



Annex I

RESEARCH RESULTS OF EXPERTS OF THE TIAN SHAN POLICY CENTER

This document provides an analysis of the results of research conducted by experts of the Tian Shan Policy Center (TSPC) made during the evaluation of best practices of the countries of the world. These results are proposed in the form of a table which includes the strategic objectives with appropriate measures to achieve. The table is available to the view of officials in Kyrgyzstan, as well as to all interested parties.

Table of the best international practices for the attention of government officials in Kyrgyzstan and all persons interested in the development of Labor Migration Regulation Strategy of the Kyrgyz Republic for the period of 2013-2018

№	Tasks	Measures/actions	Related Migration World Practices
1. Improving the legislative framework			
1.1	Revision of the legislation in legal power with the aim to eliminate inconsistencies and contradictions, to fill in gaps and cancel the obsolete legal acts in the field of labor migration	Development of draft amendments and addenda to the Criminal Code to criminalize illegal employment abroad and in the Kyrgyz Republic Develop and adopt a law regulating the work of legal entities engaged in the employment of the KR citizens abroad	<p>USA: The 1986 Immigration Reform and Control Act (IRCA) was notable also that for the first time in US history, it criminalized the hiring of illegal migrants and imposed a system of sanctions to target employers. However, this provision held employers liable only if they “knowingly” hired an unauthorized immigrant</p> <p>Philippines: The Philippine government played a limited role in overseas employment until the 1970s. In the early 1900s, <i>private agencies were more important in matching Filipino workers to jobs overseas</i>. The major destination for these workers was the United States until the 1960s. The economic boom in the Middle East in the 1970s increased the demand for temporary labor from the Philippines to work in the oil fields. This led to the 1974 creation of the first major government emigration policy, the Labor Code of the Philippines; the policy institutionalized labor migration from the Philippines and incorporated an employment strategy for</p>

emigrants. Private agencies at the time were accused of increasing or not monitoring abuse of Filipino workers overseas, and one goal of the Labor Code was to reduce the influence of these agencies or improve their effectiveness in the matching process.

Only licensed agencies can recruit workers. Only a licensed agency, not an employer, can directly advertise job openings overseas. Employers with a previous criminal record cannot hire Filipino workers. Employers must pass registration or accreditation procedures in order to hire Filipino workers. Because of the significant abuse of domestic workers, special procedures are required. These include employer interviews and pre-employment orientation at the local POLO. Employers must show that they have adequate income to pay for the worker's services.

The employer must pay a service fee to the agency it uses to cover the costs of recruitment, documentation, and placement of workers in the jobs they take. The employer must cover the cost of airplane travel, the visa fee, the POEA processing fee, and the Overseas Workers Welfare Administration (OWWA) membership fee. The agency can charge the worker it places in a job a fee equal to one month's salary. Seafarers, domestic workers, and workers going to countries where the placement fee is not allowed are not charged the agency fee.

The Overseas Employment Contract must specify the following minimum conditions: Guaranteed wages for regular working hours. Free transportation to and from the worksite or provision of other benefits that offset these additional costs to the worker. Free food and accommodation or provision of offsetting benefits. Fair, authorized reasons for dismissal from the job.

The Filipino worker's salary cannot be lower than: the minimum wage for a job of the same skill or occupation or the prevailing wage in the Philippines unless set through a bilateral or international agreement. In the case of the death of a worker overseas, the employer must pay the cost of returning the worker's body and possessions to the Philippines. Free emergency medical and dental services, including medications, must be provided to all workers overseas. Workers overseas are guaranteed one rest day per week. Finally, there must be a mechanism in the other country to settle any disputes between the worker and the employer.

POEA is also in the position of imposing conditions on foreign employers. These include the approval of employer documents including employment contracts by the POLO in country or directly by the POEA; the requirement to have a representative agency in the Philippines, which requires valid proof of business or project documents and working visas. Special provisions are in place for employers who want to hire domestic workers of only low-skilled Filipinos. The POEA also sets high and formidably detailed standards

		<p>for admissible employment contracts.</p> <p>Sri Lanka: Foreign employment agencies that want to operate in Sri Lanka have to obtain a license which has a number of financial, logistical and reputational requirements. The Bureau of Foreign Employment has powers of inspection over the agencies, which are obliged to renew their license annually.</p> <p>India: Private recruitment agencies are commonly used in India to find jobs overseas; these agencies are now required to obtain a valid license from the Ministry of Overseas Indian Affairs. Those companies that want to register as valid recruitment agencies have to pay a \$464 fee (in rupees). The applicant agency is also required to deposit a bank guarantee of at least \$371,000. In addition to application documents, the agency has to submit to the Protector of Emigrants an inspection report of its office and a police report on the character of the job applicants. The Protector of Emigrants is a division of the Ministry of Overseas Indian Affairs.</p> <p>Migration Legislation and Policy Formulation (Colombo Process, CP) - Since 2005, eight of the 11 CP countries have amended existing regulations or adopted new legislation. This indicates that Member Countries are aware that they need to manage the labor migration process more effectively. The newly enacted laws and policies focus generally on two areas: regulating the recruitment process and enhancing welfare provision.</p> <p>E.g. in Indonesia: Increased regulation and monitoring of the recruitment process: compulsory registration of workers at district/municipal offices; recruiting agencies to hold a SIP (recruitment license) issued and renewed by the ministry; selection process to be done jointly by recruitment agency and local Manpower and Transmigration offices; not charge recruitment fees to workers; overseas employers to be approved by the government; agencies to provide all details of the contract to workers during a two-day pre-departure briefing to be conducted by local BNP2KI offices; agencies to monitor the conditions of workers in the country of destination and arrange their safe return upon completion of the contract; airport-based Migrant Worker Service Posts to screen and collect data on all returning migrant workers, provide preliminary health care to migrant workers reporting health problems and refer those in need of follow up legal, physical and mental rehabilitation assistance to competent services and facilitate transport services to place of origin in Indonesia.</p>	
		<p>Development and adoption of a mechanism regulating the registration of persons entering and leaving the country, development of simple and easy-to-use methods for the</p>	<p>(see the migration statistics of Moldova part 2.1)</p>

		<p>registration of migrants. Development of format and procedures for the registration and tracking of migration of population. Development of interactive operational communication system between the concerned services.</p>	<p>(see below the part on division of tasks)</p>
1.2	Development of the effective legal framework for inter-agency coordination	<p>Development of a normative regulatory act determining the division of tasks and responsibilities of ministries and agencies on issues of external labor migration.</p>	<p>In Moldova, ten Ministries or Departments deal with different migration issues. A policy-oriented consultative committee that is closely tied to the Prime Minister of Moldova, the National Commission for Population and Development (NCPD), provides policy coordination among them.</p> <p>In Georgia, in 2011, a State Commission on Migration Issues was set up, with the main goal to strengthen coordination among agencies working on migration issues. A number of ministries and other government entities are represented in the Migration Commission: the Ministry of Foreign Affairs, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the Ministry of Finance, the Civil Registry and Migration Department under the Ministry of Justice, the Ministry of Education and Science (actively involved, takes care of returning migrants' professional development, and facilitates their integration), the Ministry of Economy and Sustainable Development, the National Statistics Office of Georgia, the Georgian Parliament, the European Integration Ministry and the Ministry of Diaspora (all actively involved as well). Meetings are held at least once a month.</p> <p>Mexico: Similar to the organization in the Philippines, Mexico has adopted a multi-agency system with a great degree of operational and political independence from ministries. The principal institution charged at this time with the protection of Mexicans abroad is the Institute for Mexicans Abroad (IME), which has the status of an independent agency within the Ministry of Foreign Affairs.</p> <p>The objective of the IME is to promote strategies, integrate programs, collect proposals and recommendations of the communities, their members, their organizations and advisory bodies designed to raise the standard of living of the Mexican communities abroad and implement guidelines issued by the National Council for Mexican Communities Abroad.</p> <p>The Institute is in fact governed by the National Council for Mexican Communities Abroad (Consejo Nacional), which comprises 11 Ministries that deal with migration issues, and the Advisory Council (Consejo Consultivo), which incorporates 156 representatives from Mexican communities abroad. The Advisory Council is divided into six commissions (education, health, political affairs, legal affairs, border issues,</p>

economic and business affairs and communications and outreach) that submit requests to the various branches of the Mexican government. It meets twice a year to reach a consensus on recommendations. One of the most noticeable features of the IME is the dedicated network of representatives based in consular offices in the US and in Canada. The IME has been portrayed by the ILO as a Good Practice institution because of its effectiveness in reaching out to involved communities, the range of services that it provides, and the cooperation that it has fostered with receiving countries, at least on a range of issues of importance to migrants.

In April 2011, of a new Migration Law (*Ley de Migracion*) came into power. The law aims to develop a migration policy that respects the human rights of migrants, is comprehensive in its coverage, facilitates the international movement of people, meets the country's labor needs, ensures equality between Mexican natives and immigrants to Mexico, recognizes the acquired rights of long-term immigrants, promotes family unity and sociocultural integration, and facilitates the return and reintegration of Mexican emigrants.

Philippines: The emphasis on the protection of Philippine workers overseas led to the establishment of three additional oversight boards: the Overseas Employment Development Board (OEDB), the National Seaman Board (NSB), and the Bureau of Employment Services (BES). The OEDB and the NSB were designed to develop job markets for migrant workers, to help recruit qualified labor to these jobs, and to secure good jobs for them. In 1982, these three organizations were merged into one institution: the Philippine Overseas Employment Administration (POEA). The larger organization is more efficient and regulates overseas employment and the activities of private employment agencies. It is designed to assist temporary or circular migrants, not migrants who want to permanently leave the Philippines. POEA only has offices in the Philippines. Overseas monitoring is relegated to the Philippine Overseas Labor Offices (POLO) in the Philippine consulates.

