GFMD Priority topic
Theme 1: The governance of labour migration in the context of changing employment landscapes
Business position

- The current crisis will change the migration landscape drastically, but it will not close the skills gap that every region of the world is facing. An efficient infrastructure for cross border skills mobility remains crucial; even more so for the global economy to recover.

- 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.

- Of course each country across the continent has national legislation in place but (a) the extent to which that is up to date given current labour market and migration needs could be reviewed and (b) the extent to which detailed guidance is available in respect of interpretation of regulations can be somewhat limited. This is important particularly in light of the changing nature of work, and the introduction of more flexible employment and migration pathways.

- Among the many challenges facing existing immigration systems is the reality that most were built for a now-obsolete economic model based upon fixed work locations and contracts for structured employment. Migration law, policy and administration have not kept pace with the workplace changes. In fact, local labour market policy increasingly conflicts with labour needs at both national and employer-specific levels.

- A significant complicating factor faced by employers and migration administrations is the ongoing evolution in the workplace. Existing systems and policies do not adequately address the new workplace flexibility in its various forms, which include work at home and work at client worksites (with or without a home base and even across borders). The so-called “gig economy” is another new development, where on-demand or crowdsourced jobs require workers available “just in time”, perhaps for multiple employers. Project-based work is increasing, in which knowledge of proprietary or unique products or services may be required and where employers may not have a permanent presence in the continuity of employment.

- **Availability of relevant migration pathways** remains a significant area to address. Whether this is in the context of seasonal or short-term permits or longer-term permit such as Intra-company transfers used successfully elsewhere in the world or highly skilled / innovator / entrepreneur categories. There are some examples of these categories being available in certain countries but again not in a consistent way. The work in ECOWAS has facilitated some flexibility in regional movement but more could be done still.

- In catering to the needs of the private sector through adequate migration pathways, governments essentially need to understand the inherent link between migration and development. Often these requirements align to an underlying need that can facilitate growth, skills transfer or fill skills gaps.

- Examples of scenarios where international companies use the Intra-company transfer category very effectively in other parts of the world:

- Filling a short term or temporary skills gap, for instance an engineer who is trained and knowledgeable with specialized and cutting-edge equipment or other intellectual property of the company, to deploy in a location for say up to 3 months to conduct an installation, maintenance, repair or local training.

- Providing significant management experience or leadership for long term growth. For instance, a company may deploy a senior manager, highly experienced with the company, from another location to lead and build out an IT development centre. This development centre may end up employing hundreds of local nationals but requires the leadership, experience and skill of the foreign national to succeed and sustain over a longer period of time. The development centre may also in turn require a mix of short term and long-term transfers to fill skills gaps as they may relate to certain technologies, and hence not only facilitate its continued growth and success, but also transfer of skills and training of local nationals.

- In terms of **digital transformation of immigration processes**, whilst this globally can be seen as a trend with the countries in Gulf Cooperation Council leading the way in this space. Many countries in Africa have introduced online application systems, however, these are mostly in their nascent stages. There are some excellent examples of digitisation such as Ethiopia's entry visas and Rwanda's overall immigration programme. Although, the digitisation process generally has experienced technical difficulties such as extended system outages, this can only be expected to improve and eventually lead to enhanced processing as systems mature. A key outcome expected from this will be more integrated government systems nationally with possible regional implications as well. As experienced in countries that are more progressed, this will eventually enable governments to manage compliance and track foreign nationals' status more effectively, along with system led monitoring of corporate compliance obligations such as ratios and contribute to more decisions based on data. This has also been borne out in the inability of many governments to provide immigration services in lockdown or remote working environments. Contrasts with the countries in the GCC region, they were largely able to

adapt very quickly and continue to deliver key services to migrants in-country as a result of the decade or so of digitisation work.

- Furthermore, **implementation of localisation policies** is important for countries across the continent to ensure employment opportunities are made available to local nationals. In the context of doing so, a lack of detailed labour market data on available skills and qualifications, or development of appropriate skilling processes can lead to a gap in what the government sees as available versus what business at the end of drawing on that expertise. (I'm not sure if colleagues from Morocco have joined but there were some good initiatives underway that I understood from our North Africa Consultation that can be shared in regard to this.)

- Implementation of localisation policies or stringent adjudication of work permits for foreign nationals can often be seen from a political lens particularly when public sentiment seems to be geared negatively towards this. This is surprising given overall migrant numbers in Africa are proportionally still very low. Overall migrant numbers represent only 2% of the total population across the continent.

- **Although the vision on mobility set out by the African Continental Free Trade Agreement covers freedom of movement and the right to work, current challenges and uncertainties remain with implementation**. Therefore, where regional frameworks can continue to work towards implementing quick wins such as freedom of movement for visit, work or residence purposes, it has the potential to realise benefits of migration that can be replicated more widely. Furthermore, there is also great potential in terms of harmonisation of skills recognition frameworks within the same agreement which could present a significant opportunity to make real and concrete progress towards developing commonly accepted skills frameworks across the continent, which will enable greater mobility of such skills as a natural consequence.

- **On Data collection:** our business group supports evidence-based policy making, which will prove much more successful in the implementation. Consultations with the employers on the ground will therefore be key as they have live valid data on skills needs and requirement, as well as on certification needs. Bilateral skills recognition agreements can be useful, but they need to respond to the realities on the ground. If the criteria are too prescriptive, these agreements may not be used in the end. Engagement with the private sector is therefore key in particular when discussing future employment landscapes.

- As policymakers will reflect on revised migration systems, labour market needs and modern business practices will have to be considered. This will mean increased interaction with Labour and Employment ministries, as well as with employers themselves, because employers are best positioned to determine the skills and business models necessary to effectively achieve their business objectives.