

Global Compact for Safe, Orderly Regular Migration

Thematic Consultation # 6: Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures

Geneva, October 12-13, 2017

Intervention:

Panel 1: Irregular Migration and Regular Pathways

Not everyone wishing to enter a country will be eligible to stay, but they must at all times be treated as people – with dignity and respect for their human rights. By creating and strengthening regular migration pathways as part of comprehensive national migration systems, States can provide prospective migrants with alternatives to irregular migration, alleviate pressures on asylum systems and improve responses to migration-related crises.

Canada has the following recommendations for inclusion in the Compact:

- 1. Encourage states to build or strengthen comprehensive national migration systems.** The Compact should clarify and provide details on the components that can make up such a system, for example: temporary and permanent pathways for work at all skills levels, for study, family unification, as well as protection; asylum determination; transparent and rule-based processes for entry, stay, admission, and reintegration of returning nationals; integration programming; flexible tools to grant temporary protection to those in vulnerable situations¹; pathways to move from temporary to permanent status; and citizenship. Each situation is different; we would welcome efforts to develop a more fulsome list.
- 2. Promote policy coherence within governments when receiving and processing people arriving irregularly.** Partnerships between national and sub-national governments, and between all implicated national ministries, are vital. A joined-up approach, coordinated by a lead agency, can boost a country's operational capacity to process and screen arrivals,² and forecast and plan for changes in the numbers and characteristics of people arriving.
- 3. Encourage States to provide prospective migrants and newcomers with reliable information.** This can include outreach to source communities in countries of origin as well as diaspora communities in countries of destination on how the country's migration system works, its laws, and their rights and responsibilities. Local civil society organizations are especially helpful in providing reliable information directly to migrants and their families.

¹ Such as Ministerial discretion, pre-removal risk assessments, deferral or suspension of returns, temporary permits, and/or applications to stay based on humanitarian and compassionate grounds.

² More specifically, this includes processing, screening migrants and their luggage, fingerprinting, and finding housing. Such responses must be in compliance with international norms, respect human rights, and protect migrants' privacy.

4. We need to expand and prioritize efforts to promote equal access to services for women, other individuals, and especially children, in vulnerable situations. It is important to work with local women's organizations and movements that advance women's rights, to ensure proper service delivery, and to engage men and boys in advancing gender equality. We recommend cultural and gender-responsive and age-sensitive procedures through all steps of the migration process, providing services that address the human rights and specific needs of migrant women and girls³ -- including support for survivors of sexual and gender-based violence through witness protection for victims of trafficking -- and improving women's economic empowerment and employment opportunities.

³ Especially as they relate to preventing sexual and gender based violence and other harmful practices such as child, early and forced marriage. This also includes providing comprehensive sexual and reproductive health, services and facilities, mobile delivery rooms, and distributing dignity kits.

Panel 2: Decent work and Labour mobility

There are many initiatives and instruments that exist and can be used to support improved approaches to effective labour migration governance, for example: the core ILO conventions, the Multilateral Framework on Labour Migration, the conclusions adopted at the ILO Labour Conference this past June in Geneva, ILO's fair recruitment guidelines and Decent Work Agenda, and the IOM's International Recruitment Integrity System (IRIS).

Canada hopes that the Compact will bring coherence to the recognized international guidance.

We have the following further recommendations for the Compact:

1. Promote measures states can put in place to protect migrant workers and their human rights, particularly those who are in vulnerable situations, such as those in lower-skilled occupations and with temporary work permits. For example, an employer compliance regime, which verifies that employers meet agreed-to conditions, through on-site inspections for example, can provide protection to temporary foreign workers by ensuring that employers pay agreed-to wages, provide a workplace free of abuse, remain compliant with applicable recruitment, labour and employment laws, and demonstrate that they are a genuine business. Offering a way for people to report employer abuse or infractions anonymously is also helpful. The Compact could propose measures that would ensure workers have information on their rights and on who to contact if they are facing human rights or other abuses.

