

Statement of Solidarity Center (www.solidaritycenter.org)
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Informal Dialogue with Stakeholders, Global Compact for Safe, Orderly and
Regular Migration
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- Good morning. I represent the Solidarity Center, an international labor rights NGO aligned with the U.S. labor movement.
- We strongly support the statement of the government of Philippines on behalf of a number of governments related to a strong foundation for decent work in the Global Compact.
- We also reference and support the trade union statement presented by the Council of Global Unions for the May intergovernmental negotiations.
- I would like to focus my remarks on one of the migration policy areas that the cofacilitators identified for this round of negotiations: pathways for regular migration/regularization.
- Currently, regular migration is equated far too often with temporary or circular migration programs. Within the Global Compact, there has been little discussion of finding better and fair regular pathways, other than for “skilled” workers.
- In fact, the majority of migrant workers are low-wage workers in sectors such as construction, agriculture and domestic work. The very structures of labor migration for these low wage workers often leads to an expansion of precarious work in employment that used to be more stable and permanent, which undermines the decent work agenda. Workers in temporary or circular migration programs are limited in their ability to exercise their freedom of association and right to organize and bargain collectively.
- The Global Compact should reaffirm the principle that “where there is long-term or permanent demand for a migrant worker in a given context, that worker should be entitled to permanent work and residence status as well.” We agree with the ILO 2014 Fair Migration Report that a “de facto segregation has emerged between the concentration of lower skilled workers in temporary migration schemes and higher skilled workers who have much greater chances of permanent residence.” Such segregation is creating an entire class of low-wage workers who are in practice being denied the right to live with their own families and raise their own children, generation after generation.

- In the follow up and implementation of the Global Compact, we urge states and international organizations (including the UN specialized agencies, led by the International Labor Organization) to develop concrete criteria to develop and monitor regular migration programs that will help millions of workers leave vulnerable situations of irregularity and move us beyond exploitative temporary migration programs for low wage workers. Such criteria should include many of the items discussed in Objectives 5 & 6 of the Global Compact and other aspects such as:
 - Is there an independent labor market analysis to determine if a job is permanent or temporary?
 - Does the program allow for families to stay together or does it promote family separation?
 - Are workers in the program allowed to exercise their rights to freedom of association, right to organize and collectively bargain?
 - Do workers have options for visa portability?
 - Do workers have the ability to change employers?
 - Were the workers charged recruitment fees?
 - Are there pathways to permanent residency in the program?
 - Are workers able to easily access justice and remedies for nonpayment, late payment or under-payment of wages; for workplace injury; for discrimination on the job?

- Regular migration schemes should be developed and implemented through social dialogue processes that afford trade unions and social partners authentic opportunities for input and engagement. Until states commit to eliminating legal and practical barriers to freedom of association for migrant workers, their pathways will never be safe, so this should continue to be a priority for the compact and ILO should be the lead agency to guide such efforts.

- We also would like to emphasize a point related to access to justice and the rule of law in protecting victims of trafficking and severe labor exploitation. In order to remove barriers including fear of retaliation and blacklisting, we urge paragraph 25(h) to include victims who are involved in a good faith labor dispute. In our experience many migrants who are facing severe exploitation first raise their voice related to violations of ILO core labor standards. We encourage this amendment to remove barriers from reporting complaints and to identify victims of potential trafficking.
 - *Paragraph 25(h):* Provide migrants that have become victims of trafficking in persons or **who are involved in a good faith labor dispute** with temporary or permanent residency and work permits for the purpose of allowing victims access to justice, including redress and compensation.