

## Global Forum on Migration and Development Athens, 4-5 November 2009

### Background Paper

*(Original version: English)*

#### **Roundtable 2: Migrant integration, reintegration and circulation for development**

#### ***Session 2.1: Inclusion, protection and acceptance of migrants in society – linking human rights and migrant empowerment for development.***

#### **Co-Chairs of the session: Governments of Argentina and United Arab Emirates**

Team members preparing the session: Governments of Australia, Brazil, Ecuador, Egypt, Greece, Israel, Mexico, Philippines, Portugal, Spain, ILO, UNOHCHR, World Bank.

Inputs also provided by: International Steering Committee for Ratification of the Migrant Workers Convention, and IOM.

#### **Roundtable 2 Coordinator: Dr Irena Omelaniuk**

#### **Session panel:**

This background paper was drafted by Dr Lindsay Lowell and Ms Stephanie Lezell, on behalf of the Governments of Argentina and the United Arab Emirates, and in collaboration with the RT Coordinator and Task Force set up by the Greek Government for the preparation of the third meeting of the Global Forum on Migration and Development (GFMD). The sole objective of this document is to inform and facilitate the discussion of Roundtable session 2.1 during the third GFMD meeting. It is based on open sources and does not aim to be exhaustive. The organizers do not accept any liability or give any guarantee for the validity, accuracy and completeness of the information in this document. The document does not necessarily reflect the views of the GFMD organizers or the governments or organizations involved in the Roundtable sessions. As the GFMD is an informal process, the document also does not involve any commitment by any parties using it in the GFMD discussions. Any reproduction, partial or whole, of this document should cite the source.

## Executive Summary

*This paper explores the assumption that the more migrants are included, protected and accepted in their host societies, the better they are able to secure the wellbeing of their families and contribute to development in host and origin countries. There is some evidence that these efforts at migrant “integration” are critical for the integrity of regular migration programs, the public perception of migrants, and the added value of migration for development. Evolving forms of temporary and circular labour mobility challenge traditional approaches to migrant integration. Temporary or circulating workers abroad contribute substantially to development back home and in the host country, yet are often less able to exercise their basic human rights or access the services available to permanent immigrants. The paper examines the combination of, or access to, the inalienable basic rights and additional services to migrants that can assure their social protection and empowerment, and strengthen their ability to contribute to development.*

*This paper supports the preparations and discussions on these issues in the RT 2.1 Session in the Athens GFMD. The session complements the work of RT 1.2 on diaspora, but also builds on the debates and outcomes of the Manila GFMD on protecting and empowering migrants for development, particularly in regard to the situation of temporary migrants in the host country, and to the special vulnerability of female migrants. The paper poses some questions to guide the discussion of RT 2.1 towards greater inclusion, protection and acceptance of migrants in host societies.*

## 1. BACKGROUND AND CONTEXT

### 1.1 Rationale

1. Countries with a strong tradition of immigration, like Australia and Canada, long ago established that the inclusion, protection and acceptance of migrants are critical for ensuring that their immigration programs work to the benefit of all concerned in the host country - the migrants, their families, and the new host communities, economies and labour markets. In the GFMD context, the missing element in this policy thinking is the added value that migrant integration can bring for development also in the country of origin. Newly emerging forms of temporary, circulatory and multi-directional global mobility are also challenging traditional approaches to integration. The way that migrants, temporary and permanent, are included, protected and accepted in their host country may be a key missing link in any outcomes-oriented discussion on migration and development.

2. Yet evidence about the “integration”- development interface is scant. The discussion of RT 1.1 in Manila brought to light some key policy initiatives for protecting and empowering migrants throughout the migration life cycle. This year’s discussion in RT 2.1 will focus on that phase of the cycle in the host country, when migrants are using and enhancing their capacities to contribute to the development of their families and home countries. There is a need for more information about the inalienable basic human rights and set of complementary social/economic services that can best support the migrants in this.

### 1.2 Definitions

3. In the context of this GFMD Roundtable Session, “inclusion, protection and acceptance” refers to the combination of rights and services that can support and empower migrants in the host country, and thereby enhance their capacities to contribute to development.<sup>1</sup> That combination is context-specific, and

---

<sup>1</sup> “Development” here connotes human, economic and social growth. The UNDP Human Development Report’s concept of human development as “a process of enlarging people’s choices... by expanding human capabilities and functionings” may be a useful starting point when examining the relevance of integration policies for development. Also the UNGA Agenda for Development defines development as a multidimensional undertaking to achieve a higher quality of life for all people.

can differ between permanent and temporary migrants, and between countries. But on many points they can be the same for both. Indeed, it is essential that certain degrees or forms of inclusion, protection and acceptance are provided to all migrants, such as respect for human rights. Good policies and practices by countries where migrants are typically on a path to permanent residency can also inform policies by countries that accommodate primarily (or uniquely, as in the case of the Gulf States) temporary migrants. A critical part of the equation is to protect the rights and interest of host societies as well.

- a) “Inclusion” of permanent immigrants involves specific social and legal entitlements and obligations related to residence status, defined differently from country to country. But “inclusion” in the context of temporary or circulating migration refers more to degrees of social and economic participation for the time that migrants are in the host country, which can enhance their earning capacity, skills, and general human development, to the benefit also of the family and host and home communities.<sup>2</sup>
- b) “Protection” of migrants involves their basic human rights and their humane working conditions, as embodied in international laws, irrespective of their migratory status.<sup>3</sup>  
This paper will focus on regular migrants and their capacities to contribute to development. But protection is also a function of access to essential social services. The more rights and services granted to migrants, the more protected they are from external threats such as poverty, unemployment and discrimination. The lack of protection increases vulnerability and exploitation.
- c) “Acceptance” of migrants refers to the tolerance and/or approval of migrants by the host society, both as legally stipulated and expressed normatively in daily living, which in turn can be influenced by the measures to include and protect migrants. Non-discrimination is key, as the more a migrant is seen socially and legally to be on equal footing with nationals, the more accepted he/she is in the host country.

