



Building Resilient Migration Systems

Rebekah Smith, Executive Director, Labor Mobility Partnerships

Migrant workers contribute critically to the [resilience](#) of countries and sectors during times of crises. A key factor determining the resilience of systems is their flexibility, implying that in times of crisis, labor mobility becomes especially relevant. In all times, but particularly in times of uncertainty and crisis, flexibility and the ability of workers to safely move where they are needed is critical to the adjustment of the economy. [Evidence from the European Union \(EU\)](#) during the Great Recession suggests that migrant workers responded to changing labor shortages across EU states, occupations, and sectors more fluidly than native-born workers and this flexibility allowed them to contribute to stabilizing labor markets during and after the crisis.

This dynamic is repeating itself in the COVID-19 era: In New Zealand, for example, [horticulture](#) has been identified as the ‘ideal sector’ to spearhead the economic recovery, but labor shortages threaten to prevent this. As of September 2020, [5,000 workers](#) in New Zealand’s Recognized Seasonal Employer (RSE) scheme were interested in staying on for spring horticulture work, implying that “if these workers can be easily shifted between employers and regions, then the industry’s RSE labour needs should be met.”

However, the current migration systems generally fail to guarantee flexibility of migrant workers. COVID-19 has repeatedly highlighted this. For example, even without mobility restrictions within the United States, restrictions on migrant employment kept [263,000 trained foreign-born health care workers](#) from

contributing to the COVID-19 response.

Worker mobility requires flexible pathways to connect workers to quality jobs, which are regulated in a way that protects the workers’ rights and responds to the employers’ needs. In times of crisis, migrant workers are likely to experience one of the following scenarios: (1) workers who retain employment, but require support to stay in-country; (2) workers who lose their jobs and want to stay in-country; and (3) workers who want to return to their home country. In order to reduce migrants’ vulnerability and unlock migrant contributions to resilience, mobility systems need to be capable of providing support to migrant workers who find themselves in any of these scenarios. Each scenario requires changes to current labor and migration regulations to be sufficiently flexible to allow workers to adapt to whichever scenario they find themselves in. Flexibility in regulations by itself is not enough; migrant workers also need tangible operational support to navigate shocks.

All migrant workers, regardless of employment or immigration status, are likely to need additional pastoral care in times of crisis. Most critically, those who do not have it already need to be included in [social safety nets](#) such as national health services and unemployment insurance. This may require either [expanding existing safety nets](#) to address the unique challenges faced by migrants or [including migrants](#) in assistance programs created in response to the adverse shock. Outside of safety nets, migrants may require support such as housing assistance, counseling support,

assistance [sending remittances home](#), and other support depending on the nature of the shock.

For migrant workers who retain their employment throughout the crisis, regulations can be used to support and protect them in that job while ensuring they do not lose immigration status. Governments may use policy tools to incentivize employers to retain migrant workers, such as [employment subsidies](#) as in the case of the Korean Employment Permit System. It is critical that heightened protections are in place for all migrant workers in times of crisis. The Business and Human Rights Resource Centre (BHRRC), which tracks over 9000 companies in over 180 countries, noted a [275% increase](#) in allegations of labor abuse on the previous year in the same period between April and August, with COVID-19 cited as a factor in 95% of all cases. Visa systems should also be made sufficiently flexible to allow migrants to continue working in existing jobs. At the beginning of the COVID-19 pandemic, many workers whose visas were expiring faced the difficult choice of returning home (despite travel bans) or staying and entering irregular immigration status. In response to this and recognizing the value of these workers, [many countries](#) extended visa periods for all migrants throughout the pandemic. Additionally recognizing the vulnerability of irregular migrants and their contributions to essential sectors, [Portugal](#) and [Italy](#) regularized thousands of irregular workers.

For migrant workers who lose their employment and wish to stay in country, the critical regulatory change is to allow them to seek a new job without losing

their visa status. The dominant policy of [tying visas to employers](#) restricts both employers and workers from adapting to changing circumstances, a fundamental element of resilience in response to crises. In the COVID-19 era, several countries (including Australia, [Qatar](#), and [New Zealand](#)) have passed measures allowing temporary workers to switch employers. [South Korea](#) has also extended the job search period for migrant workers seeking to change jobs. Supporting workers in changing jobs may also require systems to have flexible definitions of skills and allow for rapid credentialing, which is a significant obstacle to changing jobs for many migrant workers.

Beyond changing regulations, migrant workers also need support matching with jobs and overcoming operational barriers. Workers may lack information about vacancies or find it difficult to access job search resources. This is likely to be particularly true during a crisis where the situation is rapidly evolving and information is frequently unclear, and where there are increased operational barriers to seeking employment (such as health screenings, mobility restrictions, etc.). Having a system for identifying potential recruits and matching them with essential vacancies, and assisting a recruit's migration process from beginning to end would support migrant workers in responding flexibly to crises. Existing workers switching jobs are likely to need similar support navigating the job search and transition process as well. For example, Australia budgeted several million in [relocation assistance](#) for migrant workers as well as Australian jobseekers, and Germany has set up [online platforms](#) to connect jobseekers

(including laid-off migrant workers) with jobs in shortage sectors.

For migrant workers who wish to return home, they should be offered the ability to return to their host country for the amount of time remaining on their visa following the end of the crisis. Many migrant workers take on significant risk and investment to support their migration, and having to return early may put them in a precarious financial situation. Another option would be to carefully document the workers who return home and prioritize their visa applications and waive visa fees when migration resumes. In addition, migrant workers returning home may need support to ensure that they receive the wages they were owed. [Millions of workers](#) were repatriated without being paid the wages they were due, and now have no avenue for redress as this is within the jurisdiction of the host country. [Civil society organizations](#) have called for a cross-border mechanism to evaluate and assess claims of non-payment.

Migrants can contribute significantly to the resilience of economies and societies in times of crisis, but only if labor and migration regulations are themselves resilient. Current regulations create a number of barriers that prevent migrant workers from adapting to changing circumstances and leave them vulnerable. Regulations should prioritize: (1) keeping migrant workers in jobs (including changing jobs if needed); (2) ensuring adequate protections and pastoral care; and (3) building flexibility within migration regulations so that workers can either stay legally throughout the crisis or resume their visa period after. There are

many examples of how governments have innovated on all of these fronts during the COVID-19 pandemic; the challenge now is to expand these innovations, making them permanent parts of as many existing mobility schemes as possible, to be ready for the next shock.