



Regulatory Frameworks for International Labor Migration in Latin America and the Caribbean

Human Mobility Governance Series



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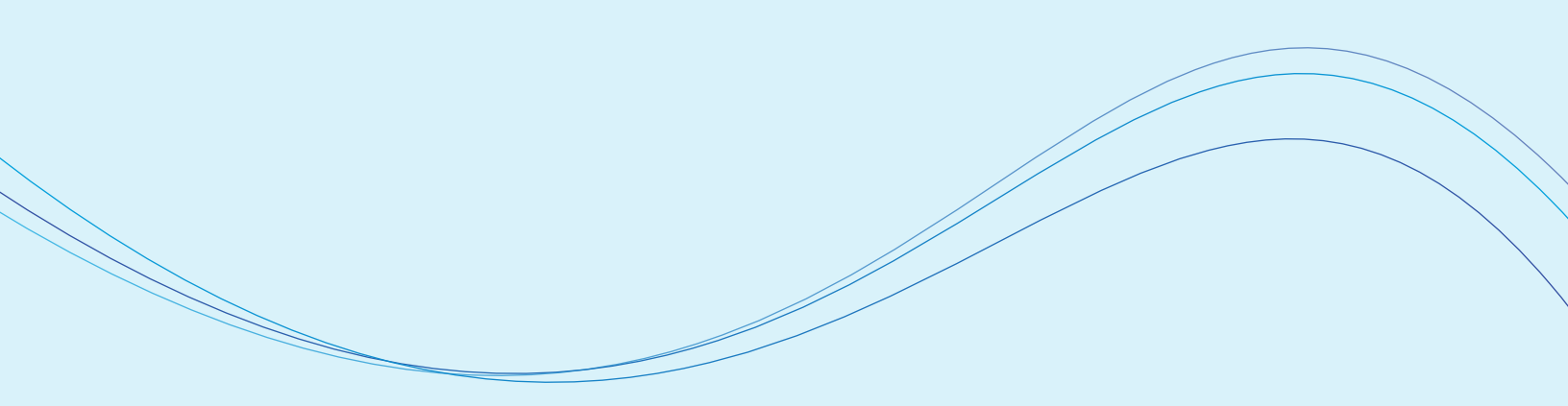


Regulatory Frameworks for International Labor Migration in Latin America and the Caribbean

By José Ignacio Hernández and Alessandra Enrico Headrington

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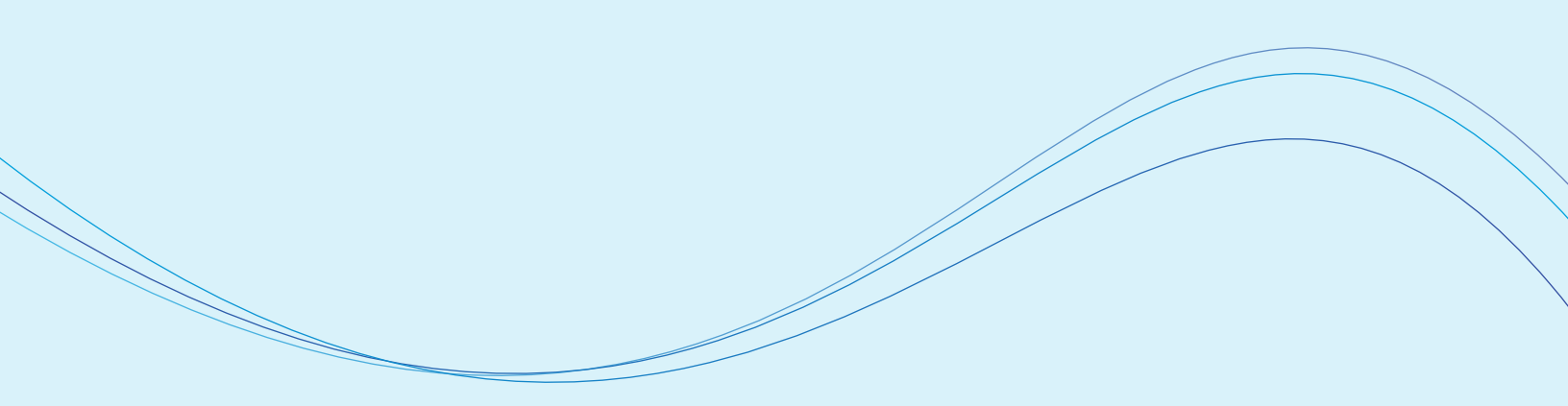
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Foreword

The inclusion of migrant populations into labor markets in Latin America and the Caribbean represents an enormous development opportunity for the region. However, numerous obstacles restrict foreign workers' access to and employment within these markets.

To fully understand the conditions under which foreign workers can access and participate in the region's labor markets, the Inter-American Development Bank's Migration Unit has conducted a comprehensive analysis of the scope and limitations of the regulatory frameworks governing international labor migration across Latin America and the Caribbean. Using a range of targeted indicators and subindicators, the report maps the current landscape of labor migration in the region. We have developed a platform that describes this process in detail and can be consulted at <https://datamig.iadb.org/en/laboral>.

The work led by José Ignacio Hernández and Alessandra Enrico Headrington, with support from the IDB's Migration Unit, shows that while progress has been made in modernizing national and international regulatory frameworks in Latin America and the Caribbean, significant obstacles to the full integration of migrants into local labor markets remain. These limit economic opportunities for migrants themselves and prevent host economies from fully capitalizing on migrants'

skills and productive knowledge, potentially even discouraging private-sector employers from hiring them.

