



MIGRATION –21st CENTURY KEY TO ECONOMIC SUCCESS AND SOCIAL WELL-BEING: An Agenda for Parliamentarians

Briefing Note for the
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This brief features three dimensions: 1) the centrality of migration to sustaining the world of work today; 2) greater labour and skills mobility in coming years. 3) the challenges and opportunities for parliamentarians to *get it right* on law and policy to govern migration.

1. Setting the Context: Migration Today

Migration is indisputably key to sustaining the world of work in the Twenty-First Century. Migration today is internationalized labour and skills mobility in a globalized world. Over 90 percent of all migration is bound up in employment and economic activity outcomes. ILO calculated that 105 million of the 214 million people – including refugees – living outside their countries of birth or origin in 2010 were economically active.¹ That represents nearly all of working age. Given one accompanying dependent for each active adult, nearly all migration results in people economically active or dependent on those who are.²

The current global estimate for 2013 is 232 million migrants – persons living outside their country of birth or citizenship for more than one year. But that is major under-count, not accounting for millions of short term, temporary and seasonal migrants who do not change country of registered residence.

Migration today is demonstrably central to the viability of labour markets worldwide. It is key to obtaining return on capital in a globalized economy. It is key to development. The very survival of the world's developed economies today depends on migration.

Migration represents growing portions of workforces in many countries across Asia, the Americas, the Caribbean, and Eurasia. Foreign-born workers comprise 10 to 15 percent of labour forces in Western European countries and around 18 percent in immigration countries of Australia, Canada and the USA.³ It is 10 to 20 percent across Eurasia. 40 to 93 percent of work forces in member States of the Gulf Cooperation Council (GCC) are migrants.

Migration rejuvenates workforces, maintains viability of agriculture, construction, health care, hotel, restaurant and tourism and other sectors, meets growing demand for skills, and promotes entrepreneurship. Migrant remittances, transfer of skills, investments, and expanded trade enhance development and well-being in many countries.

Foreign-born people are 10 percent of the population of Eurasia, some 24 million people – equivalent to the

¹ ILO, *International Labour Migration: a Rights Based Approach*, International Labour Office, Geneva, 2010, p. 1.

² *ibid*

³ Recent figures for most EU countries and “immigration countries” mentioned are found in the OECD *International Migration Outlook: SOPEMI 2011* Statistical Annex

region's 3th largest country in population.⁴ The numbers in Russia are 10.2 percent - 11 million foreign born among the population (2013). 70 percent of the migrant population across Eurasia is at working age, 80 percent in the Russian Federation. Most are working, economically active, women as well as men. In the Eurasia region, half of this population is female, similar to the global proportion. Meanwhile, from 5 to 33 percent of labour forces of Eurasian countries are residing abroad.

Sustaining Regional Integration and Development

Most migration in this region and around the world is taking place within regions – not between – Specifically within thirteen regional economic communities that have established or are negotiating formal regimes of free circulation of persons.⁵ These involve over 120 countries and demonstrate the reality that free movement of capital, goods, services, technology and people are together the essential pillars of economic integration and development worldwide.

Only regional, interstate spaces of economic and social integration obtain the larger pools of capital, resources, skills and labour necessary to achieve competitive economies of scale and viable markets. Free circulation of persons in larger markets is key to better link capital and labour, obtaining more productive use of both. Migration puts skills and labour where its needed to spur investment and economic development. It is also the practical means for expanding trade and commerce throughout those regions.

Economic importance of migration

Recent figures indicate that the annual flow of remittances is more than 500 billion US Dollar equivalent⁶. Some estimates exceed \$600 billion. That is four times larger than total annual official overseas development assistance (ODA - "foreign aid"); \$135.2 billion in 2014.⁷ But remittances generally comprise less than 20% of migrant earnings.

A more comprehensive measure of value of economic activity by migrants to host countries is 2.5 to 3 trillion dollars, measured by extrapolation of aggregate direct earnings. That figure, however, does not include the value added by migrants' labour not returned to workers in remuneration but that adds to the worth of employers and businesses.

Expert assessments signal the crucial importance of migration to economies in this region: a World Bank Lead Economist highlighted that "In general the input of labour migrants into the Russian economy is estimated at 5-10 percent of Russia's GDP."⁸

At what cost?

However, migration is about people; it is people. In a globalized world dominated by capitalist economic relations, governing migration must be about decent work, social protection and social cohesion.

