

## X. Conclusions

Of the estimated 191 million migrants worldwide, more than 86 million are thought to be labour migrants. This figure is much higher, if one takes into account accompanying dependents. Management of migration flows is therefore crucial, given this magnitude and the likelihood that international labour movements will increase in the future.

Countries of origin and destination face both common and different priorities and issues, in terms of emphasis, in formulating labour migration policy. The key issues in countries of origin are:

- protection of their nationals while working abroad, in accordance with recognized international human rights and labour standards;
- opening of more legal avenues for their citizens to gain access to labour markets in destination countries;
- optimization of the benefits of labour migration with a focus on enhancing development;
- inter-state cooperation.

While in countries of destination, the key issues relate to:

- attracting and managing labour inflows;
- ensuring the rights of migrant workers, including those of the increasing numbers admitted under temporary labour migration programmes;
- taking into account the concerns of the host population to labour immigration, particularly with regard to the admission of migrant workers and their integration in the host society, while also addressing the negative and harmful aspects of such concerns as intolerance, discrimination, and xenophobia.

Women comprise half of all migrants contributing enormously to national and host country development as well as support of their families. At the same time women are often concentrated in occupations that are low paid and more open to abuse or non-respect of their basic rights as women and migrant workers.

The *Handbook* has attempted to provide some direction for policy-makers in countries of origin and of destination as they seek to respond to these issues by providing information on effective policies and practices which have evolved in countries with substantial experience in this field, taking account of the local context.

The primary concern for countries of origin is to ensure as far as possible the protection and welfare of their migrant workers, particularly those more vulnerable to abuse. To resolve this issue, countries of origin have two concrete policy options at their disposal: regulatory measures, and the provision of support services. The *Handbook* describes a range of policy strategies in both these two areas, including regulation of recruitment, development of model employment contracts, information dissemination and on-site assistance through the establishment of welfare funds, and creation of posts for labour attachés.

An equally important concern of countries of origin is optimizing the development benefits from organized labour migration. An increasing number of developing countries and countries with economies in transition seek to adopt policies, legislation and structures which promote foreign employment for a section of their workforce and thus generate remittances, while providing safeguards to protect their migrants. Al-

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though job creation at home is the best option, a growing number of countries see overseas employment as part of a national development strategy to avail themselves of global employment opportunities and to generate foreign exchange. The *Handbook* describes policies to optimize the benefits of organized labour migration, including marketing and the expansion of labour migration, extension of the development benefits of remittances, skills development, and mitigation of the emigration of skilled human resources.

These policy objectives can only be met, however, if there is adequate institutional capacity and inter-ministerial coordination to carry out these objectives. These include giving due priority to labour migration in terms of overall development and foreign policy and of resource allocation. The *Handbook* outlines the key elements in the effective administration of labour migration.

Despite all the efforts made by countries of origin to protect migrant workers, they continue to experience numerous problems in destination countries, particularly vulnerable groups of migrants, such as female domestic workers, entertainers and lower skilled workers. There are clear limits to what a state of origin can do to protect its citizens working abroad without the active cooperation of the states of employment. In addition, inter-state cooperation is essential for expansion of organized labour migration and for reductions in irregular movements. Inter-state cooperation is important for both countries of origin and countries of destination and may be achieved through formal as well as informal mechanisms.

While most states are often predominantly countries of origin or of destination, as emphasized in the introductory chapter, international labour migration is a dynamic process and today's countries of origin may tomorrow become countries of destination. Moreover, to some extent, most countries of origin are also countries of destination in that they receive inflows of labour (even if these are limited to corporate, business, and humanitarian workers). Some middle-income countries are also destination countries and are seeking ways to improve the management of their labour inflows. Moreover, many high-income countries, while having established long-standing migration policies, have to make continual adjustments to meet labour market needs, attract skilled migrants, whether on a permanent or temporary basis, reduce irregular migration, and mitigate brain-drain in countries of origin. Establishing effective policies to manage labour inflows is a complex task and the *Handbook* has endeavoured to provide a range of policy options that appear to work, while also discussing those which have been less successful. Countries that have achieved relative success in managing labour migration have done so because they have been prepared to admit past policy failures and to experiment with new approaches.

Observations and assessments of recent policy-making on labour migration at the national level indicate that, given the demographic and welfare imbalances in most European countries, serious consideration has to be given increasingly to certain forms of permanent employment-based immigration. Some countries, such as the Czech Republic, Germany and the United Kingdom, have already initiated programmes for this purpose. The Canadian points sys-

tem, which assesses applicants wishing to be admitted for the purpose of employment based on objective criteria, has served as a model for the development of fledgling employment-based immigration systems in these European countries.

At the same time, a considerable majority of migrant workers, who are lawfully employed in European countries, have been admitted in the context of temporary labour migration schemes, sometimes facilitated by bilateral labour arrangements. Policy-makers now face challenges in making these programmes work, while simultaneously protecting the interests of their national workforce (both nationals and lawfully resident migrants) and providing sufficient safeguards for migrant workers admitted under these schemes. The *Handbook* has considered these questions with reference to specific policy examples and has also advanced a number of policy suggestions in this area with a focus on the effective return and rights' dimensions of such programmes.

Given the transnational nature of labour migration, a policy framework developed solely at the national level, irrespective of how innovative or meticulously crafted, will be insufficient to meet all the challenges posed. Consequently, such a framework should be firmly rooted in bilateral, regional and multilateral mechanisms, both of a formal and informal co-operative nature, which inform and supplement national approaches. In this regard, it is important to underline the role of the international legal framework, both that relating to the protection of the human and labour rights of both male and female migrant workers and that concerned with securing greater mobility for workers in the context of service provision un-

der Mode 4 of the GATS, as well as the diverse forms of inter-state cooperation.

After the launch of the *Handbook* in May 2006, it is proposed to organize specialized regional and/or national workshops to allow decision-makers and practitioners from interested countries to discuss specific areas covered by the *Handbook* in more detail. The aim will be to assist participants in these workshops not only to familiarize themselves with effective practices carried out in other countries, but also to discuss how particular policies presented in the *Handbook* might be adapted or developed to suit their specific migration management situations, and to identify key steps to be undertaken by their respective governments to address specific labour migration needs and concerns.

It is hoped that the *Handbook* and subsequent workshops will also help to create a basis for future dialogue and co-operation among various national authorities and other stakeholders, and directly facilitate the exchange of information among states, in the OSCE area and beyond, on effective policies and practices related to labour migration management.

Governments, employers' and workers' organizations, parliamentarians, and civil society organizations in all countries, which are participating States of the OSCE, and Member States of the ILO and IOM, have a fundamental role to play in assuring a regulated and effective approach to international labour migration. This approach offers the best route to ensuring that labour migration becomes truly an instrument of development, regional integration, and social welfare in home and host countries, as well as for migrants themselves.





