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Labour migration in Latin America and the Caribbean

DIAGNOSIS, STRATEGY,
AND ILO'S WORK IN
THE REGION

Regional Office for Latin America and the Caribbean

Labour migration in Latin America and the Caribbean

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AND ILO'S WORK IN
THE REGION

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Foreword

As in the rest of the world, in Latin America and the Caribbean migration has been expanding in volume, dynamism, and complexity over the past decades and is closely linked to the world of work and the quest for employment, income, and decent work opportunities. Today, almost all countries in the region are part of migration flows, whether as countries of origin, transit or destination.

The United States of America continues to be the main country of destination for most Latin America and Caribbean migrant workers and their families. Yet, migration has become more diverse and intense in intra-regional migration corridors to countries like Argentina, Barbados, Brazil, Costa Rica, Chile, Dominican Republic, Panama, and Trinidad and Tobago; as well as in inter-regional corridors, particularly to countries such as Canada, Spain, Italy, and Portugal.

This report contains a diagnosis, as updated as possible with available information from major migration corridors in the American continent, intra and inter-regional wise. It describes the common features of these corridors; analyses the weaknesses and challenges of public policies and governance in such corridors; and describes the progress, good practices, and opportunities to improve labour migration in the region. Based on the above-mentioned diagnosis and the institutional mandate of the ILO, the last section presents ILO's strategy and lines of work in labour migration to be implemented in the Latin American and Caribbean region during the 2016-2019 period.

ILO's concern for the protection of migrant workers dates back to its founding. The 1919 Constitution calls for the *"protection of the interests of workers when employed in countries other than their own"*. Later on, the ILO adopted international labour standards that address the labour market situation and protection of migrant workers. The current scenario is particularly conducive to deepening the work of the ILO on labour migration, as envisaged by the ILO Director General in his report "Fair Migration: Setting an ILO agenda" presented at the International Labour Conference in 2014 and as requested by ILO constituents on several occasions.

The present report builds on a series of recent efforts by the ILO in Latin America and the Caribbean region. In 2013 and 2014, the ILO carried out a regional mapping and assessment to identify priority areas for action based on the diagnosis

of institutional and policy weaknesses, including financial and human resources, the knowledge acquired through direct intervention, as well as research and data collection. Such evaluation provided some guidelines for ILO's action in order to meet the needs of a changing landscape on labour migration at the regional, sub-regional, and national levels, in the short and long-term.

In 2015, the ILO prepared three trend analysis reports (Central and North America, the Caribbean, and South America) in order to explore the situation in main labour migration corridors and their links to different types of employment-related issues, such as the concentration of migrant workers in specific sectors (agriculture, construction, domestic work, etc.). The reports included information on key areas related to the labour market situation of migrant workers, including those in an irregular situation. Key areas included work on working conditions and wages, occupational safety and health, social protection, recognition of their skills and diplomas, and migrant workers' concentration in the informal economy.

In order to operationalize ILO's Fair Migration Agenda launched in June 2014, ILO's strategic planning framework included Outcome 9, "Promoting fair and effective labour migration policies as of 2016." This Outcome will continue to be part of ILO's 2018-2021 Strategy and WorkPlan.

In terms of diagnosis, the present report summarizes and complements the mapping carried out in 2013 and 2014 and the three 2015 sub-regional trend analysis reports. In terms of programmatic and policy actions, this labour migration regional report aims at contributing to operationalizing Outcome 9 mentioned above, as well as the Fair Migration Agenda by outlining ILO's strategy and lines of work in the region in the field of labour migration during the 2016-2019 period.

For the general public, and for all those interested in present policy and governance issues related to labour migration, we hope this ILO regional report will contribute to better understanding existing challenges and to better designing and implementing initiatives to promote productive employment and decent work for all Latin American and Caribbean migrant workers.

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ILO Regional Director
for Latin America and the Caribbean

1. Introduction

Labour migration, or migration for employment purposes, has become an issue of global interest. The "ILO Global Estimates on Migrant Workers. Results and Methodology" (2015) Report by the International Labour Organization (ILO) considered that there are about 232 million migrants in the world, of which 150 million are migrant workers: 65 per cent of the total. The report notes that the proportion of migrant workers in the world represents 4.4 of the global workforce due to a higher labour participation rate of migrants (72.7 per cent), compared to that of non-migrants (63.9 per cent). This difference is significant and is largely a result of the fact that more migrant women workers work compared to non-migrant women (67.0 per cent versus 50.8 per cent).

The report also indicates a high concentration of migrant workers in specific economic sectors and significant gender differences. In 2013, most migrant workers in the world were concentrated in the service sector (106.8 million out of a total of 150.3 million), representing 71.1 per cent of the total. An estimated 11.5 million of all migrants working in the service sector were migrant domestic workers. Moreover, the importance of migrant workers in the industry, including manufacturing and construction, represented 26.7 million (17.8 per cent), and in agriculture 16.7 million (11.1 per cent).

Recently, the ILO has intensified its work on labour migration, including it as Outcome 9 in its 2016-2017 Programme and Budget. In addition, the ILO has played a key role in including it as part of the Sustainable Development Goals within the framework of the 2030 Agenda. There, target 8.8 was defined as follows: "Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular, women migrants, and those in precarious employment."

Labour migration is a complex phenomenon that represents challenges and opportunities, and that if it is well managed can maintain and often increase the economic growth of countries of destination and help reduce poverty in countries of origin. ILO's mandate and work covers migrant workers at all skill levels. However, while large numbers of highly-skilled migrant workers can find the doors open in countries of destination and very comfortable working conditions, the

ILO is particularly concerned about the situation of millions of migrant workers in low-skilled and semi-skilled occupations who continue to perform what are often considered to be 3D jobs: dirty, dangerous and demeaning.

The ILO has developed, through tripartite dialogue, a shared vision on the issue of labour migration (see box below). Consistent with this view, the Report of the ILO Director General "Fair migration: Setting an ILO agenda" presented at the International Labour Conference in June 2014 suggested the establishment of eight specific lines of action for the ILO in this field: a) promoting decent work in countries of origin, including the contribution of migrants; b) formulating orderly and fair migration schemes in regional integration processes; c) promoting bilateral agreements for well-regulated and fair migration between member States; d) instituting fair recruitment processes; e) countering unacceptable situations; f) realizing the rights-based approach; g) contributing to a strengthened multilateral rights-based agenda on migration; and, h) tripartism, knowledge and capacity-building as cross-cutting issues.

ILO's TRIPARTITE VISION ON LABOUR MIGRATION

When most migration flows are related to the search of employment opportunities, the ILO recommends that labour migration policies include a long-term vision, and be integrated and consistent with socio-economic policies in other relevant areas such as employment, training, and social security.¹ In achieving these goals, the ILO considers necessary "providing labour ministries with a key role in policy formulation, elaboration, management, and administration of labour migration policies to ensure that labour and employment policy considerations are taken into account".²

The ILO considers that the social partners (employers' and workers' organisations) should play a significant role in this important area of public policy and recommends that to ensure that migration policies for employment are sustainable, they must be based on a broad social consensus achieved through close consultation, where tripartism is the operative principle in decision-making.

The conclusions and resolution of the 92nd International Labour Conference (2004) *"A Fair Deal for Migrant Workers in a Global Economy,"* agreed by consensus among representatives of 176 tripartite delegations stated that: *"It is clear that closer cooperation among sovereign States and the tripartite constituents*

¹ ILO: ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration, Geneva, 2007

² Ibidem, p.14.



can contribute towards more effective labour migration processes and protection systems.³ Particular attention was paid to the governance of labour migration when mentioning that *"As part of the broader commitment to promoting decent work, the ILO and its constituents agree on the desirability of maximizing the benefits to all that can flow from (...) encouraging regular labour migration."⁴* The ILO recommends ensuring that labour migration policies are based on objective and periodic labour market analysis that determine the demand for and supply of labour.

Since labour markets respond to the law of supply and demand, if labour demand is greater than domestic supply, this could result in attracting migrant workers. While recognizing the sovereign right of all nations to determine their own migration policies, the ILO believes that this is one of the reasons why it is so important to define a labour migration policy. In the absence of such a framework, migration could occur in an uncontrolled and unregulated manner resulting in putting downward pressure on national workers' working conditions. Equally important are the bilateral labour agreements between countries of origin and destination to ensure the protection of migrant workers.

In fact, the ILO believes that ensuring equal treatment and opportunities and non-discrimination between migrant workers and nationals contributes to preventing "dumping" of working conditions and wages, and benefitting all workers enabling them to contribute more significantly to development. At the same time, unfair competition among employers is avoided contributing to corporate social responsibility.

The Tripartite Technical Meeting on Labour Migration organized by the ILO in November 2013 stated in its conclusions that *"Through social dialogue at local, national, bilateral, sub-regional, regional and international levels, the ILO's tripartite constituents can play an important role in the development of rights-based, transparent and coherent labour migration legislation and policies, taking account of labour market needs".⁵*

In Latin America and the Caribbean, as labour mobility has risen in importance (both in terms of number and diversity), there is an urgent need to better understand the contribution of migrant workers to the economic, human, and social development of countries of origin, transit, and destination, as well as to improve the governance of migration flows. The current context raises questions about the need to expand and strategically diversify ILO's action in Latin America and the Caribbean in promoting labour migration strategies that go beyond

³ ILO: *Report of the Committee on Migrant Workers*, International Labour Conference, Provisional Record 22, Ninety-second Session, Geneva, 2004, p. 22.

⁴ Ibidem, p. 22.

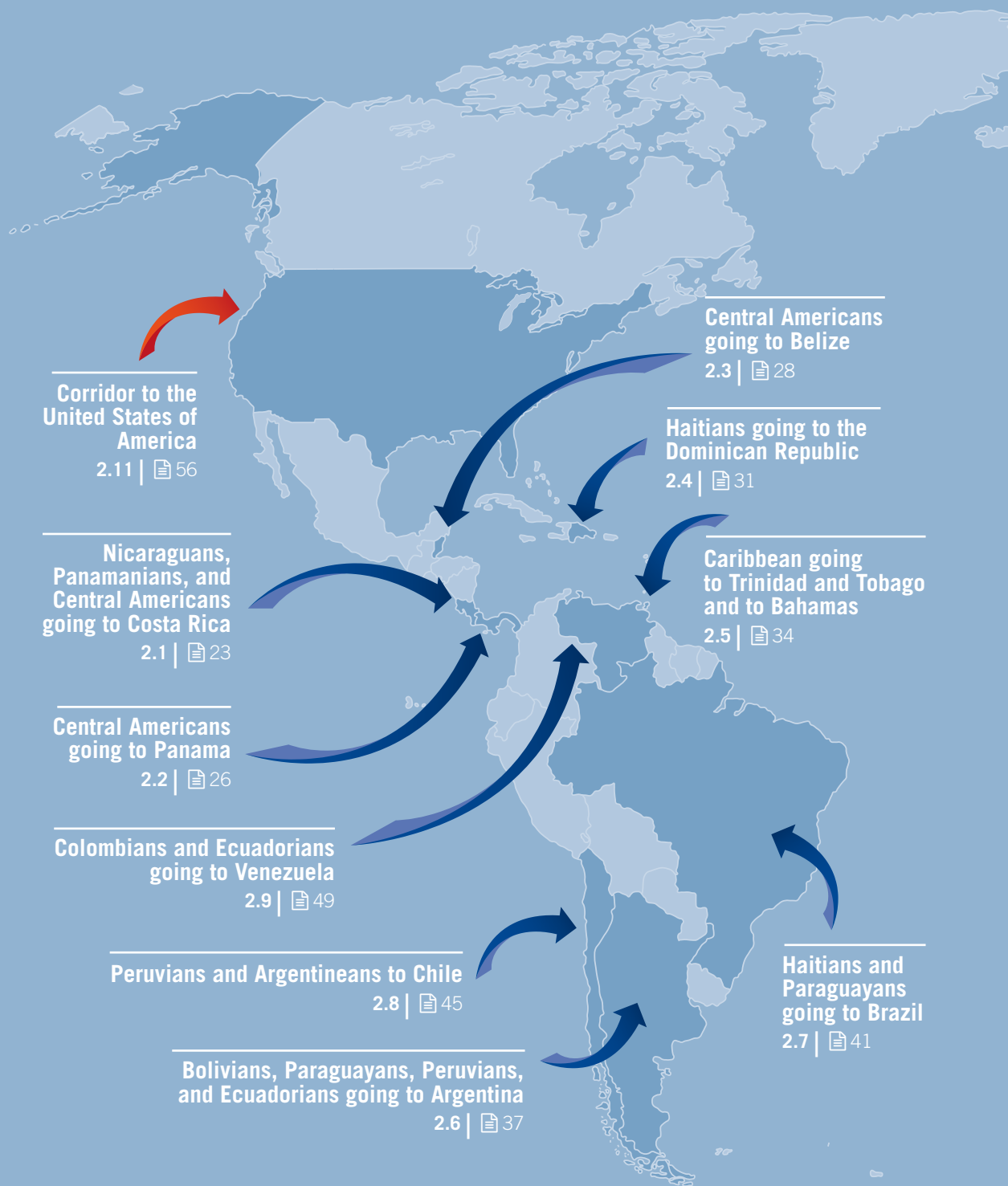
⁵ ILO: Tripartite Technical Meeting on Labour Migration, 4-8 November 2013, Geneva, TTMLM/2013/14, p.5.

specific projects. In particular, an action plan with goals and objectives (short and long term) that are common to the region must be determined, while taking into account the specificities of each sub-region or migration corridors.

As part of these efforts, and considering the importance of counting with information as a basis for better identifying needs and formulating both policy and governance responses, the ILO has prepared several sub-regional trend analysis reports including assessments of existing main migration corridors in the Americas. Their results are included in this report.

The purpose of this report is, in part, to synthesize the information gathered in these sub-regional reports and to present ILO's strategy and lines of work on labour migration in the region.

Section 2 presents the main migration corridors in Latin America and the Caribbean, both intra and inter-regional, and their features. Section 3 presents some common characteristics of such migration corridors; Section 4 discusses the weaknesses and challenges of public policies and governance; Section 5 describes the progress, best practices, and opportunities for improving labour migration in the region. Finally, Section 6 presents ILO's strategy and lines of work in the region for the 2016-2019 period in the field of labour migration.



Main migration corridors in, and from, the Americas

Peruvians, Ecuadorians, Bolivians, Colombians, and other Latin Americans going to Spain

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There are two main types of flows in Latin America and the Caribbean based on the direction of migration corridors: South-South and South-North migration.

A. INTRA-REGIONAL CORRIDORS



**SOUTH-SOUTH
Migration**

B. EXTRA-REGIONAL CORRIDORS



**SOUTH-NORTH
Migration**



2. Main migration corridors in, and from, the Americas and their characteristics

During this century's first decade and a half international migration flows for employment purposes continued to expand and change in Latin America and the Caribbean⁶. The characteristics of labour markets in countries of origin and destination and regional integration of economies and markets explain the effect that the international mobility of workers has had on the growing expansion of migration corridors in the region.⁷

At the same time, in main destination countries the aging of the population and other demographic, economic, and labour variables have had an effect in the labour force deficit registered in some labour markets that have shown a demand for both highly-skilled and medium and low-skilled workers.

The ILO estimates that the Americas concentrate around 27 per cent of all migrant workers in the world and that their importance increases rapidly. In 2010, the figures were 25.1 million in North America and 3.2 million in Latin America and the Caribbean; five years later, these figures had risen to 37 million in North America and 4.3 million in Latin America and the Caribbean: a total increase of 13.1 million people in just five years.

6 Ceriani, P. & Morales, A. (2013) *Mapeo sobre la Migración Laboral y el Rol de la OIT en América Latina y el Caribe*. ILO consultation document, unpublished.

7 United Nations (2013) *International migration and development*. Report of the Secretary-General. United Nations. General Assembly. A/69/207.

Table 1. Total estimates of migrant workers by region, 2010-2015

Region	MIGRANTS				MIGRANT WORKERS			
	2010		2015		2010		2015	
	Million	%	Million	%	Million	%	Million	%
Africa	19.3	9	20.6	8.5	8.4	8	8.7	5.8
Asia	61.3	28.7	75.1	30.8	30.7	29	50.4	33.6
Europe	69.8	32.6	76.1	31.2	35.1	33	49.5	33
Latin America and the Caribbean	7.5	3.5	9.2	3.8	3.2	3	4.35	2.9
North America	50	23.4	54.5	22.4	25.1	24	37.05	24.7
Oceania	6	2.8	8.1	3.3	3	3		
Total	213.9	100	243.7	100	105.5	100	150	100

Source: ILO. Prepared in-house with data from the United Nations Department of Economic and Social Affairs (UN DESA).

North America, Central America, and the Caribbean have experienced significant geopolitical and geo-strategic developments whose patterns largely explain the formation of a complex system of labour migration corridors. This system of migration corridors is constantly being modified due to changes in the interdependence among economies and labour markets. Other variables such as the migration mechanisms, demographic and, environmental factors, and related political and social instability, as well as changes in governance systems, can also affect the conditions under which labour migration takes place. This is evidenced through the constant reconfiguration of migration corridors, forms of intermediation and recruitment, transportation systems, and even the coyotaje.⁸ To the extent to which institutional gaps or inadequacy of public responses continue or increase, informality, irregularity and the costs of labour migration in terms of working conditions will continue to increase, including the risks to migrants and their families, and to social coexistence, in general.

At present, two main types of flows can be identified in Latin America and the Caribbean based on the direction of migration corridors: South-South and South-

⁸ *Coyotaje* means the activity of illicitly entering and moving from one country to another people who do not have the immigration documents allowing them to reside in the country of destination. The coyote is the person delivering and charging for such a service.



North migration. When referring to the south, the present report will include the sub-regions of Central America, the Caribbean, South America, and Mexico; and, as to the north, it will refer to Canada, the United States of America, and Europe.

Although common trends can be identified, these corridors have marked differences among themselves: the lack of information limits the possibilities of better understanding some of their specific characteristics, and in particular how these corridors interact with the structural factors that cause migration, with labour markets and governance mechanisms. All of these factors are essential to improve labour migration management policies and to promote cooperation between countries of origin, transit, and destination.

Until the early nineties, the most significant flows of Latin American and Caribbean migrant workers were directed almost exclusively to the United States, and other (less important in numerical terms) intra-regional flows, were concentrated in Costa Rica, the Dominican Republic, and Venezuela.

Although we cannot deny the importance that the United States continues to play as the main country of destination to Latin American and Caribbean migrant workers (in 2015, 51 per cent of its immigrant population was from Latin America and the Caribbean)⁹, since the beginning of the 1990s, migration flows from the Latin American and Caribbean region have expanded to other destinations, mainly to the European Union. At the same time, there has also been a noticeable increase in intra-regional flows. Indeed, in Latin American and Caribbean countries, 80 per cent of immigrants originate from other countries from the region, in most cases from neighbouring countries¹⁰.

This section first analyses nine main intra-regional corridors, then two inter-regional corridors: Peruvians, Ecuadorians, Bolivians, Colombians, and other Latin Americans to Spain; and, finally the main migration corridor(s) to the United States.

9 Pew Research Centre (2015). Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065: Views of Immigration's Impact on U.S. Society Mixed, Washington, D.C.

10 OECD, IDB, OAS: *Migración Internacional en las Américas, SICREMI 2012*, Washington, 2012, pp. 12-13.

A. INTRA-REGIONAL CORRIDORS

2.1 Nicaraguans, Panamanians, and Central Americans going to Costa Rica

Since the early formation of its national economy and its links with international markets, and because of the existence of imbalances between supply and demand of labour available in the country, Costa Rica has required, temporarily or permanently, different types of labour and skills, including migrant workers. This demand has been driven by three factors: the steady development of productive activities and the diversification of the economic structure of the country; the social mobility processes that have meant the relocation of the national labour force increasingly towards skilled activities; and geographical realignments of population and labour needed in the country. The shortage of labour has been solved largely by the availability of human resources from neighbouring countries and the ease at crossing the border.

While it is true that the percentage of Panamanian migrant workers migrating to Costa Rica is low compared to the influx of Nicaraguans (representing 75 per cent of migrants), the flow is important given the nature of the economic activities in which they work and the importance of these activities in the country. The vast majority of Panamanians work in coffee harvesting and, to a lesser extent, in the banana industry. Although agricultural products are no longer the main export products of Costa Rica, the truth is that in economic terms, they continue to be the main source of income for many families and communities that depend on them. Such is the case of most communities in which Panamanian migrant workers are involved.



► IMPORTANT DATA Nicaraguans, Panamanians, and Central Americans going to Costa Rica

Legal and Institutional Framework	<ul style="list-style-type: none"> ► Migration and Foreigners Act (Act 8764) ► National Development Plan in force ► Costa Rica is a signatory to both the Ibero-American Multilateral Convention on Social Security signed in November 2007 and the Multilateral Social Security Agreement, signed under the Central American Integration System -SICA in 1967. ► Bilateral labour agreements: <ul style="list-style-type: none"> *With Panama: regulates the flow of workers moving from Panama, allowing registration of incoming workers. *With Nicaragua: demand for Nicaraguan labour, indicating the occupations and number of workers required.
Profile of Migrants	<ul style="list-style-type: none"> ► 9 per cent of the total population of the country are foreigners. ► 66 per cent of all foreigners live in the Central Region, which concentrates the main urban centres. ► 75 per cent of migrants are originally from Nicaragua.
Labour Market	<ul style="list-style-type: none"> ► The bulk of the Nicaraguan population is employed in low-skilled jobs, in order of importance: agriculture, trade, construction (in the case of men). In the case of women, domestic work, and in both cases, manufacturing. ► Of all women born abroad, 33 per cent of wage earners are employed in households; 75 per cent of all foreign men are employed as employees in private companies, and in the case of women, this figure represents 46 per cent; and, 18 per cent of foreign women and foreign men are self-employed.
Working Conditions	<ul style="list-style-type: none"> ► The National Commission for Improving the Administration of Justice (CONAMAJ) indicates that the most frequent complaints and claims of migrant workers are: unpaid wages, breach of minimum wage, no overtime pay, no vacation, and no Christmas bonus.
Social Security	<ul style="list-style-type: none"> ► The Migration and Foreigners Affairs Act requires all foreigners residing in Costa Rica to register in the insurance program offered by the Costa Rican Department of Social Security, whether they are insured by their employer or on their own. ► Of the total foreigners insured, 61 per cent are employees of private companies, 31 per cent are self-employed, and 5 per cent are domestic workers.
Good Migration Practices	<ul style="list-style-type: none"> ► Co-development Program. This program involves recruiting foreign workers required by companies in the area of construction, agriculture, and agroindustry, and hiring foreign workers in Costa Rican territory with valid immigration status.

Tables and graphs of interest to this corridor

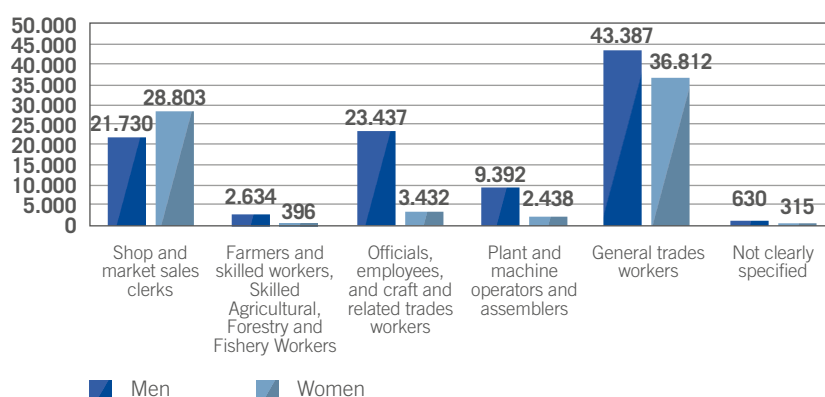
Table 2. Costa Rica: migrant workers by main economic activity, 2013

Branch of Activity	Other Central Americans	Workers originally from Nicaragua	Workers originally from Costa Rica	TOTAL *
Agriculture, cattle-raising, forestry, and fishing	2.238	30.944	222.881	256.063
Manufacturing Industries	581	15.895	213.976	230.452
Construction	944	20.999	91.893	113.866
Wholesale and retail trade and repairing of motor vehicles and motorcycles	3.217	24.577	329.676	357.470
Accommodation and food service activities	477	11.303	83.209	94.989
Activities of households as employers	1.108	28.193	100.402	129.703

* Total labour force per branch of activity in Costa Rica (2013).

