

# Foreign Labour Admission

## Policies:

# Unequal access to regular channels of migration for women

**Gloria Moreno-Fontes, ILO  
Senior Labour Migration Specialist**  
[\*\*mfontes@ilo.org\*\*](mailto:mfontes@ilo.org)  
**Labour Migration Branch,  
WorkQuality Department**



# Outline

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- 1. Permanent & Temporary regular migration opportunities**
- 2. Responding to labour & skill shortages**
- 3. Vacancy/labour market test, quotas & fees**
- 4. Visas, permits**
- 5. Recruitment practices**

## Women migrant workers' vulnerabilities at different stages of the migration process

Migration stage	Female migrant workers' experiences
<b>Pre-departure</b>	Falling victim to illegal recruiters and traffickers Cheating, harassment and extortion by agencies and brokers Exploitation in "training centres"
<b>Journey</b>	Risks attendant to clandestine entry or smuggling, including unsafe means of travel, harassment by criminal elements, being caught with false documents, etc.
<b>Working and living abroad</b>	Contracts being substituted with ones providing for substandard abroad wages and working conditions, accommodation, etc. Violation of contract by employers and disputes over compensation and other entitlements In some countries, rights denied to women Withholding of passports and travel documents Lack of adequate insurance to cover medical treatment Delays or non-payment of wages and unauthorized deductions Physical, psychological or sexual abuse or violence Lack or absence of access to services and redress mechanisms Risks of detention if in irregular status or undocumented
<b>Termination of contract</b>	Risk of pre-mature termination of employment lack of effective access to complaint and redress machinery
<b>Return and Reintegration</b>	No alternative source of income and difficulties in finding employment In some countries, extortion by airport and customs personnel upon arrival Family problems and adjustment Social reintegration difficulties, particularly for survivors of violence abroad Danger of being re-trafficked



# 1. Points-based system for permanent migration: Highly-skilled male-dominated occupations

**Table 2.1 Permanent Immigration Opportunities to Canada and Australia**

Canada, as of May 2013	Australia, as of July, 2013
Specific-eligibility criteria	Professional and other skilled migrants
Engineering managers	Project Builder
Financial and investment Analysts	Engineering Manager
Geoscientists and oceanographers	Production Manager (Mining)
Civil engineers	External Auditor
Mechanical engineers	Internal Auditor
Chemical engineers	Actuary
Mining engineers	Land Economist
Petroleum engineers	Ship's Engineer
Geological engineers	Ship's Master
Aerospace engineers	Ship's Officer
Computer engineers (except software engineers/designers)	Medical Administrator
Land surveyors	Nursing Clinical Director
Computer programmers and interactive media developers	
Industrial instrument technicians and mechanics	
Inspectors in public and environmental health & occupational health and safety	
Audiologists and speech-language pathologists	
Physiotherapists	

Source: Government of Canada, Department of Citizenship and Immigration: Specific eligibility criteria – Federal skilled workers, <http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp?expand=jobs#jobs>

2013: Professional and Other Skilled Migrants, <http://www.immi.gov.au/skilled/general-skilled-migration/skilled-occupation-list.htm>

# Permanent migration opportunities: women under-represented as main applicants

ECONOMIC CLASS	Principal Applicant					Spouses and Dependents				
	Total	Male	%	Female	%	Total	Male	%	Female	%
Skilled Workers	41253	28055	68	<b>13198</b>	<b>32</b>	35355	2361	6.7	<b>32994</b>	<b>93.3</b>
Business Immigrants	2808	2391	85	<b>417</b>	<b>15</b>	7371	2894	39.3	<b>4477</b>	<b>60.7</b>
Live-in Caregivers	3433	169	5	<b>3264</b>	<b>95</b>	2684	1788	66.6	<b>896</b>	<b>33.4</b>

In a large number of receiving countries, women entering as dependants of permanent immigrant **are not entitled to a work permit.**

Thus, many migrant women choose to search for **work in the informal economy.**

# Temporary migration admission in industrialised countries

Table 2.4 Temporary (nonimmigrant) admissions (I-94 only) by selected category of admission and sex, **United States**, 2012

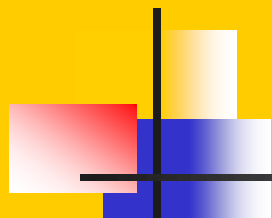
	Total	Men	Women	Unknown
<b>Total</b>	53,887,286	27,825,034 52%	25,605,018 48%	457,234 1%
<b>Tourists and business</b>				
<b>Visa waiver<sup>1</sup></b>	20,282,153	10,722,337 53%	9,540,237 47%	19,579 0%
<b>Other<sup>2</sup></b>	27,448,441	13,363,073 49%	13,756,375 50%	328,993 1%
<b>Students and exchange visitors<sup>3</sup></b>	2,128,808	1,080,525 51%	1,005,629 47%	42,654 2%
<b>Temporary workers and families<sup>4</sup></b>	3,049,419	2,037,021 67%	973,760 32%	38,638 1%
<b>Diplomats and other representatives<sup>5</sup></b>	365,779	234,726 64%	120,415 33%	10,638 3%
<b>All other classes</b>	469,495	319,651 68%	139,337 30%	10,507 2%
<b>Unknown</b>	143,191	67,701 47%	69,265 48%	6,225 4%