Eliminating these legal barriers and creating a truly inclusive, equitable environment for migrant workers is essential for the region's sustainable development. Promoting labor mobility across borders, sectors, and jobs while ensuring decent working conditions directly improves migrants' quality of life and benefits local economies and societies across Latin America and the Caribbean.

This publication is part of the Human Mobility Governance series, launched in 2022 with the study *Migration Policy Regimes in Latin America and the Caribbean*, and engages in dialogue with the Migration Unit's other publication series. By taking a holistic, regional view of migration policy, the report provides valuable insights into shared challenges, lessons learned, and opportunities to further the full integration of migrant populations for the benefit of all.

This analysis is based on the regulations in force as of June 30, 2025. It will be updated periodically to reflect future changes and trends in countries' policies. These updates will provide insight into the evolution of labor mobility policies in Latin America and the Caribbean.

Felipe Muñoz Gómez
Migration Unit Chief

Executive Summary

This report analyzes labor migration regimes in the 26 borrowing countries of the Inter-American Development Bank (IDB), focusing on the conditions under which foreign workers with regular migration status can access employment (the right to work) and participate in the labor market (rights at work).

It also identifies relevant standards from regional and universal international human rights protection systems, as well as other international instruments and the International Labor Organization's International Labour Standards. This approach enables a comparative assessment of labor migration regimes across countries.

The study's methodology involved a comprehensive review of 218 legal sources through June 30, 2025. These included constitutions, statutes, labor codes, treaties, regulations, administrative rulings (such as guidelines and instructions), and general information provided by migration authorities on their websites. Bilateral, labor, and social security agreements were also included. This analysis provides an overview of the restrictions that apply to foreign workers in the region and examines their impact on economic or labor integration, which is especially significant given the role that foreign workers play in spreading productive knowledge, thus contributing to the development of the local workforce.

The IDB also operates an online data visualization platform to complement this document, which includes a detailed analysis of indicators and subindicators relevant to the employment situation of foreign workers in host countries in Latin America and the Caribbean. The platform is available at <https://datamig.iadb.org/en/laboral>.

This report also compiles and classifies relevant labor migrant standards, including those developed by the universal human rights system (the United Nations human rights system) and, more specifically, those established by the Inter-American Human Rights System under the auspices of the Organization of American States. These standards may derive from binding regional instruments, jurisprudence, recommendations, or best practices. They enable policymakers to assess migration policies specifically in relation to the context of Latin America and the Caribbean.

The report examines indicators across three broad categories.

Category 1 examines how foreign workers can access the labor market, which typically depends on authorization from the host country (e.g., a work permit). This category includes eight subindicators: the migration authority, permits for entering the labor market, the duration of these permits, who can apply for permits, general restrictions on labor market entry, which workers can access the market, protections for national workers, and whether dependents can work.

Category 2 focuses on the employment conditions of foreign workers—that is, their rights at work. This category covers whether they can change jobs, how they can obtain permanent residence and nationality, and whether they can access social and economic rights.

Category 3 analyzes how international law affects workers in practice—that is, the instruments that influence labor market entry and employment outcomes. It includes social security portability regimes and regional and bilateral agreements.

Broadly speaking, the labor migration regulations governing foreign **workers' access to labor markets** can be summarized as follows:

1. **The most common model in Latin America and the Caribbean is the single migration authority.** Under this model, control over foreign workers' entry into the labor market is overseen by the same authority that handles all migration procedures. In some cases, this responsibility is shared between the migration and labor authorities, while in a handful of countries it falls exclusively to the labor authority. In most cases, this authority is part of the department responsible for security, justice, and home affairs. In the second-most-common model, it falls under the remit of the labor department, and very occasionally it is part of foreign affairs.
2. **Foreign workers can only enter the labor market if they hold an authorization issued by the host country, usually known as work permits or work visas.** In only a small number of cases are two separate types of authorization required (i.e., a visa and a permit). These authorizations are generally granted for a limited period—an average of two years across the countries included in this study, ranging from a minimum of one year in countries like Nicaragua and Peru to a maximum of five in Guatemala and Honduras. Most countries allow permits to be renewed.

3. **In the majority of the countries analyzed, the responsibility for navigating labor market entry falls on workers.** In other words, it is workers who must apply for permits and interact with the authorities. In a smaller number of countries, this responsibility lies with employers. Broadly speaking, a demand-driven model prevails in Latin America and the Caribbean—that is, the decision to hire foreign workers lies with employers. Only a very small number of countries apply a supply-driven model, under which host countries authorize foreign workers to seek work in the local labor market based on their skills or qualifications.

4. **Nearly all the countries in the study require workers to have a job contract or offer of employment before they can enter the labor market.** This requirement means that an agreement must already be in place between workers and employers before a work permit can be applied for. There are other common restrictions: authorities may have to review the employment contract and employers may need to provide some form of proof to justify hiring a foreign worker.
5. **The countries included in the study can be divided into two groups based on which workers are eligible to apply to enter the labor market.** En el modelo abierto, el más común en la región, cualquier trabajador puede acceder a este a través de los procedimientos previstos en la legislación local; en el modelo cerrado, en cambio, solo ciertas categorías de trabajadores lo pueden hacer.

6. **Nearly all of the countries included in the study have measures in place to protect national workers.** In Latin America, quota-based systems predominate, which set caps on the number of foreign workers that can be hired. Most of these countries set fixed percentages for the maximum number of foreign workers that an employer may hire or the maximum percentage

of payroll that can be allocated to foreign workers. In Caribbean countries, labor market tests are more common, requiring employers to prove that no qualified local candidates are available.

7. **Most countries in the region do not recognize family members' right to work**, either because the issue is not regulated or because existing regulations are unclear.