Source: INEC, 2013. ENAHO. Data Centre.

Graph 1. Costa Rica: Foreign-born Population by Occupation and Gender, 2013



Source: prepared in-house with data from INEC 2013. EHANO.

NB: categories with the largest migrant population were selected.



2.2 Central Americans going to Panama

Since 2009, when the Interoceanic Canal expansion began, Panama gained importance as a destination for Central American workers, especially for Colombians and Nicaraguans.

Indeed, Panama's economic growth has generated a positive migratory balance. On the one hand, the emigration of Panama's population has decreased and, at the same time, the market continues to demand a workforce that exceeds the supply of local labour. For example, census data show that foreign labour force increased from 41,383 in 2000 to 67,939 in 2010, representing a rise of 3.7per cent to almost 5per cent of the labour force (ILO, 2014c: 37). Projections for the next decade show that Panama will be a main destination country for current migration dynamics in Central America and South America (FIIAPP, 2014: 51).

► IMPORTANT DATA Central Americans going to Panama

Legal and Institutional Framework

- Since 2008, five legal reforms on security issues have impacted, in a cross-cutting way or directly, the flows of migrants and they are related to the role of the National Immigration Service (SNM).
- The security reform package established the creation of the police in the State Border Service and the Naval Air Service, the rearrangement of the Public Security and National Defence Council, the creation of the National Intelligence Service, and granted authority to the Executive to designate officers as heads of the Police and the Institutional Protection Service (Coria, 2011: 521).

Profile of Migrants

- According to the 2010 census, the local labour market is composed of 95.1 per cent Panamanian and 4. per cent migrants. The countries of origin of the largest number of migrant workers are as follows: Colombia (32.4per cent), China (15.2per cent), Nicaragua (9per cent), Dominican Republic (5.7per cent), and Venezuela (4.2 per cent), respectively.
- According to projections by the United Nations Population Division, by 2013 the country counted with the following diversification of migrants : Colombia (49.9per cent), China (16.9per cent), United States of America (12.7per cent), Nicaragua (11.6per cent), and Venezuela (8.9per cent) (DESA, 2013).
- The level of education of the labour force shows that 37.5 per cent of them acquired a university education, 31.8 per cent acquired 4 to 6 years of secondary education, and 11.8per cent studied 1 to 3 years of secondary education. The remaining percentage was distributed among those with no degree, pre-school, vocational and non-university. (ILO, 2014c: 22).

(continues...)

Labour Market

- ▶ The breakdown of occupations by economic activity shows that the immigrant population is concentrated in commerce (31.5per cent), domestic work (8.9per cent), hotels and restaurants (8.7per cent), construction (8per cent), manufacturing industries (6.3per cent), other service activities (5.9per cent), professional and scientific activities (4.1per cent), and administrative activities (3.6per cent). These eight activities group 77 per cent of migrant workers. The other activities employ 23per cent of non-nationals. These activities stand out for their rapid growth: construction has an average annual increase of 12.3per cent and domestic work with 10.2per cent (ILO, 2014c: 18, 29).
- ▶ Worth noting is that a higher proportion of male migrants than women are employed in construction (91.4per cent), agriculture (89.1per cent), and mining and quarrying (84.8per cent). On the other hand, women are more employed in domestic or household work (95.7per cent) and other service activities -including health and social services- (59.8per cent) (ILO, 2014c: 18).

Working Conditions

- ▶ 36.6per cent of migrant workers receives wages of more than a thousand dollars a month, while the proportion of nationals paid above the threshold mentioned- considering the 2012 Household Survey- is 13.8per cent (ILO, 2014c: 26).
- ▶ 62per cent of the surveyed migrant population states that it has an employment risk prevention program.
- ▶ On the issue of abuse in the workplace, it is essential to emphasize the situation of women, especially in domestic work, since in some cases, they have claimed to have been victims of sexual harassment (IOM, ILO, CECC SICA, Labour Market Observatories Network, 2013: 67).

Social Security

- ▶ The law stipulates that every worker (national or migrant) must be registered with the social security system by his/her employers. Indeed, a migrant worker is required to be enrolled in the Social Security system without even needing to hold a visa or work permit stating that he/she has a valid immigration status. Just having a passport and proving that you are working in the country is enough to be enrolled in the system by the employer.

Good Migration Practices

- ▶ Melting Pot. This regularization program started in 2010 and aimed at allowing migrants with at least two years of residence in the country by obtaining a temporary residence permit for two years and a work permit for the same period of time. Renewal is granted for ten years.

▶ **IMPORTANT DATA**
Central Americans going to Panama



2.3 Central Americans going to Belize

An important corridor going from Guatemala, El Salvador, and Honduras to Belize has rapidly gained importance during these past decades. Guatemala, El Salvador and Honduras have common recent political and social instability histories, lack of employment opportunities, and incidence of armed conflicts. By 2013, the foreign-born population in Belize attained 15.3per cent of the total, making Belize the country with the highest percentage of foreign-born population in Central America. The number of migrant men and women was very similar (OAS, Continuous Reporting System on International Migration in the Americas - SICREMI).¹¹

► IMPORTANT DATA Central Americans going to Belize

Legal and Institutional Framework	<ul style="list-style-type: none"> ► The immigration law of Belize (1956) aims at regulating immigration flows and emigration flows. It stipulates that temporary work permits may be issued by the Director of Immigration and Nationality to anyone attesting to the authority that he/she wishes to go to Belize for work. This permit will entitle the person to enter the territory and work for the period indicated (about 1 year) and only in a specific activity.
Profile of Migrants	<ul style="list-style-type: none"> ► Belize is the second country in the region with the largest inflows of Central Americans. In relative terms, this country appeals to a considerably high number of migrant workers, which accounted for 15per cent of its total population, according to 2010 census data and 15.3per cent in 2013 (OAS-SICREMI). ► According to the Statistical Institute of Belize, reported in Smith (2013), 40per cent of all foreigners were of Guatemalan origin, 15per cent from El Salvador, and 14per cent of Honduras. The remaining 28per cent was made up, in order of importance, by citizens of the United States of America, Mexico, Canada, China, and Jamaica. ► In 2010, the number of migrant women surpassed that of migrant men by nearly 2,000 people.
Irregular Immigration*	<ul style="list-style-type: none"> ► Between 2000 and 2002, the number of people who regularized their migration status was higher than in the following years. The period with the fewest regularizations was from 2003 to 2005 and then 2009. Migrants from Guatemala are the ones who have regularized their immigration status the most (31per cent), followed by migrants from El Salvador (17per cent).

(continues...)

* IOM: *World Migration 2008: Managing Labour Mobility in the Evolving Global Economy*, International Organisation for Migration, Geneva,

11 <http://www.migracionoea.org/index.php/es/component/content/article/44-sicremi/publicacion-2014/informe-parte-ii-es/575-belice.html> (visited on 26 July, 2016).

Labour Market	<ul style="list-style-type: none"> ▶ As a member state of the Caribbean Community (CARICOM), workers from other CARICOM Member States may be employed in the country, provided that they have a skills certificate issued in their country of origin. Based on SICREMI, there are nine categories that qualify for the free movement of people in this community: university graduates, media workers, athletes, artists, musicians, professional nurses, qualified teachers, artisans, and those holding an associate's degree or equivalent. ▶ For migrants from other countries outside the CARICOM to be eligible to obtain a work permit, they need to go through a compulsory administrative process in the Ministry of Labour. Applicants must prove that they have a job offer. ▶ Most migrant workers are employed in agriculture, hunting, and forestry (Smith 2013) occupations. The percentage of foreign workers in this economic sector represents 79per cent with men accounting for 83per cent of the total workforce in it. Another activity where migrants engages in is in commerce (5.5per cent of all foreigners), followed by hotels and restaurants. Women work in agriculture, hunting, and forestry; hotels and restaurants; repairs; domestic work; and, personnel health care and social care activities.
Working Conditions	<ul style="list-style-type: none"> ▶ Only migrant workers with valid work permit can access the Social Security system. People who do not have such work permit are considered to be in an irregular immigration situation although they can have access to the public health system.
Social Security	<ul style="list-style-type: none"> ▶ 61per cent of the total labour force that are covered by the Social Security System are economically active and 71per cent of the total employed labour force is covered by the Social Security system. Migrant workers represent 10per cent of the total number of workers covered by the Social Security system; i.e., about 9,000 foreign workers are entitled to Social Security.
Good Migration Practices	<ul style="list-style-type: none"> ▶ According to a 2005 report of the Regional Conference on Migration, there exists very few actions taken to integrate migrants in the country. However, migrants seem to find available ways to overcome existing challenges in everyday life. The role of the government is specially highlighted. Since 1999, the Government has implemented regularization programs to permit migrants in an irregular situation to join the productive sector. ▶ However, it is worth mentioning Belize is part of the agreements within the framework of CARICOM to facilitate the portability of Social Security benefits, but not those that have been agreed within the Central American Integration System (SICA). At the same time, the CARICOM agreement has not reached an optimal expected implementation level.

▶ **IMPORTANT DATA**
Central Americans going to Belize



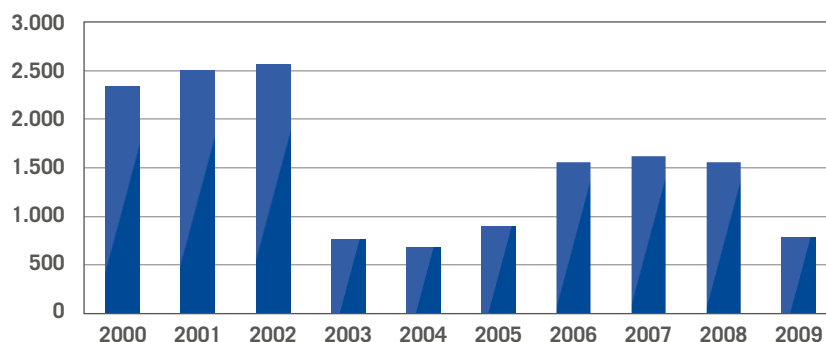
Tables and graphs of interest to this corridor

Table 3. Belize: Migrants by Gender, 2000-2010

Variable	2000	2005	2010
Estimated number of migrant women (first semester)	17.875	20.515	24.379
Estimated number of migrant men (first semester)	18.631	20.118	22.428
Percentage of migrant women	49%	51%	52%

Source: Smith (2013), for IOM.

Graph 2. Belize: foreign-born population acquiring citizenship, 2000-2009



Source: Smith (2013), for IOM.

Table 4. Belize: Foreign-born workers by Nationality and Sector, 2008

Economic Sector	Nationality							Total
	GUA	HON	ELSA	NIC	PAN	CR	Misc.	
Total	4.613	2.006	1.239	216	8	10	1.339	9.431
Agriculture, forestry and fishing	2.909	1.034	457	30	0	3	103	4.536
Accommodation and food service activities	451	272	203	28	1	0	216	1.171
Construction	644	310	269	35	0	0	188	1.446
Wholesale and retail trade	289	197	181	36	0	1	168	872
Manufacturing	378	155	125	32	0	2	83	775
Miscellaneous	936	526	145	92	7	6	711	2.611

Source: prepared by the ILO with data from the Belize Social Security Board.

2.4 Haitians going to the Dominican Republic

The Haitian workers' corridor to the Dominican Republic has the following general characteristics: the two countries share a large border, migrant workers have low levels of education, migrate in an irregular situation, and join unregulated activities in the informal economy.

Legal and Institutional Framework	<ul style="list-style-type: none"> ▶ After the Constitution and international agreements, the special provisions of the 285-04 Migration Law of August 15, 2004 and the 631-11 Migration Regulations of October 19, 2011 apply to foreigners. Principle IV stipulates that labour laws apply "without distinction to Dominicans and migrants." Article 62 makes extensive mention of the rights of male and female workers, without distinction between nationals and migrants, prohibiting in the fifth paragraph all forms of discrimination and admitting only those limitations arising from the law and made for the purpose of protecting the worker.
Profile of Migrants	<ul style="list-style-type: none"> ▶ 87.7per cent of immigrants in the Dominican Republic come from Haiti* . The immigrant population is predominantly male (64.4per cent). ▶ The age of more than half of the immigrant population (53.9per cent) is between 20 to 34 years old. This group includes a high proportion of working age (79.3per cent) persons. As for Haitian immigrants, 94.3per cent of the population is of working age. ▶ Data on the geographical concentration of the foreign population show, generally, that a significant proportion of the immigrant population lives in large urban centres (36.7per cent). Since this is a group that migrates mainly for labour reasons, it usually concentrates in areas with the highest economic development.
Irregular Immigration Status	<ul style="list-style-type: none"> ▶ The National Regularization Plan for Foreigners in an Irregular Migration Situation in the Dominican Republic is a special scheme to provide identity documents and residence permits to foreign nationals who are in an irregular migration situation. The Ministry of Interior and Police announced that as of June 18, 2015, any person who had not regularized his/her immigrations status would be subject to the immigration law (and therefore deportation). By 25th June, 12,000 foreigners had already left the country on their own.

► **IMPORTANT DATA**
Haitians going to the Dominican Republic

* The summation of immigrants and descendants of immigrants is the population of foreign origin. The size of this population stands at 768,783 people, representing 7.9per cent of the total population. The population of Haitian origin represents 668,145 persons while the foreign population from other countries represents 100,638 personse (data from the National Statistics Office of the Dominican Republic, 2012). (continues...)



► IMPORTANT DATA

Haitians going to the Dominican Republic

Irregular Immigration Status	<ul style="list-style-type: none"> ► Since thousands of Haitian immigrants are in an irregular situation and lack documentation, it is difficult for them to submit the required documents to regularize their migration situation. The case of migrant women workers is even more worrying, since they tend to have more difficulty in proving their residence in the country, as they face higher levels of labour informality and do not have contracts issued to their names (if they do, such contracts are usually made in the name of their spouses) (Riveros, 2013: 79). While the process is for free, the costs of legalizing the documentation, certification, and notarial acts is a financial burden for many immigrants, especially in the case of poor families.
Labour Market	<ul style="list-style-type: none"> ► Of the total number of Haitian immigrants who worked as paid workers and employees, 45.9per cent said he/she was a permanent worker, 39per cent an occasional or temporary worker, and 8.6per cent a worker paid by piece-rate. The proportion of salaried female Haitian immigrants who reported being permanent workers was 63per cent, substantially higher than that of male Haitian employees (43.3per cent). ► The construction industry and the agricultural sector are the branches of economic activities with the highest percentage of temporary workers. Haitian migrants mainly work in four industries, which accounted for 88.5per cent of their occupation: agriculture, construction, commerce and other services. The "other services" sector traditionally consists of unstable, low income work, requiring low levels of education, and is typically precarious and informal (Lozano, 2013: 46).
Working Conditions	<ul style="list-style-type: none"> ► In terms of income, generally, working conditions are low and unstable. This situation mainly affects Haitian immigrants since their situation tends to be more precarious than that of other immigrants. The average monthly salary of an immigrant who comes from a country other than Haiti is almost four times higher than that earned by a Haitian immigrant. ► Gender inequalities in the aforementioned indicators are marked, especially between Haitian men and women. The overall rate of participation of Haitian men is almost twice as high as that of women, as well as with regard to the employment rate. The gap in open unemployment is 18.3per cent, and is three times higher in the case of Haitian women.
Social Security	<ul style="list-style-type: none"> ► Regarding enrollment in a health insurance system, 84per cent of the foreign population stated it was not affiliated to any health insurance system. 91.8per cent of those born in Haiti reported not having health insurance, followed by natives whose parents were born abroad (78.7per cent), and to a lesser extent than those migrants from other countries (50.2 per cent) (data from the National Statistics Office of the Dominican Republic, 2013). ► In addition, among the Haitian immigrants, only 3per cent has access to the pension system, 5per cent possess an occupational risk insurance, 12per cent enjoys paid vacation, 25per cent earns double wages, and 8per cent has a health insurance.

Tables and graphs of interest in the corridor

Table 5. Dominican Republic: Immigrants by Economic Sector, 2012

Economic Sector	IMMIGRANTS FROM HAITI			IMMIGRANTS FROM OTHER NATIONALITIES		
	General	Men	Women	General	Men	Women
Agricultural sector	35.7%	40.9%	13.2%	2.8%	3.7%	1%
Construction	25.9%	31.4%	1.9%	3.8%	5.8%	0%
Accommodation and food Service activities	3%	1.6%	8.8%	12.8%	14.1%	10.4%
Commerce	16.5%	11.1%	39.8%	19.6%	17.3%	23.8%
Other services	10.4%	6%	29.5%	27.1%	21.8%	36.9%

Source: Data from the National Statistics Bureau of the Dominican Republic (2013). First National Survey of Immigrants in the Dominican Republic ENI-2012, summary version of the General Report, ONE, UNFPA, Santo Domingo, Dominican Republic.

Table 6. Dominican Republic: National Population, Immigrants and their Descendants in the Informal Economy, 2012

	Total	Men	Women
National Population	56.2%	59.6%	49.9%
Immigrants	44.7%	37.0%	66.5%
Haitian Immigrants	44.8%	59.4%	78.2%
Immigrants from other countries	19.4%	20.9%	16.7%
Descendants of Haitians	57.1%	48.1%	65.8%
Descendants of Immigrants from other countries	26.5%	26.7%	31.7%

Source: Lozano, Wilfredo (2013a).

Table 7. Dominican Republic: Immigrants' Access to the Social Security and the Pensions System, 2012

Social Security and Pensions	IMMIGRANTS FROM HAITI			IMMIGRANTS FROM OTHER NATIONALITIES		
	General	Men	Women	General	Men	Women
Paid Holidays	11.9%	11.3%	16.0%	55.2%	59.1%	49.2%
Overtime	14.7%	11.4%	10.5%	42.3%	41.1%	44.1%
Double Salary	24.9%	24.7%	28.5%	61.2%	66.6%	53.0%
Occupational Risk Insurance	4.7%	4.8%	3.6%	46.5%	46.2%	46.9%
Paid Sick Leave (days)	9.1%	8.7%	11.7%	50.8%	53.6%	46.4%
Health Insurance	8.0%	8.3%	5.6%	60.7%	61.0%	60.2%
Life Insurance	3.4%	3.4%	8.3%	47.0%	47.4%	57.8%
Pension Fund Manager/ Pension Plans	3.2%	3.1%	4.0%	47.5%	42.6%	54.9%

Source: Lozano, Wilfredo (2013a).



2.5 Caribbean going to Trinidad and Tobago and to Bahamas

Although information on migration flows to Trinidad and Tobago is scarce, there are some elements worth noting considering the existing levels of irregularity.

► IMPORTANT DATA Caribbean going to Trinidad and Tobago and to Bahamas

Profile of Migrants	<ul style="list-style-type: none"> ► The study conducted in Trinidad and Tobago to prepare this report showed that migrants in an irregular situation were mostly men from Guyana, China, and Indonesia. ► Also, most of the population in an irregular migration situation is between 20 to 29 years old, so most migrants are relatively young.
Irregular Immigration Status	<ul style="list-style-type: none"> ► Approximately 80 per cent of all migrants do not have a regular immigration situation. The country of origin where the highest number of migrants in an irregular situation come from is Guyana. ► Migrants in an irregular situation have to resort to non-traditional methods to make sure they can enter the country avoiding the relevant authorities. To ensure their stay, and since they do not have resources to improving their situation, many migrants end up in situations of exploitation and abuse before, during and after their irregular entry. To enter Trinidad and Tobago, in many cases, they use false employment letters or certificates or forged documents. Some enter as tourists or students, but end up in prostitution. ► Also human trafficking has been found in Trinidad and Tobago. Although there are some studies on social production and economic costs (Thomas-Hope, 2002; Kempadoo, 2006; Reis, 2007; IOM, 2010a), empirical evidence is still scarce.
Economy & Labour Market	<ul style="list-style-type: none"> ► In 2014, the GDP of the Bahamas was \$ 21,280 per capita, the highest in the Caribbean, followed by Puerto Rico with a little more than \$ 18,000, and then Trinidad and Tobago also with \$ 18,000. Despite this high per capita income, the change in production structures encouraged skilled workers to migrate. ► The economic and financial crisis (2008-2011) greatly affected the CARICOM countries, which depended heavily on tourism and international financial services. Many states increased their debts and, for example Jamaica relied on loans from the International Monetary Fund. These loans had high impact on the local currency. The economies of Trinidad and Tobago (which had oil) and the Bahamas (dollarized) gained strength in the region compared to other economies of the CARICOM. ► A high percentage of migrant workers in Trinidad and Tobago and the Bahamas work in the informal economy.
Social Security	<ul style="list-style-type: none"> ► *See table below

Tables and graphs of interest in the corridor

Table 8. Trinidad & Tobago: Migrants in an Irregular Situation by Gender and Age, June 2010 - June 2012

Gender\Age	- 20	20 - 24	25 - 29	30 - 34	35 - 39	40 a +	Total
Men	6	44	53	45	35	34	217
Women	9	27	26	21	10	18	111
Total	15	71	76	66	45	52	328

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

Table 9. Trinidad & Tobago: Proportion of Migrants in an Irregular Situation by Nationality, June 2010 - June 2012

Venezuela	4%
Dominican Republic	5%
China	5%
Grenada	6%
Jamaica	10%
Guyana	61%
Miscellaneous	9%

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

Table 10. Irregular Migration Flows in the Caribbean

Country of Destination	Country of Origin	Means of Transportation
Trinidad & Tobago	Africa	By air and by sea
	Venezuela	By air and by sea
	Panama	By air
	Colombia	By air and by sea
	Venezuela	By air and by sea
	Western Africa	By air
	Brazil	By air
Bahamas	Haiti	By sea
	Jamaica	By air
Turks and Caicos Islands	Haiti	By air and by sea
Guyana	Brazil	By land
Surinam	Guyana, French Guyana	By land

Source: Waldropt-Bonair et al, 2013; Jones et al, 2014; Thomas-Hope, 2011.

**Table 11. Bahamas and Trinidad & Tobago: Social Security Indicators**

Indicators	Bahamas	Trinidad & Tobago
Respect the minimum age for admission to employment	Yes	Yes
Equal treatment for men and women migrant workers	No	No
Prevention and protection against forced labour	No	No
Prohibitions against Employment Discrimination between Nationals and Migrant Workers	No	No
Equal treatment with domestic workers regarding wages	No	No
Equal treatment with domestic workers regarding working hours and overtime	No	No
Equal treatment with domestic workers regarding daily and weekly rest periods	No	No
Equal treatment with domestic workers regarding paid holidays	No	No
Equal treatment and Opportunities with national workers regarding contractual conditions	No	No
Prohibition against wage cuts (above the rate permitted by law)	No	No
Prohibition against physical abuse / sexual abuse / harassment	No	No
Right to occupational safety and health	Yes	Yes
Prohibition to discriminate between nationals and migrant workers when accessing to learning and training	No	No
In case of redundancy, allows for a reasonable period to look for another job	No	No
In case of need, allows to change employer after a certain period of time	No	No

Source: Dema, GuillermoThomas-Hope, 2015.

2.6 Bolivians, Paraguayans, Peruvians, and Ecuadorians going to Argentina

Since the late nineteenth century, Argentina has become a very important pole of attraction for European migrants and migrants from neighbouring South American countries attracted by favourable labour market conditions. While overseas migration almost stopped by the mid-twentieth century, intraregional migration from neighbouring countries, and recently from Peru and Ecuador, has remained important and acquired renewed dynamism. As such, Argentina is considered one of the most important receiving countries in the South American region.

Legal and Institutional Framework	<ul style="list-style-type: none"> ▶ The Immigration Act (Law 25.871) stipulates that the majority of South American immigrants who come to Argentina have a simplified migration procedure enabling them to have access to a residence status. Such status permits them also to work enjoying equal rights as those of nationals. ▶ Law 22,520 establishes the ministerial powers and different degrees and levels of intervention. In this regard, both the Ministry of Interior and Transportation and the Ministry of Labour, according to their specific competencies, are responsible for formulating and developing the migration policy. The former is responsible for defining the general policy and the latter is responsible for assessing the labour needs of the country.
Profile of Migrants	<ul style="list-style-type: none"> ▶ Throughout the history of Argentina, immigration from neighbouring countries has represented between 2per cent and 3per cent of the total population. In general, this population is economically active, i.e., between 15 to 64 years old. ▶ Overall, there are 79 men for every 100 women of the same origin. In particular, this female predominance is exacerbated when considering the age group between 18 to 59 years, i.e., the age of the most economically active population (ILO, 2015b). ▶ Regarding the level of education of migrants coming from the South American continent, in general, a trait that characterizes this group is that their educational levels on average are lower than those of the total population of Argentina. In contrast, levels of instruction of non-border regional immigrants, immigrants from Europe and the other immigrants are higher than the national average (IOM, 2012b).
Irregular Immigration Status	<ul style="list-style-type: none"> ▶ Currently informality affects 34per cent of employees and 58per cent of independent workers. ▶ In 2011, 67.4per cent of migrant workers from South America in Argentina were working in the informal economy; compared to 41.7per cent of the total number of nationals.