As much as migration is sustaining viable economies and maintaining development, it is about how people are treated. Ten characteristics describe the experience of a large proportion of migrants in most countries:

1. Lack of legal protection, non-recognition of migrants and their rights under law

⁴ Figures from: "The Age and Sex of Migrants 2011 Wallchart", United Nations, Department of Economic and Social Affairs, Population Division, New York, 2013.

⁵ These are: the Andean Pact (in western South America), ASEAN (Association of South East Asian Nations), CARICOM (Caribbean Community), ECCAS (Economic Community of Central African States), CICA (Central American Integration Community), COMESA (Common Market of Eastern and Southern Africa), East African Community (EAC), ECOWAS (Economic Community of West African States), EU- European Union, Eurasian Economic Union (EAU), GCC (Gulf Cooperation Council), IGAD (Inter-Governmental Authority for Development), and SADC (Southern Africa Development Community).

⁶ World Bank. "Migration and Remittances" September 2, 2014.

⁷ OECD on-line report. See: <http://www.oecd.org/dac/stats/development-aid-stable-in-2014-but-flows-to-poorest-countries-still-falling.htm>

⁸ Sudharshan Canagarajah, quoted in "World Bank A Catalyst for Labor Migration Discussions", *Online profile*, WB, Washington D.C., undated.

2. Utilitarian instrumentalization of migrants and migration, explicitly subordinating migrants as human beings entitled to protection of all human and labour rights, to economic factors
3. Criminalization of migrants, *illegalization* of people
4. Prevalence of sub-standard, abusive employment relations and conditions of work
5. Increasing xenophobic hostility and violence against migrants and refugees
6. Systematic and structural discrimination against and exploitation of migrant women
7. Suppression of migrant worker organization and of migrant participation in social organization
8. Lack of access to health care and Occupational Safety and Health (OSH) protection
9. Absence of social protection and of social security access and portability for many migrants
10. Family separation, disruption and decomposition

Exploitative conditions commonly experienced by migrants are structurally driven. For many enterprises in many countries, for entire economic sectors, low cost foreign labour is the only ticket to survival. Labour dependent agriculture would not be viable in Europe nor in North America nor in South Africa – nor could a part of the population afford to eat –without cheap immigrant labour. Health, home care, schooling for children and care for populations of ageing people increasingly depend on migrants in all regions, as do hotel, restaurant and tourist sectors in many countries.

Keeping some migrants cheap, docile, flexible and removable without social costs is not just highly desirable. It is imperative to keep jobs at home and economies afloat. Despite rhetoric about controlling migration, many migrant workers remain in irregular situations, tolerated because they provide that cheap, flexible labour needed to sustain enterprises, employment and competitiveness.

Anti-foreigner hostility

Manifestations of anti-foreigner sentiments and xenophobia pose a visible challenge to social cohesion and to maintaining the work forces needed to sustain development and enhance productivity. Incidents of violence and publicly voiced sentiments that accuse immigrants of stealing jobs and increasing citizen insecurity are reported in countries around the world in all regions.

Some political leaders, government officials, and policy pronouncements have attributed crisis-induced unemployment and economic problems to immigration. Anti-immigrant manifestations and policy reactions, no matter how unjustified, contribute to an environment that discourages political will and public support and impedes initiatives to extend equality of treatment and social security to migrant workers. They also carry a significant economic cost in rendering countries unattractive in the increasingly competitive international market for talent, skills and labour.

2. Greater mobility anticipated

Within 15 years, the majority of the world's countries and populations will be in serious work force decline.⁹ Many already are. Germany will lose 5 million members of its work force in the next fifteen years. The Russian Federation has lost 10 million since 2000, with a current rate of reduction by 1 million workers per year in its domestic labour force. The Japanese labour force shrinks by 37 percent in 2040 from what it was in 1990. A study shows that Switzerland needs 400,000 additional workers by 2030. And there's the big one: China's workforce declines by some 100 million people in the next 30 years.

Some 122 of 224 recognized countries and political territories are at or well below zero population growth

⁹ For a corporate view on the phenomena, see Ernst & Young online report: "Six global trends shaping the business world: Demographic shifts transform the global workforce"

fertility rates¹⁰. Examples from regions, starting with Africa: Libya, Mauritius, Morocco, Seychelles, Tunisia. Asia: Bhutan, Brunei, Burma, China, Hong Kong SAR, Indonesia, Korea—both South and North, Singapore, Sri Lanka, Taiwan (*Province of China*), Thailand, and Vietnam. Americas: Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Nicaragua, Paraguay, Uruguay, USA, plus nearly all Caribbean states. All EU member countries. Eurasia: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan. Middle East: Bahrain, Iran, Lebanon, Qatar, Turkey, Saudi Arabia.