**Table 2.5 Trinidad and Tobago - Number of Work permits issued by Occupation (1994-2013)**

Occupation	Number of permits	Occupation	Number of permits
Medical house officer	3375	Mechanic	320
Engineer	1180	Teacher	311
Nurse	1084	Rigger	311
Carpenter	877	Construction Technician	311
Mason	848	Civil Engineer	306
Chief Engineer	848	Helicopter pilot	285
Captain	848	Pharmacist	276
Project Manager	787	Project Engineer	261
Consultant	618	Construction Worker	261
Welder	553	Managing Director	257
Electrician	528	Plasterer	239
Chef	420	2nd Engineer	239
Director	397	Geophysicist	229
Optometrist	396	Chief Officer	227
Worker	374	Pipeline Welder	226
Registered Nurse	367	Crane Operator	225
Lecturer	361	Cook	225
Technician	343	Driller	225
Supervisor	332	Construction Manager	212
General Manager	321	Chef de cuisine - Chinese	210

Source: Thomas-Hope, Elizabeth, Trinidad and Tobago A Profile of Migration, p. 24. Compiled from Work permit data obtained from the Research and Planning Division, MLSMED.

## 2. Temporary migration opportunities in developing countries



# First residence permits by type of migration and gender, OECD countries, 2012

Country of residence	Family reasons		Education reasons		Remunerated activities reasons		Other reasons	
	2012		2012		2012		2012	
	Women	Men	Women	Men	Women	Men	Women	Men
Belgium	58%	42%	50%	50%	36%	64%	39%	61%
Bulgaria	51%	49%	32%	68%	22%	78%	47%	53%
Czech Republic	57%	43%	54%	46%	34%	66%	47%	53%
Denmark	67%	33%	58%	42%	41%	59%	40%	60%
Estonia	58%	42%	45%	55%	17%	83%	24%	76%
Ireland	56%	44%	53%	47%	43%	57%	61%	39%
Greece	62%	38%	60%	40%	46%	54%	55%	45%
Spain	54%	46%	57%	43%	54%	46%	52%	48%
Italy	60%	40%	59%	41%	33%	67%	42%	58%
Latvia	60%	40%	38%	62%	14%	86%	42%	58%
Lithuania	55%	45%	44%	56%	21%	79%	36%	64%
Hungary								
Austria	55%	45%	49%	51%	45%	55%	45%	55%
Poland	51%	49%	48%	52%	44%	56%	57%	43%
Portugal	57%	43%	54%	46%	44%	56%	49%	51%
Romania	53%	47%	41%	59%	22%	78%	33%	67%
Slovenia	67%	33%	52%	48%	13%	87%	27%	73%
Sweden	58%	42%	48%	52%	20%	80%	45%	55%
Norway	66%	34%	52%	48%	38%	62%	40%	60%
Switzerland	63%	37%	55%	45%	39%	61%	55%	45%
<b>TOTAL</b>	<b>58%</b>	<b>42%</b>	<b>50%</b>	<b>50%</b>	<b>33%</b>	<b>67%</b>	<b>44%</b>	<b>56%</b>



# Not enough recognition of labour market needs

- While labour market demand for women migrants' labour and skills is increasing, those labour market needs do not seem to be easily recognized and to inform migration admission policies.
- While men migrate for a broader range of jobs, women's labour migration is concentrated in a very limited number of occupations that are associated with traditional gender roles.



### 3. Responding to labour skills shortages

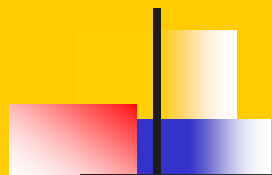
**UK - The Migration Advisory Committee (MAC) created in 2006 - a non-departmental, independent public body for identifying skilled labour shortages to be filled by immigration from outside the European Economic Area. The MAC provides guidance to the Minister for Immigration. The MAC cannot make policy, but can put forward suggestions. A Stakeholder Panel set up in 2008 to provide the MAC with guidance in determining skills shortages. The panel is composed of social partners:**

**The Confederation of British Industry (CBI);  
The Trades Union Congress (TUC);  
The British Chambers of Commerce; and  
The National Health Service (NHS).**

**The MAC assesses labour shortages based on 12 indicators** (employer-based, pay-based, employment-unemployment-hours worked-based, vacancies-based). Since the timing of reports from the National Employers Skills Survey (NESS), the Labour Force Survey (LFS), the Annual Survey of Hours and Earnings (ASHE), and Jobcentre Plus on which the indicators are based are not harmonized.