► IMPORTANT DATA

Bolivians, Paraguayans, Peruvians, and Ecuadorians going to Argentina

* Except for Peruvian migrants whose tertiary or university education levels exceed the national average, particularly among males (IOM, 2012c).

(continues...)



► **IMPORTANT DATA** **Bolivians, Paraguayans, Peruvians, and Ecuadorians going to Argentina**

Irregular Immigration Status	<ul style="list-style-type: none"> ► The data confirm that about two-thirds of the immigrant working population works in the informal economy or “unregulated workplaces”. This is an important factor that explains the socio-economic vulnerability of this group of workers (ILO, 2015b). ► According to the ILO (2015b), the gap between the rate of informality between migrants and national workers is due to Argentina's inherent informality characteristics in the labour market, particularly affecting those meeting the socio-demographic profile and pattern of employment of migrant workers. Moreover, based on the model applied by the ILO, irrespective of their demographic, educational, and employment characteristics, migrant workers have a 54per cent chance of accessing informal employment, 12per cent more than the national population.
Labour Market	<ul style="list-style-type: none"> ► Migrant workers manage to enter the Argentinean labour market without major difficulties: the activity rate of the migrant population aged 15 and over exceeds the rate of activity of national workers. ► The employment of migrants tends to be concentrated in just a few industries, mainly in those with higher rates of informality. 70per cent of migrant workers are concentrated in domestic work, construction, the textile industry and trade. While women are mostly employed in domestic work (31.4per cent), men are mostly employed in the construction sector (30.5per cent), followed by commerce for both sexes, accommodation and food services (hotels and restaurants), and manufacturing. In contrast, only 40per cent of Argentine workers are employed in these sectors (ILO, 2015b).
Working Conditions	<ul style="list-style-type: none"> ► The sectors employing immigrants are characterized by low pay and poor working conditions, <i>i.e.</i> lack of coverage of the Social Security system (pension system, health insurance, and disability pension) for the worker and his/her family and widespread absence of employment benefits.
Social Security	<ul style="list-style-type: none"> ► The government of Argentina has enacted a new set of measures to promote registered employment and prevent occupational fraud. Among them, the National Labour Regularization Program (PNRT) can be mentioned which was implemented in 2003 and included temporary reductions in employer contributions, as well as the new plan to combat unregistered employment (Bertranou and Casanova, 2014). While these efforts undertaken in Argentina aim to improve the working conditions of the general population, these actions will definitely have a positive impact on migrant workers.
Good Migration Practices	<ul style="list-style-type: none"> ► The Social Security agreement with Chile (1972), the migratory agreements with Bolivia and Peru (1998) (supplemented through additional protocols), and the agreement with Brazil for granting permanent resident visa to holders of temporary or temporary resident visa (2007) are worth mentioning. ► The creation of an information passport on the rights of migrant workers² serves as a tool and means to better spread and communicate laws and information to migrants.

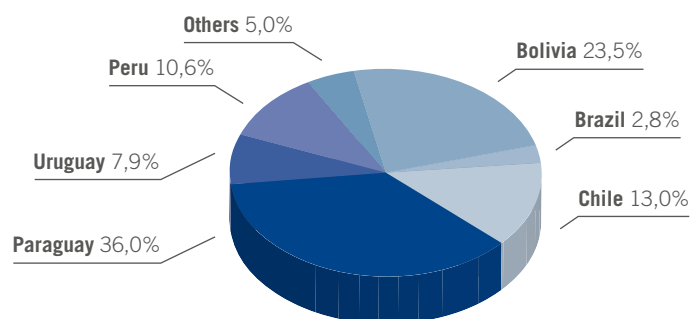
** http://www.ilo.org/santiago/sala-de-prensa/WCMS_389988/lang-es/index.htm

Tables and graphs of interest in the corridor

Table 12. Argentina: Major Public Policies and Programmes Affecting Labour Migration

Institution	Programme
Ministry of Interior, Public Works and Housing	<p>Patria Grande: National Programme for the Regularization of Migration Documentation (<i>Patria Grande: Programa Nacional de Normalización Documentaria Migratoria</i>).</p> <p>The programme was created in 2004, with the aim of promoting the regularization of migrants in an irregular situation and the inclusion and integration of resident foreigners in an irregular migration situation in the country.</p>
National Migration Bureau (NMB)	<p>Integral System of Migration Capture (SICAM)</p> <p>It is a computer system used for: verification of the Immigration, visa control and entry permits, comparison Against actions of the DNM, application of regulations for children, possibility of using biometrics, registration of income And egress to the national territory and the generation of reports.</p>
Ministry of Science, Technology & Productive Innovation	<p>ROOTS Programme (<i>Programa RAICES</i>)</p> <p>This programme is intended for returning Argentineans, mainly highly-skilled migrants. It liaises with scientists abroad, to promote carrying out short research stays in the country, return, and providing information on job opportunities in Argentina. The program has entered into cooperation agreements with private sector companies and foundations to disseminate information about job opportunities.</p>
Ministry of Labour, Employment, and Social Security (MTESS)	<p>National Regularization Plan of Workers (PNRT) (<i>Plan Nacional de Regularización del Trabajo</i>)</p> <p>Under the country's actions against human trafficking, the MTESS is implementing this programme, consisting of auditing workplaces in order to register migrant workers who are not yet enrolled in the Social Security system. The inspections are carried out on a regular basis usually detecting situations of trafficking.</p>
Ministry of Justice and Human Rights	<p>National Plan to Combat Discrimination (<i>Plan Nacional contra la Discriminación</i>) - National Institute against Discrimination, Xenophobia, and Racism (INADI) (<i>Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo</i>)</p> <p>It was created by Decree 1086 in 2005. Within this plan, INADI implements the "Migration, Human Rights, and Non-Discrimination" Programme whose overall objective is to manage and implement public policies to reduce discriminatory practices towards migrants and to ensure the full exercise of their rights, on an equal footing with Argentinian nationals.</p>

Source: IOM, 2012b, in Lupica, 2015.

**Graph 3. Argentina: Foreign-born Population from Other Latin American Countries, 2010**

Source: IOM, 2012b.

Table 13. Argentina: Distribution of Migrant Workers by Economic Sector and Gender, 2015

	Total	Men	Women
Manufacturing Industry	17.8%	20.9%	14.0%
Construction	17.1%	30.5%	0.3%
Commerce, Hotels and Restaurants	24.7%	23.5%	26.3%
Transportation & Telecommunications	3.7%	5.5%	1.4%
Financial and Business Service	5.5%	4.8%	6.3%
Public Administration	2.3%	2.4%	2.1%
Social Work, Education, and Health Services	4.1%	2.6%	6.0%
Domestic work/Household Services	14.1%	0.2%	31.4%
Miscellaneous (*)	10.8%	9.6%	12.3%
TOTAL	100%	100%	100%

NB: (*) other tertiary branches, primary activities, unspecified.

Source: ILO, 2015b.

2.7 Haitians and Paraguayans going to Brazil

In the eighties, Brazil began to experience a significant change in migration patterns, greatly increasing population loss through emigration. As a result, in absolute terms, Brazil became one of the main emigration countries of the region. However, since the beginning of this century and until the deepening of the economic crisis in 2014-2015, Brazil regained its appeal for both intra-regional and inter-regional migration. Three factors contributed to this process: the decline in the growth rate of the Brazilian population (which, in times of economic expansion, favours the reception of foreign workers), economic hardship and increased immigration restrictions in developed countries, and the growing presence of Brazilian companies in other countries (which, in the minds of local populations, represents Brazil abroad).

Legal and Institutional Framework

- ▶ The Foreigners's Status Law 6815/1980. The guiding principles of this regulatory framework is to protect national workers and the primacy of national security. Currently, both the government and civil society and the private sector agree that the law needs to be amended urgently.
- ▶ The bill under review is PL 2516/2015. This Bill eliminates the national security focus from the current Foreigner's Status Law and changes towards a rights and guarantees approach. Among its advances, this Bill includes new subjects of protection (indigenous people, residents in border areas, refugees and stateless persons); a new visa and residence policy*; changes in migration control; streamlining of the naturalization process; and, non-applicability of compulsory measures in any potential migration regularization programme, among others.

Profile of Migrants

- ▶ A large proportion of immigrants come from South American countries, such as Paraguay, Argentina, Uruguay, and Bolivia, as well as Haiti. Another part is composed of Brazilian nationals returning to the country, mainly from Portugal, the United States of America, Japan, Spain, Italy, Paraguay, and Bolivia. In addition, recent figures show a considerable increase in the arrival of immigrants from South Asian and African countries (although to a lesser extent).
- ▶ While the foreign population has increased by nearly 800,000 people over the past 10 years, it only accounts for 1per cent of the total population. Out of this number, 60.58per cent are men and 39.42per cent women.

► **IMPORTANT DATA**
Haitians and Paraguayans going to Brazil

* To reduce the types of visa and directly grant temporary residence in view of granting permanent visa.

(continues...)



► IMPORTANT DATA

Haitians and Paraguayans going to Brazil

Profile of Migrants

- Most of the immigrant population is concentrated in the two main cities of Brazil: São Paulo (31.8per cent) and Rio de Janeiro (14.7per cent) (data from the Federal Police, 2015). In the case of Rio de Janeiro, there is a greater concentration of Africans, followed by Europeans and North Americans. São Paulo concentrates Asians, Japanese, Europeans, North Americans, and Argentinesans (IOM, 2010).
- The age structure of the immigrant population reflects a strong presence of young people and working age adults. About 38per cent have higher education and 30per cent have secondary education.

Irregular Immigration Status

- According to official figures, around 200,000 people are in an irregular situation; 44per cent of them are between the ages of 19 to 30 years old and 61per cent are male.
- Haitians are included within this group; they first arrived to Brazil in 2004 and increased their numbers after the 2010 earthquake, reaching an influx of 200 people per month and reaching a total number of 45,607 in August 2015 (data from the National Committee for Refugees CONARE)**. At first, this massive influx led the federal government to tighten its immigration policy on the northern border***. Currently the Brazilian Government is making efforts to promote regular migration channels and grants about 2,000 visas to Haitians a month (data from the National Confederation of Industry, CNI, 2016)****.
- Irregular migration flows to Brazil are subjected to drug cartels and human trafficking gangs operating in the country. According to reports from the Ministry of Justice and the Federal Police, refugees from the Pakistan-Afghanistan border pay local traffickers to take them to Brazil. The country currently hosts 8,400 recognized refugees. A total of 30,571 have applied for refugee status. Most applicants come from Syria and Angola, followed by Colombians (CONARE, 2015).

Labour Market

- The opening of the national economy brought a flow of foreign investment, new business with multinational companies, and small internationalized companies. This has created a growing demand for highly skilled foreign professionals. Brazil is the second country in the world with difficulty in filling vacancies, after Japan. Medicine, civil engineering, chemical engineering, and architecture are areas where the country needs more professionals than those it already has (www.bbc.com, 2013).

** Many Haitians work in companies in São Paulo, Rio Grande do Sul, Santa Catarina, and Parana.

(continues...)

*** In 2012, the federal government required Haitian citizens to get visas, increased supervision in the northern border, and decided to regularize about 4,000 Haitians already in the country. Of that number, 1,600 people applied for political asylum which was granted to them, but since December 31, 2011, the National Commission for Refugees, CONARE, no longer accepts applications for political refuge for Haitians.

****In 2015, the Brazilian government signed a cooperation agreement with the International Organization for Migration in Haiti to create a Transit Visa Centre responsible for pre-screening visa applications. This initiative aims to increase the capacity of Brazilian consulates to issue visas.

Labour Market	<ul style="list-style-type: none"> ▶ A high concentration of migrant men more than migrant women is observed. The average percentage of work permits granted to men is 71per cent while for women it represents 29per cent. However, during the period (2000-2010), the number of women migrant workers increased at a faster rate; particularly Bolivians, Paraguayans, and Peruvians (Koolhaas, 2015). ▶ The main occupational groups employing women are the scientific and intellectual professions, administrative support jobs, and sales and service jobs. Men are employed mainly in scientific and intellectual professions, such as directors and managers, and industrial goods and services production work.
Working Conditions	<ul style="list-style-type: none"> ▶ In 2014, informality accounted for 16.1per cent of GDP in Brazil. One of the sectors most affected by informality in Brazil is manufacturing, which has a high concentration of women. In 2013, the percentage of immigrants in this sector was 18.2per cent, of which only 3.7per cent were formal workers (data from the Inter-Union Department of Statistics and Socio-Economic Studies, DIEESE, 2015). Migrants working in informal conditions face many difficulties, given that they cannot access the "tax card" (CPF), required to make any economic transaction.
Social Security	<ul style="list-style-type: none"> ▶ Brazil has Social Security agreements with the following countries: Cape Verde, Spain, Greece, Chile, Italy, Luxembourg, and Portugal. In addition, it has signed the MERCOSUR Social Security Multilateral Agreement with 7 countries, among them Argentina, Paraguay, and Uruguay.
Good Migration Practices	<ul style="list-style-type: none"> ▶ Recently, the Brazilian government implemented an amendment in its legislation, through Resolution 108 of 2014, which stipulates that dependents of the MERCOSUR temporary visa (VRT holders), the medical training temporary visa (VICAM), and the permanent visa (VIPER) may perform paid work in Brazil. ▶ With regard to the international regulatory framework, Brazil has ratified most of the international instruments related to the protection of human rights within the framework of the United Nations (UN), the Organization of American States (OAS), the ILO, and the MERCOSUR.

▲ **IMPORTANT DATA**
 Haitians and Paraguayans going to Brazil



Tables and graphs of interest in the corridor

Table 14. Brazil: Number of Foreigners Registered as Permanent Immigrants by Main Countries of Origin, Year of Registration, 2010-2014

Main Countries of origin	2010	2011	2012	2013	2014
Bolivia	2.666	6.367	7.145	2.040	734
People's Republic of China	1.131	1.734	1.974	2.110	3.663
Portugal	1.447	2.106	2.753	2.884	3.081
Argentina	1.853	1.820	1.444	1.142	665
Haiti	13	376	4.243	5.570	10.622
Italia	1.264	1.316	1.524	1.546	2.179
Peru	930	854	2.067	709	739
United States of America	943	1.167	1.087	776	869
Paraguay	1.330	1.385	1.267	621	752
France	822	938	987	863	1.087
Spain	722	1.041	1.321	1.394	1.470
South Korea	550	713	605	420	462
Unreported	1	9	9	13	9
Miscellaneous	7.189	8.042	7.956	6.905	9.879
Total	20.861	27.868	34.382	26.993	36.211

Source: Ministry of Justice, Federal Police Department, National Registration System for Foreigners (SINCRe), 2015.

Table 15. Brazil: Resident Immigrants in Brazil by Gender, Age Groups and Labour Force Participation Rate, Census 2010

Age and Activity Status	Men	Women	Total
Under 15 years old	27.810	25.843	53.653
15 - 64 years old, employed	142.827	77.658	220.485
15 - 64 years old, unemployed	6.122	5.001	11.123
15 - 64 years old, inactive	38.317	63.126	101.443
65 or over	104.853	100.256	205.109
Total	319.929	271.884	591.813
Percentage of the total economically active population	46,6%	30,4%	39,1%
Labour force participation rate, 15 - 64 years	79,5%	56,7%	69,5%
Unemployment rate, 15 - 64 years old	4,1%	6,1%	4,8%
Employment rate, 15 - 64 years old	76,3%	53,3%	66,2%

Source: Koolhaas, 2015.

2.8 Peruvians and Argentineans to Chile

The migration corridor to Chile is relatively less important than the other corridors in South America that have already been analysed. However, Chile is changing its migration patterns. Before the nineties, Chile was characterized as a country of emigration, but over the past two decades it has become a host country and today is a frequent destination for international migrants in South America.

Labour migration is part of a Government Program during the 2014-2018 term of the current administration, which proposes to develop migration policy and culture based on the promotion and implementation of international instruments ratified by Chile on Human Rights and the rights of migrants, with the State having an active role. For this reason, the government created, by Supreme Decree, the Migration Policy Council, a multi-agency instance responsible for the institutional building of the migration department and for implementing an action plan on migration. To support this task, the government created the Immigration Policy Technical Board attached to it, which consists of seven sectoral tables and whose task is to propose an agenda for the Council of Ministers and provide technical inputs for its operation.

Legal and Institutional Framework	<ul style="list-style-type: none"> ▶ Law Decree 1094 of 1975 (regulated by the Supreme Decree 597 of 1984) is the legal framework that currently governs inflows, outflows, residence (temporary and permanent), readmission, expulsion, and control of foreigners in Chile. ▶ Between 1993 and 2000, several amendments were introduced to the 1975 Foreigners Act, aimed at facilitating the movement of people, by removing regulations that hinder mobility and by incorporating international commitments undertaken by the country. In 2010, a new refugee law (Law 20,430) was enacted and in 2011 a new law on human trafficking (Law 20,507) was adopted. ▶ In 1997 and 2007, Chile implemented two migration regularization processes*. ▶ Currently the Chilean Administration is working on the drafting of a new Migration Act which seeks to incorporate the guiding principles of migration management and modernize the residence categories, in accordance with the country's international commitments**.
Profile of Migrants	<ul style="list-style-type: none"> ▶ Foreigner migration to Chile quadrupled in the last 30 years, from around 83 thousand people in 1982 (0.7per cent of the total population) to 411,000 migrants in 2014 (2.3per cent of the population) (data from the Department of Foreign Affairs and Migration - DEM - 2016).

► **IMPORTANT DATA**
Peruvians and Argentineans to Chile

* In 2007, Chile received nearly 47,000 applications.

(continues...)

** In 2005, Chile ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.



► IMPORTANT DATA

Peruvians and Argentines to Chile

Profile of Migrants	<ul style="list-style-type: none"> ► Based on estimates of the National Socioeconomic Profiling Survey (<i>Encuesta de Caracterización Socioeconómica Nacional</i>)- CASEN 2013, the population from border countries accounted for more than 61per cent of all immigrants, where the most important were the Peruvians (31.73per cent), the Argentineans (16.3per cent), Bolivians (8.8per cent), Colombians (6.15per cent), and Ecuadorians (4.7per cent) ► There is a marked incidence of the working age population: 30.8per cent between the ages of 15 to 19 years, and 33.6per cent between the ages of 30 to 44 years old (CASEN, 2013). ► Regarding their territorial distribution, CASEN (2013) shows a marked concentration of immigrant communities in Chile living in the Metropolitan Region, accounting for 66.4per cent of the total. Bolivians have the highest population in rural areas (16.9per cent). ► The migrant population as a whole has more years of educational attainment than the Chilean population, having completed on average 12.6 years of schooling in 2013, compared to 10.7 of the Chileans. The only group with similar schooling years as the Chileans are the Bolivians and the Dominicans. Haitians, Uruguayans, Argentinians, and Colombians count with an average of 12 to 13 years of education. Ecuadorians and Venezuelans record 15 years of schooling, while Peruvians 11.8 years, count with one more year than the average educational level of Chileans. ► The gender composition of the immigrant population indicates a trend towards increasing female inflows. In 2013, women accounted for 55.1per cent of the total. The increase insertion of Chilean women to the labour market results in an increase demand for female caregivers and domestic workers, who are often immigrants.
Labour Market	<ul style="list-style-type: none"> ► CASEN 2013 survey data show that most of the immigrant population in Chile, like in the case of nationals, is employed by the private sector or are self-employed. ► In relation to commerce and service related activities, the highest percentage of migrant workers is employed in domestic work; followed by those who work as sales representatives in shops and markets; and thirdly by construction workers. ► Regarding the activity rate, foreign workers in Chile have a higher labour force participation rate in the labour market (75per cent) than do national workers (56.8).
Working Conditions	<ul style="list-style-type: none"> ► The average household income of immigrants is almost double the average household income of those born in Chile. The income gap between groups is again very strong; for example, Colombians earn more than twice than do Peruvians and Bolivians.
Social Security	<ul style="list-style-type: none"> ► Differences among groups is also evident in their access to the right to health. The Haitian group is the most precarious, followed by Bolivians, which is correlated to, and consistent with, the high proportion of Haitians and Bolivians who do not have an employment contract, 17.2per cent and 24.79per cent respectively (Stefoni and Thayer, in the press).

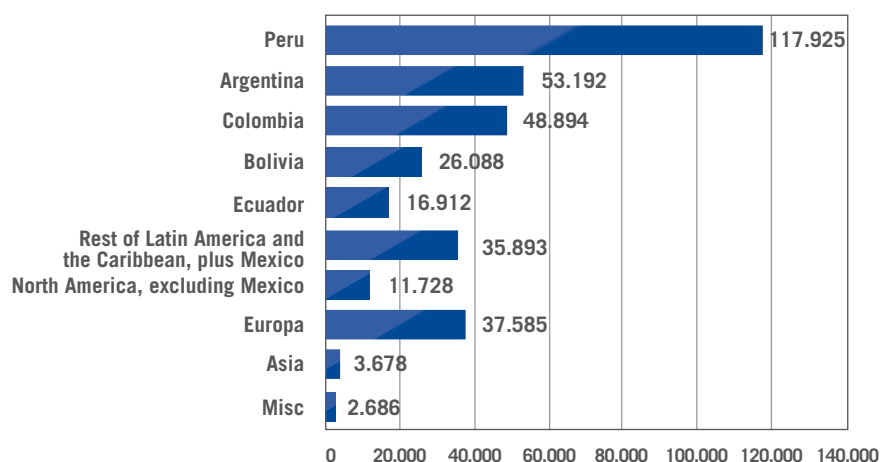
Tables and graphs of interest to this corridor

Table 16. Chile: Major Initiatives that Promote the Integration of Migrants

Maternity Protection Special Action Programme	<p>Agreement between the Ministry of Interior & Public Security and the Ministry of Health.</p> <p>Provides access to health services in the local public health network for women migrant workers residing in Chile and who become pregnant. It facilitates and promotes the enrolment of all children of migrants living in Chile in elementary and high schools.</p>
Convention providing Access to Pre-school Education	<p>Agreement between the Ministry of Interior & Public Security and the National Kindergartens Board (JUNJI).</p> <p>It aims to facilitate enrolment of immigrant or refugee women's children under the age of 5 in pre-school education programs.</p>
Convention providing access to the Public Health System for Children and Adolescents	<p>It was agreed to provide all migrant children and adolescents under the age of 18 with health care services in the public health network on equal terms as their Chilean counterparts.</p>
Convention providing Access to Victims of Domestic Violence Protection under the Program Network to Women Immigrants, Asylum Seekers, and Refugees	<p>Agreement signed with the National Women's Service.</p> <p>It aims to provide migrant women, asylum-seekers, and refugees resident in Chile access to the victims of domestic violence protection network under the National Women's Service, provided that such women have filed claims on domestic violence with the competent court. In addition, access to housing will be provided to migrants who fill in the conditions described above and are in an irregular immigration situation.</p>
Convention providing Access to the Child Protection Network	<p>Agreement between the Ministry of Interior & Public Security and the National Service for Minors.</p> <p>It aims to facilitate timely entry to the social protection network for children and young adolescents of immigrant families and/or refugees whose rights have been infringed, regardless of immigration status of such children and adolescents.</p>

Source: <http://www.extranjeria.gob.cl/>

Graph 4. Chile: Distribution of Immigrants by Country or Region of Origin (2013)



Source: CASEN, 2013.