The results of the **indicators on the employment situation of migrant workers** can be summarized as follows:

1. **Most countries do not have explicit regulations on migrants changing jobs** and leave decisions on this matter largely to the discretion of the migration authority. Only some countries expressly allow migrants to change jobs, and in some cases, this may be subject to prior administrative review.
2. **Most countries included in the study allow migrant workers to obtain permanent residence after they have been in the country for a certain period**—4 years, on average. In 13 countries, this threshold is 3 years or less, and in only 2 countries is it longer than 5 years. In most countries, permanent residence status generally grants individuals the right to work. Only a small number of countries require those who have obtained permanent residence permits to also apply for work permits.
3. **Almost all the countries in the study allow foreign workers with permanent residence to apply for nationality after residing in the country for a certain number of years.** The average requirement is 4.6 years, with a minimum of 2 years in Argentina, the Dominican

Republic, and Peru, and a maximum of 10 years in Venezuela.

4. **Almost all countries in the study recognize equal access to economic, social, cultural, and environmental rights.** However, none of the national regulatory frameworks address the specific vulnerabilities of foreign workers or apply an intersectional perspective in response to the coexistence of multiple factors of vulnerability (such as those affecting women or older adults).

The findings on the **practical impact of international law** can be summarized as follows:

1. **Most of the countries included in the study are parties to regional agreements that guarantee the portability of social security benefits.** The most common international instrument is the Ibero-American Multilateral Agreement on Social Security, followed by the Caribbean Community (CARICOM) Agreement on Social Security, the Southern Common Market (MERCOSUR) Multilateral Agreement on Social Security, and the Andean Social Security Instrument, contained in Andean Community Decision No. 583.
2. **While there is no comprehensive agreement that covers all of Latin America and the Caribbean, regional agreements** include specific provisions governing labor market entry and the employment of foreign workers within smaller geographic areas. One noteworthy finding is that free trade agreements increasingly include labor clauses.
3. **Bilateral labor agreements also contain special provisions regarding migrant workers' access to the labor market and employment conditions.**

This study makes six recommendations for policy reform:

1. **Strengthen the institutional capacities of migration agencies**, such as by adopting standardized administrative practices to enhance their efficiency and improve access to information. Where relevant, legislative reforms should be introduced to expand labor market access for foreign workers without displacing national workers.
2. **Migration and labor authorities should coordinate more closely** to avoid overlapping responsibilities.
3. **Governments should identify sectors of the domestic economy where foreign workers' skills are needed and develop targeted policies to attract them**, based on national development priorities. A strategy of this sort would entail identifying specific sectors in which a supply-driven model could be adopted to leverage the productive knowledge of foreign workers.
4. **Countries should implement an intersectional approach to labor migration**, grounded in universal and inter-American standards and incorporating a gender perspective. Migrant workers' family members also need to be guaranteed the right to work. This would allow host countries to make better use of the skills of migrants who already have regular legal status.
5. **Countries should introduce clearer regulations to reduce the bureaucratic hurdles** to changing jobs.
6. **Governments should design policies that ensure access to economic and social rights for vulnerable groups**, recognizing that multiple factors can increase an individual's vulnerability.

Introduction

In 1838, the inhabitants of Pilsen (now in the Czech Republic) protested the poor quality of the local beer.

In response, the authorities decided to create a new brewery and hired a foreign worker from Bavaria (Germany), Josef Groll, to oversee it. In 1842, Groll created the style of beer known today as Pilsen.

The specialist knowledge of a migrant worker brought about an innovation in the Czech Republic's productive system. It is one of many examples that illustrate how, under certain conditions, foreign workers can spread knowledge (Hausmann and Nefke, 2016).

This study analyzes how international labor migration is regulated in the borrowing countries of the Inter-American Development Bank (IDB) across Latin America and the Caribbean, with the aim of understanding how this legislation impacts economic integration and labor market access for foreign workers. It is the second in a series of publications on legal aspects of migration in the region and complements the study by Diego Acosta and Jeremy Harris (2022) on international and domestic legislation governing migrants, refugees, and asylum seekers. Their work is especially relevant for exploring the legal considerations influencing labor migration, including pathways to residence and nationality.

Labor migration is an important part of achieving the Sustainable Development Goals set out in the 2030 Agenda. Specifically, Sustainable Development Target 10.7 seeks to “facilitate orderly, safe, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.” When regulated through these standards, migration has been described as a catalyst for development (Richter, 2013: 109).

According to the International Labour Organization (ILO, 2021: 11–15), in 2019, about 62% of all international migrants were workers, of whom around 3.5% were located in Latin America and the Caribbean. These figures show that economic factors are among the main drivers of international migration and that migrants often seek better living conditions in host countries.

The scope of this study is defined below, in line with the methodological framework outlined in [annex 1](#). The report begins by analyzing the regulatory framework governing labor migration, including laws, decrees, resolutions, policies, and the administrative practices of migration authorities—that is, labor migration law. It covers the de jure aspects of this legislation, but not its de facto scope. That is, it focuses on what the law allows foreign workers to do, such as obtaining work permits under local legislation, but does not measure how migration authorities implement these legal frameworks in practice.

This study focuses on foreign workers, meaning individuals with a regular migration status who have settled in a host country with a residence permit to work in a paid, dependent, subordinate employment relationship (that is, formally employed foreign workers with regular migration status). It does not address migrant workers with irregular migration status, nor does it include self-employed or freelance workers or those in temporary, seasonal, or cross-border employment arrangements. Likewise, it does not cover rules restricting foreign workers from public-sector jobs, regularization programs, or humanitarian protection mechanisms, such as complementary or temporary protection.