The POEA Governing Board, which sets policies and oversees the functioning of the agency, has a structure that allows voice and participation of stakeholders. The Secretary of Labor and Employment heads the Governing Board, and the POEA Administrator acts as vice-chairman, with three representatives from the private, women, sea-based and land-based sectors as members. The POEA Administrator oversees the daily operations of the agency and is supported by three deputy administrators.

POEA is the centerpiece of the labor migration regulation system. The agency is selective in the employers with whom it works overseas and the local workers it assists. Its goal is to find reliable, good employers who match well with motivated, qualified local labor. The firms it recommends must meet minimum employment standards, and there are specific regulations concerning worker recruitment. On the firm side of the match, the agency helps foreign employers select and register Filipino workers, and it facilitates the transport of labor to the other country. It imposes strict conditions on private recruiters, which receive licenses that must be

renewed periodically, subject to proof of appropriate conditions of ownership and financial standing, and proof of viability of their foreign partnerships.

In sum, the Philippines have developed, over the course of more than 25 years, a multi-pronged system of support to labor migration, based on a functional division of tasks. The various agencies enjoy a de facto autonomous status but report to the Department of Labor. The POEA holds a first-among-peers status because of its long history and broad mandate, the reach of its organization, and the strength of the appointments to its highest posts.

Sri Lanka has moved in recent years towards a ministerial model for its agencies dealing with labor migration issues, with the Ministry of Foreign Employment Promotion and Welfare (MFEPW) at its center. In fact, Sri Lanka is the only country in our sample to have concentrated all policy primacy and practical implementation in a single institution at a ministerial level. It is however recognized that the ministry does have to collaborate with other ministries in matters that do not pertain exclusively to migration.

The ILO has particular praise for the consultative process that led to the current institutional setup: “Following consultations between the ILO and the MFEPW a road map was developed on the formulation of the Policy. The road map focused on three key areas: good governance of labor migration, protection and empowerment of migrant workers and their families, and linking migration and development processes.

A four-pronged process was then adopted: establishment of three thematic Working groups based on the key focus areas and inclusive of tripartite stakeholders; setting up of a National Tripartite Steering Committee, chaired by the Minister of the MFEPW and comprising relevant government ministries and agencies; development of a draft National Labor Migration Policy with the guidance of the Working Groups, Steering Committee and National Advisors (selected from national academic institutions); and presenting the draft Policy to national stakeholders for approval. The Policy was officially launched by the MFEPW on 24 February 2009, and was adopted by the Sri Lankan Cabinet on 30 April 2009.”

The experience of the establishment of the MFEPW is relatively recent, and thus difficult to compare to other models that we have reviewed. Possible strengths include the greater bureaucratic clout of the ministry with regard to budgetary allocations and other cabinet-level decision-making, and the role of advocacy for migration in the context of strategic or operational discussions on policies that may affect migration outcomes.

Possible weaknesses include the proliferation of bureaucratic procedures; the use of ministerial jobs as a source of patronage, particularly in a country such as Sri Lanka that has seen deep divisions within its population; and, most importantly, the ineffective control over the activities of the agencies within its

purview, which might be tempted to run an agenda of their own.

“**Ukraine**, given its sheer size, contributes the largest amount of labor migrants in the region, roughly evenly split between the Russian Federation and the European Union. However, the *Concept of State Migration Policy*, its main strategic document on migration issues, was adopted only in the middle of 2011, after over fifteen years of discussion in parliament and other state bodies. Ukraine never really considered migration policy a priority. Instead, it tried to control immigration while doing little for Ukrainians working abroad. For example, the State Migration Service has a “Plan of Integration of [Im]migrants into Ukrainian Society for 2011-2015” but nothing for emigrants. More importantly, the State Migration Service is a body that lacks oversight or even advisory functions with regard to decisions that other government bodies may take to affect migration outcomes. The country that has the largest number of its citizens in the region working abroad, and in areas of the world that have very different requirements, is not able to date to express a consolidated strategy to support its labor migrants”.

“In **Georgia**, immigration policies have been rather liberal. However, progress on emigration policies, priorities and objectives is only relatively recent. Until 2011, the coordination mechanism among government entities and ministries with regard to migration issues was very weak. In 2011, a State Commission on Migration Issues was set up, with the main goal to strengthen coordination among agencies working on migration issues. The Commission is working on a migration strategy, and an action plan should be ready by the end of 2012. The Commission also intends to improve the legal framework for migration issues. The main points discussed in the draft migration strategy document are the promotion of legal emigration, the fight against and prevention of illegal migration, asylum system development and the promotion of dignified return and reintegration. The draft migration strategy document also defines the responsibilities of the different entities involved”.

Establishing of Special Governmental Body to Support Labour Migrants, Inter-Ministerial Coordination (CP) - Some CP Member Countries have also created special government bodies or authorities to streamline their migration-focused efforts. Since 2005, seven of the 11 CP countries have created new institutional structures. For instance, Pakistan established a Ministry of Overseas Pakistanis in 2008 to better understand the current situation of Pakistani migrants abroad, respond to their core issues and offer solutions. The ministry also offers short- and long-term programs for manpower development and employment promotion. Like Pakistan, Sri Lanka created a ministry level institution in 2007 that focuses on ensuring the welfare of migrant workers and increasing their ability to find suitable employment abroad. The Ministry of Foreign Employment Promotion and Welfare oversees the Sri Lanka Bureau of Foreign Employment, which regulates recruitment agencies, attends to complaints from migrant workers and conducts orientation and training programs.

1.3	Provision of the state support for social insurance of labor migrants - citizens of the Kyrgyz Republic	Development of mechanisms of voluntary social insurance payments transfer to state and non-state social insurance bodies (Laws of the Kyrgyz Republic “On the Non-state Pension Funds”, “On the Guaranteed State Minimum Standards”) Development of legislation to ensure an effective system of social and health insurance of migrant workers (a fund to support migrant workers)	Azerbaijan has also signed bilateral agreements on the social security of migrants with Kyrgyzstan, Kazakhstan, Georgia, Ukraine, Italy, Russia, Moldova and Belarus, <i>covering social protection</i> of circular migration between countries and a number of bilateral agreements on cooperation in migration issues with the Russian Federation and Moldova (Please, could you provide the details: what social spheres were covered in agreements, principal provisions of agreements, how it worked practically – the mechanism) covered in section on pension and health care portability.
2. Development of effective forms and methods of external labor migration management, based on the development of bilateral and multilateral international relations			
2.1	Increasing capacity and standardization of external employment procedures through the introduction of the organized recruitment. Initiating and signing bilateral international agreements on migration issues, providing preferential treatment for Kyrgyz Republic’s labor migrants	To sign agreements on the organized employment of the KR citizens in the Russian Federation and Kazakhstan To sign agreement between the KR Government and the RF Government “On the Legal Status of Labor Migrants and their Families”	(see part 2.2 below) Philippines: For legal immigrants from the Philippines, bilateral agreements in general guarantee the <i>legal status of overseas workers</i> during their stay in the destination countries and upon their return to the Philippines. (But no guarantees are provided for undocumented immigrants in any of these agreements. Studies of these agreements suggest that monitoring and enforcement of the terms of the agreements are of concern and considered weak. No regulation mechanisms are embedded in any of these agreements, and this hardly refers to best practices) Indonesia: Policies affecting potential legal migrants now emphasize certification of skill. Potential migrants are required to obtain certification of skills from a licensed Agency for Profession Certification and to undergo mental and physical health examinations from an accredited agency. Migrants receive certificates as proof of competency and good health. <i>All migrants get an identification card as official proof that they have a legal status.</i> Finally, migrants must be between the ages of 18 and 39. Applicants who want to work as domestic workers must be at least 21 years old. Mexico: The particular interest is a program aimed at providing Mexicans living in the United States, irrespective of their status, a secure identity card (<i>matricula consular</i>) that can be used to open bank accounts,

		thus providing access to the formal financial market for labor migrants. The matricula consular is an identify card, with a photograph and other security features, that attests that the bearer of the card is a national of Mexico living abroad. The card costs about US\$ 29 and is valid for five years. In May 2003, the Treasury Department established regulations recognizing the cards as proof of identity for the purpose of opening a bank account. The cards are accepted for other community services as well. It has been particularly useful for undocumented Mexican migrants in that it provides them with identification documents. In 2005, 118 banks in the United States accepted the matricula consular as an alternative form of identification to open bank accounts. Increased access to banks has the additional benefit of reducing transfer costs of remittances to Mexico.
	Organization of the focused activities with the aim to find new labor markets and explore new needs of existing markets. To initiate and sign bilateral agreements between the KR and the foreign countries, regulating the processes of employment of the KR citizens (the Gulf countries, the EU)	(see part 2.2 below)
	Establishment of the direct contacts and cooperation with the executive authorities of the RF's regions and cities of the employment of the KR citizens	Indonesia: Applicants for jobs in Japan and South Korea do not have to go through the licensed agencies. They can find detailed information about jobs on the internet and report their work interests to the National Agency for the Placement and Protection of Overseas Indonesian Workers. The direct approach to job matching is the result of bilateral agreements between Indonesia and Japan and South Korea (<i>this best practice is also relevant to bilateral agreements part</i>)
	To initiate including blocks on "pensions provision for labor migrants" in international labor migration agreements between the KR and the countries that are most active in migratory exchange (RF and Kazakhstan)	(See the next paragraph)
	Initiate and sign agreements	Pension Portability. Portability involves the ability of the migrant worker to preserve, maintain and transfer