### **1.3 Assumptions**

- a) The more migrants are included, protected and accepted in their host societies, the better they may be able to contribute to development in both host and origin countries.
- b) Both host and origin countries play a role in protecting/empowering migrants.

### **1.4 Objectives**

- i) Create a better understanding of the significance of migrant integration for development;
- ii) Identify some effective policies and programs that combine empowerment with human rights to better assure inclusion, protection and acceptance of migrants in society.

### **1.5 Key findings to date**

4. There are few concrete findings on this theme. We know intuitively that social and economic inclusion, protection and acceptance can enhance migrants’ capabilities while abroad, and hence their potential to contribute to development back home, but there is scant data on the extent and range of these effects.

5. Migrants contribute in many ways to development, most obviously through financial and social remittances to the family and home country. To enhance migrants’ capabilities for this is a question of

---

<sup>2</sup> Inclusion of immigrants in the host country – i.e. programs to encourage social, economic and political participation to varying degrees in host countries - are subject to the sovereignty of each country, and cannot be prescribed in a general way. Policies can range from access to bank accounts, investment opportunities, welfare services, and for permanent immigrants can in some countries include the right to vote, run for political office, apply for citizenship etc.

<sup>3</sup> See also UNDP 2009 and Ruhs 2009.

fostering their human development, or the knowledge, experience, expertise, ideas, values, etc. they can apply both, in the host and origin country. Government policies play a key role in this, first in the host country, but also in the home country, and importantly, between them. Preparing a migrant for life and work abroad begins at home, as those countries of origin, such as the Philippines, who inform and equip their migrants with social welfare cover, or with contracts that factor in certain protections, can attest.

6. There are many examples of individual and collective initiatives by well integrated migrants or diaspora to invest in the development of their home countries (Kuznetsov, 2006). These serve to prove that longer term integration does not necessarily weaken ties to the origin country although the nature of these ties may change and evolve (e.g. from private remittances to broader investments). But there is still insufficient evidence of how much this behaviour by the diaspora can be attributed to integration in the host country, incentives offered by origin countries, the innovative/entrepreneurial spirit of the migrants, market factors, diaspora networking, or an appropriate balance of these for the given situation.

7. Expert agencies, like the World Bank, find that temporary and circular migrant workers contribute significantly to economic development by increasing and distributing more widely the flow of social and economic remittances to their home countries (World Bank, 2005; Ruhs, 2009). Many host countries are actively promoting temporary foreign work programs to meet their labour demand. Yet these migrants can be particularly vulnerable in the host country, as they are legally less likely to be included in the full range of rights and enabling services available to permanent immigrants.

8. There is good reason to believe that improved rights and other support for such migrants will improve the interaction between migration and development. That may be most obvious in the workplace, where, e.g., the protection of wages leads to increased income that in turn can be remitted home. Protection of working conditions improves the surety of income and the ability of migrants to plan their employment, savings and social and financial remittances. Conversely, migrant workers who are not properly protected, particularly women, are especially vulnerable to abuse and exploitation, which among other things denies migrants decent work and earnings. The rights and protection of migrant workers are increasingly important in times of economic crisis, when they potentially can be vulnerable to exploitation as cheap labor, or as in the case of many women and children to sexual exploitation and violence.

9. Social remittances channeled to the home country can be an individual and/or collective force for community development back home.<sup>4</sup> By transferring new skills, knowledge and experiences to their home country, migrants today build social fields across geographic, cultural and political borders to link together societies of origin and host countries (Portes, 1997). Important regional and multilateral initiatives are emerging in Europe, Asia and Latin America to promote and co-manage this phenomenon.

## **2. POLICIES AND PRACTICES**

10. Some practices widely recognized as positive already exist, particularly for integrating migrants who are settling long-term or permanently. Longstanding immigrant resettlement programs tend to revolve around the cornerstone concerns of language, employment, health, education, housing and social cohesion. Classical strategies to address these range from mainstreaming migrant needs into social support programs (e.g. Australia and Canada) to special self-help and outreach programs, that engage NGOs, migrant, ethnic and faith groups, also through migrant resource and support facilities. While there are fewer such examples for temporary or circular migration, one could learn from the experiences of permanent integration programs. In Europe, the Migrant Integration Policy Index (MIPEX), has established a set of standard indicators for effective integration, which however apply to permanent immigration, and with no linkages to development impacts [www.integrationindex.eu/](http://www.integrationindex.eu/).

---

<sup>4</sup> Greece's input for RT 2.1 defines "social remittances" as "ideas, values, norms for behavior, social and human capital, in the form of knowledge, experience and expertise, which have an effect on productivity of the community and shape social structure".

11. Giving regard to these kinds of indicators, the following section explores some concrete and positive practices in the key areas of *protection and empowerment in the work context, inclusion in terms of social rights and access, and education*. These are not exhaustive, but align with some of the key Millennium Development Goals (MDGs), also in terms of the gender component. These "good practices" should be approached with guarded optimism and considered in the context of the implementing society. Due to the varying legal, social, and political frameworks of immigrant receiving countries, what works well for development in one country or region may not do so in a different part of the world.

## ***2.1 Protection and Empowerment in the work context***

### Non-Discrimination

12. Preventing discrimination against migrants increases labour market access and encourages social inclusion. A good practice is a legal commitment by the host country against discrimination towards migrants (Ray, 2004). Anti-discrimination laws are widely practised in many countries, but often not as vigilantly applied to migrants. The U.K. offers a good practice with its most recent integration strategy, "Improving Opportunity, Strengthening Society," whose two key objectives are to reduce race inequalities and foster community cohesion.<sup>5</sup> In France, discriminatory employment on the basis of national origin is strictly prohibited, even criminalized, with a potential penalty of prison and a large fine.<sup>6</sup> Argentina has created a National Institute against Discrimination, Xenophobia and Racism (INADI), which has devised a "Discrimination Map" of Argentina and launched a nationwide public awareness campaign, also regarding migrants.