Over coming years, all these countries face increasing departures from the work force uncompensated by decreasing numbers of youth entrants. Many already do. This means increasingly 'globalized' demand – and competition for the most crucial economic resource of all today, trained skills at all levels. A likely consequence for many developing countries will be even greater drain of skilled and educated human resources. It also means looming crises for contributory-based social security systems as declining work force numbers face increasing numbers of retired workers.

Skills and training constraints

No country today can form or train the entire range and number of evolving professional, technical and vocational skills needed to perform the ever more complex work performed on its territory. This drives a constantly increasing, international mobility of talent, competences and labour at all skill levels.

The looming global skills crisis is critical and global. A forecasting study by the McKenzie Global Institute¹¹ estimated that the global shortage of high skilled and trained technical skills may reach 85 million by 2020. 38 to 40 million skilled workers with tertiary education will be lacking, especially in developed countries. Another 45 million will be missing with technical, vocational and scientific skills needed by employers. This within five years when employers around the world – including in Eurasia –complain that they cannot fill one in three jobs on offer with the needed level of skills.

Supply side pressures

Pressures for labour displacement and emigration from countries North and South remain intense; in some situations they have significantly intensified in the last five years. Especially in Africa, the main factor remains the absence of jobs and decent work in countries with growing youth populations. Job creation remains consistently flat while youthful populations are increasing. Meanwhile, financial crises and austerity measures that devastated national economies as well as social protection systems even in Europe have resulted in youth unemployment rates at or above 50% in several countries¹². New waves of emigration, especially of young skilled workers, are departing from Greece, Ireland, Italy, Portugal and Spain.

The war and conflict driven exodus of millions from Afghanistan, Iraq, Syria and now Yemen have overshadowed the bigger, long term mobility trends, particularly because several hundred thousand refugees have made their way to Europe in a short period of time.

Departure of significant portions of the labour force, notably of skilled workers, carries significant costs. Employers complain that they cannot maintain viable enterprises because most skilled technicians and workers leave to find work abroad.¹³ Meanwhile, there is no accounting of social costs for children remaining without parents at home and communities left with few able-bodied adults.

Restructuring Governance

Despite the reality that migration is primarily about labour mobility and economic viability, governance responsibilities on migration have been taken over by control and policing institutions of most States in all

¹⁰ This and following figures drawn from the on-line *CIA World Factbook, Country Comparison: Total Fertility Rate(s)* at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html>. 2.1 to 2.2 children per woman is considered the 'replacement rate' of zero population growth, below which population will decline.

¹¹ McKenzie Global Institute: 2012. *The World at Work: Jobs, Pay and Skills for 3.5 Billion People*. See http://www.mckinsey.com/insights/employment_and_growth/the_world_at_work. Summary and full text available for download on that page.

¹² Eurostat. Table 1: Youth Unemployment Figures, 2011-2013 Q4.

¹³ As observed in interviews by the author of this brief with executives of employer organizations in Kyrgyz Republic, Nigeria, Russia, South Africa, Tajikistan and other counties 2011-2014.

regions. The locus of migration governance in immigration/migrant receiving States in previous decades was generally in labour and employment ministries. This reflected primacy of needs to regulate labour markets, ensure economic performance, protect workers, facilitate social dialogue as well as administer social security.

The treatment imposed on a substantial migrant component of workforces can and does influence treatment of the work force more broadly. Administration of increasing foreign components of work forces by control institutions has consequences in shifting emphasis of law enforcement regarding work from labour standards to immigration enforcement and in imposing policing solutions to labour conflicts at the expense of social dialogue.

The need for labour is objective. But the conditions imposed on labour mobility can be, and are, subjectively controlled, with deliberate law and policy choices inducing definable consequences and recognizable collateral damages. Reducing rights protections for migrants directly targets structured, regulated labour and employment relations. That channels labour migrants into informal, precarious, unprotected work, where labour costs are reduced and those reduced costs imposed not by voluntary enthusiasm of migrants to take jobs, but by State supported legal and employment regimes that provide no choice for migrants but do or die.