Table 17. Chile: Distribution of the Migrant Population by Occupation, 2009 and 2011

Trade	2009	2011	Average
Domestic work	12.84%	14.05%	13.92%
Sales reps and shops and stores clerks	9.07%	5.72%	6.91%
Construction Workers in buildings	0.70%	6.16%	2.91%
Wholesalers and Retailers Managers	0.89%	3.86%	2.75%
Public Transportation Inspectors, Guards and Ticket Collectors	3.84%	2.09%	2.75%
Kiosks and market stalls sellers	3.59%	1.75%	2.31%
Waiters and bartenders	2.86%	2.34%	2.25%
Middle Level Administrative Service Staff	0.99%	2.28%	2.21%
Farmhands and Agricultural labourers	2.73%	1.65%	1.99%
Housekeeping staff for Offices, Hotels and Other Establishments	0.81%	2.70%	1.98%
Architects, Engineers, and related professionals not considered elsewhere	1.51%	1.48%	1.86%
Physicians	1.44%	2.03%	1.67%
Car, taxi, and van drivers	1.64%	1.19%	1.57%
Universities and other Higher Education Professors	1.32%	1.98%	1.57%

Source: CASEN, 2009 y 2011.

2.9 Colombians and Ecuadorians going to Venezuela

While the crisis during the last decade has eroded the ability of Venezuela to appeal to foreigners, available data shows that there is still some significant immigration in the country. According to the World Bank Group and the United Nations Population Division, at the end of 2000 there were about one million immigrants in Venezuela, a figure that remained stable during the first decade of this century, with 1,011,387 in 2005 and 1,007,380 in 2010 (Freitez, 2011). Today, foreigners represent a little more than 3per cent of the total population.

Legal and Institutional Framework

- ▶ Venezuela announced its decision to leave from the Andean Community of Nations in 2006, after learning that Peru and Colombia announced the signing of Free Trade Agreements (FTA) with the United States of America. That same year, Venezuela signed the protocol of accession to MERCOSUR; however, the country has not adopted the "Agreement on Residence for Nationals of MERCOSUR States Parties and Associates", which is keeping Venezuelans from taking advantage of the benefits of the special migratory regulations of this regional bloc. In 2014, Colombia temporarily suspended the issuance of MERCOSUR visas for Venezuelans due to this fact. Venezuelans who wish to reside in Colombia shall follow the ordinary procedures required for any foreigner.
- ▶ As of August 19, 2015, the alleged presence in Venezuela of members of paramilitary groups (who killed members of the Venezuelan security forces in Colombia) led to the introduction of the state of emergency in several Venezuelan cities, and subsequent indefinite closure of the border. This crisis has affected 20,000 people, according to UN data: about 1,500 were deported from Venezuela and the rest have decided to voluntarily leave the country where they lived for fear of retaliation.

► **IMPORTANT DATA**
Colombians and Ecuadorians going to Venezuela

(continues...)



► IMPORTANT DATA

Colombians and Ecuadorians going to Venezuela

Profile of Migrants	<ul style="list-style-type: none"> ► Freitez (2015) warns on the difficulty in developing a socio-professional profile of immigrants in Venezuela, due to the restrictions that currently exist in the country in terms of information sources. According to the author, there are no statistics on inflows and outflows of migrants in the country (since 1995 this information is not public), or the Registration of Foreigners, Naturalized Persons or Types of Residence. Therefore, it is not possible to desagregate the information by country of birth, age, sex, occupation, etc., nor is there any record of Venezuelans abroad. She adds that there is no full socio-professional profile of immigrants because the results on economic characteristics of the last Population Census of 2011 (Freitez, 2015: 212) are not available. ► On population issues, the Vital Statistics Office (RENIEC) (<i>Registro Civil de Identificación y Estado Civil</i>) of Peru reported that nearly 92,000 Peruvians lived in Venezuela in 2011, accounting for 3.8per cent of the Peruvian population abroad (IOM 2012d). According to the National Institute of Statistics and Census (INEC) (<i>Instituto Nacional de Estadísticas y Censos</i>) of Ecuador, in 2001 there were 6,671 Ecuadorian immigrants in Venezuela, and in 2010 the number dropped to 3,488 (IOM, 2012c). However, the largest group of foreigners in Venezuela consists of Colombians. According to the National Statistics Institute (INE) (<i>Instituto Nacional de Estadística</i>), in 2001, Colombia nationals made up 60per cent of the total population of foreigners in this country. According to the last census of 2011, there would be 684,040 Colombians in Venezuela.
Irregular Immigration Status	<ul style="list-style-type: none"> ► In 2004, the Vital Statistics, Migrations, and Foreigners Bureau (SAIME) (<i>Servicio Administrativo de Identificación, Migración y Extranjería</i>) carried out a process to regularize and naturalize foreigners in Venezuela. The total number of migrants who either became regularized or gained citizenship was 798,314. Of this total, 357,891 people received their naturalization papers, 127,897 people regularized their situation, and the remaining 200,485 underwent a review process by the authorities (IOM, 2012a).
Labour Market	<ul style="list-style-type: none"> ► In connection with their participation in economic sectors, according to the International Organization for Migration (IOM), Colombian migrants in Venezuela are mainly employed in commercial activities, hotels and restaurants services, social work and personal care services, manufacturing, agriculture and construction. Moreover, a significant portion is hired as directors and managers (IOM, 2012a).
Good Migration Practices	<ul style="list-style-type: none"> ► With regard to the refugee population in Venezuela, in 2001 the Organic Law on Refugees and Asylum Seekers (LORRAA) was enacted and the National Commission for Refugees and Refugees (CONARE) (<i>Comisión Nacional para los Refugiados y Refugiadas</i>) was created as the only agency empowered by the Venezuelan State to decide on applications for refugee status and to issue, together with the SAIME, the documentation attesting they are asylum-seekers. CONARE does not publish systematically statistics on the population in need of international protection (Freitez, 2015). However, UNHCR statistics warn that between 2003 and 2014 a total of 31,452 people that sought refuge in Venezuela (95per cent) were Colombians. Of these, 5,099 were accepted and 21,609 others were denied the request (lanacionweb.com, 2015). According to UNHCR, about 200,000 people would be in need of international protection in Venezuela.

Tables and graphs of interest to this corridor

Table 18. Venezuela: Number and Percentage of Colombian Residents, 1990, 2001, and 2011

1990 Census		2001 Census		2011 Census
Number of Colombians in Venezuela	Percentage of Colombians compared to other migrants	Number of Colombians in Venezuela	Percentage of Colombians compared to other migrants	Number of Colombians in Venezuela
529.924	51.8%	608.691	60.0%	684.040

Source: IOM, 2013c.

B. INTER-REGIONAL CORRIDORS

Despite the growing importance of intraregional migration in the past two decades, the relative weight of inter-regional emigration continues to prevail, which, on the one hand, comes from a migration corridor from countries of the so-called Northern triangle (El Salvador, Honduras, and Guatemala) and the Caribbean and Mexico, to the United States of America. On the other hand, a second corridor involves a wider geographic system including mainly emigrants from South America (Ecuador, Colombia, Bolivia, Peru) and from the Dominican Republic to European countries. There are also other destinations for migrants from the region, mainly Brazilians to Japan.

Political crises and the contraction or stagnation of the South American economies during the nineties and the early years of this century pushed large groups of people to emigrate to developed countries searching for better opportunities. Between 2010 and 2011, 56per cent of emigrants from the Andean region and 65per cent of migrants from South America lived in Europe. Spain received most of that population (57per cent). The favourable employment environment for migrants drastically changed when the financial crisis had a negative impact on the European labour market and especially in Spain. However, even in a severely unfavourable labour market environment for migrants, migration flows from the Americas has not completely stopped, as had been expected (SICREMI, 2015).



2.10 Peruvians, Ecuadorians, Bolivians, Colombians, and other Latin Americans going to Spain

The 1990s marks a turning point for Spain: it stopped being a country of emigration and began receiving migrants from various regions: Africa, Eastern Europe, and Latin America, mostly from the Andean region and Argentina. The rapid arrival of the South American population to Spain quickly made this group account for one third of immigrants living in the country. This trend as measured in 2010 was due to a series of cyclical events, inside South American countries, the global scenario, and the scenario in Spain.

► IMPORTANT DATA

Peruvians, Ecuadorians, Bolivians, Colombians, and other Latin Americans going to Spain

Legal and Institutional Framework

- There is a commitment from the Government of Spain to enact a Regulation of the Law 12/2009 which regulates the rights of asylum-seekers, subsidiary protection, and complementary standards. Similarly, national legislation should continue to adjust to the European Directives and the provisions adopted by the Council of the European Union to organize the reception and integration of refugees, whether they are relocated or resettled from other countries, or integrated to Spain, if they have sought international protection in that country.

Profile of Migrants

- According to Municipal Registration data from the National Statistical Institute by 2012 there were 1,289,103 migrants from South America living in Spain representing more than 80per cent of foreigners from the Americas, and 22.6per cent of all foreigners in the country.
- The most representative groups of South Americans come from Ecuador, Bolivia and Colombia, followed by Peru, Paraguay, and Argentina.
- The same data indicate that South Americans living in Spain mainly consist of young migrants of working age: 12.3per cent of the South American is below 15 years of age, 85.6per cent is between 15 to 64 years old, and only 2.1per cent are over 64 years old.
- Immigrants have higher education profiles than the average population in their countries of origin. The Argentinian and Peruvian migrants stand out by having an advantage over other nationalities since "about one third of them completed higher education or university education compared to less than 20 per cent in all other groups" (Cerruti, Maguid, and Diaz Gil, 2011).
- Among the Argentinean, Ecuadorian, and Peruvian groups, the number of men and women represents more or less the same, most likely due to family reunification. On the other hand, in the case of the Colombians, Bolivians, and Paraguayan migrants, especially the latter who have recently entered Spain, there is a prevalence of women.

(continues...)

Labour Market

- ▶ Data from the National Survey of Immigrants (ENI, 2007), linking the working age population with high levels of participation of South American migrants in the Spanish labour market, highlight the purely labour nature of these flows. Both men and women migrants' labour force participation rates far exceeds that of men and women Spanish nationals showing a 20per cent higher rate over Spanish women and 10per cent higher rate in the case of Spanish men.
- ▶ Overall, migrant men in the region are employed in manual occupations, particularly Bolivians, Ecuadorians, and Colombians, who have a greater presence in low-skilled occupations. With regard to women's employment, except for Argentinian women, the vast majority of South Americans are concentrated in low-skilled tasks related primarily to caregiving (children, elderly, sick), and housekeeping.
- ▶ For all nationalities, the second occupational choice is in the sector of hotels and restaurants, except for Peruvian women who are also employed as administrative employees, and the Argentinians who work in technical or professional occupations-even in higher numbers than their fellow men.

Working Conditions

- ▶ In general, the groups that most recently arrived to the country (Bolivians, Paraguayans, Colombians, and Ecuadorians) are facing greater job insecurity. Women employed in the caregiving sector are those who have greater job stability, while men -many employed in the construction sector- have higher percentages of temporary occupation. This gender difference is quite the opposite in the case of the Argentinian and Uruguayan groups in which men are the ones who mostly have stable jobs.
- ▶ According to the information held by the ENI (2007), the vast majority of South Americans living in Spain are workers (between 84 to 95per cent), except in the case of Argentinian nationals where the number of workers is lower (79per cent) since there are more self-employed (16per cent) (Cerruti, Maguid, and Diaz Gil, 2011).
- ▶ Based on the data presented by Cerruti, Maguid, and Diaz Gil (2011), "the differences in the percentages of those who work up to 40 hours a week between migrant men and women is very significant with women working in most cases larger number of hours per week: 13per cent vs 41per cent between Argentinean men and Argentinean women; 7per cent vs. 31per cent among Bolivian men and Bolivian women; 10per cent vs. 31per cent Colombian men and Colombian women; 4per cent vs. 27per cent among Ecuadorian men and Ecuadorian women; 6per cent vs. 26per cent between Peruvian men and Peruvian women and 10per cent vs. 38per cent between Uruguayan men and Uruguayan women." These disparities in the Labour Market attribute greater workload on the female population, in addition to household chores in migrants' homes (Herrera, 2005).

▶ IMPORTANT DATA
Peruvians, Ecuadorians, Bolivians, Colombians,
and other Latin Americans going to Spain

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► IMPORTANT DATA

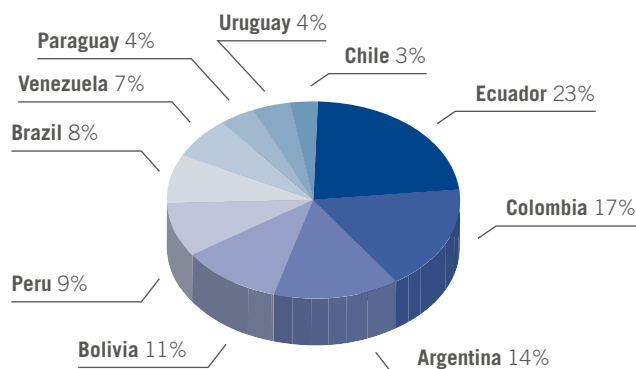
Peruvians, Ecuadorians, Bolivians, Colombians, and other Latin Americans going to Spain

Good Migration Practices

- Concerning migration, Spain has pushed for several initiatives that have favoured the respect for the rights for thousands of immigrants and that have facilitated mobility within the European area. This is the case of the migration regularization process, which benefited many Latin Americans who were living and working in an irregular situation in Spain.
- Among the actions taken by the Spanish Government that have promoted closer ties with the Latin American region is also the establishment of the Latin American Multilateral Agreement on Social Security, in 2009, signed by 15 Latin America and Caribbean countries, Spain, and Portugal.

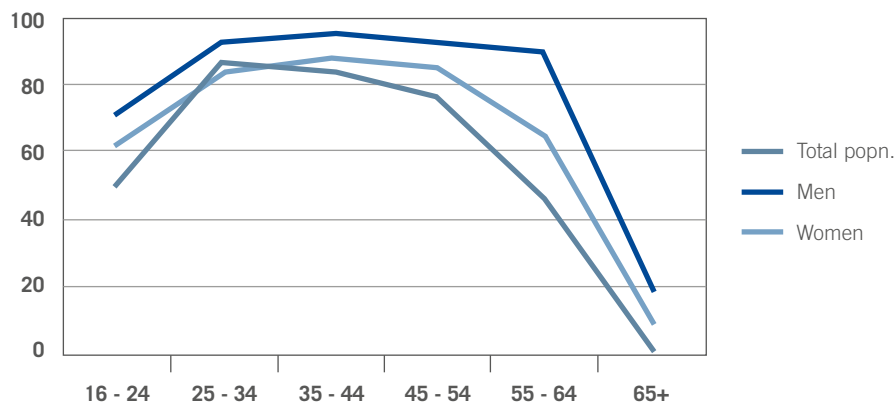
Tables and graphs of interest to this corridor

Graph 5. Spain: South American Immigrants by Country of Birth, 2009



Source: Municipal Population Census (INE), as of January, 2009.

Graph 6. Spain: Labour Force Participation Rates of the Total Population and South American Immigrants by Age Group and Gender, 2007



Prepared by: Cerrutti, Maguid, and Díaz Gil, 2011.

Source: Economically Active Population Survey (INE, 2007) and Immigrants National Survey (ENI, 2007).



2.11 Corridor to the United States of America

The United States of America is the main destination for migrants from the region and from other parts of the world. The immigrant population represented 45 million persons in 2015 or approximately 13.9 per cent of the total national population (Pew Research Centre 2015a, 2015b).

► IMPORTANT DATA Corridor to the United States of America

Legal and Institutional Framework

- ▶ Since 2008, hundreds of laws on immigration have been passed across the United States. The most stringent law enacted in the US territory against irregular migration is the one of the State of Arizona from April 23, 2010. This law is designed to identify, prosecute, and ensure the deportation of migrants in an irregular situation.
- ▶ In March 2013, the United States Citizenship and Immigration Service changed its policy to better observe the principle of family reunification. To do so, the US government reduced the amount of time that spouses and minor children of US citizens must be separated from their families to apply for legal permanent resident status. The new rule allows qualified applicants to apply for a "hardship waiver" while still in the United States. In the exemption, the applicant must show that if the family were to separate, the applicant's spouse or parent holding citizenship or lawful permanent resident status would suffer extreme hardship.
- ▶ In August 2013, the Obama Administration issued a directive that encourages immigration authorities to exercise prosecutorial discretion when detaining undocumented immigrant parents. Although the Directive does not prevent the deportation of undocumented parents, it does allow detainees parents to take some care decisions that were previously difficult to ensure, such as making sure that their families were notified of their detention and able to take care of the children.

Profile of Migrants

- ▶ Despite the closeness between South America, Central America, and the Caribbean, labour migrants traveling to the United States differ in some peculiarities. The main one is, for example, the number of migrant workers from each sub-region. The flow of South Americans to the United States is not as important as the flow of Central Americans or Caribbean citizens. In 2011, South Americans were the smallest group in the region born abroad, behind the Mexicans (55 per cent, or 11.7 million), the Caribbean (18 per cent or 3.8 million), and Central Americas (15 per cent or 3.1 million).

(continues...)

Profile of Migrants

Profile of South American Migrants

- ▶ In 2011, immigrants born in South America represented 2.7 million people or 13per cent of the 21.2 million Latin American immigrants in the United States*.
- ▶ In 2011, 84per cent were in the age range of 16 to 64 years old, such figure is almost the same as for the total population of immigrants (82per cent), but much higher than the native population (63per cent). The South American countries with the highest proportion of working age migrants in the U.S. were Brazil (90per cent), Venezuela (88per cent), and Ecuador (86per cent), while the countries with the highest proportion of older people were Argentina (18 per cent), Chile (17per cent), and Paraguay (16per cent) (Stoney and Batalova, 2013).
- ▶ Participation of South Americans who reported a high educational level (i.e., having a high school diploma, college or an associate degree) was 54per cent versus 41per cent of all foreigners, but lower than those born in the country (61per cent). Educational levels, however, vary widely according to the countries of origin of immigrants. People with a higher educational level, i.e., with bachelor's degree or higher, are from Venezuela (49per cent), Argentina (39per cent), Brazil (38per cent), and Chile (38per cent) (Stoney and Batalova, 2013).
- ▶ As for the places where people settle in the United States, in 2011, almost two thirds of all South American immigrants live in four states: Florida, New York, New Jersey, and California. Indeed, 23per cent or 626,400 people lived in Florida, followed closely by New York (569,700 or 21per cent), New Jersey (316,700 or 12per cent), and California (240,800 or 9per cent). Other states with populations of more than 100,000 people born in South America were Massachusetts (113,100 or 4per cent) and Texas (109,600 or 4per cent) (Stoney and Batalova, 2013).
- ▶ With regard to the gender distribution of all South American immigrants living in the United States in 2011, 54per cent were women and 46per cent were men. However, there are differences between countries. For example, in 2011, there were more women immigrants from Paraguay (60per cent women), Colombia (58per cent), and Venezuela (56per cent), while only Ecuador had a higher percentage of men (53per cent) (Stoney and Batalova, 2013).

Profile of Mexican and Central American Migrants

- ▶ The populations of Mexican origin (63per cent), of Caribbean origin (15.5per cent) -mainly consisting of Puerto Ricans, Cubans, and Dominicans-, and Central American origin (7.9per cent) are the three main Hispanic groups in this country (*U.S. Census Bureau, 2011*).
- ▶ The average age of the Mexican population is 39 years for men and 40 for women while for the Central Americans the average age of men is 37 men and of women 40 (Pew Research Centre, 2013).

* The latest estimate from the American Community Survey (ACS) indicates that by 2014, the total number of immigrants born in Latin America was 21.89 million, of which 2.85 million were South Americans. Since the difference between these values and the 2011 data is negligible, we believe that the analysis presented below provides updated information on the profile of the South American migrants to the United States.

(continues...)



Profile of Migrants

- The Mexican and Central American population had lower levels of education compared to those born in the United States and the rest of immigrants. Only 82.2per cent of Mexicans and 73.9per cent of Central Americans had acquired secondary education. Migrants' educational level partially explains the type of work activities in which they are employed: lower qualification jobs. However, it is also necessary to consider their living and working conditions resulting from their irregular migration situation or lack of immigration documents. As a result, some semi-skilled and highly-skilled migrant skilled workers can be find working in jobs for which they are over-qualified.
- Unemployment of Mexicans and Central Americans is 8per cent and 7.8per cent, respectively; these figures are lower than the national average (8.6per cent), although higher than the average of the immigrant population (7.6per cent) (Pew Research Centre, 2013).

Labour Market

- The labour market situation of immigrants in the Americas in recent years has evolved largely in line with the general evolution of the U.S. labour market. According to the Bureau of Labour Statistics of the United States Department of Labour, in 2000, the percentage of foreigners in the workforce was 13per cent of the overall total, while in 2014 this rate represented 16.5per cent, or 25.7 million people.

South American Migrant Workers in the Labour Market

- In 2011, the three main occupations employing South American men between 16 and 64 years were, first, construction, mining, and transportation (23per cent of the total of 850,000 male workers from South America); secondly, caregiving services (20per cent); and finally, management, business, and finance (13per cent). These occupations show a predominance of male migrants in general with men from South America slightly more likely to work in management, business, and finance, sales and administrative support (Stoney and Batalova, 2013).
- In 2011, among the female workers born in South America aged 16 to 64 years, 29per cent reported working in services and caregiving occupations; 16per cent in administrative support; 11per cent in management, business, and finance; and 10per cent in sales. Similarly, these occupations reflect the employment profile of migrant women in general. However, South American women are more likely to work in education, training, media and entertainment; caregiving services; and administrative support.

Mexican and Central American Migrant Workers in the Labour Market

- The Mexican and Central American labour force is key to productivity and competitiveness of some economic sectors such as agriculture and services in Canada and in the USA. This is also the case of the foreign maquila industry and other manufacturing sectors, mainly in the USA, but also set up in the northern states of Mexico (in the border with or near to the United States), and now in other entities (Sandoval, 2006: 257).

(continues...)

Labour Market

- ▶ Only the United States has provided more than 100,000 visas (H2) per year for temporary jobs, mostly occupied by Mexicans, who in 2014 obtained 90 per cent of the H visas issued (155,392). In the case of Central Americans, the largest group of migrant workers came from Guatemala representing 3 per cent of the total.

Working Conditions

- ▶ To meet the demand for temporary workers and implementing the H-2A program, US employers use contractors or contracting companies to locate and recruit foreign workers. The recruitment mechanism used and the subsequent workers' indebtedness result in common problems in the hiring systems, subordinating the workers to the will of the employer.
- ▶ According to the Southern Poverty Law Centre (SPLC), the exploitation of H-2A and H-2B temporary workers begins long before they arrive to the United States. The initial recruitment in their home country is a process that often leaves them in precarious economic conditions and hence extremely vulnerable to abuse by unscrupulous employers in the United States.
- ▶ A 2012 study by the National Institute of Justice about San Diego State shows that migrants in an irregular situation are most likely to find jobs in the agriculture, construction, gardening, house cleaning, food processing and manufacturing services. According to the study, construction, food processing, and cleaning services are activities with the highest human trafficking-related violations and abusive labour practices (Zhang, 2012: 72, 73).
- ▶ In 2014, migrants 25 years or older with less than secondary education earned an average of \$ 463 per week, while those with bachelor's degree or higher earned approximately \$ 1,222 per week. Instead, nationals holding bachelor's degrees and higher earned about 2.3 times above those with less than secondary education (\$ 1,188 versus \$ 517 per week). In general, national workers earn more than those born abroad in most levels of education.
- ▶ Regarding access to justice, according to the SPLC, temporary migrant workers often face insurmountable barriers to ensure that their legal rights are met. Very few temporary workers are actually compensated for their losses and many unscrupulous employers are allowed to continue bringing temporary workers and going unpunished.
- ▶ The rights of temporary workers can be enforced in two ways: by action taken by government agencies, primarily the Department of Labour, and through lawsuits filed by independent lawyers for legal services federally funded (H-2A workers and H-2B forestry workers only), or by legal non-profit organizations like the SPLC.

(continues...)



Working Conditions

- Regarding Social Security, virtually all migrant workers who are working with a valid legal status in the United States have access to a range of financial benefits from the Federal Government. To do this, each employee shall pay 7,65per cent of his/her salary, to pay for both Social Security and Medicare (the government health insurance programme covering people 65 years or older).