The study identifies the universal and inter-American standards applicable in Latin America and the Caribbean concerning foreign workers' access to and employment conditions within the labor market. It distinguishes between binding standards and those classified as "soft law," which function as guidelines to improve the recognition and exercise of specific rights. These standards serve as benchmarks for evaluating labor migration regulations and recommending ways to promote safe, orderly, and regular migration (Selee, 2022).

The report analyzes three groups of variables, which assess the following aspects of labor migration:

1. Migrant workers' ability to access the labor market.
2. Migrant workers' employment conditions, understood as the rights that workers exercise within a formal employment relationship.
3. The impact of regional agreements and other treaties.

It does not explore labor law governing employment relationships or practices designed to ensure fair and equitable hiring practices.

This study provides an overview of how labor migration is regulated in Latin America and the Caribbean, as well as the inter-American standards governing the issue. In doing so, it evaluates how labor migration laws influence the economic and labor integration of foreign workers, which in turn affects migrant workers' access to host-country labor markets and their employment conditions within them.

International law extends beyond establishing standards for practices or treatment that countries must avoid (such as abusive or discriminatory practices toward migrants). International labor standards should also be interpreted as recommendations on the positive measures countries should adopt to ensure migrant workers can integrate successfully into host countries and contribute to broader development objectives.

From the perspective of individual countries, each of which retains sovereign authority over its migration policies, a key reference point is the Global Compact for Safe, Orderly, and Regular Migration. This text emphasizes the importance of providing legal conditions that support mobility, decent work, and fair recruitment practices.

Regular migration status enables migrants to access the full set of employment-related rights—that is, the right to work and the rights that apply within the workplace. A secure, stable migration status creates favorable conditions for the sharing and transfer of productive knowledge. Workers gain knowledge through experience; even when not formally documented, this knowledge can be shared through personal interactions between national and foreign workers. When it established the 2030 Agenda for Sustainable Development, the United Nations General Assembly recognized the "positive contribution of migrants for inclusive growth and inclusive development" (UN, n.d.: para. 5).

When exercising their sovereign authority, host countries often prioritize the protection of national workers and regulate the treatment of foreign workers. Countries retain substantial discretionary authority to regulate foreign workers' access to the labor market and their employment conditions, even when they have regular migration status. These restrictions seek to ensure that national workers can also access the labor market and contribute to it through formal employment. To achieve these objectives, countries need to ensure that national workers have legally binding employment contracts, receive the benefits established by law, and are not displaced from their jobs. The right to regulate derives from how labor and migration laws work together in host countries.

International law also influences labor migration at the international level through the United Nations (UN) and related organizations, such as the ILO. This influence is also evident in the inter-American system: agreements within the Organization of American States (OAS) have established standards governing labor migration.

Analyzing these local and international legal frameworks can help overcome barriers to labor integration, some of which stem from social dynamics, such as the influence of migration on public opinion (Cruces et al., 2023: 211 ff.). In response to these challenges, the IDB established the Public Perceptions Laboratory on Migration¹ to provide information, resources, and tools to support governments in combating xenophobia.

This study posits that regulatory frameworks for labor migration can reduce and mitigate barriers to integration. When designed appropriately, these can facilitate safe, orderly, and regular labor migration, match migrant workers to specific segments of the labor market, and improve public opinions on migration. Conversely, poorly designed regulations may inadvertently create additional barriers that discourage migration or create conditions that encourage irregular migration, thereby increasing risks for foreign workers and potentially worsening public opinion. For example, regarding the recent increase in migration from Venezuela to the rest

of Latin America and the Caribbean, it has been concluded that the main obstacles to integration include regulatory burdens and restrictions on skills certification (IOM, 2023: 80).

For these reasons, updating regulatory frameworks and administrative practices is important to striking a balance between protecting national workers and enabling foreign workers to access the labor market. In essence, the regulation of labor migration affects workers' access to the labor market and the rights they can exercise within the employment relationship, that is, their right to work and their rights at work.

This study is divided into three parts. **Part 1** analyzes the universal and inter-American standards that influence the economic inclusion of foreign workers. It also outlines a methodology for assessing, from a comparative perspective, the impact of labor migration regimes on economic integration, using existing indices.

Part 2 applies this methodology to propose three groups of indicators and the subindicators that comprise each group. Finally, **part 3** presents the study's main findings through a comparative analysis of labor migration regimes in the 26 IDB borrowing countries in Latin America and the Caribbean and also identifies subregional patterns.

