



Dialogue on Labour Mobility in North America

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Executive Summary

Due to the increasing attention placed on security issues in North America, the perceived waning benefits of the North American Free Trade Agreement (NAFTA), and heightened competition from Asia and Europe, policy-makers and opinion leaders have stressed the need to revitalize the North American region. To do so, a search for new common areas of interest is necessary. This is particularly the case regarding labour mobility¹, an area which could help balance the need for security with the need for prosperity and improvements to the quality of life in the three countries. The pledge between Canada and Mexico to exchange information on regulations, policies, temporary foreign worker programs, and integration strategies following the North American Leaders Summit of Montebello of 2007, as well as the creation of the Canada-Mexico Partnership (CNP), a bilateral working group which includes a cluster on labour mobility, both illustrate the significant level of political interest on this issue.

The decision to move in this direction can be explained, in part, by a desire to increase North American competitiveness in an increasingly interdependent world,² as well as to foster prosperity by taking advantage of potential complementarities between their respective labour markets. While commerce among the

three countries has grown exponentially since the entry into force of NAFTA on January 1st 1994, there is room for further progress. The Security and Prosperity Partnership (SPP) builds on this trade relationship by providing Canada, Mexico and the United States with an institutionalized partnership that aims to build a safer and economically dynamic North America, while respecting the sovereignty, laws, unique heritage and culture of each country. Moreover, under the SPP, the three countries reiterated interest in maintaining an open dialogue with business leaders and other stakeholders of each country.³

Other important developments that have also drawn attention to labour mobility in North America. Demographic trends, such as an ageing population in Canada, and economic fluctuations are creating demand in some national labour markets that, in turn, accentuate the pull and push factors for the movement of people within North America. In Canada, the federal government has responded by streamlining the application process for employers to hire temporary foreign workers that work in occupations under pressure – for which there are over 100 in Alberta alone.

¹ For the purposes of the Expert Dialogue, "labour mobility" refers to the cross-border movement of workers. Some institutions adopt an even broader definition of the term (ie. any geographic movement of workers). See Julia Nielson, OECD *Labour Mobility in Trade Agreements* 2002.

² Department of Finance Canada. *Advantage Canada. Building a Strong Economy for Canadians*. Ottawa, ON, 2006. Available at: www.fin.gc.ca; Citizenship and Immigration Canada. *Annual Report to Parliament on Immigration*, 2006. Available at: www.cic.gc.ca.

³ Joint Statement by Ministers Responsible for the Security and Prosperity Partnership of North America February 28, 2008.

Some also contend that labour mobility and immigration holds the promise of increasing the quality of life of North Americans, upon their relocation to new communities. At the same time migrants often encounter barriers to incorporating themselves into the labour market in their areas of expertise. Barriers include different levels of language abilities, non-recognition of foreign credentials and of work experience, limited access to social networks and domestic resistance to employing immigrants. These concerns draw attention to the need for further research and policy development on questions of integration and inclusion for people on the move.

In this context, the International Metropolis Secretariat, (Citizenship and Immigration Canada), the Canadian Foundation for the Americas (FOCAL), the *Centro de Investigaciones sobre América del Norte* (CISAN) at the *Universidad Nacional Autónoma de México* (UNAM), and US Citizenship and Immigration Services/Homeland Security organized an Expert Dialogue on Labour Mobility in Mexico City on June 23 and 24, 2008. The event – which invoked the Chatham House Rule⁴ – promoted dialogue between academics, experts and policy makers about labour mobility and migration in the North American context, and sought to identify effective practices in managing labour mobility. The dialogue also explored,

⁴ The Chatham House rule reads as follows: "When a meeting or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". The world-famous Chatham House Rule may be invoked at meetings to encourage openness and the sharing of information. For more information: www.chathamhouse.org.uk.

in an academic setting, the opportunities and challenges of managing labour mobility in the context of the recently formed labour mobility working group between Canada and Mexico.

This report summarizes the highlights of these discussions, presents background context and identifies new research agendas on labour mobility. The report centers on four key questions:

1. What has worked effectively in the context of bilateral and trilateral (NAFTA) labour mobility frameworks?
2. Which challenges have arisen with these frameworks and what lessons can be drawn as Canada, the USA and Mexico (re)assess labour mobility?
3. Which new initiatives are being designed to minimize negative impacts and/or to maximize benefits of labour mobility, including potential development outcomes?
4. Which policy options should be considered in the North American region to address the human equation (such as measures for temporary migrant worker integration)?

The report is divided into three sections, corresponding to the three panel presentations and subsequent discussions that took place during the Expert Dialogue: 1) Observations on Labour Mobility and Migration in North America; 2) Current Initiatives and Effective Practices in Labour Mobility and Migration Management; and 3) Facilitating Integration into Destination Countries and Maximizing Development Potential of Migration. A final section presents topics proposed by Dialogue Participants for a future North American research agenda on migration.

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Observations on Labour Mobility and Migration in North America

Given the changing economic, legal and political landscapes that impact the movement of people, Expert Dialogue participants in the first panel focused on outlining the economic and policy frameworks for temporary labour mobility. Participants addressed what has worked and what hasn't in the context of bilateral and trilateral labour mobility frameworks, what might be missing, and drew relevant links to economic and social theory.

Context

Today's North America reflects diverging tendencies in the approach to migration policy and planning. In the United States, national security priorities prevail in the admissions of immigrants and temporary residents, while traditionally, family reunification has been a key value of US policy. During the 1990s, the US admitted approximately 825,000 legal immigrants each year, up from about 600,000 a year in the 1980s, and undocumented migration augmented notably, averaging 500,000 per year in the 1990s. According to the June 2004 US Census, the population of Mexican origin residing in the US was 25,894,763 (9.1 per cent of the domestic population), approximately 6 million of whom are undocumented.⁵

Increasingly immigration is seen in the United States as a means to meet labour demand, particularly as competition for workers intensifies around the globe. In fact,

immigrants drove about half of the growth of the civilian labour force and continued to find employment following the 2001 recession, albeit these were mainly lower-income jobs. While these economic motives are known to expedite visas in certain categories, including high skilled and sector-specific workers (ie. agriculture, services), the US admission system is largely based on employer-driven determinations to meet occupation-specific shortages, often restricted by quotas. This tends to be a case-by-case system and there is no empirically-based mechanism for allocating visas to occupations facing labour shortages.⁶

Despite the significant level of social integration that exists between Mexico and the United States due to long-standing migration linkages, post 9/11 security concerns aggravated the political impossibility of passing an immigration reform in the US Congress that could address the long-pending issue of undocumented workers. This challenge remains for the incoming US administration in 2009.

⁵ US Department of Commerce. US Census Bureau. *The American Community/Hispanics: 2004*. American Community Survey. Report Issued on February 2007. Jeffrey S. Passel. *Estimates of the Size and Characteristics of the Undocumented Population*. Pew Hispanic Center. March 21, 2005.