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# Annexes

## *ANNEX 1: Activities of OSCE, ILO and IOM on Labour Migration*

### **1. Organization for Security and Cooperation in Europe (OSCE)**

The OSCE, a regional, values-based organization under the United Nations' Charter, plays a leading role in promoting security and democratization across the Euro-Atlantic and Eurasian States. Specifically, it helps to provide: early warning, conflict prevention, crisis management and post conflict rehabilitation. It tackles this security mandate in a co-operative and comprehensive way. Its 3,500 staff in 18 field operations and three specialized institutions are committed to fostering security in the region for its 55 participating States and 11 Partners for Co-operation.

Due to recent labour migration trends and patterns in the OSCE area, a number of OSCE participating States have accommodated significant numbers of migrants. Issues related to the human rights of migrants and migrant workers, in particular, have been receiving increasing attention of the OSCE over the last years. The OSCE has developed a number of important commitments on migration, freedom of movement, treatment of migrant workers, and treatment of citizens of other participating States. The OSCE institutions and field presences assist OSCE participating States in their efforts towards compliance with these commitments.

Despite ongoing efforts by governments, the private sector and civil society to address the need to im-

prove the socio-economic conditions and reduce economic differences between countries, there are still serious challenges related to demographic developments, socio-economic disparities, limited income opportunities as well as obstacles to protecting the human rights of migrants in the OSCE area. Moreover, there are persistent negative stereotypes and perceptions about the impact of migrants. A lack of information on migration as a phenomenon and on migration laws and policies of other participating States presents a challenge to citizens and governments alike and needs to be overcome. Another challenge is the growing perception in one group of OSCE States that the other part of the region is erecting a “paper curtain” of onerous visa requirements that would divide the region and its citizens, thereby preventing them from learning more about each other and from reaching mutual understanding.

#### **The main issues**

1. **Supporting the development of improved income opportunities:** Globalization, liberalization and technological change offer new opportunities for trade, growth and development, but these changes have not benefited all the participating States and their citizens equally, thus contributing, in some cases, to deepening economic and social disparities between and also within the OSCE participating States. Poverty, unemployment, lack of opportunities, ecological disasters resulting from natural and man-made causes in countries of origin, and increasing labour demand in countries of destination are some of the key factors driving migration. The migration movements have brought with them growing irregular migration and associ-

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ated criminal activities such as smuggling and trafficking of human beings. To address some of the challenges, activities are needed to promote strengthening of the investment and business climates to stimulate economic growth and job creation, support entrepreneurship development, raise local awareness about alternative ways for use of remittances, and promote regional economic cooperation. To underpin informed decision-making, there is also a need for more quality research on the social and economic effects of migration in the OSCE participating States.

**2. Supporting initiatives on treatment of migrants and migrant workers and protection of their rights:** The analysis of the migration situation in the OSCE area indicates a growing number of migrant workers. Citizens of OSCE participating States also migrate internally to the richer and economically developed regions and large cities seeking jobs and better living conditions. The lack of tolerance in the host society towards migrants and proper legal mechanisms for the protection of their rights can cause conflicts. The elaboration and implementation of programmes focused on safeguarding the rights of migrants, regularization of migrant workers, and their integration into society support the development of human-oriented migration policies. Additionally, there is an urgent need to promote dialogue and establish co-operative mechanisms among OSCE participating States on the issue of labour migration to prevent discrimination, ill-treatment, and other situations where the rights of migrant workers are violated.

**3. The right to free choice of place of residence:** Despite the fact that more than 15 years have passed since the collapse of the Soviet Union, the Soviet-era regulations on registration of both nationals and foreigners, known as the *propiska* system, have not been changed in a number of countries in Eastern Europe and Central Asia, thereby restricting the freedom of individuals to choose their place of residence within their own countries. Moreover, the *propiska* system poses a significant barrier to finding durable solutions to the problems of all migrants, including migrant workers and internally displaced persons, results in the denial of social services, and impedes access to jobs, as well as creates obstacles to migrants' participation in elections and integration into society.

#### **Programme on internal migration**

Assistance in reforming the *propiska* system by:

- helping in the development of a conceptual and legal basis for the reform of population registration;
- providing expertise in drafting of new legislation;
- organizing conferences, seminars, technical workshops in order to discuss concepts and draft laws on reforms of population registration.

#### **Programme on cross-border migration**

Promoting inter-state cooperation on labour migration, migration-related information, and the human rights of migrants, through:

- facilitating bilateral and multilateral cooperation and exchange of information and experiences on migration, labour migration and the human rights of migrants;



- assisting in the establishment of concrete bilateral and multilateral cooperation mechanisms on migration issues;
- assisting OSCE participating States in the development of migration policies and legislation in line with OSCE commitments;
- in close cooperation with other organizations and agencies, facilitating inter-state and intra-state cooperation on the collection and exchange of migration-related data and development of policy-oriented research on labour migration issues, including irregular migration, and the economic impact of migration;
- organizing training programmes to provide government officials and the public at large with the information and skills needed to implement international standards and ‘good practices’ in the field of migration, including services to migrants and the treatment of migrants, at both national and regional levels;
- promoting the establishment of migrant resource and information centres;
- organizing training programmes and raising awareness among migrants and their families about remittances’ use and investment ;
- supporting the publication of reference guides and other materials for policy makers and the public at large on migration issues and the human rights of migrants, and organizing awareness-raising seminars and workshops;
- promoting good governance and preventing corruption in dealing with labour migrants.

### **Programme on environmentally induced migration**

Assistance to environmentally induced migration:

- assisting in background research identifying the root causes, geographical areas, challenges and possible solutions;
- discussing the findings at the preparatory Conference to the OSCE 15th Economic Forum and developing specific actions (seminars, technical workshops, project activities, awareness raising and information exchange/dissemination).

Source: OSCE (OCEEA and ODIHR) (April 2006).

## **2. International Labour Organization (ILO)**

The protection of migrant workers and improvement of their working conditions have been concerns of the ILO since its establishment in 1919. The emergence of international labour migration as an important global phenomenon compels ILO to increase its role in this area. The 92nd Session of the International Labour Conference (ILC) in June 2004 adopted by consensus a “Resolution and Conclusions concerning a fair deal for migrant workers in a global economy”. This decision noted that:

The ILO’s mandate in the world of work as well as its competencies and unique tripartite structure entrust it with special responsibilities regarding migrant workers. Decent work is at the heart of this. The ILO can play a central role in promoting policies to maximize the benefits and minimize the risks of work-based migration.