13. Anti-discrimination legislation should protect migrants (particularly women who are often vulnerable to multiple discrimination) from social and economic exclusion, which can limit their labour market access and income necessary for economic, human, and social development. But anti-discrimination legislation needs to be coupled with effective compliance, enforcement and public monitoring, to adequately protect migrant workers and ensure positive development outcomes.<sup>7</sup>

### Working Conditions and Wages

14. Many migrants, including those in temporary or circular working contexts, can benefit from higher wages in the host country than in their home country, but their willingness to work at low wages should not be abused. When temporary workers are paid below-market wages, or face exploitative working conditions, their earnings are compromised, which can affect the quality of life and health of migrants as well as families left behind, encourage irregular migration, and lower the potential for human development. Improved income has clear economic development potential, because it is likely to lead to increased remittances and investment in the country of origin (Ruhs, 2009), along with payment of taxes in the host country. Protected working conditions also permit workers to behave as rational agents, to forecast their earnings and plan their life choices accordingly. Some basic good practices are:

i) **Standard employment contracts** that stipulate fair wages and working conditions applicable to all migrant workers. Such contracts are used in Jordan, the Philippines, Sri Lanka (GFMD 2007b), and Canada (Seasonal Agricultural Worker Program (SAWP)). Under Canada's SAWP, migrants receive the highest minimum wage, the prevailing wage, or the actual wage paid to similar employees (Basok, 2007).

---

<sup>5</sup> UK Department for Communities and Local Government, 2007.

<sup>6</sup> International Migration Papers 85E: Discrimination in Access to Employment on Grounds of Foreign Origin in France--A National Survey of Discrimination Based on the Testing Methodology of the ILO. The net aggregate discrimination rate was found to be 51%, although discrimination based on origin was more observed than explicit.

<sup>7</sup> The EU Anti-Discrimination Directive, for example, which obliges Member States to combat discrimination in the workplace due to ethnic origin, is not necessarily followed to the letter by all EU states, or entered into national law. A good practice is the monitoring of respect for the rights of foreigners in Belgium by the Centre for Equal Opportunities and Opposition to Racism.

ii) **Equality and non-discrimination legislation.** In Argentina,<sup>8</sup> Germany, Spain, and Norway, migrant workers are required to receive the same working conditions and payment as nationals (Oxford Analytica 2008).

iii) Stipulating **fair conditions and wages** in migration agreements, particularly bilateral labour agreements. Under New Zealand's temporary work program with Pacific Island horticulture workers, mandatory contracts guarantee safe working conditions, dispute resolution mechanisms and obligations on the employer to provide protective gear and safe worksites, and to promote the general welfare of the migrant worker. Temporary migrants in NZ are guaranteed the fair market wage (Woolford, 2009).

iv) **Enforcement and oversight mechanisms,** and migrant access to them. Some countries permit migrant workers to access labour courts, to report labour condition and wage violations. In New Zealand, employers who wish to use temporary foreign workers must submit to worksite inspection at any time (Woolford 2009). Forums for complaints, worksite inspection, and remedies for violations are effective tools to ensure migrants are paid fair wages and are not exploited in unfair working conditions. Agencies such as the Belgian Centre for Equal Opportunities and Opposition to Racism can help ensure better compliance and enforcement through awareness-raising, as well as assistance to migrants on whose behalf they can introduce legal action. This action and their advice to policy makers are important for prevention, enforcement as well as for establishing jurisprudence.

15. Migrants not covered by regulations specific to their admission status or, alternatively, by a country's labour laws, are especially vulnerable to labour exploitation. Some countries like Argentina and Brazil promote provisional amnesties as a way of protecting workers who may not otherwise be protected.<sup>9</sup> Brazil, for example, currently enables all irregular migrants to apply for a temporary residence permit of up to two years. Under Argentina's "Programa de Normalización Migratoria", more than 600.000 people have attained regular migratory status.

#### Employment Flexibility and Portability of Visas

16. Temporary low-skilled migrant workers often face restricted rights in terms of choosing and freely changing employers, or the risk of deportation that may effectively tie the workers to a given employer. Lack of job mobility often restricts the human development and economic gain to the worker, as employers may have little incentive to improve wages or working conditions. Expanding the right to job mobility from one employer to another should improve migrants' economic benefits, and significantly enhance the human capital of the migrant and his/her family (Ruhs, 2009).

17. Related practices worth considering include the migrant worker programs in Italy, which offer temporary low-skilled migrants a high degree of employment flexibility (Oxford Analytica, 2008). This flexibility for temporary workers can be factored into bilateral labour agreements, such as the Mauritian Government proposes with its Circular Migration agreements.<sup>10</sup> This potentially increases economic and human capital development, but there is also a risk that the temporary migrants become more attached to the host country (thus reducing remittances and other transfers to the home country) (Ruhs, 2009).

#### Protecting migrants from exploitation by recruitment agencies, employers or other agents

18. Protecting migrants from exploitation by recruitment agencies is essential as a matter of rights, rule of law and fairness, but also to decrease the costs of migration. High migration costs can be a barrier to labour market access, but can also lead to irregular migration and work abroad. Such protection can also help ensure that the basic human rights of migrants are not violated during the recruitment process. With

<sup>8</sup> The Argentine Labor Law is non discriminatory and provides equal legal treatment to Argentine citizens and non-citizens (Argentina's input to RT 2.1).

<sup>9</sup> Recurrent amnesties in Italy or Spain also apparently had this effect. The US amnesties in 1986 were provisional in a sense, but really led to permanency.

