

GFMD Business Workshop Qatar

Business and Migration: Strengthening the dialogue between the Private sector and Governments

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Report of Panel Two - International Good Practice in Migration Governance

Panellists:

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Introduction

Migration patterns around the world remain on a continuous rising trend. The latest report from the United Nations (International Migrant Stock 2019) estimates that there are currently 271 million migrants worldwide. The International Labour Organisation (ILO) estimates that, of these, at least 164 million are labour migrants. In many countries, particularly those in the Middle East, the growth rate of migrants outstrips overall population growth rates. In Qatar, the UN estimates that the total population consists of approximately 2.2 million migrants, which compared to 2015, reflects a 32% increase. This substantial growth is spurred by Qatar's economic growth and diversification drive. Given that the vast majority of Qatar's migrant population consists of labour migrants, the private sector is of course a key stakeholder and contributor in the migration debate

As envisaged by the principles laid out in the Global Compact for Safe, Orderly and Regular Migration, the body of work of the GFMD's Business Mechanism has focused on the following key areas:

- Global Skills Mobility, defined as the movement of workers at all skill levels for employment opportunities and the government policies that govern mobility.
- Responsible Recruitment including maintaining transparency in the supply chain, ethical recruitment practices, compliance with legislation and ILO codes. In summary, the Business Mechanism not only upholds this as a responsibility but advocates this as business best practice.
- Global Skills Assessment, recognition and training frameworks including issues of skills harmonisation, up-skilling and frameworks for opportunities.
- Promoting and enabling migrant entrepreneurship and circular migration to realise developmental and growth outcomes for countries of origin and destination.

Synopsis of Panel Discussion

Migration and development

Migration and sustainable development are interlinked – the former UN Secretary General Ban Ki Moon called migration a transformative force for sustainable development. To pick one example: a study done by McKinsey estimates that migrants world-wide (roughly 3% of global population) contributed about 9.4% of global GDP.

One area that highlights the importance of ongoing dialogues and cooperation between governments, the private sector and other relevant actors is fair and ethical recruitment. The Swiss government has worked for various years already on this topic both with actors in countries of origin and destination. The experiences gathered confirm the statement that fair recruitment is not only the right thing, as it protects the inherent rights of migrant workers, but it is also the smart thing to do. It levels the playing field for all, it increases the motivation and efficiency of migrant workers and it allows for a better matching of skills needed, all of this contributing to a better business performance of the companies and hence also to the economic growth of a country.

The government role in fostering the sustainable development potential of migration, such as through fair and ethical recruitment, is to ensure conducive policy and regulatory framework conditions. This applies to all topics relevant for the nexus between migration and development, such as remittances, financial inclusion, skills development and matching or better protecting the human and labour rights of migrant workers. On this latter point, the Qatari government has made great strides in the last 2-3 years. Opportunities for dialogue between governments and the private sector, such as those offered by the GFMD Business Mechanism, are essential moving forward.

Migration frameworks

From a business perspective, some key principles in a well-managed migration framework would include (but are not limited to):

- clarity in the legislative and regulatory legal framework, guidelines and processes
- transparency in terms of the decision-making process including the criteria used to make various decisions and appeal procedures;
- consistency and predictability in terms of adjudication standards and submission outcomes;
- stability with respect to the nature and frequency of changes of both policy and procedure;
- flexibility allowing for migration pathways that cater to business requirements and more broadly linked to economic growth and development objectives;
- efficiency of process and use of technology to streamline; and
- ongoing engagement between government and private sector to understand changing realities and needs particularly considering modern business needs.

On balance, private sector participants reported that the Qatar immigration system is relatively business friendly, particularly when compared to immigration systems in other jurisdictions. For example, there are no minimum skill levels set for work visas, labour quota application requirements are relatively straightforward, and there are no overly cumbersome immigration reporting requirements. Localisation has not, as of yet, had a major impact on the private sector and there are no requirements for labour market tests. Processing times appear to be generally predictable with some notable exceptions. The use of technology platforms such as the Metrash2 mobile application allow for certain quick and easy application process for standard matters.