The ILC 2004 outcome reiterated and reinforced the ILO operational mandate in this area by calling on the Office and its constituents to carry out a Plan of Action on migrant workers. This Plan of Action reflects and strengthens the ongoing work of the ILO. Its components are:

- development of a non-binding multilateral framework for a rights-based approach to labour migration, taking account of labour market needs and sovereignty of States;
- wider application of international labour standards and other relevant instruments;
- support for implementation of the ILO Global Employment Agenda at national level;
- upholding of social protection for migrant workers;
- capacity building, awareness raising and technical assistance;
- strengthening of social dialogue;
- improving the information and knowledge base on global trends in labour migration;
- ILO and constituent participation in relevant international initiatives on migration.

### 1. The Multilateral Framework on Labour Migration is described in the *Handbook* (Section IX.2.3.2).

### 2. Wider application of international labour standards and other relevant instruments

ILO activities include:

- promoting ratification of ILO Convention No. 97 and Convention No. 143, as well as other relevant international Conventions for migrant workers;
- producing training and educational material on migrant worker instruments for use by concerned government agencies, social partners, and NGOs;
- assisting Member States in conforming national labour migration policies and programmes to these standards;
- providing assistance in drafting legislation to regulate private employment agencies, as requested by numerous countries.

### 3. Implementation of the Global Employment Agenda

- Supporting Member States in mitigating the circumstances driving migration through the generation of decent work opportunities in countries of origin;
- promoting gender-sensitive employment and vocational training policies to reduce migration of vulnerable groups and help local labour market integration;
- promoting human resource development on issues of migration of skilled labour including brain drain and skills shortages;
- implementing a special action programme on international migration of health-care workers;
- identifying good practices regarding skills training of migrant workers; promoting international recognition of qualifications and experience;
- facilitating migrant worker remittances through adoption of measures to reduce costs and risks, and leveraging remittances for investment via links to micro lending programmes.

### 4. Social protection of migrant workers

- Offering advisory services on formulation and implementation of labour migration policies based on the ILO Multilateral Framework on Labour Migration;
- reviewing implications of demographic change for social security systems, including in the International Labour Office contribution to the Second World Assembly on Ageing;
- promoting establishment of bilateral or multilateral social security agreements on portability of social security and pension rights for migrant workers;
- reviewing conditions of work, and promoting safe work for migrant workers;
- combating discrimination and promoting integration through dissemination of effective practices, indicators of integration and evaluation tools;
- ensuring that national labour legislation and social regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups.

### 5. Capacity building, awareness raising and technical assistance

Current and planned technical cooperation activity is:

- assisting Member States to update laws and regulations in harmony with international standards, undertake practical measures on labour migration, and improve the functioning of administrative arrangements and enforcement mechanisms;
- building capacity for monitoring labour migration at the national level;
- strengthening capacity of workers' and employers' organizations to participate in formulation and implementation of policies;
- supporting development of gender-sensitive national migration policies;
- promoting measures and activities to combat racism, discrimination and xenophobia.



## 6. Strengthening social dialogue

- Facilitating participation of employers' and workers' organizations in relevant international, and national forums and establishment of national tripartite consultative mechanisms to ensure social dialogue on all aspects of labour migration;
- promoting consultation with employers' organizations on practical opportunities and challenges they confront in the employment of foreign workers;
- exploring complementary partnerships with important civil society and migrant associations that promote the rights and welfare of migrant workers.

## 7. Improving the information and knowledge base

- Supporting improvement of migration statistics, particularly with the ILO International Labour Migration Database; currently providing data from more than 80 countries;
- improving government capacity and structures for collecting and analysing labour migration and related labour market data, and applying it to labour migration policy;
- testing in selected countries new census and household survey modules to measure the labour situation of migrants and immediate descendents;
- collecting and disseminating information and profiles of 'best practices' in relevant categories of labour migration management and in integration policies;
- conducting research on labour migration issues, including long-term labour market developments, irregular migration, migration and development, the impact of emigration on countries of origin, and contributions of immigration to countries of destination;
- developing models for future information exchange between destination and origin countries on job openings and skills needs for foreign workers.

## 8. Policy cooperation and dialogue

- Collaboration with UN bodies, intergovernmental agencies and regional bodies;
- active participation in the Global Migration Group;
- cooperation with global and regional social partner organizations;
- contributions to the UN High Level Dialogue on international migration and development.

Source: ILO, International Migration Programme (MIGRANT) (March 2006).

## 3. International Organization for Migration (IOM)

Established in 1951, the IOM is the principal intergovernmental organization in the field of migration. It has 116 Member States and over 1,400 active projects, several of which are in the field of labour migration, in over 280 field locations in more than a hundred countries, carried out by IOM's 5,000 employees worldwide through an operational budget of more than a billion dollars annually. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants and promoting international cooperation on migration issues. IOM works in four broad areas of migration management: migration and development, facilitating migration, regulating migration and addressing forced migration. Cross-cutting activities include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration. Labour migration is a critical cross-cutting issue.

IOM's purpose in labour migration is to facilitate the development of policies and programmes that can individually and mutually benefit the concerned governments, migrants and societies by:

- providing effective protection and support services to labour migrants and their families;
- fostering economic and social development; and
- promoting legal forms of labour mobility as an alternative to irregular migration.

With its global presence in both countries of emigration and immigration, IOM is well placed to bring together all parties to put in place labour migration mechanisms that balance the different interests.

IOM programmes in labour migration include:

- government capacity-building;
- pre-departure orientation for migrants, awareness raising and provision of information;
- facilitation of bilateral labour arrangements and the implementation of labour migration programmes;
- enhancement of the development impact of labour migration;
- assistance with inter-state dialogue and cooperation.

The programmes are carried out in partnership with various governments and international organizations.

### **Capacity-building in labour migration management**

An increasing number of developing countries and countries with economies in transition seek to adopt policies, legislation and structures to promote the foreign employment of part of their workforce and generate remittances, while providing safeguards to protect their migrants. Some middle-income countries are also destination countries and are seeking ways to better manage their labour inflows. IOM helps strengthen the labour migration management capacity in such countries.

### **Pre-departure training and orientation of labour migrants and information**

Many migrants face difficulties in the host countries due to lack of preparation before departure. IOM offers pre-departure orientation services to inform the migrants about their future living and working environment and assist in developing language training curriculum to facilitate migrant integration in the destination countries. IOM has focused on awareness raising of migrants on risks and realities associated with labour migration and on improving migrants' access to information on immigration and labour legislation.

### **Facilitating bilateral labour programmes**

States requiring foreign labour are increasingly entering into bilateral labour agreements with partner states or developing special labour migration programmes. These programmes are designed to steer labour flows to specific areas of demand and reduce the need for irregular migration by providing legal alternatives. IOM supports government efforts to put these elements into place and provides a full range of services to home and host countries and to individual migrants to this end.

### **Migration and development: A focus on remittances**

The most direct link between migration and development is through remittances – the funds migrants send home. Recognizing that remittances are private and family funds, IOM's purpose in the remittance area is to facilitate the development of policies and mechanisms that:

- improve remittance services to migrants;
- enhance the development impact of remittances.

