International Experience on Protection of Labor Migrants' Rights and Its Application to Kyrgyzstan[1]

Kathryn Anderson
Luca Barbone

The current study has been conducted within a research project titled "Protecting the Rights of Kyrgyz and other Central Asian Migrants: Utilizing policy analysis, public outreach, and stakeholder dialogue to mobilize action toward reform" implemented by the Tian Shan Policy Center at the American University of Central Asia and funded by Open Society Foundation. Views and opinions contained in the study may not express views and opinions of TSPC AUCA or OSF. Any use of materials from this study shall be properly cited.

Bishkek – 2013

[1] The study is conducted within the TSPC AUCA research project funded by OSF

Table of Contents

List of Acronyms .....

Executive Summary v

Introduction and Background 1

Sources and Comparison Countries 1

Roadmap 2

Part 1. Models and Best Practices from Sending Countries that the Kyrgyz Republic Should Consider in Designing Migration Policy 3

Section 1. How Countries Organize Migration Policies/Management 3

Organizational Strategies in the FSU 4

Institutional Arrangements in Large Migration-Sending Countries 7

Lessons for the Kyrgyz Republic 11

Section 2. Institutional Approaches to Support Labor Migration and Regulate Employment 12

The Philippines 12

Sri Lanka 15

Indonesia 16

India: Kerala state 18

Mexico 20

El Salvador 222

New Zealand and the South Pacific 24

Lessons for the Kyrgyz Republic about Job Matching 244

Section 3. Employment Programs to Protect Human Rights of Migrants by Recruiters and Employers 26

Pre-Departure Orientation Programs 266

Training Programs 311

Lessons for the Kyrgyz Republic 32

Section 4. Protecting the Migrants Abroad 32

The Philippines .....**Error! Bookmark not defined.**2

Indonesia 36

India: Kerala 37

Mexico 39

El Salvador 40
United States and Canada: Destination Policies 40
International Trafficking Policy 41
Lessons for the Kyrgyz Republic 421
Section 5. Social Protection: Pensions, Health 42
Pension Portability 42
Health Care Portability 45
Lessons for the Kyrgyz Republic 46
Section 6. Diasporas: Unleashing Potential Resources for Development 476
Lessons for the Kyrgyz Republic 49
Section 7. International Cooperation 509
The Colombo Process 49
Eastern Partnership – EU Collaboration 50
The MIRPAL Experience 521
Lessons for the Kyrgyz Republic 52
Part 2. Lessons and Recommendations 53
References 57
Appendix A. Comparison of the Preliminary Strategy for Reform of Migration Policy to Anderson-Barbone Recommendations. 62

List of Acronyms

ACPOIW	Agency of Coordination for Placement of Overseas Indonesian Workers
ASEAN	Association of Southeast Asian Nations
CARMP	Central Asia Regional Migration Program (IOM)
CONMIGRANTES	Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia (National Council for the Protection of Migrants and their Families) – El Salvador
FIRCO	Fideicomiso de Riesgo Compartido (Shared Risk Trust), Mexico
IME	Instituto de los Mexicanos en el Exterior - Institute for Mexicans Abroad, Mexico
INM	Instituto Nacional de Migracion - National Migration Institute, Mexico
IOM	International Organization for Migration
MFEPW	Ministry of Foreign Employment Promotion and Welfare, Sri Lanka
MIRPAL	Migration and Remittances Peer-Assisted Learning
MOIA	Ministry of Overseas Indian Affairs (India)
NCPD	National Commission for Population and Development (Moldova)
NORKA	Department of Non-Resident Keralites' Affairs, India (Kerala)
OLAMWA	Office of the Legal Assistance for Migrant Workers' Affairs (Philippines)
ODEPC	Overseas Development and Employment Promotion Consultants, India (Kerala)
POEA	Philippine Overseas Employment Administration
SAGARPA	Secretariat of Agriculture, Livestock, Rural Development, Fisheries, and Food (Mexico)
SLBFE	Sri Lanka Bureau of Foreign Employment
SLFEA	Sri Lanka Foreign Employment Agency

International Experience on Protection of Labor Migrants' Rights and Its Application to Kyrgyzstan

Executive Summary

This report analyzes the international experience with regard to protection of labor migrants' rights and the relevant lessons from this experience for Kyrgyzstan. We draw from the experience of a variety of countries that have seen migration as an important socio-economic phenomenon over the past decades and that have developed strategies with commonalities and differences. We look at seven important dimensions that help determine outcomes for migrants:

- How other migration-sending countries organized themselves with respect to the handling of migration policies.
- The institutions and the approaches developed by countries that sought actively to support their labor migrants, with emphasis on the accountability and institutional lessons drawn from the international experience.
- How countries strive to protect the human rights of migrants from abuse by job recruiters and employers (including trafficking of workers and on-the-job exploitation).
- How countries improved the acountability of law enforcement or reduced discrimination and abuse of migrant workers.
- Policies that facilitate pension portability and savings, migrants' access to healthcare, and migrant access to other basic services.
- The ways countries mobilize resources from their diaspora for local economic development, to facilitate brain gain, and to assist later migrants adjust to new environments.
- The modes of international cooperation practiced in this complex area of migration and human rights.

Based on the lessons from each of these dimensions, we conclude with a set of recommendations for the Kyrgyz Republic.

1. ***How other migration-sending countries organized themselves with respect to the handling of migration policies***

We review lessons from institutional practices in FSU countries, which are very relevant for the Kyrgyz Republic given its geopolitical and historical background, and from other migration-sending countries. We highlight very uneven progress in the FSU in the establishment of a satisfactory set of institutional arrangements for the management of labor migration and the protection of migrants. The Ukraine experience, for instance, shows that years can be spent debating a migration law that in the end fails to address the needs of the millions of its citizens who sought employment abroad. A clear focus on the problem of labor protection is needed. The Moldova example shows that progress can be very slow, but strong signals from the top can nudge policy in the right direction. It should be noted that the European Union provided a strong set of incentives (and some resources) for Moldova to adopt a more rational organization of state institutions dealing with labor migration issues.

We also consider the experience of some of the most successful and most interesting examples among migrant-sending countries -- the Philippines, Sri Lanka, Indonesia, Kerala State in India, Mexico, El Salvador and the Pacific Islands. We conclude that these countries organized themselves to deal with migration issues and ensure protection of their labor migrants according to a variety of models. Some chose to institute autonomous agencies with often strong regulatory powers (Philippines, Indonesia); others (Sri Lanka) followed a ministerial model, ensuring most stakeholders a seat at the table of important policy decisions. In some countries, strong emphasis has been on inclusion and participation of migrants and their families (Mexico, El Salvador).

2. ***The institutions and the approaches developed by countries that sought actively to support their labor migrants***

We discuss in detail the issue of regulation of labor migration by sending countries. Of particular interest for the Kyrgyz Republic are not only the actual types of arrangements that countries developed over time but also the process that led to them. No institution or arrangement materialized as the result of a single decision—a lesson that should be borne in mind when reforms in this area are contemplated.

Many migrant-sending countries adopted various mechanisms and institutions to help improve the match of migrants to available jobs abroad. Most of the formal schemes were designed for the protection of "legal" migrants and do little to help those who do not fall into that category. Several of these schemes rely on the existence and regulation of private-sector recruiting firms. Many of these arrangements have been in operation for relatively long periods of time, and there is sufficient evidence on their effectiveness. These long-running experiments offer useful lessons for the Kyrgyz Republic as it formulates policies to assist migrants and their families before and after their departure and upon their return home.

We provide specific country examples that illustrate the matching process for inter-regional and international migrants and the types of government programs that can work to facilitate matching. We describe for each country the evolution of their policy and the ways their policies help or hinder the job match process. We show how these countries address the constraints that affect migrant sorting.

3. How countries strive to protect the human rights of migrants from abuse by job recruiters and employers

There are several approaches to reduce human rights abuses of migrants by recruiters and employers. The institutional structures designed to regulate these practices were described above. Our study also focuses on specific programs to protect workers. These include Pre-Departure Orientation Seminars (PDOS) and vocational training programs.

Pre-Departure Orientation Programs (PDOPs) are increasingly part of the toolkit of many migrant-sending countries. The Philippines, Indonesia, and Sri Lanka instituted a series of requirements for pre-departure orientation for potential migrants and systems of certification for potential providers of orientation services. India plans required orientations.

Programs are designed, organized and delivered by a wide variety of actors, ranging from the IOM, which has 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 whom to contact in an emergency situation is also included.

Several countries in our sample also engage in migrant-targeted training programs aimed at providing the necessary skills for migrants involved in specific bilateral initiatives. These programs often involve public-private partnerships and generally require financial participation from potential migrants. A common concern, which is also relevant to the Kyrgyz Republic, is recognition of standards between countries with regard to the quality of education and diplomas.

4. How Countries improved the acountability of law enforcement or reduced discrimination and abuse of migrant workers

Review of experience shows that in most countries many laws and regulations exist to guarantee human rights for migrants. Since migrant abuse continues to be perceived as a problem, it is apparent that concentration on legislation (whether to punish traffickers or prevent trafficking) cannot be the main strategy for sending countries such as the Kyrgyz Republic. Collaboration

with receiving countries is of utmost importance, and ambivalent views as they prevail at times in the Russian Federation, for example, do not help in this respect.

There are other practical ways in which sending countries can complement their laws to increase their effectiveness. One of the most important ways to prevent abuse is through information. The policies that work best include pre-departure orientation sessions and information campaigns on trafficking and human rights. In some cases, countries do not allow migrants to work in countries with extensive migrant abuse. This reduces the abuse in those countries but does not eliminate the abuse of workers trafficked there. International trafficking is a serious problem but is less widespread than discrimination and violation of employment laws. Unless the police and immigration officials are held accountable in origin and destination countries to uphold the law, laws to protect migrants can be passed but will have no impact on abuse.

5. Policies that facilitate pension portability and savings, migrants' access to healthcare, and migrant access to other basic services.

We review the issues and practices concerning portability of pensions and the access to health care by migrants. Pension portability involves the ability of the migrant worker to preserve, maintain and transfer acquired social security rights regardless of the country of residence. Portability may be complete, partial, or not available. Portability also applies generally to migrants that enjoy full legal status — excluding a large group of labor migrants from coverage. 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. Because of the complexities surrounding the establishment of good portability arrangements, it is important for countries of origin to carefully negotiate bilateral social security arrangements with major destinations where the migrant workers accumulate such rights.

Health care portability is less common than pension portability. Exceptions are 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.

6. Unleashing the potential of the diasporas

The role of Diasporas (established communities of migrants in a host country who retain an interest in developments in their country of origin) in the development outcomes of migration has been amply documented in the literature, and a recent publication provides a comprehensive analysis of arrangements in place around the world. Diasporas provide invaluable social capital

and information for potential migrants. Diasporas can also be active vehicles for investment and knowledge transfers. Diasporas can become actors in the political life of the mother country.

The international experience that we review shows that governments, NGOs, and International Organizations all can work for a more effective relationship between diasporas and their countries. Among FSU countries, Georgia and Armenia established ministerial agencies with a mandate to develop and encourage diaspora relations. The experience with these institutional arrangements is relatively new and thus difficult to evaluate, but, if well aimed, these dedicated institutions may facilitate economic, technological and cultural exchanges. Other countries reviewed in this study have adopted non-ministerial approaches which can be equally effective. The most important lessons from these experiences are that adherence to the rule of law and an overall friendly business environment are possibly the two most important conditions for effective integration of the knowledge and resources of the diaspora into local development. Some countries have been able to establish programs that increase the incentives for the diaspora to invest, without discriminating among classes of investors. Kyrgyzstan can learn from both approaches.

7. Modes of international cooperation

Cooperation between sending and receiving countries is of paramount importance for the success of programs to manage labor migration and protect migrants' rights. Several fora are currently in existence in the major migration corridors, and they vary in intensity with respect to the degree of cooperation among participants and the format chosen to achieve common objectives. We highlight the features, advantages and disadvantages of three international processes that are relevant for the Kyrgyz Republic: (i) the Colombo Process among a number of Asian sending countries and their receiving partners; (ii) the EaP process currently under way between the European Union and six FSU countries (Ukraine, Belarus, Moldova, Armenia, Azerbaijan and Georgia); and (iii) the informal MIRPAL forum for discussion among FSU countries in the Russian Federation/Kazakhstan corridor.

The three examples of international collaboration on migration matters offer some lessons that could be useful to the Kyrgyz Republic. First, an international collaborative context is useful for migration-sending countries, particularly small ones such as the Kyrgyz Republic. The Colombo Process attained a number of successes, but it is also characterized by a 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 driven by the EU agenda, and lacks the multilateralism in decision and consensus-making that might be desirable for the Kyrgyz Republic. Strengthening of the MIRPAL experience, perhaps through graduation from its World Bank sponsorship, and a more ambitious agenda could benefit all of its current members, the Kyrgyz Republic in particular. The collaboration would be less formal than the

Colombo Process but less of a discussion club than in its present structure. This development would require agreement and collaboration of all current members.

Lessons and Recommendations

The review of experiences in labor migration practices and institutional arrangements suggests several lessons that could be of relevance for the Kyrgyz Republic.

One Size Does Not Fit All, Need for a Vision

There is no "single" model that works with respect to migration policies. The complex nature of migration issues means that many institutional actors (government and non-government) are stakeholders to a certain degree and claim a seat at the table on migration policy matters.

The review of international experience also shows that many countries have only recently attempted to establish better organizational models for migration management, and in many cases the jury is still out with respect to what works best and under which conditions. Conversely, the available evidence shows that lack of action is also counterproductive. Pitfalls that should be avoided include: continuing to deal with migration as a border security issue, for countries that are large exporters of migrants; assigning responsibility for migration matters to departments within ministries, but without sufficient clout; and at the other extreme the appointment of high-level commissions that are largely ceremonial and equally ineffective.

Some of the more interesting examples from our review point to the advantage of having a single-mandate agency to help coordinate government policies and provide a focalized access point for action to help migrants in their destination countries. The Kyrgyz Republic, with the support of the Central Asia Regional Migration Program (CARMP) of the IOM, is currently experimenting with the establishment of the pilot Center for Employment Abroad in the Ministry of Labor. While the principle of "piloting" any new institution is to be commended, a bolder long-term vision could benefit Kyrgyz migrants. Possible innovations include establishment of an agency, with a high degree of autonomy and with a clearly defined mandate, to protect labor migrants during all stages of the migration process. We name this agency the Labor Migration Protection Agency (LMPA). Its responsibilities would include: oversight of the activities of employment intermediaries and screening their selection; coordination of pre-departure education which must include language, culture, financial, and legal training; support for diaspora organizations to help with job placement, safe housing and transport, and reinvestment at home; and an active presence in consular sections with honest helpful staff to assist with legal, medical, and immigration problems.

As discussed in Section 2, however, the Kyrgyz Republic would be well advised to recognize and mitigate the weak state of its institutions and the ever-present potential for abuse by

bureaucrats. It is most important to ensure that, within the governance system of the LMPA, adequate representation and accountability is provided for stakeholders outside the government (as with Mexico's IME or El Salvador's CONMIGRANTES) through direct representation of migrants and their families on an advisory policy-review board within the agency. The agency and board should be held to the most exacting standards of transparency through periodic reporting and ease of access to information. It should establish mechanisms such as an ombudsman for redress by affected parties. These measures would discourage arbitrary or corrupt behavior by agency officials. A reasonable objective would be to establish the LMPA within five years, with the active support of the international community.