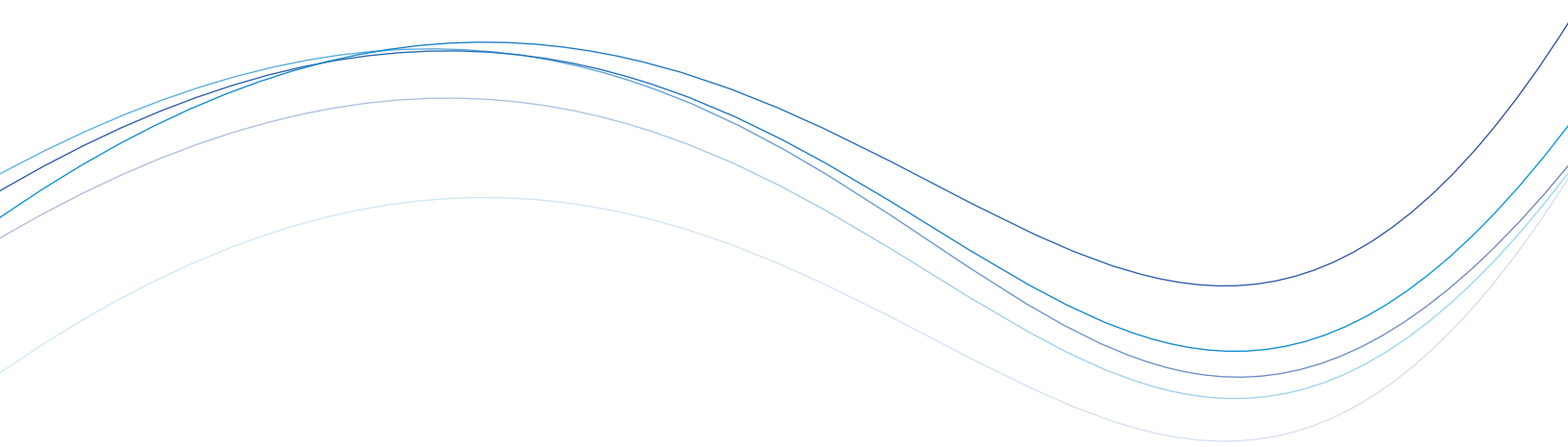
Annex 1 details the methodology used to define the scope of the study; **annex 2** contains a comparative table of international labor agreements in place in Latin America and the Caribbean; **annex 3** summarizes the labor migration regimes in place in the 26 IDB borrowing countries; and **annex 4** contains a glossary of the main terms used.

The sources consulted for this study include the original texts of the legal instruments cited (current as of June 30, 2025) and the DataMIG database (IDB, 2022). Other primary sources included the KNOMAD Migration and the Law Dataset (Global Knowledge Partnership on Migration and Development, 2020) and the ILO Database of National Labour, Social Security and Related Human Rights Legislation (NATLEX) (ILO, 2023).

¹ <https://laboratoriomigracion.iadb.org>.

The secondary sources cited include reports from international organizations, such as the Committee on the Protection of the Rights of All Migrant Workers (CMW), whose main aim is to safeguard the rights of workers and their families from a nondiscrimination perspective.

This study examines the labor migration regimes in Latin America and the Caribbean with the sole purpose of comparing conditions for entry to labor markets and employment conditions of migrant workers from an economic integration perspective. Legal interpretations of these regulations by migration authorities or domestic courts may lead to conclusions that differ from those expressed in this report.



1. Standards for Assessing the Impact of the Regulatory Framework for Foreign Workers in Latin America and the Caribbean

In recent years, there has been growing interest in analyzing the social inclusion of migrants, particularly from a human rights perspective. This has led to the development of international standards against which the quality of migration policies can be measured.

Various international standards can be used to measure the quality of public policies on international labor migration. In this chapter, by “international standards” we mean the level a country must reach to comply with its international human rights obligations (Condé, 1999: 244–245). Some of these standards derive from binding regional legal instruments, such as treaties or conventions. Others are nonbinding recommendations and best practices that provide countries with guidelines for implementing or better embedding rights within national legislation.

These standards exist alongside each country’s sovereign right to regulate migration in all its forms, including labor migration. It is therefore unhelpful to frame this issue solely in terms of two extremes—unrestricted labor mobility or outright prohibition of this. Instead, countries have a margin of flexibility that is grounded in their sovereign authority, legal frameworks, and migration policies.

Standards promoting migration as a catalyst for development are largely embedded in the frameworks and declarations of human rights protection systems. These include the universal human rights system, also known as the United Nations Human Rights System (UNHRS), and in the context of Latin America and the Caribbean, the Inter-American Human Rights System (IAHRS). For IDB borrowing countries, it is important to consider not only the international instruments governed by UN treaties but also the region-specific standards developed by the OAS.

These standards have evolved in response to various factors, including the favorable effects that labor migration can have on host economies. Interest in these effects has driven positive change in international law and development strategies, shifting from a narrow focus on the prohibition of discriminatory and abusive practices to effectively fostering conditions that encourage safe, orderly, and regular labor migration. As the UN has repeatedly noted through the Global Migration Group (IOM, 2015a) and, since 2018, the United Nations Migration Network (2022), safe, orderly, and regular migration creates favorable conditions for development.

1.1. Introduction to the methodology for comparing migration policies

Both binding and soft-law instruments include standards that are assessed in this study to measure the quality of labor migration policies. As is explained in [annex 1](#) of this study, this is the case for the Migration Integration Policy Index (MIPEX). This international index includes three countries in Latin America and the Caribbean: Argentina, Brazil, and Chile (Solano and Huddleston, 2020).

MIPEX assesses the quality of integration policies through consultations with local experts, taking into account international standards, especially those of the European Union (EU), such as Council Directive 2000/78/EC of November 27, 2000, which establishes a general framework for equal treatment in employment. These standards enable the impact of regulation on socioeconomic integration and assimilation to be assessed, as in studies such as Ager and Strang (2008), Cebolla-Boado and Finotelli (2015), and Lille and Ndomo (2015).

However, certain European standards included in MIPEX are not directly applicable to Latin America and the Caribbean, creating practical challenges when evaluating their impact on third-country nationals. For example, EU Council Directive 2003/109/EC of November 25, 2003, concerning the status of third-country nationals who are long-term residents, applies to “non-EU nationals” (EU, 2003). For this reason, this directive could not be used to assess migration policies in countries in Latin America and the Caribbean.

The Center for Global Development recently used this methodology to assess the quality of labor integration policies for refugees. At the *de jure* level (that is, formal legislation), the applicable international standards were analyzed in parallel with the labor rights enshrined in local legislation, while to measure the effectiveness of this legal framework (the *de facto* dimension), experts were surveyed. This analysis led to the creation of a scale from 1 to 5, where 5 represented full regular access to the labor market, and 1 stood for the prohibition of this (Ginn et al., 2022: 4, 19, and 23 ff.).