A third area of interest, given the poor quality of data available on remittances, is:

- baseline and policy oriented research.

### **Regional dialogue**

IOM promotes inter-state regional dialogue on migration, including labour migration, in partnership with other international and regional organizations as well as other pertinent stakeholders, with a view to sharing information, experiences and best practices on such questions as the protection and provision of services to vulnerable migrant workers, optimizing the benefits of organized or legal labour migration, enhancing capacity-building and promoting further dialogue between the countries involved. The Ministerial Consultations on Overseas Employment for Countries of Origin in Asia (Textbox IX.8) constitute an example of such activities promoted and undertaken by IOM.

Source: IOM Labour Migration Division.

## ANNEX 2: *Environmentally-Induced Migration*

Environmental sustainability and (irregular and labour) migration are closely linked. The main explanation lies in the fact that poverty, which pushes many people to migrate, is directly linked with the environment's sustainability in order to provide them with an income. In particular, agricultural communities face the risk of environmental degradation as their income depends on the land being able to provide them with goods to sell. Further, poverty may worsen local environmental problems, as it forces workers to deplete water, forest and soil resources to the point where it is difficult for nature to regenerate ecosystems.

Among the main factors that may lead to environmentally-induced migration are:

- falling ground water levels as a result of unsustainable water management;
- salinization of the land as a result of over-irrigation;
- desertification as a result of salinization, deforestation and/or pollution;
- natural disasters as a result of earthquakes, deforestation and/or climate change;
- industrial/nuclear waste and accidents;
- climate change which may cause oceans to rise and alter rain patterns.

Various international agencies note growing numbers of displaced people as a result of environmental problems such as drought, soil degradation, desertification, deforestation and natural and man-made disasters. The Red Cross and Red Crescent World Disasters Report 2003 estimates that 25 million people have become 'environmen-

tal migrants'. The uncertainty about the numbers stems from the difficulty of assessing how environmental degradation actually influences a person's decision to migrate. Environmental factors are closely intertwined with other factors, such as poverty, institutional constraints, population pressures and political instability – all of which are given as reasons for migration.

The existence of environmental refugees/migrants was first recognized and categorized in 1985 in a UN Environmental Programme (UNEP) report. The publication defined environmental refugees as "those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural or man-made) that jeopardized their existence and/or seriously affected their quality of life" (El-Hinnawi, 1985: 964).

This definition does not correspond to the official definition of "refugees" by the 1951 UN Convention Relating to the Status of Refugees, which protects only those who have crossed an international border and have a "well-founded fear" of being persecuted. The plight of millions of forced environmental migrants does not fulfil the second of these criteria and often not the first one either, as many people move within their country. This exclusion raises serious ethical and legal questions. Some experts opine that adding environmental migrants to the definition of refugees would be unhelpful, as it would overload the existing refugee apparatus. The result is that no UN agency is currently mandated to help them. Being thus unofficially classified as 'environmentally induced migrants', national governments have a responsibility on the one hand to prevent environmental degradation and on the other, to assist those people affected by it.

Source: OSCE (April 2006).

## *ANNEX 3: Sample Employment Contract Philippine Overseas Employment Administration*

This employment contract is executed and entered into by and between:

A. Employer:

Address and Telephone no:

B. Represented by:

Name of agent/company:

C. Employee

Civil Status:

Passport no:

Address:

Place and Date of Issue:

Voluntarily bind themselves to the following terms and conditions:

1. **Site of employment**
2. **Contract duration** \_\_\_\_\_ commencing from employee's departure from the point of origin to the site of employment.
3. **Employee's position**
4. **Basic monthly salary**
5. **Regular working hours:** maximum of 8 hours per day, six days a week
6. **Overtime pay**
  - (a) Work over regular working hours
  - (b) Work on designated rest days and holidays
7. **Leave with full pay**
  - (a) Vacation leave
  - (b) Sick leave
8. **Free transportation** to the site of employment and, in the following cases, free return transportation to the point of origin:
  - (a) Expiration of the contract
  - (b) Termination of the contract by the employer without just cause
  - (c) If the employee is unable to continue to work due to connected or work-aggravated injury or illness
9. **Free food or compensatory allowance** of US\$ \_\_\_\_\_, free suitable housing.
10. **Free emergency medical and dental services** and facilities including medicine.
11. **Personal life and accident insurance** in accordance with the host government and/or \_\_\_\_\_ government laws without cost to the worker. In addition, for areas declared by the \_\_\_\_\_ government as war risk areas, a war risk insurance of not less than \_\_\_\_\_ shall be provided by the employer at no cost to the worker.



12. In the **event of death** of the employee during the terms of this agreement, his remains and the personal belongings shall be repatriated to the \_\_\_\_\_ at the expense of the employer. In case the repatriation of the remains is not possible, the same may be disposed of upon prior approval of the employee's next of kin and/or by the \_\_\_\_\_ Embassy/Consulate nearest the job site.
13. The employer shall assist the employee in remitting a percentage of his/her salary through the proper banking channel or other means authorized by law.
14. **Termination:**
- A. **Termination by employer:** The employer may terminate this Contract on the following just causes: serious misconduct, willful disobedience of employer's lawful orders, habitual neglect of duties, absenteeism, insubordination, revealing secrets of the establishment, when employee violates customs, traditions, and laws of \_\_\_\_\_ and/or terms of this Agreement. The employee shall shoulder the repatriation expenses.
- B. **Termination by employee:** The employee may terminate this Contract without serving any notice to the employer for any of the following just causes: serious insult by the employer or his representative, inhuman and unbearable treatment accorded the employee by the employer or his representative, commission of a crime/offense by the employer or his representative and violation of the terms and conditions of employment contract by the employer or his representative. Employer shall pay the repatriation expenses back to \_\_\_\_\_.
- B1. The employee may terminate this Contract without just cause by serving one (1) month in advance a written notice to the employer. The employer upon whom no such notice was served may hold the employee liable for damages. In any case, the employee shall shoulder all the expenses relative to his repatriation back to his point of origin.
- C. **Termination due to illness:** Either party may terminate the Contract on the ground of illness, disease or injury suffered by the employee. The employer shall shoulder the cost of repatriation.
15. **Settlement of Disputes:** All claims and complaints relative to the employment contract of the employee shall be settled in accordance with Company policies, rules and regulations. In case the employee contests the decision of the employer, the matter shall be settled amicably with the participation of the Labor Attaché or any other authorized representative of \_\_\_\_\_ Embassy or Consulate General nearest the site of employment. In case the amicable settlement fails, the matter shall be submitted to the competent or appropriate body in (host country) or \_\_\_\_\_ if permissible by the host country laws at the option of the complaining party.
16. The employee shall observe employer's company rules and abide by the pertinent laws of the host country and respect its customs and traditions.
17. **Applicable law:** Other terms and conditions of employment, which are consistent with the above provisions, shall be governed by the pertinent laws of \_\_\_\_\_.