Irregular Immigration Status

Irregular Immigration of South American Migrant Workers

- In 2012, out of the total number of immigrants in an irregular situation living in the United States, only 6per cent (700,000 people) were from South America, far behind the 78per cent from North America (mostly Mexicans), Central Americans and Caribbean (8.9 million) (Baker and Rytina, 2012).
- Among the top ten countries of origin of immigrants in an irregular situation, the only South American country is Ecuador, which ranks ninth and accounts for 2per cent of the total (Baker and Rytina, 2012).
- With regard to their immigration status, in 2011, more than 86,000 immigrants born in South America obtained their legal permanent residence in the United States (LPR status, also known as a green card), accounting for 8 per cent of the 1.1 million immigrants who have legal permanent residence. This immigration status was obtained for different reasons: 80per cent obtained a green card through a family member, 12per cent through an employment contract, 6per cent as refugees or asylum-seekers, 1per cent through the US Diversity Immigrant Visa (DV) Program, and about 1per cent through other programs.
- About 59per cent of all South American immigrants who obtained their permanent residence in 2011 classified as a member of the immediate family (spouse, unmarried child under 21, parent) of a US citizen, compared with 43 per cent of all immigrants. In contrast, the South Americans have been much less likely to get green cards through the US Diversity Immigrant Visa Program (1per cent versus 5per cent of immigrants in general).

Irregular Immigration of Mexican and Central American Migrant Workers

- Around 11.3 million or 17.5per cent of Hispanics migrants were in an irregular migration situation in the United States in 2014 (Passel and Cohn, 22/Jul/15).

(continues...)

Irregular Immigration Status

- ▶ Between 2000 and 2010, the number of migrants in an irregular situation increased by 22per cent with 39per cent entering the country in 2000 or later and 62per cent coming from Mexico (Hoefer et al, 2011: 1). In 2010, Mexico (6.6 million), El Salvador (620,000), Guatemala (520,000), and Honduras (330,000) were the four groups with the highest number of migrants in an irregular situation in the United States. Together, they accounted for 75per cent of all migrants in an irregular situation in the country** (Hoefer et al, 2011: 4).
- ▶ The detention of migrants from the countries of the so-called Northern Triangle of Central America (Guatemala, El Salvador, and Honduras) increased from 100,000 in 2010 to 340,000 in 2014 in the United States. Detentions multiplied by five times during that specific period*** (data from the Migration Policy Institute, 2015).
- ▶ The increase in repatriations of Mexicans from the United States and Central Americans from the U.S. and from Mexico is one of the main features of the so-called "return migration process". This term has been used to refer to the migrants who have been forced to return to their home countries due to the tightening of immigration policies in the United States.

Good Migration Practices

- ▶ Temporary work visas are the most important way of admission for hundreds of thousands of people entering the United States each year, and the vast majority are aimed at citizens of all countries****. This group also includes students who are hired as interns to complete their studies. The increase in the number of foreign workers admitted for temporary stays reflects the global economic trends (Martin, 2006) and matches the demand for certain types of industries that are constantly changing, such as information and technology, or companies that hire people for specific projects.

▶ IMPORTANT DATA Corridor to the United States of America

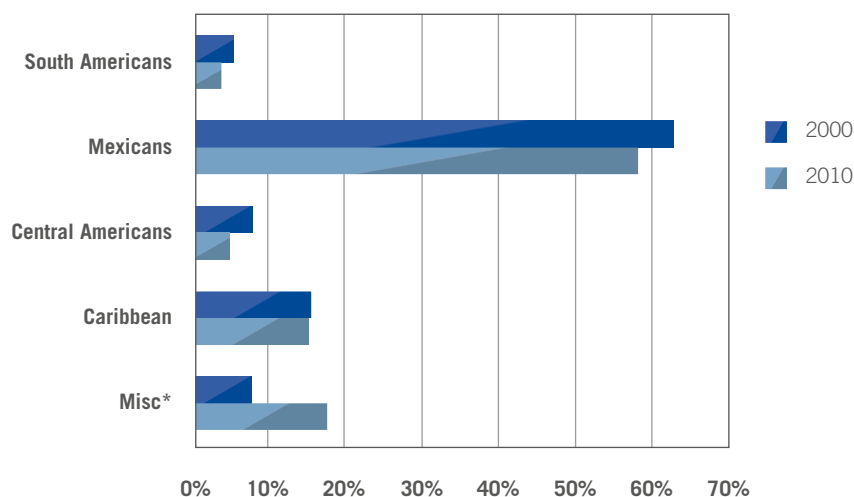
** Cf Baker and Rytina (2012).

*** According to the Migration Policy Institute, detention of unaccompanied children in Mexico and the United States increased exponentially between 2010 and 2014, from about 8,000 to 72,000.

**** One exception is the NAFTA TN Visas which is exclusive for Canadian and Mexican professionals, under the North American Free Trade Agreement (NAFTA).

Tables and graphs of interest to this corridor

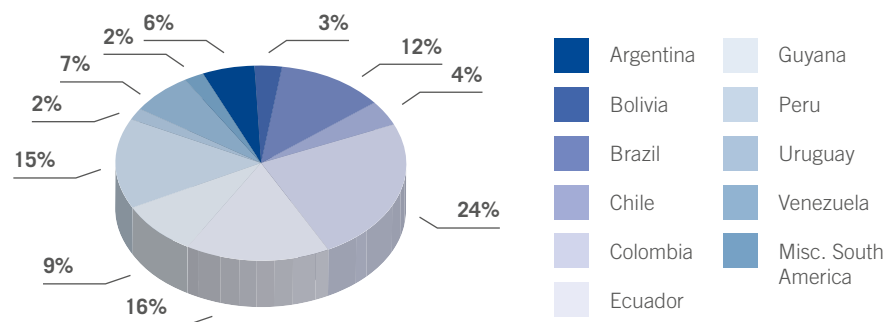
Graph 7. United States of America: The Hispanic Population by Sub-region of origin, 2000- 2010



Source: Data from the US Census Bureau, "The Hispanic population: 2010", *2010 Census Briefs*, May 2011. Available at: <http://2010.census.gov/>

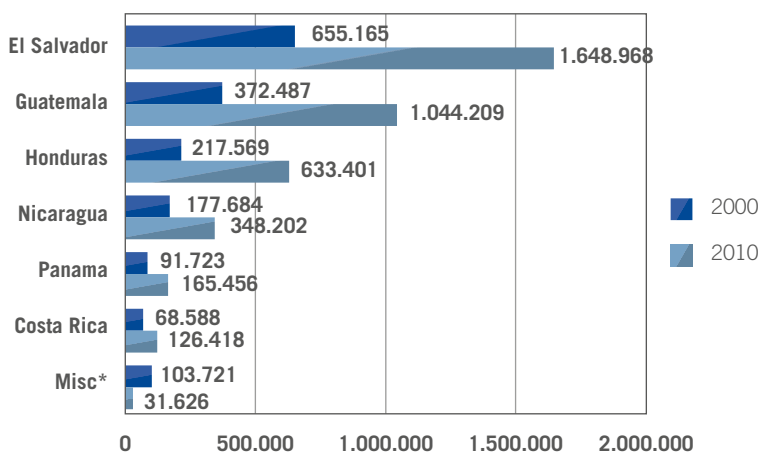
NB: * This category includes people who did not report their region of origin and people of Spanish origin.

Graph 8. United States of America: South American-born Population by Country of Origin, 2011



Source: Stoney and Batalova, 2013.

Graph 9. United States of America: Central American Resident Population by Country of Origin, 2000 and 2010



Source: Data from the U.S. Census Bureau, “*The Hispanic population: 2010*” [on line], *2010 Census Briefs*, May 2010 [visited in September 2011]. Available at: <http://2010.census.gov/>. Prepared in-house (PRC.)

NB: * This category includes people who reported coming from Central American indigenous communities, the Canal Zone, or being of Central American origin

Table 19. United States of America: Employment of Mexicans and Central Americans, 2013

ACTIVITY	MEXICO	CENTRAL AMERICA
Repair, installation, and production	15.5%	17.8%
Construction and extraction	14.8%	14.9%
Cleaning and maintenance of buildings and gardening	14.2%	12.5%
Food preparation services	11.6%	10.5%
Transportation and shipping of materials	9.4%	9.2%

Source: prepared by the ILO with data from the “Statistical Portrait of the Foreign-Born Population in the United States”, 2013, in: www.pewresearch.org/

**Table 20. United States of America: Percentage of Occupation of South American Workers (between 16 and 64 years old), by Gender and Origin, 2011**

Occupations	South American-Born		Total Migrant Population	
	Men	Women	Men	Women
Management, Business, Finance	12.5	10.9	10.5	10.6
Information Technology	2.7	1.0	4.6	2.2
Other Sciences and Engineering	3.1	1.6	3.8	2.0
Social Work and Legal Services	1.3	2.6	1.0	2.0
Education, Training, Media & Entertainment	4.2	8.9	3.6	7.2
Physicians, Surgeons, Dentists, Podiatrists	1	0.9	1.2	1.0
Registered Nurses	0.3	1.7	0.5	3.7
Other Healthcare Providers	0.9	3.2	1.2	3.2
Healthcare Givers	0.7	6.5	0.1	5.9
Personal Care Services	20	29.2	19.1	26.8
Sales	9.3	10.1	7.7	10
Administrative Support	7.9	16.0	5.4	13.4
Agriculture, Fishing, and Forestry	0.2	0.1	2.9	1.2
Construction, extraction, Transportation	23.4	2.6	23.6	3.1
Manufacturing, Installation and Repair	12.6	4.6	14.2	7.6

Source: Stoney and Batalova, 2013

3. Some Common Trends in Migration Corridors

Some common trends of intra and inter-regional migration corridors from and to, Latin American and Caribbean countries are the following: feminization of labour migration, the predominance of migrant workers in an irregular situation and its consequences, the over-representation of migrant workers in the informal economy, bad working conditions and lack of access to social security. These trends are analysed in this section.

3.1 Feminization of Labour Migration

An unavoidable demographic feature of these corridors is the high feminization of migration for employment purposes. The report "ILO Global Estimates on Migrant Workers. Results and methodology" indicates a high participation of migrant women in the workforce in destination countries mentioning that this participation is more significant than that of the national labour force. In Latin America and the Caribbean these figures represent 55.7per cent for the female migrant population compared to 54per cent in the case of the non-migrant female population. In North America, the participation of migrant women in the workforce is 67.8per cent compared to 55.8per cent of the female non-migrant labour force: a difference of 12per cent.

Also, the same report mentions that women migrant domestic workers represent a significant share (35.3per cent in Latin America and the Caribbean and 3.3per cent in North America) of the total of all migrant workers. Finally, it indicates that women migrant domestic workers, represent a high percentage (4.4per cent in Latin America and the Caribbean, and 71per cent in North America) of the total of all workers in the domestic service.

On average, women constitute more than half of all migrants identified in the destination countries of the sub-regions of North America and South America. In Central America and the Caribbean, they account for 50per cent and 49per cent respectively, but in the other sub-regions, women exceeded those figures.



In all destination countries, there is a significant participation of women in the economically active population representing 52.8per cent of migrants between 20 to 64 years old. In Barbados, Cuba, Curacao, Martinique, and Venezuela, women outnumber men accounting for 57per cent to 60per cent of migrants in the ages mentioned.

The labour corridor of South America to the United States and Europe, for example, is characterized by high feminization, since 54per cent of all migrants are women. In Caribbean countries, with the exception of the Dominican Republic, women prevail in all of the corridors. Women from 20 to 44 years old outnumber men in migration stocks and flows to the United States and Canada. In the U.S.A., Central American women accounted for 46.2per cent of migrants in 2010 (Stoney and Batalova, 2013); but in intra-regional corridors, women exceeded 52per cent (Morales et al, 2012), and their presence cannot be ignored in any of the corridors that connects the different labour markets. In all cases, women have left behind their role of accompanying their male relatives to be part of autonomous migration contingents subject to supply and demand of labour markets.

Table 21. Total International Migrants, Percentage of Women, Percentage of the Total Population; and Average Age of Migrants, 2013

	Percentage of Women	Percentage of the Total Population	Average Age
Total Americas	51.4	8.15	39.4
Latin America & the Caribbean	51.6	1.4	36.7
Caribbean	49	3.3	34.4
Central America*	50	1.1	23.8
South America	52.8	1.3	41.6
North America**	51.2	14.9	42.2

Source: United Nations Department of Economic and Social Affairs (UN DESA), Population Division (2013). International Migration 2013 Wallchart (United Nations publication, Sales No. E. 13.XIII.8).

NB: * Including Mexico** Mexico not included.

3.2 Migrant Workers in an Irregular Situation

In general, it is difficult to determine the exact number of migrant workers in a regular or an irregular situation due to the lack of reliable data in almost all migration corridors. Although it is estimated, for example, that in the Caribbean countries, a large majority of migration takes place in a regular way, there is still a significant number of migrants who go to work abroad in an irregular situation. The migration corridor to the United States of America is the one that presents the most complex phenomenon.

It was estimated that by 2012, 78per cent (8.9 million) of migrants in an irregular situation in the United States were from North America, Central America, and the Caribbean, including Canada, Mexico, the Caribbean, Central America, and South America¹². In 2014, roughly 11.3 million immigrants were in an irregular migratory status; this number represented one quarter of the total number of immigrants registered in the United States in 2014. In all other migration corridors, irregular migration proliferates composed of migrants moving from one country to another bypassing crossings points and inspection systems, or overstaying in the destination countries beyond the time authorized in their visas. According to the Pew Research Centre, although migrants in an irregular situation represented in 2014 around 3.5per cent of the U.S. population, they accounted for 5.1per cent of its workforce due to their high labour force participation rate¹³.

Also, according to the IOM, in 2008 a large majority of immigrant workers in Costa Rica, most of them from Nicaragua, were in an irregular situation¹⁴. According to the same source, in the Dominican Republic, 95per cent of migrants from Haiti were in an irregular situation that year, representing a total of around 665,000 migrant workers.

Migrant workers in an irregular situation often find jobs within a matter of days after arriving to the destination countries, but must often pay high fees to recruiters, traffickers, and smugglers who take advantage of them both financially and

¹² Baker y Rytina (2012). *Estimates of the Unauthorized Immigrant Population Residing in the United States*, January 2012. Homeland Security – Office of Immigration Statistics. Available in: http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf

¹³ Pew Study: Undocumented Immigrants Compose 5.1 Per cent of Workforce by Andrea Billups, 18 Nov 2014 <http://www.newsmax.com/US/Pew-undocumented-immigrants-labor/2014/11/18/id/608138/>

¹⁴ OIM: *World Migration 2008: Managing Labour Mobility in the Evolving Global Economy*, International Organisation for Migration, Geneva.



physically. These abuses represent a major cost to them and fewer opportunities of contributing to the development of their countries of origin and destination and to the wellbeing of their families. A large number of them is exposed to violations of human rights and fundamental labour rights during the journey to the destination country and while crossing borders. Also, these migrant workers represent a workforce which joins the labour markets with no, or very low protection of their labour rights and find jobs in occupations usually not filled in by the local population.

It is very difficult to determine whether the number of migrant women in an irregular situation is higher than that of men. Based on available data, the opportunities for women to migrate for work through safe and regular channels seems to be even more limited than those available to men. In addition, a high number of children are part of these migrant flows in an irregular situation, and a lot of them are subject to unacceptable forms of labour.

Although important regularization processes have been carried out in the region, sometimes administrative requirements can be very costly and only permit migrant workers to be employed in the country for short periods of time (a few months to one year), after which the worker has to present again all administrative procedures and make further payments to renew his/her residence and work permit. In addition, many of them do not allow family reunification for workers creating social costs in terms of worker's right to a family life. Even in sub-regions where there has been progress in regional integration processes such as CARICOM, MERCOSUR, and the Andean Community, there may be high levels of irregular migration flows due to the weak implementation of the free circulation agreements or the lack of adoption of some of their provisions. Challenges mainly concern flows of low-skilled workers that are not included in the lists of free movement of skills/competencies stipulated in the agreements.

The best example is the CARICOM where poor implementation of the agreement is observed as several member countries have not undertaken legislative and administrative reforms to ensure the implementation of these integration processes regarding the free circulation of workers among member States.

3.3 Migrant Workers in the Informal Economy

Millions of migrant workers (in a regular and irregular situation) in the region are overrepresented in the informal economy in jobs without employment contract or access to social protection or social security. In Argentina, according to ILO data, a total of 754,880 persons representing 67.4per cent of all South American migrant workers, work in the informal sector (ILO, 2015b). In Costa Rica, the ILO estimates that a total of 29per cent of all migrant workers are in the informal economy with an even higher proportion (32per cent) in the case of women migrant workers (ILO, 2013d). According to other sources, in 2012, 83.6per cent of Haitian migrant workers in the Dominican Republic were working informally in the agricultural sector and 91per cent were working in the construction sector (Báez et al, 2012) ¹⁵.

On numerous occasions –although this has varied in some cases– irregular migration is accompanied by labour informality, which can be a determining factor preventing the transition to formal employment, depending on the migration policies and practices of each country, including other reasons. Indeed, the number of migrant workers in the informal economy is significantly higher than that of national workers, and migrant workers also perform jobs in sectors that have higher rates of informal employment. For example, the latest available data indicate that the formalization of labour markets has become stagnated and that the rate of 47.7per cent of non-agricultural employees working in informal conditions (ILO 2013a: 15) remains. In many cases, migrant workers who work in the destination countries accept jobs for which they are overqualified.

Generally, migrant workers working in the informal economy in the destination countries are not covered by any labour laws and therefore are subject to precarious and insecure working conditions, as well as low wages, inadequate and inappropriate access to health care and housing. Social protection can be denied by law or in practice, increasing the risk of having to return to their countries of origin in poverty, especially when they suffer accidents. In addition, migrant workers, particularly those in an irregular immigration status, can be discriminated at all stages of the migration process. Discrimination in the form

¹⁵ Báez et al, 2012.



of denial of basic services is a growing problem for migrant workers and their families¹⁶.

The following list of groups of documented migrants can be found working in the informal economy, including but not limited to:

- ▶ asylum seekers with a residence permit, but no work permit;
- ▶ young migrant students with part-time work permit;
- ▶ dependents of principal applicants with a residence permit, but no work permit;
- ▶ documented migrants with a residence and work permit that cannot find a job in the formal economy for discrimination practices (can include second-generation immigrants) or language barriers;
- ▶ documented migrants that do not want themselves, or their employers do not want, to pay social security contributions and/or taxes;
- ▶ self-employed migrants.

3.4 Labour Market and Working Conditions of Migrant Workers

Despite the many positive links between migration and development in countries of origin and destination, large number of migrants continue suffering from decent work deficits, particularly those working in low-skilled occupations. On the contrary, they are paid low wages, face hazardous working environments, non-payment of wages, and unequal coverage of social protection. In some cases, they are denied the right to freedom of association and other labour rights, and many others suffer discrimination and xenophobia. Migrant workers tend to concentrate in economic sectors that are not appealing to local workers: agriculture, construction, manufacturing, and services requiring intensive labour such as domestic work, hospitality, and tourism. Some of the most vulnerable migrant workers are actually in these sectors, such as domestic workers, construction workers, workers in an irregular migration situation, and victims of human trafficking. Based on the

¹⁶ ILO, *Labour migration and development: ILO moving forward*. Background paper for discussion at the ILO Tripartite Technical Meeting on Labour Migration 2013 (ILO, 2013c).

information available, it can be said that a significant number of migrant workers still face working conditions that could be considered, in many cases, abusive and exploitative.

In Costa Rica, complaints have been filed with the labour authorities against employers who retain part of the wages of indigenous migrant workers who harvest coffee (Ngäbe-Bugle), as a control mechanism to prevent them from going to other farms offering them better incomes (Morales, Lobo, and Jimenez, 2013). In the case of migrant women, they typically do not enjoy the right to maternity leave and benefits. In addition, it is necessary to consider occupational risks to which they are exposed to and that can lead to permanent damage, severe disabilities and even death. (Morales, Leon, Molina, and Estrada, 2012)

Additionally, it is possible to point out that migrant workers are often victims of prejudice and other discriminatory attitudes in the workplace (even to access employment), particularly in times of economic recession and high unemployment or underemployment. In addition, migrant workers fail to enforce the rights they are entitled to because of lack of information and knowledge about their rights, often compounded by linguistic difficulties. To this, we must add that some of them may be victims of human trafficking networks and forced labour, or that the jobs they perform have low levels of labour protection and, in particular, weak labour inspection. These situations limit the possibilities for job advancement and improvement of the wages of migrant workers in destination countries.

The need to improve the working conditions of migrant workers has been addressed by the ILO through various projects implemented in Latin America and the Caribbean. Among others, we can mention those about the situation of migrant workers in the following migration corridors: Costa Rica-Nicaragua, Costa Rica-Panama, and Haiti-Dominican Republic.

3.5 Social Security and Protection of Migrant Workers

Most migrant workers do not have access to Social Security and, if there are no bilateral and multilateral agreements on Social Security between the countries of origin and destination, portability of social benefits is not guaranteed. Also, it is often difficult to complete contribution periods because of the requirements to



leave the country after a certain period of time, thus excluding a large number of migrant workers from any social protection in the long term. In fact, in the case of temporary migrant workers who must stay in the country for short periods of time, legislation may impose restrictions on the right to some benefits, including old-age pensions, since migrant workers or their families are not able to meet the qualifying conditions requiring a minimum number of contributing years. Also, a significant number of them work without realizing that they are actually contributing to the Social Security systems of the host country and can never benefit from it because of their irregular migration situation (Germano, 2014).

In 2014, the Organization of American States (OAS) and the Inter-American Conference on Social Security (CISS), at the request of the Inter-American Conference of Ministers of Labour (CIMT), carried out a comprehensive analysis of bilateral and multilateral agreements on Social Security focusing particularly on the issue of pensions. The findings highlight the impact that such agreements have had in the signatory countries to improve Social Security and pension rights of migrant workers, but also state that they have failed to achieve all their potential, largely due to the limited application of such agreements.

Table 22. Bilateral Agreements on Social Security and Pensions

States	Total	Bilateral Agreements in force		Not in force	Signatory to the MERCOSUR Agreement	Agreement for the Application of the Multilateral Ibero-American Social Security Convention
		Pensions	Medical Care or otherwise			
Canada	25	25	0	1	0	0
U.S.A.	3	3	0	0	0	0
North America	28	28	0	1	0	0
Antigua and Barbuda	1	1	0	0	0	0
Bahamas	0	0	0	0	0	0
Barbados	2	2	0	0	0	0
Cuba	1	0	1	0	0	0
Dominica	2	2	0	0	0	0
Grenada	1	1	0	0	0	0
Guyana	0	0	0	0	0	0
Haiti	0	0	0	0	0	0
Jamaica	2	2	0	0	0	0
Dominican Republic	2	1	1	0	0	0
Saint Kitts and Nevis	1	1	0	0	0	0
Saint Vincent and the Grenadines	1	1	0	0	0	0
Santa Lucia	2	2	0	0	0	0
Suriname	0	0	0	0	0	0
Trinidad & Tobago	1	1	0	0	0	0
Caribbean	16	14	2	0	0	0
Belize	1	0	1	0	0	0
Costa Rica	4	1	3	0	0	1
El Salvador	3	1	2	0	0	0
Guatemala	5	0	5	0	0	0
Honduras	4	0	4	0	0	0
Mexico	7	3	4	0	0	0
Nicaragua	7	0	7	0	0	0

(continues...)



States	Total	Bilateral Agreements in force		Not in force	Signatory to the MERCOSUR Agreement	Agreement for the Application of the Multilateral Ibero-American Social Security Convention
		Pensions	Medical Care or otherwise			
Panama	6	1	5	0	0	1
Central America	37	6	31	0	0	2
Bolivia	1	1	0	0	0	1
Colombia	5	5	0	0	0	2
Ecuador	5	2	3	0	0	1
Peru	5	3	2	1	0	0
Andean Countries	16	11	5	1	0	4
Argentina	9	8	1	0	2	1
Brazil	7	6	1	0	2	0
Chile	11	11	0	0	0	0
Paraguay	4	2	2	0	1	0
Uruguay	14	13	1	0	3	6
Venezuela	4	4	0	0	0	1
Southern Cone	49	44	5	0	8	8
OAS Member States	146	102	43	2	8	14
Andorra	0	0	0	0	0	0
Spain	13	12	1	0	0	1
Portugal	7	7	0	0	0	1
Other Ibero-American States	20	19	1	0	0	2
Total	166	122	44	2	8	16
Total Agreements	87	61	22	1	4	8
Percentage	100	73.5	26.5	n.a	n.a	n.a

Source: Leopoldo Valentín Vargas, 2014. Taken from: Analysis of Bilateral and Multilateral Social Security Agreements as they relate to Pensions, OAA, CISS, 2014.