2. Provide guidance to States on the benefits of offering permanent as well as temporary labour migration pathways⁴. Offering pathways to permanent status for those with temporary study or work permits at any skill level provides protection to those who need it and helps to address long-term labour force gaps. It also helps employers retain the workers they already hired and trained, reduces the need and cost for frequent and ongoing recruitment and training, and provides an alternative for migrants to falling out of status or otherwise becoming irregular. These permanent pathways can encourage regional economic and social development as well as strengthen trade ties.

3. Provide guidance on offering regular pathways for family unification as well as support for family members accompanying principal visa applicants. More data is needed about the numbers of people seeking reunification. Offering regular options for family unification provides them an alternative to reuniting through irregular or fraudulent means. We also need more data on the economic outcomes of migrants' accompanying family members. In designing regular economic streams, states should consider the family members accompanying principal applicants, particularly women, to avoid creating a vulnerable underclass.

⁴ In the Canadian context, there are pathways to permanent residence at the federal as well as the provincial/territorial levels, at all skills levels, including for those with study permits wishing to stay and work in Canada.

Panel 3: Recognition of skills and qualifications and relevant measures

As the issue brief helpfully demonstrated, migrants have a higher labour force participation rate compared to non-migrants. It also showed that migrant workers are disproportionately represented in specific sectors, generally those characterized by temporary, low-skilled work and low wages. Qualification recognition, underemployment, and anti-migrant discrimination are often connected. We need to take steps to eliminate discrimination based on ethnicity, race and gender. Ongoing mismatches between the skills that a migrant brings to a country and those the country needs costs both the country and the worker.

Canada recommends the following measures for inclusion in the Compact:

- 1. Promote the use of alternative assessment methods for highly skilled occupations** to help move permanent migrants from temporary, precarious employment (“survival jobs”) to jobs more commensurate with their skills, qualifications and experience. This could include implementing mentoring and internship programs to help newcomers get jobs and increase cultural sensitivity in employers’ recruitment practices⁵; and providing migrants with more timely information on whether they qualify to work in their chosen profession and whether additional training is needed to meet national standards, especially in regulated occupations. As part of this effort, targets should be set for the amount of time it should take to reach an initial qualifications recognition⁶.
- 2. Provide examples and guidelines on timely, transparent and fair processes for foreign credential recognition for States to consider implementing.** Models for improved and faster assessment and recognition can include better pre-decision supports, such as providing access to the first steps in the assessment process from overseas, clearer communications and transition supports to better ensure that the skills and experiences of newcomers are fully utilized in the host or destination labour market, targeted measures to test innovative approaches to help skilled newcomers gain Canadian work experience in their profession, including career advice, loans programs to assist with the costs of foreign credential recognition, and support for navigating the process.
- 3. Encourage States to include foreign credential recognition clauses in trade agreements, and provide examples they can use.** Clauses in trade agreements can streamline the process for the negotiation of mutual recognition agreements between governments, regulators and/or professional bodies. Canada’s approach has largely been to encourage the development of mutual recognition agreements between regulators or professional bodies, while fully preserving their ability to recognize, regulate and license professionals. Ideally, and where appropriate, Canada encourages such agreements to be fully applicable throughout the Parties’ jurisdictions.

⁵ In Canada, the Toronto Region Immigrant Employment Council (TRIEC) was the first multi-stakeholder organization to introduce these programs for skilled newcomers and others have now implemented them across the country. TRIEC recently received private sector funds to scale up their mentoring partnership; involving employers in the design and implementation of these programs is essential. This type of program can increase the cultural sensitivity of employers, particularly with respect to their recruitment practices.

⁶ For example, Canada, with the Provinces and Territories, announced in 2016 a more ambitious target of six months to reach an initial qualifications recognition, as regulators for the 24 target occupations had consistently met the one-year target.