## **ANNEX 4:**

# ***Inter-Agency Coordination and Cooperation in the Philippines***

Although agencies like the Philippines Overseas Employment Administration (POEA) are vested with the authority to manage their overseas employment programme, they can only do so successfully in cooperation and coordination with an array of other national government agencies. The following presents an outline of the kind of inter-agency and intra-agency cooperation and coordination that POEA has established:

- (a) Department of Foreign Affairs (DFA)
  - Passport issuance of overseas workers;
  - Investigation of illegal recruitment networks overseas;
  - Assistance to distressed victims of illegal recruitment at the receiving country;
  - Corrective measures in cooperation with labour-receiving countries.
- (b) Department of Justice (DOJ)
  - preliminary investigation and inquest proceedings in illegal recruitment cases;
  - prosecution of illegal recruitment cases;
  - court appearances of POEA personnel in aid of prosecution;
  - monitoring of illegal recruitment cases/incidences nationwide.
- (c) Philippine National Police (PNP)
  - investigation of illegal recruitment and related cases;
  - institution of criminal actions against offenders;
  - apprehension of suspects and service of warrants for arrest;
  - closure of illegal recruitment establishments;
  - conduct of orientation sessions for PNP personnel nationwide;
  - provision of operational funds to be utilized by the PNP in anti-illegal recruitment operations.
- (d) National Bureau of Investigation (NBI)
  - as for PNP
- (e) Bureau of Immigration (BI)
  - control of entry by alien recruiters;
  - investigation of illegal recruitment cases involving aliens;
  - prevent departure of aliens engaged in illegal recruitment;
  - prevent exit of undocumented workers.
- (f) Local Government Units and Non-Governmental Organizations
  - monitoring of illegal recruitment activities through the barangays (smallest government unit);
  - supervision of local police units through local chief executives;
  - cancellation of permits of business establishments used by illegal recruitment establishments;
  - assistance in investigation and apprehension of suspected illegal recruiters;
  - institutionalization of role of local government units and NGOs in partnership with PNP in anti-illegal recruitment campaigns.
- (g) Department of Tourism (DOT)
  - closure of unscrupulous travel agencies;
  - regulation of travel agencies;
  - investigation of travel agencies engaged in the smuggling of overseas workers disguised as tourists and of illegal recruitment activities.
- (h) Judiciary
  - service of warrants for arrest;
  - criminal proceedings in cases involving illegal recruitment;
  - publication of convictions involving illegal recruitment and related cases;
  - monitoring of illegal recruitment cases;
  - representations to the Office of the Court Administrator for a speedy and visible disposition of illegal recruitment cases.

(i) Representations with both Houses of Congress  
➤ development of proposals for the legislative agenda enabling Congress to produce legislative measures for strengthening the government's campaign to protect and promote the welfare of migrant workers.

(j) Coordination with Public Information Agencies  
➤ support for mutual commitments to maximize the impact of information drives.

(k) Regional Offices of the Department of Labour  
➤ coordinate and assist POEA regional offices in implementing rules and regulations of overseas employment.

(l) Securities and Exchange Commission  
➤ registration of corporations with recruitment as its primary activity.

These are, amongst others, the primary agencies with which POEA works in order to carry out its mandate. Without the close cooperation and coordination of each and every agency listed above, it cannot succeed.

## ANNEX 5: Databases

There are a number of data sources available for people looking for information on international migration statistics, though there are fewer for those exclusively interested in labour migration. This section only discusses examples of popular sources and is not an exhaustive list. The national statistical organizations (NSOs) of most countries have publicly accessible tables and data on international migration available on their respective websites.

One source for international migration data is the International Labour Migration Database (ILM) maintained by ILO. The ILM focuses on labour migration and covers a greater variety of countries than many other migration databases, with data from nearly one-hundred countries. Examples of tables in this database include the stock of immigrants and migrant workers by employment status, in-flows of immigrants and migrant workers, by sector of employment, and the stock and out-flow of nationals abroad. Unfortunately, the database is not regularly updated and contains much missing data.

<http://www.ilo.org/public/english/protection/migrant/ilmdb/>

The IOM Statistical Information System on Migration in Central America (SIEMCA) project, designed to provide adequate, timely and compatible migration data from various sources through an Information System on Migration for the Central America region, also compiles existing household data on remittances in Costa Rica and El Salvador.

<http://www.siemmes.iom.int/>

A Data Sharing Mechanism (DSM) is being created upon the initiative of the governments of Eastern Europe and Central Asia, with the support of IOM. The DSM is a tool for collecting and sharing agreed upon migration-related information and data in the region. It also provides documentation on the sources and definitions of data as well as general information about legal and policy issues in each participating State.

[https://www.dsm-migration.net/dsm/cms/artikelShow.do?menu\\_id=1&parent\\_id=0](https://www.dsm-migration.net/dsm/cms/artikelShow.do?menu_id=1&parent_id=0)

International migration and asylum data for over thirty countries in Europe is available from the Statistical Office of the European Communities (EUROSTAT), including information on labour migration. These data come from the NSOs of their respective countries. Examples of data include information on the acquisition of citizenship, asylum applications and decisions, workers by citizenship and economic activity, immigration by sex and previous country of residence, emigration by sex and next country of residence, and population by sex and citizenship.

<http://epp.eurostat.ec.eu.int/>

The Organization for Economic Cooperation and Development (OECD) maintains a number of tables with information on migration data among member countries. They also have a database on immigrants and expatriates, which is primarily drawn from the 2000 round of Census data. This database includes information on the stock of foreign born and foreigners, the stock of foreign born and foreigners by educational attainment, and emigration rates by country of birth and for the highly educated. OECD migration data can differ from that found from NSOs since they often independently employ outside experts to calculate migration figures.

<http://www.oecd.org/>

The United Nations Statistics Division (UNSD) publishes a demographic yearbook which often contains international migration data. International migration characteristics are expected to be released in June of 2006, including tables on the native and foreign born population by age, sex, and urban/rural residence, population by citizenship, sex, and urban/rural residence, foreign-born population by country or area of birth, and the economically active foreign-born population by occupation and sex.

<http://unstats.un.org/unsd/demographic/products/>

The United Nations High Commissioner for Refugees (UNHCR) collects and publishes asylum and refugee statistics on an annual basis in their Statistical Yearbook.

<http://www.unhcr.org/cgi-bin/texis/vtx/statistics>



The International Monetary Fund (IMF) publishes remittance data in their *Balance of Payments Statistics Yearbook*, available for purchase from IMF. More information on balance of payments and remittances is available at:

<http://www.imf.org/external/np/sta/bop/bop.htm>

Additional information on migrant remittances is available from the **World Bank**, who sponsors a number of household surveys, which include migration and remittance modules to learn more about household and migrant characteristics of remittance senders.