Need for a "Migration Lens"

The proposed LMPA cannot be burdened with an excessive mandate; the risk of losing its focus and diluting the mission would become real. This begs the question of how to incorporate migration-related considerations in other important policy areas that are likely to affect the developmental outcomes of migration. One possibility could be the establishment of the Office of the Migration Advocate (OMA) as a small unit attached to the office of the Prime Minister, with a clear mandate to review major policy initiatives in the areas of (i) Education, (ii) Financial Market reforms, (iii) Social Protection, with a *migration lens* and the purpose of evaluating the likely effects of proposed policies on migration outcomes. The OMA would help sectoral agencies by reminding them of the need to broaden their evaluation of the likely effects of new policies on migrants and their families and on migration and remittance transfers. The OMA could take a close look at proposed reforms in the education sector, and, if necessary, point to missing or inadequate provisions for the education of potential migrants and their children and propose adequate changes.

The OMA should not be constructed as a massive bureaucracy. The small secretariat could leverage the wealth of international experience provided by international partners now actively collaborating with the Kyrgyz Republic; its mission would not be to write laws and regulations but to advocate for migrants. While the OMA *per se* has not been implemented as an autonomous office in any of the countries that we have reviewed, its functions are present to a certain extent in a number of agencies. It would be worthwhile for Kyrgyzstan to experiment with such an innovation.

Leadership is Key

A crucial element that appears from the review of international experience is the issue of leadership. No agency will be effective or long-lasting without substantial support from the top. It is imperative that the highest authorities of the country send a clear signal about the crucial importance of migration as a national priority. It is also of importance that, were the Kyrgyz Republic to establish the LMPA or OMA, the leadership of these agencies is based on criteria of professionalism, integrity and passion for the cause of the migrants.

International Cooperation is Essential

The experience of the Colombo Process shows the payoffs that can be obtained by engaging in a cooperative forum among sending and receiving countries. Most Kyrgyz migrants in the near future will continue to choose the Russian Federation and possibly Kazakhstan as their preferred destinations. The existing regional collaboration should be strengthened which would benefit all countries concerned. The experience over the past few years with the work sponsored by the MIRPAL network provides a blueprint that could be amplified. The mix of technical discussions on issues of importance could be supplemented by more open consultations on future policy developments.[2]

Information and Evaluation

None of our recommendations can be effective without collection of accurate information. The Ministry with responsibility for labor migration must develop a database on all legal and return migrants, and it should conduct regular surveys of potential migrants, migrants in the destination countries, and return migrants and their families. Periodic community surveys are also needed to assess the community impact of migration and policy. Without accurate and regular information on migrants, their families and communities, it will never be possible to assess the economic and social impact of labor migration and the effectiveness of any new laws and regulations that can affect labor mobility and human rights. But collection of good data is only the first step in assessment; the government needs to develop the capacity to analyze the data it collects. This may involve additional education of government employees or local academics and consultants. This should also involve improving local education and reducing corruption at academic institutions. This investment in information and human capital will have long run impacts on the effective development and implementation of migration policies in the Kyrgyz Republic. India is one example of a country investing heavily in human capital and information technology. This investment is one of the keys to long run economic development.

Social welfare

A concern facing labor migrants who return to the Kyrgyz Republic is the effect of their migration on their old age security. A migrant in Russia does not contribute to the Social Fund in the Kyrgyz Republic; his wages abroad are not documented in his Labor Book. This means that his pension will likely not reflect many years of work and will be considerably lower than if he had not migrated. There are two solutions to this problem. The first is to allow emigrants to

[2] Appendix A compares our recommendations to those of the Strategy report commissioned by the Department of External Migration of the Ministry of Foreign Affairs of the Kyrgyz Republic, in close consultation with international experts.

contribute to a pension fund while overseas. A policy of this type is in effect in Kerala, India. The Non-Resident Keralite Welfare Act of 2008 mandates that the Kerala government provide a pension scheme to migrants. The participant pays into the fund for at least five years, and payment can come from abroad; the participant then receives a pension after the age of 60. (MFA 2012) A second solution is to lower the cost of saving to migrants. The cost of saving and remitting money home is low for Mexican and Salvadoran immigrants to the US and Canada. The Mexican government has no program to provide pension benefits for return migrants, but it does offer subsidized mortgage loans for migrants and encourages money transfer organizations to contribute to community welfare programs. (Mughal 2007; de Leon 2011)

Health and safety are of concern, and several of the countries we studied adopted programs to deal with this issue. Bilateral agreements that are enforced work best. A bilateral agreement between Korea and the Philippines guarantees Korean social services to legal migrants. US law requires employers to abide by safety regulations and provide emergency health care to migrants and their families.

We recommend that the Kyrgyz Republic adopt a more pro-active approach to the support of migrants and their families. Transparent financial institutions promote savings. Mobile banking makes money transfer easier and cheaper. Bilateral agreements over social security, health and safety can work if mechanisms are in place to monitor and enforce the agreements. Without the institutional capacity to enforce regulations, it will be difficult to make progress on the social security and welfare of return migrants and their families. Without protections, migrants will have less incentive to return to the Kyrgyz Republic.

Introduction and Background

In an increasingly interdependent world, all countries experience different forms of labor migration. The UN population division estimated that total migrants in the world in 2010 amounted to approximately 215 million people, a relatively small share of the world population, but very unevenly distributed, so that for some countries the number of migrants relative to the total population and to the labor force is very high.

Among the countries of the former Soviet Union, many of which are now members of the Confederation of Independent States (CIS), migration saw three broad stages in the aftermath of the dissolution of the USSR. The first stage, shortly after the declaration of independence of the constituent republics of the FSU, saw large movements of people across borders along ethnic lines, in some cases leading to ethnic conflicts. In the second stage, starting from the mid-1990s, traders began to cross borders towards both the Russian Federation and the European Union and the candidate countries of the European Union, in a form of low-level circular migration. Over time, as formal and informal networks established or re-established themselves, the third stage, characterized by more organized and sustained labor migration, was observed across many countries. Within the FSU, the main destination for migrants (facilitated by the visa-free regime applying to citizens of the CIS) has remained the Russian Federation, with Kazakhstan and lately Azerbaijan also supplementing their labor forces with substantial numbers of migrants.

The Kyrgyz Republic has been profoundly affected, in its social and economic spheres, by migration since its independence, and it is now well into the "third stage" of FSU migration. Overall (mostly seasonal) migration is estimated at about 800 thousand people out of a population of 5.5 million and a labor force of 2.4 million. The large majority of labor migrants work in the Russian Federation, although a significant contingent (estimated at 55 thousand for 2011) works in neighboring Kazakhstan.

A national debate is ongoing with regard to the reform of the ways and institutions through which the Kyrgyz Republic can protect and empower its migrants and their families and help increase the development potential of migration. This paper addresses a number of issues concerning protection of the rights of labor migrants and discusses how Kyrgyzstan could best approach them, taking into account the current institutional, legal and economic limitations.

Sources and Comparison Countries

This paper is based on a review of published sources and concentrates on the experience and lessons from a number of countries for which migration issues are of great importance. These include comparators in the FSU area (Moldova, Armenia, Georgia, Ukraine, Azerbaijan); countries in the East-Asia/Pacific corridor (Philippines, Sri Lanka, Indonesia, India), countries in the North American corridor (Mexico, El Salvador), and relevant experiences from the South Pacific corridor. Basic indicators for the countries selected for this study are given in Table 1.

Table 1. Migrant sending countries, basic data.

	Population (millions)	Rural Pop. %	GNI per capita	Corruption Perceptions Index[a]	Est. Migrants (millions)	Percent of population	Remittances/GDP (%)
Armenia	3.1	36	3,100	34	0.87	28.2	9.3
El Salvador	6.2	35	3,370	38	1.2	20.5	17.1
Georgia	4.3	47	2,530	52	1.1	25.1	8.2
India	1,155	69	1,212	36	11.4	1.0	2.8
Indonesia	230	49	2,230	32	2.5	1.1	1.4
Kyrgyz Republic	5.3	65	870	24	0.8	15.2	22.7
Mexico	107.4	22	8,900	34	11.9	10.7	2.6
Moldova	3.6	52	1,590	36	0.77	21.5	22.4
Philippines	92	51	1,790	34	4.2	4.6	13.1
Sri Lanka	20.3	85	1,990	40	1.8	9.1	8.8
Tonga	0.1	77	3,260	NA	0.047	45.4	33.0
Ukraine	46	31	2,800	25	6.5	14.4	4.7

Source: World Development Indicators Database; Transparency International; Migration and Remittances Factbook 2011, 2012.

[a]100=least corrupt, 0=most corrupt; 2012 data; NA=not available

The Kyrgyz Republic is the poorest country in the set in Table 1 and one of the smallest in land size and population. It is land-locked like Armenia. It is agricultural as are Sri Lanka, Moldova, Tonga, and most of India. Like all of the countries in this set, corruption is a major problem; the Kyrgyz Republic and Ukraine have the worst scores in this set of countries. The Kyrgyz Republic is migrant dependent. Eleven percent of its population is migrant (legal migration) which is significantly lower than Armenia, El Salvador, Georgia, Moldova and Tonga. It is, however, one of the most remittance dependent countries in the world. Tonga is the only country in Table 1 with greater dependence on remittances. Poverty and unemployment motivated migration from the Kyrgyz Republic since the middle 1990s. Remittances have important positive effects on well-being of migrant households, primarily in rural areas, but the costs of this migration and dependence have not been trivial. Our analysis focuses on policies throughout the world that have tried to mitigate these personal and social costs of migration.

Roadmap

The paper is organized into two major Parts. **Part one** presents the model and best practices available from other sending countries that the Kyrgyz Republic should consider in designing its migration policy. We divide this Part into seven sections. In the **First Section**, we review the ways in which other migration-sending countries have organized themselves with respect to the handling of migration policies. We show that there are a variety of arrangements currently in

place within government structures, and these arrangements coordinate the concerns of stakeholders in the migration process in many different ways. In the **Second Section,** we review the institutions and the approaches in place by countries that sought actively to support their labor migrants. Our emphasis is on the accountability and institutional lessons that can be drawn from the international experience and would benefit the discussion in the Kyrgyz Republic. In the **Third Section,** we discuss the attempts by countries to protect the human rights of migrants by job recruiters and employers; this includes trafficking of workers and on-the-job exploitation. We argue that, given the ineffectiveness of formal laws in an international context, other means should be added to the toolkit of migration sending countries, starting from international cooperation, to increased information and education and the empowerment of communities of migrants. In the **Fourth Section** we discuss ways in which countries have improved the acountability of law enforcement or reduced discrimination and abuse of migrant workers. In the **Fifth Section**, we describe policies that facilitate pension portability and savings, migrants' access to healthcare, and migrant access to other basic services. We include a discussion of mechanisms for the easy and low cost transfer of remittances because remittances can be a good substitute for non-portable pensions and a way to develop capital for the care of those left behind and for return migrants. In the **Sixth Section**, we briefly discuss ways that countries mobilize resources from their diaspora for local economic development, to facilitate brain gain, and to assist later migrants adjust to new environments. Finally, in the **Seventh Section**, we review the modes of international cooperation practiced in this complex area of migration and human rights, and offer reflections on what would best suit Kyrgyzstan's needs and objectives.

Part two summarizes our major conclusions on best practice. We describe the assignment of responsibility among national agencies and touch on recent experiences in international cooperation on migration matters. Our recommendations for the Kyrgyz Republic conclude the paper.

Part 1. Models and Best Practices from Sending Countries that the Kyrgyz Republic Should Consider in Designing Migration Policy

Section 1. How Countries Organize Migration Policies/Management

The Draft Migration Strategy for Kyrgyzstan recognizes the importance of streamlining institutional responsibilities in the field of migration in general and labor migration in particular. There are at present overlapping responsibilities among ministries and agencies and a general lack of leadership on matters of protection of labor migrants.

Unfortunately, this situation is not unique in the world. Our review of international and regional experience shows that sending countries, even those in which a large proportion of their citizens

migrate, have not adopted in general effective models of governance in this respect. There are two main obstacles that need to be overcome. The most important is the lack of government capacity, which affects policy-making and service delivery in the area of migration. The second obstacle is the result of the multi-sectoral, multi-thematic nature of migration. Many different ministries and agencies have a stake in decisions that affect migration policies, and interagency rivalry is bound to develop in the absence of clear leadership. Corruption within key agencies and lack of transparency in government operations intensify the coordination problems of implementing new policies.

A related concern is the lack of coordination among the activities of public sector agencies and civic society organizations; these civic organizations are very active in several areas of protection of migrants' rights. This is the case within the sending countries and destinations where diaspora associations often play important roles in employment matching, migrant protection, and home country development.

We review a number of relevant arrangements in existence in the FSU region and in other relevant areas of the world -- the Philippines, Sri Lanka, India, Mexico and Central America, and the South Pacific.

Organizational Strategies in the FSU

The experience of FSU countries with regard to migration management is highly relevant to the Kyrgyz Republic, in view of the common origin of many of the institutions that exist today. Table 2 displays the current arrangements in countries in the FSU region with the largest proportion of migrants in their labor force or in absolute numbers: Ukraine, Moldova, Armenia, Georgia. We also include Azerbaijan, which is in the process of transitioning to the status of net recipient of migrants. The table displays the current situation with respect to the legal foundations for an integrated migration strategy, as well as the institutional models chosen with regard to responsibility for policy-making and coordination.

Table 2 - Legal and institutional Arrangements for Migration in Selected FSU Countries			
Country	**Official Strategy for Labor Migration**	**Intra-Government Coordinating Mechanism**	**Diaspora Policies and Institutions**
Armenia	*Law on the Organization of Overseas Employment (2010); "2012-2016 Action Plan for Implementation of the State Policy on Migration Regulation in the RA" (2011)*	*No policy body in place; State Migration Agency (a department of the Ministry of Territorial Administration) is tasked with implementation of migration-related projects.*	*Ministry for Diaspora Affairs*
Azerbaijan	*State Migration Programme (expired 2008)*	*State Migration Service within the Ministry of Internal Affairs (not a policy-making or coordinating agency)*	*State Committee on Work with the Diaspora*
Georgia	*Migration Strategy drafted under the leadership of the State Commission on Migration*	*State Commission on Migration Issues set up in 2011. Main goal: strengthen the coordination among agencies working on migration issues.*	*State Ministry on Diaspora Issues (est. 2008)*
Moldova	*National Strategy on Migration and Asylum (2011-2020)*	*National Commission for Population and Development*	*No dedicated government institution*
Ukraine	*Concept of State Migration Policy (2011).*	*State Migration Service (created Dec. 2010)*	*Very active Diasporas, no dedicated government institution*

Source: Authors' Reviews

All of the surveyed countries have adopted migration laws although implementation may be uneven. Not all countries have fully internalized the need for an integrated approach to labor migration. In Ukraine and Azerbaijan, the attention of migration policymakers appears to focus on immigration and refugees rather than labor migration of their own citizens. Only Moldova and Armenia have had some success with a holistic approach to labor emigration management aimed at maximizing the benefits for migrants and the country at large.

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 and has a mandate to identify mechanisms to collect and exchange disaggregated data on the main demographic indicators, including migration. The basic NCPD tasks are to coordinate the process of elaborating population policies including the ones directly related to international migration. The Action Plan (2011-2015) for the Implementation of the National Strategy on Migration and Asylum (2011-2020) provides the legal and operational framework for the NCPD.

Armenia sends a very high proportion of emigrants to the Russian Federation and stands out for its attempts to facilitate the use of its Diaspora as a powerful tool for development. 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. However, in other areas of migration management and strategy, Armenia has not developed a clear institutional framework with assignment of responsibilities for the many issues concerned. This reflects the continuing lack of an overall Migration Strategy as a national priority with the institutional capacity to affect migration policy decisions.

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[3].

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.

Finally, in **Azerbaijan**, institutional and legal arrangements increasingly reflect the status of the country as a net importer of labor and the growing preoccupation to regulate inflows of foreign

[3] 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.

workers. A State Migration Service within the Ministry of Internal Affairs was set up in March 2007 to implement the state migration policy, develop a migration management system and co-ordinate the activities of the relevant governmental bodies in the migration field. The Republic of Azerbaijan is a participant of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and has joined the Palermo Protocols related to the trafficking and smuggling of migrants. Azerbaijan has also signed bilateral agreements on the social security of migrants with Kyrgyzstan, Kazakhstan, Georgia, Ukraine, Italy, Russia, Moldova and Belarus, covering social protection of circular migration between countries and a number of bilateral agreements on cooperation in migration issues with the Russian Federation and Moldova. However, there is no established state policy targeted at promoting circular migration, including the mobility of skilled workers. State policies are mainly directed at regulating immigration and combating illegal migration.

