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Organization for Security and Co-operation in Europe

**Office of the Co-ordinator of OSCE
Economic and Environmental Activities**

Vienna, 16 January 2009

To: All OSCE Delegations
Partners for Co-operation
Mediterranean Partners for Co-operation

Subject: **17th OSCE Economic and Environmental Forum – Part 1
19 - 20 January 2009, Vienna
Background Note (revised version)**

Attached herewith is a revised version of the **Background Note**, elaborated jointly by the International Organisation for Migration and the OSCE, **for the 17th OSCE Economic and Environmental Forum – Part 1**, on “Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region”, 19 – 20 January 2009, Vienna.



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones



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**Organization for Security and
Co-operation in Europe**

**The 17th OSCE Economic and Environmental Forum
Part 1 / Vienna, 19-20 January 2009**

Background Note

The 17th OSCE Economic and Environmental Forum - Part 1 (Vienna, 19 - 20 January 2009) - "Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region" - will build upon the conclusions of the First Preparatory Conference (Prague, 16-17 October 2008) and will aim at identifying recommendations for follow-up action.

Opening Session

The Opening Session will set the scene for the Forum's deliberations. The speakers are expected to among other things highlight the main conclusions of the Prague Conference and some of the key issues that will be discussed by the Forum against the background of the existing international and OSCE efforts and activities in the area of migration. The Prague Conference stressed, *inter alia*, that migration is a complex and growing phenomenon, transnational in nature. Countries of origin and destination as well as the migrants themselves may face a number of challenges, but at the same time they may reap numerous benefits from well-managed migration.

Migration may have a number of root causes, among which economic considerations play a key role. According to various researches, international migration from poor to rich countries will continue and is likely to increase.

Migration should always be seen in a broader context. The global economic environment impacts migration trends. On the one hand, the current financial/economic crisis may affect the countries of destination and origin and the migrants in a number of ways. On the other hand, the current financial/economic crisis might lead governments to consider and explore new initiatives regarding migration policies. Is it expected that migrants will be among the first to lose their jobs and this raises a number of questions. What would be the impact of the loss of remittances to the development of origin countries? Will those migrants who lose their jobs stay or will they return to their countries of origin? Are migrants more likely to return to their country of origin if they had the assurance that they would be employed again in the destination country? Would deteriorating economic conditions in origin countries create increased migration pressure? How could employers be assured that labour migrants would return once jobs become available?

Therefore, from the outset, the Forum should examine a number of issues such as:

- The overall mutual benefits from legal migration for the countries of destination and for the countries of origin (in terms of labour markets, economic development, demographic structure, etc.);
- The policy choices and the institutional structures that could enhance the benefits from legal migration;

- The possibility of countries of origin and destination harmonizing their approach in order to maximize their mutual gains from migration;
- The impact of the global economic crisis on migration patterns and policy; and
- Given the current global economic context, what kind of (new) initiatives could be envisaged and what policy options would be conducive to positive results for both countries of origin and countries of destination, as well as for the migrants themselves?

Session I – Prerequisites for effective migration policies

During the Prague Conference the importance of high quality data and of better linkage between such data and policy making was stressed. Migration policy should first and foremost respond to labour market needs which should be properly assessed. Migration policy should be comprehensive and coherent, oriented towards encouraging and regulating legal migration and discouraging illegal migration. It should as well be integrated with and complement other policies in various areas.

All this is easier said than done. A number of challenges remain to be addressed with regard to the three main topics proposed for discussion in this session.

Developing data collection and research tools for policy makers and the need for data harmonization

- How could the following challenges be addressed:
 - conflicting national and international standards
 - multiplicity of sources on migration data and the absence of standards that are universally available or applied
 - perceived sensitivity of migration data
 - differentiation between various purposes for data application and ways of using migration data.
- What should be the most appropriate migration indicators and how can they be used in forecasting analysis for policy makers? How is it possible to harmonize such indicators across the OSCE region, in order to obtain comparable data?

Assessment of labour market demand and supply and the linkages with migration policy responses

- To what extent do economic considerations alone determine migration policies? How could the co-operation between the private and the public sectors as well as the academic community be strengthened with regard to labour market assessments? What can governments do to facilitate this?
- How can be the supply and demand for various categories of migrants (highly skilled and lower skilled) be assessed and forecasted and, consequently, what programmes should be developed for each category (in particular, given that the lack of appropriate programmes in destination countries for lower skilled workers despite growing informal labour market demand may lead to increasing irregular migration figures)?

