs. There are many responsible companies – both on the supply and demand side. On the demand side, we see encouraging examples like the Consumer Goods Forum's priority industry principles as well as the Leadership Group for

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<sup>2</sup> For the purpose of this section, the term irregular migrant refers to any person who has entered or remain in a country without fulfilling immigration requirements.

Responsible Recruitment, whereas on the supply side, members of the World Employment Confederation have all committed to principles of fair and ethical recruitment. Responsible recruitment needs to operate on a level-playing field. Unfortunately, we still see abuses persist in many parts of the world. These abuses can rise to the level of forced labour and human trafficking. National laws and their enforcement often fall short of protecting the rights of workers.

#### Recommendations:

- 1) Ensure that national law is compatible with the elements of fair and ethical recruitment to help prevent human trafficking and forced labour, taking note of existing tools including ILO's fair recruitment initiative, as well as the code of conduct of the World Employment Confederation, and take into consideration the principles enshrined in ILO Convention on Private Employment Agencies, 1997 (No. 181).
- 2) Consider the merits of bilateral arrangements between sending and receiving countries to ensure the rights of migrant workers.

#### Targeted actions:

1. Establish concrete measures to prevent forced labour, to protect rights of workers and to reduce the cost of labour migration. Assure that migrant workers are advised of terms and conditions of employment, rights as migrant workers, and instructions to seek assistance.
2. Enforce labour laws to prevent human rights abuses and support existing multi-sectoral initiatives such as IOM's IRIS Initiative.
3. Bilateral agreements should include provisions aimed at ensuring the rights of migrant workers, as well as addressing capacity building for governments less able to implement and enforce their fair recruitment regimes.
4. Engage in consultations with the private sector in the negotiations phase of the bilateral agreements.

## V. Entrepreneurship

Entrepreneurship, can offer several benefits for both the sending and receiving country, while simultaneously easing pressures on labour markets. The ingenuity and enterprise of entrepreneurs running the gamut from small proprietors to high growth innovators can generate significant economic benefits. Migrant entrepreneurship also offers an excellent opportunity to rectify the negative public opinion of migration and to portray mobility of people in a more positive light. For these reasons, it is crucial to ensure that the Global Compact on Migration includes some broad-based guidelines for countries to boost migrant entrepreneurship.

#### Recommendations:

- 1) Gather data on migrant entrepreneurship to enable design of policies that can remove hindrances in the process of starting-up and enhance success rates of migrant-founded firms.
- 2) Supplement policies to incentivize and facilitate entry of new migrant entrepreneurs with targeted strategies for countering challenges that limit migrant entrepreneurs' ability to start and grow their business.
- 3) Ensure that existing support mechanisms are visible to the target group and are communicated clearly to become more accessible for migrant entrepreneurs.

#### Targeted actions:

1. Commission studies to profile migrant firm founders (education, duration of stay in country, type of visa they are on etc.), measure revenue and number of jobs created and identify good practices among initiatives supporting migrant entrepreneurship. Implement measures based on the evidence unearthed to support integration (reintegration, in the case of returnees) and entrepreneurship efforts of migrants.
2. Modify visa regulations and categories to introduce visa classification for business owners, senior executives of start-ups and investors.
3. Adopt and implement broad-based measures to improve the entrepreneurship ecosystem at large, including easing of bureaucratic procedures and streamlining regulations; enhanced access to finance by broadening range of available financing instruments, incentives to banks, special funding schemes for start-ups and subsidies like tax relief, investment subsidies, support for job creation, and innovation grants.
4. Explore financing mechanisms to pool remittances to support entrepreneurs and support regulations to limit the cost of remittances
5. Use migrant communities and networks as well as ethnic media for awareness raising and outreach purposes.



The Business Mechanism to the Global Forum on Migration and Development (GFMD), endorsed at the 2015 GFMD Summit in Istanbul, brings the voice of business to the forum and to international debates on migration.

Participation in the Business Mechanism is open to all companies and business associations that share its goal: promote more transparent, effective and humane migration policies, taking into account labour market needs.

The Business Mechanism is chaired by Austin Fragomen, Founder and partner at Fragomen Worldwide.

The Business Mechanism is housed at the International Organisation of Employers (IOE), the largest network of the private sector in the world.



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