		<p>with the RF and the RK on regulation of the issues of pensions of the KR citizens, temporary working in the territory of these states</p>	<p>acquired social security rights regardless of the country of residence. Portability may be complete, partial, or not available. Fully portable arrangements guarantee the actuarial value of accrued pension rights when migrants change jobs. Partial portability means that only part of the accrued pension benefits are maintained when migrants change jobs. In addition to portability, a good pension system across national boundaries have fair totalization and apportionment rules. Totalization means that pension benefits are based on the total contributions across countries in which the migrant worked. Apportionment means that each country in which the migrant worked pays a portion of the total accrued benefits, but the country's share of the payment is based on the amount of time the migrant worked in the country and the amount of income earned there. Vesting rules are also important to the determination of benefits, and vesting periods may vary in each country in which the migrant worked. If the vesting period is long, the migrant may accrue no benefits from work in that country.</p> <p>Finally, when statutory pension plans are defined benefit plans, benefits are based on the wages earned during the last years of employment in each country. If wages are not adjusted for inflation, then benefits are affected as workers move across countries. Because of these five considerations, it is thus important for countries of origin to negotiate bilateral social security arrangements with major destinations where the migrant workers accumulate such rights. This, however, mostly applies only to skilled temporary labor migrants in Asia and the Pacific.</p> <p>Policies affecting the portability of pension plans in general apply only to legally registered migrants. The only recourse for illegal migrants is to invest in a private pension plan, invest in property and other assets at home, or save through a financial system that facilitates remittance transfers abroad. Because unregistered migrants comprise a large share of Kyrgyz migrants, this lack of pension portability for illegal migrants throughout the world is very important. The discussion below focuses on portability of plans that are available to legal migrants.</p> <p>The European Union comes closest to offering the best pension package for internal EU migrants and third country migrants who move within the EU. The regulations for third country migrants are a little different from the regulations for internal EU migrants in that they must choose the pension plan of only one state in the EU – where they work or where they live. For EU migrants, pensions are fully portable within the EU and pension rights are based on total EU service. Pension benefits should be no lower than if the migrant had remained in one EU country for her entire working life. This meets the totalization condition. The payment of the pension benefit is also apportioned to each state based on the percentage of time that the migrant worked there. There are no losses due to differential vesting arrangements although migrants can lose because benefits are based on nominal not real wages. The European Court of Justice enforces the award of statutory pension benefits. Benefits from occupational (union) plans are less portable and are not governed by these rules.</p>
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There are bilateral agreements with some EU countries and migrant sending countries. These agreements focus on the penalties that EU countries can impose on pensions earned by third country migrants if they receive that pension in another country. There are advantages of bilateral agreements. Two examples are agreements between Germany and Morocco and Germany and Turkey. An agreement between the US and Mexico was worked out and proposed to go into effect in 2005, but this was subject to Congressional approval which was not forthcoming.

The bilateral agreement between Germany and Morocco reduces the penalty for receiving an EU pension outside of the EU. A German pensioner can receive her German pension in any country of the world without penalty; this is not true for a non-German worker. The bilateral agreement with Morocco allows migrants to Germany who contributed to the German statutory pension plan to receive their full benefits if they left Germany and retired in Morocco.

In contrast, Algeria did not (in 2005) have a bilateral agreement with Germany so any Algerian migrant to Germany who contributed to the German statutory pension plan received a 30 percent reduction in the pension if she chose to retire and receive her pension in Algeria. If the Algerian pensioner chose to retire and receive her pension in Morocco, then her pension would be regulated through the bilateral Germany-Morocco agreement, and she would receive her full pension without the 30 percent penalty. A Turkish or Tunisian migrant who earned pension rights in Germany can only receive her full pension if she retires in the EU or any country with which Germany has a bilateral treaty; she would receive a 30 percent reduction in her pension if she retired in any other country.

The Gulf states offer no pension rights to migrants and do not require legal migrants to pay into the system. Migrants to these countries have to contribute to private pensions or, in some cases, are allowed to contribute to the pension system of their home country. The Philippines is one country that allows migrants to contribute to the Philippine state pension plan and receive state benefits when they retire.

Two other multilateral agreements on pension portability illustrate some of the benefits and costs of these arrangements. **CARICOM Agreement on Social Security (CASS)** is a statutory pension agreement for most countries in the Caribbean region. The CASS was signed in 1996 and was designed to protect pension rights of workers moving for work among Caribbean countries. Benefits are paid by the Social Security Schemes in countries where the worker made contributions to the pension fund. In the EU, there is no overlap of benefits so migrants cannot make more from the pension by migrating than they could by working in only one country. In the CASS, overlap is possible because the accrual rate for pension benefits varies by years of service and is higher in the earlier years of employment. Workers who work for short periods of time on each job receive a higher pension than workers who worked for the same total amount of time but

worked in only one country.

The pension itself is based on total contributions as in the EU, but the pension is not fairly apportioned. Migrants can choose to retire and take their total contributions to a country with a more favorable pension setup and receive a benefit based on that country's rules. The takeup of the pension overall is very low. One reason is the lack of knowledge among migrants of how the system works and benefits them. The second reason is that the system is available only if the worker is not fully vested in any one country so migrants with a long period of work in any one country do not qualify. There is no adjustment for wage inflation, and there are different requirements by age and periods of contribution. This arrangement would be a poor model for the Kyrgyz Republic to adopt.

The system for MERCOSUR (Argentina, Brazil, Paraguay, and Uruguay) was adopted more recently. The SAICI system (International Agreements System) manages the system under the terms of the multilateral agreement. This includes the management of a database of all transactions among the four countries. The International Social Security Association (ISSA) awarded MERCOSUR a Best Practices Award in 2009 for the development of operation of the SAICI management system. (ISSA 2009) The system is similar to the CARICOM system with total years of work and contribution to statutory pension plans within MERCOSUR countries taken into account and benefits apportioned according to years of service within the country. Takeup of this multilateral pension system is low at 27 percent.

The relationship between New Zealand the Pacific island countries offers a different approach to pension portability. If a Pacific Islander lives in New Zealand for at least 20 years since age 20 and receives the New Zealand Superannuation, the resident is paid in full. The Superannuation is a statutory pension that is not means tested and is equal to 66 percent of the average New Zealand wage. Pacific Islanders, through bilateral agreements with New Zealand, can receive this pension in their home country (22 countries with agreements with New Zealand). They can receive partial payment if they lived in New Zealand for less than 20 years with other rules attached. They must retain their original citizenship to receive the benefit outside of New Zealand.

Health care portability: Health care portability is less common than pension portability. One exception is the bilateral agreements between Turkey and some EU countries and the agreement between Morocco and Germany. In most other cases, health care outside the home country is regulated by national law. The usual practice is that returning migrants have access to health care benefits at home and these benefits are not age dependent. (Medicare in the United States is one exception.) There are usually no minimum contribution periods before returnees can receive health care. Another exception is for retirees. Retired return migrants usually are covered if they are eligible for the state pension. Emergency care is available to all persons. A migrant from some EU countries receive partial coverage for health care expenditures, but this is usually based on the costs of treatment in the home country, not in the EU. Austria is an example. A Moroccan

migrant who had worked in Austria for many years is covered by the Austrian health care system which is heavily subsidized. If he retires in Morocco and receives a 1000 Euro charge for medical treatment there, he can apply to the Austrian health care system for reimbursement but only if he has continued to pay for coverage. If the charge for this treatment in Austria is only 500 Euros, Austria will pay 80% of the Austrian charge, or 400 Euros. The rest of the cost of care in Morocco has to be borne by the retiree.

The United States Social Security Administration does not reimburse any medical expenses incurred outside of the US. The SSA is afraid that it cannot monitor the care and determine if it was necessary. Legal migrants, however, can return to the US for care. This is common practice throughout the world for legal residents. So a Mexican retiree who was a legal resident in the US can return to the US from Mexico for health care. For those who cannot return to the US, the Mexican government created an alternative. The Mexican Social Security Institute offers health insurance for migrants and their families (in Mexico or abroad). The cost ranged from \$97 a year for children under age 19 to \$256 a year for adults age 60 and over in 2005. The policies are available to non-migrants as well. In the US, the policies can be purchased at consulates in Chicago, Houston and Los Angeles.

In many Gulf countries, health insurance must be purchased by the employer for the migrant worker. This covers health care while the migrant is in the Gulf region. If they return home after work, the care is covered by the home country's insurance plan.

Bilateral agreements are also common. The agreement between Turkey and Austria is one example. A legal Turkish migrant to Austria receives an Austrian pension and is covered by the Austrian health care system. In Turkey, she is covered by the Turkish health care system and treated the same as Turkish retirees who never left the country. Additional costs incurred under Turkish care can be reimbursed through the Austrian plan. This plan covers care which cannot be postponed (emergency, conditions with great pain). If the care can be delayed, the migrant is expected to return to Austria for treatment.

The best multilateral example is the European Union. Migrants enjoy portability within the EU. Care is available for employees and retirees in the country of residence. If the person retires in a country other than the one in which he worked, then the country providing the care is reimbursed by the country paying for the pension benefits.

The Indonesian government has agreements with destination countries so that overseas Indonesian workers (TKIs) can receive insurance while they are working overseas. (Friedrich-Ebert-Stiftung 2011) Social insurance is provided by the government to TKIs, but in order to receive this insurance they have to pay an insurance premium (\$47) prior to departure. NORKA-Roots provides insurance coverage to Keralite workers