NB: * Including covenants and/or agreements when there is no Convention. Also includes Conventions of the American hemisphere signed by the countries of the hemisphere with Spain and Portugal, identified as a result of the analysis of the Multilateral Ibero-American Social Security Convention.

4. Weaknesses and Challenges of Public Policies and Governance

The issue of international migration from a labour angle is not new, but it has been little included in public policies of various countries in the region, and even less, in medium and long-term responses and comprehensive policies taking into consideration the various dimensions of international migration.

While some countries and sub-regions have begun to adopt and implement legislation, policies, and actions to update their standards on the governance of labour migration, it is often done through unilateral initiatives that have few implications in countries with which they share migration corridors. In other countries, legislation and practices are still attached to the old paradigms that subject labour migration issues to national security and border control priorities. In some Caribbean nations, immigration laws are a legacy of their colonial past, and have yet to be reformed.

This section identifies and describes the following weaknesses in public policy and governance on migration: (1) gaps and fragmentation of migration governance in regional integration agreements; (2) weak incidence of labour rights on immigration institutions and governance; (3) absence of world of work actors in regional migration consultation processes; (4) lack of social dialogue on labour migration in regional integration processes; (5) the absence of Ministries of Labour in inter-governmental commissions on migration; (6) lack of coherence between migration policies and employment policies; (7) weak labour market institutions' competencies to work on labour migration issues; (8) insufficient organization of migrant workers into trade unions and collective bargaining processes; and (9) weak information and statistics systems and knowledge gaps about labour migration.

4.1 Gaps and Fragmentation of Migration Governance in Regional Integration Agreements

The economic integration agreements of the Andean Community of Nations (CAN) and the Mercado Común del Sur (MERCOSUR) have led to increased



mobility of people among member countries within each block. In both sub-regional economic integration processes, international migration has stopped being considered as a random topic in the common agenda and is included within the framework of recurrent discussions on social and labour issues, leading to agreements on the free movement of labour or labour migration within Member countries. Both sub-regions have adopted agendas, agreements, and measures to jointly manage labour markets by adopting standards that provide for the free movement and residence in the host country, and the right to work ensuring the respect for the principles of equal treatment and opportunities, especially in terms of wages, working conditions, and social security. The instruments that the Andean Community (Bolivia, Colombia, Ecuador and Peru) has adopted include the Andean Labour Migration Instrument, the Andean Instrument on Social Security, and the Andean Instrument on Occupational Safety and Health at Work. On the other hand MERCOSUR countries (Argentina, Brazil, Chile, Paraguay, Uruguay and Venezuela) have signed and adopted the MERCOSUR Agreement on Residence of and Associates together with Bolivia, Colombia, Ecuador and Peru, and the MERCOSUR Multilateral Agreement on Social Security. In CARICOM, the most recent agreements include the free movement of eleven categories of migrant workers among Member States. Despite the existence of such agreements, States continue to reserve the right of admission only to a limited number of categories of migrant workers. The legislation of Trinidad and Tobago, for example, only allows the entry of the first categories agreed to, and which correspond only to, highly skilled workers: university graduates, mass media workers, athletes, musicians, and artists. Nationals of other member countries of the agreement are requested to obtain work permits to reside and work in the country.

In Central America and North America, commitments for joint governance of migration flows have not been sufficiently incorporated into regional agreements. Nor have they adopted joint commitments on migration, beyond those relating to immigration control and border control. While Guatemala, Honduras, El Salvador, and Nicaragua signed an agreement extending the "Central American single visa" for nationals of those countries to travel within the sub-region comprising their national territories, such waiver only benefits persons traveling "as tourists, investors, business, health, transit, on official business or to participate in humanitarian, religious, artistic, sporting, scientific activities of public entertainment and otherwise" (CA-4 Visa for Central America Border Control). This agreement excludes migrant workers since the CA-4 Visa does not authorize

any citizen of any of the signatory countries to work in the territory of the other, without having previously obtained a work permit in that country.

In all sub-regions, regardless of how advanced labour migration has been included in integration agendas, there are still gaps in promoting governance systems to prevent, attend, and solve the causes, manifestations, and effects of labour market distortions in occupations and economic sectors where migrant workers tend to concentrate. While such failures arise from the characteristics of labour markets, they are exacerbated by migration mechanisms involved in the allocation of the labour force in those markets, and which are often not consistent with the actual characteristics of the markets. The dispersion is often due to the large variety of frameworks set forth in international agreements and treaties, and international institutional mandates as well as sub-regional and bilateral agreements, and national regulatory and legal frameworks which often suffer from lack of consistency and adaptation with each other, and can result in a kind of Babel Tower producing asymmetries, gaps, and fractures and expressions of a governance fragmentation in labour migration corridors.

Considering the transnational and global nature of labour migration, States insist on reserving the right to unilaterally apply admission criteria for migrant workers, often underestimating the need and the contribution of such labour to the development of their countries. While each State has the sovereign right to decide who is to be admitted to its territory, the lack of joint regulatory frameworks and the lack of harmony among policies, regulations, and actions taken by States that share corridors, prevent progress in the organizing of labour migration flows, in improving the management of labour markets, and in reducing the risks of social fragility associated with the increased informality of economic activities that employ migrant workers and within increasing irregular international migration of workers.

Other instruments available in the American continent to discuss and bring positions among countries together on international migration issues are the South American Conference on Migration (CSM) and the Regional Conference on Migration (CRM). The CRM was established by the U.S. government, first in coordination with the governments of Mexico and Canada, and later the governments of Central America, as well as Belize and the Dominican Republic were invited to join. Unlike the CSM, the CRM is notoriously asymmetric among its members, primarily among the U.S.A., Canada, and Mexico, and participants from smaller countries. In practice, the items of the strongest countries prevail



on the agenda. Moreover, these fora are exclusive of governments with limited participation of non-state organizations. The issues of labour migration have not been a central part of the discussion agendas and the non-governmental ILO constituents have not participated in the debates, and the fora discussing labour migration issues has not counted with the participation of employers' organisations and workers' organisations.

4.2 Weak Incidence of Labour Rights on Immigration Institutions and Governance

Although migration processes in the region take place mostly for employment purposes, Ministries of Labour have a limited role in the formulation and implementation of migration policies. In most of the countries¹⁷ in the Americas that responded to the *ILO 2003 International Labour Migrations Survey* (EMLI) (*Encuesta sobre migraciones laborales internacionales* (EMLI) *de la OIT del año 2003*), the competent authority to formulate migration policies was the Directorate General of Immigration or other offices under similar names attached to the Ministries of Justice, of Security, of Interior, or of Foreign Affairs. Today, the situation, with some exceptions¹⁸, has hardly changed.

The fact that the Ministries of Justice, Interior or Government/Public Safety is the public agency with greater power and leadership on the issue of international migration implies an emphasis on issues such as border control and national security, giving less importance to labour migration issues per se. This institutional arrangement has financial and other resources implications affecting and often weakening the key role that the Ministry of Labour and its social partners should play, and having an impact in further weakening social dialogue on this issue. Few countries in the region have made progress in this area by adopting comprehensive legislation and passing labour migration policies giving labour migration management competencies to the Ministries of Labour.

It is also necessary to ensure the implementation of a rights-based approach, including the ratification of ILO International Labour Standards on Migrant

¹⁷ Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Suriname, Uruguay, Canada, and the United States of America

¹⁸ Brazil is the only country where the Ministry of Labour and Employment presides over the National Immigration Council.

Workers¹⁹, the normative adaptation of national legislation to international standards, the adaptation of practices and policies to such standards and their effective implementation.

In fact, in most countries there is a mismatch between reality and immigration legislation. In part, this is because many migration laws date back to the seventies when the focus on national security prevailed in the region. In the Caribbean, some laws were inherited from the colonial regime. In this regard, some countries are still pending in updating their secondary regulatory frameworks to harmonize them with the constitutional framework and international commitments.

4.3 Absence of World of Work Actors in Regional Migration Consultation Processes

As has already been mentioned before, there are two major consultation processes on international migration in the Americas: the South American Conference on Migration²⁰ (CSM) and the Regional Conference on Migration²¹ (CRM) where so far tripartite World of Work actors have not been invited (with a few exceptions

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- 19** The *Convention concerning Migration for Employment (Revised)*, 1949 (No. 97) and the *Migrant Workers (Supplementary Provisions) Convention*, 1975 (No. 143) covering emigration, immigration, and transit, applies to those who migrate from one country to another in search of a job that is not self-employment. These Agreements call for the implementation of an equal treatment policy between national workers and migrant workers in a regular situation and a policy aiming to increase equal opportunities since this represents a measure of protection and a preventive measure ensuring to keep the cost of migrant labour at the same level as that of the national workforce.
- 20** The South American Conference on Migration (CSM), established in 2000, aims to generate and coordinate initiatives and programs to develop policies on international migration and its relationship to development and regional integration agendas. It is essentially a political forum convening jointly officials responsible for migration affairs from the Ministries of Foreign Affairs and Interior, Justice or Government. In addition to the Annual Conferences, Technical Consultation Meetings, and inter-sessional meetings, workshops, seminars, and forums on topics relevant to the member countries are held. The CSM has a Technical Secretariat in charge of supporting the monitoring mechanisms process, the Plan of Action, and the initiatives and activities mandated by the Conference. Since its inception, some civil society organizations, mainly religious groups of the Catholic Church and human rights activists, participate as observers at the CSM.
- 21** The Regional Conference on Migration (RCM) is an intergovernmental forum to debate on international migration in North and Central America, whose primary objective is to exchange information to share experiences and best practices, and consultation generally aimed at fostering cooperation in international migration. The first meeting of the CRM held in 1996 in Puebla, Mexico, and is also known as the "Puebla Process". The current Member States of the CSM are the following: Belize, Canada, Costa Rica, El Salvador, United States of America, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Dominican Republic. The following are considered observer countries: Argentina, Colombia, Ecuador, Jamaica, and Peru. The CRM has a number of regional and international observer organisations, such as UNHCR, IOM, UNFPA, ECLAC/CELADE, the Inter-American Commission on Human Rights (CIDH), the General Secretariat of the Ibero-American Summit (SEGIB), and SICA, among others.

and only as observers) to participate. Most of the countries in the region are represented by the Ministries of Interior, Government, or Justice and by the Ministries of Foreign Affairs. The Ministries of Labour and the representatives of workers and employers' organisations have no decision-making power on this subject within these consultation processes.

Nevertheless, there have been recently some positive developments. The CSM adopted the *South American Plan for Human Development of Migration*²² (PSDHM) which is in force since 2010, and aims to establish a model of permanent relationship with the civil society, movements, and other social actors/stakeholders. If the term "social actors/stakeholders" includes the representatives of employers and workers' organisations, then they should expect to be invited to join the deliberations and decision making of the CSM in the near future. On the other hand, the plan does not mention inviting the Ministries of Labour to its deliberations and decision-making processes.

In 2015, the CSM also pledged to further develop cooperation initiatives in the Southern Cone, as well as to strengthen civil society organisations to contribute to the formulation of policies and programs on migration. In this meeting, Argentina, Brazil, Bolivia, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay, and Venezuela were present.

The same usually happens within the framework of the Regional Conference on Migration (CRM) covering the discussion between the governments of North America, Central America and the Dominican Republic since 1996, and where the three World of Work actors are not invited to participate in its discussions or decision-making. With the exception of three workshops on the topic of labour migration, two on temporary migrant workers (2009 and 2011) and one on ethical recruitment (2014) where the Ministries of Labour and representatives of trade unions were invited as observers.

22 The PSDHM is a short and medium term action guide, covering a number of components on the rights of migrants, strengthening of migration management, border management, immigration information, liaising with nationals living abroad, and relationships with the civil society. The PSDHM recognizes migrants as key players in the development of the region, thus guaranteeing their rights is a substantial part of the economic and social integration processes among the countries. Based on this principle, it proposes a program to strengthen migration management - overall and in border areas, in order to facilitate the movement of people, improve the registration of border traffic, and ensure protection to migrant workers.

4.4 Lack of Social Dialogue on Labour Migration in Regional Integration Processes

Under certain regional integration processes, like MERCOSUR and CAN, migration issues have always been linked to social and labour issues. They comprise instances in which Ministries of Labour, employers, and workers are represented and where social dialogue and tripartism between the World of Work actors is fostered.

In fact, the Andean Community (CAN), has advanced an integration platform in the implementation of a common labour migration policy and discussions on a proposed "Andean Migration Status" which began being implemented in May 2013. One of the main constraints this process has had is the lack of monitoring at the national level to ensure that decisions are put into practice. Similarly, the MERCOSUR has established the Socio-Labour Commission and the Sub-Working Group (SWG) No. 10 on Labour Relations, Employment, and Social Security.

On the other hand, within the CARICOM, despite the Caribbean Single Market and Economy (CSME) to facilitate the free movement of workers, the world of work actors have complained about their little inclusion in the deliberations and decision making on the subject, and so far, the implementation of the CSME has only included a limited group of mostly highly-skilled migrant workers²³.

Social dialogue on migration is also less present in the framework of SICA, mostly due to the fact that collective bargaining and trade union development in Central America are very weak.

4.5 Absence of Ministries of Labour in Inter-Governmental Commissions on Migration

Few countries have established inter-institutional commissions on migration at the national level and also few countries have invited the Ministries of Labour, trade unions, and employers' representatives to participate in their deliberations on international migration. Similarly, Ministries of Labour continue to have little

²³ In 2002, university graduates, media workers, artists, athletes, and musicians were included. Later, registered nurses, qualified faculty and staff management, supervisory and technical staff were added. The occupations recently added are artisans and domestic workers.



influence on decision-making on this subject since, in most countries (especially the Caribbean region, Central America, and Mexico), such decisions are made by other government units that have the mandate and leadership, and receive the necessary funds to carry out meaningful work on border control and national security.

Few of these commissions actually invite other agencies, such as the Ministries of Health, Education, Economy, Development, etc., in order to design and implement comprehensive immigration policies, including the labour dimension. This articulation at the national level is very important particularly when making decisions at bilateral sub-regional and regional levels.

4.6 Lack of Coherence between Migration Policies and Employment Policies

In many countries there is still lack of coherence between migration and employment policies, as evidenced by the lack of institutional coordination, duplication of efforts, lack of intervention, and gaps in public action, resulting in recurrent violations of human and labour rights of migrants. Often the imposition of immigration controls, not only does not stop labour migration problems but also hinders effective measures to ensure an orderly and fair labour migration process.

Designing and implementing employment policies with a migration approach -and vice versa- is a common challenge in many of the countries of the region. These policies should take into account the migration situation of main countries of origin and destination, and articulate the labour market supply and demand with the needs of migrant populations and host communities from a rights-based perspective. To do this, the Ministry of Labour, labour market institutions and representatives of employers and workers' organisations must come together to discuss and contribute to policy formulation and the effective implementation of international migration.

4.7 Weak Labour Market Institutions' Competencies on Labour Migration Issues

In general, labour market institutions (public employment service, labour inspection service, wages-setting commissions, social security institutes, vocational training

institutes, labour market observatories, etc.) often have little power and little institutional strength and competencies to work effectively on labour migration issues. The following items describe how migrant workers are being affected by this lack of strength:

- ▶ **Abuses in recruitment and placement.** Recruitment systems, especially recruitment practices by private employment agencies and other contractors or sub-contractors are poorly regulated both in origin and destination countries resulting in the violation of human and labour rights of migrant workers. Strengthening public employment services could help ensure respect for labour rights of migrant workers in this particular area.
- ▶ **High rates of de-skilling.** In destination countries, especially in the North, high rates of deskilling of migrants from Latin American and Caribbean countries are registered in comparison to those for national workers. Among policy actions to be taken by the States, they could consider designing policies that ensure portability and recognition of skills, diplomas and competencies acquired by migrant workers in their countries of origin. Work in this area is necessary not only at the level of the Ministry of Education and the Ministry of Foreign Affairs, but also at the level of vocational training institutes and other relevant institutions.
- ▶ **Labour Inspection.** The sectors where migrants are mostly employed suffer from weak inspection by national labour institutions. In this regard, the strengthening of Ministries of Labour and inter-agency cooperation is necessary to create efficient and effective labour inspection mechanisms to ensure respect for labour rights of the general population and migrant workers, in particular, regardless of their immigration status.
- ▶ **Discrimination and negative perceptions.** While there is empirical evidence that migrant workers contribute more to the economies of destination countries than the costs assumed by States after their entrance into the territory and integration in the labour market, there are still negative perceptions about migrant workers in many countries. Xenophobia is a serious problem that is present in all countries in the region, contributing to legitimize restrictive policies, denial of rights, and even the deprivation of opportunities and labour rights. A challenge is to generate awareness-



raising processes to modify those perceptions at the following levels: general population, employment sector, labour sector, and state sector. It is important to implement anti-discrimination and pro-labour market integration of migrant workers' programs and campaigns to foster a culture of compliance with labour rights in the various sectors.

4.8 Insufficient Organization of Migrant Workers in Trade Unions and Collective Bargaining Processes

Low organization and participation of migrants in trade unions and collective bargaining processes is observed. These factors affect their working conditions, and particularly their wages, working time and occupational safety and health. One of the main reasons for this trend is that in some countries national legislation does not permit migrant workers to join trade unions. Another cause could be related to the fact that an important number of migrant workers is employed in the informal economy and in invisible jobs (e.g. domestic work) and, therefore face significant blockages to organise themselves. For this reason, a challenge is to support organizational processes of migrant workers and to encourage their participation and incidence in trade unions.

4.9 Weak Information and Statistics Systems and Knowledge Gaps about Labour Migration

Information systems on migration are generally deficient or limited in most countries because the information is not centralized, or is very outdated, not comparable between institutions and between countries, and often there are no systems to facilitate information collection and updating of information on migration and labour migration. In this sense, it is a challenge for countries to generate centralized, consistent, and updated data (by economic sector, type of occupation, level of education and skills, immigration status, etc.) to provide inputs to generate evidence-based labour migration policies that are comprehensive, and with a human rights and gender focus. For example, practically no country in the region has a survey to determine its labour market needs and its need for foreign labour. Such a survey is absolutely essential to determine the number of migrant workers that a country should, or can, accept.

5. Progress, Opportunities, and Good Practices

Despite the weaknesses and challenges discussed in the previous section, Latin America and the Caribbean also offer a number of opportunities to respond to these challenges adequately, effectively, and legitimately. In fact, as explained below, several countries in the region, unilaterally or in a coordinated bilateral or multilateral way, have made significant progress in that sense.

The Latin American and Caribbean region presents a number of advances that allow to define the region as a particularly strategic scenario to promote a number of initiatives on labour migration. Despite the complexity of the problem, there is no humanitarian crisis or low tolerance for migration hindering the adoption of appropriate strategies. On the contrary, the region, particularly the largest countries in South America, has made steady progress in inserting the labour approach in the agenda of key actors working on the issue of international migration and public policies (a vision that transcends the traditional approach of national security and border control), and particularly including a rights-based approach. In this regard, several countries have reformulated their migration, labour, and other related laws, and have designed numerous programs and initiatives at the local, national, and regional levels.

This transition, to some extent, is also evidenced in regional integration processes where employers and trade unions' organisations have been invited to contribute. These changes show, despite the outstanding challenges, an increased sensitivity of certain social and political sectors, which can provide an opportunity for a discussion around new agreements, instruments, and actions to regulate labour migration and protect the rights of migrant workers.

Below, we mention some specific good practices developed in the countries of the region, on labour migration and protection of migrants and/or workers in general.



5.1 Social Dialogue and Labour Migration at the Regional Level

In general, Latin America and the Caribbean is a region with a long tradition and experience in tripartism and social dialogue on social and labour issues, such as employment promotion, professional and vocational, social security, prevention and eradication of child labour, forced labour, promotion of youth employment, fundamental principles and rights at work, and occupational safety and health.

While these instances of tripartite dialogue have included little discussion on labour migration, their existence represents a great opportunity to advance the issue on the political agenda of Ministries of Labour of the region as well as representatives of employers and workers.

a) The Organization of American States (OAS)

As a result of the XIX Inter-American Conference of Ministers of Labour (IACML), organized by the Organization of American States on December 3-4, 2015, the *Declaration of Cancun* promises to advance the protection of the rights of migrant workers recognizing the important contribution of migrant workers to the economic, social, and cultural development of host countries, promoting the adoption of labour migration policies, and organizing campaigns and programs for workers to become aware of their fundamental rights at work, applicable labour laws, and mechanisms to enforce them, regardless of their immigration status. Likewise, the *Plan of Action of Cancun* includes among its activities the exchange of information on policies and programs to promote the fair recruitment and to improve coherence of migration, labour, and employment policies in areas such as recognition of skills, portability of social security benefits, and social protection, and administration of labour legislation.

b) Community of Latin American and Caribbean States (CELAC)

Within the CELAC, the States of the region have adopted various declarations on migration, with emphasis on the protection of the rights of migrants. In 2015, the fourth CELAC Summit took place highlighting the importance of States as guarantors of migrant workers' rights. In the "Special Declaration 9: On protection for migrants in Latin America and the Caribbean", the first item resulting from that meeting mentions: *"CELAC member countries pledge to assess and adopt measures to strengthen efforts to combat migrant traffickers who exploit irregular,*

unsafe and disorderly movement of migrants, threatening their lives, physical integrity and dignity; and to jointly combat this scourge, acting in accordance with the legal system of each individual country and international law".

The agenda of the Fifth CELAC Summit to be held in Santiago, Chile, in 2016, includes labour migration as one of the main discussion themes.

c) The Inter-American Human Rights System

The role of the Inter-American Human Rights mechanisms, and in particular the reports of the Inter-American Commission and the judgments, decisions, and advisory opinions of the Inter-American Court (Advisory Opinions OC-18 and OC-21 on the rights of migrants in an irregular situation and rights of children and adolescents in the context of migration proceedings), are particularly important inputs for the promotion of outreach, awareness, and advocacy initiatives on various issues related to labour migration.

d) First and Second Meetings of Ibero-American Social Partners

At the First Meeting of the Ibero-American Social Partners organized by the General Secretariat (SEGIB) within the framework of the Ibero-American Summit in 2007, representatives of trade unions and employers' organisations recognized that new forms of work organization, regional integration processes, and labour migration were new challenges for employers' and workers' relations. The Declaration of Madrid at the Second Meeting of Ibero-American Social Partners held in September 2008 also noted that migration processes "are of great importance in social and political relations of member nations of the Ibero-American community."

5.2 Social Dialogue and Labour Migration in Regional Integration Processes

Migration dynamics have been subject of discussions and actions within the framework of the most important and active regional integration processes in Latin America (MERCOSUR, CAN, CARICOM and SICA), as will be explained in the following sub-sections. It is very important to underscore, however, that the country that most appeals to migrants from the Americas, the United States of America, is not a party to any of these agreements. In 2004, the North American



Free Trade Agreement (NAFTA) was concluded among the United States of America, Canada, and Mexico. The NAFTA allows temporary entry only to a very limited number of business people and trade specialists, or other persons providing services. Overall, the United States has implemented a national security and border control approach on the issue of international migration, including bilateral agreements involving interior ministries of the countries of the region.

a) Southern Common Market (MERCOSUR)

MERCOSUR is the one that has achieved most progress in building a common immigration policy based on social dialogue, and where the Labour Sub-Group No. 10²⁴ has managed to agree on important instruments such as the *Multilateral Agreement on Social Security of MERCOSUR* (1997) which is in force since June 2005 and is implemented by the "MERCOSUR Retirees" program and the *MERCOSUR Social and Labour Declaration*²⁵ (1998) which laid the foundations of a strategic vision including the rights of migrants and frontier workers. The Social and Labour Commission of tripartite composition monitors the implementation of such agreements.

Another fundamental step taken by MERCOSUR was the *Residence Agreement for Citizens of MERCOSUR States Parties and Associates* (signed in 2002 and in force since July 2009) that aims to facilitate access to residence status by simply accrediting to being a citizen of one of the States Parties (now including all South American countries except Guyana, Surinam, and Venezuela). Initially, it gives two years of temporary residence with the right to work, and then offers permanent residence. In terms of labour aspects, immigrants enjoy no less favourable treatment than the citizens of the host country, especially in terms of wages, working conditions, and social security. Family members who are not citizens of any of the countries party to the Agreement are granted residence status for the same period of time as the one granted to the person they are dependents of.