This approach provides countries with a valuable public policy tool. If countries wish to foster economic diversity through inclusive development, they can implement policies to facilitate regular access to the labor market for workers with the productive skills the economy needs—that is, promoting the right to work. Promoting regular migration also requires countries to uphold other employment-related rights for migrant workers. Policies based on equal treatment and opportunities can enhance complementarity between national and foreign workers.

1.2. The international legal frameworks for the protection of the human rights of migrant workers

Universal Human Rights System

One of the first international instruments addressing migrants’ right to work is the 1951 Convention Relating to the Status of Refugees. Although its focus is limited to people in need of international protection, it includes the right of refugees to engage in gainful employment on equal terms with nationals.

The main international instrument for comparing labor migration policies is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990). This convention emphasizes a human rights-based approach to migrant workers, as reflected in Resolution 55/2, known as the Millennium Declaration (UN, 2000: para. 25). Oversight and monitoring of this convention are part of the remit of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

The CMW issues general comments to guide the implementation of obligations included in the treaty, as well as periodic reports on ratifying countries’ levels of compliance with human rights obligations (UN, n.d.). These changes have shifted the perspective on migration from a vision centered on policing, security, and border control—which

creates a risk of human rights violations around both due process and the prohibition of degrading treatment—to one that emphasizes human rights. This newer approach does not prevent the exercise of policing powers but does seek to ensure that they align with international human rights standards and safeguard migrants' dignity (Bourbeau, 2011: 11).

There are additional mechanisms (often termed “extraconventional mechanisms”) that do not originate in treaties or conventions and have expanded labor migration standards. For example, the UN Special Rapporteur on the Human Rights of Migrants, which was established in 1999 (OHCHR, 1999), issues annual reports and recommendations on migration policy. A landmark moment came in July 2023 with the publication of report A/78/180, “Protection of the Labour and Human Rights of Migrant Workers” (UN, 2023).

Another significant milestone for the UNHRC came in 2016, when the UN General Assembly issued the New York Declaration for Refugees and Migrants. This text lays the groundwork for the Global Compact for Regular, Safe, and Orderly Migration, adopted in 2018 through UN Resolution 73/195. Through it, countries pledged to design and implement policies to promote migration, especially labor migration, recognizing the favorable effects it can have on development (UN, 2018b: Goal 6, point g). The Global Compact for Regular, Safe, and Orderly Migration centers on three broad guiding principles: safe migration, orderly migration, and regular migration.

Although it is a soft-law instrument, its legal value is reflected in governments' commitment to implementing public policies that facilitate the entry of foreign workers into the labor market as a means of promoting development. This commitment extends beyond the obligations stemming from respect for human rights and the prohibition of discriminatory treatment, emphasizing positive policies that remove unnecessary obstacles to migrants entering and remaining in the labor market. This proactive approach encourages the entry of migrants with skills that promote development (IDB, 2022). Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, and Peru were “champion countries” of the Global Compact in Latin America and the Caribbean—that is, countries that voluntarily decided to take part in

a pilot program to design and implement public policies in line with this new vision (UN Network on Migration, n.d.).

Other international instruments

At the international level, the ILO's International Labour Standards are also of fundamental importance, including the ILO conventions and recommendations on the rights of migrant workers that ILO member states have undertaken to apply. The ILO has developed four main instruments on labor migration: Convention No. 097 and Recommendation No. 086 of 1949, and Convention No. 143 and Recommendation No. 151 of 1975.

Article 11 of Convention No. 097 defines a migrant for employment (or migrant worker) as “a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment” (ILO, 1949a), which excludes, among other groups, cross-border or frontier workers, but not temporary migrants, who do fall within this definition.

These standards promote decent formal employment for migrant workers through standards that prevent abusive and discriminatory treatment, acknowledging the heightened vulnerability of migrant workers. The ILO has described this situation as follows:

Migrant workers continue to require specific protection to ensure that their rights are respected; the need to address irregular migration is increasing in importance; and the potential for international cooperation between countries of origin, transit, and destination has been stated numerous times by governments and social partners. Moreover, the need for cooperation between governments and social partners, as set out in the instruments, is key to good governance of labour migration as a whole (ILO, 2016: 17).

These standards thus emphasize the need to guarantee access to productive employment under fair, lawful conditions, including fair wages, job security, social protection, opportunities for personal development, nondiscrimination, and avenues for social dialogue. In fact, the ILO sees

the promotion of decent work as a key piece in the promotion of development, in accordance with the 2030 Agenda for Sustainable Development (ILO, 2017: 7). Other relevant standards include the Dhaka Principles for Migration with Dignity, developed by the Institute for Human Rights and Business. These principles are based on two fundamental points: guaranteeing fair, nondiscriminatory treatment and protecting all workers through labor legislation. They were signed in 2012 and have been endorsed by the World Employment Confederation, an umbrella organization for employment agencies. The Dhaka Principles compile standards on the dignified treatment of migrants, especially from a business perspective (Institute for Human Rights and Business, 2017).

Inter-American Human Rights System

Unlike the UNHRS, the IAHRS lacks a dedicated regional treaty to protect migrant workers and/or their families. However, binding standards have been developed through the jurisprudence of the Inter-American Court of Human Rights (IA Court) and its advisory opinions. Additionally, the Inter-American Commission on Human Rights (IACHR) has established standards providing guidance on rights related to human mobility and labor migration. The IACHR's recommendations have been particularly influential, notably in shaping future IA Court rulings.

