



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

INTERNATIONAL DIALOGUE ON MIGRATION
INTERSESSIONAL WORKSHOP ON

**FREE MOVEMENT OF PERSONS
IN REGIONAL INTEGRATION PROCESSES**

18 -19 June 2007

SUPPLEMENTAL MATERIALS

In addition to the background paper prepared for this workshop, IOM has prepared the following materials to complement the background paper:

- An overview chart providing information on the liberalization of movement of persons provided for in certain regional trade and integration agreements; and
- Summary information sheets on each of the regional agreements included in the overview chart.

The supplemental materials are intended to be practical tools allowing for an overview of various different approaches to the mobility of persons under regional trade and integration agreements. As summaries, they can only provide a basic level of information and do not cover all aspects of the agreements. In addition, while it was not possible to provide information on every existing agreement, IOM has attempted to offer a broad sampling of agreements around the world which take different approaches to liberalizing the movement of persons.

It is important to note that the provisions for the liberalized movement of persons found in the agreements may not be fully implemented, if at all. The supplemental materials by no means attempt to provide an assessment of the degree to which the provisions are implemented. Their sole intention is to present a description of the existing provisions.

IOM recognizes that due to a number of factors, including limited publicly available information on several of the agreements, these materials would benefit from additional input and further review in order to make them more accurate, complete and therefore useful to the membership. Any comments and suggestions on these “works-in-progress” should be sent to Claudia Natali in IOM Geneva (by email to cnatali@iom.int or by fax to +41 22 798 61 50), to be incorporated into future versions.

TABLE OF CONTENTS

	(Sheet number)
European Union (EU)	2
European Economic Area (EEA)	3
NORDIC Common Labour Market	4
European Free Trade Association (EFTA)	5
Common Market for Eastern and Southern Africa (COMESA)	6
Economic Community of West African States (ECOWAS)	7
Andean Community of Nations	8
Commonwealth of Independent States (CIS)	9
Caribbean Community (CARICOM) / Caricom Single Market and Economy (CSME)	10
North American Free Trade Agreement (NAFTA)	11
Economic Community of Central African States (ECCAS)	12
Association of Southeast Asian Nations (ASEAN)	13
Southern African Development Community (SADC)	14
Southern Common Market (MERCOSUR)	15
South Asian Association for Regional Cooperation (SAARC)	16
Asia Pacific Economic Cooperation (APEC)	17
Community of Sahel-Saharan States (CEN-SAD)	18
Inter-Governmental Authority on Development (IGAD)	19
East African Community (EAC)	20

Annex:

Overview: Liberalized Movement of Persons in Regional Integration Agreements

EU -European Union-

BACKGROUND INFORMATION

Current signatory countries: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (UK).

Date of entry into force: The Treaty of Rome establishing the European (Economic) Community entered into force on 01 January 1958. The Treaty on European Union was signed in Maastricht and entered into force on 01 November 1993. In 1999, the Amsterdam Treaty amended and renumbered the Treaty on European Union and the Treaty Establishing the European Community. With the Treaty of Nice, which entered into force on 01 February 2003, consolidated versions of the EU and EC Treaties have been produced.

Year when mobility of persons was first introduced: The Treaty of Rome (1958) foresaw the free movement of workers as a fundamental right and included specific provisions; however, the free movement of workers was not implemented until the adoption of secondary legislation in 1968 and in the early 1970s. In 1985, the Schengen Agreement provided for the elimination of systematic border controls between participating countries (Benelux States, France and Germany). This was implemented through a subsequent agreement adopted in 1990. In 2006, the 'Directive on Services in the Internal Market' also facilitated the freedom of establishment for service providers and the free movement of services.

Relevant chapters/articles for mobility of persons: Art. 18 of the Treaty of Nice grants the right of EU citizens to move and reside freely in any EU country. Art. 39 grants the freedom of movement for workers. Art. 43 grants the freedom of establishment of EU nationals and Art. 49 grants freedom for EU nationals to provide services within the Community.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Every EU national shall have the right to move to the territory of another Member State. No visa is required.

Residency: Every EU national shall have the right to reside freely within the territory of another Member State for three months without any formalities. Right of residence for more than three months is accorded in the case of workers, students, self-employed persons or those with sufficient resources and comprehensive health insurance for themselves and their family members.

Employment: *Categories of persons:* The EC Treaty allows for movement of workers, establishment of self-employed persons and presence of service suppliers. Limitations over a transitional period exist for nationals, particularly with respect to workers, of the newly-admitted EU Member States from Central and Eastern Europe, excluding Cyprus and Malta.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Citizens of third countries may enter and travel within the EU for a period of up to three months provided they fulfill entry conditions. Special favorable rules apply to non-EU national family members of EU citizens. Non-EU family members of EU citizens who are assuming employment in another Member State have the right to enter the respective host state and to take up employment. Where visas are required of third country national family members, their issuance is to be facilitated. A valid residence permit issued by an EU Member State applying the Schengen provisions can permit a non-EU national to travel to other Member States without a visa.

ADDITIONAL INFORMATION

Ancillary policies: Member States have coordinated social security policies, and a system that mutually recognizes diplomas.

Other relevant issues: EU Member States, with the exception of the United Kingdom and Ireland, which maintain autonomous border and visa policies, cannot unilaterally determine visa rules related to short-term stays for nationals of any third country.