			<p>who hold identity cards issued by the Kerala government. The insurance covers accidental death, permanent or partial disability.</p>
		<p>Development of the joint activities mechanisms of migration authorities of the countries interested in the exchange of data on arriving and departing labor migrants (signing the interdepartmental international agreements)</p>	<p>In Moldova, the National Commission for Population and Development (NCPD), provides policy coordination and <i>has a mandate to identify mechanisms to collect and exchange disaggregated data</i> on the main demographic indicators, <i>including migration</i>. The NCPD holds regular meetings organized through a permanent Secretariat, which ensures coordination among agencies on development of the annual work program. The responsibility for data collection rests with the National Bureau of Statistics (represented in the commission through its Director General, with the support of the Ministry of Labour, Social Protection and Family.</p>
2.2	<p>To continue participation of the KR in the dynamic development of intergovernmental relations for regulation of labor migration issues in the framework of the international communities as the CIS, CS, CSTO, SCO</p>	<p>Via participation in the authorized CIS organizations to continue the formation of a common labor market in the CIS</p>	<p>Mexico and USA signed a formal bilateral immigration agreement in 1942 that became known as the bracero program. Mexican workers were guaranteed a minimum wage in agriculture, which was not even guaranteed for US native farm workers. The program was successful in matching workers with the required skills to agricultural jobs in the US, and it minimized exploitation of migrant labor through enforced work contracts. Mexican bracero workers also received other job benefits – transportation, housing, and health care. Contracts were signed by US and Mexican government officials, and enforcement of the terms of these contracts was managed by consulates in the US. Mexican workers were banned from the Texas labor market because of strong hostility to Mexicans there, but legal Mexican workers had access to other agricultural markets where labor was in short supply.</p> <p>Philippines: There are two types of <i>bilateral agreements</i> in use: labor recruitment and hiring agreements; and labor employment and manpower development agreements. The best and most comprehensive bilateral agreement is with South Korea. It defines the roles of recruitment agencies in Korea and the Philippines, standardizes employment contracts, guarantees protections for overseas workers, and provides services to migrants that are similar to the social services received by Korean citizens. The bilateral agreement with Taiwan sets up a special hiring facility that allows Taiwanese employers to directly hire Filipino workers without using a recruitment agency.</p> <p>Indonesia: Applicants for jobs in Japan and South Korea do not have to go through the licensed agencies. They can find detailed information about jobs on the internet and report their work interests to the National Agency for the Placement and Protection of Overseas Indonesian Workers. The direct approach to job matching is <i>the result of bilateral agreements</i> between Indonesia and Japan and South Korea.</p> <p>The Colombo Process: The international collaboration on migration matters offer some lessons that could be useful to the Kyrgyz republic. First, an international collaborative context is of extreme use for migration-</p>

sending countries, particularly small ones such as the Kyrgyz republic. The Colombo Process has attained a number of successes, but it is also characterized by a very high degree of formalization, which may not be optimal for all aspects of international discussions, particularly in the FSU region. On the other hand, the EU-EaP experience is essentially driven by the EU agenda, and lacks to a large extent the multilateralism in decision and consensus-making that might be desirable.

Joint Management of Migration by Sending and Destination Countries/International Cooperation

(UN/ILO): It is crucial therefore that there is an effective system of governance at both ends of the process which recognizes this reality. ILO and UN Conventions on migrant workers suggest that bilateral agreements and/or MOUs between origin and destination countries are an effective way of setting out the rights and obligations of employers, migrants, private agencies and government instrumentalities in the migration process. These have certainly become more popular in the Asia-Pacific region. Korea, for example, has in recent years conducted 14 MOUs with sending countries. On the sending side, Indonesia has in the last few years signed MOUs with Malaysia (2), Korea, Taiwan, Japan, Australia, UAE, Jordan, Kuwait, Qatar, and Syria. An important MOU signed in Bali in 2006, by Indonesia and Malaysia, the major destination of Indonesian migrants, had the following provisions:

- Employers are required to sign contracts that specify the rights and obligations of both parties;
- Withholding of workers' wages are prohibited;
- Salary of domestic workers should be between 400-500 Malaysia Ringgit;
- Workers have the right to practice their religion, vote in the (Indonesian) general election at the embassy, and have disputes settled in (Malaysian) courts.
- A bank account is to be opened in the name of domestic workers by employers into which their full salary is to be deposited and employment agencies are banned from taking a share.

MOUs would seem to be most appropriate when dealing with the flow of low-skilled workers. Other systems such as 'points systems' by which skilled workers are allocated points on the basis of qualifications, skill type, language ability, experience, age, etc. or government supervision of private sectors may be more appropriate for skilled Temporary Labor Migrants (TLM) Programs. Programs like the HB1 in the United States and 457s in Australia fall into the latter category. In the 457 program in Australia, the Australian Government set a number of requirements that need to be met:

- It applies only to the managerial, professional, and semi-professional categories, although it has been extended to some more areas;
- Minimum salaries apply;
- Migrant workers have to meet health, security and other standard requirements.

Avoiding discrimination (CP): Do not apply bans on recruitment of workers possessing/not possessing

particular characteristics (age, marital status) for deployment to particular countries (Philippines).

Prevention / Non-Admission of Violation of Migrants Rights (UN/ILO): UN Convention on the Protection of the Rights of All Migrant Workers and Their Families - to undertake the necessary political initiatives to ensure speedy ratification of the Convention.

The country of origin can influence the promotion of migrants' rights through developing MOUs on conditions of workers, setting up mechanisms like labor attaches and branches of national banks in destination countries for sending remittances on the favourable conditions to the country of origin.

Best practice could involve a high level of cooperation between governments of sending and receiving countries on these issues involving: a MOU which specifies the conditions under which labor migrants are accepted into a country, their minimum conditions, rights and obligations (and those of their employer), etc.; mechanism to allow regular discussions between countries on migrant issues.

Equal Rights with Local Workers (ILO/UN): According to ILO Convention No. 97, migrant workers lawfully residing in the country shall not be treated less favourably than nationals in the areas of remuneration, hours of work and overtime, holidays with pay, restrictions on homework, minimum age, training and employment of women and young persons, such matters are regulated by law or regulations or under control of the administrative authorities.

According to ILO Convention No. 143, lawfully resident migrant workers shall enjoy "equality of opportunity and treatment in respect of employment and occupation", it guarantees equality of treatment with regard to working conditions for all regular migrant workers who perform the same activity whatever might be their particular conditions of employment.

UN's ICRMW stipulates that all migrant workers - those who are lawfully present in the host country as well as those who are undocumented or in an irregular situation - shall enjoy "treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and other conditions... or terms of employment".

Involvement of Destination Countries' Governments in Protection of Migrants Rights (New Zealand): Although sending governments can play their role in the protection and support of migrants in destinations, the situation is more influenced by employers, governments, and the society in those destinations. Destination governments play a central role because they set the conditions under which migrant workers can enter their country, the rights and access to services to which migrants are entitled, and the obligations which they have while being in the country. An example of best practice here includes those undertaken by the New Zealand Government in piloting its RSE seasonal TLM program for selected Pacific Island countries. Some of the

Government's initiatives included:

- Involvement of the New Zealand's development assistance agency as well as immigration authorities and other relevant government departments at all stages of the design of the program. New Zealand also has involved employers and employer organizations at each stage in the development of the program. This has led to employers agreeing to pay part of the airfares to bring in workers and developing pastoral care programs to assist worker adjustment;
- Minimum wage levels were fixed and these were the same as for New Zealanders doing the same work. There were deductions for housing and other costs;
- Minimum housing standards were set;
- Since the work was seasonal, the employers also had to guarantee a minimum number of workdays each week.

The New Zealand's Government carried out audits of employers of temporary labor migrants from time to time to ensure that they are meeting the requirements of regulations concerning work pay and work conditions, housing, etc. All this helped to develop sound policies in managing temporary labor migration and the demand for labor force.

Involvement of NGOs in Protection of Migrants Rights: In some countries (e.g. the Philippines) governments have been supportive of NGO activity in protection and support of migrant workers and, partly as a result, NGOs has played an important role in advocating for and assisting migrant workers at home and abroad. In other sending countries, governments have not been so supportive of NGO activity in this area (Indonesia), and NGOs were not encouraged at all to do it.

Involvement of Labor Unions in Protection of Migrants Rights (ILO): In considering the practices to support labor migrants in both origin and destination contexts, labor unions hold their specific niche. However, labor unions generally are not strong in origin countries and few have shown strong interest in migrant workers. In destination countries this is often associated with the fear that migrant workers can drive down wages and conditions of local workers, or even take their jobs. While such concerns are legitimate, the demographic pressures which are slowing the growth of local labor forces in destinations increasingly mean that the supply of local labor is not sufficient to meet demand in some sectors. Appreciation of this among unions may help change the attitude. Indeed, if it is possible for migrant workers to join or be affiliated with local unions at destination, it potentially would both protect the rights and conditions of local workers, as well as provide support for migrant workers. Unions in sending countries have the potential to protect migrant workers at recruitment and pre-departure period, as well as at destination through their international union linkages.

Remittances Transferal (ILO, CP, WB): Sending country governments can also encourage their national

			<p>banks to establish branches in major destinations of their migrant workers to facilitate the sending of remittances. There has been an increasing realization in several Asian emigration and labor exporting countries that remittances can make an important contribution to national, regional and local economies. In 1990s the Indonesian Government has expressed the aim of replacing its dominantly unskilled worker outflow with semi-skilled and skilled workers in order to maximize remittance inflows.</p> <p>Best practice in both origin and destination countries involves educating migrant workers and potential migrant workers about all of the alternatives for sending money home, especially the availability of lower cost and more secure options. The sending country can support this by encouraging national and other banks from the home country to establish low-cost channels for remittances, including setting up branches in major destinations. Particular notice should be taken of new low-cost alternatives including mobile phone based remittances.</p> <p>Safe and Free Return to Home Community (ILO): When destination countries facilitate safe and free return to the home community, it is an important part of best practice.</p> <p>Reintegration of Migrants Upon Return (ILO, CP): Return to the home country is a fundamental characteristic of temporary labor migration and can be crucial in determining the extent of the developmental impact of migration. Reintegration programs for returning migrant workers have not been well developed. airport-based Migrant Worker Service Posts to screen and collect data on all returning migrant workers, provide preliminary health care to migrant workers reporting health problems and refer those in need of follow up legal, physical and mental rehabilitation assistance to competent services and facilitate transport services to place of origin in Indonesia. It is predominantly the responsibility of the origin country and the community to provide the context in which the returning migrant worker can have maximum impact on local, regional and national development.</p> <p>CP Member Countries have initiated and managed specific programs to provide preferential access to start-up investments of returnees; to offer loans for new businesses at the local government level; provide entrepreneurship training to migrant women; support private-sector efforts to provide job-matching services to returnees; support reintegration support services that civil society actors provide.</p>
2.3	To prepare a package of proposals to enter the regime of free movement of the KR labor force to the Customs Union's	Draft and sign a memorandum of understanding between the KR and the Eurasian Economic Commission Draft and sign an agreement between the KR and CU / EEC	<p>(for this part see also the part on bi-laterals)</p> <p>The Colombo Process: The Colombo Process was established in 2003 by 11 Asian countries to monitor and discuss implementation of group members' immigration policies and support structures. The process has involved four ministerial-level consultations, and involves high-level participation from destination countries, as well as a number of international organizations.</p>