In 1996, the IACHR created the Office of the Special Rapporteur on Migrant Workers and Members of Their Families to specifically promote the protection of the human rights of migrant workers and prevent abuses and discrimination linked to their vulnerability. In 2012, the IACHR decided to unify all actions related to migrants by creating the Office of the Special Rapporteur on the Rights of Migrants, adopting a comprehensive approach to protecting all people in movement. In recent years, protections of the right to defense and due process in migration proceedings have been strengthened further (IACHR, 2020b).

Another important area within the IACHR is the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, which publishes compendia of inter-American standards on labor, equality, nondiscrimination, and business and human rights that also extend to migrants (IACHR, 2019a, 2019b, and 2020a).

1.3. Advancing standards: Universal and inter-American standards that impact labor migration

The legal instruments developed by the UNHRS and IAHRS are complementary in their shared promotion of human and labor mobility across the region. The IDB has recognized this by noting that some regional agreements go beyond promoting safe, orderly, and regular migration and also encourage labor migration (Harris, 2021: 27).

Given this context, it is essential to examine the standards affecting labor migration that derive from these treaties and instruments, particularly the IAHRS. [Table 1](#) summarizes these instruments and the norms and standards that support a development-oriented approach to safe, orderly, and regular migration.

The impact of these instruments is not universal. As was noted above, conventions and treaties only become binding upon ratification by individual countries, and this process varies widely. The implementation of soft-law instruments relies on the good will of each country. Without diminishing the role of the IAHRS, significant developments have also emerged within the OAS, reflecting the growing importance of the connection between migration and labor law. The following section reviews some key achievements in this regard.

1.3.1. The development of standards in the Americas: The role of the Organization of American States

Broadly speaking, OAS institutions, including the OAS General Assembly, have acknowledged the positive role that labor migration may play in fostering development, as noted in Resolution 2224 of 2006, “The Human Rights of All Migrant Workers and Members of Their Families” (OAS, 2006). The OAS Executive Secretariat for Integral Development also plays an important role, coordinating all matters in this area, including the Inter-American Conference of the Ministries of Labor (IACML). The Declaration of Buenos Aires was adopted in 2021 at the IACML’s 21st meeting. It reiterates the importance of respecting the human rights of migrants in accordance with ILO decisions (OAS, 2021: para. 27).

Another organization operating in this area is the Inter-American Council for Integral Development

(CIDI), which coordinates public policies to promote integral development. CIDI’s Permanent Committee on Migration Issues promotes the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and Their Families, while recognizing countries’ sovereign right to determine their own migration policies.

The OAS General Assembly reviewed this program in 2016. In its update, it recognized “the close connection between economic development and human mobility in countries of origin, destination, transit, and return”; recommended the optimization of “cooperation procedures and practices to facilitate safe, orderly, and regular migration, including labor mobility, in order to maximize the migration phenomenon’s positive impacts, while mitigating its hardships”; and once again acknowledged “the right of states to regulate the entry and stay of foreigners in their territories” (OAS, 2016).

TABLE 1. Instruments affecting labor migration

SYSTEM	INSTRUMENT/INSTITUTION	NORM OR STANDARD AFFECTING LABOR MIGRATION
Universal	1951 Convention Relating to the Status of Refugees and 1967 Protocol (which extends the geographic scope and timeframe of the Convention)	Chapter III on gainful employment recognizes all refugees' right to wage-earning employment, with certain exceptions to ensure equal conditions with nationals.
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990)	Recognizes all rights of migrant workers, who shall enjoy treatment not less favorable than that which applies to nationals with regard to specific rights (art. 25) and specifies countries' duties to uphold these rights.
Inter-American	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (OAS, 1988)	Strengthens equal access to economic and social rights, especially labor rights. The recognized rights apply to all people subject to the country's jurisdiction, including migrants.
	Inter-American Court of Human Rights	In an advisory opinion on the legal status and rights of undocumented migrants, the IA Court ruled that policies regulating the entry, employment, and permanence of migrants must be adopted with a human rights perspective. It has also strengthened the right to defense in migration proceedings.
	Inter-American Commission on Human Rights	The IACHR has played a fundamental role in compiling and developing standards on human mobility (IACHR, 2015). Through Resolution 04/19 of December 7, 2019, it also issued the <i>Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking</i> . According to principle 5 of this resolution, "States must encourage migration through regular channels, avoiding, in particular, precarious workplace conditions and other consequences of irregular migration status." Principle 9 notes that "States should establish and strengthen cooperation on international migration so that it takes place in a safe, regular and orderly manner" (IACHR, 2019c: 5–6). In principles 35 to 39, the text reiterates that migrants must enjoy equality in the exercise of economic and social rights, including the right to work (IACHR, 2019c: 13–15). Finally, the IACHR has also developed a compendium of inter-American labor rights standards that apply to migrants (IACHR, 2020a: paras. 376 ff.).

Note: The information presented in this table is explored in more detail in Advisory Opinion OC-18/03, Juridical Condition and Rights of Undocumented Migrants (IA Court, 2003).

TABLE 2. OAS documents impacting labor migration

DOCUMENT	DESCRIPTION
Resolutions of the General Assembly of the Organization of American States	The OAS General Assembly has ratified that migrant workers are equal holders of human rights through the following resolutions: 1611 (1999), 2224 (2006), 2729 (2012), among others. It also approved the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, including Migrant Workers and their Families, through Resolution 2141 of 2005.

Another important milestone was reached in 2020, when the OAS General Assembly agreed to develop the Inter-American Business Charter, which was eventually adopted through Resolution 2954 of 2020. By promoting the role of businesses in human rights-based development, this document underscores the importance of promoting labor mobility in the region (OAS, 2020b). These developments are evidence of the firm steps being taken within spaces for international cooperation to include and harness the migrant population's skills in host-country labor markets.