That being said, the private sector faces a number of challenges with the current immigration framework.

Transparency and Consistency of decision making

There can be multiple authorities involved in the process (Labour, Immigration, Free Zone) and decisions of various authorities can sometimes be conflicting or difficult to predict. Experiences on delays in processing times for some applications were discussed and often

businesses have been at risk of losing or have lost key talent. Participants were mindful of the needs of the State to conduct screening and yet raised this as an opportunity for improvement.

There is often a lack of detailed requirements and guidance for various visa applications with much discretion afforded to Officers at the ground level, particularly for situations that would cater to non-standard matters. Development of such guidelines, available to the public, would be a welcome step.

Private sector participants also reported difficulty in working with the labour quota (block visa) approvals where a business request may be denied or changed in its outcome without clear reasoning or guidelines. Furthermore, changes to established processes and policies can sometimes happen without notice making it difficult for businesses where projects are planned and budgeted for in advance.

Skills Recognition

The current system determines skills set primarily based on the applicant's proposed profession title some of which are then linked to the requirement of holding a Bachelor's Degree. Work experience and other skills are not necessarily considered when defining job roles and given the relatively limited list of available profession titles from the Labour authorities, this can be somewhat inflexible.

Furthermore, when applying for a Block Visa, businesses are also required to confirm the nationality and gender of the potential applicant. Most employers do not select candidates based on nationality or gender, rather tend to make hiring decisions based on the skills, qualifications and expertise required to fill a role. Therefore, the current quota system which requires employers to make requests for quota based on a pre-determined set of profession titles, nationality and gender may no longer be an accurate reflection of the criteria companies use to select their talent.

That said, panellists also highlighted the importance of having a diverse workforce. Diversity within the workforce ensures a range of different perspectives and approaches are taken to tackle both common and unique challenges and also provides businesses with better insights to their customers.

Given the changing nature of the workforce and with a view on the Future of Work agenda, business expectations, skills requirements and the types of roles being created are changing. It is, therefore, important for this to be addressed to ensure adequate flexibility in the labour market along with companies being able to deploy workers with the requisite skills and backgrounds that they would be best placed to determine.

Migration pathways

The general category for work visas is available for all types of roles and companies in Qatar along with a 'Work Visit' or 'Business' visa for short term work permits.

Intra-Company Transfer Permits (ICT)

Participants discussed the availability of this category and significant value it adds to a migration framework in other regions around world such as Europe. It has been used by companies operating around the world to facilitate deployment of talent with internal proprietary knowledge and unique skills particularly to facilitate knowledge transfer through short to medium term international work assignments. The ICT permit or its equivalent is currently not available in Qatar.

Corporate Restructuring

Companies that have undergone a corporate restructure (e.g. as a result of a merger, acquisition or divestiture), will invariably have the need to transfer employees from one legal entity to another within the country. Currently, such a transfer is viewed as a change of employment and there is no specific category that would facilitate a transfer of undertakings from one employer to another.

Private Sector-Government Engagement

The panel complemented the avenues available to engage with government authorities in Qatar and discussed the possibility of ongoing structured engagement platforms on migration issues. Such forums exist in other regional economic communities or within countries to facilitate an open exchange and dialogue on business migration issues and an understanding of labour market needs and realities.