EEA
-European Economic Area-

BACKGROUND INFORMATION

Current signatory countries: European Union Member States, Liechtenstein, Norway, and Iceland.

Date of entry into force: 1994; European Economic Area (EEA) Agreement.

Year when mobility of persons was first introduced: 1994; the EEA Agreement includes provisions for the free movement of workers.

Relevant chapters/articles for mobility of persons: Part 3 of the EEA Agreement is dedicated to the free movement of persons, services and capital. The Annex to the EEA Agreement contains additional provisions on the free movement of workers.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: EEA citizens have the right to move freely between Member States. No visa is required for entry.

Residency: The EEA residence permit entitles EEA nationals and their dependants to the right of residence within other EEA Member States. The right of residence accords EEA nationals and their dependants the right to reside and work and entitles them to accept offers of work, manage a company, set up a business or set up a local branch of a company. Persons with an EEA residence permit visa are not required to work; however, they must be in a position to support themselves without recourse to public funds.

Employment: *Categories of persons:* The EEA agreement allows a citizen of an EEA Member State and the members of his/her family to enter another Member State for the purposes of work as an employed person; establishment, including self-employment; and the provision of services. Limitations over a transitional period exist for nationals of the newly-admitted EU Member States from Central and Eastern Europe, excluding Cyprus and Malta. The same employment and working conditions are granted to EEA nationals as to nationals of specific Member States.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Citizens of third countries may enter and travel within the EEA provided they fulfill the entry conditions, among others to be in possession of a valid travel document or a visa if required for a period of up to three months. Special favorable rules apply to non-EEA national family members of EU citizens: non-EEA family members of EEA citizens who are assuming employment in another Member State have the right to enter with them and to take up employment. Where visas are required of third-country national family members, their issuance is to be facilitated. In addition, a valid residence permit issued by an EEA Member State applying the Schengen provisions can permit a non-EU national to travel to other Member States in the Schengen area without a visa.

ADDITIONAL INFORMATION

Ancillary policies: The European portability scheme coordinates the different national social security systems of Member States and applies to all nationals of the EEA. In particular, the portability scheme applies to employed and self-employed persons who are or have been insured under the legislation of an EEA Member State. Such persons include civil servants, students, pensioners and members of the family of the said persons, irrespective of their nationality. The EEA Agreement also envisions the mutual recognition of diplomas.

NORDIC
-Nordic Common Labour Market-

BACKGROUND INFORMATION

Current signatory countries: Denmark, Finland, Iceland, Norway and Sweden.

Date of entry into force: The Agreement of the Common Nordic Labour Market was signed on 22 May 1954. This agreement was updated in 1983.

Year when mobility of persons was first introduced: 1954; the Agreement removes all formal barriers to intra-Nordic labour migration.

Relevant chapters/articles for mobility of persons: The agreement of the Nordic Common Labor Market: allows any Nordic national to live and work in another Nordic Member State under the same conditions as its own citizens; additional mobility provisions are included under the Treaty of Cooperation between Denmark, Finland, Iceland, Norway and Sweden.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: No passport or visa is required for entry into other Member States (as regulated by special agreement).

Residency: No permit is required for residency and work in another Member State.

Employment: *Categories of persons:* Nordic citizens are allowed to work in other Nordic Member States without a permit.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Provisions differ according to the treaty or treaties [European Union (EU), European Economic Area (EEA) or European Free Trade Association (EFTA)] to which each country is party. For Denmark, Finland and Sweden, the EU treaty regulates the entry of third country nationals. For Iceland and Norway, the EEA and EFTA treaties apply.

ADDITIONAL INFORMATION

Ancillary policies: Based on the Nordic Social Security Convention, a citizen of one Nordic Member State who is working or living in another Member State is extended the same social security and other social rights - including health care, child care, social assistance, pension and unemployment benefits - enjoyed by host country nationals.

EFTA
-European Free Trade Association-

BACKGROUND INFORMATION

Current signatory countries: Iceland, Liechtenstein, Norway, and Switzerland.

Date of entry into force: While the European Free Trade Association (EFTA) was first established in 1960, the updated EFTA Agreement only entered into force in 2002.

Year when mobility of persons was first introduced: 2002; the updated Agreement of EFTA includes provisions for the free movement of persons.

Relevant chapters/articles for mobility of persons: The Agreement establishing EFTA provides for the free movement of persons under Art. 20 of Chapter 8. Annex K and its protocol to the same agreement include special provisions on the free movement of persons between Liechtenstein and Switzerland.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Nationals of Member States are granted the right to entry in the territory of other Member States. No visa is required for entry.

Residency: Nationals of Member States are granted the right to reside in the territory of other Member States in order to receive and provide services in the host member state. Residency is also granted to employed and self-employed persons and to persons with no gainful employment who otherwise have sufficient financial means and insurance.

Employment: *Categories of persons:* Employed persons, self-employed persons and frontier workers are granted the right to access work in other EFTA Member States; persons providing services may enter for a period not exceeding ninety days.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Family members of a person who has the right of entry and is a national of a Member State are also entitled to enter, provided that they are in possession of a valid visa.