<http://econ.worldbank.org/external/>

## **ANNEX 6:**

### ***Bilateral Labour Agreement between the Russian Federation and Tajikistan***

Reference in Section IX.1.1.1

**Agreement between the Government of the Russian Federation and the Government of the Republic of Tajikistan on labour activity and social protection of citizens of the Russian Federation in the Republic of Tajikistan and citizens of the Republic of Tajikistan in the Russian Federation (23 December 2005)**

#### **Summary of select key provisions:**

Preamble – temporary labour migration is identified as an important area of Russian-Tajik cooperation and a reference is made to the 1994 Agreement on Cooperation in Labour Migration and Social Protection of Migrant Workers and the CIS Convention on Basic Human Rights and Freedoms (26 May 2005).

Article 1 – regulates the temporary labour activity of the citizens of the States parties on each others' territories.

Article 2 – the Agreement is applicable to the citizens of Russia and Tajikistan who are permanently resident in their own country and who are in work permit employment on the territory of the other Party.

Article 3 – the competent authorities responsible for implementing the Agreement are identified: in the Russian Federation, as the Ministry of Internal Affairs and the Ministry of Labour and Social Development and, in Tajikistan, as the Ministry of Labour and Social Protection of the Population. Article 3 also requires the competent authorities in each Party to exchange information, inter alia, on their laws on the employment of foreigners, workers' living conditions, the situation of the labour market in each Party, and the organizations which have licenses for the employment of workers abroad in accordance with the laws of the Parties.

Article 4 – migrant workers must be in possession of an appropriate document (i.e. work permit) to exercise a temporary employment activity on the territory of the receiving Party. The work permit should not be issued for more than one year, but can be renewed for a further year.

Article 5 – the admission, departure and stay of migrant workers is realized in accordance with the receiving State's laws and the present Agreement. Each Party is responsible for determining the number of migrant workers to be admitted to its territory.

Article 6 – the employment record of migrant workers, in accordance with their qualifications and profession, is mutually recognized by the Parties. On completion of their employment, migrant workers should receive an appropriate document containing information on the duration of their employment and their monthly wage. Workers also have the right to social protection in accordance with the laws of the receiving State.

Article 7 – States parties are obliged to promote the development of legal migration processes and the creation of mutually acceptable conditions for the labour migration of their citizens. Each Party is to take measures to prevent illegal recruitment of migrant workers; the publication in the media of misleading information related to employment, working and residence conditions on their territories; and the illegal labour activities of another Party's citizens.

Article 8 – migrant workers have to right to leisure time; medical care is to be provided at the employer's expense, in accordance with the receiving State's laws and at a level equal or higher to that of its own citizens; and social insurance is to be regulated by a separate agreement between the Parties on social insurance.

Article 9 – remuneration and other work conditions are to be regulated by the contract of employment. The contract is to be concluded in writing and the conditions in the contract must be in accordance with the receiving State's labour laws and include the requisite provisions related to the worker's labour activity in the receiving State. The remuneration of migrant workers must not be lower and the working con-

ditions must not be less favourable than those of the receiving State's citizens in similar jobs, professions or skills and performing similar work.

Article 10 – migrant workers must be over 18 years of age and be in appropriate health for the assigned work.

Article 11 – workers must submit appropriate documents demonstrating their skills and qualifications, which are recognized mutually by each State party.

Article 12 – migrant workers must perform the salaried employment for which they have a work permit; otherwise the work permit will be annulled.

Article 13 – if the employer terminates the migrant worker's contract prematurely, he or she must pay the worker the compensation provided for in the contract. In such cases, the migrant worker may conclude a new employment contract with another employer in the receiving State until the expiration of the original work permit on the condition that at least three months remain before the expiration of the permit and that the new employer possesses a legal permit to hire migrant workers.

Article 14 – if the work permit is officially annulled, the migrant worker must leave the territory of the receiving State within 15 days.

Article 15 – in the event of the migrant worker's death, the employer in the receiving State is responsible for the organization of the transportation of the body to the State of permanent residence and for the expenses relating to such transportation. If the death of the migrant worker is the fault of the employer or the worker suffers an employment injury, the employer is responsible for the payment of compensation in accordance with the laws of the receiving State.

Article 16 – migrant workers have the right to transfer and export funds in foreign currency to their State of permanent residence in accordance with the receiving State's laws. The income tax paid by the migrant worker is determined in accordance with the law of the receiving State.

Article 17 – the import and export of portable tools and other portable equipment necessary for conducting the migrant worker's temporary labour activity is to be conducted in accordance with the laws of the receiving State.

Article 18 – State parties may open missions of the competent authorities in their respective territories.

Article 19 – the present Agreement is in force for a term of five years and will be automatically prolonged for subsequent periods of three years if none of the Parties declares its intention to stop its validity through written notification to the other Party at least six months prior to the expiration of the appropriate period.

Source: IOM Moscow (March 2006).

## **ANNEX 7:**

### ***Outline of Pre-departure Orientation and Language Training Organized by IOM for Labour Migrants to Italy***

#### **1. Legal orientation**

The legal orientation module aims to create and improve awareness of the laws which regulate the entry and stay of foreign nationals in Italy, including:

- entry rights and work related legislation;
- visas and residence permits;
- citizenship rules;
- legislation regarding health;
- social welfare and temporary protection;
- minors and education;
- expulsions.

#### **2. Labour market orientation**

The module aims to facilitate the labour insertion of migrants in line with their vocational skills and employment objectives. It also provides trainers with guidelines to assist migrants in the job search process. At the end of this course, trainees should be able to compose a CV, identify their future vocational training needs or make career plans.

#### **3. Cultural and social orientation**

The cultural and social orientation module is intended to provide a comprehensive overview of the “way of living” in Italy with particular attention to:

- general rights and obligations of citizens;
- public health services;
- the education system;
- the Italian social welfare system;
- the institutions of the Italian State;
- public administration;
- housing;
- transportation.

#### **4. Psycho-social orientation**

The psycho-social training module is aimed at developing a better understanding of how the psychic, cultural and social migratory dynamics are being perceived by migrants from different origins and of various cultural backgrounds, who are working and living in wide-ranging labour and social environments in Italy.

#### **5. Linguistic orientation**

This module aims at granting participants the initial cultural and linguistic tools in order to develop or improve their individual communication skills by:

- providing some fundamental communicative functions for the labour and social insertion;
- oral and written communicative skills;
- a specialized lexicon and some basic linguistic structures.

The duration of the orientation course for the first four modules is 40 hours. The language training is 80 hours. The total orientation model is 120 hours.

Source: Ugo Melchondia, IOM Rome.