3. The challenge for Parliamentarians

History tells that migration has always been an essential ingredient of development and human welfare. It is all the more so today. However, unless regulated by appropriate laws and policies, migration entails high costs in terrible treatment at work, in denial of social protection, in absence of well-being, in family disruption, in reduced productivity and in lost opportunities for development and prosperity. Migration must be governed under the rule of law and subject to proper regulation. Accomplishing this is the responsibility of lawmakers and parliaments in every country.

The imperative of migration

- Migration is an essential resource for economic development and productivity for all countries;
- It is the key means of meeting shortages of skills and labour;
- It compensates for declining work forces and aging populations;
- It is essential to regional economic integration that obtains development and public well-being.

Migration will only yield its benefits for nations and peoples with legislation and policy that:

- Provides legal recognition and protection for all migrants;
- Facilitates regular labour and skills mobility in response to real labour market and employer needs;
- Applies international labour standards to ensure *decent work* conditions for national and foreign workers;
- Assures full protection for working women with gender sensitive law and policy.
- Guarantees social cohesion by preventing xenophobia and facilitating integration;
- Extends social and health protection and social security access for migrants.
- Enhances training and education of professional, technical and vocational skills needed today & tomorrow

The 'global governance' regime for migration has been elaborated over nearly a century. Its foundation is in International Conventions and international labour standards providing specific norms for national legislation. The regime includes mandates and activity of a spectrum of UN agencies and other international and regional organizations supporting roles and work of ministries across the wide range of concerns of national and local governments. This governance regime also includes complementary sets of policy recommendations directed to national governments derived in negotiated outcomes of international and regional conferences over the last twenty years, notably the World Conference on Population and Development in Cairo in 1994, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, 2001, and the 2004 International Labour Conference in Geneva.

The following policy agenda is a relevant model. It derives from these world conferences, from regional deliberations, and from Inter-Parliamentary bodies, notably the Inter-Parliamentary Union (IPU).

1. Full recognition and legal protection of all migrants

Ratification and full implementation of key legal standards on migration and migrants rights: the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 97 on migration for employment, and ILO Convention 143 on migrant workers (supplemental provisions).

Enacting legislation enabling regularization of migrants in unauthorized situations.

2. Rights and people based discourse

Identifying migrants as persons and rights-holders first and foremost in legislation and discourse

3. Decriminalization of migrants, refugees, and migration:

Enactment of legislation defining/redefining immigration offences as civil or administrative, not criminal

4. Decent Work for all migrants:

Domestication of international labour standards with explicit applicability to all workers

Vigorous enforcement of labour standards and regular employment relations by effective labour inspection.

5. Gender-specific migration legislation and policy

Ensuring equality of rights, opportunities and protection for all migrant women and girls

6. Stop Xenophobia, racism and discrimination against migrants

Repeal discriminatory legislation;

Elaborate and implement national action plans against discrimination and xenophobia

7. Support freedom of association participation of migrants in unions and associations

Enactment of legislation implementing ILO Convention 87 on Freedom of Association and ILO C-98 on Collective Bargaining rights, applicable to workers regardless of nationality or status.

8. Health for all migrants (health is a right for all).

Full access by migrants to health prevention and care services and facilities

Elaboration of national public health and OSH policy on health for migrants

9. Social Security for migrants

Immediate unilateral measures to extend coverage and portability to migrants in origin and employment countries; Harmonizing social security access in regional integration spaces.

10. Family Unity and family support

Legislating family unity provisions in all immigration regimes; Enacting measures to sustain socialization and education for children remaining at home as well as for migrant and refugee children.

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Useful resources

Guide to ratification of the International Convention on rights of migrant workers. Steering Committee, Geneva, 2009: Available in English, French, **Russian**, Spanish. English version at: http://www.migrantsrights.org/documents/ICRMWRatificationGuide_December2009English.pdf

Handbook on Establishing Effective Labour Migration Policies, Mediterranean edition. OSCE-IOM-ILO, Geneva & Vienna. 2007. Available in Arabic, English and French. English edition at: <http://www.osce.org/item/28725.html>

CIS edition in Russian & English (2006) available at: <http://www.osce.org/resources/publications/Handbook%20on%20Establishing%20Effective%20Labour%20Migration%20Policies%2C?&solrsort=score%20desc&rows=10>

Handbook for Parliamentarians on Migration, Human Rights and Governance. IPU -Inter-Parliamentary Union. Geneva. 2015. Available in English, French, Spanish after 20 October 2015 at: <http://www.ipu.org/english/handbks.htm>

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