ADDITIONAL INFORMATION

Ancillary policies: The coordination of social security systems and the mutual recognition of professional qualifications, such as diplomas, certificates and other evidence of formal qualifications, are provisions that Member States should formulate as per the EFTA agreement (Article 8, 9 of Annex K).

COMESA

-Common Market for Eastern and Southern Africa -

BACKGROUND INFORMATION

Current signatory countries: Burundi, Comoros, Democratic Republic of Congo (DRC), Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe.

Date of entry into force: 1994; the Common Market for Eastern and Southern Africa (COMESA) Treaty.

Year when mobility of persons was first introduced: 1994; the original Treaty states as a specific undertaking the removal of obstacles to the free movement of persons, labour and services, the right of establishment for investors, and the right of residence within the Common Market.

Relevant chapters/articles for mobility of persons: Art. 4 of the COMESA treaty calls for the removal of obstacles to the free movement of persons, the right of establishment, and the right of residence. The Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence establishes a gradual implementation process involving five stages – (1) removal of visa requirements, (2) movement of skilled labour, (3) movement of services, (4) right of establishment and (5) right of residence.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Upon entry into force of the Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence, citizens of Member States holding valid travel documents shall not be required to obtain visas before traveling to the territory of other Member States for up to ninety days at a time.

Residency: Member States shall endeavor to harmonize their national laws, rules and regulations, taking into account the right of residence of COMESA nationals.

Employment: *Categories of persons:* Member States are to progressively remove all restrictions to labour mobility, which shall entail the abolition of any discrimination based on nationality between workers of the Member States with regards to employment, remuneration and other conditions. The provisions of the article on free movement of labour do not apply to employment in the public sector. Service providers are also granted free movement and citizens of the Member State are allowed to establish in another Member State.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Other relevant issues: The Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence has not yet entered into force. It will enter into force when at least seven Member States sign and ratify the protocol.

ECOWAS

-Economic Community of West African States-

BACKGROUND INFORMATION

Current signatory countries: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

Date of entry into force: 1975; the Treaty establishing the Economic Community of West African States (ECOWAS).

Year when mobility of persons was first introduced: 1975; the original Treaty stated as one of its main objectives the establishment of a common market through the removal of obstacles to the free movement of persons between Member States, as well as the rights of residence and establishment. In 1979, the Protocol relating to Free Movement of Persons, Residence and Establishment stated that Community citizens have the right to enter, reside and establish in the territory of Member States.

Relevant chapters/articles for mobility of persons: Art. 3 of the Treaty calls for the establishment of a common market through the removal of obstacles to the free movement of persons, as well as the right of residence and establishment. Additional mobility provisions are contained within Protocol A/P.1/5/79 and Supplementary Protocol A/SP.1/7/86, 2/5/90.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Citizens of the Community have the right to enter any other Member State, provided that they possess a valid travel document and an international health certificate. A citizen of the Community visiting any other Member State for a period not exceeding ninety days may enter the territory of that Member State through the official port of entry free of visa requirements.

Residency: Each of the Member States shall grant to nationals of other Member States the right of residence in its territory for the purpose of seeking and carrying out income-earning employment. The right of residence includes the right to apply for effectively-offered jobs and the right to take up employment in accordance with the legislative and administrative provisions governing the employment of national workers.

Employment: *Categories of persons:* The Protocol on the Free Movement of Persons, Right of Residence and Establishment grants Community citizens the freedom of establishment within other Member States. The right of establishment encompasses access to economic activities and the right to carry out these activities, as well as the right to set up and manage enterprises under the same legislative conditions the host Member State applies to its own nationals.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Ancillary policies: In 1993, the Social and Cultural Affairs Commission of ECOWAS adopted the General Convention on Social Security to ensure equal treatment of cross-border workers and the preservation of their rights while living abroad. The Convention ensures that individuals residing in a given ECOWAS state will have the same rights and obligations under the social security laws as do nationals of the host country.

ANDEAN COMMUNITY OF NATIONS

BACKGROUND INFORMATION

Current signatory countries: Bolivia, Colombia, Ecuador, Peru (Venezuela announced its withdrawal from the Andean Community in 2006, but still must complete the necessary withdrawal procedures); Associate Members: MERCOSUR Member States were granted associate membership in 2005. Observers: Mexico and Panama.

Date of entry into force: 1969; Cartagena Agreement.

Year when mobility of persons was first introduced: The Cartagena Agreement does not contain any specific provisions on labour mobility. Labour migration was addressed through Decisions No. 113 and 116 of the Cartagena Agreement Commission in 1977, which created the Andean Social Security Instrument and the Andean Labour Migration Instrument (IAML) respectively. Decision No. 116 was modified through Decision No. 545 in 2003.

Relevant chapters/articles for mobility of persons: Decision 545 (2003): IAML establishes regulations to progressively allow for the free circulation and residence of persons in the sub-region; Decision 503 (2001): Recognition of national identification documents; Decision 504 (2001): Creation of the Andean passport; Additional mobility provisions are included under the General Framework for Liberalizing Trade in Services in the Andean Community (1998).

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: As of January 2005, Member State nationals may enter any other Member State as tourists for a period of up to ninety days by presenting a national identification document that is valid and in effect in the issuing country, without the need for a consular visa. This permission to enter may be renewed once for an additional ninety day period. To enter Venezuela, Member State nationals must present their passports.