⁶ Lindsay Lowell, "The United States," in Jan Niessen and Yongmi Schibel (eds.), *Immigration as a Labour Market Strategy -European and North American Perspectives*, Migration Policy Group, June 2005.

While security concerns are also an aspect of Canadian immigration policy and practice, the admission of foreign workers is largely determined by employer demand and is not restricted by numerical quotas. That is why in the Canadian case labour migration flows often increase during periods of economic growth. Notwithstanding Canada's long tradition of facilitating the permanent settlement of immigrants, a tendency to rely on the Temporary Foreign Worker Program (TFWP) as a quick fix for domestic labour market needs, has featured prominently in recent years. In December 2006, the total population of temporary foreign workers in Canada, entering through the a number of general and occupation-specific programs, was approximately 171,000 - a 122 per cent increase over the past ten years.

In addition to the TFWP, Canada has a number of sector-specific programs, including the Seasonal Agricultural Worker Program (SAWP), the Live-in Caregiver Program and, more recently, the Pilot Project for Occupations Requiring Lower Levels of Formal Training, which provide Canadian employers with legal recourse to foreign labour of a temporary nature. Employment levels of permanent immigrants also increased in Canada during 2007⁷, as did new opportunities for immigration, through initiatives like the Canadian Experience Class⁸.

While the presence of Mexicans in Canada is significantly smaller than that of the United States, Mexicans have recently become the largest group of immigrants from Latin America; it is also one of the fastest growing groups. According to the 2006 Canadian Census, the population of Mexican origin amounted to 49,925.⁹ Notably, Mexico is the second most important source country of temporary foreign workers to Canada with 13,933 workers in 2006, exceeded only by the United States with 16,841¹⁰

- and is also listed in the top ten source countries of foreign students.

Another important aspect characterizing North American migration flows is temporary Canada-US flows. Starting in the mid-1990s, approximately 70,000 Canadians entered the US through the labour mobility clauses in NAFTA's Chapter 16 (see below). Another 20,000 or so high-skilled Canadian workers enter the US each year to work temporarily through the H1B visa category. The relatively high number of these workers who migrate to the United States has been an issue of concern for some Canadian policy makers.

The North American Free Trade Agreement (NAFTA) and the Security and Prosperity Partnership (SPP) Since the entry into force of NAFTA, intra-regional flows of goods have risen dramatically. Between 1993 and 2006, trilateral trade increased 193 per cent. During the first quarter of 2007, trilateral trade amounted to US\$436.47 billion.¹¹ At the same time, NAFTA's Chapter 16 framework also opened up avenues for mobility to a limited number of professionals - primarily to facilitate the temporary intra-firm provision of professional services in another North American country.

Dialogue participants debated the theoretical links between trade and migration, in particular the theory that increased trade eventually reduces migration. This argument holds that by increasing trade opportunities, export industries will attract higher levels of investment, enabling them to modernize and access new technologies. Such increases, in turn, boost productivity and increase employment, translating into higher-wage jobs, discouraging migration.¹² This argument featured as one of the underlying rationales of NAFTA.

Despite the positive results of NAFTA in terms of increased trade flows, the movement of people across the borders has not decreased, as figures for undocumented migration from Mexico to the United States suggest. Indeed, alongside patterns of increased trade relations in North America, statistics illustrate that

⁷ Although the majority of these gains benefitted immigrants residing in Canada for more than 10 years.

⁸ The Canadian Experience Class, introduced in the Harper government's 2007 budget, will make it easier for certain categories of international students and foreign workers residing in Canada to apply for permanent status. Canada has states a goal for 2008 to admit between 10,000 and 12,000 under this new category of immigration. For further details see www.cic.gc.ca.

⁹ Statistics Canada. 2006 Census. Immigration and Citizenship, Place of birth for the immigrant population by period of immigration [table] Available at: www12.statcan.ca/english/census06/data.

¹⁰ "Admissions of Foreign Workers from the Americas." [Information request] CIC, 2008.

¹¹ Government of Mexico. Ministry of Economy. *Mexico-Canada trade and investment from Canada in Mexico*. September 2007. Available at: www.nafta-mexico.org.

¹² Clemente Ruiz Durán. *Integración de los mercados laborales en América del Norte*. VIII Reunión de Economía Mundial. Octubre, 2005, pp. 2-5.

wage differentials and economic asymmetries between the three countries persist.

Participants also noted numerous positive impacts of mobility, such as growing personal/family and career opportunities, not only the result of policy but to a large extent resulting from increasingly sophisticated telecommunications and transportation options. Nevertheless, these organic changes and the interdependent linkages, which evolve over time and among individuals, are often overlooked in the design of national immigration policies.

The NAFTA bias for highly-skilled workers

Dialogue participants in the first panel went on to highlight the sometimes preferential nature of labour mobility frameworks in North America. Mobility across borders under NAFTA has been largely restricted to skilled workers and business people.¹³ Such workers can apply for a “TN visa,” which has proven to be very flexible (its duration has been recently increased from one year to three years) and does not require a labour market opinion. An unintended consequence of the occupations eligible for this visa is that more males than females have been able to move within North America. An intended consequence is that the agreement does nothing to address the labour needs of lower-skilled workers. Moreover, a cap of 5,000 NAFTA visas for Mexicans was initially imposed – likely the result of the Mexican government’s concern for “brain-drain” – effectively discriminating between Canadian and Mexican nationals running contrary to the spirit of the agreement. Despite the recent removal of this cap allowing the number to rise to over 7,500 workers in the last few years, relatively few Mexicans have applied for this type of visa. By comparison, in 2006, approximately 50,000 Canadians entered the US through the TN visa, out of a total of 151,000 Canadians of temporary status in US.

Experts also explained that mechanisms seeking to satisfy demand for highly-skilled labour through trade agreements and non-trade visa programs are also a general feature of US policy. For example, the US Free Trade Agreements with Chile and Singapore (H1B1 visa category), as well as the US-Australia Free Trade Agreement (E3 visa category) both facilitate the

admissions of many highly-skilled workers. Highly-skilled workers also enter the United States through five general visa categories that include E (treaty trade or investor visa program); H-1B (specialty occupation visa program); L-1 intra-company transfer visa program; O (extraordinary ability or achievement visa program); and R (religious worker visa program).

On the other hand, participants noted that mechanisms at the trilateral level that could help facilitate broader labour mobility in North America are lacking. Labour mobility was notably excluded from the 2005 SPP framework, that otherwise called for trilateral cooperation on a fairly large number of areas, including: competitiveness, food product safety, energy and the environment, smart borders and emergency preparedness. Coupled with the exclusion of the free movement of lower-skilled workers from NAFTA, one can conclude that the nature of integration in this region profoundly different from that of Europe. The United States has yet to sign a trade agreement targeting broader access for lower-skilled workers¹⁴ despite the fact that regular US immigration channels have been insufficient to absorb the large undocumented migrant population.