	countries	on migration issues	<ul style="list-style-type: none"> • Legislation and policy formulation • Creation of Government bodies to support labor migrants • Bilateral agreements and memoranda of understanding between CP members and receiving countries • Innovative programs at national and local level to foster implementation of migration support structures <p>Eastern Partnership – EU Collaboration: The European Union has had an ongoing policy of collaboration with several of its neighbors under the Neighborhood Policy, of which the Eastern Partnership (EaP) policy had been directed towards the six countries under this initiative (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). The discussions on labor mobility are complicated by the multi-layered decision-making structure in the European Union, and the fact that member states retain responsibility for the conditions for admissibility of migrants. Nevertheless, for the past few years a number of panels have been convened to discuss issues of common interest, and negotiations between the EU and individual EaP countries have continued, albeit at a very uneven pace.</p> <p>Three features of this forum are worth emphasizing:</p> <ul style="list-style-type: none"> • First, the EU is the dominant partner in the process. Although formal multilateral consultative mechanisms have been put in place, the de-facto situation is that so far no common approach has been established, and negotiations on different types of liberalization of movement remain country-based. • The second feature is that the EU insists on agreements on repatriation of undocumented immigrants, and the implementation of their provisions, as the precondition for country-by-country negotiations. Thus, the forum has been less useful with respect to other important items potentially on the agenda, for instance the opportunities for labor migration and the protection of migrants in the EU countries. • The third (positive) feature is that the EU has insisted, and put some resources at the disposal of partner countries for strengthening of basic management institutions, insisting also on the adoption of comprehensive migration strategy. (This is especially true in the case of Moldova.) <p>In sum, at least until this time, the extent to which the discussions within the EaP-EU forum will lead to proposals and arrangements that are truly “owned” by all the participating countries is debatable—although not entirely impossible. It points to the desirability of “equal treatment” in agenda-setting for all members of an international dialogues on matters of common interest, something that would certainly benefit the discussions with Kyrgyz’s migration partners.</p> <p>Making Migration Policies Gender Sensitive (ILO): One way to achieve a gender sensitive policy is to include gender experts in the team that would formulate the labor migration policy. Gender sensitivity takes</p>
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			into account the differences in socio-cultural roles, needs and opportunities, constraints and vulnerabilities of women and men (ILO, 2003). The policy should consider the special needs of women by identifying aspects of the migration process where they are particularly vulnerable. The policy should also identify specialized job markets for women where they may be particularly exposed to abuse or exploitation while in the home country or the destination country, and take preventive measures. It should also account of special needs of women due to gender differences.
3. Developing the capacity of labor migrants, aimed at raising pre-departure and professional training and skills, and improve awareness of labor market participants on perspectives and conditions of employment within the country and abroad			
3.1	Improvement of labor market participants' awareness on perspectives and conditions of employment within the country and abroad	Establishment of seven regional advisory centers for migrants on the issues of preparation for a trip abroad	<p>Indonesia: Placement agencies are regulated and subjected to various provisions, such as licensing, the requirement to provide advances on pre-departure costs through a loan, extend assistance to migrants in opening bank accounts, and conduct pre-departure orientation training which includes information on how to send remittances back to Indonesia. The Indonesian Embassy operates a hotline for migrants to report problems they encounter with employers or others in the host country.</p> <p>The Philippines This overall package of policies and institutions affects the information asymmetries between potential migrants and employers abroad. The policies provide employers with more information on the actual skill of the potential employees. Philippine law ensures that Filipino migrants are healthy and technically qualified for the jobs they are seeking. POEA's role is to ensure that all workers possess a certain level of technical qualification and physical and mental health to perform the tasks required. There are special requirements for workers in the seafaring industry.</p> <p>Potential migrants have good information on what jobs are available and what skills are needed for these jobs. This reduces their search among jobs for which they do not qualify. The Philippine Embassy has a hotline for migrants. They can use this hotline to report problems with employers, police, or other groups after entry. The MOU with the Republic of South Korea stresses the importance of pre-departure preparation for immigrants to Korea, and POEA maintains a roster of approved jobseekers. The Human Resource Development Service (HRD) of the Ministry of Labor in Korea makes sure that the required language test (EPS-KLT) is fair and conducted efficiently.</p> <p>It developed a set of additional requirements of immigrants (age, criminal background, deportation, medical rules) and certifies those immigrants who meet these criteria. Information on approved migrants from the Philippines (POEA roster) and approved employers in Korea is entered into the EPS Network. The POEA dispatches representatives to Korea, and resident officers from the Ministry of Labor in Korea are posted in the Philippines. They cooperate to ensure transparency, efficiency, and integrity in the sending and receiving process. POEA advertises the employment procedures of the EPS and assists HRD-Korea with job</p>

			<p>advertisements and presentations in the Philippines.</p> <p>India: Kerala state - In 1996 the government of Kerala established the Department of Non-Resident Keralites' Affairs (NORKA) to provide services to migrant workers and help them handle problems that arose overseas. "NORKA handles complaints against illegal recruitment agencies, provides assistance to stranded Keralites, facilitates the repatriation of bodies, and runs an insurance program for unemployed returned migrant workers, unskilled laborers, and domestic workers." In 2002 NORKA-Roots was established. It obtained a license to serve as a recruitment agency in 2006 and began recruiting migrant workers for jobs overseas in 2011. NORKA-Roots posts job vacancies in print, government circulars, and online. It set up a website in 2010 (www.jobsnorka.gov.in) for employers to search for the right workers and prospective emigrant workers to look for good jobs. This jobs portal could become an ideal place to find information about potential destinations.</p> <p>Sri Lanka: The Sri Lankan Bureau of Foreign Employment (SLBFE) developed a data bank on migrants abroad and returnees. The data bank includes information on the activities of the SLBFE and employment agencies and is a job bank. Information on employment is posted in post offices and is available on the website for the SLBFE. The SLBFE runs a media campaign that explains the hazards of obtaining a job through private channels; this includes a two hour radio program on Sunday and a two hour film on safe migration shown on a national television channel. There are also grassroots programs to educate potential migrants on the hazards of moving so that they can make more informed decisions about work. Programs also address child protection, marital problems, financial management, and health (STDs, HIV/AIDS).</p> <p><i>Establishment and Resourcing of Migrant Resource Centers (MRCs) (Australia)</i> - MRCs have been predominantly developed by NGOs although in major immigration countries like Australia, state and federal Government have been instrumental in the development of MRCs . Such centers have been shown to play the important role in facilitating the adaptation and protection of migrants. Among other things, the functions of MRCs can include serving as a point of contact in emergency situations, providing a mechanism for informing overseas migrant workers of their rights and obligations, providing a place to informally and emotionally support the overseas migrant workers, serving as a place to provide information on how to access services in the destination, facilitating linkages with the homeland (including remittances), providing training (e.g. in language), assisting in preparations for return, providing legal aid.</p>
3.2	Diversification of educational services	Develop and implement a flexible educational programs by age, time period, specialties	<p>Philippines: Exchange of trainees with the country of destination is included in some of the labor recruitment and hiring agreements and labor employment and manpower development agreements.</p> <p>India: The Ministry of Overseas Indian Affairs develops a pre-departure orientation program for prospective migrant Indian workers. This orientation will include classes in the language, culture and law of the host</p>

country and should help migrants adjust to their new work environment.

Mexico:

The Institute for Mexicans Abroad, under the concept that financial education and access to banking Mexicans are job promotion and consular protections, developed a *Financial Education Program for Mexican Migrants*. This approach helps migrants seek programs and services that provide tools for better decision-making on the future planning and management of their resources. The program is promoted through the Consular Network in collaboration with various non-profit organizations, banks, credit unions and remittance companies that already offer financial education programs aimed at the Hispanic community. They develop three main lines of action:

- Conducting *Information Sessions* that offer specific financial education for bi-national collaboration mechanisms with banks, credit unions, federal and community organizations in order to implement strategies to bring financial education programs to more Mexicans.
- Promoting *Consulate Banks agreements*, through which access is allowed to representatives of US banks that accept the Matricular Consular and companies in Mexico to promote financial education of Mexican migrants through courses, workshops, and distribution information in Spanish.
- Promoting *programs and financial education resources* offered by other organizations in the United States and Mexico; useful for Mexicans abroad because they provide timely information to enable them to open a bank account, send money safely and have access to credit.

Indonesia: Migrants can receive certificates to prove their level of skill. Mental and physical health exams and identification cards are provided by the government. BNP2TKI provides training if workers are placed under government to government contracts. The Ministry of Manpower and other agencies provide training for other migrants. Training differs by occupation in the destination. The duration of the training varies by destination.

IOM's migrant training. Approximately 86 per cent of the participants during this period were resettlement-related. The remaining 14 per cent of training participants consist of skilled and unskilled labor migrants, asylum seekers, marriage migrants, immigrant visa applicants, and family members of trafficked persons. Many attended either a pre-departure, pre-employment or financial literacy course or a country-of-destination briefing designed to prepare them for their relocation, whether for work, study, or extended living purposes.