Residency: Andean migrant workers shall enter and reside in a Member State in coordination with the competent national agencies of the host Member State and in accordance with the Community legislation in effect or, if lacking, with relevant national legislation. The Labour Immigration Office shall issue to national workers of other Member States documentation that accredits their status, qualifying them before the competent immigration authorities to make arrangements for residence in the host country.

Employment: *Categories of persons:* The IAML permits the unhampered movement and temporary residence of Andean Nationals in the sub-region as wage-earning workers. Labour migrants are classified into four categories: individually moving workers, company workers, seasonal workers and border workers. Excluded from the IAML are those who work for the public administration and those whose activities may adversely affect public morals, law and order, human life, public health and national security.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: According to the IAML, Member States are to take appropriate measures in order to facilitate family reunification and in accordance with the national legislation of the country of destination. Unrestricted rights of entry and exit are to be granted to: spouses of migrant workers; minor children who are not yet emancipated; older disabled children; and their parents.

ADDITIONAL INFORMATION

Ancillary policies: The Andean Social Security Instrument (Decision 546) recognizes that it is of basic importance to preserve the right of migrant workers to receive social security benefits. Nevertheless, Member States are to remain free to establish their own national policies with regard to social security for migrant workers from third countries, bearing in mind the principle of reciprocity. Article 13 of the General Framework for Liberalising Trade in Services states that each Member State is to recognize the licenses, certifications, professional degrees and accreditations granted by another Member State.

CIS
-Commonwealth of Independent States-

BACKGROUND INFORMATION

Current signatory countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine and Uzbekistan; Associate member: Turkmenistan.

Date of entry into force: 1991; Agreement on the Establishment of the Commonwealth of Independent States.

Year when mobility of persons was first included: The 1991 original Agreement guarantees freedom of movement within the CIS for Member State nationals and the 'cooperation between member states in questions concerning migration policies'. The same provisions are provided for in the Charter of the CIS.

Relevant chapters/articles for mobility of persons: Following the 1991 Agreement, some more specific agreements about mobility of persons between CIS countries were drafted, including the Bishkek agreement (1992) on 'Visa-free migration of the CIS states citizens on the territory of its members' as well as the Moscow agreement on mutual recognition of the visas of the CIS member states. In 1993, the Charter of CIS was adopted, which refers to the free movement of services and labour. In 1993, the Heads of the CIS States also signed an Agreement on the Establishment of the Economic Union, which stipulates the creation of the Economic Union through gradual integration and coordination of reforms. The Union would include *inter alia* a common market of goods, services, capital and labour. The Agreement on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers (1994) regulates cooperation of CIS Member States in areas of employment and social protection of workers and members of their families with permanent residence in one Member State and employed in another.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Visa-free movement within CIS is permitted for all Member State nationals, with a number of exceptions based on bilateral arrangements.

Residency: Residency is subject to national laws and regulations as well as to bilateral arrangements. Residency permits are required.

Employment: Employment is subject to national laws and regulations as well as to bilateral agreements concluded between Member States. **Categories of persons:** All categories and skill levels of migrant workers.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Ancillary policies: The Agreement on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers (1994) contains the following provisions: mutual recognition of diplomas, other job evaluation documents and work records; rules of employment in the destination country; elimination of double taxation; equal treatment of migrant workers and nationals with respect to social security, social insurance, and medical care; and transfer of earnings and savings to the country of origin. The Agreement on guarantees of rights of citizens of participant States of the Commonwealth of Independent States in the sphere of pension provisions (1992) provides for the protection of pensions of citizens of the CIS Member States and their families, including military servicemen of the armed forces.

Other relevant issues: The Agreement on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers was accepted by all states in 1994, its implementation is foreseen through bilateral agreements.

CARICOM/CSME

-Caribbean Community/CARICOM Single Market Economy-

BACKGROUND INFORMATION

Current signatory countries: Full Members¹: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago; Associate Members²: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, the Turks and Caicos Islands.

Date of entry into force: 1973; the Treaty of Chaguaramas established the Caribbean Community and Common Market. To strengthen the integration process, the Community opted in 1989 to move towards the establishment of a Caribbean Single Market Economy (CSME). Not all CARICOM Member States are currently participating in the CSME.

Year when mobility of persons was first introduced: In 1989, under the CSME, a process was introduced to gradually extend intra-regional freedom of movement to various categories of persons.

Relevant chapters/articles for mobility of persons: Chapter 3 of the revised Chaguaramas Treaty calls for movement of skills, movement of services and right of establishment. Under Art. 45 of the same Treaty, Member States commit themselves to working towards the goal of the free movement of their nationals within the Community.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: The free movement of Community nationals is permitted for CSME Member States.

Residency: The freedom of movement provisions do not entitle individuals to the right of residency in another Member State.

Employment: *Categories of persons:* Skilled Community nationals, who are listed as university graduates, media workers, sportspersons, artists and musicians, have the right to seek employment in Member States without a work permit. Non-wage earners, either as service providers and/or to establish businesses, including managerial, supervisory and technical staff, are permitted to move freely and in conjunction with the establishment of foreign-owned business activities. The movement of service providers is permitted at all skill levels as long as these service providers are not employees.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: The free movement of spouses and members of immediate family is permitted. Third country nationals must check with respective country authorities for specific visa requirements.