It became clear from Dialogue discussions that the present North American institutional framework, first created with NAFTA and later embedded in the Security and Prosperity Partnership (SPP), does not provide the necessary rules to manage present or future flows of lower-skilled workers. For instance, these frameworks do not address Mexican nationals that cross the US-Mexico border illegally, who desire legal work, or who may wish to work temporarily or permanently in Canada. Participants could not come to a consensus, however, on how governments should balance the needs of workers with demand for different types of workers in a responsible fashion, and whether or not this is even a possibility.

One participant argued that a degree of political will is necessary in order to break existing “path-dependencies” in North America which inhibit the legal movement of lower-skilled workers across

¹³ The NAFTA introduced new measures for Mexican and Canadian professionals in 63 higher-skilled occupations to work and stay temporarily in the US.

¹⁴ There are, however, two US visa categories available for workers in lower-skilled occupations: H-2B (non-agricultural workers) and H-2A (agricultural workers). In 2006, about 180,000 individuals entered the United States under these two visa categories. While H-2B is subject to a quota, it is puzzling that the H2A program is not more widely used, given that it is not restricted to a quota.

national borders. A clear illustration of the reticence to change the North American institutional setting lies in the lukewarm reception in the United States and Canada to the ill-fated “NAFTA-Plus” intended to deepen North American integration. This proposal, put forward by then Mexican President-elect Vicente Fox, included the creation of supranational institutions, mechanisms to facilitate labour mobility, the establishment of social funds to reduce regional disparities, and eventually would have involved the creation of a common currency.

Free Trade, Border Thickness and Reservation Income Impacts on Labour Mobility

In addition to the question of political will and free-trade that affect the flow of workers across borders, participants made note of economic considerations that can be powerful determinants of international migration. In this more sceptical view on the relationship between free trade and labour mobility, immigration flows between sovereign nations sharing a free trade agreement with attendant mobility provisions are less robust than movement within any one member country. In fact, when countries enter an agreement with mobility provisions, as is the case of NAFTA and the EU, careful considerations and differential constraints are usually applied to labour movement. A careful review of these agreements suggests that speculation on the size and direction of labour movement is a source of controversy. It also raises serious questions such as: “Will significant numbers of lower-skilled Mexicans move to Canada?” or “Will Canada suffer ‘brain drain’ to the United States”? Few answers can result from policy analysis alone.

According to one participant, economic theory provides good predictors of trends in the size and direction of labour flows between states in a NAFTA-like free labour mobility regime. If migrant flows are divided into “skilled” and “unskilled” categories and the differences in levels of development across states are accounted for, then the degree of labour market penetration by migrants in host countries can be forecasted with the aid of two analytical concepts: migration-detering ‘border thickness’,(i.e. the psychological costs of moving to one state from another), and the migration-inducing concept of a minimum reservation income gain.¹⁵

Applying this theoretical model to a modified ‘Schengen’-like NAFTA world, “skilled” Canadian migrants are more likely to make deep

penetrations into the US labour market, while “unskilled” Canadian labour are more likely to remain at home. The opposite situation would hold for Mexico. Rather, Mexico would likely send either agricultural products or agricultural workers to Canada. With no trade barriers on agricultural goods and a limited Mexican enclave in Canada, trade in goods would become a substitute for migration given a substantial border effect between the two countries. Policy makers, it was expressed, would do well to take heed of these predictable consequences on the size and direction of migrant member flows as they examine the potential for a more flexible NAFTA labour market.

The Security Agenda and Labour Mobility

Participants also drew attention to the role of the 9/11 terrorist attacks in the US in instigating a norm that the need to enhance North American security is a pre-requisite to maintaining economic privileges established under NAFTA. The challenge for governments following the crisis was, and continues to be, how to devise ways to distinguish and separate valid flows of goods and people from those that pose security threats. The Canada-US Smart Border Agreement, US-Mexico Border Partnership, the US-Mexico Partnership for Prosperity (P4P), and, of course, the Security and Prosperity Partnership between Canada, Mexico and the US, all constitute new mechanisms to share information and cooperate on an array of files not tackled by NAFTA.

Some of these initiatives created the basis for greater congruence between the three countries of North America in the determination of entry rules for nationals of other countries. Strengthened border security has required more sophisticated screening technologies and expanded exchange of information between immigration officers between North American countries. Nevertheless, particularly acute security concerns in the US create additional challenges to addressing the issue from a broader North American perspective. Indeed, new security measures are not limited to the North American periphery - national borders have also been strengthened in response to these concerns. As such, Dialogue participants recognized that any discussion on labour mobility must necessarily address the security dimension.

¹⁵ Minimum reservation gains induce worker movements across occupations and between countries and helps condition the size and direction of migration flows.

According to one participant, the emotional quality of the debate on migration in the United States - approaching a sense of “hypernationalism,” - is perhaps the most important obstacle to addressing more open regional migration. In fact in July 2007, a bill for comprehensive immigration reforms failed in the US Senate because a balance could not be struck between security and economic considerations. The inclusion of a foreign temporary worker program, first proposed in 2004 by President George W. Bush, was a key component of the package. The four objectives of the program were: 1) To protect the homeland through border controls; 2) To enhance national security by documenting “aliens” present in the United States; 3) To serve America’s economy by matching willing workers with willing employers when no US workers are available; and 4) to promote compassion.

Despite the failed attempts to pass immigration reform, the Bush administration has nevertheless introduced a number of measures to respond to the demand of numerous sectors for foreign labour. Indeed, one participant at the Dialogue characterized the Bush administration as having consistently demonstrated a commitment to provide farmers, ranchers and businesses of all sizes with a legal workforce to stay in business and keep the economy strong. In 2006, for instance, the United States admitted 1.7 million temporary foreign workers, of which 151,000 were from Canada and approximately 225,000 from Mexico. The extent to which this political recognition of the economic contribution of migrants is sufficient, however, was left unanswered.

Another important point that participants made with regard to security, was the need to address human safety and security (such as the personal security of workers during their work terms abroad). Participants in Panel 1 came to a consensus that the security measures should not prevent discussion and action about how to improve the management of labour migration including the pressing need to facilitate dignified integration in destination countries. While there have been some advances on this issue, such as allocated funding for government monitoring of labour standards at sub-national levels, it was also voiced by some that governments in North America should be doing more to ensure that the well-being and labour rights of migrants are respected. Legislating the right to unionization for temporary foreign workers, and research and monitoring programs, were some proposals mentioned that could advance efforts in this area. Yet another avenue for enforcement of rights as well as positive norm building was civil society engagement in North America. Interestingly, participants considered the sometimes ephemeral migrant rights’ movement in the US a potential liability, as it is focused on the situation of undocumented workers in a context which is leaning towards increasing numbers of temporary workers. Some participants expressed concern that this latter trend might result an unacceptable divorce in the citizenship-migration equation. Overall, the “human equation” to migration was certainly not excluded from participant discussions.