Right for Education/Training/Skills Development/Pre-Departure Orientation Programmes (ILO) - The elements of the best practices in pre-departure training could also include: specific skills training; targeted cultural awareness, some key phrases in the language of the destination; clear explanation of the rights and obligations of both migrant workers and employers; ridding workers of false expectations, especially relating to their jobs; empowering migrant workers by guiding them on their possible response to exploitation,

			cheating, excessive work load, non-payment of salary, etc.; providing them with clear instructions of how to contact embassies, consulates and labor attaches if they are facing such situations.
		Develop and implement a mechanism of voluntary certification of returning migrants	India: NORKA-Roots provides skills certification, and potential employers have more information about the skills of potential emigrants than before NORKA-Roots was set up. NORKA Roots is now conducting Skill Upgradation & Re-integration Training Programs in collaboration with Industrial Training Institutes under Directorate of Industrial Training under Govt. of Kerala. These trainings are voluntary, with competitive selection, and subject to fees.
3.3	Improving competitiveness through educational initiatives	To adopt a simplified training software for the unemployed women and youth in the remote, mountainous and border areas for the relevant / high demand professions accordingly to the maps	<p>The Philippines, Bangladesh and Indonesia have instituted a series of requirements for pre-departure orientation for would-be migrants, and systems of certification for potential providers of orientation services. <i>Programs are designed, organized and delivered</i> by a wide variety of actors, ranging from the IOM, which has a very extensive experience in this area, to public or private (licensed) providers. Program syllabi span issues such as culture, basic financial education, language, and workers' rights. Information on consular services and who to contact in an emergency situation is also needed.</p> <p>Philippines, Nepal and Indonesia: Sponsoring governments have conducted reviews of programs they have financed, and a recent review of PDOPs in the Philippines, Nepal and Indonesia points to a number of general challenges for these initiatives (e.g., the adequacy of curricula, lack of reach to potential migrants outside urban centers, lack of coordination among government levels and agencies) Proposed solutions include greater coordination with receiving countries in program design, more attention to the needs of potential beneficiaries in rural areas, and some initial investment in understanding other countries' experiences and pitfalls. Language competency is essential for any of these programs to be effective.</p> <p>Right for Education/Training/Skills Development/Pre-Departure Orientation Programmes (CP): Training needs have to be appropriate to migrants' particular work and cultural situations. In the Philippines some excellent materials in comic book form have been produced to assist in this process. NGOs use to play important independent roles in this training. Training must not be seen as the opportunity for squeezing money out of the migrant workers, nor can it be excessively long. In some cases it may be possible for pre-departure training in particular skills to be integrated with later training at destination. In the New Zealand and in Australia, there has been discussion of integrating pre-departure training in the skills required in harvesting, pruning etc. with Australia-New Zealand-based courses in these areas so that the skills acquired by migrant workers are given appropriate certification.</p> <p>One big obstacle which the skilled-workers face when moving to other countries is the recognition of qualifications. There are often differences in the way things are done in some skill areas between countries even though most of it is the same. There are possible ways to ameliorate these problems and several of them</p>

			<p>may take place in pre-departure of the skilled migrant worker:</p> <ul style="list-style-type: none"> • There could be regional attempts for agreed skills which being certified could be recognized across the region. For example, it has been suggested that this could be the case in areas like welding and the operation of sophisticated machinery. This is under discussed in APEC countries. • Bilateral and multilateral efforts between countries to examine curricula and qualifications to establish their acceptability at destination, and if not, what possible remedies there are to correct the deficiencies. • Courses both in origin and/or destination to make up these deficiencies in training. <p>In the pre-departure preparation it is a good practice to use returned migrant workers to share their first-hand experiences of problems frequently encountered at destination and effective strategies for dealing with them. The pre-departure context can also be useful in helping workers set up secure and cheaper mechanisms for remitting funds back to their home communities.</p> <p>In Philippines the government has organized its Technical Education and Skills Development Authority (TESDA) so that it not only provides professional training to the native workforce but also to migrant workers.</p> <p>(also see related part on educational programs – see above)</p>
		To adopt a methodology and mechanisms for career guidance at a local level	(see part on information and resource centers)
		To initiate the agreements on establishment of training centers to raise qualification jointly with main destination countries for Kyrgyz labor migrants	(Language training in the KR (see below) is relevant to this paragraph)
		To adopt a system of mutual recognition of diplomas / certificates via initiatives in the framework of bilateral intergovernmental agreements	Recognition of Foreign Qualifications (ILO, Australia, New Zealand, Slovakia): One important prerequisite to enable migrants to compete with nationals for jobs is recognition of foreign qualifications in the country of employment. Article 14 of ILO Convention No. 143 states that “a Member may ... after appropriate consultation with the representatives organizations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas”. The same provision is contained in Paragraph 6 of ILO Recommendation No. 151.

			<p>In Australia, the Commonwealth Department of Workplace Relations and Small Business provides national recognition in metal and electrical trades for permanent residents and skills assessment in most trades for people applying to migrate to Australia. State governments also provide assistance with skills recognition, such as the Overseas Qualifications Unit in the Victorian Department of State Development, which operates under the coordinating umbrella of the National Office of Overseas Skills Recognition, which is part of the Commonwealth Department of Employment, Education, Training and Youth Affairs.</p> <p>New Zealand’s Qualifications Authority has responsibility for assessing overseas qualifications for their equivalence to those gained in New Zealand. In addition, New Zealand legislation requires the registration of people wishing to practice certain professions, e.g. doctors, and the Government reports that “human rights jurisprudence establishes that qualifying bodies must have procedures in place for assessing overseas qualifications”. A small number of states also recognize qualifications on the basis of bilateral or multilateral agreements, e.g. Slovakia.</p>
		To improve the quality of Russian language teaching in secondary schools and vocational schools, especially in rural areas	In the Kyrgyz Republic , a Korean language program targeted to potential migrants, sponsored by the South Korean embassy, has been in operation since 2007. If successfully completed, and upon clearing a medical examination, the applicant is entitled to access a database for employment opportunities. If a job match is found, a labor visa can then be issued, for permits of up to 1 year, extensible to a maximum of 3 years. While the program was very slow to start in its implementation, some 1,500 labor permits were issued in 2011, and some 1050 workers departed.
3.4	Improving the efficiency of state regulation of employment abroad	Improving the quality and scale of services provided overseas to the employed ones	<p>India: Kerala state: In 1996, the government of Kerala established the Department of Non-Resident Keralis’ Affairs (NORKA) to provide services to migrant workers and help them handle problems that arose overseas. NORKA handles complaints against illegal recruitment agencies, provides assistance to stranded Keralis, facilitates the repatriation of bodies, and runs an insurance program for unemployed returned migrant workers, unskilled laborers, and domestic workers.</p> <p>El Salvador: The Directorate General of Attention for the Community Abroad (1999-2004) <i>provided consular services and assistance to migrants in the US</i>. This agency was under the Ministry of Foreign Affairs. Its website provided useful information for Salvadorans abroad. It also provided <i>legal assistance and information on NGOs and other groups that could assist immigrants</i>, and it lobbied the US to expand the number of Salvadorans admitted as temporary protected status (TPS) workers (6-18 months legal status). The El Salvador government passed a new law in 2011, Decree No. 655, Special Law for the Protection and Development of the Migrant and His Family and Salvadoran Regulations Thereunder. The law promoted nondiscrimination and protection of Salvadorans anywhere in the world and guaranteed human rights for the most vulnerable – the elderly, children, disabled.</p>

Under the law, there was created the CONMIGRANTES - National Council for the Protection of Migrants and their Families - under the Ministry of Foreign Affairs. The purpose of the board is to develop public policies to provide humanitarian assistance and protection to migrants.

Philippines: The new law was the Migrant Workers and Overseas Filipino Act of 1995; it formed the legal basis for worker protection. This Act established the Office of the Legal Assistance for Migrant Workers' Affairs which provides legal assistance services for overseas Filipino workers and overseas Filipinos in distress. In countries with a high concentration of overseas workers, a Filipino Worker's Resource Center is set up by the government. It provides skills training, holds meetings on various issues of concern to Filipino migrants, and provides shelter.

Introduction of the Institute of Labour Attachés (CP): The Philippines has been very active in setting up labor attaches in embassies and consulates in all countries where there are substantial numbers of Filipino contract workers deployed. In 2008, there were Filipino labor attaches in 35 locations. Moreover, the role of the labor attaché is well developed and migrant workers are informed of how to contact them.

Education: UN's ICESCR stipulates that the right to education is to be enjoyed by "everyone". There are no qualifications precluding non-nationals from benefiting from this right. In its General Comment on the right to education, the Committee on Economic, Social and Cultural Rights confirms that "the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of legal status".

Access to Medical Services: UN's ICRMW's Articles 43 and 45 add that regularly present migrant workers and family members, respectively, should be *granted equal treatment with nationals* as regards "access to...health services".

Council of Europe (Collective Complaints Protocol 1995): This Protocol allows certain trade unions and NGOs to bring complaints against those Contracting parties accepting the procedure under the Protocol. In a case against France, (International Federation of Human Rights (FIDH) v. France, 2004), the Committee found a violation concerning protection and assistance to children and young persons in respect of national measures limiting the access of the children of irregular migrants to health care provision.

In countries such as **Croatia** and **the Netherlands**, migrants have equal access to health care services with nationals. In other countries such as **Israel** and **Japan**, it is the employer's responsibility to ensure adequate health care for migrant workers, although no reference is made to members of their families. In **Canada's Province of Ontario**, health coverage is only extended to migrant workers who have an authorization to

work with a specific employer and in a specific occupation, which has been issued for at least six months. **Belgium, Czech Republic, Finland, France, Mexico, Norway and Spain** - irregular migrant workers have the same right to urgent medical care as regular residents (or workers) in the country. **Sweden and Turkey** – irregular migrant worker in need of urgent care can be treated by a medical doctor. In **Albania**, the Hospital Care Law obliges both public and non-public hospitals to give free treatment to Albanians and foreign citizens (even when the latter are illegally in Albania) if they are in need of emergency care.