ADDITIONAL INFORMATION

Ancillary policies: The CARICOM Agreement on Social Security came into effect on 1 April 1997, protecting entitlements to long-term benefits by providing for the totalization of all periods in which contributions were paid by migrant workers to social security systems in the Member States in which they have worked, and is operational in all Member States, except for Suriname. Nonetheless, social security systems are not harmonized, and related benefits differ among Member States. This social security portability scheme does not presently apply to the majority of less-skilled migrant wage earners. Additional measures to ensure the smooth implementation of policies on the free movement of persons include family reunification initiatives and 'hassle-free travel'. The revised Treaty of Chaguaramas also includes a provision on the mutual recognition of diplomas and qualifications. **Other relevant issues:** The revised Treaty of Chaguaramas is being applied provisionally. To enter into force, it would have to be modified, as Article 234 prescribes that the Treaty will only enter into force when all CARICOM Member States ratify the Agreement.

¹ Haiti and the Bahamas are full member countries of CARICOM, but are not party to the CSME. Montserrat is still waiting for approval from the UK with regards to the Revised Treaty of Chaguaramas.

² Associate members are not party to the CSME. All associate members are either UK territories or autonomous with special relationship with the UK.

NAFTA
-North American Free Trade Agreement-

BACKGROUND INFORMATION

Current signatory countries: Canada, Mexico, United States.

Date of entry into force: 1994; North American Free Trade Agreement (NAFTA).

Year when mobility of persons was first introduced: 1994; NAFTA includes provisions for investment, services and related matters.

Relevant chapters/articles for mobility of persons: Chapter 16 of NAFTA establishes criteria and procedures for the temporary entry of business persons.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Each Party shall grant temporary entry to business persons³ who are otherwise qualified for entry under applicable measures relating to public health and safety and national security, provided that the business person otherwise complies with existing immigration measures. In particular, Annex 1603 of Chapter 16 provides that short-term entry shall be granted to: (1) business visitors who demonstrate that the proposed business activity is international in scope and that he/she is not seeking to enter the local labor market; (2) traders and investors who seek to carry out substantial trade in goods or services between the territory of the Party of which the business person is a citizen and the territory of the party into which entry is sought, and establish, develop, administer or provide advice or key technical services to the operation of an investment to which the business person has committed a substantial amount of capital; (3) intra-company transferees employed by an enterprise and who seek to render services to that enterprise or to a subsidiary or affiliate thereof; and (4) professionals who are seeking to engage in a business activity at a professional level. A special TN non-immigrant visa category exists for business persons who possess certification of employment.

Residency: TN visa holders are granted temporary residence.

Employment: *Categories of persons:* Mobility provisions are limited to liberalizing the intra-regional migration of highly-skilled nationals including: business visitors, traders and investors, intra-company transferees and professionals. These groups are not limited to services and may include persons engaged in activities related to agriculture or manufacturing.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Spouses and unmarried children under the age of 21 who are accompanying or joining TN visa holders must demonstrate a bona fide relationship to the principal TN visa holder in order to receive a derivative TD visa. Spouses and children cannot work but are permitted to study.

ADDITIONAL INFORMATION

Ancillary policies: Supplementary provisions regarding recognition of licenses are contained in NAFTA Article 1210 and, specifically for professionals, provisions contained in NAFTA Annex 1210.5 have produced MRA in the professions of Accountancy, Architecture and Engineering.

Other relevant issues: Migration under the TN visa class constitutes a small fraction of total migration between Member States.

³ Business persons are defined as citizens of a Party who are engaged in trade in goods, the provision of services or the conduct of investment activities.

BACKGROUND INFORMATION

Current signatory countries: Angola, Burundi, Cameroon, Central African Republic, Chad, Republic of the Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Sao Tomé and Príncipe.

Date of entry into force: The treaty establishing the Economic Community of Central African States (ECCAS) entered into force on 18 December 1984. It has been operational since 1985.

Year when mobility of persons was first introduced: 1983; the Protocol on Freedom of Movement and Rights of Establishment of Nationals of Members States (Annex 7 to the original Treaty) includes provisions for the freedom of movement, residence and establishment. According to this Protocol, the provisions on free movement and the right of establishment were to be implemented within four and twelve years respectively as of the entry into force of the Treaty. A decision related to free movement of some categories of persons was adopted in January 1990 and amended in June 2000. This decision was meant to be effective in March 2005 but discussions are still ongoing.

Relevant chapters/articles for mobility of persons: Art. 4 and 40 of the Treaty establish the right of ECCAS nationals to move and reside freely in any ECCAS Member State. Art. 2 lays out the definition and conditions of the ECCAS membership as they relate to movement, entry/exit, and stay of nationals as well as other categories of persons. Art. 3 covers the freedom of movement for workers while Art. 4 refers to the freedom of establishment of ECCAS nationals. Also of relevance to intra-regional mobility is Decision n°03/CHSG/VI/90 Related to Free Movement of some Categories of Nationals within ECCAS.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Under the Protocol on Freedom of Movement and Rights of Establishment of Nationals of Members States within ECCAS, ECCAS nationals have the right to enter the territory of another Member State, contingent upon their possession of an identity card, passport, laissez-passer or international health record of the respective ECCAS Member State, and, most recently, a valid visa.