Inter-agency co-operation at national level to manage both control and facilitation

- How could the conflict of competencies between different state authorities dealing with the legal and illegal aspects of migration (control and facilitation) be addressed and turned into stronger co-operation?

- Is there a need for “Integrated Migration Management” just like there is Integrated Border Management and how would that maximize the effectiveness of management of migration as a whole?
- Are there good examples of integrated migration policy, mobility partnerships, migration profiles or co-operation platforms at local and regional level in the OSCE region? What are the essential elements of such policies? How could such best practices be further promoted?
- How could migration policy be developed so that it would be consistent with the need to be competitive in a global economy, the need to foster integration, the need to manage actual and perceived threats to safety and security?

Session II - Interstate co-operation for temporary labour migration

Circular migration and return policies were discussed at the Prague Preparatory Conference where it was recommended that the OSCE through the 17th OSCE Economic and Environmental Forum process could facilitate the sharing of experience concerning the development and implementation of circular migration programmes in the OSCE area. Therefore, Session II will focus on temporary migration opportunities and in particular circular migration, bilateral temporary labour agreements and associated return and reintegration programmes. The topics expected to be addressed during the session are described below with some guiding questions.

Actions required by destination and origin countries to make circular migration, return and reintegration programmes work

- What measures need to be taken by governments of destination and origin countries to make circular migration an effective and viable channel for temporary migration, including building of institutional and human capacity? What are the benefits and costs of circular migration programmes?
- What labour matching and intermediation tools have been used to effectively match labour demand and needs in circular migration programmes?
- Are particular measures needed regarding different types of circular migration, e.g. depending on status (employed or self employed), skills levels, sectors, and period of stay?
- What measures do states need to put into place to facilitate return and reintegration? Have successful incentive schemes to encourage return been enabled such as portability of welfare rights, opening up of new job opportunities, offering of financial support to start-ups, creation of matched savings funds etc.?

Experience sharing on development and implementation of temporary labour migration programmes including circular migration in the OSCE area

- What are the new developments in the area of temporary labour migration policies and programmes in the OSCE area?
- What is the experience of countries so far of the success of circular migration programmes in facilitating temporary labour market needs?
- How can the private sector/employers and civil society contribute to the effectiveness of temporary labour migration programmes?
- What is the experience of origin and destination countries in lessening the negative aspects of high skilled migration and avert brain drain by turning it into brain circulation?

- How effective have temporary labour migration programmes been reducing irregular migration and encouraging return and reintegration? Which concrete measures have been taken or could be taken to reduce social costs from repeated circulations or lengthy separations on children, spouses and other close family-members left behind?

Best practices exchange in regional and bilateral labour agreements related to circular migration, return and reintegration

- Are bilateral labour agreements the most effective way to regulate the recruitment and employment of short and long term workers between countries, and to manage labour flows?
- How effective are bilateral labour agreements in combating irregular migration by offering alternative legal channels to migrate and as a negotiation tool to secure co-operation from countries of origin in managing irregular migration (readmission)?
- What are sending country and receiving country perspectives on regional and bilateral labour agreements?
- How can it be ensured that countries have the necessary capacity to manage migration and labour mobility in safe, fair and transparent ways that maximize development potential and promote good governance?

Session III - Facilitation of legal migration

With regard to facilitating legal migration and improving legal migration channels, the issue of regulation of recruitment agencies' work of recruitment agencies was comprehensively discussed at the First Preparatory Conference. The need for enhanced co-operation between labour and employment agencies - public and private, national and foreign – was emphasized. It was also repeatedly stressed that special attention should be paid to providing migrants and potential migrants with adequate information on legal migration channels, requirements, and other support services, i.e. through the establishment of migrants' information centres, pre-departure orientation and labour attachés.

However, to facilitate further exchange of information and co-operation in this area between countries of origin, transit and destination, the session will focus on what can be done to develop effective migrant information and foreign employment services as well as services to attract diaspora investment and return migration of highly skilled.

