



REGIONAL AND BILATERAL AGREEMENTS ON LABOUR MOBILITY: MOTIVES, OBJECTIVES, CHALLENGES

Jonathan Chaloff
International Migration Division
OECD



Why a mobility agreement?

- Labour shortages or surpluses
- Regional integration and more efficient allocation of resources
- Good will and cultural exchange
- In exchange for other bilateral or multilateral priorities (security co-operation, trade, etc.)



Different scope of agreements

- General mobility agreements
 - Free movement
 - Youth mobility
- Specific programmes for low-skilled temporary workers
 - Seasonal
- Occupation-specific agreements
 - Limited mobility



The post-war agreements (1945-1973)

- Imbalances in labour supply in European countries
- Bilateral Agreements for guest workers and longer term labourers
 - South-North intra-European movements
 - Later, Turkey, Morocco, Yugoslavia
- Post-Colonial movements
 - Intra-Commonwealth, post-independence
- Ended due to oil crisis, but also due to push to increase labour force participation by women, and a changing attitude of trade unions



Today's programmes

- More limited seasonal programmes (1973-1990s)
- Limited and closely managed programmes, often in context of bilateral government-to-government agreements, for jobs which are by nature temporary (and which often involve repeat-migration rights).

or

- Programmes for what are perceived as “low-risk” groups
 - The high-skilled (e.g., nurses)
 - Middle-class youth (working holiday makers)
 - Workers from higher income countries



Examples: less skilled

- Spanish seasonal worker programme – bilateral agreement, Moroccan women with children, from rural areas, with farm experience.
- Canada seasonal programme with Mexico, Caribbean and central American countries
- New Zealand and Australia seasonal programmes
- German seasonal worker programme – bilateral agreements, 300K per year, 3-month stays, low risk, with neighbouring countries (absorbed into EU).
- German contract worker programme (also absorbed into EU)
- Low-skilled temporary work through bilateral agreements pre-migration preparation and screening – three to five years, with some possibility of repeat spells
- Nordic seasonal worker visas