Residency: According to the Treaty and the Protocol, ECCAS nationals have the right to reside freely within the territory of another Member State, provided that they have a sojourn card as presently required.

Employment: *Categories of persons:* The Protocol allows for the movement of workers and the establishment of self-employed persons, although limitations exist under national legislation and regulations in each ECCAS Member State.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Neither the Treaty or the Protocol contains specific mobility provisions with respect to non-citizens. Nevertheless, mobility provisions for non-citizens may be found within certain bilateral free movement agreements between ECCAS Member States and third states, such as the Agreement between Cameroon and Mali.

ASEAN
-Association of Southeast Asian States-

BACKGROUND INFORMATION

Current signatory countries: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam.

Date of entry into force: 1967; ASEAN Bangkok Declaration.

Year when mobility of persons was first introduced: The original Declaration contains no specific provisions for labor mobility; however the 1995 ASEAN Framework Agreement on Services (AFAS) commits Member States to engage in negotiations aimed at achieving commitments beyond those included in their existing schedules for the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO). The Ha Noi Plan of Action⁴ (1997) contains a number of measures which relate to the area of cooperation in migration management.

Relevant chapters/articles for mobility of persons: Art. 1 of AFAS calls for the liberalization of trade in services by expanding the depth and scope of liberalization beyond that undertaken by Member States under the GATS with the aim of realizing a free trade area in services. According to Art. 4 of the ASEAN Framework Agreement on Investment Area (1998): there shall be a freer flow of capital, skilled labor and professionals among Member States.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: On July 25, 2006, ASEAN members agreed to allow for a two-week visa-free entry for ASEAN nationals traveling within the ASEAN region.

Employment: *Categories of persons:* Service providers, skilled labor and professionals among ASEAN Member States. A particular emphasis is placed on facilitating the intra-regional mobility of highly qualified nationals associated with investment and business flows.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Visa and entry requirements differ substantially between Member States and may depend on reciprocal diplomatic agreements between individual states for their own passport holders or citizens of different countries. ASEAN Member States generally issue a fourteen to thirty-day visa for third country passport holders, provided they fulfill entry conditions. Each ASEAN Member State has its own set of regulations.

ADDITIONAL INFORMATION

Ancillary policies: ASEAN is in the process of concluding Mutual Recognition Agreements for professional services, such as engineering, accountancy, architecture, surveying and nursing.

⁴ The HPA is the blue print of a series of plans of action towards the realization of the goals set out in the ASEAN Vision 2020 and serves as a strong impetus to ASEAN's collaboration in the political, economic and functional areas, which have been the three main pillars of the regional cooperation in ASEAN.

SADC

-Southern African Development Community-

BACKGROUND INFORMATION

Current signatory countries: Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe.

Date of entry into force: 1992; the Treaty establishing the Southern African Development Community (SADC).

Year when mobility of persons was first introduced: 1992; the original Treaty states as one of its main objectives the development of policies aimed at the progressive elimination of obstacles to the free movement of persons. In 1995, a Draft Protocol on the Free Movement of Persons within SADC was introduced, but was then replaced in 1997 by the more limited Protocol on the Facilitation of Movement of Persons. Although there have been ongoing discussions on the 1997 Protocol, the protocol has not entered into force.

Relevant chapters/articles for mobility of persons: Protocol on the Facilitation of Movement of Persons (1997) and the SADC Free Trade Protocol (1996).

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Member State citizens are granted visa-free entry, for a lawful purpose, into the territory of another Member State for a maximum period of ninety days per year in accordance with the laws of the host country.

Residency: Permission to reside in the territory of another Member State shall be sought through an application for a residence permit submitted by the applicant to the appropriate authorities of the relevant host country in accordance with the laws of that Member State.

Employment: *Categories of persons:* Establishment shall mean permission or authority granted by a Member State in accordance with its national laws, to a citizen of another Member State, for the exercise of economic activity or profession either as an employee or as a self-employed person.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Ancillary policies: Member States shall foster an enabling environment so that every worker in the region shall have the right to adequate social protection and shall, regardless of status and type of employment, enjoy adequate social security benefits.

Other relevant issues: The SADC Free Trade Protocol has been ratified by 10 of the 14 Member States and is in effect. (A SADC protocol enters into effect when it has been ratified by at least two-thirds of the Member States.)

MERCOSUR
-Southern Common Market-

BACKGROUND INFORMATION

Current signatory countries: Argentina, Brazil, Paraguay, Uruguay and Bolivarian Republic of Venezuela. Associate Members: Chile, Bolivia, Colombia, Ecuador and Peru.

Date of entry into force: 1991; Treaty of Asunción (updated and amended by the. 1994Treaty of Ouro Preto).

Year when mobility of persons was first introduced: 1991; the Treaty of Asunción states that the free movement of factors of production is one of the main objectives of the Common Market. Within the Common Market Group, Working Group No.10, which deals with labor migration and employment issues, has been active on the issue of free movement of labor. In 1998, the Council of the Common Market approved the inclusion of a specific provision on the movement of persons who provide services (Protocol of Montevideo on Trade in Services).