<sup>10</sup> See the discussions of RT 1.4, GFMD 2007, and RT 2.1, GFMD 2008.

increased outsourcing of labour recruitment, policies need to protect migrants against negative practices such as not assisting migrants upon arrival, or selling their work permits to other workers (Martin, 2009).

19. A notable practice by the Philippines is to impose a "joint and several liability" on recruitment agencies and their foreign principals for exploitation and abuse in the recruitment process (GFMD, 2007b). This is included in the overseas employment contract, and is a condition for approval of the contract by the Government. It appears to have a deterrent effect, as it causes recruiters to take care when choosing foreign employers, even if the amount of cash or surety bond required of the recruiters is relatively small in relation to the potential cost of repatriation or overstay penalties they have to pay if claims are brought against them (OUMWA, Philippines).

20. Highly successful (albeit small-scale) circular migration programs such as the seasonal worker programs between Mexico/the Caribbean/Guatemala and Canada, almost completely exclude the possibility of such exploitation, because the entire migration cycle is managed or at least regulated by the governments, in partnership with employers and other agencies, and exclude recruitment agencies.<sup>11</sup>

#### Increasing access to work and higher income through skills recognition

21. Lack of recognition of a migrant's skills or qualifications can limit access to gainful employment in the migrant's profession or vocation, resulting in brain waste and lower income and capacities to care for the family and remit funds. Four good practices exist in this regard. Firstly, skills/qualifications recognition are factored into permanent immigration selection criteria, so that migrants can prepare themselves before migrating (see Australia's Points Assessment Schemes for skilled migrants). Secondly, overseas employers set up vocational training facilities and/or accreditation procedures in the country they are recruiting temporary workers from (e.g. seafarer training facilities set up by Japanese and Norwegian shipping companies in the Philippines). Thirdly, host countries offer bridging courses to help immigrants meet local standards (Canada, Australia). Fourthly, professional associations share educational curricula to establish common international standards for temporary or permanent skilled workers (e.g. nurses training in the Caribbean based on the Canadian Nurses Association curriculum).

#### Reducing Migration Costs to the Migrant

22. Migration is a costly process for temporary workers, particularly lower-skilled, lower income migrants, who lack essential resources. These costs can be decreased, *inter alia*, by reducing or eliminating visa application, work permit, processing and recruitment fees.

23. Low-skilled temporary migration to Canada and Spain entails only minimal fees. German temporary work visas carry no fees (Oxford Analytica, 2008). In Canada, under the SAWP, employers are required to pay and arrange for the transportation of their contract workers to and from the origin country. Accommodation is also provided by the employer in many labour recruiting countries (Bangladeshis in Malaysia (Martin, 2009) Accommodation is also provided by the employer in many labour recruiting countries (Bangladeshis in Malaysia, or agricultural "H-2A" workers in the USA). Low cost health care and low cost remitting opportunities can also increase migrants' potential savings and remitting power.

24. As a model policy already discussed in the GFMD, the Philippines legally limits recruitment fees to the equivalent of one month's salary abroad; and enforces this by threat of suspension or cancellation of a recruitment agent's license. Filipino workers may also access pre-departure loans from the government; but in other countries such as Bangladesh this has proven problematic because of negligent repayment rates. There has also been discussion within the GFMD about the possibility of eliminating recruiter fees altogether, or at least lowering the upfront costs of migration, for example through closely managed subsidized loans schemes involving government, banking institutions and NGOs on the ground.

---

<sup>11</sup> See also the discussions of RT 1.1 and RT 2 at the Manila GFMD, 2008: [gfmd2008.org](http://gfmd2008.org)

25. As a follow-up to the Brussels and Manila GFMD meetings, a recent expert study funded by the Netherlands confirmed that migration costs for low income foreign workers from Bangladesh could be reduced through low-cost loans managed by government-bank-NGO partnerships. It concludes that lower pre-departure costs for migrants can prepare them better for stable circumstances in the host country, while provisionally improving the recruitment system until it could be fully reformed (Martin, 2009).

26. From all the examples discussed above, the GFMD has found that frequently the lowest cost migration programs for migrants are those closely managed by the governments, with little or no involvement of recruiters or other “middle men” (Mexico-Canada; Guatemala-Canada). Where the private sector is involved, there should be close cooperation and monitoring by the governments.

## ***2.2 Inclusion and Social Rights***

### Health Care and Social Services

27. Health has been recognized as a fundamental human right,<sup>12</sup> critical for human development and the achievement of the MDGs. Access to health care is essential to protecting migrants, their families and host communities, facilitating integration, and contributing to the credibility of migration in general. Health care can significantly reduce the cost of migration to the migrant, and increase the amount of income available for remittances and direct investment in the origin country. Yet, legal rights to even basic public health care remain proscribed or restricted for non-nationals in most countries. Low income migrants in particular tend to be chronically under-insured in many countries, or, where they do have some access, they are often under-informed about their rights and entitlements.<sup>13</sup>

28. There are some widely divergent health care and funding models that also provide for migrants, and there is no single standard across countries. Compared to temporary migrants, permanent immigrants tend to have greater rights to the same or similar medical benefits as citizens. Temporary migrants may be covered by universal health care systems, by their employer, special migrant schemes or privately at their own cost. Most OECD host countries make emergency care available, and special treatment for example for pregnant women and minor children. Temporary contract workers tend to be covered for work-related insurance through their employer, their own private insurance or public insurance from home.

29. In Spain, all migrants may register locally for a Health Card to access public health care (GFMD, 2007a), which has reportedly proven to be cost effective for those using it.<sup>14</sup> In Sweden, all migrant children have equal access to health care as residents. In Canada, immigrants are eligible for health care coverage under the Canada Health Act. In Argentina and Uruguay it is legally prohibited to deny health care to any migrants (including those in irregular status). In Israel, migrant workers are covered by the nation's compulsory health insurance scheme. Low-skilled temporary workers in Japan also have access to the same health care as Japanese nationals (Oxford Analytica, 2008). The Emirate of Abu Dhabi now mandates employers to offer work-based health insurance to all workers residing in the Emirate.<sup>15</sup> The target is to replicate Abu Dhabi's program (or something similar) across the UAE.