Information on legal migration channels, requirements and other support services

- What is the experience in the OSCE countries in developing effective migrant information centres and networks of migrant information centres that are able to provide a range of pre-departure and return services to migrant workers?
- What human and financial resources are required to build up effective information and support service centres? Can such centres be self sustainable or are they in need of external subsidies?
- What is the experience of joint efforts between origin and destination countries in developing sustainability of return (i.e. through assisted voluntary return and reintegration programmes, assistance in developing local infrastructures and mechanisms of reintegration as well as provision of local community assistance)?

Regulation of labour and employment agencies for effective policy implementation and promoting enhanced co-operation of labour and employment agencies (public and private, national and across borders) as well as of migrant information centres

- How can enhanced co-operation between labour and employment agencies (public and private, nationally and across borders) be promoted?
- How can the linkages between origin and destination countries be strengthened on (national) employment information?
- How can good co-operation be established between employment bureaus, labour and employment agencies and migration information centres in the origin country and between the origin and destination country?
- What is the experience on capacity building for officials of national employment agencies in countries of origin for managing temporary and circular migration (training of trainers, skills and technical capacities for conducting research on labour market needs in host countries, job-matching system, study tours)?

Industrial development opportunities as circulation incentive for high skilled – a Maghreb example

- What measures are efficient in encouraging brain circulation and the temporary/permanent return of highly skilled members of diasporas for engaging in country of origin development?

Session IV – Combating criminal networks involved in smuggling of migrants and illegal migration

It was stressed at the Prague Preparatory Conference that illegal activities such as smuggling of migrants perpetrated by criminal networks should be firmly countered. The meeting called for increased co-operation in this field and in particular in areas such as: effective management of borders; inter-agency co-operation; inter-governmental co-operation; and joint cross-border investigation teams. The OSCE should continue its engagement in this area. Noting the potential security implications of illegal migration and smuggling, the Forum process could further facilitate sharing of experience and promoting international standards on building effective systems to fight and dismantle criminal networks. The links with money-laundering activities should be explored.

The topics expected to be addressed during the session are described below with some guiding questions.

Interstate and inter-agency co-operation and coordination frameworks

- What are the inter-state co-operation frameworks to combat criminal networks involved in smuggling of migrants and illegal migration?
- How are they functioning and what the gaps? What are the areas that future co-operation should be strengthened, ie. the extradition process, joint investigations and mutual legal assistance?
- What can the OSCE do in co-operation with other actors?
- What would be expected from the participating States? Which are the agencies that should be involved in combating these criminal networks?

Exchange of experience on good practices and effective policies in combating irregular migration and criminal networks

- What is the experience in effective regulation of the recruitment of migrant workers (with monitoring and enforcement mechanism):
 - Do employer sanctions exist in the legal frameworks and are they enforced?
 - pre-licensing checks and on-the-spot inspections
 - enforcement measures (from warnings to penal sanctions)
 - training of public service and law enforcement officials
 - safeguards for guaranteeing basic human rights of irregular migrants, taking into account gender and age (e.g. minors) aspects
 - self regulation mechanisms by recruiters such as codes of conduct
 - ethical recruitment and corporate social responsibility of private sector companies?
- What are the best practices regarding border and visa policy that have proved effective in combating irregular migration and criminal networks? Possible sanctions against those who facilitate irregular migration.

Joint cross-border investigation teams to dismantle facilitators' networks

- What are the prerequisites for successful cross-border operations?
- How can the links between the criminal networks and their 'modus operandi' be better understood and information shared between countries?
- How can the coordination at national level and the cross-border co-operation (including through joint investigation teams) be further improved?

Session V – Regional co-operation frameworks that promote a more comprehensive approach to migration

Effective migration management can only be sustained through partnerships and co-operation between destination, transit and origin countries, both bilaterally as well as at the regional and international levels. Migration policy approaches between countries and regions should be more coherent. The OSCE could in particular help in stimulating political will as it is well placed to provide a platform for continued dialogue on how to strengthen co-operation on bilateral and regional levels in order to develop effective migration policies and practices.

The session could address regional co-operation issues raised in the previous sessions as well as attempt to provide answers to the following questions:

- What are the opportunities for closer intra- and inter-regional policy co-operation and coordination between origin and destination blocks?
- What can international and regional organizations do to facilitate fair, transparent and efficient administration of labour migration and address illegal migration?
- What can the OSCE do to promote strengthened regional co-operation on migration issues?

Concluding Discussion – Follow-up to the Forum

- Interventions, comments and suggestions by delegations and participants