Relevant chapters/articles for mobility of persons: Protocol of Montevideo on Trade in Services; Agreement on free movement of persons and residence.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: The Agreement on Free Movement and Residence for State Party Nationals grants MERCOSUR citizens, as well as nationals of Bolivia and Chile, an automatic visa and the freedom to work and live within the territory of the State Parties, provided that they have no criminal record within the past five years. The MERCOSUR visa allows natural persons to enter in another State Party and stay for up to four years for the purpose of providing services.

Residency: The Agreement on Free Movement and Residence for State Party Nationals grants MERCOSUR citizens, as well as natives of Chile and Bolivia, an automatic visa and the freedom to work and live within another State Party, provided that they have no criminal record within the past five years.

Employment: *Categories of persons:* Nationals of one State Party are allowed to live and work in another State Party without a visa. All State Parties are obliged to ensure that service providers from each Member State receive treatment that is no less favorable than that granted to their own nationals or to those from third countries.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Ancillary policies: The Treaty of Asunción states that one of the objectives of the Free Trade Agreement is to speed up the processes of economic development by promoting social justice and securing a better standard of living for the inhabitants of the countries party to this agreement. The Multilateral Agreement on Social Security was approved in 2005 and is now in force in all Member States. The Education Ministers have also developed three Educational Integration Protocols, which influence the facilitation of employment and cross-border mobility of persons: (a) the Educational Integration Protocol on the Recognition of Certificates, Degrees, and Primary-and Non-Technical Secondary Level Studies; (b) the Educational Integration Protocol on the Revalidation of Diplomas, Certificates and Degrees and the Recognition of Secondary-Level Technical Studies; (c) the Educational Integration Protocol on the Recognition of University Degrees for the Pursuit of Postgraduate Studies at the Universities of MERCOSUR State Parties.

SAARC

-South Asian Association for Regional Cooperation-

BACKGROUND INFORMATION

Current signatory countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

Date of entry into force: 1985; the South Asian Association for Regional Cooperation (SAARC) was established when its Charter was formally adopted on December 8, 1985.

Year when mobility of persons was first introduced: 1985: the promotion of inter-personal contact at all levels outside the State sector has been highlighted in successive Summit Declarations since the inception of SAARC. The Visa Exemption Scheme, introduced in 1988 and operational in 1992, was the first formal mechanism to address the question of the free movement of persons. The Agreement on the South Asian Free Trade Area (SAFTA), signed in 2004 within the SAARC framework and effective in 2006, does not at present include a provision on trade in services. SAARC has since opted to include trade in services in SAFTA, and modalities for such an inclusion are being worked out. In addition, an inter-governmental process involving Heads of Immigration of SAARC Member States started meeting in 2006 to discuss migration and related matters.

Relevant chapters/articles for mobility of persons: Visa Exemption Scheme: visa requirements are waived for specified categories of persons to travel within the region.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Under the Visa Exemption Scheme, visa requirements are waived for specified categories of persons to travel within the region. Currently, there are 34 categories of persons who are entitled to visa exemption stickers under the Scheme. In addition, a process of simplification of visa procedures and requirements is in place to assist business persons in accelerating the promotion of trade and tourism within the region.

Residency: The subject of residency has not yet been discussed by SAARC.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: SAARC is not at the stage of harmonizing mobility provisions for non-SAARC nationals.

ADDITIONAL INFORMATION

Ancillary policies: SAARC has of late considered the subject of recognition of professional degrees awarded in another SAARC Member State.

APEC
-Asia Pacific Economic Cooperation-

BACKGROUND INFORMATION

Current signatory countries: Australia, Brunei, Canada (not a participant in the ABTC), Chile, People's Republic of China (PRC), Hong Kong (China), Indonesia, Japan, Malaysia, Mexico (participate in the ABTC on a partial basis), New Zealand, Papua New Guinea, Peru, Philippines, Russia (not a participant in the ABTC), Singapore, South Korea, Chinese Taipei, Thailand, United States (participate in the ABTC on a partial basis), Vietnam.

Date of entry into force: 1989; APEC began as an informal Ministerial-level dialogue group with 12 members.

Year when mobility of persons was first introduced: APEC members have no treaty obligations and operate on the basis of non-binding commitments; however, different committees have addressed issues related to mobility of persons. For example, APEC's Business Mobility Group's main objective is to enhance business mobility by exchanging information on regulatory regimes and streamlining the process for short-term business visitor visas and temporary residence of business persons.

Relevant chapters/articles for mobility of persons: According to Art. 16 of the First Ministerial Meeting Joint Statement, cooperation should aim to strengthen the gains to be had from interdependence, both for the region and world economy, including the facilitated flow of goods, services, capital and technology.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: No separate visa is required if traveler is in possession of an APEC Business Travel Card (ABTC) clearance. To date, seventeen member economies are participating in the ABTC program. The ABTC is valid for three years and allows for multiple entries and a stay of up to ninety days per visit. Electronic Travel Authorities (ETA) are now available to the nationals of some APEC economies. An ETA is an electronically stored authority permitting a person to travel to Australia. ETAs replace the current visa label or stamp in a passport for participating nationals. The ETA is being progressively made available to a range of nationals of APEC economies; however, a number of APEC nationals are unable to access the ETA at this time.

Residency: Business persons holding passports from ABTC participating economies, or Hong Kong permanent residents, automatically apply for 3-year multiple-entry temporary stays for business related activities to all ABTC participating economies.