## **ANNEX 8:**

# ***Agreement between the Kingdom of Spain and the Republic of Ecuador for the Regulation and Control of Migratory Flows***

Note: Translated by the World Bank.

*Provisional entry in force of the Agreement between the Kingdom of Spain and the Republic of Ecuador for the regulation and control of migratory flows, signed in Madrid on May 29, 2001.*

The Government of the Kingdom of Spain and the Government of the Republic of Ecuador, hereinafter the contracting parties, inspired by their shared desire to reaffirm their special historical and cultural bonds through the fluid and permanent contact of their people, on the basis of the Agreement on Dual Citizenship between both states on March 4, 1964, amended by the Protocol of August 25, 1995, the Agreement on the elimination of visas in October 1963, and the Agreement on Social Security in 1960; seeking to regulate the existing migratory flows from Ecuador to Spain in an orderly and coordinated manner; pursuing the objective of enabling Ecuadorian workers who come to Spain to enjoy the rights guaranteed by international instruments to which both states are party; convinced that migration is a social phenomenon that enriches its people and can contribute to economic and social development, foment cultural diversity, and stimulate technological transfer; aware of the need to respect the rights, duties, and guarantees set forth in their domestic legislation and international agreements to which they are party; joining in efforts in the international sphere to promote respect for human rights, prevent clandestine migration and labour exploitation of illegal workers, regulate reentry, and in the context of common Ibero-American interests, have agreed as follows:

## **PRELIMINARY CHAPTER**

### **Article 1**

For the purposes of this agreement the competent authorities shall be:

For Spain, the Ministries of Foreign Affairs, Interior, and Labour and Social Affairs, as their respective responsibility in the area of immigration may lie.

For Ecuador, the Ministry of Foreign Affairs, Political Division, General Office of Ecuadorians Residing Abroad.

### **Article 2**

For the purposes of this agreement, migratory workers are Ecuadorian citizens authorized to work on their own account in Spain.

## **CHAPTER I**

### **Notification of offers of employment**

### **Article 3**

1. The Spanish authorities, through the Spanish Embassy in Quito, shall notify Ecuadorian authorities of the number and type of needed workers, taking into account existing job offers.

Ecuadorian authorities shall notify the Spanish authorities, through the Spanish Embassy in Quito, of the possibility of meeting this demand with Ecuadorian workers willing to go to Spain.

2. The job offer shall include at least:

- a. The sector and geographic zone of the activity.
- b. The number of workers to be hired.
- c. The deadline for their selection.
- d. Duration of the work.
- e. General information on working conditions, wages, housing, and in-kind benefits.
- f. Dates when the workers selected must arrive at their workplace in Spain.

3. The Ecuadorian authorities shall notify the Spanish authorities of job offers they may have received from Spanish employers.

## CHAPTER II

### Evaluation of qualifications, travel, and acceptance of migrant workers

#### Article 4

Evaluation of qualifications and travel of migrant workers shall be governed by the following rules:

1. Pre-screening of qualified candidates shall be done by a Hispano-Ecuadorian Selection Committee in Ecuador. Candidates meeting the skill requirements shall undergo a medical exam and if necessary a training period.

The Selection Committee shall be composed of representatives of the contracting parties' governments, and may include the employer or his agents, and shall be responsible for selecting the best qualified workers for the existing job offers, conducting any training courses that may be needed, and advising and assisting workers throughout the process.

If both parties so request, representatives of social actors, intergovernmental and nongovernmental organizations active in the field of migration and cooperation for development designated by the contracting parties may participate in the committee as advisers.

2. Workers who are selected shall sign a contract, generally within no more than 30 days, and shall receive travel documents upon request. A copy of the work contract shall be provided to Ecuadorian authorities. The work contract may be replaced by a similar document depending on the nature of the work, as determined by the joint committee established in Article 21 of this agreement.

3. Requests for temporary or resident visas in the framework of this agreement shall be processed with high priority by the appropriate Spanish consular office. The visa stamped in the passport shall specify its type, purpose, and duration of authorized stay in Spain. When the duration is six months or less, the visa shall suffice to document that stay.

#### Article 5

1. Ecuadorian officials, together with those of Spain, within their respective areas of competence, shall provide all possible facilitative assistance to the work of the Selection Committee. They shall contribute insofar as possible in the processes of training of the selected workers, if needed, and for their travel to Spain by the established deadlines.

Administrative procedures in connection with the trip from Ecuador to Spain shall be borne by the interested parties, or, if not, by the contracting companies.

2. Before traveling, the workers shall receive information needed to reach their destination, and everything they need to know about conditions for their stay, work, lodging, and wages.

3. The appropriate Spanish authorities shall give the immigrants the necessary permits for their stay and work.

## CHAPTER III

### The migrant workers' labour and social rights and conditions

#### Article 6

In accordance with its domestic legislation and international law, once the required residence or work permits are issued each party shall give the citizens of the other party all facilities for undertaking remunerative labour or skilled or unskilled work for themselves or others, on an equal footing with citizens of the state of residence.

The Ecuadorian migrant workers shall enjoy the right to maintain their family group, as provided in Spanish law.

#### Article 7

The migrant workers' pay, and other working conditions, including their participation in the social security system, shall be set forth in their contract, in accordance with the collective agreements, if any, or with existing legislation on Spanish workers doing the same work with similar qualifications.

#### **Article 8**

The migrant workers shall be subject to the obligations and enjoy the benefits established in the Hispano-Ecuadorian Social Security Agreement of April 1, 1960, supplemented in the additional agreement of May 8, 1974, and in the domestic regulations of both parties.

#### **Article 9**

Any differences that may arise between employers and migrant workers shall be resolved in accordance with Spanish law and the bilateral agreements in force, including the Agreement on Dual Citizenship between both states of March 4, 1964, amended by the protocol of August 25, 1995.

### **CHAPTER IV Special provisions for seasonal workers**

#### **Article 10**

A temporary worker is an Ecuadorian citizen authorized to enter and leave Spain in the framework of this agreement in order to do seasonal or project-related work, and who has a work contract whose duration is commensurate with the nature and time of said projects.

#### **Article 11**

Selection of seasonal workers and their travel to and treatment in Spain shall be governed by the general rules established in this agreement.

The temporary workers' pay and other working conditions shall be set forth in their contract, in accordance with the collective agreements, if any, or with existing legislation on Spanish workers doing the same work with similar qualifications.

#### **Article 12**

Before seasonal workers are hired, they shall sign a commitment to return to Ecuador when their permit expires, and shall be required to report within one month of their return to their country to the same Spanish consular office that issued their last visa with a temporary permit, presenting the same passport in which their last visa was stamped. Failure to fulfill this obligation shall disqualify them from any future contracts in Spain, and shall be taken into account when considering any applications

for work permits or residence that they may lodge with Spanish authorities, who shall notify Ecuadorian authorities for the appropriate purposes.