Current Initiatives and Effective Practices in Labour Mobility and Migration Management

Participants of the Expert Dialogue's second panel focused their attention to the difficult question of *process* regarding labour mobility: for example, How can North American market demands be met with timely labour supply, is this desirable, and if so, what types of working-level practices can help manage migration flows? Are there examples of new regional, national, or sub-national initiatives or programs designed to meet labour needs effectively? Finally, participants also drew out some lessons for policymakers based on these experiences.

Context

As noted previously, with an aging population and decreasing fertility rates, Canada faces important challenges to replacing retiring baby boomers, sustaining economic growth and maintaining pension systems¹⁶ - some challenges which the US also shares. Although North American governments made efforts to increase labour market participation of unemployed and

underemployed segments of the population including ethnic minorities, women and disabled people, governments have increasingly resorted to the recruitment of temporary foreign workers as one means of fulfilling changing market needs.

With the highest emigration rate in North America, the demographic composition of Mexico presents the country with some unique challenges. Arguably the most compelling challenge is creating enough jobs to adequately incorporate young people into the labour market. A second important problem is how to reduce the human development gap between Mexico and Canada and the US. And finally, the Mexican government has the challenge of accelerating efforts to foster economic growth and development. Policies designed to achieve these three goals would likely help reduce the incentives that currently lead many Mexicans skilled or not to leave the country.

At the regional level, some studies point to more open labour markets in specific economic sectors - including health, construction and services -¹⁷ as one potential option where Mexico can address youth employment needs and longer-term development. At the same time, there are increasing demands both in Canada and the United States from business groups to ease the rules for the mobility of foreign workers.¹⁸ Similar

¹⁶ Retiring boomers could fuel inflation. *Opus cit.* See also papers presented at the conference Population Aging and Labor Market Interdependence in North America, organized in partnership between the Commission for Labor Cooperation and the Centro de Investigación y Docencia Económicas that took place in Mexico on November 13th, 2006. Available at: www.naalco.org.

demands are also starting to be voiced at the regional level in certain sectors. On February 2007, the North American Competitiveness Council (NACC) expressed concern about the insufficient pool of technical personnel in the energy sector, proposing an annual conference with the aim of identifying challenges and opportunities in this field, including human resource development.¹⁹

Yet, as discussions among participants revealed, facilitating temporary labour mobility flows overseas is a complex process wrought with difficulty. The (potential and real) positive and negative impacts must be analysed and balanced out, planning must be flexible and proactive and monitoring must be thorough and ongoing. Participants discussed the ins and outs of such work in managing labour mobility, including sub-national and local challenges that emerge, in the second panel.

The Potential for Broader Canada-Mexico Cooperation

Participants also highlighted the fact that Mexico and Canada share a long tradition of labour mobility cooperation. Through a mutually-recognized program enshrined in Memoranda of

Understanding between Canada and select foreign countries, the Seasonal Agricultural Workers Program (SAWP), Canada has admitted foreign workers for up to eight months a year to work on Canadian farms since 1966 from the Caribbean and since 1974 from Mexico. About 80 percent of these workers are employed on horticultural and tobacco farms in Ontario and their stay in Canada averages 5 months.

These bilateral agreements have become internationally recognized as a best-practice model for a number of reasons. Some of the SAWP aspects that are considered to stand out include: 1) the active Mexican government participation both in recruiting workers and negotiating the wages and other labour conditions, 2) the involvement of farm employers in the program design and administration as well as 3) Canadian government legislation that mandates the provision of health insurance in Canada for all temporary foreign workers.

Under the SAWP, the Mexican Ministry of Labour is responsible for recruiting workers, negotiating their wages with Human Resources Development Canada and overseeing monitoring activities regarding the labour rights of workers during their stay in Canada. Canadian farmers must offer a minimum of 240 hours of work to their foreign workforce in a period of six weeks, free approved housing and prepared meals or cooking facilities. They must also ensure these workers receive the higher of either the provincial minimum wage, the prevailing wage, or the piece-rate wage paid to Canadians doing the same job. An Ontario grower organization funded by user fees, Foreign Agricultural Resource Management Services (FARMS), arranges to transport foreign temporary workers to Canada, deducting four percent of workers wages to cover these costs, up to \$C575. Farmers can also deduct payroll taxes and insurance costs from workers' pay. At the end of work contracts, employers prepare a written evaluation of each worker, place it in a sealed envelope, and returning migrants give it to Mexican authorities. The fact that over 70 percent of the time farmers specify the names of the workers they want year after year has been considered an element of this program's success.

Despite the view that the SAWP "is a real model for how migration can work in an ordered and legal way" to the benefit of both Mexican workers and Canadian farmers, since 2001, many civil society and labour organizations - such as the United Food and Commercial Workers Union

¹⁷ Scott Otteman. Population Aging and the North American Health Care Workforce. Presented at the conference Population Aging and Labor Market Interdependence in North America, organized in partnership between the Commission for Labor Cooperation and the Centro de Investigación y Docencia Económicas that took place in Mexico on November 13th, 2006. Available at: www.naalc.org; Louie Gilot, US recruits professionals in Mexico. *El Paso Times*. November 12, 2003. David Stewart-Patterson. *Building a Secure and Competitive North America*. Canadian Council of Chief Executives. April 23, 2007. Available at: www.ceocouncil.ca.

¹⁸ CBC News. *Foreign workers key to construction boom: industry group* July 20, 2006. Online www.cbc.ca/canada/story/2006/07/20/construction-shortage.html; CBC news. *Ottawa blocking badly-needed workers from entering B.C.* Nov. 17, 2007. Online: www.cbc.ca/canada/british-columbia/story/2007/11/13/bc-labourshortage.html; National Public Radio, *Ski Resorts Scramble to Find Workers* Morning edition, Dec. 19, 2007; CBC News *Clinton supports more visas for foreign high-tech workers* Nov. 10, 2000. Online: www.cbc.ca/money/story/2000/05/12/UShightech000512.html.

¹⁹ According to the NACC, areas requiring attention include: the localization of and specific requirements for greater labour supplies; creating a reserve of potential workers; reducing gaps in training levels; and reforms to temporary immigration policies. The NACC also proposed exploring the possibility for temporary workers schemes targeting skilled workers and students in the energy sector between Canada and Mexico under the CMP framework. North American Competitiveness Council. *Enhancing Competitiveness... Opus cit*.

(UFCW) which supports Migrant Worker Centers in Ontario, Manitoba, Quebec and British Columbia—have raised concerns about problems with the design and the administration of this program. Among other issues, grievances include the *de facto* inability of workers to move from one job to another, substandard housing conditions, lack of enforcement of health care access for migrants, and the taxes (not only payroll but also employment insurance and Canada pension contributions) that are deducted from migrants' pay. For instance, the UFCW has recently filed a law suit against provincial authorities in Ontario for excluding farm workers from the Occupational Health and Safety Act and for charging migrants C\$11 million a year in employment insurance premiums without allowing them to benefit from this program. While all other provinces offer migrants some form of health insurance coverage upon arrival in Canada, in British Columbia migrant workers face a three-month wait for coverage under provincial health care programs.

