

# Labor Migration: Legal and policy frameworks



“ El mandato de la OIT requiere llegar a aquellos que son más vulnerables, que se enfrentan a una enorme inseguridad y para quienes la negación de la justicia social resulta más cruel. Muchas veces es difícil alcanzarlos, y sin embargo son muchísimos. El ejemplo de los trabajadores y las trabajadoras del hogar muestra lo que se puede hacer. La OIT debe dar prioridad a ... los trabajadores migrantes.”

*Guy Ryder, ILO Director-General*

prof dr Flora Goudapp  
University of Curaçao



# **Labour migration, the traditional way**

**Caribbean system: moving from island to island to find work, without any immigration system**

**Caribbean immigration: work migration only (or sufficient means) – strict rules**

**Options therefore:**

**legal migration**

**illegal migration**

**No options for asylum/undocumented**

**Note: legal migration may lead to nationality**

# **A different system: free movement 1**

## **European Union**

**Free movement of workers and freedom of establishment**

**General free movement for anyone with a work contract**

**Immigration from outside EU limited to 4 years for highly skilled workers – national competence**



# A different system: free movement 2

## Caricom

**Only free movement for categories of skilled workers**

**Immigration from outside Caricom is national competence**





# Legal framework for migration

## Strict requirements for migrants

- temporary migration or permanent migration?
- When you don't fulfill the requirements: illegal migration or extradition

**Note: migration law is administrative law – all legal steps fall within national administrative procedures**

## Effects:

- Government can control and protect migration and the labour market
- 'grey' or underground economy is created





# challenges

- **How to deal with undocumented migrants / underground economy: do the national procedures need to be amended?**
- **Is extradition the only solution for illegal labor migrants?**
- **Does temporary migration of categories of skilled workers form a (legally workable) solution?**
- **Can general free movement form a regional solution?**