Institutional Arrangements in Large Migration-Sending Countries

Some non-FSU, large migration-sending countries provide better and differentiated examples of approaches to institutional organization of the management of labor migration and of migrant protection than the ones we just reviewed for the FSU. In the following paragraphs we review the salient features of three important examples (Philippines, Mexico and Sri Lanka), focusing on (i) the organic structure of agencies having to do with migration issues; (ii) the degree of independence/influence that such agencies have with respect to their mission and to general migration-related policy formulation; (iii) the system of governance, with particular attention paid to stakeholders' participation. We summarize these arrangements in Table 3 and then describe the specific programs in detail in the sections that follow.

Philippines

The Philippine government played a limited role in overseas employment until the 1970s. In the early 1900s, private agencies were more important in matching Filipino workers to jobs overseas. 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 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. (Agunias 2008)

Table 3: Institutional Arrangements in the Philippines, Mexico, and Sri Lanka

	Philippines	**Mexico**	**Sri Lanka**

Domestic Institutions	*Philippines Overseas Employment Administration (POEA)*	*Instituto Nacional de Migracion (INM)*	*Ministerial model: Ministry of Foreign Employment and Welfare (MFEPW)*
Overseas Institutions	*Philippines Overseas Labor Offices (POLO) in consulates*	*Institute for Mexicans Abroad (IME)*	*MFEPW*
Task: Employment/agency regulation	*POEA*	*INM: migration law enforcement, policy development*	*MFEPW; drafted recent Labor Migration Policy*
Task: Monitoring	*POLO*	*INM: employment and border monitoring*	*MFEPW*
Task: Migrant assistance	*POEA and POLO*	*IME: emigrant standard of living*	*MFEPW*
Task: Migrant welfare	*Overseas Workers' Welfare Administration; insurance and assistance*	*IME*	*MFEPW*
Ministerial oversight	*Department of Labor*	*Ministry of Interior for INM; Ministry of Foreign Affairs for IME*	*None but collaborates with other agencies*
Stakeholder involvement	*POEA, including migrants*	*Input from Council for Mexican Communities Abroad; 11 ministries input*	*Other agencies provide input*

The emphasis on the protection of Filipino 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. 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). (Agunias 2008)

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.

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.

Mexico

Mexico is at the same time a major sending country (to the United States) and a transit country for Central American migrants. As a result, its policies and institutional arrangements have been subjected to contrasting priorities that have evolved over time with the themes of protection of Mexicans abroad intertwined with attempts to curb illegal transit migration. All this has been compounded by the well-documented problems linked to organized crime and corruption in the security forces, which have often targeted migrants for extortion and other crimes.

On the legislative front, until recently Mexico's main law governing immigration was the sweeping 1974 *General Population Law*, which focused on family unification and was framed as a response to the challenges of the era— notably a rapidly growing population and large-scale emigration from Mexico. However, as early as the 1980s, there have been calls — particularly from Mexican civil society— for Mexico to reform its migration laws in order to improve policy coherence and implementation, as well as to improve protections for migrants in Mexico who are notoriously vulnerable to abuse. These calls for reform resulted in the adoption, in April 2011, of a new Migration Law *(Ley de Migracion)*. 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. (ILO 2013a)

Similar to the organization in the Philippines, Mexico has adopted a multi-agency system with a great degree of operational and political independence from the government. The most important state organization dealing with immigration issues is the Instituto Nacional de Migracion (INM), which over the years has combined migration law enforcement and policy-making in the area of migration. In recent years, though nominally already being an agency in the structure of the Ministry of the Interior, it has gained prominence as concerns of national

security heightened after 9/11. It has its own police force, and it aggressively pursues border enforcement and deportations. It has been criticized in the past for its involvement (active or passive) in several instances of gross human rights abuses particularly of transit migrants. The management/leadership structure of the INM does not include external oversight or participation by stakeholders.

While the INM is mainly concerned with immigration, 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. The objective of the IME[4] 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.

The system of governance of the IME is different from that of the INM. 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, 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.

Sri Lanka

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

[4] See http://www.ime.gob.mx/index.php?option=com_content&view=article&id=7&Itemid=353&lang=es

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 Labour 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." (ILO 2013b)

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.

Lessons for the Kyrgyz Republic

This review of the lessons from institutional practices in FSU countries and from other migration-sending countries highlights some important lessons. We note the very uneven progress in the FSU in the establishment of a satisfactory set of institutional arrangements for the management of labor migration and the protection of migrants. The Ukraine experience, for instance, shows that years can be spent debating a migration law that in the end fails to address the needs of the millions of its citizens who sought employment abroad. A clear focus on the problem of labor protection is needed. The Moldova example shows that progress can be very slow but strong signals from the top can nudge policy in the right direction. It should be noted that the European Union provided a strong set of incentives (and some resources) for Moldova to adopt a more rational organization of state institutions dealing with labor migration issues.

Some of the most successful and most interesting examples among migrant-sending countries -- the Philippines, Sri Lanka, Indonesia, Kerala State in India, Mexico, El Salvador and the Pacific Islands—provide instead more encouraging examples on possible paths to consider. These countries organized themselves to deal with migration issues and ensure protection of their labor migrants according to a variety of models. Some chose to institute autonomous agencies with often strong regulatory powers (Philippines, Indonesia); others (Sri Lanka) followed a ministerial model, ensuring most stakeholders a seat at the table of important policy decisions. In some countries, strong emphasis has been on inclusion and participation of migrants and their families

(Mexico, El Salvador). The Kyrgyz Republic will be well advised to carefully match possible desirable features with its own institutional capacity.

Section 2. Institutional Approaches to Support Labor Migration and Regulate Employment

We now turn to the issue of regulation of labor migration by sending countries. Of particular interest for the Kyrgyz Republic are not only the actual types of arrangements that countries have developed over time but also the process that has led to them. As the discussion will make clear, no institution or arrangement has materialized as the result of a single decision—a lesson that should be borne in mind when reforms in this area are contemplated.

Many migrant-sending countries have adopted various mechanisms and institutions to help improve the match of migrants to available jobs abroad and reduce the associated dangers. Most of the formal schemes are designed for the protection of "legal" migrants and do little to help those who do not fall into that category. Several of these schemes rely on the existence and regulation of private-sector recruiting firms. Many of these arrangements have been in operation for relatively long periods of time, and there is sufficient evidence on their effectiveness. These long-running experiments offer useful lessons for the Kyrgyz Republic as it formulates policies to assist migrants and their families before and after their departure and upon their return home.

We provide specific country examples that illustrate the matching process for inter-regional and international migrants and the types of government programs that can work to facilitate matching. We describe for each country the evolution of their policy and the ways their policies help or hinder the job match process. We show how these countries address the constraints that affect migrant sorting. We summarize the approaches for five migrant sending countries in Table 4 below. Reflections on what these examples imply for the choices of the Kyrgyz Republic are discussed at the end of the section.

The Philippines

The Philippines is often viewed as the gold standard in emigration policy. Its policy has evolved over more than 30 years, and its role in matching and protecting its emigrants has been extensively studied.[5] Among all migrant-sending nations, the Philippines have developed perhaps the most highly regulated system of labor migration.

The Philippine Overseas Employment Administration (POEA, described in Section 1) 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

[5] For instance, the POEA website has registered over 59 million hits since 2005.

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 (Aquinas 2008), 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.

POEA imposes conditions on foreign employers. These include the approval of employer documents including employment contracts by the POLO in country or directly by the POEA and 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 among only low-skilled Filipinos. The POEA also sets high and formidably detailed standards for admissible employment contracts.[6]

Finally, POEA imposes conditions on Filipino workers who apply for work abroad, including verification of skills that match the prospective jobs and providing for trust funds (established by foreign governments) that cover legitimate worker monetary claims.

This 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. 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.

[6] Only licensed agencies can recruit workers. Only a licensed agency, not an employer, can directly advertise job openings overseas. 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.

Table 4. Institutions to support labor migrants in five countries.					
	Philippines	**Sri Lanka**	**Indonesia**	**India: Kerala**	**Mexico**
Agencies	***POEA***	***MFEPW;*** *Sri Lanka Bureau of Foreign Employment (SLBFE)*	***Agency of Coordination for Placement of Overseas Indonesian Workers (ACPOIW)***	***Ministry of Overseas Indian Affairs (MOIA); NORKA;Norka-Roots***	***INM IME*** *Bracero Program, 1942-64*
Employer regulation	*Standards; contracts; proof of business*	*SLBFE sets standards, approves contracts*	*ACPOIW, one stop shop*	*state agency needs overhaul*	*INM: border control; laissez-faire vis-á-vis employers*
Worker regulation	*Worker selection; minimum skill/health*	*Database of jobs and migrant information*	*National Agency for Placement and Protection of Overseas Indonesian Workers : health, skill certification*	*NORKA-Roots certifies skill; website for jobs; Domestic workers programs*	*IME: ID cards, no skill certification; no regulatory power*
Agency regulation	*Strict conditions, licensing*	*SLBFE licenses & monitors agencies; S.L. Foreign Employment Agency; still abuses*	*ACPOIW regulates agencies*	*MOIA licenses agencies NORKA: complaints NORKA-Roots: recommends agencies*	*US-Mexican agencies are not well regulated; IME cannot control recruiters*

Bilateral and multilateral agreements with some countries have improved the matching of workers and employers and affected human rights. The first bilateral agreement was with the United States in 1968. Domestic pressure in the Philippines led the government to develop these agreements for the protection of overseas workers. It was believed that such agreements would force destination countries to pay more attention to the safety of Filipino workers. (Aguinas and Ruiz 2007)

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. (Blank 2011) 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. Employers can choose the recruitment agency over the hiring facility. The agreement with Japan stipulates that candidate information sessions on jobs needed in Japan can be set up in three locations in the Philippines – Mindanao, Cebu and Manila. These are also exceptions to the use of recruitment agencies for the provision of job information. (Go 2007) There are no agreements with Saudi Arabia even though this is a top destination country for emigrant workers.

Bilateral agreements in general guarantee the legal status of overseas workers during their stay in the destination countries and upon their return to the Philippines. 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 (Go 2007).

Sri Lanka

Migration is important for the Democratic Socialist Republic of Sri Lanka, and a particular feature is the high preponderance of female migrants directed to household duties in the Gulf States and, increasingly, European corridors. Sri Lanka's migration management practices have been hailed as best practice by the ILO. Its institutional set up (discussed in detail in Section 1 of this report) has evolved over the years to increase the focus and coordination of migrant management. The main body responsible for migration matters is now the Ministry of Foreign Employment Promotion and Welfare (MFEPW), which has two agencies mainly concerned with regulation of labor intermediation. The Sri Lanka Bureau of Foreign Employment (SLBFE), originally established in 1985, has a mandate to promote and protect migrants and their families by setting standards and approving or rejecting the contracts provided by foreign employers to Sri Lankan migrants, licensing recruiting agents, and operating programs. In addition, the Bureau maintains a database of employment opportunities and migrants under contract.

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[7]. The Bureau has then powers of inspection over the agencies, which are obliged to renew their license annually. The Bureau provides a number of services for the protection of migrants (discussed in the next section), as well as a variety of targeted pre-departure orientation courses. Despite diverse schemes set in place by the SLBFE, the inability to hold unlicensed sub-agents accountable has led to the continuation of abusive and exploitative practices. The lack of a proper monitoring mechanism for licensed agencies is a major challenge in minimizing malpractices (MFPEW 2009).

Another important player operates under the MFEPW, namely the Sri Lanka Foreign Employment Agency. Established in 1996, unlike in most of the other countries surveyed, the SLFEA operates as a state-owned manpower recruitment agency, thus directly competing with private firms that are regulated by the Bureau of Foreign Employment, something that could be construed at least as an apparent conflict of interest.

While the operation of migration labor regulation in Sri Lanka has several similarities to the Philippines approach, the hands-on role of the SLFEA is unusual and most likely not one to be easily emulated by the Kyrgyz Republic, which has had a long history of state-directed labor creation, from which it sought to distance itself over the past twenty years or so.

Indonesia

Indonesia is an island country that is less dependent on income from migrants than the Kyrgyz Republic or the Philippines. Emigration policy is of less importance in Indonesia than in the Philippines, but Indonesia has made some progress in preparing workers for employment overseas. (Ratha, Mahapatra, and Silwal 2011)

Netherlands sent Indonesian workers (TKI) to Suriname to work on plantations. In 1947, the Indonesian government issued Government Regulation No. 3/1947 which created the Ministry of Manpower (MOM). Until the 1960s migrant workers mainly sought work in Malaysia and Saudi Arabia, and the search was carried out with the assistance of family members or relatives. These destinations were chosen because they were Islamic, and families felt more comfortable placing family members in religiously compatible destinations. Government Regulation No. 4/1970 was the beginning of government intervention in the recruitment and placement of migrant workers. After 1970, almost all legal placements were initiated by government and not family networks.

In 1999, Presidential Decree No. 29/1999 was issued. The main objective was to improve the quality of placement services and the protection of TKIs overseas. The Agency of Coordination for Placement of Overseas Indonesian Workers (ACPOIW) was established, and, as of 2001 it had become a one-stop operation for emigrant labor. This lowered the cost of placing workers in jobs overseas and reduced the length of job search.

[7] See http://www.slbfe.lk/article.php?article=44 for a detailed listing of the requirements.

The Indonesian government was increasingly concerned about the abuse of migrant labor in certain destinations, and in 2004 Law No. 39/2009 replaced the Presidential decree. The National Agency for the Placement and Protection of Overseas Indonesian Workers (NAPPOIW) was established. Legal emigration was allowed only to countries with which the government had a bilateral agreement or which had regulations protecting foreign workers. The most important bilateral agreement was with Malaysia. Multilateral agreements included agreements with ASEAN (Association of Southeast Asian Nations), the Global Forum on Migration and Development, the Colombo Process, and the Abu Dhabi Dialog. (IOM 2010b)

The President Instruction No. 06/2006 mandated several policy reforms in the placement system of Indonesian migrants. These reforms included: (i) Elimination of the cost of visa processing and identification cards for prospective migrant workers; (ii) Improvement in the quality of workers through increased training standards, language skills, and mental preparation; (iii) Requirement that prospective workers must obtain a certificate from the Agency for Profession Certification as proof of a certain level of competency in specific fields; and (iv) Provision of legal assistance for Indonesian migrants. President Regulation No. 64/2011 introduced additional worker protections by requiring prospective emigrants to undergo mental and health examinations before applying legally for overseas employment[8].

These emigration regulations evolved over time to reduce abuse of workers and improve the employer-worker match. The regulations affected placement agencies, foreign employers, and the Indonesian migrants. There were additional regulations imposed on employment contracts.

As in other countries reviewed in this section, 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 including information on how to send remittances to Indonesia.

Policies towards employers are less precise than policies towards agencies. There are no standard requirements for a foreign employer who wants to hire a migrant worker. Standards are set through inter-government agreements in most cases. In 2011, there was a change in employment policy with respect to Saudi Arabia due to a series of reported abuse and death penalty cases against Indonesian migrants. The Indonesian government issued a new regulation about hiring domestic workers from Indonesia for employers in Saudi Arabia. The details of this regulation, however, have been criticized for lack of transparency. (BNP2TKI 2011)

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. In addition, all migrants get an identification card as official proof that they have legal status. Finally, migrants must be

[8] The complete description of these regulations is found in Suparno (2008).

between the ages of 18 and 39. Applicants who want to work as domestic workers must be at least 21 years old. (OIM 2011) Placement agencies conduct examinations on the interests and skills of prospective TKIs before they are deployed to destination countries and are supposed to match emigrants to jobs that can use their skills.