Recommendations and proposals for reform

Challenges	Proposals for reform
<p>Transparency and consistency of decision making</p>	<p>The private sector would benefit from having additional clarity and transparency regarding the applicability and application of the current legal framework.</p> <p>We suggest, in addition to the current law, a robust set of detailed guidance is created which sets out in more detail how the immigration and labour departments operate, and the criteria used to make various decisions. This should also set out processing times and avenues for appeal.</p> <p>Having readily available clear, transparent and consistently applied guidelines will allow companies to more effectively create and implement their corporate strategies.</p> <p>Ideally, proposed changes in policy and/or procedure should be discussed with the business community <i>before</i> implementation. This will ensure that all viewpoints are taken into consideration to create more robust and more widely applicable policies and avoid the unintended consequence of creating potential non-compliant situations.</p> <p>We would also propose more clearer transition periods before a change in policy/process is effected. This will give businesses time to plan and again also ensure they are not inadvertently falling into potentially non-compliant situations.</p>
<p>Migration pathways - Intra-Company Transfers (ICT)</p>	<p>ICTs provide companies with an invaluable option when seeking to deploy their existing staff overseas to the host location for a temporary period. Skills of ICTs complement those of the local workforce, for example, by bringing cultural knowledge and understanding, languages or specialist skills to the business. ICTs pass on their skills and expertise to employees while delivering the latest advances in technology from around the world. The route helps employers maximise productivity, encourage trade and investment and ultimately contribute towards economic growth.</p> <p>ICTs are also an important means of transmitting tacit knowledge i.e. knowledge that cannot be codified or transmitted through documentation, lectures, conferences or other communication channels.</p> <p>We recommend that Qatar seeks to develop its current migration pathways framework, specifically in relation to ICTs. In view of the temporary need of a specific skill set, it would be reasonable to suggest that ICTs should not be required to first obtain a Block Visa, nor register a local employment contract or be paid locally.</p>

	<p>A number of conditions could be applied to prevent abuse e.g. minimum salary levels, minimum skill levels, minimum periods of employment with the overseas entity, maximum duration of visa etc</p>
<p>Skills recognition</p>	<p>Job titles may be indicative of one’s skills set but not necessarily authoritative. Furthermore, many companies are now moving away from the formal requirement for their prospective employees to hold degrees, instead focusing on the skills and experience of the talent they wish to hire.</p> <p>Qatar should consider creating a more robust framework which defines skill levels more clearly. Use of Standard Occupational Classifications is popular in many countries. Under such a framework, focus is placed on the qualifications, training and experience to become competent in the role in question, but not necessarily the holding of formal educational qualifications.</p> <p>Creating a more robust skills classification framework will also help Qatar in identifying skills gaps and shortages going forward by ensuring it has a more accurate reflection of the skill sets currently in the country.</p>
<p>Delays in processing times</p>	<p>The conclusion often drawn in cases where approval on an immigration matter is delayed, is that enhanced screening is applied.</p> <p>Most organizations already have established background checks as part of their hiring process. Global organisations are also subject to numerous laws and strict internal policies which proactively encourage the fair treatment of employees. Furthermore, nearly all global organizations will have fair recruitment policies which require them to offer equal opportunities to all, irrespective of the candidate/employee’s background.</p> <p>As such, in view of the enhanced regulatory framework within which many companies operate, we consider that there is merit in the creation of a “Trusted Employer Scheme” which positively acknowledges the strong contributions companies make with respect to protecting the rights of their employees and their adherence to the law (both local and international). Being on such a Trusted Employer Scheme should serve as a means to incentivise companies to adopt such best practices across the market and provide for benefits including expedited processing options.</p>
<p>Corporate Restructuring</p>	<p>In situations where a company has more than one legal entity registered in Qatar, we suggest that provision is made to allow for such companies to complete the transfer process without treating this as a change of employment. This would include not having to:</p> <ul style="list-style-type: none"> • pay end of service benefits to employees; • submitting the standard sponsorship transfer application; • obtain quotas for female applicants; • cancelling labour cards for employees under family sponsorship.

	<p>Many countries have specific provisions which cater for the immigration implications of a change of employer by way of a restructure. Often, no more than an immigration notification to the authorities is sufficient, rather than a new visa application.</p>
<p>Private-Sector Engagement Platforms</p>	<p>Create ongoing platforms to facilitate dialogue on labour market requirements and realities.</p> <p>Ensure continued private sector engagement in creating new initiatives and pilot programmes for enhancing fair and ethical recruitment practices.</p> <p>The government should also consult with and leverage best practices that already exist with companies that are promoting robust recruitment and employment practices around the world.</p>