**The MAC complements this by utilizing evidence from employers and skills councils. Sector Advisory Panels (SAPs) were also created to provide feedback to the MAC and they include Key Sector Skills Councils, trade unions, professional bodies and employers covering: healthcare, education, information technology, engineering and hospitality.**

### 3. Good practice – Labour Market Observatories



Key in advancing information and knowledge to analyse, investigate and study different dimensions and areas of the labour market, and provide and disseminate diagnoses, prospects and trends that **contribute to determine employment, social protection and migration policies**. Labour Market Observatories provide permanent inputs to Government agencies and social partners responsible for strengthening the labour market.

The ILO project "***Strengthening of the Labour Observatories in Central America and the Dominican Republic***" (OLACD), 2010-2014 produced one Regional report and 7 country reports (Guatemala, El Salvador, Costa Rica, Panama, Belize, Honduras, Nicaragua) on "***Intra-regional labour migration flows: actual situation, challenges and opportunities in Central America and the Dominican Republic***".

The reports' findings are based on **surveys that covered 300 immigrants per country together with 181 group interviews of family members and other stakeholders**. A total of **1,515 individual surveys were validated and analysed**. The data was sex-disaggregated. (Publications only available in Spanish, with the exception of the report from Belize)

[http://www.ilo.org/global/topics/labour-migration/publications/WCMS\\_310207/lang-es/index.htm](http://www.ilo.org/global/topics/labour-migration/publications/WCMS_310207/lang-es/index.htm)

# 4. A vacancy/labour market test

1. Imposition of waiting period to publicize the vacancy;
2. Requiring the employer to provide evidence that the job was offered to national workers, but was declined;
3. Requiring the employer to raise the salary offered by a certain percentage.

# 3. Establishing quotas/ceilings

**Can be fixed for the following dimensions:**

- **Country as a whole.**
- **Various regions or administrative districts of the territory.**
- **Sectors of the economy.**
- **Specified occupations.**
- **Individual employers or enterprises**

# 3. Establishing quotas/ceilings

- The annual quota can be divided between **general quotas** (which may include different occupations, according to the results of a tripartite consultation process) and **very small privileged quotas** (which can correspond to foreign workers from countries with which bilateral agreements have been signed).
- The **recruitment process can be directed by an employer call (nominative or generic)**, and the worker could be recruited abroad before his/her admission. Migrants in an irregular situation could also be considered.

# 3. Imposing fees/taxes

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By charging fees, public authorities may seek to dissuade employers from:

1. **Hiring foreigners generally –**
2. **Hiring manual or unskilled workers.**
3. **Hiring foreigners in certain sectors or specific areas.**

## **Problems associated with imposing fees:**

- a) **Fees typically are passed on to the migrant worker.**
- b) **Employers may bypass official channels and resort to the illegal employment of irregular migrants**



# 4. Visas, permits & authorizations

- **Visas** – few complex systems with a large variety of visas for admission. Most countries only have a few broad categories. **Usual distinctions by duration (permanent or temporary) and/or by skill (between professionals and manual workers).**
- **Employers' authorizations to hire migrant workers-** the country's labour administrators can easily check how employers comply with the law. However, can put too much control in the hands of the enterprises over the workers.



# 5. Recruitment dangers

- **Excessive placement fees.**
- **Debt bondage.**
- **Falsification of documents.**
- **Deception (non-existent jobs abroad, etc).**
- **Mail-order brides.**
- **Exploitation and abuse while waiting for the job.**
- **Forced or coerced recruitment, including kidnapping or sale to illegal recruiters or traffickers.**

# Strategies to regulate recruiters and to protect migrants



- a) Compulsory Registration;**
- b) Establish a Limit on recruitment fees;**
- c) Deposit of a Financial Guarantee;**
- d) Enforce Labour inspection;**
- e) Provide Incentives and Sanctions;**
- f) Issuing licences;**
- g) Establishing a Public Employment Agency;**
- h) Self-regulation;**
- i) Limiting the number of recruitment agencies**

# 5. Recruitment methods

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Three types:

- (i) **Public employment or immigration service** in an exclusive operational capacity;
- (ii) **Private sector** - either employers directly or recruitment agents - to undertake the functions of matching demand and supply, with the public employment or immigration service acting only in a supervisory capacity; or
- (iii) **A combination of both.**



# ***ILO Fair Recruitment Initiative***

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- strengthen global knowledge on national and international recruitment practices;
- strengthen laws, policies and enforcement mechanisms in line with ILO Private Employment Agencies Convention (No. 181) and other standards;
- promote fair business standards and practices; and
- foster social dialogue and partnerships and promote good practices within the industry and beyond.”

# Discussion questions

- **Are temporary and permanent migration opportunities in your country providing women migrants with equal opportunities?**
- **What has your country done to improve gender-sensitiveness of labour migration policies and ensure the protection of women migrant workers?**
- **Is there a Labour Market Information System in place to recognise labour market needs for m.w.? If so, how effective it is in identifying jobs for women migrant workers?**
- **What measures does your country take to regulate the recruitment of migrant workers?**