Applicants for jobs in Japan and South Korea do not have to go through these 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. (OIM 2011)

The policies towards agencies, employers, and workers favor employers in the job match. Workers provide certification of skill and health, and agencies test workers to facilitate the match to potential employers. Migrant workers are not guaranteed the jobs they expect, and their working conditions are not regulated. Employers are not required in general to provide information on the safety and quality of the jobs that they are trying to fill. Employers know more about the workers' productivity than workers know about potential employers. This informational gap is one reason abuse of migrant Indonesian workers is still a problem.

India: Kerala state

We focus on one state – Kerala—which has benefitted from migration to the Middle East. (Ratha, Mahapatra, and Silwal 2011) About 18 percent of Kerala households have at least one migrant, and remittances accounted for 31 percent of net state domestic product in 2011. Remittances to Kerala comprised 15 percent of remittances to India. (Zachariah and Rajan 2012)

Job scarcity in agriculture, a lack of productive enterprises, and relatively high educational achievement in Kerala combined with the high demand for workers in the Gulf countries triggered a massive wave of emigration from Kerala in the 1970s. About 90% of Kerala emigrants went to the Gulf region; the United Arab Emirates and Saudi Arabia were the top destination countries. (Harikrishnan 2012)

Emigration for all Indian citizens is governed by the Emigration Act of 1983. The main reason for this law was the high demand for foreign workers especially in the Gulf, oil-producing countries in the mid-1970s. The 1983 Act replaced the Emigration Act of 1922. It governs the emigration of Indian overseas workers on a contractual basis and seeks to safeguard their interests and guarantee their welfare. (Namasthenri 2013)

In 1977 the Overseas Development and Employment Promotion Consultants (ODEPC) was established by the Kerala government to act as the state recruitment agency (similar to the Sri Lanka SLFEA). The initial purpose was to eliminate middle men from recruitment and facilitate deployment of workers overseas. The ODEPC failed to place workers in good jobs in the Gulf. Placements fell after the ODEPC took control; failure was attributed to poor marketing and the ineffectiveness of placement programs. It only placed 6112 workers in jobs overseas after 1977.

(Aryad 2011) The Ministry of Labor for Kerala plans to overhaul the agency. The specific date for the change in the agency is still unspecified. (Saseendran 2012)

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." (Aguinas and Newland 2012, 83) 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. (MFA 2012) 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. (Rajan 2012) This jobs portal could become an ideal place to find information about potential destinations.

NORKA-Roots provides skills certification for Keralite workers. School certificates are verified, and migrants can receive certification that they attended a program sponsored by NORKA-Roots to upgrade their skills. There are special programs for domestic workers that focus on the risks and challenges related to domestic work overseas. (MFA 2012)

The Ministry of Overseas Indian Affairs plans to launch a pre-departure orientation program for prospective migrant Indian workers. This orientation will include classes in the language, culture and law of the host country and should help migrants adjust to their new work environment. The Ministry plans to develop a helpline in India to provide information about overseas employment so that potential emigrants can make informed work decisions. These programs are planned and have had no impact on job matching to date. (MOIA 2013)

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. (MOIA 2013)

National and state policies have affected the information asymmetries between potential migrant workers and employers overseas. NORKA-Roots provides skills certification, and potential employers have more information about the skills of potential emigrants than before NORKA-Roots was set up. Keralite workers also have more access to information on job availability overseas because of the new websites and marketing by NORKA-Roots. However, the government agencies that oversee external migration activities are not involved in monitoring working conditions or maintaining job standards. While information on jobs is more available

today than in 2002, information on job quality is still difficult to obtain. MOIA plans for pre-departure information sessions and a helpline will, if implemented, provide useful information to potential migrants and narrow the information gap between employers and migrant workers. Those programs are still in the planning stage and have had no impact on job matching to date.

Mexico

Mexico is the wealthiest migrant country that we examine, but it has similarities with the Kyrgyz Republic. In 2010 about 11% of the population was emigrant, but remittances comprised only 3% of GDP. (Ratha, Mahapatra, and Silwal 2011; World Development Indicators Database 2013) Most Mexican emigrants work in the United States or Canada. Recently Mexico became a host country for many migrants from Central America.

Mexico's outward labor migration policies are dominated by the relationship with the US, in a manner somewhat similar to the preponderance of the Russian Federation in Kyrgyz migration. Migration policies on the two sides of the border have over the years reflected changing and sometimes conflicting priorities. World War II changed the US-Mexican migration relationship. The US draft led to a large decline in the agricultural workforce in the US. The US needed workers, and Mexican wages were significantly lower than wages in the North. Mexico and the US 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.[9] 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. (Rosenblum 2012)

The bracero program expired in 1964. In 1965, the US Immigration and Nationality Act changed the rules for receiving work visas, restricting the legal access of Mexicans. However, agricultural producers in the US still needed Mexican labor, so under the new rules more Mexican workers entered illegally. The increasing number of undocumented migrants led to lengthy debates in Congress, resulting in 1986 in the Immigration Reform and Control Act. The law granted amnesty to the 2.6 million undocumented workers in the US, but it was recognized that this amnesty would not continue and granted expanded budget for control of borders and undocumented employment. The 1990 Immigration Act expanded border enforcement and authorized more legal visas especially for high skilled labor. Tighter border control did not prevent illegal entry into the US but did increase the risk and cost of entry. (Rosenblum 2012; Rodriguez and Hagan 2004)

Mexico's policy towards its own migrants in the US and migrants from Central America to Mexico was described as a "'policy of no policy'". The successful negotiation of the North

[9] 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.

American Free Trade Act (NAFTA) motivated authorities on both sides of the border to seek bilateral negotiation on immigration for the protection of worker and employer rights, but after the terrorist attacks of September 11, the focus of the US Congressional discussion moved almost exclusively to security. Mexico and the US cooperated in tracking smugglers and drug dealers, but no bilateral agreements on employment or migrant rights were adopted. (Rosenblum 2012)

In 2006, the Mexican Congress adopted a resolution defining its views on migration. The resolution recognized that existing wage differentials between the two countries would lead to more emigration, and policy should focus more on the protection of human rights of legal and undocumented migrants.

The Mexican Congress also recognized a similar problem in reverse on the southern border. Migrant rights should be protected in the north and the south. The 2008 Mexican Congress passed an important immigration law that decriminalized undocumented immigration into Mexico, developed procedures through which undocumented immigrants could gain legal status, and improved detention conditions for unauthorized workers and their families. The 2011 Ley de Poblacion codified many of these 2008 provisions. "The new law simplifies the visa system, provides broad legalization provisions for unauthorized immigrants within Mexico, brings Mexican law into alignment with international standards for protecting immigrant rights and the rights of vulnerable immigrant groups, and clarifies the existing prohibition against unauthorized exits across the Mexico-US border." (Rosenblum 2012) The policy priorities in the law are human rights, easier procedures for entry and exit, family unification, job matching, and cultural assimilation. (Alba and Castillo 2012, 14-15)

The new law requires prospective workers to get authorization to work in Mexico. The purpose is to reduce undocumented immigration and abuse of migrant workers. The INM which monitors borders has been highly criticized for abuse by its agents and their lack of professionalism and the failure to sanction abusers. "INM ranks low in public trust and credibility." (Alba and Castillo 2012, 7)

Many other changes in Mexican immigration policy are occurring in the states rather than at the national level. State ministries have developed local infrastructure to manage remittances and provide services to migrant households. The state policies are not cohesive nationally but address local concerns. These state migration policy issues are mostly non-partisan in contrast to state policy development in the United States. (Rosenblum 2012)

Currently, matching of legal workers to US jobs relies on US and Mexican recruitment agencies. These agencies are not as well-regulated as in the Philippines, for example. For temporary workers, US employers rely on other temporary Mexican workers for information. There is no organized, government monitored recruitment process between the US and Mexico. That could change with reform. The Mexican government also does not certify the skill level of prospective

employees, and it does not have a policy to increase the potential destination countries for Mexican migrant workers. (Alba and Castillo 2012) The state of the US economy determines the extent of the flow. Net immigration to the US from Mexico is approximately zero today. (Passel, Cohn, and Gonzalez-Barrera 2012)

As discussed in Section 1.1 of the report, the two important institutions charged with the implementation of Mexico's migration policies (IME and INM) fulfill very different functions. The INM is mostly concerned with border security and has only recently begun a cultural transformation aimed at assigning greater priority to migrants' needs and rights. While the IME's mission is to protect Mexicans abroad, it does not have powers of regulation or control over labor intermediaries or agencies. This is not to say that the IME is ineffective in its activities, which are aimed at empowerment of migrants and communities living abroad. For instance, of particular interest is a program aimed at providing Mexicans living in the United States, irrespective of their status, a secure identity card (*matricula consular)* that can be used to open bank accounts, thus providing access to the formal financial market for labor migrants (Box 1).[10] But clearly the approach taken by the Mexican government is considerably more *lassaiz-faire* than that of the Asian examples we reviewed earlier.

El Salvador and the South Pacific have new policies that are not fully developed. El Salvador's 2011 law overhauls its immigration regulations but has yet to be fully implemented. New Zealand's lottery program for South Pacific immigrants changed the requirements for admission and provides lessons for cooperation between receiving and sending countries. We briefly describe these institutional changes below.

El Salvador

El Salvador is highly dependent on emigration and remittances for development. After the civil war ended in 1992, the US admitted legally many Salvadoran immigrants to the US as permanent residents with a path for US citizenship. (Wiltberger 2009) The 1996 Immigration Reform Act in the US changed this policy, and Salvadorans were subjected to the same entry rules as Mexican workers. This reduced the circular flow of migrants and increased the number of Salvadorans who stayed underground in the US. Human rights became a concern on policymakers. Deported migrants from the US experienced prejudice back home and had difficulty finding jobs. (Rodriguez and Hagan 2004)

[10] The matrícula 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 matrícula 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.

Box 1 - Fostering Access to Financial Services for Migrants

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 binational collaboration mechanisms with banks, credit unions, federal and community organizations in order to implement strategies to bring financial education programs to more Mexicans.
- Promoting **Consulat 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.

The Directorate General of Attention for the Community Abroad (1999-2004) provided consular services and assistance to migrants in the US. This agency was under the Ministry of Foreign Affairs. Its website provided useful information for Salvadorans abroad. It also provided legal assistance and information on NGOs and other groups that could assist immigrants, and it lobbied the US to expand the number of Salvadorans admitted as temporary protected status (TPS) workers (6-18 months legal status). (Gammage 2007)

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. It created the CONMIGRANTES – Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia (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. The board will work with other organizations to facilitate job placement and business investment and develop policies to facilitate migration and protect migrants. It will also work to facilitate reentry of deportees.

The law (and the new structure of the National Council) has not been in effect long enough to determine how it will set policy and measure its effectiveness. (ILO 2013) However, the model is interesting for the Kyrgyz Republic because of its wide reach with respect to its governance structure. Elections were indeed 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.

New Zealand and the South Pacific

Small islands in the South Pacific are known for their high poverty levels and lack of economic opportunities for their citizens. Their island nature makes migration to their most-favored destinations (New Zealand and Australia) dependent on the collaboration of the destination countries, as undocumented migration is virtually impossible. One example from the small island of Tonga, however, can have some lessons for the Kyrgyz Republic as well. New Zealand developed a point system for immigrant selection. Two new categories of immigrants were created: the Pacific and Access Category (PAC) and the Skilled Migrant Category. In the second category, points for needed skills are assigned to immigrant applicants, and these applications are accepted if they are matched to appropriate job offers.

Immigrants from the islands of the South Pacific, including Tonga, fall into the first category. Tonga is a small island country about midway between New Zealand and Hawaii. It has 100,000 inhabitants; 30,000 Tonga citizens live abroad, 39% in the US and 39% in New Zealand. In the 1960s and 1970s, temporary work permits were granted to immigrants from Tonga. After they arrived in New Zealand, many stayed illegally. These persons were granted amnesty in 1976 and became permanent residents.

In 1991, the point system was set up. Points were given for education, skill, and business capital; having a job offer in preferred occupations increased the score. Few Tongans could be admitted under this system. In 2002, the PAC was added for immigrants aged 18-45. They had to have a minimal level of ability in English, be in good health and of good character, and have a job offer from a firm which provided "ongoing and sustainable employment", provided full-time work with wage or salary income, and complied with employment regulations. (Gibson and McKenzie 2007, 218) There were many applicants for admission under the PAC program, and random selection (lottery) was used to choose those who would be admitted with their families. Those admitted were granted permanent residency.

This 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. Tongan workers self-select into the lottery to gain admission. The self-selection on skill is positive. 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. (Gibson and McKenzie 2007)

Lessons for the Kyrgyz Republic about Job Matching

This review of international experience shows that in order to facilitate the job matching process for international migrants, many different programs in sending and receiving countries have been tried. The Kyrgyz Republic can learn from the experiences of these countries.

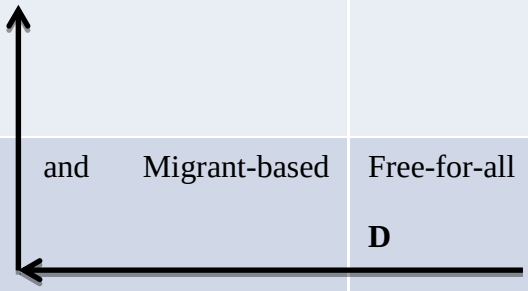
Destination countries that have organized job matching procedures have been able to more easily integrate migrant workers into society and facilitate circular migration. These programs include the bracero program for agricultural employment in the United States in the 1940s and the point system in New Zealand. The better programs keep families together and forgive long-term undocumented workers.

An important lesson for the Kyrgyz Republic, however, is that the more successful programs reviewed in this section have taken a long time to develop, with many false starts and tries. An essential ingredient for successful program implementation is the strength and accountability of domestic institutions that will deal with migration matters. Job matching schemes, pre-departure programs, and protection arrangements in destination countries are all subject to capture by special interests and corrupt behaviors. Thus a Kyrgyz-appropriate strategy in this domain should go *pari-passu* with the strengthening of its institutions and the mechanisms for accountability. These themes are developed in Section 3.

In sum, the international experience points to several features that would be desirable for the Kyrgyz Republic to implement over time, as well as some cautionary warnings. Figure 1 provides a graphic illustration of the challenges facing the Kyrgyz Republic today. With its institutional weakness and low degree of formal regulation, the Kyrgyz Republic finds itself in a position such as D. Moving from D to A (an ideal system with the appropriate balance of regulation and protection of migrants' rights) must involve a careful strategy that takes into account the need to upgrade the quality and accountability of institutions, before increasing formal controls over the labor practices. Thus, it would be beneficial to move first in the direction of C, i.e. in a direction that strengthens accountability of officials and involvement of migrants and their communities, before increasing the formal aspects of regulation of labor migration, in the direction of A. The alternative path, from D to B, might well result in higher levels of capture and corruption and may not allow the country to ever move to A (the "ideal" system).

Figure 1. Institutional Challenges in Regulation of Migration

		Quality and Accountability of Institutions	
		High	Low
Formal Regulation of Labor Migration	High	Ideal System **A**	Captured System **B**
	Low	Diaspora- and Migrant-based system **C**	Free-for-all **D**



Section 3. Employment Programs to Protect Human Rights of Migrants by Recruiters and Employers

There are several approaches to reduce human rights abuses of migrants by recruiters and employers. The institutional structures designed to regulate these practices were described in Section 1. In this section we focus on specific programs to protect workers. These include Pre-Departure Orientation Seminars (PDOS) and vocational training programs.

Pre-Departure Orientation Programs

Table 5 summarizes the characteristics of four pre-departure programs. Information on Indonesia, Nepal, and the Philippines was obtained from Asis and Agunias (2012). Information on India and Sri Lanka was obtained from Agunias, Aghazarm, and Battisfella (2011) and the MOIA webpage. Additional information on Sri Lanka was obtained from Siddiqui, Rashid, and Seitlyn (2008).