Other issues of concern²⁰ regarding the SAWP mentioned by Dialogue participants include the gender-bias of the program - reflected by the fact that employers can discriminate whom they select to participate in SAWP based on gender as well as the lack of mechanisms to address the particular needs of women workers - as well as the significant costs incurred by migrants to get into the program. This latter concern is due to pre-departure program requirements in Mexico, such as the obligation for all workers to visit Mexico City to undertake medical examinations, usually from remote rural areas, a requirement insisted on by Canadian authorities. Participants were concerned that this type of obligation generally means that workers begin their foreign job assignments in debt and reduce the potential scope of development impacts.

Policy and Institutional Challenges

Many governments consider migrant flows a key aspect balancing differentials in domestic population growth and total workforce growth. However, there are clearly many challenges that must be addressed by both destination countries and countries of origin to manage labour

mobility effectively - first and foremost policy and institutional challenges.

Temporary versus permanent migration

One challenge participants highlighted is the need for policy to be based on an understanding of the important differences between temporary and permanent migration, how they are connected and how they can complement each other. A focus mainly on permanent migration may lead to an emphasis on community integration and social cohesion in the destination country, while temporary migration often implies a greater emphasis on co-development and return gains. For example, in some occupational sectors in Canada, the Temporary Foreign Worker Program allows workers a stay of up to three years (such as the Live-in Care Giver Program) while in other sectors the maximum length of stay is only one year. These program differences blur the concept of temporary vs. permanent work and may be problematic.

In the United States, the question of who should and who shouldn't be considered a temporary foreign worker was central in domestic debates surrounding immigration reform. Ultimately, it became clear that there is no definition of "temporary" in US immigration law. The discussion became very complex with the participation of multiple actors grappling with many difficult questions. Should the program be solely market-driven or should it address other considerations as well? Should the US consider admitting family members of temporary foreign workers? Which incentives for worker return should be employed? What can be done to ensure that admitting temporary workers does not jeopardize the millions in line who have already applied for permanent immigration to the US?

Rights versus Numbers

The growing interest in temporary migration at the regional and global levels pose complicated challenges, according to one Dialogue participant, because programs that facilitate this type of movement may imply a numbers vs. rights trade-off. In other words, the result will be larger numbers of workers going abroad but these workers will have diminished rights, a compromise that some governments and migrants might be willing to accept. Temporary labour programs in Europe, for instance, have become more limited in scope, (often narrowly focused on specific sectors or occupations), and increasingly

²⁰ Since the Expert Dialogue, temporary foreign workers in Ontario, along with all agricultural workers in the province, finally gained the right to bargain collectively and to strike, from the Ontario court of Appeal in Nov. 2008.

more seasonal, (employers having more power to select and recruit preferred migrant groups). In Canada, the creation of the Temporary Foreign Worker Program (TFWP), largely to bring in more lower-skilled workers, has given the countries participating in the Seasonal Agricultural Worker Program (SAWP) an unfair competitive advantage because the rights contained in the broader federal program are less strict than those negotiated under SAWP. Nor is Canada considering extending MOU-based programs like the SAWP to additional countries or expanding existing programs, any time soon.

Indeed Canada preferred to use its unilateral FTWP during recent Canada-Mexico negotiations to expand labour mobility to other sectors - namely construction, hospitality and financial services - rather than expand the SAWP. By contrast, Mexico argued (unsuccessfully) for either expanding SAWP or employing the NAFTA framework, particularly Chapter 12, which establishes the rules for providing services across the region and provides an opportunity to offer a more comprehensive scheme for labour mobility in an integrated North American market.

Canada and Mexico did converge, however, in the recognition that a strong focus on ensuring the effective rights protections of such workers was needed. Designing appropriate and effective mechanisms to enforce migrant worker rights', however, is no facile task. The Canadian ability to do so is aggravated by the fact that immigration policy is a shared responsibility between provinces and the federal government, while labour policies are fully in the hands of provincial governments. This adds to the economic and labour market dynamic that varies from province to province resulting in different labour market needs.

Language and cultural barriers that temporary foreign workers may face, provincial variances in policy and regulation affecting workers, frequent changes in government, lack of attention to the needs of temporary foreign workers in provincial frameworks, the difficulty facing sending country Consular officials in monitoring the enforcement of such regulations, are all factors that have prompted civil society organizations to express public concern about the protection of worker rights under the various Canadian temporary worker programs.

Practical recommendations suggested by Expert Dialogue participants to address these concerns include:

- Providing Mexican nationals temporarily employed in Canada counselling in Spanish on labour rights, through pre-departure programs, regional or mobile centers in Canada, a toll-free number, the Internet, the print media and provincial or federal government agencies;
- Disseminating targeted pamphlets and other materials on the rights as well as responsibilities of Mexican workers in Canada and the procedures that can be followed to report violations of their rights;²¹
- Establishing informative workshops and conferences on Canadian labour legislation affecting Mexican workers;
- Establishing informative workshops and conferences for Canadian employers of migrant workers who may not have a good understanding of what responsibilities hiring a foreign worker implies.

Given that provincial labour law is subject to modifications as a result of changes in federal legislature, court and tribunal rulings, also requires that a comprehensive system of information is developed to keep workers, employers and stakeholders updated about modifications to labour rights and employment standards throughout Canada.

Provincial experiences mentioned during participant discussions highlighted the need for government to take steps to enhance best practices in guidelines for contracts between employers and employees. In fact, fair contracts might be the very basis of a successful program - particularly for lower-skilled workers that are more vulnerable to exploitation.

Interestingly, during the discussion, a reference was also made to the 2004 Joint Declaration between the US Department of Labour and the Mexican Ministry of Foreign Affairs, in which the Mexican consular network was entrusted with improving compliance with and awareness of workplace laws and regulations protecting Mexican workers in the United States. Thus far, 31 Mexican consulates have signed letters of agreement with relevant US Departments²²,

²¹ Labour unions at the national and provincial level, such as the Alberta and B.C. Federations of Labour, the United Food and Commercial Union (UFCW), the Canadian Labour Congress, as well as advocacy groups like Justicia for Migrant Workers and the Workers' Action Centre (Toronto), have made many efforts in this area, often publishing information in the language of the migrant's home country.

proposing a multi pronged approach to improving safety conditions in the workplace, the health of workers as well as to provide outreach and assistance in Spanish for Spanish-speaking workers and employers, particularly in lower-wage occupations.