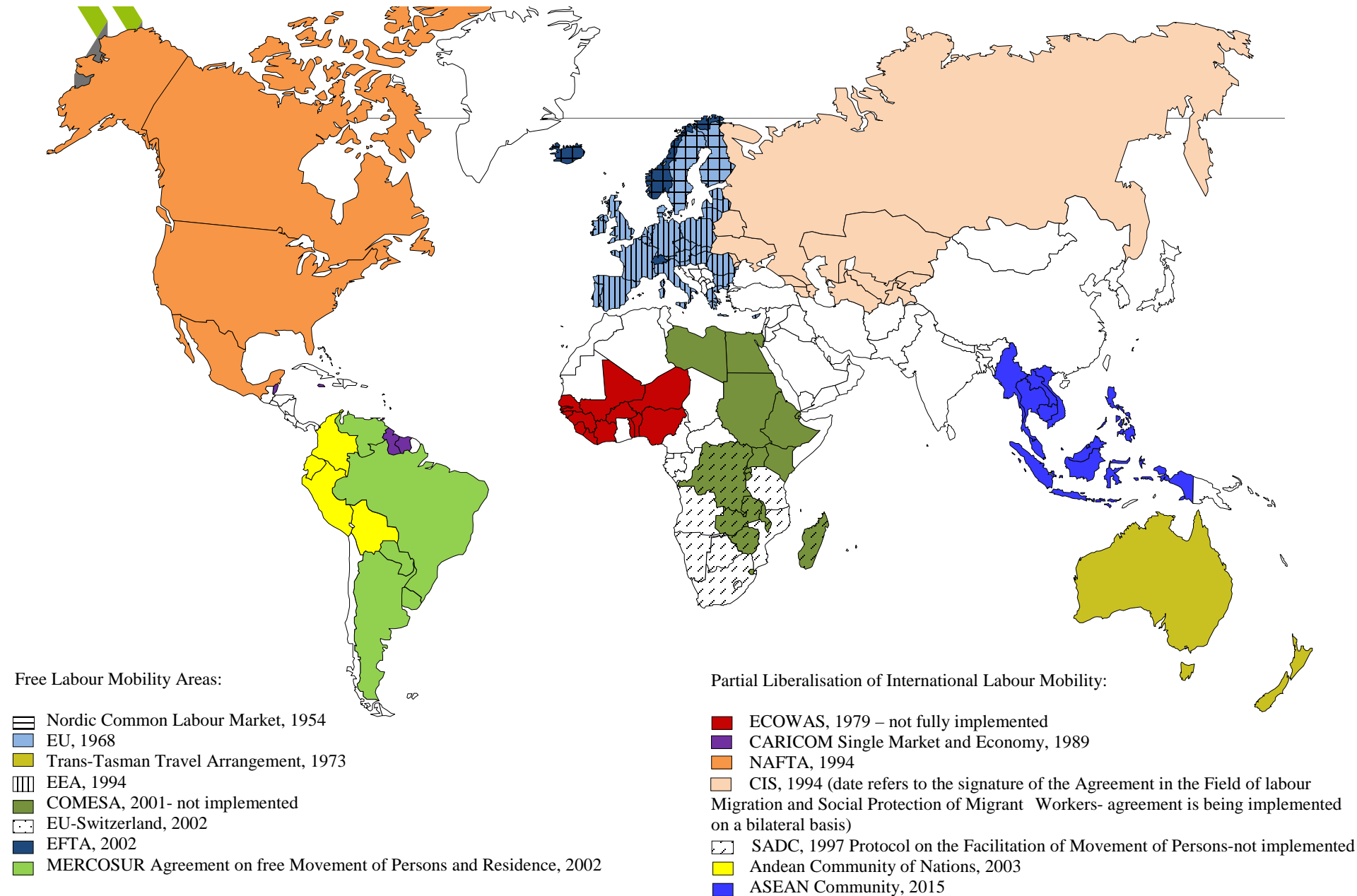


Examples: other programmes

- Construction, care workers in Israel: temporary stay, agency model, difficulty introducing bilateral agreements
- Health care workers – intra-European recruitment
- Working Holiday Visas, youth exchange, summer work-travel visas
- Japanese Economic Partnership Agreements provisions for healthcare workers
- A wide variety of investor programmes (e.g., Treaty Investors in the USA, but also “golden visas”)



Free/Liberalised labour mobility areas around the world



Note: Unless otherwise specified, dates refer to the year of first implementation of provisions for the liberalisation of workers' movements



Fostering regional mobility

Examples of regional mobility initiatives

- APEC Business Card
- Mercosur reciprocal work permit
- ASEAN professional mobility
- Trans-Tasman FTA



APEC Business Travel Card

- APEC (Asia Pacific Economic Co-operation) concentrates on trade and investment.
- **Objective:** to facilitate travel by businesspeople in the region, APEC introduced a “Business Travel card” in 1999.
- The card substitutes a visa for extended visits (two-three months) in a three-year period, issued to high-level executives and business people in firms with trade and investments in APEC countries.
- The card applies to up to 18 countries (the United States and Canada do not participate).
- There were more than 88 000 cards in circulation in 2010, a four-fold increase since 2006 and twice as many as in 2008.



Mercosur reciprocal work permit

- “Agreement Relating to Residence Permits for Nationals of States Parties to Mercosur”
- Mercosur and associated countries , signed in Brasilia, December 6, 2002. Covers Brazilians, Argentines, Paraguayans, Uruguayans, Chileans, Bolivians and Peruvians, Colombians. The agreement requires reciprocal ratification.
- Objectives: to **strengthen the integration process** and to **solve the problem of illegal intra-regional immigration**.
- Applicable to all nationals, regardless of current residence location and whether in regular or irregular status.
- Initial grant of temporary residence for two years.
- Eligible for permanent residence at expiration of the temporary permit.
- Employment activity allowed on the same terms and conditions as the nationals of the country in which they choose to reside. Equal civil rights and children’s access to public education.



ASEAN free flow of skilled labour

- Association of South-East Asian Nations is an economic and political community of ten countries
- ASEAN decided in 2007 to achieve a regional Economic Community (AEC) by 2015. In the blueprint for achieving the AEC, five pillars are identified, the fifth of which is the free flow of skilled labour.
- The **objective is to facilitate the issuance of visas and employment passes** for ASEAN professionals and skilled labour, engaged in cross-border trade and investment-related activities.
- Skilled labour defined as seven professions: engineers, architects, nurses, doctors, dentists, accountants and surveyors.
- The achievement of free movement, even for this restricted list of professions, is subject to a number of conditions, most notably the recognition of professional qualifications, and will require time.
- Mutual recognition arrangements (MRAs) have been signed among ASEAN countries, but implementation has yet to occur, and may represent an obstacle to free movement.



Free movement of workers under the Trans-Tasman Travel Arrangement

The Trans-Tasman-Travel Arrangement (TTTA) for Australian and New Zealand citizens (1973)

Not expressed a binding bilateral treaty between Australia and New Zealand, but a series of immigration procedures applied by the two countries.

In, 1994, Australia created a Special Category Visa (SCV) for New Zealanders, automatically granting leave to work and live in Australia indefinitely.

New Zealanders are about 20% of all permanent migration to Australia, and Australians about 15% of permanent migration to New Zealand.



North American Free Trade Area

- The NAFTA agreement between Canada, Mexico and the United States, in force from 1 January 1994, allows a specific stream of temporary immigration with facilitated access to **specific occupations** in local labour markets for **qualified professionals** who are nationals of any NAFTA country.
- Special TN visas issued if there is a job offer for one of the professional occupations listed in the Treaty, proof of the required qualifications and professional experience for the job, and the stated intention NOT to establish permanent residence in the country. Exempt from labour market tests and recipients do not need to requalify under the host country's certification standards.
- The list of recognised occupations can be modified based on the parties' agreement. At least a baccalaureate degree is required for almost all the occupations listed.
- Special NAFTA visas are temporary (up to three years), indefinitely renewable, but do not confer permanent immigration rights.



Conclusions

- Many different ways to achieve labour mobility, but depends on objectives, consensus, and infrastructure
- Legal framework requires follow-up with concrete measures for matching supply and demand and recognition of qualifications



www.oecd.org/migration