Pre-Departure Orientation Programs (PDOPs) are increasingly part of the toolkit of many migrant-sending countries. The Philippines, Indonesia, and Sri Lanka have instituted a series of requirements for pre-departure orientation for would-be migrants and systems of certification for potential providers of orientation services. India plans required orientations.

Programs are designed, organized and delivered by a wide variety of actors, ranging from the IOM, which has very extensive experience in this area, to public or private (licensed) providers[11]. 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 included.

Pre-Departure Orientation Programs (PDOPs) are increasingly part of the toolkit of many migrant-sending countries. The Philippines, Indonesia, and Sri Lanka have instituted a series of requirements for pre-departure orientation for would-be migrants, and systems of certification for potential providers of orientation services. India plans required orientations.

Programs are designed, organized and delivered 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 included.

[11] The IOM states that "Over the 2001-2010 period, some 352,000 migrants directly benefitted from the IOM's migrant training. Approximately 86 per cent of the participants during this period were resettlement-related. Training activities for refugees and humanitarian entrants focus largely on pre-departure orientation, which may include cultural orientation, language or literacy training, pre-embarkation training, or a combination of these activities. Pre-embarkation or pre-departure briefings are mainly arranged for first-time air travelers and address what to expect at the airport, while in transit, in flight and upon arrival in the country of destination, including customs and immigration formalities. 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. IOM migrant training activities have been implemented in over 50 countries, with significant activity in Africa, Asia, and the Middle East/North Africa. As resettlement quotas increase and integration policies become a higher priority for states, especially within the European Union, IOM migrant training activities are expected to increase." (IOM 2013b)

Table 5. Pre-Departure Orientation Seminars (PDOS) in four countries.				
	Philippines	**Indonesia**	**Sri Lanka**	**India**
Programs, beginning date, organization	*PDOS, 1983; PEOS, 1997* *OWWA organizes*	*Pre-departure briefing, 2003; BNP3TKI*	*PDOS, 1985; SLBFE organizes*	*PDOS, National Skill Upgrade, 2006;*
Fees	*PDOS: $2.50, paid by employer or agency;* *PEOS: free*	*free*	*free except for meals*	*fee 400 rupees*
Required	*PDOS is required.*	*yes*	*women only; family included for one day*	*planned requirement; children 13-19 to receive counseling to help them adjust to the move; country specific*
Duration	*General: 6 hours (usually 4.5)*	*8 hours*	*12 days Middle East; 21 days other; plus 1 day for family*	
Content	*Region specific; travel information, employment contracts, culture/laws/values, health, remittances, reintegration, crisis information*	*Employment contracts; worker rights; culture/ laws/ regulations; arrival/departure process; health; finance (banks, remittances); diplomatic missions; how to come home*	*Language, culture, financial issues, health; legal issues; employment issues*	*Country specific: culture, customs, laws; work security; social security; travel regulations; procedures*
Information	*PEOS; Media (radio, TV, print); face-to-face; posters; website*	*Jobs Info website;* *media*	*Media: Post Office, radio, TV, grassroots programs; website*	*MOIA website; state specific programs;* *media*
Trainer qualifications	*Recruiting agencies, NGOS*	*Government personnel or*	*O level, fluent in language, experience in*	

	train	*retirees*	*country*	
Curriculum	*PDOT modules from special council (many stakeholders); special categories of workers get different information*	*BNP2TKI developed curriculum*	*Standard: national education institution*	*Country specific manuals for 8 countries (6 Gulf countries)*
Vocational training; post-arrival orientation	*POEA skill certification;* *Korea program, skill and language* *Post-arrival orientation seminar*	*BNP2TKI training (govt contracts); MOM (others)*	*SLBFE: by skill, occupation; required for female domestics;* *Vocational Training Authority (VTA) for men*	*MOIA* *NORKA-Roots (Kerala)*

The Philippines requires attendance at a PDOS shortly before departure. The OWWA organizes the seminars, and the seminars are provided by the OWWA, POEA, various NGOs, recruitment agencies, and industry associations. There is a small charge which is usually covered by the agency or employer. The seminar is six hours and focuses on "migration realities" and "travel procedures and tips". (Asis and Agunias 2012) Employment issues, financial literacy, remittances, health (HIV/AIDS and STDs), and safety issues are examined. The seminar also includes discussion of potential problems and life/family concerns. The unique feature of the orientation program, however, is the Pre-Employment Orientation Seminar. This is available at no charge to any person considering migration abroad. The purpose of this seminar is to help potential migrants make better decisions. The seminar explains how jobs are obtained overseas. It also explores the risks and benefits of migration for the migrant and her family and helps migrants avoid illegal recruitment and trafficking. The result is that fewer bad migration decisions are made, and migrant workers are less likely to be abused or exploited. Finally, there is a post-arrival orientation seminar for migrants in the destination. The purpose is to help them adjust and to explain how they can get assistance in the country.

Box 2 - The South Korea-Kyrgyzstan Language Orientation Program

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.

Source: Создание Институциональной И Инфраструктурной Среды Для Управления Миграционными Потоками На Основе Частно-Государственного Партнерства, Глава 2: Кыргызская Республика Автор: Н. Тынаев

The Sri Lankan PDOS is unique in several ways. First, it is required for women and designed to help protect domestic workers from abuse primarily in the Middle East. The seminar is lengthy and includes a crash course in language as well as culture, human rights, and the law. Safety is stressed, and procedures for exiting a bad job or social situation are explained. Second, the seminar ends with one day for families. Since most of the migrants from Sri Lanka are women, there are concerns about the care of children left behind. This seminar helps families adjust to the loss of a family member and explains where they can go for assistance if problems arise. MFEPW 2008)

The Indonesian seminar is a free, one day, required program. Training is provided by BNP2TKI or BNP3TKI. The curriculum is standard but includes a discussion of psychological and "self-confidence" issues. There is discussion of banking and how to safely send remittances home. (Morgan and Nolan 2011)

Finally, India plans to require attendance at a PDOS; there are seminars now, but they are not required nationwide. The seminar is organized by the MOIA and includes separate counseling for adolescents to help them adjust to the move. There are also separate programs for different destinations. Eight training manuals have been developed to date. (MOIA 2013)

While it would seem that PDOSs are good tools in a comprehensive package for protection of migrants, surprisingly little formal evaluation of their effectiveness is available; a number of studies are currently under way, and results should be available soon. Some sponsoring governments have conducted reviews of programs they have financed[12], and a recent review of PDOSs in the Philippines, Nepal and Indonesia points to a number of general challenges for

[12] E.g., Australian Government (2009): *Australia's Cultural Orientation Program for Humanitarian Entrants—The Evaluation of AUSCO 2009*, available at http://www.immi.gov.au/media/publications/pdf/ausco-evaluation-2009.pdf

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) that would be relevant also were the Kyrgyz Republic to engage in them (beyond the existing initiative with South Korea illustrated in Box 2). (Asis and Agunias 2012) Proposed solutions include greater coordination with receiving countries in program design, more attention to the needs of potential rural beneficiaries, and some initial investment in understanding other countries' experiences and pitfalls. Language competency is essential for any of these programs to be effective.

Programs aiming at pre-departure support can in principle be set up to allow evaluation of their effectiveness, for instance by following the experience of different groups of migrants that may or may not have benefitted from PDOSs, and validating which aspects of the curricula may contribute to better outcomes. This feature should be considered by the Kyrgyz Republic and by agencies and states that might be interested in future organization of such programs.

Training Programs

All of the countries in Table 5 have vocational training programs for migrants. Most of these training programs are not required but are available at low cost.

The vocational program is regulated by the POEA in the Philippines. 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. (MOU 2009; Aguinas 2008)

There is a similar program for Sri Lankan emigrants to Korea. This program varies by the skill of the worker. Unskilled workers spend 12 days learning basic Korean language, law, and culture; the seminars included information on access to banking and health services in Korea. Unskilled women migrants to the Middle East have to attend a 15 day seminar that includes basic Arabic or English. Before the PDOS and 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. (MFEPW 2008)

Indonesian migrants can receive skill certification provided by BNP2TKI if employed on a government to 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. (Morgan and Nolan 2011)

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. (Rajan 2012)

The training programs help migrants with language and to obtain better jobs. Both skills reduce abuse of migrant workers, but these programs are not available to most migrants.

Lessons for the Kyrgyz Republic

Sending countries that have organized job matching procedures that work well focus on several needs from the worker side: skill development, cultural capital including language, and developing a good reputation as a reliable worker and resident. Training programs in the Philippines and Kerala, for example, help workers develop the skills they need to match to job demands in destination areas. In countries like the Philippines, the government helps screen potential employers. Other countries do a poorer job in employer screening. Screening mechanisms include bilateral agreements (South Korea, for example) and the development of responsible employment agencies with knowledge of international labor markets. These agreements and agencies, backed by the government, screen out the worst employers and help workers find the best fit. Requirements are placed on employers to provide adequate pay and working conditions; this prevents much exploitation of labor, at least for legal and non-permanent labor.

These types of programs could be adopted or strengthened in the Kyrgyz Republic, would help workers develop the skills needed in other labor markets, and would match Kyrgyz labor to reliable and safe employers.

Section 4. Protecting the Migrants Abroad

Domestic and international policy can mitigate some of the human rights abuses faced by migrants. In this section of our report, we examine several policies which have been implemented around the world, with successes as well as mixed results. The policies to reduce abuse are summarized in Table 6.

The Philippines

Concern for the human rights abuse of Filipino emigrants was triggered by the execution of a Filipino worker in Singapore, Flor Contemplacion, in 1995. "Flor Contemplacion, a Filipina domestic worker in Singapore, was charged with the murder of another domestic worker, Delia Maga, and the child of Maga's employer. After being drugged and administered electric shocks, Contemplacion, who spoke little English, was reportedly coerced into a confession without a lawyer present. She was later put to death despite the Philippine president's direct appeal to the government of Singapore." (Aguinas and Ruiz 2007, 7) This execution led to the passage of several laws to monitor workplace, domestic, and international abuse of Filipino emigrants.

The first 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 (OLAMWA) which provides legal assistance services for overseas Filipino workers and overseas Filipinos in distress. (Aguinas and Ruiz 2007) 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. (Center for Migrant Advocacy 2009)

The Philippine Overseas Employment Administration (POEA) imposes conditions on employers; these conditions are designed to minimize worker abuse.

- Employers with a previous criminal record cannot hire Filipino workers.

Table 6. Policies to mitigate human rights abuses faced by migrants from five countries					
	Philippines	Indonesia	India – Kerala	Mexico	El Salvador
Agencies	OLAMWA; Consulate	NAPPOIW	MOIA NORKA Overseas Workers Resource Centre	Institute for Mexicans Abroad in Ministry of Foreign Affairs	Council for Protection & Development of Migrants & Their Families
In country	Filipino Workers' Resource Agency	Embassy	Indian Missions in Embassy	Consular offices; migrant committees	Consular offices
Conditions on employers	yes: POEA	yes	yes: MOIA	yes	yes
Child labor laws	yes	yes	Yes	yes	yes
Regulation of women's employment	yes	yes	Yes		yes
Trafficking penalties	yes	yes, ineffective	Yes	yes; use of media	yes
Monitoring abuse	Commission	ineffective	Commission		Ministry of Foreign Affairs
Country agreements, regulations	Singapore; Saudi Arabia	Malaysia MOU; Saudi Arabia	MOUs	MOUs: US and Canada	MOUs: US, Guatemala

- Only licensed agencies from Singapore can hire domestic workers because of past abuse cases there. This regulation later was extended to all agencies that help employ domestic workers.
- Employers must pass registration or accreditation procedures in order to hire Filipino workers.
- Employers much 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.

- 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 Philippines government passed two laws in 2004 that were designed to protect women and children from abuse, including domestic exploitation and trafficking. Republic Act No. 9231 addressed the abuse of children. The law disallowed work for children under the age of 15 unless the children were the sole responsibility of their parents and employed in family business. Employment had to be safe, children had to be kept in good health and moral standing ("normal development"), and children had to attend school. The law also mandated maximum hours of work and the hours of the day during which children could work. No child could model for companies that sold alcohol or tobacco, and children were banned from pornography, gambling, or violent work. Penalties on employers who violated this law included prison and fines. Republic Act No. 9262 provided strong protective measures for women who were victims of domestic violence and their children. The law defined violence against women and outlined penalties for these offenses. (IOM_MLD 2013)

Executive Order 404 in 2005 established procedures for monitoring violations of human rights and international human rights law. A commission was established to monitor abuse. The new commission worked with the United Nations Commission on Human Rights to monitor compliance with international treaties and to investigate violations of these treaties. The commission's work included coordination of activities with other human rights groups and creation of local monitoring teams. The commission reported violations of human rights law to higher levels of government. (IOM-MLD 2013)

Abuse occurs at home. There are cases where female Filipino workers were smuggled to Lebanon by Philippine immigration officers. Lebanon is not an approved destination for Filipino workers because it does not have laws that protect migrant workers. The POEA prosecutes employees and agencies involved in smuggling. If an agency is found guilty of facilitating smuggling, its license is revoked. It is not clear, however, what really happens to government officials involved in smuggling. (Wander 2008; Jaymalin 2011) If officials who facilitate smuggling are not punished, POEA policies have no effect.

Filipino workers are less prone to abuse by immigration officials and police than other foreign workers because they are well-trained in the culture and language of their destination countries before they are deployed. (See previous section on employment programs.) However, if abuse occurs, the Overseas Workers Welfare Administration is supposed to handle these problems and assist the workers. (Aguinas and Ruiz 2007) Training in financial literary is given during the pre-departure orientation seminar. This information reduces the financial exploitation of overseas workers. (Asis and Aguinas 2012)

Box 3 – Kyrgyz Emigrant Discrimination

Emigrants leave Kyrgyzstan primarily for economic reasons. Most of these migrants enter the destination without difficulty but stay longer than the law allows and work without permit. Their undocumented status makes their stay in Russia or Kazakhstan more difficult than if they have a legal work permit. A 2008 survey of return migrants to Kyrgyzstan found that most returned because of the shortage of jobs in their destinations, but these return migrants reported other reasons for leaving: bad health (24%), poor relations with their employer (14%), and xenophobic behavior from locals (11%). Employers cheated workers, and wage arrears were substantial. Blatant discrimination occurred on the job from managers and other workers. (El-Pakir 2009)

The 2008 report is consistent with results from a separate survey of return migrants in Bishkek conducted by ACTED (Aid Agency for Technical Cooperation and Development) in 2009. Returnees fell into three categories: those who had successfully completed their work overseas and came back healthy; those who had worked for unscrupulous employers, received low or no wages and returned unhealthy; and those who were victims of human trafficking. The report did not concentrate on the last group. Those in the second group reported many violations of human rights while living abroad. They were frequently denied access to health care; xenophobia was common; attacks and murders by skinheads made the international news. The Federal Migration Service and police were corrupt, extracting bribes from migrant labor at their place of employment or transport centers. Employers did not pay back wages; workers only got the attention of the local authorities if they had legal employment contracts. Consular fees rose but services did not improve; consular staff was of little assistance to migrants when problems with employers or police arose. (Lukashova et al. 2009)

More egregious mistreatment of migrants was documented in *Two Kyrgyz Women* (Franulovic 2007) which documented the kidnapping of one young woman for sexual exploitation in the Middle East and trafficking of the other for forced, slave labor on a tobacco plantation in Kazakhstan. Both women lived under desperate economic circumstances and were victimized by people they trusted. They escaped, and their stories illustrate the extreme human rights violations that many migrants face.