Recruitment

Another concern of Expert Dialogue participants was that of migrant recruiting agents, some of which are exploitative and fraudulent (although not all). While it was commented that existing mechanisms under SAWP cannot be duplicated or expanded to respond to new demands, participants recommended a re-evaluation of current recruitment mechanisms and their impacts in light of the new labour market conditions in Canada. It became clear from the discussion that recruitment is a complex process and its effectiveness must respond to the specific needs and skills available in the region where recruitment is initiated. In other words, each occupational specialization (nurses, construction workers or aeronautical technician) should have a regulated, transparent and accessible selection and recruitment process, first and foremost for domestic career opportunities and, secondly for opportunities abroad. Evidently, recruitment for work in a foreign country requires additional stages in recruitment and selection, such as a targeted orientation in order to inform workers of new labour market realities and labour rights in the destination country. On the other hand, it was remarked that expertise in the responsible management of international labour flows is lacking and there is a need to identify good practices in this area. Moreover, it is very difficult to enforce such processes, particularly when destination countries' lack mechanisms for collaboration and information sharing – let alone jurisdiction – in sending countries.

Participants agreed, however, that governmental should make efforts to establish a recruiting system that is impartial and trustworthy; in fact, in the view of one participant, such efforts are crucial in order to eliminate “risks to integrity” that temporary

labour programs may pose. Governments should invest in establishing effective mechanisms that identify and monitor recruiters - or their practices - in order to prevent abuses, political benefit, corruption and other irregularities.

Some positive steps in this direction have already taken place in Canada. A prime example noted by one participant is the Worker Recruitment and Protection Act, introduced in May 2008, by the province of Manitoba obligating recruiters and employers who hire temporary foreign workers to register with the province, in an attempt to eliminate unscrupulous recruiters.

Challenges with Upgrading Labour Mobility Initiatives

Dialogue participants also tackled the question of how to take experimental pilot projects to scale during second panel. One participant expressed scepticism regarding the possibility of applying the SAWP model to the United States, given the small number of workers involved in the Canadian program; the needs of the large US market may make it an unwieldy option for the US. The labour migration program in the Philippines, which accounts for approximately one million workers each year, became a focus of the discussion. One participant explained that, although the Philippines program shouldn't be considered a model, its size was largely the result of the participation of private recruiters. Again, participants underscored that unscrupulous recruiters are often a regional problem in North America, particularly for lower-skilled workers Such as Mexicans attempting to apply for an H2A or H2B US visa. By contrast, the SAWP practice of giving government a monopoly over recruitment is largely why it has been recognized as a good practice. Yet another participant pointed to the fact that a significant increase in the number of temporary workers arriving in the US and Canada would most likely face strong political opposition particularly from labour unions. If governments are examining the potential to upgrade labour mobility programs, it would be best to therefore consult with stakeholders and a broad range of interest groups before moving ahead.

Operational Issues

A number of experts also shared the view that the operational aspects of managing large numbers of migrant workers demands sensible policies. For instance, how would any US agency effectively

²² US Dept. of Labour's Wage and Hour Division and US Dept. of Labour's Occupational Health and Safety Administration (OSHA). OSHA currently offers a toll-free help line that provides assistance in English and Spanish, a Spanish web page that is updated regularly and relevant documents and publications available in Spanish.

process applications from 12 million undocumented workers? Similarly, addressing social issues concerning foreign temporary workers is complex because many of these issues are faced by lower-income workers in general; a specific labour program would therefore be the inappropriate avenue to address certain issues. Certainly, good policy alternatives should not be stopped due to operational concerns, but, in the view of one expert, those concerns should definitely be taken into consideration.

In the United States, the failure to pass a comprehensive immigration reform led, for instance, to the adoption of a major multifaceted strategy for improving the US migration system within the existing regulatory framework. Such a strategy was targeted at sectors with a strong need for workers and included streamlining the H2A temporary agricultural program, the H2B temporary non-agricultural program and the H1B temporary skilled program. Interestingly, as one participant mentioned, while the H2A program is underused, the agricultural sector estimates that between 600,000 and 800,000 undocumented agricultural workers are present in the United States each year. As a result, the Department of Labour, together with the Department of Homeland Security, announced proposed rules to change the H2A program to provide farmers with an orderly and timely flow of legal workers, while protecting the rights of all agricultural workers. Similarly the US Department of Labour modernized the application process and enhanced worker protections under the H2-B program.

Institutional capacities and constraints

Another set of challenges and constraints mentioned at the Expert Dialogue referred to limitations in institutional capacity to address labour mobility needs. In the view of one participant, the lack of governmental capacity to deal with labour mobility management is particularly a problem for Mexico. Managing labour mobility requires establishing and developing specific institutional capacities and investing in the necessary human and material resources. The Filipino life-cycle approach to planning, supporting and protecting its large overseas labour force took years to develop, which should be taken note of according to one participant.

Participants also identified existing tensions between federal and provincial/state governments in North America as another institutional

limitation to smoother labour mobility management. Canadian provincial governments and private firms have already expressed interest in recruiting an increase in Mexican temporary foreign workers for employment in non-traditional market sectors. Moreover, several state governments in Mexico (such as Jalisco, Puebla, Baja California, State of Mexico) have also managed to recruit and send small groups of workers to Canadian provinces outside of the long-standing SAWP; other states are exploring similar avenues.

Similarly, the Canadian federal government's institutional inability to process permanent immigrant applications that adequately meet labour market demand in certain provinces has led some of those provinces to design new programs. A case in point is the Provincial Nominee Programs, which admits allows non-permanent residents of provinces to be nominated for such status, in what seems to be a targeted attempt to rectify labour shortages. Many temporary foreign workers are able to remain in Canada in this way, and legally bring over their family members. Similar sub-national initiatives (even at the municipal level) have sprung up in the US following the failed comprehensive immigration reform.

It was also expressed that, for many employers, hiring temporary foreign workers is uncharted territory, which can lead to unintended consequences, such as inadequate access to health services and the isolation of workers in rural areas. Such outcomes should be avoided by accurate, low cost and prior information sharing, such as on government websites and through communication technologies, with potential and actual employers of migrant labour.

Third actors such as international organizations have an important role to play in strengthening governmental capacity to negotiate and implement beneficial agreements for labour migrant selection, protection and empowerment. For example, the ILO Multilateral Framework offers principles, guidelines and best practices for effective management of labour migration, which may also enhance development benefits.²³ The International Organization for Migration (IOM) also has expertise in migrant recruitment, assistance and reintegration that can and does

²³ See *Handbook on Establishing Effective Labor Migration Policies in Countries of Origin and Destination* (Vienna and Geneva: OSCE, IOM, ILO, 2006).

benefit a range of governments around the world. One area of IOM specialization lies precisely in assisting governments meet operational challenges of managing migration.

In sum, it became evident from the second panel discussion that challenges lie not only in policy frameworks affecting migrants, but also in entry and admissions regulations, border-management as well as a lack of measures to enforce worker rights. The lack of “clarity and cohesiveness” among different policy spheres was also identified as a problem. Therefore a comprehensive framework, one which encompasses policies on economic and social development, human capital, labour market needs, population growth as well as foreign policy and human rights, was deemed the best approach moving forward.