²⁴ Sub-Working Group SWG No. 10 is a tripartite consultative and contingent body, whose purpose is to assess labour integration issues and make proposals. It is composed of representatives of the ministries of labor, trade unions, and business chambers.

²⁵ Article 4 on the situation of migrant and border workers, provides protection and equal rights and working conditions as those granted to nationals of the country in which migrant is working.

El *Estatuto de la Ciudadanía del MERCOSUR* también fue acordado en 2010. Se refiere a la política de libre circulación de personas en la región e incluye un Plan de Acción para su puesta en práctica.

The *MERCOSUR Citizenship Statute* was also agreed in 2010. It refers to the policy of the free movement of people in the region and includes a Plan of Action for its implementation.

Another recent development has been the *2013 Plan to Facilitate the Free Movement of MERCOSUR Workers*, also an output of social dialogue and tripartite debate at the national and regional levels and whose overall objective is to develop actions to be implemented progressively, and aimed at facilitating the movement of MERCOSUR workers with the view to their formal integration into the labour structures of States Parties, as a strategy to improve the quality of employment in the MERCOSUR, including in border regions.

The implementation of these agreements is complex because it is not limited to the legal field, but varies according to the realities, capacities, and wills present in each of the six States committed to the creation of an area of free residence and work. In this regard, in the case of the three countries receiving the highest number of migrants in MERCOSUR between 2004 and 2012 (i.e. Argentina, Brazil, and Chile), there has been a huge increase in the number of residence visas granted during this period. Thus, Argentina went from processing 16,273 residence visa applications in 2002 to more than 276,000 in 2012; Brazil went from 6,748 resident visa applications in 2002 to 362,410 in 2012; and, in the case of Chile, it registered an increase of 35,877 to 105,707 applications during this same period (IOM data).

b) Andean Community of Nations (CAN)

The CAN tripartite bodies that discuss social and labour issues are the *Advisory Council of Ministers of Labour* (established in 2000) which includes an Andean Subcommittee of Labour Migration Authorities (*CAAM-Laboral*), the *Andean Business Advisory Council* established in 1995, and the Andean Labour Advisory Council, also established in 1995.



One of the socio-labour²⁶ instruments of the CAN is the *Andean Labour Migration Instrument* which was adopted in 2003²⁷ and provides for the establishment of standards for the free movement and residence of citizens from the Andean countries in the sub-region for labour purposes, as well as ensuring equal treatment and opportunities, freedom to transfer funds from one country to the other, access to social security systems, payment of social benefits and free access to relevant administrative and judicial bodies to exercise and defend their rights. Additionally, the standards include the category of "seasonal worker", defined as the Andean citizen who moves to another member country to perform cyclical or seasonal work. To date, this instrument has been implemented by Peru, Ecuador, and Colombia. However, the technical consensus of the CAAM-Laboral is pending with a view to the adoption of the reglamentation to implement Decision 545.

In addition, the CAN established in 2002 the *Andean Labour Observatory (OLA)* by signing the *Tripartite Framework Agreement among the Chairs of the Advisory Council of the CAN Labour Ministers, and the Andean Business and Labour Advisory Councils*. The aim of the OLA is to analyse, define, and monitor common policies on social and labour matters. One of the working themes of the OLA is labour migration.

The *Simón Rodríguez Convention*, which came into force in June 2015, is a forum for the debate, participation, and coordination of social and labour integration issues in the Andean Community. Representatives of the Advisory Council of Ministers of Labour and the Business and Labour Advisory Councils²⁸ participate in equal numbers and conditions. One of the main objectives of the Simon Rodriguez Convention is to define and coordinate the Community policies concerning labour migration. So far this Convention has been ratified only by Colombia (June 12, 2015), but it has entered into effect because all member countries have deposited their instrument of ratification with the General Secretariat of the Andean Community.

The *Proposed Andean Immigration and Labour Migration Statute of 2013* aims to "guarantee the right to free movement and residence of citizens of member

²⁶ The other two social labour instruments are the *Andean Social Security Instrument* (Decision 583) and the *Andean Instrument on Safety and Health at Work* (Decision 584).

²⁷ This instrument was adopted in 1977 by Decision 116, which was updated in 2003 with Decision 545.

²⁸ The Advisory Council of Labour Ministers, the Andean Business Advisory Council and the Andean Labour Advisory Council also participate in the *Andean Regional Conference on Employment*.

countries within the framework of the Andean Community, to codify and deepen the Andean Community Law in intra-CAN migration issues, and integrate the developments achieved in the existing *Permanent Immigration Statutes*, which are bilateral, among member countries." The proposal includes elements that are relevant to labour migration such as the regulation of the *Andean Instrument on Social Security*, the establishment of minimum levels of social protection, the obligation of employers to enrol workers and their family members to a Social Security system, and harmonization of labour legislation of member countries on aspects that are necessary to strengthen the effective exercise of the right of movement and the right of residence within the Andean Community. However, as has already been mentioned, one of the main constraints that this process has had is the lack of monitoring at the national level to ensure that decisions made at the political level are actually put into practice.

Finally, both the CAN and MERCOSUR are currently dialoguing in order to strengthen the South American area (UNASUR).

c) Caribbean Community and Common Market (CARICOM)

In recent years, the number of instances deliberating on migration, labour issues, and the protection of rights of persons and migrant workers within the CARICOM has increased.

The CARICOM *Agreement on Social Security* (March 2006) provides equal treatment to the worker who moves from one country to another, guaranteeing the right to receive long-term pension benefits.

The Plan of Action of the *Tripartite Declaration for a Decent Work Agenda in the Caribbean* adopted by the *Tripartite Caribbean Employment Forum 2006* includes the purpose of: "Developing, in accordance with strategies on employment and labour market, proactive labour policies and programs which maximize profits and minimize the negative aspects of migration, help manage intra-regional migration, support regulatory mechanisms, and protect migrant workers led by the ILO Multilateral Framework on Labour Migration²⁹".

In May 2015, the Caribbean Employers' Confederation (CEC) and the Caribbean Congress of Labour (CCL) signed a Memorandum of Understanding to formulate legislative principles facilitating the establishment and operation of business and

²⁹ <http://www.ilocarib.org.tt/cef/index.html>

the free movement of labour within the CARICOM common space. At the Meeting of the Caribbean Ministers of Labour held in March 2015, the delegates discussed the situation of youth unemployment in the Caribbean region and discussed the labour certification at the regional level to ensure consistency of qualifications and opportunities for the free movement of young people, by developing fair migration policies, which could re-boost social dialogue on the issue.

d) Central American Integration System (SICA)

Several SICA bodies have included immigration issues in their agendas, making significant progress. The Council of Labour Ministers of Central America and the Dominican Republic pledged to boost in 2013 the *Regional Strategic Agenda for the Promotion of Productive Employment and Decent Work*, which mentions as one of its expected results that: "States shall strengthen the capacity of the institutions responsible for managing labour migration flows and for complying with the human rights of migrant workers." The Agenda also mentions the need for States to promote information and guidance programs for employment in the field of labour intermediation services, public-private partnerships, and mechanisms for strengthening national and regional coordination. Another line of action included in this document suggests that "States shall support the strengthening of Labour Market Observatories and the Vocational Training Institutes' Network in Central America, Panama and the Dominican Republic to advance towards the adoption of regional occupational standards, certification and the mutual recognition of skills among countries." In addition, a mechanism for the participation of employers and organized labour was established, although still timidly, through the conclusions of different processes.

The *Declaration of the Council of Labour Ministers of Central America and the Dominican Republic* in 2013 considers the need to "give special consideration to issues related to labour migration and its impact on the social cohesion of countries" and agreed "to recommend the Ministries of Foreign Affairs of participating countries to include in the Post-2015 Development Agenda debate mention that priority attention should be given to productive employment and decent work as key strategies to eradicate extreme poverty, to achieve shared growth, to promote orderly labour migration, and to attain the social goals related to education, health and other areas."³⁰

30 Ibid.

In September 2015, the Declaration of San Jose reaffirmed this commitment, prioritizing in the Regional Plan of Action, employment policies and the management of labour mobility, formalisation of employment, social protection, and deepening social dialogue, with a focus on equal opportunities and non-discrimination. It mentioned that it could be achieved by managing international cooperation resources, both through the ILO and the SICA. Within the framework of this meeting the Ministers of labour of Panama and Costa Rica signed an agreement to regulate migration flows in order to "strengthen the dialogue between the Republic of Costa Rica and the Republic of Panama as countries of origin, transit, and destination of labour migration, especially permanent, circular, frontier, and temporary migration, to achieve an orderly and comprehensive administration of migration flows for paid work.

In addition, labour migration was identified as one of the three priorities of the Central American region in the *Declaration of the Forum of Employment Directors of Central America and the Dominican Republic* that was held in May 2013³¹, where they pledged to promote national, regional, and inter-regional coordination mechanisms to guide the orderly management of labour migration flows respecting national legislation and national and international standards, as well as considering both permanent and temporary workers.

Also worth highlighting is the role of the *Social Integration Secretariat -SISCA- of the Central American Parliament*, a body that has recently paid special attention to the dynamics of migration. The ILO signed a memorandum of understanding with the SICA and the Council of Ministers of Central America and the Dominican Republic in 2015 which includes the commitment to work together in this area, among others.

5.3 Social Dialogue on Labour Migration at the National Level

Some countries in the region have established spaces or inter-agency bodies to deal with migration (or specifically with labour migration), which are briefly described in this section.

31 SICA: *Declaration of the Forum of Employment Directors of Central America and the Dominican Republic* (May 29 to 31, 2013): Decent Work, Youth Employment, and Labour Migration; XII Meeting "Forum on Decent Work, Youth Employment, and Labor Migration and their Importance in the Region," Forum of Employment Directors of Central America and the Dominican Republic, San Jose, Costa Rica, May 29 to 31, 2013.



- ▶ Brazil. The *National Immigration Council* (CNIg) is attached to the Ministry of Labour and Employment (MTE) of Brazil, and has a consultative and normative nature. The CNIg has a balanced and tripartite structure that allows discussion and decision-making on an equal footing among government, employers, and workers' representatives, with contributions from representatives of the academia, international organisations and NGOs, as observers. The CNIg aims to guide, coordinate, and oversee the immigration activities and, over the years, has influenced national immigration policy, especially on labour migration issues.
- ▶ Chile. The *Migration Policy Council* is a committee that aims at developing a national policy and to coordinate actions, plans, and programs on this matter proposed by the various institutional actors. This council is composed of the Ministry of Interior and Public Security, which presides it, plus the Ministry of Foreign Affairs, the General Secretariat of the President's Office, the Ministries of Education, Justice, Labour, Health, Social Development, and the National Women's Service. The council is working on seven thematic areas for which technical groups have been established: inclusion and multiculturalism; social inclusion; employment and innovation; international affairs and human rights; participation; coordination with immigration policy; and information and monitoring of migration policies.
- ▶ Peru established in 2009 the *Intersectoral Migration Management Table* (MIGM) which was institutionalized in July 2011 by a Supreme Decree³². The MIGM counts with the participation of representatives of 19 institutions of the Peruvian State and is coordinated by the Ministry of Foreign Affairs. This table was created to establish a national labour migration policy, through the implementation of a permanent mechanism of consultation between the different national sectors involved in the issue. Seven working groups were established to advocate on the different themes that were identified: immigration; health; social security; promotion and protection of the rights of migrants abroad; education and culture; employment and labour promotion; and access to housing.

32 The work carried out in Peru was done with the support of the ILO/MIGRANDINA project.

- ▶ Costa Rica. While the issue of international migration has not been discussed within a tripartite framework and the social partners have not been included in the decision-making process on the subject, the *National Migration Council* (CNM) is an advisory body to the Ministry of Interior and Police and the Directorate General of Migration and Foreign Affairs, responsible for recommending to the Executive Branch the migration policy, as well as the measures and actions necessary to implement such policy. Within this framework, the country developed a *Comprehensive Migration Policy* for Costa Rica (September 2013), subject to a broad consultation process. The CNM is presided over by the Ministry of the Interior and Police and is comprised by, among other institutions, the Ministry of Labour and Social Security and two representatives of the civil society linked to the migrant community or support organizations, which are appointed within the *Forum of Migrant and Refugee Populations*. This Forum is an inter-agency, inter-sectoral, and multidisciplinary space comprising state government institutions, civil society organizations, international organizations and academic institutions. The People's Ombudsman serves as the Technical Secretariat of the Forum. An important trade union representation attends its meetings.

5.4 Role of Ministries of Labour

In recent years, several countries in the region have created units or areas within the Ministry of Labour, with the mandate to deal with labour migration. Such measures can facilitate the adoption of appropriate labour strategies aimed at the employment of migrants and the protection of their labour rights. In some cases Ministries of Labour, in coordination with other agencies, have had a more active role in promoting comprehensive migration policy. Below, you can find a list of selected examples:

- ▶ Argentina created a labour migration research unit;
- ▶ Bolivia, in 2009, added labour migration to the duties of the Ministry of Labour, Employment and Social Protection (MTEPS), in the area of employment.
- ▶ Colombia established the Directorate of Labour Mobility and Training attached to the Vice Ministry of Employment and Pensions in 2011, and

included and developed the concept of labour migration management within its Law no.1450 of June 2011.

- ▶ Peru created the Directorate of Labour Migration within the Ministry of Labour in April 2010.
- ▶ Uruguay established the Migration Coordination Unit within the Ministry of Labour and Social Security.
- ▶ Costa Rica counts with the Department of Labour Migration (DML) which has driven within the Ministry a proposal of a Plan of Action on a Comprehensive Migration Policy that incorporates the relationship between migration and employment.
- ▶ In Chile, the Ministry of Labour and Social Welfare created on January 29, 2016 the Ministerial Advisory Committee on Migration and International Affairs by Decree no. 05, with the aim of proposing an agenda and provide technical inputs for the development of plans, programs, and initiatives to be implemented by the Ministry. The Committee is presided over by the Minister of Labour and is composed of representatives from all areas and services of the Ministry. Workers' organizations, employers' organisations, and civil society may be invited to the Committee meetings.

5.5 Labour Migration in the Trade Unions' Agendas

Along with the support of various States of the region, trade unions are increasing the promotion and defense of the rights of migrant workers. The *Trade Union Confederation of the Americas* (TUCA) reinforced its policy on international migration at the regional level by creating an Area of Migration and Labour and by adopting an action plan in order to promote the rights of migrant workers, as well as higher levels of organization and articulation within trade unions from different countries, in compliance with Resolution No. 8 "Migrant Workers", adopted at its Second Congress (Foz de Iguacu, April 2012).

TUCA has included in its lines of action the rights-based approach present in ILO Conventions on migrant workers. It has also promoted the development of Trade Union Plans of Action at the national level and the establishment of Bilateral Trade Union Agreements on Migrant Workers, including on migrant domestic workers.

The TUCA participates in the United Nations High-level Dialogue on International Migration and Development and its preparatory activities in the region.

In addition, various trade union federations have driven, at national and international levels, initiatives aimed at promoting the rights of migrant workers.

- ▶ The Southern Cone Trade Union Coordinator participates in various meetings related to migration within the MERCOSUR, such as the Working Group no. 10.
- ▶ In Central America, with ILO support, Inter-Trade Union National Committees have been set up to support migrant workers. Such committees subsequently articulate their actions in a Regional Inter-Union Committee³³.
- ▶ In Ecuador, also with ILO support, the Inter-Ecuadorian Network of Labour Migration was established and Decent Work (RIEM)
- ▶ In Peru the Inter-Trade Union Labour Migration Table was formed.
- ▶ In Argentina, the Departments of International Relations of the three Trade Union Federations have formed teams working on issues related to labour migration.
- ▶ In the Dominican Republic, the National Confederation of Trade Union Unity (CNUS) has set up the Support Network for Migrant Workers, which is mainly carrying out work on the protection of Haitian workers.

5.6 Labour Migration in the Employers' Agendas

Employers' organizations in the region have also begun to participate actively in discussions on labour migration and its effects on employment, productivity, vocational training, and economic development of countries.

For example, in Central America, good practices among employers in the field of labour relations with migrant workers have been identified, mainly in Costa Rica. Such good practices include issues relating to recruitment, health and safety at

³³ In particular, in the Northern Triangle countries, in Panama and Costa Rica, the ILO carried out a working strategy with the trade unions to place the issue of labour migration in their agendas and to strengthen their advocacy on migration policies.



work, and compliance with the principles of equality and non-discrimination. In Honduras, Guatemala, and El Salvador strategies for action by employers' organizations were identified in this field and, currently, the countries are analysing the feasibility of developing an action guide. Panama, along with the National Competitiveness Centre, carried out the "Migrant labour force needs assessment in Panama," which presents labour market projections using quantitative analysis.

5.7 Protection of Labour Rights and Ratification of Conventions

In order to protect the human rights of migrant workers and to promote their equal treatment and opportunities compared to national workers, the ILO has two specific Conventions: the Migration for Employment Convention (revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)³⁴ and the Migration for Employment Recommendation (revised), 1949 (No. 86); and, the Migrant Workers Recommendation, 1975 (No. 151). as well as the eight instruments on fundamental principles and rights at work. In principle, migrant workers are covered by all other ILO standards, unless otherwise stated.

ILO ensures that the protection of human and labour rights of migrant workers and their families increases their productivity and possibilities to contribute even more significantly to the economic development of the countries of origin, transit, and destination.

As of now, fifteen states from the region had ratified C. 97 and 143.. Despite the low ratification of ILO Conventions relating specifically to labour migration, it is worth noting that:

- ▶ Latin America and the Caribbean, along with Africa, is the region that has the largest number of countries that have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: 17 States (2 other have signed it)³⁵;

³⁴ Convention 97 has been ratified by Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Ecuador, Grenada, Guatemala, Guyana, Jamaica, Trinidad & Tobago, Sao Tomé and Príncipe, Uruguay, and Venezuela. Convention 143 has been ratified only by Venezuela.

³⁵ To see the list of ratifications, see the following link to the official site of the Convention: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en.

- ▶ Most countries in the region have ratified the main universal and regional treaties and conventions on human rights, whose provisions apply to migrant workers and their families³⁶; and have ratified the core ILO Conventions, whose provisions also apply to migrant workers³⁷.
- ▶ Several countries, in turn, have ratified agreements covering other paramount issues to the situation of many migrant workers. For example, 12 states in the region have already ratified the Domestic Workers Convention, 2011 (No. 189)³⁸.

5.8 Migration Legislation Reform

Migration regulations in various countries in the region have been amended in recent years in view of including, in greater or lesser extent, clauses that recognize the human rights of migrants, including labour rights. In some cases, such as the laws of Argentina (2004), Uruguay (2008), Costa Rica (2010), and Bolivia (2013), the recognition of the rights of migrants, regardless of their immigration status, is the hallmark. Some progress can also be noted in the regulations of Mexico (2011), Nicaragua (2013), and Peru (2015) and the Constitution of Ecuador (2008). Other countries are currently discussing bills on migration (Chile, Brazil).

In terms of rights recognized to migrants and their families, it is important to note, among others, the following:

- ▶ Labour rights, without prejudice to the immigration status of the person (Argentina, Bolivia, Costa Rica, Mexico, Uruguay).
- ▶ Access to justice in immigration proceedings (Argentina, Bolivia, Uruguay).
- ▶ Recognition of equality in exercising social rights (health, education, etc.), without prejudice to the immigration status (Argentina, Bolivia, Mexico, Uruguay, CARICOM).

³⁶ The full list of ratifications of international human rights treaties can be found at: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

³⁷ The list of ILO conventions ratified by the countries of the Americas can be seen at: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:2500961296771443:::P11001_COUNTRY_SORT:2#Americas

³⁸ Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guyana, Nicaragua, Panama, Paraguay, Dominican Republic, and Uruguay.



- ▶ Right to family unity and family reunification (Argentina, Bolivia, Peru, Uruguay).
- ▶ Prohibition against arrest due to irregular migration situation or status (Argentina, Uruguay).
- ▶ The human right to migrate (Argentina, Bolivia, Ecuador, Nicaragua, Peru, and Uruguay).

5.9 Achievements in the Formalization of Migrant Workers Working in the Informal Economy

Some of the countries in the region have amended their legislation and other measures to extend or reinforce the protection of workers' rights. Some of these initiatives have been driven to areas of the labour market with significant presence of migrant workers in the informal economy. These reforms have included programs aimed at increasing levels of labour formalization, which may favour social inclusion policies and the regularization of migrant workers (ILO, 2015e).

- ▶ Argentina has passed laws on the protection of domestic workers and agricultural workers.
- ▶ Costa Rica has passed legislation to regulate working hours of domestic workers.
- ▶ In Ecuador, since 2008, it is compulsory to enrol paid household workers, and since 2013 the Ministry of Labour carries out inspections nationwide to oversee that obligations regarding this group of workers are complied with.
- ▶ Uruguay has deepened inspection mechanisms of working conditions in private households.

5.10 Progress in Migration Regularization Programmes

Many countries in the region have adopted measures -of different nature and scope-towards the regularization of migrants. Some immigration laws passed recently, as well as various statements made by the States of the region, consider

the regularization of migrants as an important and necessary tool with multiple positive effects for migrants and host societies. These measures contribute to achieving human development goals, to improve labour formalization, and employment protection, and the prevention of various abuses against migrants, including labour exploitation. As an example, the following are worth mentioning:

- ▶ Permanent mechanisms to facilitate obtaining a regular residence³⁹:
 - ▶ Linked to nationality in the MERCOSUR countries, pursuant to the Agreement on Residence for Nationals of MERCOSUR States Parties and Associates.
 - ▶ Linked to work, family, education criteria (several countries), as well as for humanitarian reasons (e.g., Brazil⁴⁰, for Haitian migrants, or Chile, through the New Temporary Work Visa⁴¹)
- ▶ Special Regularization Processes:
 - ▶ Argentina, Chile, Costa Rica, Brazil, Mexico, Panama, Dominican Republic.

5.11 Access to Justice

Some countries have designed targeted measures to ensure access to justice for migrants.

- ▶ In Costa Rica, the judiciary has an institutional policy to provide access to justice to migrants and refugees, which guarantees their access to labour justice, whether in a regular or in an irregular migration situation.

³⁹ By way of example, Article XI of the Immigration Laws of Peru (Legislative Decree No. 1236, September 2015): "The State shall enact the measures necessary to formalize foreigners wishing to enter and stay in the national territory. It shall also promote migration formalization as a permanent action to facilitate the protection of the human person and prevent or correct situations of violation or impairment of human dignity and their rights and freedoms."

⁴⁰ Through the Law on Regularizing Foreigners in an Irregular Situation, enacted in 2009, Brazil granted amnesty to 70,000 immigrants who received permanent resident visas (data as of November 2015). Via Resolution No. 97, Brazil gave resident visas to 43,871 Haitians and via Resolution 27/CNlg humanitarian visas for reasons of marriage or family ties (Brazilian child or other reasons) were granted to citizens from Haiti, Peru, and Ecuador.

⁴¹ This permit, in force since February 2014, allows foreigners to join the labor market more expeditiously. In addition, workers can sign a new employment contracts without having to reprocess the visa; with one year of temporary residence, migrants can apply for permanent residence; migrant can work for more than one employer and carry out other activities and the employer is not required to report the termination of the employment relationship or pay return ticket to the country of origin of the worker.

Two studies have been carried out to determine how effective is the access to the labour justice system for migrants ("Diagnosis on Access to Labour justice for migrant workers") and to identify the application of ILO Conventions by the Constitutional Court, in cases involving migrants ("The Migrant Worker in the Constitutional Jurisprudence: Principle of Equality and the Right to Work").

- ▶ In Argentina, the Public Prosecutors' Office created the Migrants and Refugees Commissions, respectively, to ensure free legal assistance to all persons involved in migration and asylum proceedings, both administrative and judicial.

5.12 Production of Information

Some states have pushed measures to improve, expand and/or update qualitative and quantitative information on labour migration.