Indonesia

Indonesia provides a somewhat discouraging example, in that most of the laws and policies designed to reduce abuse of overseas workers have not been effective. Law No. 39/2004 established the National Agency for the Placement and Protection of Overseas Indonesian Workers (NAPPOIW). This law is the legal basis for protecting emigrants. Emigrants are required to attend training in language and other skills needed to do their jobs in the destination countries. When workers understand what the employers ask them to do, verbal and physical abuse on the job declines. Language skill also helps workers obtain health care when they need it and increases job safety. The Indonesian government does not allow workers to legally deploy

to countries with a history of significant abuse cases against TKIs. A moratorium on deployment of TKIs was applied to Saudi Arabia in 2011 after a series of abuse cases against Indonesian female workers. (Djumena 2011)

Undocumented emigrants are the most vulnerable to abuse and violence. Their freedom of movement from the job is frequently denied. They often work involuntarily or overtime without payment. They suffer verbal or psychological violence (74%). Their documents are confiscated (64%). Their access to health care services is limited, and they are more likely to experience sexual harassment and rape than legal emigrants. (IOM 2010) Many undocumented emigrants were recruited by illegal employment agencies because these workers did not know the standard legal procedures involved in TKI recruitment. More than half of these undocumented workers were trafficked as domestic workers, and many women were forced to work as prostitutes. The government tries to monitor and prevent deployment of undocumented TKIs by private agencies. (See US Department of State 2011 for a description of trafficking cases.) The licenses of employment agencies are revoked if the agencies are caught sending undocumented migrant workers overseas (Law No. 21/2007). This policy is not effective, and illegal agencies still operate and traffic Indonesian workers; undocumented migration has not diminished with the few regulations placed on agencies. (IOM 2010)

Discrimination on the job including sexual harassment is discussed in pre-departure orientation sessions. Emigrants can also report abuse cases to the Indonesian embassy, and they are supposed to receive assistance from embassy staff. (Morgan and Nolan 2011)

Abuse by Indonesian officials and administrators has been reported. Emigrants are often forced to exchange their money at lower official exchange rates in the airport, and immigration officials pocket the difference in the market. Female workers are often groped or fondled when airport officials suspect they are concealing money in their underwear. No policies have been implemented to reduce these problems. (IOM 2010)

A 2008 law aimed to eliminate racial and ethnic discrimination within Indonesia. These regulations also affect the treatment of emigrants by local officials and administrators. The law states that all Indonesians are equal before God, regardless of their race or ethnicity. Discrimination based on race or ethnicity violates the Indonesian Constitution and the Universal Declaration of Human Rights. The law provides protection, enforcement, assistance, and compensation for any losses resulting from discrimination. Penalties for discrimination proven in court include prison and fines. "Intentional hatred" increases the penalty.

India: Kerala

An early attempt to protect women and girls from trafficking was Act No. 104 in 1956. The Indian Constitution and the Indian Penal Code strengthened the Act with more than 20 provisions that make human trafficking illegal. The Indian government also ratified the South Asian Association for Regional Cooperation (SAARC) which upholds the protection of the rights

of women and children in South Asia. However, the SAARC ignores human trafficking of men. (Hameed et al. 2010)

The law applies to women under the age of 21. Brothels or use of property for prostitution are illegal. Earning one's living as a prostitute or soliciting a prostitute is illegal. Abducting women without their consent for the purpose of prostitution is illegal. If girls are detained or harassed to force them into prostitution, the police can intervene and place the girls in protective custody. All violations of this law are subject to time in prison and/or fines. (IOM_MLD 2013)

Act No. 10 of 1993 created the National Human Rights Commission. It investigates complaints of human rights violations, reviews safeguards in the law for effectiveness, assists with effective implementation of human rights treaties signed by the Indian government, and works with NGOs that help mitigate human rights abuse. The commission also provides education (seminars, media, publications) on human rights and human rights safeguards. This act applies to human rights abuse of domestic and migrant workers and their families. (IOM_MLD 2013)

Two recent laws (2005) seek to protect women and children from abuse. Women are protected from domestic violence including physical, sexual, verbal and economic abuse. A Protection Office was established under this law. Services of this office include monetary relief, custody, and medical and psychological services for victims. Free legal assistance is provided if the Office supports the case. (IOM_MLD 2013)

The Ministry of Overseas Indian Affairs (MOIA) has taken several steps to protect Indian citizens who work abroad, especially female workers, from abuse. (MOIA 2013)

- No woman below the age of 30 can emigrate without special permission.
- The employment contract has to be attested by the Indian government (rule 15(2) of the Emigration Rules of 1983) to ensure that the emigrant is not exploited in the destination country.
- The Indian Mission is a special office of the Indian embassy. It provides distressed women emigrants with shelter and legal assistance. It provides a helpline and toll free access to the Mission. The Mission is open to women emigrants whenever they want to come and voice their grievances. It hires local lawyers if an Indian worker must appear in court in the destination country.
- The MOIA established the Overseas Workers Resource Centre (OWRC) in India to respond to and monitor complaints and grievances from emigrant workers or potential emigrant workers.
- Pre-departure orientation in law, finance, and culture as well as skills and language training prepare workers for the destination and thereby reduce abuse.
- The MOIA has Memoranda of Understanding with many destination countries; these Memoranda are designed to protect Indian workers, especially those engaged in informal and domestic jobs.

Kerala has its own worker welfare laws. The NRK Welfare Act of 2008 is the legal basis for worker protections overseas. NORKA-Roots provides insurance coverage to Keralite workers who hold identity cards issued by the Kerala government. The insurance covers accidental death, permanent or partial disability. (MFA 2012)

Kerala has not passed separate legislation to prevent human trafficking. Many trafficking cases have been found in airports in Kerala, however. In the last year, about 10,000 people travelled abroad without complete and proper documents. Most of the victims were women and unskilled workers. This abuse allegedly involves airport higher officials. The Kerala police plan to set up a police station at airports in Kerala to reduce these crimes. (Thiruvananthapuram 2012)

There are no specific policies in India or Kerala to handle discrimination abroad. NORKA acts as a shelter for depressed Keralites while they are working abroad.

NORKA-Roots in Kerala gives workers information about laws in the destination countries to raise their awareness of local issues. This information is incorporated in their pre-departure orientation program. (MFA 2012)

Mexico

In 2007, the Mexican government enacted federal legislation that prohibits all forms of human trafficking with a minimum penalty of six years in prison if convicted. The penalty for a public official is one and a half times the penalty for an ordinary citizen. The government also raised awareness of trafficking through posters, television and radio. It endorsed the United Nations Office on Drugs and Crime's Blue Heart Campaign against Human Trafficking. Mexican immigration agents implemented an identification system for potential trafficking victims, especially children entering or exiting the country. The government trained agents and some NGOs to identify and interview victims. (US Department of State 2010)

The Institute of Mexicans Abroad (IME) was created in 2003 as an independent department of the Ministry of Foreign Affairs. Its main purpose was to organize the diaspora in the US and link the diaspora to government institutions and businesses at home. The IME focuses on education, health, protection of migrants from employer or official abuse, organization of migrant communities abroad, and business promotion. Its strong links to the many consular offices in the US mean that abused migrants in the US have significant support and protection. The advisory board to the IME is comprised of Mexican migrants. Information from migrants is used to formulate policy and international negotiation. (Laglagaron 2010)

Undocumented Mexican workers are subject to abuse by US employers. The Mexican government included this issue in a bilateral agreement with the US government, but it has proven ineffective. The Mexican government recently changed its advocacy strategy to public diplomacy and strengthening community organizations. In addition, the new Migration law requires prospective workers to get working authorization from the destination country in order

to leave the country. This will reduce illegal migration and reduce abuse cases in the US and elsewhere. (Alba and Castillo 2012) The Mexican and Canadian governments signed a Memorandum of Understanding which emphasizes equal treatment of Mexican migrant workers and local workers. (ILO 2009)

Labor contracts are prepared by foreign employers. The Mexican government has not standardized employment contracts for their Mexican migrant workers. (CDM 2013)

El Salvador

El Salvador enacted Memoranda of Understanding in 2005 with the United States and Guatemala to protect women and children from trafficking. The Salvadoran government also works with both governments to identify the problem areas in all three countries. Campaigns in El Salvador, the United States, and Guatemala provide emigrants and Salvadoran nationals with information about trafficking, where it is most likely to occur, and how to prevent being victimized. Victims in the United States or Guatemala receive consular protection and can be returned to El Salvador at the Salvadoran government's expense. Medical and psychological help are provided to victims. (IOM_MLD 2013)

Decree No. 655 (2012) protects Salvadoran migrants and their families. They are guaranteed basic human rights, and discrimination based on age, gender, ethnicity, religion, and other characteristics is against the law. Human rights protection is provided in El Salvador and abroad. The most vulnerable (women, children, the elderly, the disabled) are protected from abuse under this decree. (IOM_MLD 2013)

The Decree facilitates the return and reintegration of migrants into Salvadoran society. As discussed in the earlier section, the Council for the Protection and Development of Migrants and Their Families (CPDMF) was created under the Ministry of Foreign Affairs. The Council has many functions. It develops policies to facilitate migration and minimize abuse of migrants. It monitors compliance with Salvadoran human rights laws. It works with NGOs, foundations, and international organizations to develop and coordinate programs for return migrants. It assists with care services, provides humanitarian assistance and legal assistance, and compensates families for the deaths of migrant family members. Humanitarian assistance includes reparations, search for missing persons overseas, and other forms of help for victims and returnees. (IOM_MLD 2013) An important program of the Council is its awareness campaign in which it explains to potential migrants the risks of emigration without legal documents. (IOM_MLD 2013)

United States and Canada: Destination Policies

Protection of migrants against human right abuses and trafficking cannot be the sole responsibility of the sending country, which has limited powers once the migrant has left.

Destination countries have adopted specific measures, and often subscribe to international treaties. The main issue, of course, is the extent to which such commitments are enforced in practice.

The Canadian Immigration and Refugee Protection Act of 2001 and Regulations of 2002 outline the many rules for legal, temporary residence in Canada, both for students and workers. Categories of persons who will not be admitted legally are provided. (IOM_MLD 2013)

The 1983 Migrant and Seasonal Worker Protection Act in the United States regulates employment of migrant labor. It requires businesses that hire migrant workers to keep records of their employment and wages. The law requires that these businesses pay the wages that were promised. Migrants cannot be required to buy goods and services of the business or the owner's family or friends. Businesses must meet the legal health and safety standards (monitored by the Occupational Safety and Health Administration), provide safe motor vehicles if they are needed for the job, and not discriminate based on race, gender, ethnicity, religion, or age. The terms of employment contracts must be upheld. Firms are liable for violations of these employment regulations for migrant labor. (IOM_MLD 2013)

Both the United States and Canada expect anti-discrimination laws to apply to migrants and natives. In the United States, children of undocumented migrants cannot be denied education. Migrants cannot be denied emergency medical care. Under the welfare reform of the 1990s, however, legal migrants are not eligible for welfare benefits for the first five years of their residency; undocumented migrants never qualify for welfare benefits or social security.

International Trafficking Policy

Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplements the United Nations Convention Against Transnational Organized Crime. Over 800,000 persons worldwide are trafficked across borders, and more than 800,000 are trafficked within countries. They are trafficked for cheap labor, sex, and criminal activity. Article 3 is designed to counter this increase in international trafficking. Signers of the Convention agree to respect human rights, support the physical/mental/social well-being of all persons, and to maintain institutions to support these commitments. It has no power to enforce these articles in any country. (IOM_MLD 2013)

The International Organization for Migration focuses on prevention through information campaigns and provides technical assistance to governments to build capacity to prevent trafficking. Assistance includes training police and NGOs, supporting institutional improvements, and providing direct assistance such as safe places, medical/psychological care, skill development and training, "reintegration assistance", and resettlement to safe countries.

The IOM *Handbook on Direct Assistance for Victims of Trafficking* outlines ways to provide effective service delivery and counter trafficking. (IOM 2011)

Lessons for the Kyrgyz Republic

This brief review of experience shows that in most countries many laws and regulations guarantee human rights for migrants. Since migrant abuse continues to be perceived as a problem, it is apparent that concentrating on legislation cannot be the main strategy for sending countries such as the Kyrgyz Republic. Collaboration with receiving countries is of utmost importance (see Section 5 below), and ambivalent views as they prevail at times in the Russian Federation, for example, do not help in this respect.

There are other practical ways in which sending countries can complement their laws to increase their effectiveness. One of the most important ways to prevent abuse is through information. The policies that work best include pre-departure orientation sessions and information campaigns on trafficking and human rights. In some cases, countries do not allow migrants to work in countries with extensive migrant abuse. This reduces the abuse in those countries but does not eliminate the abuse of workers trafficked there. International trafficking is a serious problem but is less widespread than discrimination and violation of employment laws. Unless the police and immigration officials are held accountable in origin and destination countries to uphold the law, laws to protect migrants can be passed but will have no impact on abuse.

Section 5. Social Protection: Pensions, Health

In this section we review the issues and practices concerning portability of pensions and the access to health care by migrants.

Pension Portability

Portability involves the ability of the migrant worker to preserve, maintain and transfer 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 should 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. 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. (Forteza 2008).

Policies affecting the portability of pension plans in general apply only to legally registered migrants. The only recourse for undocumented 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 throughout the world is very important. The discussion below focuses on portability of plans that are available to legal migrants.

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. (Forteza 2008)

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 leave Germany and retire 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. (Holzmann, Koettl, and Chernetsky 2005)

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. (Holzmann, Koettl, and Chernetsky 2005)

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. (Forteza 2008)

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. (Holzmann and Koettl 2011)

The relationship between New Zealand and 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. (Woolford 2009)

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 receives 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. (Holzmann, Koettl, and Chernetsky 2005)

The United States Social Security Administration (SSA) 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. (Holzmann, Koettl, and Chrnetsky 2005)

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 migrants return home after work, the care is covered by the home country's insurance plan. (Holzmann, Koettl and Chernetsky 2005)

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. (Avato, Koettl, and Sabates-Wheeler 2009)

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 who hold identity cards issued by the Kerala government. The insurance covers accidental death, permanent or partial disability. (MFA 2012)

Lessons for the Kyrgyz Republic

This brief review of portability of pensions and practices in the field of health insurance highlights three main lessons for the Kyrgyz Republic:

- Portability of pensions is an important issue that applies to documented migrants. The welfare and choices of a large portion of current Kyrgyz migrants are thus unlikely to be affected, at least in the short term.
- Keeping an eye on the long term, negotiation of pension portability is clearly a bilateral issue. It would be important that priority be given to agreements with the most likely destination countries (Russian Federation, Kazakhstan), and that a dialogue on the evolving EU approaches to such issues be opened as well, for learning purposes if not for practical reasons, given the low numbers of Kyrgyz migrants to EU countries.

- Agreements on health benefits are less common and very much dependent on the features of the health and social insurance schemes prevailing in destination countries. For the Kyrgyz Republic, negotiating minimum-access provisions to health facilities irrespective of status might be the most promising avenue for protection of migrants' health and human rights.

Section 6. Diasporas: Unleashing Potential Resources for Development

The role of Diasporas (established communities of migrants in a host country, retaining an interest in developments in their country of origin) in fostering better developmental outcomes of migration has been amply documented in the literature, and a recent publication provides a comprehensive analysis of arrangements in place around the world (Agunias and Newland 2012). From the perspective of labor migration flows, Diasporas provide invaluable social capital and information for potential migrants. Diasporas can also be active vehicles for investment as well as knowledge transfers. Diasporas can become actors in the political life of the mother country—for instance, the recent controversies regarding the role of the US-based and the Russia-based Ukrainian Diasporas, which have taken opposite sides in a number of national debates, or the important role played by the Armenian Diaspora in presidential elections in the past few years.

Diasporas have a natural tendency to establish economic, social and political relations with their countries of origin. International experience shows that the most important ingredient for a fruitful relationship with the diaspora on the economic front is the existence of a favorable business environment—members of the diaspora who want to invest in a country are no different from those living in the country as far as their demands for protection under the law and non-discrimination are concerned. "Special programs" to attract diaspora resources cannot be a substitute for good policies towards business.[13] Nevertheless, the international experience also shows that governments, NGOs, International Organizations all can work for a more effective relationship between diasporas and their countries.