---

<sup>12</sup> Under various international human rights treaties, the right to primary and emergency medical care must be guaranteed for all migrants, irrespective of their migratory status, on a level equal to nationals. Committee on Economic, Social and Cultural Rights, General Comment No. 14, *The right to the highest attainable standard of health*, para. 34; General comment no. 19: *The right to social security*, para. 37

<sup>13</sup> See Avato et al, 2009; and Grieco, 2004.

<sup>14</sup> A study of the costs and consumption of pharmaceuticals under Spain's Health Card system between migrants and nationals showed that the costs are lower for migrants (in terms of prescriptions filled and the price of medications used). Rue, 2008.

<sup>15</sup> The employer pays the premium and workers earning less than DH 5,000 per month (\$1,350) are covered for a maximum benefit of DH 250,000.



30. Argentina's universal health care, social welfare and legal assistance is open to all migrants, as part of its development credo to offer the widest possible options for the best living conditions to all. Denying such access to migrants acts against their fundamental rights and affects society as a whole. Argentina estimates that it costs less to provide such social services than to have large numbers of individuals outside the welfare system. The health care is "all inclusive", i.e. it covers emergency, child, maternal health, complex surgery (organ transplants for example) as well as work-related issues. Portugal defines the right to health in its constitution, and has a universal and public health care system available to all residents, regardless of their nationality, legal status, or economic situation.

31. All these practices in host countries vary greatly in scope and operation, but aim to ensure that migrants can access some primary and emergency health care as necessary. However, accessibility on the ground can be hampered for a number of reasons, including complex or impossible administrative procedures.

32. To compensate for lack of health care cover in the host country, some origin countries offer their own portable health care for workers abroad. Filipino overseas contract workers, for example, are obliged by law to contribute to the Overseas Workers Program (OWP) of the Philippine Health Insurance Corporation (PhilHealth) that covers the worker and immediate family members with general health care benefits.<sup>16</sup> Mexican migrants in the USA who are uninsured may now benefit from a "Health Window" program, and a health clinic set up in Seattle by the Mexican Consulate there to provide migrants and their families with referrals and other information about affordable health care services and available health insurance.<sup>17</sup>

33. Public and private sectors can also join forces to deliver outreach health care to migrants. In the USA, more than 25% of all migrant and seasonal farm workers (and families) are serviced by Migrant Health Centers supported by local communities and the federal Department of Health and Human Services. These deliver comprehensive, culturally-competent preventive and primary health services with a special focus on occupational health. Fees for services are based on ability to pay ([hrsa.gov/special-populations](https://www.hrsa.gov/special-populations)).

#### Social Security

34. Social security benefits for temporary migrant workers help improve remittance potential and enhance overall human development. In particular, when social security benefits are not portable to the country of origin, the migrants lose their contributions to those funds without receiving any benefits (Avato et al, 2009). This can also compromise their retirement, and discourage return to their country of origin. Yet few host countries' social security systems provide for migrants, and where they do, they vary for permanent and temporary migrants, and are often limited for low skilled immigrants (Avato et al, 2009).

35. Canada allows access to the tax-financed universal pension, health care benefits, and the earnings-based pension for all residents, including most migrants, but limits exportability of pensions to residents of 20 years or longer. Australia does not permit temporary migrants immediate access to social security, but provides for mandatory earnings-based occupational pensions funded by the employee and employer, which are taxed. New Zealand permits all migrants immediate access to education, accident compensation, public health services, and in some cases emergency benefits for special hardship (and after two years residence, also to housing assistance, unemployment benefits, sickness benefits, and interest-free student loans for tertiary education).

---

<sup>16</sup> Filipino migrants are also covered by a health, accident and disability insurance, and a medical rehabilitation program for the management of physical and mental illness, by the Overseas Workers Welfare Administration (OWWA) in the Philippines.

<sup>17</sup> The Mexican Government has also established a Migrant Health Program ("Salud Migrante") to promote a coordinated network of services between Mexican and US authorities for Mexicans living in the USA.

36. The World Bank recognizes that pensions are currently the most portable benefit of value for development. Portable pensions can encourage return, and ensure financial security upon return. But their mandatory contribution period often makes them inaccessible to temporary migrants (Avato et al, 2009).

37. The most comprehensive good practice for portable health and social security benefits is among EU member states; and the pensions can be exported by EU nationals to virtually any country in the world. Even third-country nationals are entitled to enjoy full access to and portability of social benefits within the EU after five years of residence (EU Directive 109/2003). Some EU states have reciprocal Social Security agreements with countries of origin. As both a country of origin and host country, Argentina has signed reciprocity-based social security agreements at the regional and multilateral levels to secure the protection of human rights of working migrants, also through the portability of their pensions.<sup>18</sup>

38. Some countries of origin offer their own social security cover from home: the Welfare Funds that the Philippines, Bangladesh and Sri Lanka offer their overseas workers at low cost help to cover some social security, insurance, legal aid, education, return migration and other needs abroad. But their delivery across services has not always been consistent or comprehensive. They would merit further evaluation.<sup>19</sup>

39. For Filipino workers abroad, the most effective social security program is the mandatory, compulsory insurance program provided by the Overseas Workers Welfare Administration (OWWA). The Philippines also has a number of social security agreements with labour-receiving countries, which *inter alia* provide for equality of treatment to nationals and portability of benefits. These seem to be most beneficial to migrant workers in countries where the qualifying periods for the benefits are longer than the temporary stay, and/or where residency is a pre-requisite for entitlement to the benefits.