Facilitating Integration into Destination Countries and Maximizing Development Potential of Migration

Two themes of discussion guided participant discussions in the third panel: the importance of integration for migrants and wider societies and linkages between migration and co-development. Questions participants addressed include: What are the implications of temporary and permanent migration for social cohesion in host societies? How have the three countries of North America addressed integration challenges and opportunities? And finally: which strategies or policies have helped support migration-related development projects?

Context

The human equation should indeed be central to any policy regarding temporary foreign workers or permanent immigrants in North America and elsewhere. As such, contemplating increases in labour mobility must go hand in hand with serious questions regarding economic and social cohesion and integration. Migration brings together people of diverse nationalities, ethnicities, races, cultural practices and religions. In doing so, it has the potential either to strengthen or to erode the internal cohesion of a society depending on how adeptly challenges are anticipated and how well national strategies and policies are designed and implemented. The diverse concerns of labour unions, human rights

groups and foreign worker advocates call attention to the significant need to understand labour mobility as a human phenomenon – one of people moving across borders – and not simply an economic phenomenon.

As recent incidents in France and elsewhere in Europe draw urgent attention to, proactive integration strategies must form an important part of the human equation. There has been much past and ongoing work in this field in North America, from which policymakers should be encouraged to draw lessons from.

At the same time, immigrants in North America and elsewhere often play an important, sometimes defining, role in the development and prosperity of their countries of origin. While a link between migrants and the alleviation of poverty should not be taken for granted, nor should it be considered a substitute for the central role of the state in this regard²⁴, it can and should be harnessed for the benefit of both migrant-sending and migrant-receiving countries. We must move beyond discussions of remittances and monetary returns to migration, however, towards a dignified human-centered understanding of what citizens can do to improve their living standards through

²⁴ Final Report of the Ibero-American Forum on Migration and Development. Cuenca, Ecuador, April 10-11, 2008.

decent work opportunities – and ensure they have the choice to do so either at home or abroad.

Highlighting Current Best Practices on Integration

In this context, attention was brought to the province of Manitoba's experience of immigration. Manitoba has historically been a "have-not" province in terms of immigration. However, as the rest of Canada is also experiencing, immigration is becoming increasingly important for economic success in the province. Manitoba's immigration strategy seeks to balance the two growing sources of labour: immigrants and aboriginals. In 1998, Manitoba was the first Canadian province to establish a Provincial Nominee Program (PNP), designed to address significant gaps in the labour market. As a result, the PNP has brought in large numbers of temporary foreign workers for growing or recovering industries in recent years.

Manitoba has benefited substantially from the Provincial Nominee Program, and by working together closely with the federal government to manage immigration, according to one participant. The PNP in Manitoba is linked to numerous key aspects of settlement and integration, including: the delivery of settlement services, language training, foreign credential recognition facilitation as well as a multicultural program devoted to long-term integration. Manitoba's government has also focused on building strong partnerships with municipalities, local communities and schools to ensure that immigrants were able to access language courses as well as safety training and health services. Partnerships with non-profit organizations have been crucial to this experiment in immigration settlement and integration.

A large number of temporary foreign workers working in Manitoba have been able to stay on in Canada as permanent residents, and be reunited with their family members as well. This is deemed a positive trend for the province and can result in gains for the sending countries as well, as permanent residents are in a position to visit home more frequently than are temporary residents. One key challenge for the province, however, is to adjust the Manitoban system of skills recognition in tandem with market demand and diverse social needs throughout the province; as an illustration of this challenge lies in the fact that underemployment was recently found among individuals working in the trades.

Training and Professional Development: The Key for Development

Participants went on to examine practical ways in which Canada and Mexico can enhance the development outcomes of regional labour migration. One suggestion was to focus on enhancing and facilitating the useful application of newly acquired skills of Mexican foreign temporary workers to Canada. Measures that could help achieve this goal mentioned by participants include: programs for training and skills development for Mexican nationals employed temporarily in Canada; incentives for Canadian businesses and organizations to participate in existing or new programs that strengthen labour skills; secure a plan for reciprocal recognition and validation of skills certification for Mexican nationals legally employed in Canada.

It was noted that an emphasis on the skills development of migrant workers would also compliment recently announced immigration categories, such as the Canadian Experience Class, aimed at facilitating permanent residence applications of foreign nationals studying or working temporarily in Canada. The Federal Foreign Credential Referral Office, created to help immigrants manoeuvre the complexities of the living and working in Canada has also provided some assistance to foreign temporary workers interested in getting their skills and credentials recognized.

It was also voiced that it is increasingly necessary in a context of growing global competition for talent and the manufacturing largess of China, that North American governments take full advantage of foreign workers' skills. Well-educated, highly skilled workers are indeed seen as essential for competitiveness in the new knowledge-based economy. On the other hand, brain drain and eroding educational levels become serious concerns for countries of origin. In the case of Mexico, for instance, systems of professional training and skill development is still weak, and the skills demanded abroad rise faster than the educational system's capacity to improve immediate outcomes. In addition, countries with a large current or potential supply of workers also compete among themselves to "export" their nationals abroad, creating a paradoxical situation.

In the United States, it is likely that Mexican nationals won't have much luck in significant gains in upward occupational mobility for the

foreseeable future. This is due to the fact that US demand focuses disproportionately on those with high skill sets. Migrant workers of Mexican origin residing in the US occupy the highest percentage vis-à-vis any other immigrant group with no high school diploma (46.9 per cent). Hispanics, on average have a slight higher performance of 40.7 per cent.

While it is widely assumed that international migration results in a better standard of living, migration may actually reproduce poverty both in the household in host and home countries. While Mexican migrants are integrated into the US labour market to a significant degree, one participant argued that it is clear that these migrants face a constant relative decline in their earnings—a situation that is present in almost all the occupations where this group of workers have a strong presence.²⁵ In fact, the gap in the relative earnings of Latinos compared to other groups is widening and is due to the large influx of immigrants, which are low-skilled. Clearly even if the Latino workers constitute a growing proportion of the US workforce, they present growing levels of poverty and unemployment and low income levels. This situation is reproduced as the children of immigrants cannot access higher education or a more favourable socioeconomic situation as adults. The United States thus ends up reproducing new generations of Latino workers who are low-skilled and with poor earnings, ensuring the growing social marginalization of this population group.

Temporary Foreign Workers and Economic Development

Participants also highlighted the fact that relationships and linkages between temporary migrant experiences and economic development is an issue that is under-studied. This is an important issue for most governments, including in North America, and additional data and accurate research would be beneficial to answer pressing policy questions.

²⁵ Many industries and occupations, such as landscaping, domestic services, food manufacturing, carpeting and rug mills, have in fact come to rely on Latino workers. Latinos also prevail in other occupations, construction workers, drivers and sales workers, cooks, ground maintenance workers, janitors and building cleaners. They are also predominant (over 60 per cent of the labour force) in other occupations such as plasterers and stucco masons, drywall installers, ceiling tile installers, tapers, pressers, textile, garment, cement masons, concrete finisher, etc.