First, in terms of organization, among the FSU countries, Georgia and Armenia have established ministerial agencies with a mandate to develop and encourage diaspora relations. The experience with these institutional arrangements is relatively new and thus difficult to evaluate, but, if well aimed, these dedicated institutions may facilitate economic, technological and cultural exchanges. Other countries reviewed in this study have adopted non-ministerial approaches which can be equally effective.

[13] In the same vein, it is futile to set up Special Economic Zones in countries that are hostile to the public sector.

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 3 X 1 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, 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. (Migration News 2009)

The 1 X 1 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. (Migration News 2009)

Paisano lnvierte 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. (FIRCO 2012)

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. (Laglagaron 2010)

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. (de Leon 2011)

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. A similar program was developed in Mexico. This was the first effort to engage the diaspora from El Salvador. (Gammage 2007)

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. (IOM-MLD 2013)

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. (Calzado 2007)

Lessons for the Kyrgyz Republic

While the international experience does not immediately suggest that one arrangement for dealing with diaspora issues may be better than another, a number of conditions for the development of healthy and productive relations are suggested: (i) trust between the diaspora and the national authorities (something that may be difficult to establish and can be easily damaged); (ii) cooperation by the authorities of the host countries; (iii) willingness by the national authorities to seek views and inputs of diasporas into decision-making on migration and investment matters; (iv) effective use of consular offices and other resources for information-sharing, protection and representation; (v) transparency and openness in the use of any public resources devoted to fostering diaspora activities; and (vi) an appropriate legal and regulatory framework that can make it feasible to invest in beneficial community projects. Special programs can at times help foster diaspora investments but cannot be a substitute for the health of the overall business environment.

Section 7. International Cooperation

Cooperation between sending and receiving countries is of paramount importance for the success of programs to manage labor migration and protect migrants' rights. Several fora are currently in existence in the major migration corridors, and they vary in intensity with respect to the degree of cooperation among participants and the format chosen to achieve common objectives. In this section, we highlight the features, advantages and disadvantages of three international processes that are relevant for the Kyrgyz Republic: (i) the Colombo Process, among a number of Asian sending countries and their receiving partners; (ii) the EaP process currently under way between the European Union and six FSU countries (Ukraine, Belarus, Moldova, Armenia, Azerbaijan and Georgia); and (iii) the informal MIRPAL forum for discussion among FSU countries in the Russian Federation/Kazakhstan corridor.

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.[14] The process has involved four ministerial-level consultations, and involves high-level participation from destination countries, such as the European Union, the Gulf States, Australia, as well as a number of international organizations. Thus the process, while dubbed informal, has indeed a high degree of formalization.

As a regional consultative process, the Colombo Process most directly impacts best practices in sending country policies through information exchange and improved understanding of migration issues. Several "concrete steps" have been taken by member states and various receiving countries since 2005 to better regulate migrant flows (Agunias, Dovelyn Rannveig and Christine Aghazarm (2012))[15]:

- 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.

Members of the Colombo Process have adopted numerous strategies to discourage abuse by private recruitment firms and foreign employers. The main policies instituted across the

[14] http://www.colomboprocess.org/index.php?option=com_content&view=article&id=11&Itemid=38
[15] http://www.migrationpolicy.org/pubs/colomboprocessbrief.pdf

participants of the Colombo Process include exit controls, licensing requirements for recruitment firms, and employment contracts based upon administratively set standards.

According to participants and observers, the Colombo process has provided a useful forum that allows exchange of experiences under a high-level "watch". Nevertheless, it is also recognized that challenges remain in implementation of agreements reached, and that translating paper decisions to practical changes is something that takes time and commitment.

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.
Three features of this forum are worth emphasizing:

- 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 on and put some resources at the disposal of partner countries for strengthening basic management institutions, insisting also on the adoption of comprehensive migration strategy. (This is especially true in the case of Moldova.)

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. (Delcour, 2011) This points to the desirability of "equal treatment" in agenda-setting for all members of an international dialogue on matters of common interest, something that would certainly benefit the discussions with Kyrgyz's migration partners.

The MIRPAL Experience

The MIRPAL[16] initiative began as an informal forum, sponsored by the World Bank as facilitator and with financing from DFID, to discuss issues of common concern among FSU countries in the Russian Federation-Kazakhstan corridor. The Kyrgyz Republic has been a member of the informal network since its start in 2009, and a number of other international organizations, including IOM, have provided support to the network or some of its activities.
Over the few years of its existence, the MIRPAL program has conducted a number of experience-sharing initiatives aiming at a better understanding of the features of migration in the FSU corridor. These have ranged from exchange of advice on statistical information on migrant flows, to discussions on ways to reduce the cost of remittances, to more potentially controversial policy debates on directions for migration policies particularly in the Russian Federation.

Participation in the MIRPAL debates has included a number of stakeholders, such as officials in relevant governmental agencies, but also representatives of diaspora communities and private sector operators. Given its informal character, the MIRPAL has provided a non-confrontational forum for discussion, sharing of experiences, and work towards common solutions.

Lessons for the Kyrgyz Republic

The three examples of international collaboration on migration matters just discussed offer some lessons that could be useful to the Kyrgyz Republic. First, an international collaborative context is of extreme use for migration-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.

Strengthening of the MIRPAL experience, perhaps through graduation from its World Bank sponsorship and a more ambitious agenda, could be of benefit to all its current members and to the Kyrgyz republic in particular. The collaboration would be less formal than the Colombo Process but less of a discussion club than in its present structure. This development would require agreement and collaboration of all current members.

[16] http://www.mirpal.org/

Part 2. Lessons and Recommendations

In Part 1 we reviewed the international experience with regard to seven aspects of migration policies and institutions that are crucial for positive outcomes for migrants, their families and sending and receiving countries. Lessons for the Kyrgyz Republic have been offered in each section. In this Part, we provide an overall summary of lessons and a set of policy and institutional recommendations for consideration at this time of reflection. Some of these recommendations are more complex and institutionally challenging than others. However, the strategy that we propose could provide a road-map and a vision for the country at this time of reflection on migration matters.

One Size Does Not Fit All, Need for a Vision

There is no "single" model that works with respect to migration policies. The complex nature of migration issues is such that many institutional actors (both government and non-government) are likely to be stakeholders to a certain degree and therefore claim a seat at the table on migration matters.

The review of international experience also shows that many countries have only recently attempted to establish better organizational models for migration management, and thus in many cases the jury is still out with respect to what works best and under which conditions. Conversely, the available evidence shows that lack of action is also counterproductive. Pitfalls that should be avoided include: continuing to deal with migration as a border security issue, for countries that are large exporters of migrants; assigning responsibility for migration matters to departments within ministries, but without sufficient clout; and at the other extreme the appointment of high-level commissions that are largely ceremonial and equally ineffective.

Some of the more interesting examples from our review point to the advantage of having a single-mandate agency to help coordinate government policies and provide a focalized access point for action to help migrants in their destination countries. The Kyrgyz Republic is currently experimenting, with the support of the Central Asia Regional Migration Program (CARMP) of the IOM, with the establishment of the pilot Center for Employment Abroad in the Ministry of Labor. While the principle of "piloting" any new institution is to be commended, a bolder long-term vision could benefit Kyrgyz, for instance through the decision to move towards the establishment of an agency, with a high degree of autonomy and with a clearly defined mandate to protect labor migrants during all stages of the migration process. We name this agency the Labor Migration Protection Agency (LMPA). Its responsibilities would include: oversight of the activities of employment intermediaries and screening their selections; coordination of pre-departure education which must include language, culture, financial, and legal training; support

for diaspora organizations in the areas of greater destination to help with job placement, safe housing and transport, and reinvestment at home; and an active presence in consular sections with honest helpful staff to assist with legal, medical, and immigration problems.

As discussed in Section 2, however, the Kyrgyz Republic would be well advised to recognize and mitigate the weak state of its institutions and the ever-present potential for abuse by bureaucrats. Therefore, it would be most important to ensure that, within the governance system of the LMPA, adequate representation and accountability is provided for stakeholders outside the government (as with Mexico's IME or El Salvador's CONMIGRANTES) through direct representation of migrants and their families on an advisory, policy-review board within the agency. The agency and board should be held to the most exacting standards of transparency through periodic reporting and ease of access to information. It should establish mechanisms such as an ombudsman for redress by affected parties. These measures would discourage arbitrary or corrupt behavior by agency officials. A reasonable objective would be to establish the LMPA within five years, with the active support of the international community.

Need for a "Migration Lens"

The proposed LMPA, however, cannot be burdened with an excessive mandate, as the risk of losing its focus and diluting the mission would become real. This then begs the question of how to incorporate migration-related considerations in other important policy areas that are likely to affect the developmental outcomes of migration. One possibility could be the establishment of the Office of the Migration Advocate (OMA) as a small unit attached to the office of the Prime Minister, with a clear mandate to review major policy initiatives in the areas of (i) Education, (ii) Financial Market reforms, (iii) Social Protection, with a *migration lens*, i.e. with the sole purpose of evaluating the likely effects of proposed policies on migration outcomes. The OMA would help sectoral agencies by reminding them of the need to broaden the evaluation of likely effects on migrants and their families and on migration and remittance transfers. The OMA could take a close look at proposed reforms in the education sector, and, if necessary, point to missing or inadequate provisions for the education of potential migrants and their children, and propose adequate changes.

The OMA should not be constructed as a massive bureaucracy. In fact, the small secretariat could leverage the wealth of international experience provided by international partners now actively collaborating with the Kyrgyz Republic; its mission would not be one of writing laws and regulations but rather of advocating for migrants. While the OMA *per se* has not been implemented as an autonomous office in any of the countries that we have reviewed, its functions are present to a certain extent in a number of agencies. It would be worthwhile for Kyrgyzstan to experiment with such an innovation.

Leadership is Key

A crucial element that appears from the review of international experience is the issue of leadership. No agency will be effective or long-lasting without substantial support from the top. It is thus imperative that the highest authorities of the country send a clear signal about the crucial importance of migration as a national priority. It is also of importance that, were the Kyrgyz Republic to establish the LMPA or OMA, the leadership of these agencies should be based on criteria of professionalism, integrity and passion for the cause of the migrants.

International Cooperation is Essential

The experience of the Colombo Process shows the payoffs that can be obtained by engaging in a cooperative forum among sending and receiving countries. Most Kyrgyz migrants in the near future will continue to choose the Russian Federation and possibly Kazakhstan as their preferred destinations. The existing regional collaboration should be strengthened which would benefit all countries concerned. The experience over the past few years with the work sponsored by the MIRPAL network provides a blueprint that could be amplified. The mix of technical discussions on issues of importance could be supplemented by more open consultations on future policy developments.[17]

Information and Evaluation

None of our recommendations can be effective without collection of accurate information. The Ministry with responsibility for labor migration must develop a database on all legal and return migrants, and it should conduct regular surveys of potential migrants, migrants in the destination countries, and return migrants and their families. Periodic community surveys are also needed to assess the community impact of migration and policy. Without accurate and regular information on migrants, their families and communities, it will never be possible to assess the economic and social impact of labor migration and the effectiveness of any new laws and regulations that can affect labor mobility and human rights. But good data is only the first step in assessment; the government needs to develop the capacity to analyze the data it collects. This may involve additional education of government employees or local academics and consultants. This should also involve improving local education and reducing corruption at academic institutions. This investment in information and human capital will have long run impacts on the effective development and implementation of migration policies in the Kyrgyz Republic. India is one example of a country investing heavily in human capital and information technology. This investment is one of the keys to long run economic development.

Social welfare

A concern facing labor migrants who return to the Kyrgyz Republic is the effect of their migration on their old age security. A migrant in Russia does not contribute to the Social Fund

[17] Appendix A compares our recommendations to those of the Strategy report commissioned by the Department of External Migration of the Ministry of Foreign Affairs of the Kyrgyz Republic, in close consultation with international experts.

in the Kyrgyz Republic; his wages abroad are not documented in his Labor Book. This means that his pension will likely not reflect many years of work and will be considerably lower than if he had not migrated. There are two solutions to this problem. The first is to allow emigrants to contribute to a pension fund while overseas. A policy of this type is in effect in Kerala, India. The Non-Resident Keralite Welfare Act of 2008 mandates that the Kerala government provide a pension scheme to migrants. The participant pays into the fund for at least five years and payment can come from abroad; the participant then receives a pension after the age of 60. (MFA 2012) A second solution is to lower the cost of saving to migrants. The cost of saving and remitting money home is low for Mexican and Salvadoran immigrants to the US and Canada. The Mexican government has no program to provide pension benefits for return migrants, but it does offer subsidized mortgage loans for migrants and encourages money transfer organizations to contribute to community welfare programs. (Mughal 2007; de Leon 2011)

Health and safety are of concern, and several of the countries we studied have adopted programs to deal with this issue. Bilateral agreements that are enforced work best. A bilateral agreement between Korea and the Philippines guarantees Korean social services to legal migrants. US law requires employers to abide by safety regulations and provide emergency health care to migrants and their families.

We recommend that the Kyrgyz Republic adopt a more pro-active approach to the support of migrants and their families. Transparent financial institutions promote savings. Mobile banking makes money transfer easier and cheaper. Bilateral agreements over social security, health and safety can work if mechanisms are in place to monitor and enforce the agreements. Without the institutional capacity to enforce regulations, it will be difficult to make progress on the social security and welfare of return migrants and their families. Without protections, migrants will have less incentive to return to the Kyrgyz Republic.

References

Agency for the Placement of Overseas Indonesian Workers (BNP2TKI). 2011. "Arab Saudi TolakPenuhiPerjanjianKerja TKI." http://www.bnp2tki.go.lid/berita-mainmenu-231/4125-arab-saudi-tolak-penuhi-perjanjian-kerja-tki.html.

Agunias, D.R. 2008. "Managing Temporary Migration: Lessons from the Philippine Model." Washington, DC: Migration Policy Institute. https://secure.migrationpolicy.org/images/2008.10.7_Presentation.pdf

Agunias, D.R. and C. Aghazarm (2012): "Labour Migration From Colombo Process Countries: Good Practices, Challenges And Ways Forward." *Issue in Brief*, Issue 1. Washington, DC: Migration Policy Institute. http://www.migrationpolicy.org/pubs/colomboprocessbrief.pdf

Agunias, D.R. and K. Newland. 2012. *Developing a Road Map for Engaging Diasporas in Development: A Handbook for Policymakers a_nd Practitioners in Home and Host Countries*. Geneva, Switzerland: IOM and Migration Policy Institute. www.gfmd.org/documents/pfp/diaspora-handbook/Diaspora_Handbook_for%20Web_17April2012.pdf.

Agunias, D.R. and N.G. Ruiz. 2007. "Protecting Overseas Workers: Lessons and Cautions from the Philippines." Migration Policy Insitute's *Insight*. (October). http://www.brookings.edu/research/articles/2007/09/global-labor-markets

Alba, F. and A.C. Manuel. 2012. *New Approaches to Migration Management in Mexico and Central America*. Washington, DC: Migration Policy Institute.

Aryad, B. 2011. "ODEPC, a Failure as a Recruiting Agency." *Ibnlive*, August 8. Accessed January 26, 2013. http://ibnlive.in.com/news/odepc-a-failure-as-a-recruiting-agency/173989-60-116.html.

Asis, M.M.B and D.R. Agunias. 2012. "Strengthening Pre-Departure Orientation Programmes in Indonesia, Nepal, and the Philippines." *Issue in Brief*, Issue 5. Washington, DC: Migration Policy Institute. www.migrationpolicy.org/pubs/predepartureorientation.org.