40. But the usefulness of such agreements is also limited by the lack of international consensus on the two key components of effective social security: accumulation of contributions and portability of benefits. Social security benefits are especially crucial for low skilled workers who, having sent regular remittances to support their families, often depend solely on these benefits as a source of investment when they return home. There may be a need for stronger global debate on this issue.

#### Access to Banking (and financial programs)

41. While usually not discussed by policy makers as an integration issue, right of access to banking is profoundly important to the daily work and lives of migrants abroad, and critical for efficient remittance flows and eventual “credit worthiness” of those migrants hoping to be financially active when they return home. A significant number of workers from developing countries do not remit via formal (banking) channels, and there are a complexity of reasons for this (World Bank, 2008), among them a lack of knowledge about, and access to, banking and other financial services.

42. Strategies to redress this, and related incentives for low cost remittance transfers, have been the subject of previous GFMD discussions, and hence will not be elaborated on here.

### ***2.3 Inclusion in Education and Training Programs***

#### Language Training

43. Learning a foreign language contributes to human development and improves migrants’ understanding of a different society. It may also improve cross-national ties and communications, and facilitate the favourable exchange of social remittances. Yet temporary migrant workers often start out without a full set of skills that transfer readily to their host country, and limited language abilities. With time, the gap with natives may diminish as migrants gain new skills and language ability (Ruhs, 2009).

---

<sup>18</sup> These agreements are with Chile, Spain, Portugal, Colombia, Italy, Greece and Mercosur.

<sup>19</sup> See “Welfare Funds for Migrant Workers – A Comparative Study of Pakistan, The Philippines and Sri Lanka”, in IOM 2005

Lack of local language skills in the host country restricts migrant workers' access to the labour market and a greater variety of jobs (Ray, 2004).; and their ability to protect their labour and other rights.

44. Good practices include mandatory and/or optional language training courses in the host country; as well as basic instruction in cultural and social norms, also prior to emigrating (e.g. in Canada).<sup>20</sup> As language proficiency has increasingly become mandatory for permanent immigration and citizenship in Europe and elsewhere, countries like Italy and Sweden offer language courses to adult migrants. In countries like Israel, language courses have formed part of the bundle of rights given to many migrants upon arrival.<sup>21</sup> In Greece, language courses are offered to adult migrants with the goal of improving labour market access and job quality, and integrating migrants into the social environment through increased knowledge of the living conditions, social life and history of Greece. Foreign language skills constitute part of the social capital acquired by migrants, which they can potentially transfer back to the origin country.

#### Special Education and Specific Protection for Female Migrants

45. Female migrants constitute a significant and extremely vulnerable segment of the temporary migrant worker population. Programs specifically designed to cater to the needs of female migrants are therefore essential to human and social capital development. Good practices include services, training, or provision of basic information. Many of Germany's integration policies specifically target women. In Quebec, free child care is offered to encourage women to participate in free language courses (Ray, 2004).

46. In Greece, language courses for adults also aim to enhance the social and professional life of female migrants. A special program called "Learning of the Greek Language Tailor-made for Migrant Mothers" helps migrant mothers both learn the language and improve their ability to help their children in school.<sup>22</sup> It is seen as a good practice, as it contributes to gender equality, the integration of mothers and children, cohesion of the family and human development of mothers and children.<sup>23</sup> Greece has also strengthened and extended the centres that provide women – including migrants - with personal counselling, mentoring for employment and business creation, legal aid, administrative assistance and protection against abuses. A public guide on the rights of immigrant women is also widely disseminated.

47. These new programs deserve careful consideration and, as they gain experience, further evaluation of their developmental impacts.

48. From the country of origin perspective: Some 21 Filipino Resource Centres have been established in Asia, the Middle East, and the Americas, where there are large concentrations of Filipino workers, to provide temporary shelter to distressed overseas Filipino workers, particularly women. Services offered include post arrival orientation, counseling, legal assistance, skills upgrading, welfare support and social activities to ease loneliness. Women workers returning home are also prepared for return and reintegration. Welfare officers posted in Philippine Overseas Labor Offices also assist migrants in the enforcement of contractual obligations by recruitment agencies and employers.

#### Education for Migrant Children

49. Programs should be designed to cater to the special needs of migrant children (Etzinger and Biezeveld, 2003). In the context of temporary worker programs, these can prepare the migrant child for work abroad later in life and/or enhance the child's own human development, to benefit the origin country upon return. According to a study of temporary migrant workers from Mexico in Canada, one of the most

---

<sup>20</sup> See Canada's pre-departure courses, <http://www.international.gc.ca/cfsi-icse/cil-cai/predeparture-predepart-eng.asp>

<sup>21</sup> Israel and Immigrant Integration: an Overview. Center for International Migration and Integration.

<sup>22</sup> As part of the Annual Program of the European Integration Fund, this program promotes linguistic skills and women's capacity to assist their children in their schooling and life.

<sup>23</sup> Mothers are offered the time to learn a language (while social workers take care of their children), to enhance their social capital; and to follow the educational progress of their children.

marked pro-development effects of the program resulted from the improved and continued education benefits of migrant children (CCIS, 2004).

50. Good practices vary widely, but include all programs that provide migrant children with education otherwise not available to them. In Greece, migrant children can attend one of 25 Intercultural Schools, which follow the curricula of the public schools but focus on the educational, social, and cultural needs of migrant children. In Sweden, bi-lingual education is offered to migrant children, to ensure they do not lose their mother tongue. In Germany, migrant children have access to additional vocational training (Ray, 2004). In Spain, temporary low-skilled migrants have the same access to education as national children (Oxford Analytica, 2008). In Argentina, Greece, Japan, Uruguay and many OECD countries, all migrant children have access to free public education. In Greece, migrant children also receive tutorial classes in order to minimize drop-outs or poor school achievement. Argentina guarantees access to primary, secondary school, college and special education programs for all migrants. Brazil and the Philippines have also established schools in host countries, where it may be difficult for their children to access education.