Specific ILO Standards Protecting the Rights of Migrant Workers to Social Security:

- *The Equality of Treatment (Social Security) Convention, 1962 (No. 118)* provides for the right to equality of treatment with regard to all nine branches of social security. For each of the nine branches that it accepts, a State party to the Convention undertakes to grant within its territory to nationals of any other State that has ratified the Convention equality of treatment with its own nationals. It also provides for some flexibility by permitting the exclusion of non-nationals in cases where benefits or parts of benefits are payable wholly out of public funds. The Convention further provides for the maintenance of acquired rights and the export of benefits. In essence, a State party to Convention No. 118 has to ensure the provision of benefits abroad in a specific branch for its own nationals and for the nationals of any other State that has accepted the obligations of the Convention for the same branch, irrespective of the place of residence of the beneficiary.
- *The Maintenance of Social Security Rights Convention, 1982 (No. 157)*, and Recommendation (No. 167) institute an international system for the maintenance of acquired rights and rights in the course of acquisition for workers who transfer their residence from one country to another, and ensure the effective provision of the benefits abroad when they return to their country of origin. Under this Convention, the maintenance of acquired rights has to be ensured for the nationals of other States parties to the Convention in any branch of social security in which the States concerned have legislation in force. Within this context, the Convention provides for the conclusion of bilateral or multilateral social security agreements. In addition, the Recommendation contains model provisions for the conclusion of such agreements. In cases where the migrant workers have been contributing to compulsory (or voluntary) pension schemes, full portability is the best practice.

Philippines: A very good example is provided by the Philippines where agencies, which recruit and provide Philippine seamen for the manning of foreign ships, are held responsible under a Memorandum of Agreement of 1988 for paying quarterly contributions to the social security system. These contributions provide comprehensive coverage under Philippine laws on social security, medical care and employee's compensation.

The Overseas Workers Welfare Administration in the Philippines is an independent, self-funded financial

			<p>agency which provides insurance, loans and other financial services to members. There is a \$25 member ship fee from foreign employers which is usually shifted to workers (wage adjustment, for example). Membership is required for official migrants. Services include: (1) repatriation and worker protection, (2) insurance, (3) loans, (4) scholarships, and (5) protection for temporary workers.</p> <p>(1) OWWA helps repatriate ill or distressed workers. It negotiates with firms and other authorities, facilitates exit (visa, monetary claims, medical and police reports). It coordinates with the Embassy for other details and transport. The Emergency Repatriation Fund is used for evacuation expenses. Counseling, legal, and diplomatic services (if imprisoned, for example) are provided.</p> <p>(2) OWWA provides life and personal accident insurance, natural disaster and other accident insurance, and burial insurance. Health insurance is available for a fee (\$18 in 2007). It provides money for work disabilities and illness. Claims are low because many emigrants have private insurance.</p> <p>(3) Loans are available for predeparture expenses and family assistance during emergencies. There are also “livelihood loans” which are described in the section on the diaspora.</p> <p>(4) Scholarships are available for dependents’ education, skills upgrade, and other special programs.</p> <p>(5) The fee is too low to provide bothe education and training and security services, so few get the security services. Some new programs deal with this failing. Medical insurance was outsourced to the Philippine Health Insurance Corporation. They partnered with the ILO for repatriation assistance. The problems with this system overall are lack of transparency and accountability and the lack of input from migrants into the development and operation of these support programs.</p> <p>Pakistan: Another example is provided by Pakistan, where migrants are protected by a group insurance concluded between the Bureau of Emigration and Overseas Employment and the State Life Insurance Corporation. This group insurance is financed by a premium paid by applicants on registration with the Bureau. It provides coverage in the event of two contingencies – disability and death – for a period of two years. The benefit is a lump sum, payable to the disabled worker or to the surviving designated beneficiary, as the case may be. Pakistan is now carrying out a feasibility study on the introduction of a pension scheme for migrant workers abroad. One possibility may be the setting up of a social security scheme for migrant workers based on voluntary contributions to individual accounts both for long-term and short-term benefits such as health care for members of the migrant workers’ families who stay in the home country.</p> <p>Another possible way of extending national social security coverage is to offer migrant workers the possibility of voluntary insurance in their home country. Jordan should be mentioned as an example for providing voluntary social insurance to its nationals working abroad. Voluntary insurance can be offered in</p>
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different ways, either in the form of continuous optional insurance after a period of previous mandatory coverage or by allowing returning migrant workers to cover retroactively the periods during which they were employed abroad. The latter option may be particularly attractive where migrant workers have received a lump-sum payment of the social security rights, which they have acquired in the country of employment.

Philippines: Potential migrants and migrants *have good information* on what jobs are available and what skills are needed for these jobs. This reduces their search among jobs for which they do not qualify. Bilateral and multilateral agreements with some countries have improved the matching of workers and employers and affected human rights. POEA maintains a roster of approved job-seekers (passed the language and medical tests, of good character) who want to work in Korea; the Ministry of Labor in Korea informs POEA of its ceiling on jobseekers at different levels of skill.

India – Kerala state: NORKA-Roots posts job vacancies in print, government circulars, and *online*. It set up a website in 2010 (www.jobsnorka.gov.in) for employers to search for the right workers and prospective emigrant workers to look for good jobs. This jobs portal could become an ideal place to find information about potential destinations.

India: The Ministry of Overseas Indian Affairs develops a helpline in India to provide needed information about overseas employment so that potential emigrants can make informed work decisions.

Mexico: The Mexican consulates and the US Departments of Labor and Agriculture have a MOU which created an outreach program for Mexican immigrants. These programs provide training and education, outreach to immigrants and their communities, and promote a “national dialogue.” Seminars and brochures are available for immigrants; the purpose is to explain workers’ rights in the US and access to US and consular services and to provide important health information. Mexican consulates have expanded but also provide services to less populated areas of the US through Mobile Consulates. Representatives go where Mexicans live and tell them how to access services and obtain the official documents they need.

New Zealand: PAC program in New Zealand focused on matching employers and employees. The Skilled Migrant Category facilitated the matching of skilled workers to skilled jobs. The PAC with its conditions for admission guaranteed that the new immigrants have at least minimal cultural capital to fit into New Zealand life and enough skill to obtain a good, stable job.

Right for Obtaining the Information (CP): Much of the excessive rent-taking occurs because the potential migrant workers are insufficiently informed about what they should be paying. The development of effective information mechanisms, such as Migrant Resource Centers in origin areas, which empower potential migrants through accurate and detailed information about the recruitment process and costs, is an important

			<p>element of best practice. Programs in the Philippines by both government and NGO instrumentalities have demonstrated how effective this can be.</p>
		<p>To develop and adopt minimum standards for migrants' labor contracts on the basis of universally recognized fundamental principles and human rights</p>	<p>Philippines: The Philippine Overseas Employment Administration (POEA) imposes conditions on employers; these conditions are designed to minimize worker abuse:</p> <ul style="list-style-type: none"> • Employers must draft employment contracts that meet the POEA's minimum standards for number of workers, job characteristics, and salary. They must provide valid proof of business. • All employment contracts must be verified by the Philippine Overseas Labor Office (POLO) and meet the job requirements described in the previous section. <p>All migrants who go to Korea, including Philippine migrants, complete a pre-employment training program on arrival, paid by the employer. The program runs for 3-4 days and covers labor law and employment conditions.</p> <p>Use of Standard Contracts (CP): On mutually (sending-receiving countries) acceptable placement fees, minimum or reference wages, job descriptions and skills accreditation. A further step would be for CP Member Countries to consider adopting standard CP-wide contracts, with negotiations possibly starting on vulnerable occupations, such as domestic work.</p> <p>Jordan: In Jordan, the government has endorsed a legally enforceable Special Unified Working Contract for foreign domestic workers developed with the assistance of UNIFEM and national stake-holders. The contract is the first of its kind in the Arab region and is required for the issuance of visas and permits. The government is also amending national labor laws to provide domestic workers with legally recognized and enforceable rights protection.</p>
3.5	Establishment of Migration Fund	To develop the legislative basis for the MF	<p>Philippines: In 1980, the government created the Welfare Fund Administration (WFA) which is independent and focuses on the welfare of migrant labor. It also offers insurance and loans to migrants. The organization was renamed the Overseas Workers Welfare Administration (OWWA). If abuse of labor migrant occurs, the Overseas Workers Welfare Administration is supposed to handle these problems and assist the workers.</p> <p>Participation in Welfare Funds (CP): Migrant welfare funds (MWFs) are an innovative and financially sustainable means of providing support services to vulnerable migrants and those migrants in distress. Although only implemented in Asia to date, they have the potential to be of value to all labor-sending countries. Three major labor-sending countries have established welfare funds: Pakistan, Philippines and Sri Lanka. The principal objectives of the funds are to provide protection to overseas workers (OW) on the job site, death, disability and health insurance, financial support for repatriation of remains, and fares for involuntary return. The funds provide other services for workers and families, including pre-departure</p>

			orientation, support for education and training, etc.
		To prepare proposals for the capacity building of Migration Fund in social protection of labor migrants and their families	In 1980, the Filipino government created the <i>Welfare Fund Administration</i> (WFA) which is independent and focuses on the welfare of migrant labor. It also offers insurance and loans to migrants. The organization was renamed the Overseas Workers Welfare Administration (OWWA).
3. The expansion and strengthening of public private partnership in training, sending to destination countries, and protection of labor migrants			
4.1	The development of public-private partnership in the field of labor migration	Development of the Concept for work with diasporas and public associations of Kyrgyzstani abroad	<p>Armenia sends a very high proportion of emigrants to the Russian Federation and stands out for its attempts to facilitate the use of its <i>Diaspora as a powerful tool for development</i>. It has had a Ministry for Diaspora Affairs since 2008, and several other public and private organizations have been active in the area of Diaspora development.</p> <p>In Mexico, diaspora participation on the IME governing boards and involvement in its activities provides strong input into decision-making on migration issues. The President of the Board is a migrant, and the other members are elected from Mexican communities. Mexico has also engaged in programs to help leverage diaspora resources. The 3X1 Program was developed in 2002 and matches every \$1 in migrant investment funds from Hometown Associations (HTAs) with \$3 from the government (federal, state, and local). The HTA proposes an infrastructure project (sewer, water, and school, for example) for a Mexican community. The proposal is vetted by government agencies; if approved the money is transferred to a community fund, and the project is developed. Currently the program runs in 27 of the 32 states, but most programs are in only four states. The total amount invested is also small relative to the total remittances transferred to Mexico. HTAs of diaspora throughout the world promote collective investment especially in small towns; they fund jobs programs and social capital investment. In countries such as Tajikistan, corruption has reduced the ability of HTAs to help communities develop. This has not been a problem in Mexico to date. The 1X1 Program in Mexico targets individual emigrants rather than HTAs. For every \$1 that an emigrant contributes to a local business project, the government donates another \$1. The individual investor must submit a business plan which is vetted by the Mexican development agency, Sedesol. If approved, the investor can receive up to 300,000 pesos to help start a business in a Mexican community.</p> <p>“Paisano Invierte en tu Tierra” is a program to develop rural areas of Mexico and generate employment through the establishment of agribusinesses. It is supported by the Secretariat of Agriculture, Livestock, Rural Development, Fisheries, and Food (SAGARPA) and operated by the Shared Risk Trust (FIRCO). Migrants and/or other Mexicans invest their own money and receive government funding to start or expand agribusiness which can include rural tourism or energy projects. The program operates in all 32 states.</p>

The Mexican Talent Network was established as a means to share the knowledge and talents of high skilled Mexican emigrants in the US with local workers and entrepreneurs. The IME holds conferences that bring together business owners and experts in technical fields, health, and the automobile industry. The program offers mentoring to Mexican IT companies and internship opportunities in the automobile industry in the US. Finally, there is a housing program in which Mexican migrants living abroad can buy houses in Mexico with loans from the government. The loans can be repaid with transfers abroad.