Australian Goverrment (2009): *Australia's Cultural Orientation Program for Humanitarian Entrants—The Evaluation of AUSCO 2009*, available at http://www.immi.gov.au/media/publications/pdf/ausco-evaluation-2009.pdf

Avato, J., J. Koettl, and R. Sabates-Wheeler. 2009. "Definitions, Good Practices, and Global Estimates on the Status of Social Protection for International Migrants." World Bank Social Protection DP No. 0909.

Blank, N.R. 2011. "Making Migration Policy: Reflections on the Philippines' Bilateral Labor Agreements." *Asian Politics and Policy*, 3(2): 185-205.

Borjas, G. J. 1994. "The Economics of Immigration." *Journal of Economic Literature*, XXXII(December): 1667-1717.

Calzado, R. 2007. "Labour Migration and Development Goals: The Philippine Experience." Paper presented at the International Dialog on Migration: Workshop on Making Global Labour Mobility a Catalyst for Development. Geneva, Switzerland: October 8.

Chisti, M. A. 2007. "The Phenomenal Rise in Remittances to India: A Closer Look." Policy Brief. Washington, DC: Migration Policy Institute.

Cruz, A.T. 2004. Portability of Benefit Rights in Response to External and Internal Labour Mobility: The Phillipine Experience

Delcour, Laure (2011). "The Institutional Functioning of the Eastern Partnership: An Early Assessment" Eastern Partnership Review, n. 1, October, Estonian Center of Eastern Partnership. http://www.eceap.eu/ul/The_Institutional_Functioning_of_the_Eastern_P.pdf

de Leon, J.D. 2011. "Migration, Cooperation and Development: The Role of the Mexican Government." Presentation at the Center for Strategic and International Studies, Washington, DC, January 11.

Directo a Mexico. 2013. "About Directo a Mexico." Accessed February 4, 2013. http://www.directomexico.com/en/infobancos.html.

FIRCO. 2012. "Presentación de Paisano." July 12. http://www.firco.gob.mx/proyectos/migrantes/Paginas/migrantes_01.aspx

Forteza, A. 2008. World Bank Social Protection Discussion Paper No. 0825

Gammage, S. 2007. "El Salvador: Despite End to Civil War, Emigration Continues." Washington, DC: Migration Policy Institute.

Gibson, J. and D. McKenzie. 2007. "The Impact of an Ex-Ante Job Offer Requirement on Labor Migration: The New Zealand-Tonga Experiene." In, C. Özden and M. Schiff (eds.), *International Migration, Economic Development and Policy*. Washington, DC: The World Bank, pp. 215-233.

Go, S. P. 2007. "Asian Labor Migration: The Role of Bilateral Labor and Similar Agreements." Paper presented at the Regional Informal Workshop on Labor Migration in Southeast Asia, What Role for Parliaments. September 21-23. Manila, the Philippines. http://www.pstalker.com/ilo/resources/Bilateral%20Agreements%20PHILIPPINES%20by%20Stella%20Go.pdf

Harikrishnan, K.S. 2012. "A Migration Story Comes Full Circle." *IPS News*. October 8. Accessed January 26, 2013. www.ipsnews.net/2012/10/a-migration-story-comes-full-circle.

Holzmann, R. and J. Koettl. 2011. "Portability of Pension, Health, and Other Social Benefits: Facts, Concepts and Issues. IZA DP No. 5715.

Holzmann, R., Johannes Koettl, and T. Chernetsky. 2005. "Portability Regimes of Pension and Health Care Benefits for International Migrants: An Analysis of Issues and Good Practices." World Bank Social Protection Discussion Paper No. 0519.

International Labour Organization (ILO). 2009. *Protecting the Rights of Migrant Workers: A Shared Responsibility*. Geneva, Switzerland: ILO. www.ilo.org/public/english/protection/migrant/download/brochure_migrant_rights.pdf.

International Organization of Migration (IOM). 2010. *Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East*. Geneva, Switzerland: IOM. www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/Final-LM-Report_English.pdf.

International Labour Organization (ILO). 2013a. "Ley Especial Para La Protección y Desarrollo de la Persona Migrante Salvadorena y su Familia y su Reglamento de Ejecución." Natlex. https://www.ilo.org/dyn/natlex/.

International Labour Organization (ILO). 2013b. "National Labour Migration Policy, Sri Lanka." http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=27.

International Organization of Migration (IOM). 2013a. "Colombo Process." http://www.colomboprocess.org/index.php?option=com_content&view=article&id=11&Itemid=38.

International Organization of Migration (IOM). 2013b. "Migrant Training." http://iom.int/cms/en/sites/iom/home/what-we-do-migrant-training.html.

International Organization of Migration (IOM-MLD). 2013. "Migration Law Database." www.imldb.iom.int/search.do?action=search.

International Social Security Association (ISSA). 2009. "Good Practices in Social Security: The Case of MERCOSUR." Accessed March 21, 2013. http://www.issa.int/News-Events/News2/Good-practices-in-social-security-The-case-of-MERCOSUR

Kerala Non-Resident Keralites' Welfare Board (KNRKWB). 2013. "Citizen Charter." http://www.pravasiwelfarefund.org/docs/citizens_charter_english.pdf.

Laglagaron, L. 2010. *Protection Through Integration: The Mexican Government's Efforts to Aid Migrants in the United States.* Washington, DC: Migration Policy Institute.

Lee, C. 2009. "Labor Force Participation of Older Males in Korea: 1955-2005." NBER Working Paper #14800.

Martin, S. and R. Abirmourched. 2009. "Migrant Rights: International Law and National Action." *International Migration*, 47(5): 115-138.

Memorandum of Understanding Between Department of Labor and Employment, Republic of the Philippines, and the Ministry of Labor, Republic of Korea on the Sending and Receiving of Workers Under the Employment Permit System of Korea. 2009.

Migration Forum in Asia. 2012. "Programs and Services for Migrant Workers and Members of their Families in Three Indian States: Kerala, Andhra Pradesh, and Tamil Nadu." Quezon City, The Philippines: MFA.

Migration News. 2009. "Mexico: Migrants, Remittances, 3 X 1." 16(4). Accessed February 11, 2013. http://migration.ucdavis.edu/mn/more.php?id=3548_0_2_0.

Ministry For Foreign Employment Promotion And Welfare (MFEPW). 2008. "National Labour Migration Policy For Sri Lanka." Colombo, Sri Lanka: ILO. www.ilo.org/public/english/protection/migrant/download/mpolicy_srilanka_en.pdf.

Ministry of Overseas Indian Affairs (MOIA). 2013. "Guideline for Registration as Recruitment Agencies (RA)." http://www.moia.gov.in/services.aspx?ID1=257&id=m8&idp=120&mainid=73.

Ministry of Overseas Indian Affairs (MOIA). 2013. "Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY)." http://www.moia.gov.in/services.aspx?409&id=m12&idp=409&mainid=73 .

Morgan, G. and C. Nolan. 2011. *Step Up: Improving Recruitment of Migrant Workers in Indonesia, Findings from a Research Visit to Semarang, Indonesia, May 3-7, 2011*. BSR Migration Linkages. http://www.bsr.org/reports/Improving_Migrant_Worker_Recruitment_in_Indonesia.pdf.

Mughal, A.G. 2007. *Migration, Remittances, and Living Standards in Tajikistan: A Report Based on the Khatlon Remittances and Living Standards Measurement Survey*. Dushanbe, Tajikistan: IOM.

NamastheNRI.com. 2013. "Emigration Clearance." Accessed January 28, 2013. http://namasthenri.com/passport/emigrationclearance.html#1983.

Newland, K. and D.R. Agunias. 2012. *Developing a Road Map for Engaging Diasporas in Development: A Handbook for Policymakers and Practitioners in Home and Host Countries.* Washington, DC: Migration Policy Institute.

Newland, K. and H. Tanaka. 2010. "Mobilizing Diaspora Entrepreneurship for Development." Washington, DC: Migration Policy Institute. www.migrationpolicy.org/pubs/diasporas-entrepreneurship.pdf.

Organisasil Internasionaluntuk Migrasi (OIM). 2011. *BukuSakuBekerjakeLuarNegeriSecara Legal danAMan*. Jakarta, Indonesia: IOM.

Orozco, M. and Beatriz S. 2011. *Análisis Descriptivo De Las Instituciones Responsables De La Gestión De Las Políticas Migratorias En Costa Rica Y Nicaragua*. Madrid: Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP).

Passel, J., D. Cohn, and A. Gonzalez-Barrera. 2012. "Net Migration from Mexico Falls to Zero – and Perhaps Less." Washington, DC: Pew Research Hispanic Center. www.pewhispanic.org/2012/04/23/net-migration-from-Mexico-falls-to-zero-and-perhaps-less.

Rajan, S.I. 2012. "Assessment of NORKA-Roots (an Implementing Agency of the Department of NORKA – Non-Resident Kerlites Affairs of the Government of Kerala) and the Applicability of a Similar Organisation to Other States in India." Manila, The Philippines: Migration Forum in Asia.

Ratha, D., .S. Mahapatra, and A. Silwal. 2011. *Migration and Remittances Factbook 2011*. Washington, DC: Migration and Remittances Unit, The World Bank.

Rodriguez, N. and J.M. Hagan. 2004. "Fractured Families and Communities: Effects of Immigration Reform in Texas, Mexico, and El Salvador." *Latino Studies*, 2: 328-351.

Rosenblum, M.R. 2012. "Mexico-U.S. Migration Policy: Historical Review and Contemporary Challenges." *The Oxford Handbook of Mexican Politics*. Oxford Handbooks Online, Oxford University Press. www.oxfordhandbooks.com.

Saseendran, S. 2012. "Kerala Plans Recruitment for Gulf through State Agency." Khaleejtimes, May 11. Accessed January 26, 2013. http://www.khaleejtimes.com/kt-article-display-1.asp?xfile=data/nationgeneral/2012/May/nationgeneral_May163.xml&section=nationgeneral.

Suparno, E. 2008. "KebijakandanStrategiPenempatanTenagaKerja Indonesia di LuarNegeri." State Secretary of the Republic of Indonesia. Accessed january 22, 2013. http://www.setneg.go.id/index2.php?option=com_content&do_pdf=1&id=1700.

United States Department of State. 2010. *Trafficking in Persons Report 2010.* Accessed February 4, 2013. http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm.

Wiltberger, J. 2009. "Bringing Latin America into US Debates on Latino Immigration: Views from El Salvador." *Development*, 52(4): 519-524.

Woolford, G. 2009. "Social Protection for Migrants from the Pacific Islands in Australia and New Zealand." World Bank Social Protection DP No. 0912.

World Bank. 2013. "Mirpal." www.mirpal.org.

Zachariah, K.C. and S.I. Rajan. 2012. "Inflexion in Kerala's Gulf Connection: Report on Kerala Migration Survey 2011." Centre for Development Studies Working Paper #450. Trivandran, Kerala. http://www.cds.edu/wp-content/uploads/2012/11/WP450.pdf.

Appendix A. Comparison of the Preliminary Strategy for Reform of Migration Policy to Anderson-Barbone Recommendations.

The preliminary labor migration strategy for the Department of External Migration (Ministry of Foreign Affairs) in the Kyrgyz Republic outlines a legal and institutional framework to protect the "rights and interests" of labor migrants to destinations outside the Kyrgyz Republic and to ensure that the jobs that they acquire meet expectations for decency and protection. The framework focuses on protection of migrants, efficiency, and effective and transparent management. We describe these three broad policy goals and recommendations to achieve these goals. We briefly explain how our conclusions compare to these recommendations.

1. Protect the rights of labor migrants abroad
    a. Stragegy; Appoint a labor attaché to the diplomatic mission in each destination country. The attaché would protect migrant rights, help with employment search through knowledge of the local labor market and data collection, work with local agencies to facilitate job matching, and report on migrant needs and recommend policy adjustments.
        - We recommend that consular offices offer more services to migrants. This could be through a labor attaché or an agency (El Salvador, for example). Consular officials must place the interests of migrants ahead of their own financial concerns, and their activities must be transparent.
    b. Improve regulations: review laws, conduct surveys, improve intra-agency coordination.
        - All laws and regulations must be periodically reviewed. We recommend modernizing the information system in the Department or Agency that addresses the concerns of labor migrants. Periodic surveys of potential, return, and migrants in destination countries are necessary to evaluate the reasons for and effects of moving, the conditions under which they and their families live, and the effectiveness of policies and regulations.
    c. Develop a system of social and health insurance for migrant workers and their families
        - We recommend improved transparency in financial institutions and greater use of new mobile banking technologies to facilitate the transfer of resources across borders. We recommend bilateral agreements to monitor and enforce health and safety standards and to provide migrants with access to local health and education services. Examples from the US, Canada and Korea show that these agreements are possible. Incentives to save for retirement should be considered including a plan similar to the one in Kerala that allows migrants to contribute to their retirement plan while abroad.
    d. Initiate more bilateral and multilateral agreements on labor migration
        - We support bilateral and multilateral agreements for job matching, occupational safety, and the provision of basic social services to migrants and

their families. We present several examples of effective agreements. We also support agreements that can be enforced to monitor and reduce human rights abuse and trafficking.

e. Prepare workers for the external labor market and help improve their working conditions abroad: training, departure preparation, regional information centers.
   - We propose policies to prepare workers for jobs overseas and to help them adjust to new living conditions. These policies include training programs and pre-departure preparation. We strongly support language training. Kyrgyzstan citizens who go to Russia and are not fluent in the language are at great disadvantage in job negotiations and are more prone to abuse. Considerable research over several decades has shown the value of language and cultural assimilation for earnings and the standard of living of immigrants. We also support mechanisms to create job and safety information for potential labor migrants in all regions of the country.

f. Expand transparent public and private partnerships including collaborations with diaspora, a Public Council on Labor Migrants Abroad to coordinate interaction, and the use of private agencies to foster good employment connections.
   - We support the development of programs that would motivate the diaspora to contribute to community development and assist new immigrants in finding good jobs and living conditions. There are many examples of successful diaspora programs throughout the world.

     We also provide many examples of the effective use of private and public organizations to help match workers to good jobs in other countries. This policy must be accompanied with a monitoring program. Effective use of agencies in other countries includes close monitoring of the activities of these agencies.

2. Implementation
   a. Coordination by the Ministry of Foreign Affairs of the activities of various ministries in the Kyrgyz Republic, state administrators, local governments, NGOs, and international organizations
      - We think that, as in most countries, emigration should be monitored by the Ministry of Foreign Affairs. Local and state administrations can facilitate migration and reentry and help the diaspora, through Hometown Associations for example, develop local communities.

   b. Create a consultative body of all participants {Supervisory Board for the Migration Strategy] to provide coherence to the strategy and reduce implementation barriers. Activities include institutionalizing conditions, analysis and evaluation of policies, financial support, and monitoring.

- We support the development of a consultative body such as CONMIGRANTES in El Salvador which includes the participation of migrants and community leaders in the formulation of effective policy.

3. Monitoring and evaluation: coordinated by the Ministry of Foreign Affairs. This is connected with part 2 above. Intermediate resource inputs would be provided. The execution of the plan would be monitored and the results evaluated and transmitted to the Ministry. We support programs to collect data, monitor effectiveness of policy and control corruption.
4. There are risks to the strategy.
    a. Economic: An action plan cannot be implemented because of inadequate financing.
    b. Organizational: A lack of capacity in public agencies means that good policies cannot be carried out efficiently or with transparency.
    c. Lack of inter-agency collaboration or coordination is related to b; it prevents good policies from working as planned.
    d. Socio-economic: The government in the Kyrgyz Republic must be prepared to respond to changes in global demand for labor at all levels of skill. Without the capacity to evaluate markets and prepare workers for available jobs, migration policies will not be effective.
    e. Information: There is a lack of reliable information on the job market in destinations and the needs of migrants. This problem must be addressed.

All of these concerns are addressed in our report. We also want to stress that implementation of good migration policy takes time and experimentation. The Philippine policy has evolved over 25 years; the Kyrgyz Republic cannot develop a fully functioning migration policy overnight, but it can begin to make progress.