Employment: *Categories of persons:* Persons who are engaged in the trade of goods, provisions of services or the conduct of investment activities who need to travel frequently on short term visits within the the APEC region to fulfill business commitments. Senior government officials are also eligible. Persons who are engaged in paid employment are specifically excluded.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Citizens from other APEC economies must obtain a visa to take up temporary residence for business in APEC Member countries. Each Member has its proper set of rules and regulations for visa issuance.

ADDITIONAL INFORMATION

Other relevant issues: Tourism officials from APEC Members have recently agreed to consider the possibility of issuing a single visa that would be valid for travel within the region.

CEN-SAD
-Community of Sahel-Saharan States-

BACKGROUND INFORMATION

Current signatory countries: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia.

Date of entry into force: 1998; the Treaty establishing the Community of Sahel-Saharan States (CEN-SAD).

Year when mobility of persons was first introduced: 1998; the original Treaty states as a main objective the facilitation of the free movement of persons, capital, as well as the freedom of residence, work, ownership and economic activity.

Relevant chapters/articles for mobility of persons: Art. 1 of the original Treaty calls for the elimination of all obstacles impeding the unity of its Member States through measures that will facilitate the free movement of persons and capital, meet the interest of Member States' nationals, and ensure freedom of residence, employment, ownership and economic activity. Additional mobility provisions are included in the Draft Agreement on 'Free Movement and Establishment of Persons within the territory of Member States of the Community of Sahel-Saharan States'. In 2004, the 6th Meeting of Ministers in Charge of Interior and Public Security (Cotonou, 2004) recommended that all measures be taken to ensure the legal implementation of free movement of persons and goods.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: The Draft Agreement on 'Free Movement and Establishment of Persons within the territory of Member States of the Community of Sahel-Saharan States' states that intra-regional migration is permitted by those in possession of an entry visa, valid passport, medical certificate and clean criminal record. The following categories of persons are exempted from an entry visa: holders of diplomatic passports, special passports and service passports, as well as members of official delegations whose entry are subject to prior agreement; businessmen and investors who are holders of special passports and are identified and designated in this capacity by their state; and spouse and children of a resident who are in possession of a valid visa.

Employment: The right of establishment is guaranteed to Member States' nationals subject to the purpose and duration of the stay, and in accordance with the national laws and regulations of the host Member State.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

The Draft Agreement on 'Free Movement and Establishment of Persons within the territory of Member States of the Community of Sahel-Saharan States' has not entered into force.

IGAD

-Inter-Governmental Authority on Development-

BACKGROUND INFORMATION

Current signatory countries: Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda (Eritrea temporarily suspended its membership with IGAD in April 2007).

Date of entry into force: 1996; Agreement establishing the Inter-Governmental Authority on Development (IGAD).

Year when mobility of persons was first introduced: 1996; the original Agreement establishing the IGAD promotes the free movement of people.

Relevant chapters/articles for mobility of persons: Art. 7 of the IGAD Agreement aims to: harmonize policies with regard to trade; promote the free movement of persons and the establishment of residence; and promote and realize the objectives of the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC).

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: Reciprocal visa-free entry for limited periods of stay is granted bilaterally by various Member States. For example:

- No visa is required for Djibouti nationals to enter Ethiopia; and
- All IGAD nationals must have a visa to enter Sudan and vice versa.

Residency: IGAD Member States agree to develop and expand cooperation in order to facilitate the rights of residence of IGAD nationals within the sub-region. These provisions have not yet been drafted.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

EAC
-East African Community-

BACKGROUND INFORMATION

Current signatory countries: Kenya, Uganda, Tanzania.

Date of entry into force: 2000; Treaty for the Establishment of the East African Community (EAC).

Year when mobility of persons was first introduced: 2000; the original Treaty provides for the free movement of persons, labor, services, the right of establishment and the right of residence.

Relevant chapters/articles for mobility of persons: Art. 104 of the Treaty calls on the Partner States to adopt measures to achieve the free movement of persons, labor and services, as well as ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

MOBILITY PROVISIONS FOR CITIZENS OF PARTICIPATING STATES

Entry: An EAC citizen will be required to present a valid travel document issued by the competent authority in his/her country. Acceptable travel documents for EAC nationals to access each other's territory are: national passports; EAC passports; temporary permits and/or temporary movement permits; conventional travel documents; and emergency travel documents. The EAC Passport allows a national of a given Partner State multiple entries over a six-month period. Students from other EAC Partner States may be issued a student or pupil pass free of charge based on satisfactory evidence of citizenship, such as an identification card and/or an acceptable travel document.

Residency: The Partner States agree to adopt measures to ensure the enjoyment of the right of establishment and residence of their citizens within the community.

Employment: The Partner States agree to: harmonize their labor policies, programs, and legislation, including those on health and safety; establish a regional centre for productivity and employment promotion; exchange information on the availability of employment; and make their training facilities available to persons from other Partner States. At present, the right of EAC nationals to work within the region is contingent upon the possession of a valid work permit.

MOBILITY PROVISIONS FOR NON-CITIZENS

Entry: Subject to national laws.

ADDITIONAL INFORMATION

Ancillary policies: The Partner States undertake to cooperate in the enhancement of the social partnerships between the governments, employers and employees so as to increase the productivity of labor through efficient production. The Partner States agree to develop a mutual recognition of professional qualifications.