#### Orientation and information during the migration cycle

51. Reducing the "information gap" prior to migration and while abroad can help migrant workers protect themselves and find their way in the labour market. Pre-departure and pre-employment orientation should inform about the labour market, human rights, living conditions and dangers of irregular migration and trafficking in the host country. It is offered in an increasing number of origin and host countries by NGOs, labour organizations (including labour unions), and international organizations (GFMD 2007b). In addition to country-specific pre-departure orientation, the Philippines provides further post-arrival orientation in Singapore and Spain to prepare the migrants for employment. Filipino labor attaches, welfare officers, interpreters and administrative assistants are posted in most countries hosting Filipino migrants, to provide integration support through post-arrival orientation, community networking and activities for social interaction. Their presence has made host government programs and services more accessible to the Filipino workers and their families.

52. Migrant resource centres have been set up in the Balkans and other regions, both in the host and origin countries, *inter alia* to disseminate information and prepare migrants in the origin country, and provide employer specific pre-employment orientation in the host country. Throughout Spain, such centres inform migrants about labour laws and administrative issues, as well as health and safety and language training. The abovementioned Filipino Resource Centers have been set up precisely to ease the integration of workers abroad. They also help connect the migrants to development projects back home.

53. A novel version of the migrant resource centre is the Portuguese CAMPO (Center for Migrant Support in the Country of Origin) in Cape Verde, which has been established by the host country in the origin country, and provides potential temporary workers to Portugal with essential pre-departure information, assistance, and contacts. CAMPO facilitates regular migration that can enhance the potential for development in both the host and origin countries.

54. Third party groups and employers can play a critical support and protection role, especially in countries with few integration measures implemented by law. In the USA, employers have an incentive to provide pre-employment orientation and refresher courses to temporary low-skilled migrants, as guest workers meet temporary and seasonal demands at US hotels and resorts through the H-2B program. Cultural orientation can help reduce the possibility of employee-customer dissatisfaction; and increase the migrant's chances for re-hire or hire by other employers in the industry (Taylor and Finley, 2008). In Spain, the Farmers Solidarity Foundation runs a "Welcoming Program" to inform seasonal workers about health care, remittances, and labour laws, but also prepares them for investment activities back home (Newland et al, 2008). In Canada, employers and government jointly prepare Mexican, Guatemalan and Caribbean seasonal farm workers for their temporary life and work in Ontario and other states.

### Twining and other Cooperation Arrangements

55. Twining arrangements between institutions in developed host countries and developing countries of origin can promote skills enhancement by facilitating apprenticeship and training courses in the host country for short periods. The temporary migrant receives the right of education and training, increasing his/her human capital; and is obliged to return home to use those skills to benefit the origin country.

56. The agreement between trade unions in Argentina and Canada (Union Obrera de la Construcción de la República Argentina and the International Brotherhood of Boilermakers of Canada/Boilermakers Association of Canada respectively) is a good example of a twinning arrangement. While in Canada, Argentine construction workers learn enhanced skills that improve their employability in the international market. The effect on Argentina has been high remittances and skill transfers upon return.<sup>24</sup>

57. Under a Memorandum of Agreement on Labor Cooperation between the Philippines and New Zealand, both countries are committed to cooperate on labour matters of mutual benefit, including labour laws and practices, compliance and enforcement systems, sound labour relations, occupational safety and health; human resource development; skills training; sharing of labor market information and the promotion and protection of the rights and obligations of migrant workers.

58. Regional or multilateral cooperation can also lead to innovative partnerships that both protect migrants against forced labour and exploitation and spread the costs of such efforts more evenly. The ASEAN Free Trade Area (AFTA) has opened the way for regional cooperation on recognition of skills, qualifications and experience, and licenses or certifications granted in other ASEAN member countries. This facilitates freer movement and employment of qualified and certified professionals in a region that covers many origin and host countries and both developed and developing countries. Several Mutual Recognition Arrangements (MRA) have been signed, including on Nursing Services and Medical Practitioners and Dental Practitioners. In the AFTA context, Australia and the Philippines are exploring twinning arrangements on distance learning, higher education curriculum development, and joint training centers involving Australian and Filipino businessmen.

59. In the Caribbean, there has been sharing of a nurse training curriculum between the Canadian Nurses Association and the University of West Indies, which services students from around the region. This can maximize employment chances for Caribbean nurses in Canada while minimizing brain waste. As stated above, Argentina has two-way agreements on social security with regional partners (and others) based on the principle of reciprocity.

60. Following the Abu Dhabi Declaration of 2008, the United Arab Emirates are actively engaged with Asian countries of origin in better coordinating labour mobility to their mutual benefit. One important aim of this pilot project is to reduce the costs of migration by cooperating to prevent abusive recruitment practices, based on the following principles: all costs of recruitment to be borne by employers, the partner governments to share their respective legislative texts in order to coordinate legislative/regulatory reform, aligning processes (recruitment, predeployment induction, contract development and validation) and punitive responses to non-compliance.

### **3. SUGGESTIONS AND PROPOSALS TO POLICY MAKERS**

61. It would be difficult to contest the proposition that inclusion and protection can enhance the leverage of migration on development in both countries of origin and host countries. At the same time, few policies are either explicitly targeted toward migrants with development in mind, or can be evaluated in that context.

---

<sup>24</sup> Input from ILO for GFMD Session 2.1.

62. Also, despite the wide range of good practices described above, this review found little empirical research on the concrete links between rights, empowerment and development. This lack of research is characteristic of the state of knowledge on migration and development generally. The theory and assumption of positive linkages are strong, but the entire field of inquiry is too recent (De Haas, 2009). Most available research, typically undertaken by economists, is pitched at a high level of abstraction, e.g., the relationship between aggregate remittances, financial intermediation, and economic development; or the relationship between highly skilled diasporas, human capital exchanges, and economic development.