The current outlook is complex. Contrary to popular myth, remittances generated from agricultural programs are not very substantial, explained by the fact that contracts are usually short-term, an average of 58 to 65 hours per week in the case of Canada's SAWP program. Most lower-income programs do not provide for longevity pay – although in 2004 Ontario passed a law mandating “recognition pay” of four per cent as a bonus for workers who had been employed with the same employer for five years or more. Moreover, studies show that only a small percentage of remittances to Mexico are invested in development projects and in general those earnings are used for the maintenance of households or home-improvement, although there are investments made in small-size enterprises, such as *tienditas*, taxis. There is some evidence, however, that children of workers participating in the SAWP attain higher educational performance than the children of non-migrant households.

While most discussions surrounding the integration of migrant workers refer solely to their integration in the country of destiny, increasingly attention is being paid to reintegration needs of workers returning to their country of origin. Many governments are starting to perceive labour mobility programs as development tools, given the right supports. Development through migration can only be accomplished, however, if the needs of the community of origin and their capacity are assessed. Reintegration programs should offer skills transfer opportunities for return workers.

More and more developed countries are helping build the capacities of migrants and provide financial assistance to set up small firms or other business that allow self-employment. But development requires a multifaceted strategy that entails capacity building in a wide range of activities. In the view of one participant such strategy should include the development and strengthening of human resources and networks of resources, organizational governance and strengthening and community asset building, as well as the development of institutional, financial, political and other resources at different levels and in different sectors of the economy. With individual migrant workers, successful capacity building should involve the provision of effective and accessible services and activities that support the development of knowledge and understanding of their labour rights while abroad and the nature of the program in which those workers participate,

thus encouraging their agency for positive contributions in host communities, as well as at home.

Integration and Circular Migration

Circular migration can be understood as a continuing, long-term and fluid pattern of international mobility of people among countries occupying what is increasingly understood as the same economic space. While migrant-sending, transit and receiving states have expressed considerable interest in circular migration programs in recent years, the record of experience is still thin. Current patterns of circular migration fall into several categories: seasonal migration, non-seasonal low-wage labour, professional mobility, academics and transnational entrepreneurs.

At its most promising, circular migration (linked to the concept of co-development) can increase the likelihood that both sending and receiving countries make gains from migration. Circular migration also conforms to the natural preferences of many migrants, as illustrated by the high degree of *de facto* circularity where national borders are kept open by agreement or are not heavily enforced.

Seasonal migration, previously featured in this report, is among the most familiar forms of planned circular migration and is associated with agriculture, although circular migration also refers to other industries where labour demand fluctuates based on time of year. Among 92 countries that replied to an International Labour Organization (ILO) survey in 2003, 20 reported that they had bilateral agreements on seasonal workers.

Implementing circular programs for low- and semi-skilled workers outside the framework of seasonal labour is more challenging. The largest circular migration flows comprised of lower-skilled workers are found in countries with industries heavily dependent on foreign labour, but where possibilities for permanent residence are virtually non-existent. (The oil-dependent states of the Persian Gulf are an illustrative example). In liberal democracies, governments require a more nuanced balancing of economic incentives and human considerations be applied to circular migration.

In stark contrast to the relatively stringent controls on migration programs for lower-skilled workers, participants remarked that most major countries of destination are receptive to highly-

skilled migrants. What explains this scenario and will this continue to be the case in North America?

The experience of circular migration programs offers some lessons, according to participants. Among the steps that governments can take to increase the likelihood of successful programs figure:

- Determining labour needs more precisely on an ongoing basis
- Selecting the appropriate workers for available jobs
- Ensuring that workers are informed of their rights and responsibilities
- Guaranteeing repeat access to programs for workers who comply with the terms of the programs
- Upgrading and enhancing the skills of the migrants, including temporary workers
- Tailoring family reunification provisions to the nature and duration of employment contracts
- Building the capacity of the countries of origin and destination to manage migration programs successfully
- Ensure that contradictory policies regarding migration management do not exist between countries of origin and destination

Many conditions featured in lower-skilled migration programs, such as incentives for return intended to enforce circularity, seem to have the opposite effect - encouraging irregular migration. It is increasingly coming to light that very short contract periods, non-renewable visas, tied to particular employers, with no flexibility to switch to other admission categories are all conditions that create incentives for migrants to move into irregular status.

Circular migration policy, as well as good practice in linking development to migration flows, will remain a matter of trial and error for some time to come. According to participants at the Expert Dialogue, practice is likely to remain far ahead of policy. If effective circular migration policies are to be leveraged to meet the needs of an increasingly dynamic and mobile global economy, it is clear that future discussions, debate and research is needed to help further these processes in a responsible and ethical fashion.

A Research Agenda for the Future

One important outcome of the 2008 Expert Dialogue on Labour Mobility held in Mexico City was the creation of an ongoing, dynamic and interactive research network on migration, labour mobility and related issues. “Metropolis North America,” a new project under the International Metropolis Secretariat, will focus on key issues facing the North American region. The objective of this new network, which will be developed over the next six years, is to coordinate the dissemination and exchange of scholarly and policy-relevant research on regional migration and related topics.

Discussions during the two-day Expert Dialogue in Mexico City, as well as feedback from participants following this event, resulted in a list of important research gaps regarding labour mobility and migration in North America that will inform the initial activities of Metropolis North America. These ideas were summarized and consolidated into a preliminary research agenda highlighted in the Annex 1. To learn about future learning and dissemination events or to join this new network, please contact the International Metropolis Secretariat, based in Ottawa.

Research Agenda on Migration and Labour Mobility – Metropolis North America

1. Issues facing Temporary Foreign Workers (TFWs) in North America

- a. Family and household impact(s) of seasonal, long term and/or permanent absence of the TFWs.
- b. Access to local services, community and recreational facilities and activities in the host and home country.
- c. Interactions with local community groups in host countries (type, quality and quantity).
- d. Medium and long-term indicators of “success” or effective practices for individuals who work or have worked as TFWs in North America.

2. Migrant mobility (job and geographic mobility) over time

- a. Monitoring job evolution/vertical labour mobility of migrants.
- b. Driving forces of changes in job location and by categories or immigration status of migrants, (i.e. temporary, permanent or undocumented).

3. Labour market integration for temporary foreign workers

- a. Trends in occupational demand, and effective mechanisms used to fill specialized employment needs.

- b. Evolution in labour standards and employment conditions (before and after influx of temporary foreign workers).

4. Social and economic impact of newcomers from the same or similar sending communities in new host communities with no significant immigrant settlement experience

- a. On local perceptions and attitudes associated with newcomers.
- b. On economic activity & local business growth.
- c. On schools and on extracurricular, recreational and social activities, and use of public space, including changes and adaptation to these spaces.
- d. On local government policies, programs, laws, ordinances, or by-laws as well as law enforcement activities.
- e. On crime levels & types, homelessness & unemployment.
- f. On health and community services.
- g. On existing minorities inter-ethnic and inter-racial relations.
- h. On the media (editorial content, diversity, inclusion and coverage of immigration-related issues).

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