El Salvador: “Unidos por la Solidaridad”, 1999, was a social investment fund to engage the diaspora. It encouraged NGOs and Salvadoran organizations abroad to finance small infrastructure projects such as schools and health centers. This was the first effort to engage the diaspora from El Salvador.

Decree 655 in 2012 motivated technology transfer and brain gain projects. The Productive Cooperation Project and Technical Cooperation Program encouraged Salvadoran businessmen abroad to develop small and medium enterprises at home by allying domestic and emigrant entrepreneurs. The cost of sending remittances through the financial system for local investment was reduced.

The Council for the Protection and Development of Migrants and Their Families supports their contributions to the Salvadoran economy. It encourages the development of small and medium enterprises through business incentive programs. Return migrants can bring a large amount of capital (tools, cars, property) back home at low import fees. It works to lower the costs of transmitting remittances back to El Salvador and encourages investment and technology transfer from the diaspora.

Philippines: Diaspora affairs in the Philippines are not “sequestered” to a specific ministerial-level institution but are handled within the activities and purviews of the agencies dealing with labor migration and protection of migrants. The Balikbayan program was launched in 1989 to get the diaspora to visit the Philippines. Benefits include tax exemptions and duty free shopping up to \$2000. Departing workers at their pre-departure conference are encouraged to return home. They are told of business and property ownership opportunities and skills retraining. They are also enrolled in health and life insurance and social security.

Involving Diasporas into Protection of Labor Migrants (Africa): These organizations conduct networking activities to promote links with transnational communities (diaspora) of skilled professionals abroad to encourage their return or circulation and transfer of skills, technology and capital for home country development. The DDNA initiative by the United Nations Information and Communications Technology Task Force promotes development and the achievement of the Millennium Development Goals through mobilizing the intellectual, technological, entrepreneurial and financial resources of the diaspora entrepreneurs. There are three digital diaspora networks to date – Africa, Caribbean region and Latin

			<p>America. The SANSA targets the thousands of South Africa's expatriate graduates in medicine, education and engineering, particularly those in Australia, Canada, the United Kingdom and the United States. In addition to an electronic network, there is a database of more than 2,000 members.</p>
		<p>Development of public and private partnership in the country working on employment abroad</p>	<p>El Salvador: National Council for the Protection of Migrants and their Families under the Ministry of Foreign Affairs <i>works with other organizations to facilitate job placement and business investment</i> and develop policies to facilitate migration and protect migrant workers.</p> <p>New Zealand: There are public/private partnerships to match immigrants who win the lottery to job vacancies, but family networks continue to dominate the job matching system and lead to more actual jobs in New Zealand.</p> <p>Effective management and control of private sector agents and others involved in the recruitment process (CP): In some countries the links between private sector agents and government officials involved in the recruitment process are close and corrupt. The development of a professional, diligent, and appropriately recompensed group of officials to manage this process is an important part of best practice (Indonesia).</p> <p>Regulation of private sector recruiters (CP): They are responsible for most of the recruitment of TLMs in Asia and the Pacific, especially low-skilled workers. In many countries, however, while such regulations can be quite stringent, there is a gap between policy and practice. The capacity of Immigration and Labor Departments in origin countries to enforce such regulations is limited. Moreover, corruption is often significant. One of the most effective models for effective regulation of private recruiters is in the Philippines: substantial education campaign is undertaken in the country aimed at potential migrant workers, informing them of regulations, including one which says that migrants cannot be charged more than a month's salary for recruitment services.</p> <p>Involvement of Public Employment Agencies (IOM): While the role of state agencies in recruitment has clearly been overtaken in most Asian labor sending states by the private sector, an argument could be made for deployment through the state for categories of workers especially vulnerable to malpractice and abuse, such as female domestic workers. International organizations like IOM who have wide experience in migrant application processing and services can also be called upon for the selection of workers and is doing so with regards to labor migration to Canada, Italy and Spain.</p> <p>Involvement of the destination-based employer in meeting the costs of recruitment (CP): Best practice here is found in the Philippines' Sea-Based Migrant Worker Scheme where the employer meets all the costs of recruitment. Involvement of employers in meeting some of the costs seems workable. In the New Zealand RSE, for example, employers are responsible for half of the airfare costs of Pacific seasonal agricultural</p>

			<p>workers.</p> <p>Public Support of Reputable Employers (ILO): An important element in the best practices of destination countries involves the setting up and administration of a mechanism of employers’ regulation. Best practice here involves granting a special status to employers who have a good reputable history of abiding by regulations and fairness in dealing with migrants. This status involves less complex application for workers and reporting. However, for other employers, inspection and full compliance with regulations is necessary. Moreover, employers that repeatedly fail to meet regulatory requirements should be banned from employing temporary labor migrants. Best practice involves adopting a system of labor inspections to meet the specific problems of migrant workers.</p>
		<p>Creating an enabling environment for businesses, potential employers to establish education and professional development centers for migrants</p>	<p>(Language training in KR is relevant here, see above)</p> <p>Language facility is required in many bilateral agreements. The MOU between the Philippines and Korea outlines the requirements for migrants to work in Korea. The most important is passing the Korean language test (KLT) and passing a medical examination. The language test is conducted by the Human Resource Development Service (HRD) in Korea and makes sure that it is fair and efficiently conducted. The Department of Labor and Employment and the POEA in the Philippines provide assistance to HRD. Potential migrants who take this test must be aged 18-38, have no criminal conviction with imprisonment or record of deportation from Korea, and no “derogatory record” in general. The test certification is good for two years. In addition, all foreign workers to Korea must complete pre-employment training on arrival, paid by the employer; the training lasts for 3-4 days and explains Korea law and employment conditions.</p> <p>The vocational program in the Philippines is regulated by the POEA. There are special certificate programs for medical or technical employment. A special program was developed for migrants to South Korea where skill certification is required. Factory workers moving to Korea have to have a high school degree and pass a Korean language test, certified by POEA.</p> <p>Sri Lanka has a more stringent language policy within its pre-departure orientation program, but this is only required for women (the majority of emigrants). The training ranges from 12-21 days, depending on the destination region and skill of the worker. Vocational training is required by some hosts. Unskilled women migrants to the Middle East have to attend a 15 day seminar that includes basic Arabic or English. Before the language training, a special 18 day residential literacy course is provided for those migrants who cannot write in Sinhala or Tamil. The Vocational Training Authority provides skilled training for men; this includes training in carpentry and masonry and is available to non-migrants.</p> <p>Indonesian migrants can receive skill certification provided by BNP2TKI if employed on a government to</p>

			<p>government contract. Other agencies provide vocational training to other migrants. Training differs by occupation and destination. All migrants can obtain training in language and culture.</p> <p>In India, MOIA provides specific technical training which is not required and is not free. There are training programs at the state level as well. NORKA-Roots in Kerala verifies school certification and skill upgrade. One course provides 60 days, 300 hours of technical or English training and certification. The cost is 5000 rupees, but a government grant will cover most of the cost. There is little training for unskilled workers.</p> <p>Destination In-Country Training for Migrants (New Zealand): Another element of best practice at destinations involves provision of training for migrants. This provides not only a better workforce for employers but the opportunity for social mobility among the labor migrants. Some large employers of New Zealand have also established training facilities in origins to prepare them for work in New Zealand. Training also means that migrant worker will return to his or her origin country with new skills.</p>
		<p>Establishment of the Public Council on external labor migration</p>	<p>El Salvador: National Council for the Protection of Migrants and their Families was established under the Ministry of Foreign Affairs. The purpose of the board is to develop public policies to provide humanitarian assistance and protection to migrants. The board works with other organizations to facilitate job placement and business investment and develop policies to facilitate migration and protect migrant workers. It will also work to facilitate reentry of deportees.</p> <p>Elections to the National Council were held in September 2012 among Salvadoran migrant communities for positions of representatives on the National Council. This is perhaps one of the most courageous examples of formal reach to migrant communities - to involve them in their affairs and their own protection in the labor market and with respect to human rights.</p> <p>National Council for Mexican Communities Abroad (Consejo Nacional), comprises of 11 Ministries that deal with migration issues, and the Advisory Council (Consejo Consultivo), which incorporates 156 representatives from Mexican communities abroad. The Advisory Council is divided into six commissions (education, health, political affairs, legal affairs, border issues, economic and business affairs and communications and outreach) that submit requests to the various branches of the Mexican government. It meets twice a year to reach a consensus on recommendations. One of the most noticeable features of the IME is the dedicated network of representatives based in consular offices in the US and in Canada. The IME has been portrayed by the ILO as a Good Practice institution because of its effectiveness in reaching out to involved communities, the range of services that it provides, and the cooperation that it has fostered with receiving countries, at least on a range of issues of importance to migrants.</p>