- ▶ Qualitative studies on migrant workers (Ministry of Labour of Argentina), and surveys on labour migration in Ecuador and Paraguay. Exchange of information on labour migration (e.g. between the National Migration Directorate of Chile and the Ministry of Labour, Employment and Social Security of Argentina).
- ▶ There are also Labour Market Observatories in the countries of Central America, including studies on labour migration.
- ▶ The CNIg Brazil created, along with the University of Brasilia, the International Migration Observatory (OBMigra) in 2014, for the purpose of increasing knowledge on international migration flows to and from Brazil, through theoretical and empirical studies, and to identify strategies for social innovation of public policies regarding international migration.

6. Next Steps: ILO Strategies and Lines of Work on Labour Migration in Latin America and the Caribbean (2016-2019)

The current Latin American and Caribbean scenario is particularly conducive to deepening the work of the ILO on labour migration, in line with its growing involvement and presence in recent years. This change is necessary to ensure effective support to governments and workers' and employers' organisations, it should materialize in implementing activities and developing tools to facilitate knowledge, information, dialogue, and action, while strengthening efforts to improve governance of labour migration.

The ILO has, globally and in the region, two cornerstones on which the strategy shall be leveraged: its regulatory framework comprising all ILO conventions and recommendations that apply to migrant workers, unless otherwise stipulated therein; and its tripartite structure, since its constituents (ministries of labour, representatives of employers and workers) are key players in any decision on this subject. Thanks to these two elements, the countries of the region count with instruments to speak a common language on migration, employment, and labour rights of migrant workers. To this, we must add that, as a UN Agency, the ILO could influence the inclusion of the issue of labour migration on the agendas of other agencies of the UN System and thus work together for the benefit of migrant workers.

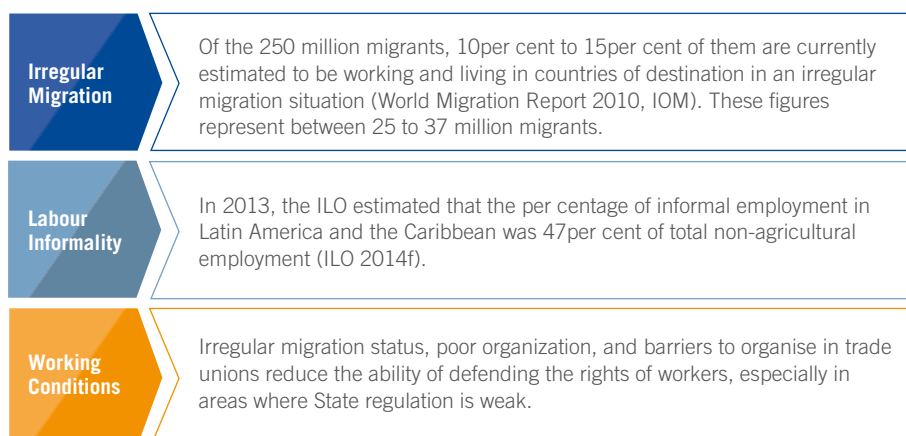
Given ILO's long experience in the region and the characteristics of labour migration in Latin America and the Caribbean discussed in previous chapters, there are three main areas on which the ILO's work will focus in the next years:

- (1) ***Protection of migrant workers in an irregular situation***, considering the many ways that an irregular migration status can affect migrant workers and their families -including in matters relating to employment and working conditions-, and since this situation hinders the realization of the decent work for all goal.



- (2) **Promoting the formalization of Migrant Workers**, because the concentration of migrant workers in the informal economy is very significant and impacts them and their families -in qualitative and quantitative terms;
- (3) Improving the **Working Conditions** of migrant workers, which are characterized by insecurity, lack of protection of their rights, unequal conditions, or even discrimination, and, among other negative aspects, by the spreading of various forms of labour exploitation.

Graph 10. Three Major Challenges ILO's Work Will Focus On



These three areas are not only the most pressing challenges in terms of labour migration in the region, but also allow to address a number of important matters that are interlocked or determined by these issues. The three are closely interlinked on the one hand, with ILO's normative framework and its Fundamental Principles and Rights at Work framework, and on the other, with the promotion of the implementation of the 2030 Sustainable Development Agenda's Goals (SDG's) adopted by the UN General Assembly in September 2015.

Work on these major challenges will be framed within the lines of action of the ILO Director General's report presented at the 104th International Labour Conference in 2014, entitled "Fair migration: Setting an ILO agenda" (ILO, 2014e).

To develop this strategy, the ILO will seek to strengthen partnerships with other UN Agencies, including the IOM, in the framework of the Global Migration Group

(GMG), as well as in discussion forums on international migration, such as the Global Forum on Migration and Development (GFMD), and the Inter-American System for the protection of human rights. To this end, the ILO shall:

- ▶ Promote discussions on this issue within Inter-American dialogue spaces, especially with the support of the OAS and other agencies of the Inter-American system;
- ▶ Expand its traditional framework of alliances, including universities, research centres, migrant organizations, etc.;
- ▶ Promote the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, given that it has been widely ratified by Latin American and Caribbean countries, and in particular promoting the participation of ILO's constituents within the framework of supervisory mechanisms included in that Convention;
- ▶ Strengthen the capacity of its constituents to effectively participate in the framework of the oversight mechanisms set out in the international human rights system;
- ▶ Promote the inclusion of standards and tools from the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights in training and dissemination activities, and participating in instances such as thematic hearings where issues related to migration are discussed (inserting the labour perspective, an aspect that has not been a priority in the studies, country visits, and cases that have reached these instances).

In order to define short, medium, and long term goals (2016-2019) addressing the dimensions identified as priority -irregularity, informality, and working conditions, the work of the ILO on labour migration in Latin America and the Caribbean shall prioritize twelve lines of action briefly explained in the following sections.



Graph 11. ILO Lines of Action in Latin America and the Caribbean (2016-2019)



6.1 Promoting Regular, Safe, and Fair Migration

The ILO has worked, and will continue working, together with its constituents in protecting the fundamental principles and rights at work of migrant workers in an irregular situation and in promoting regular, safe, and fair migration, at various levels:

- a) Promoting decent work and job creation in countries of origin;
- b) Advocating for regular migration opportunities for migrant workers of all skill levels, and equal opportunity and treatment between men and women migrant workers;

- c) Carrying out assessments of labour market needs to identify supply and demand for migrant workers;
- d) Accompanying technically destination countries in the process of temporary or permanent regularization;
- e) Promoting the adoption of bilateral agreements on labour migration to ensure equal treatment and opportunities between national and migrant workers;
- f) Preventing deskilling of migrant workers and promoting the recognition of their qualifications (e.g. recognized labour certification at the sub-regional and regional level) and portability of acquired skills and diplomas.

6.2 Promoting Fair Recruitment and Reducing Labour Migration Costs

In 2014, the ILO launched the "Fair Recruitment Initiative" in order to combat the growing abuses and fraudulent practices in recruitment and placement. The aim of this initiative is to enhance the knowledge base on recruitment chains and practices, improve legislation, policies, and mechanisms of enforcement, promote fair business practices, and train and protect workers through social dialogue.

Studies which analyse the role of international labour standards in regulating the recruitment and the trends in legislation, policies, and implementation mechanisms at the national level (Andrees et al, 2015; Gordon, 2015) have demonstrated the great complexity and diversity of the rules applicable to recruitment; hence ILO guidelines on fair recruitment could help Member States, social partners, recruiters, and other key stakeholders to develop national and transnational recruitment policies, consistent with human rights and labour standards. Such guidelines would also support the goal of eradicating forced labour and attaining the SDG on migration, established in the 2030 Sustainable Development Agenda. Therefore, the ILO held a tripartite meeting of experts in 2016 with the purpose of adopting guidelines on fair recruitment that would apply within countries as internationally. The results of that meeting will contribute to the general discussions on labour migration that will take place in June, 2017 during the International Labour Conference, and during the second recurrent discussion



on fundamental principles and rights at work. ILO guidelines would provide a timely and truly necessary reference for related initiatives, such as those proposed by other international organisations (e.g. the International Recruitment Integrity System (IRIS) of the IOM).

6.3 Facilitating the Transition of Migrant Workers in the Informal Economy to the Formal Economy

One of the current priorities of work of the ILO in the region and the world is the transition of migrant workers from the informal to the formal economy. The ILO Recommendation concerning the Transition from the Informal to the Formal Economy (No. 204) singles out migrant workers as one of the particularly vulnerable groups facing the most serious decent work deficits in the informal economy.

Indeed, migrant workers present informality levels significantly higher than those of national workers, and carry out jobs in sectors that have higher rates of informal employment. This involves both migrants in an irregular situation as well as migrants in a regular situation, as detailed in section 3.3 of this report.

ILO's Strategy in this field will be determined by the Plan of Action to implement Recommendation 204 adopted by the ILO Governing Body in November 2015.

6.4 Improving Working Conditions of Migrant Workers

With regard to the need to improve the working conditions for migrant workers, the ILO and other organizations have conducted research in several migration corridors described in this report, especially in Central America.

Taking into account as a model the work that has been done on migrant domestic work in the region, the ILO shall extend its work to other key economic sectors such as agriculture, construction, retail trade, and personal services, where a very high number of migrant workers are employed.

Additional studies analysing the working conditions of migrant workers shall be encouraged in order to compare the equal treatment and opportunities between migrant and national workers, and ensuring that these data consider gender issues

and others such as level of education, training, and work experience of migrant workers. Based on these studies, technical assistance and specific training shall be given to the agencies responsible for promoting, developing, and inspecting working conditions in priority sectors.

6.5 Promoting Migration Governance and Social Dialogue

The ILO will promote greater participation of its constituents and will promote social dialogue in regional integration instances and regional consultation on international migration, in order to incorporate the labour angle in the international migration debates that take place in the following processes/for a: MERCOSUR, UNASUR, CAN, SICA, CARICOM, CELAC, CSM, CRM, *inter alia*.

Based on prior ILO experiences in several countries in Central America and the Andean region, ILO will work to promote the establishment of inter-institutional spaces in which ministries of labour can play a key role in the issue of labour migration, encouraging them to work closely with other ministries and public institutions (health, education, Social Security, development, foreign affairs, interior, justice, etc.), including immigration authorities and the social partners.

6.6 Promoting a Rights-Based Approach, including awareness-raising on the Ratification and Implementation of Conventions on Migrant Workers

On this item, the ILO will disseminate information on the effectiveness of international standards on labour migration in the region and will encourage the creation of spaces to strengthen the impact of these standards. In particular, the ILO will focus on:

- a) Promoting studies on the effectiveness of the implementation of international labour standards (ILO and others) on migrant workers (in terms of labour relations in the region).
- b) Promoting awareness-raising campaigns to ratify the international standards related to labour migration and the use of existing supervisory

mechanisms, both within the ILO and the Inter-American and Universal Human Rights Systems.

- c)** Strengthening and implement laws and immigration regulations in the region, including the following: promotion of ratification, and, in particular, the effective implementation of key ILO Conventions related to migrant workers and the application of all ILO Fundamental Principles and Rights at Work to migrant workers, as well as those Conventions linked to the situation of certain groups of migrant workers.
- d)** Promoting complementarity between the ILO Conventions and International Law Standards on Human Rights, in addressing labour migration.
- e)** Disseminating the rights of migrant workers and mechanisms to guarantee their exercise both at the national level (access to justice) and at the international level (ILO supervisory mechanisms).
- f)** Supporting inter-agency coordination and work to promote the protection of the rights of migrant workers, particularly in development agendas to reduce inequalities and for the protection of human rights; in particular, the promotion of specific clauses in free trade agreements.
- g)** Identifying the progress already achieved and document good practices on immigration legislation.
- h)** Participating actively in the immigration legislation reform processes currently underway.
- i)** Promoting policies and legislation with a gender perspective that promote equal opportunities for regular migration and working conditions for migrant women compared to migrant men, taking into account the increasing feminization of migration for employment purposes and considering the situation of women migrants as workers (and not just as members of a family group or victims of human trafficking).

6.7 Strengthening linkages between Employment and Labour Migration Policies

In order to help increase the links between migration and employment policies and strengthening the work of labour market institutions, the ILO can promote technical assistance in the areas described below, building on progress already achieved by some Member States.

a) Including labour components in migration policies and developing labour migration policies

- ▶ Brazil is considering adopting a *National Policy for the Protection of Migrant Workers* expanding the access of migrant workers to public policies on labour and employment, and streamlining administrative processes required to regularize and give them access to labour rights.
- ▶ Costa Rica has a 2013-2023 Comprehensive Migration Policy, one of its axes is "integration and development", which, in turn, includes employment as a sub-subject and access to decent work for migrants and refugees as one of its goals.
- ▶ Panama is working on drafting a labour migration policy.

b) Formulating and implementing bilateral or multilateral agreements on migrant workers.

Recently, the ILO carried out several activities on this subject providing technical support to several countries in the region.

- ▶ *Labour Cooperation Agreement between Mexico and Guatemala* signed on August 7, 2014.⁴²

⁴² The Mexico-Guatemala Labour Cooperation Agreement includes the following four objectives: a) establish the basis for cooperation and exchange of information on labour issues so as to count with quantitative and qualitative information on the characteristics of temporary migrant workers, hence allowing for the appropriate design of active labour market policies; b) creating a labour observatory to analyse the conditions faced by temporary migrant workers and strengthen labour migration flows oversight mechanisms between Mexico and Guatemala, in coordination with other competent agencies; c) design active employment policies to create, between the two governments, legal, safe, and orderly mechanisms for both temporary Mexican migrant workers seeking employment in Guatemala and Guatemalans seeking employment in Mexico, in coordination with other competent agencies in migration issues; and d) work together to ensure full respect for the rights of workers in both countries, through appropriate dissemination and verification schemes between immigration authorities, to ensure decent working conditions and dignified work.

- ▶ *Letter of Understanding on Migrant Workers between the Ministers of Labour and Social Welfare of Guatemala, El Salvador, and Honduras*⁴³ - August 14, de 2014.

c) Improving recruitment, placement, and employment of migrant workers.

In Central America and North America, the ILO has identified as necessary to promote technical assistance to improve the recruitment, placement, and employment processes for migrant workers. This research is related to the "Fair Recruitment Initiative" that the ILO is promoting globally and which will focus on (ILO, 2014e):

- ▶ Enhancing global knowledge on national and international recruitment practices;
- ▶ Improving laws, policies, and enforcement mechanisms to promote fair recruitment practices, pursuant to the Private Employment Agencies Convention, 1997 (No. 181) and other standards;
- ▶ Promoting fair business practices;
- ▶ Encouraging social dialogue and cooperation alliances and promoting fair practices inside and outside the sector.

In order to meet the high demand for labour mobility among countries, the ILO could help strengthen public employment services to carry out work on recruitment and placement of migrant workers. To this end, the ILO has already begun to strengthen the capacities of these institutions in Central America and the Dominican Republic, on issues related to labour intermediation internationally. At the same time, the ILO has provided technical assistance to the countries of origin and destination of the region on legislation and monitoring of private employment

43 The objectives of the Memorandum of Understanding of El Salvador, Honduras, and Guatemala on Migrant Workers include: a) establish an inter-agency observatory to learn about the phenomenon of the migrant workers and strengthen labour market observatories of each ministry; b) strengthen the public employment service, with emphasis on the municipalities hosting the highest number of migrant workers; c) work on a common platform of the national employment systems with tripartite participation, linked to training programs and job training, in partnership with technical training institutes in the respective countries; d) work on the feasibility of establishing social security, as well as a temporary insurance for migrant workers in order to guarantee their labour rights; e) develop a single temporary employment agreement, linked to public and private recruitments systems; g) ensure compliance with the labour law of migrant workers; h) generate a process to exchange experiences in policies, plans and programs on employment; and i) promote the inclusion of social housing programs, food revival, micro, small and medium companies and employment programs.

agencies (PEAs). In Guatemala and Costa Rica, technical assistance was given to draft proposed regulations on PEAs. Something similar happened in Honduras; in September 2015, this country adopted new regulation on the operation of private employment agencies and related services.

However, there is still much more work to be done. Several countries in the region have requested ILO support to establish a regional network of public employment services to facilitate labour mobility of migrant workers among countries. This network would be similar to the existing EURES network in Europe.

d) Improving skills certification and skills recognition of migrant workers and the international mobility of workers among different labour markets

The ILO has worked with vocational training institutes in Central America and the Dominican Republic in the formulation of common regional methodologies (regional competency standards, curriculum design, and competency evaluation systems). Work included comparing and considering linking different certification systems with reference schemes that are not based on the duration of the programme but on the learning outcomes. The ultimate goal of such work is to advance towards achieving a "Central American Recognition of Skills and Certification Framework".

e) Capacity-building of Labour Market Observatories

This task will be carried out on the basis of work carried out in Central America and the Dominican Republic with Labour Market Observatories which resulted in doing research at the national and sub-regional level on intra-regional labour migration flows, their current situation, challenges and opportunities. Similar studies could be useful for other countries in the region. Such studies would generate up-to-date data on migration corridors as a basis for evidence-based policy formulation.

f) Strengthening of Labour Inspectorates

The ILO will promote training processes for labour inspectors in order to provide better services to migrant workers, both those in a regular as well as in an irregular migration situation. In Central America and the Dominican Republic, the ILO prepared the research "Powers



and Duties of Labour Inspection regarding Migrant Workers", which analyses the national and international legal framework on migration and labour inspection in six countries: Dominican Republic, El Salvador, Guatemala, Honduras, Panama, and Costa Rica. In the latter country, as a result of the training process, the following guidelines were produced: "Guidelines on Migration and Inspection".

6.8 Promoting Technical Assistance for ILO Constituents on Labour Migration

The ILO can play a very important role in terms of advocating with its constituents to actively include the issue of labour migration in their agendas. The ILO can provide technical assistance and strengthen the capacities of its tripartite constituents on this topic and can promote the establishment of national commissions on social dialogue to address labour migration issues. The ILO can also provide support to strengthen the enrolment of migrant workers into trade unions, and to include reference, or specific provisions, in collective bargaining processes with the purpose of eliminating any discrimination due to the migrant worker's nationality and migration status.

The rights-based approach is, generally speaking, an innovation that the ILO can boost to influence the type of linkage trade unions and employers' organizations can have on the issue of labour migration. In this regard, it is important to advocate for jointly identified priorities that ILO constituents can move forward on their own (e.g. including them in their organisations' agendas; or by setting up specific areas to work on the issue; or lastly, by including the subject across their program of action).

The ILO has carried out significant priority activities with trade unions, both at the regional level (CSA) and at the sub-regional level (Central America and Andean countries) as well as at the sectoral level. For example, on the issue of domestic work, two meetings were organized with trade unions of South America and NGOs of domestic workers in 2005 and 2007. The results of those two advocacy events were the "Declaration of Montevideo" and the "Declaration of Asunción," which gave an important impetus to the promotion of the Convention on Domestic Work that was ultimately adopted by the ILO in 2011.

6.9 Promoting a Gender-based Approach in Labour Migration Policies

In most countries, migration and labour legislation and policies (and the articulation between them) have different challenges in terms of gender issues. Challenges may include, among other things, taking into account the rationale behind men and women's migration, as well as the asymmetries created between the two genders before, during and after the migration process, the imposition of discriminatory practices in the employment of migrant women, and the recognition of women migrants' contribution to the care sector economy and social reproduction, as well as the role of women as development agents and right-holders.

6.10 Protecting Migrant Children and Preventing Migrant Child Labour

Similarly, the situation of children and adolescents in the context of migration, as well as other vulnerable groups (e.g. indigenous peoples), also requires specific attention in terms of legislation, labour migration policies and practices.

In general, the migration of minors from Central America mainly takes place towards the United States of America. Also migration of children among Central American countries and Mexico has been increasing mostly due to family reunification, for employment purposes, and with the aim of looking for safer livelihoods. Most of these children are between 15 to 17 years old and come from poor households. Many others, however, join the workforce before the age of 14 years. Some migrate temporarily and for short periods of time to perform seasonal jobs and others remain for lengthier periods. The main flow originates in Nicaragua and goes into Costa Rica; another important corridor takes place from Guatemala to Belize. There are also migration flows taking place from Honduras to El Salvador and from Nicaragua to Panama. Mexico receives many children from the Northern Triangle (El Salvador, Honduras, and Guatemala).

6.11 Enhancing Data and Statistics on Labour Migration

The ILO has been providing technical assistance in various fields related to the management of labour migration information. This work should be consolidated and expanded. The main areas of action in this line of work are:

- ▶ Harmonization and development of information systems and databases (with ministries of labour, migration departments, social security institutes, national statistical offices, labour market observatories, etc.), to carry out comparative studies between countries.
- ▶ Identification of indicators and supervisory mechanisms on labour migration and their links to the reduction of poverty and inequality in the context of Sustainable Development Goals.
- ▶ Promoting data collection and analysis, including surveys on working conditions of migrant workers in a regular and in an irregular migration situation and other types of labour market surveys, including specific questions on migrant workers, considering the gender issue as cross-cutting.

The ILO recently supported a MERCOSUR meeting on labour migration statistics, during the pro-tempore presidency of Brazil (June 2015) with the aim of discussing the concepts and existing databases to adopt common indicators. As a result of the meeting, employment observatories in Brazil and Argentina decided to work in determining minimum indicators to measure migration, as a pilot, in the two countries and in the future to propose the inclusion of other MERCOSUR members in the process.

Globally, the ILO has been working on identifying indicators for the 2030 Sustainable Development Agenda. Proposed indicators could probably include among others, some related to working conditions, portability of social security benefits, recognition of qualifications and promotion of ILO Conventions on migrant workers.

Table 23. Proposed Indicators on Migrant Workers in the 2030 Agenda

1. Indicators on international labour standards	2. Indicators on employment, working conditions and wages	3. Indicators on Social Security coverage	4. Indicators on competence and recognition of qualifications
<ul style="list-style-type: none"> ▶ Number of countries that have ratified the relevant international labour standards and whose national legislation provide for equal treatment in employment (especially wages, social security benefits, and recognition of competencies). 	<ul style="list-style-type: none"> ▶ Wage gap between migrant and national workers, expressed as X per cent (by gender and sector). ▶ Percentage of migrant workers with regular employment (employed with a written or verbal contract, having an employment relationship under agreed employment terms, by gender). ▶ Percentage of migrant workers subject to accidents (by gender). 	<ul style="list-style-type: none"> ▶ Number of Social Security agreements that guarantee the transferability/portability of social security benefits. 	<ul style="list-style-type: none"> ▶ Number of countries that conclude bilateral agreements on recognition of skills / qualifications, competencies. ▶ Percentage of migrant workers whose qualifications are recognized by national authorities (by gender). ▶ Number of countries that have adopted procedures to recognize prior education. ▶ Number of persons who have received the recognition of prior education (by sector, profile, and gender).

Source: ILO.

The ILO can also promote research to generate more information on:

- ▶ The patterns of irregular migration flows, identifying the main obstacles faced by migrant workers to regularize their situation;
- ▶ The characteristics of this process in different migration corridors and in strategic economic sectors, and the consequences faced in practice by migrant workers due to their irregular migration situation.
- ▶ The impact of informality in the case of migrant workers, identifying the main obstacles to facilitate the transition to formalization, and

comparing this situation with the one faced by nationals or non-migrant workers.

- ▶ The working conditions of migrant workers, highlighting the main deficits in decent work and comparing such conditions with those faced by nationals or non-migrant workers.
- ▶ The structural causes of high levels of migration in an irregular situation, labour informality, different levels of working conditions, and the differentiated impact that these dimensions can have on migrant workers.

The ILO also seeks to increase information available on the following topics.

- ▶ Identification and consideration of specific economic sectors and occupations that have a greater presence of migrant workers, by gender (domestic work, caregiving services, and cleaning activities, agricultural activities and other jobs in the rural sector, construction, tourism, etc.).
- ▶ Profiling of each of the existing migration corridors and other types of labour migration flows (considering, for example, the special situation in border areas).
- ▶ Identification of the structural causes of labour migration in order to promote working areas that is not limited to considering the situation of migrant workers once they have decided to migrate (promoting decent work in the countries of origin).
- ▶ Preparation of guidelines on labour migration for certain target groups (for example, employers' or workers' organisations).

6.12 Mobilizing and Awareness-Raising on the Contribution of Migrant Workers to Development

The ILO will continue to promote mobilization and awareness-raising actions at the national and regional levels reporting on the contribution of migrant workers to development and other issues such as the benefits of providing opportunities for safe, regular, and fair labour migration, helping to identify and break the main myths about migrant workers.

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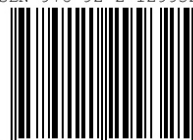
DIAGNOSIS, STRATEGY,
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