63. There is very little of the practical, evaluative research that policymakers need to inform their debates and actions. For example, to suggest that all above good practices are replicable across contexts would serve little useful purpose, without addressing the cost-benefit factor. Taking access to social services, or education, as a case in point: a country like the UAE, where nationals account for no more than 20% of the population and income (including foreign worker income) is not taxable, opening up free public education to all non-nationals would entail a huge cost in the form of subsidies. In such cases, there may be merit in looking at other models, including for cost-sharing arrangements between countries. Cost is an important development-related consideration, since the capacity to deliver services is dependent on the resources available for such services, even where they may be guaranteed by law.

64. Good practices can be identified, and can form the basis for next steps, but in order to address the knowledge gaps and take those next steps, the GFMD could:

**Firstly, recommend field research** on the underlying financial and social costs of select good practices mentioned in this paper (e.g. health care options for migrants). This could better facilitate evaluations, also of the impacts of protection, empowerment and access efforts on development initiatives in developing countries; and draw out some common policy elements across different contexts.

- (To support this over the long term, governments could be encouraged to include in their policies and programs the regular collection of basic data from migrants, the private sector and other agencies involved with integration. The RT 2.1 session could identify a loosely agreed framework to guide the research and evaluation on this issue.)

**Secondly, encourage regional cooperation** on labour mobility management that accounts for the full migration cycle, including the situation and treatment of the migrant in the host country (and origin country). The UAE's joint Pilot Project on the Administration of the Contractual Employment Cycle with the governments of India and the Philippines could be monitored for the lessons about development impacts in the countries of origin it may offer to other regional groupings in the future.

### Questions to guide the RT 2.1 discussions:

- What are the evidence-based links between inclusion, protection and acceptance and development?
- What kinds of policies of inclusion, protection and acceptance can best take account of the different forms of migration (temporary, permanent, circular), with a view to enhancing development back home? How can existing models be adapted to the various forms of migration?
- How can we best evaluate the inclusion, protection and acceptance of migrants in host societies? And the impacts of such inclusion, protection and acceptance on human and other development aspects?

## **Bibliography**

- Avato, Johanna; Johannes Koettl and Rachel Sabates-Wheeler. "Definitions, Good Practices, and Global Estimates on the Status of Social Protection for International Migrants, SP Discussion Paper No. 0909, May 2009..
- Basok, Tanya. "Canada's Temporary Migration Program: A Model despite Flaws." Migration Information Source, Migration Policy Institute, Nov. 12 2007.
- Center for Comparative Immigration Studies (CCIS), "The Temporary Migrant Labor Program in Canadian Agriculture," Working Papers, University of California—San Diego, 2004
- De Haas, Hein, 2009. "Mobility and Human Development" United Nations, Human Development Research Papers: Topical background research for the HDR, [http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP\\_2009\\_01.pdf](http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_01.pdf).
- Department for Communities and Local Government. "Improving Opportunity, Strengthening Society: Two years on - A progress report," London: Communities and Local Governments Publication, <http://www.communities.gov.uk/publications/communities/oppotunity-progress-report>, 2007.
- Etzinger, Han and Renske Biezeveld. Benchmarking Integration. Erasmus University Rotterdam. Aug. 2003.
- GFMD 2007a, Roundtable Session 1.2: Temporary Labor migration as a contribution to development: sharing responsibility. (Working Paper), Manila 2007.
- GFMD 2007b, Roundtable Session 1.3: The Role of other-than Government Partners in Strengthening the Developmental Contribution of Temporary Labor Migration (Working Paper), Manila. 2007.
- GFMD, 2007c, Roundtable Session 2.1: Improving the Formalization of Transfers and Reducing Their Cost (Background paper), Brussels, 2007.
- GFMD 2008a, Roundtable Session 1.1: Protecting the Rights of Migrants – a Shared Responsibility (Working Paper), Manila 2008.
- Grieco, E., "Health Insurance Coverage of the Foreign Born in the United States: Numbers and Trends." Immigration Facts No. 8, MPI, Washington D.C., June 2004.
- (IOM) International Organization for Migration, *Labour Migration in Asia*, Geneva, 2005.
- \_\_\_ Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements." Follow-up to the Global Forum on Migration and Development (GFMD Brussels, Roundtable 1.2), 2008.
- Kuznetsov, Y. (ed), *Diaspora Networks and the International Migration of Skills: How Countries can draw on their Talent Abroad*, WBI Development Studies, World Bank, Washington D.C., 2006.
- Martin, Philip, "Reducing the Cost Burden for Migrant Workers: A Market-based Approach", UC Davis, Calif., USA. 2009. Newland et al. "Learning by Doing: Experiences of Circular Migration," Insight, Migration Policy Institute, Sep. 2008.
- Oxford Analytica. Labor Migration Policy Index. IOM. Oct. 2008.
- Portes, Alejandro. "Globalization from Below: The Rise of Transnational Communities." Princeton University WPTC-98-01, September 1997.
- Ray, Brian. Practices to Promote the Integration of Migrants into the Labour Force, Migration Research Institute, Washington DC, July. 2004.
- Rue, Montseratt, et.al. "Differences in pharmaceutical consumption and expenses between immigrant and Spanish-born populations in Lleida, (Spain): A 6-months prospective observational study." BMC Health Services Research. 2008.
- Ruhs, Martin. "Migrant Rights, Immigration Policy, and Human Development." 2009.
- Taylor, Marcia & Dori Finley. "Communication Training for Foreign Guest Workers in Seasonal Resorts." *Business Communication Quarterly*, 71: 246., 2008.
- Woolford, Geoff. "Social Protection for Migrants from the Pacific Islands in Australia and New Zealand." The World Bank, SP Discussion Paper 0912, May 2009.
- World Bank, *Global Economic prospects 2006*, Washington DC.
- \_\_\_\_\_, *Migration and Remittances. Fact Book 2008*, Washington D.C.