If seasonal workers lose their passports in Spain, their new travel document shall show the number of the previous passport, with an indication that the bearer is a seasonal worker. Loss or theft of the passport shall be communicated promptly to both Spanish police and the appropriate Ecuadorian officials in Spain, who shall notify the Spanish consulate in Quito to take due note of this situation.

### **CHAPTER V The migrants' return**

#### **Article 13**

The contracting parties undertake to adopt coordinated measures to organize voluntary repatriation programs for Ecuadorian migrant workers to their country of origin.

To this end steps shall be taken to promote reentry of migrant workers in Ecuador with the value added from their immigration experience as a factor for economic, social, and technological development. The contracting parties shall thus encourage the development of projects with their own resources and resources from international cooperation organizations for vocational training of the migrant and recognition of the vocational training received in Spain; to promote the establishment of small and medium enterprises of migrants who return to Ecuador; to create binational corporations linking employers and workers; and in other areas of economic and social development, to encourage activities that promote the training of human resources and the transfer of technology.

#### **Article 14**

1. With full respect for the rights and guarantees contained in each country's legislation, each contracting party shall readmit to its territory, at the request of the other contracting party, any person who while in the territory of the requesting party violates or fails to comply with entry or residence requirements in force, provided that it is demonstrated or clearly presumed that the person is a citizen of the contracting party to which the request is addressed.

2. The requesting contracting party shall readmit the person in question provided it is demonstrated that he or she was not a citizen of the contracting party to which the request was addressed at the time of departure from the territory of the requesting contracting party.

3. Notwithstanding the provisions of paragraph 1 of this article, the authorities of the requesting contracting party undertake to facilitate the departure and gradual and voluntary repatriation of undocumented persons in their territory, so that those who so request are guaranteed that the respective embassy will provide fast-track treatment for their residence and work visas, with the guarantee of a job in the requesting contracting party.

The provisions in this section shall apply to applications submitted prior to March 1, 2001.

#### **Article 15**

1. Each contracting party shall readmit to its territory, at the request of the other contracting party, any citizen of a third country or stateless person who has violated or not complied with the entry and residence conditions in force in the requesting contracting party, provided that it is demonstrated or presumed that said citizen entered that party's territory after remaining in, residing in, or transiting the territory of the contracting party to which the request is addressed.

2. The obligation to readmit established in the preceding paragraph shall not apply to a citizen of a third state or a stateless person who enters the requesting contracting party's territory in possession of a visa or residence permit issued by that contracting party, or who is issued a visa or residence permit by that contracting party after his or her entry.

#### **Article 16**

1. Each contracting party, upon written request of the other contracting party, shall authorize airport transit with or without escort to citizens of third states when admission in the state of destination and any states en route is guaranteed.

The requesting contracting party shall guarantee to the contracting party to which the request is addressed that the person, whose transit is authorized, has a valid ticket and travel document for the state of destination.

2. The requesting state shall assume full responsibility for citizens of a third country until they reach their final destination.

3. If the movement is conducted with escort, the escorts shall not leave the international area of the airports of the requesting contracting party.

4. Transportation costs to the state of destination, including expenses in transit, such as those resulting from the return of a citizen of a third state, shall be borne by the requesting contracting party.

#### **Article 17**

1. The requesting party shall pay for travel expenses of the person whose reentry has been requested until he or she reaches the border or airport of the contracting party to which the request is made.

2. For the purposes of paragraph 3 of Article 14 the requesting contracting party undertakes to offer any necessary facilitative assistance for the process, after case-by-case consideration of the requests for such assistance.

### **CHAPTER VI**

#### **Provisions for application and coordination of this agreement**

#### **Article 18**

1. The Spanish Ministry of the Interior, through the Government Office for Foreign Citizens and Immigration [Delegación del Gobierno para la Extranjería y la Inmigración], and the Ecuadorian Ministry of Foreign Affairs, through its Political Division, shall jointly establish procedures for application of this agreement, and shall cooperate and consult with each other directly as required for its application.

2. Prior to the entry in force of this agreement the contracting parties shall notify each other through diplomatic channels of the names of the authorities



designated by those specified in Article 1 who will carry out the procedures established in the agreement.

3. Should difficulties arise in the application of this agreement there shall be consultations through diplomatic channels.

#### **Article 19**

Spanish and Ecuadorian authorities undertake to intensify bilateral cooperation for the control of migratory flows, especially in order to ensure that the basic rights of Ecuadorian migrant workers are respected.

This cooperation shall also embrace closer coordination in the fight against illegal immigration, exploitation and violation of social rights, document fraud, and especially, illicit trafficking in persons.

#### **Article 20**

As an element of the cooperation mentioned in the previous article, the contracting parties shall mount and carry out educational campaigns for potential migrants to inform them of their rights and social obligations and prevent the risks and consequences of illegal migration and the use of counterfeit or altered documents, and to discourage the use of networks that traffic in human beings.

#### **Article 21**

A Joint Coordination Committee shall be established to:

- a. Follow up on the execution of this agreement, and determine necessary measures for that purpose.
- b. Propose amendments where appropriate.
- c. Make provisions in both countries for timely dissemination of the contents of the agreement.
- d. Settle any difficulties that may arise in its application.

The Committee shall meet alternately in Ecuador and Spain, at the request of either of the contracting parties, under the conditions and on the dates set by mutual agreement, at least once each year. The competent authorities of each country shall designate the members.

#### **Article 22**

1. Each contracting party shall notify the other contracting party when the domestic legal requirements for entry into force of this agreement are met.

2. This agreement shall enter into force on the first day of the second month after both parties have notified each other that the domestic legal requirements for entry into force of this agreement have been satisfied.

3. This agreement shall be applied provisionally after 30 days from the date of its signature.

4. This agreement shall have indefinite duration.

5. Each contracting party may totally or partially suspend the application of this agreement for a definite time, for reasons of state security, public order, or public health. The adoption or cancellation of this measure shall be reported with all due speed by diplomatic channels. Suspension of the application of this agreement shall enter into force on the date of notification to the other contracting party.

6. Either contracting party may renounce this agreement in writing through diplomatic channels.

The agreement shall terminate 90 days after notification of renunciation.

Signed in Madrid, in two equally valid copies in the Spanish language, this twenty-ninth day of May in the year 2001.

For the Republic of Ecuador  
Francisco Carrión Mena, Ambassador of the  
Republic of Ecuador

For the Kingdom of Spain  
Enrique Fernández-Miranda y Lozana, Delegate  
of the Government for Foreign Citizens and  
Immigration

This agreement is applied provisionally as of June 28, 2001, 30 days after its signature, as established in Article 22.3

The public is hereby officially notified thereof.

Madrid, June 1, 2001 – Technical General Secretary  
Julio Núñez Montesinos