More recently, in 2021, the CIDI's Permanent Commission on Migration Issues issued a summary of the main positive effects of labor migration. Drawing on studies published by the Economic Commission for Latin America and the Caribbean, such as Martínez Pizarro and Caro Chistrinny (2022), the CIDI recently noted that "although migrants can entail costs, they also have a social, economic, and cultural impact that is distinctly positive in both countries of origin and destination" (CIDI, 2021). As a consequence, fostering conditions for decent work has become central to the discourse on labor migration.

The joint declaration of the OAS and the ILO is of interest in this regard. In line with the 2030 Agenda, it set out the necessary conditions for decent work: (i) opportunities for work that is productive, (ii) work in conditions of freedom, (iii) work in conditions of

equity, (iv) work in conditions of security, and (v) work in conditions of human dignity. The declaration also observed the need for special policies for vulnerable groups such as migrants (OAS and ILO, 2012).

Finally, the inter-American acquis on migration issues was further consolidated through the Los Angeles Declaration on Migration and Protection (UN, 2022), issued at the 9th Summit of the Americas in 2021. Although the Los Angeles Declaration is a soft-law instrument, it signals a strong political commitment to advancing labor migration policies that align with international human rights standards and principles of nondiscrimination, as also noted in IACHR reports (see table 1). This approach aims to promote the safe, orderly, and regular entry of migrant workers as a catalyst for development.

The declaration was signed by Argentina, Barbados, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, the United States, and Uruguay. It includes "non-legally binding commitments to enhance cooperation and shared responsibilities on managing migration and protection in ways grounded in human rights, transparency, nondiscrimination, and State sovereignty" (UN, 2022: para. 19). The declaration is significant because it contains an inter-American proposal to address migration that aligns with the recent trends stemming from the New York Declaration (UN, 2016).

1.4. The dialogue between standards and public migration policies: Toward better, more effective implementation

This section summarizes key standards developed to create or improve conditions that foster safe, orderly, and regular labor migration. Its main objective is to **understand how standards can be implemented through public migration policies that include migrants in labor markets**. These policies must align with local laws without affecting the employment of the national workforce.

International law and the standards discussed above are premised on countries' prerogative to regulate and manage migration. In other words, they respect countries' sovereign authority to respond to international labor migration flows and determine which sectors of the labor market migrants can enter.

This approach recognizes the benefits of migration for development and the importance of upholding human rights standards when admitting foreign workers to labor markets. This includes ensuring that migration processes are transparent, fair, efficient, and nondiscriminatory, regardless of the decisions made. "Standards of good administration" are

general principles that should guide administrative procedures, guaranteeing the rights of those involved in the process in question (IACHR, 2020b).

In the practical application of standards to administrative decisions, migration procedures in the countries included in this study are typically handled as administrative procedures by the executive branch. As a result, migration authorities need to internalize the standards that bind or affect receiving countries and use them to enhance their decision-making. While the UNHRS has advanced more in terms of labor mobility, within the Americas (particularly the IAHRS), there are no specific obligations to promote, incentivize, or facilitate the employment of foreign workers who have been granted regular access to the labor market. However, different IAHRS bodies have consistently upheld the principle of equality, asserting that foreign workers must enjoy similar rights to national workers. The Los Angeles Declaration is extremely important at the regional level, as it seeks to "strengthen fair labor migration opportunities in the region, integrating robust safeguards to ensure ethical recruitment and employment free of exploitation, violence, and discrimination" (UN, 2022: para. 10).

In line with host countries' right to regulate, foreign workers' access to the labor market could be managed through public policies seeking to match their skills to the needs of the economy.

TABLE 3. Specific standards applied to migrant workers (1 of 3)

PROTECTION SYSTEM	MIGRANT WORKERS' ACCESS TO WORK AND PUBLIC POLICIES THAT COULD BE IMPLEMENTED TO PROMOTE THIS
UNHRS	Equal access to decent, productive work in conditions of freedom, equity, security, and human dignity must be guaranteed (UN, 2023). The employment of foreign workers cannot be limited by factors like gender, nationality, sexual orientation, or gender identity. Employers must communicate clearly and accessibly with foreign workers regarding terms of employment, including details about their specific duties, hours, wages, rest periods, and so on (CMW, 2011: para. 40; 2013: para. 63). Labor migration policies should promote access to open-ended employment, particularly in sectors with ongoing demand for labor (UN, 2023, no. 29). Visas and documentation should be transferable between employers, jobs, or sectors, allowing foreign workers to access more than one job (UN, 2023, no. 30).
IAHRS	Decisions on labor market entry should be guided by the principle of equality and nondiscrimination. This means that while countries may apply certain promotion policies for national workers, they must treat foreign workers in similar circumstances equally (OAS 1948b, arts. II, VIII, and XXVII).
PROTECTION SYSTEM	ROLE OF ADMINISTRATIVE MIGRATION AUTHORITIES
UNHRS	Migration authorities should provide clear, accessible information on migrant workers' rights to freedom of association, trade union freedom, and collective bargaining, as well as on hiring procedures to prevent migrant workers from using intermediaries or sponsorship services (UN, 2020a: para. 28). Migration authorities should coordinate their actions with other public organizations to regulate and oversee the operations of labor market intermediaries and recruitment firms (CMW, 2011: paras. 33–34). A data collection system should be established to provide migration authorities detailed information on the different stages of labor migration, recruitment patterns, and the circumstances of migrant workers (CMW, 2011).

TABLE 3. Specific standards applied to migrant workers (2 of 3)

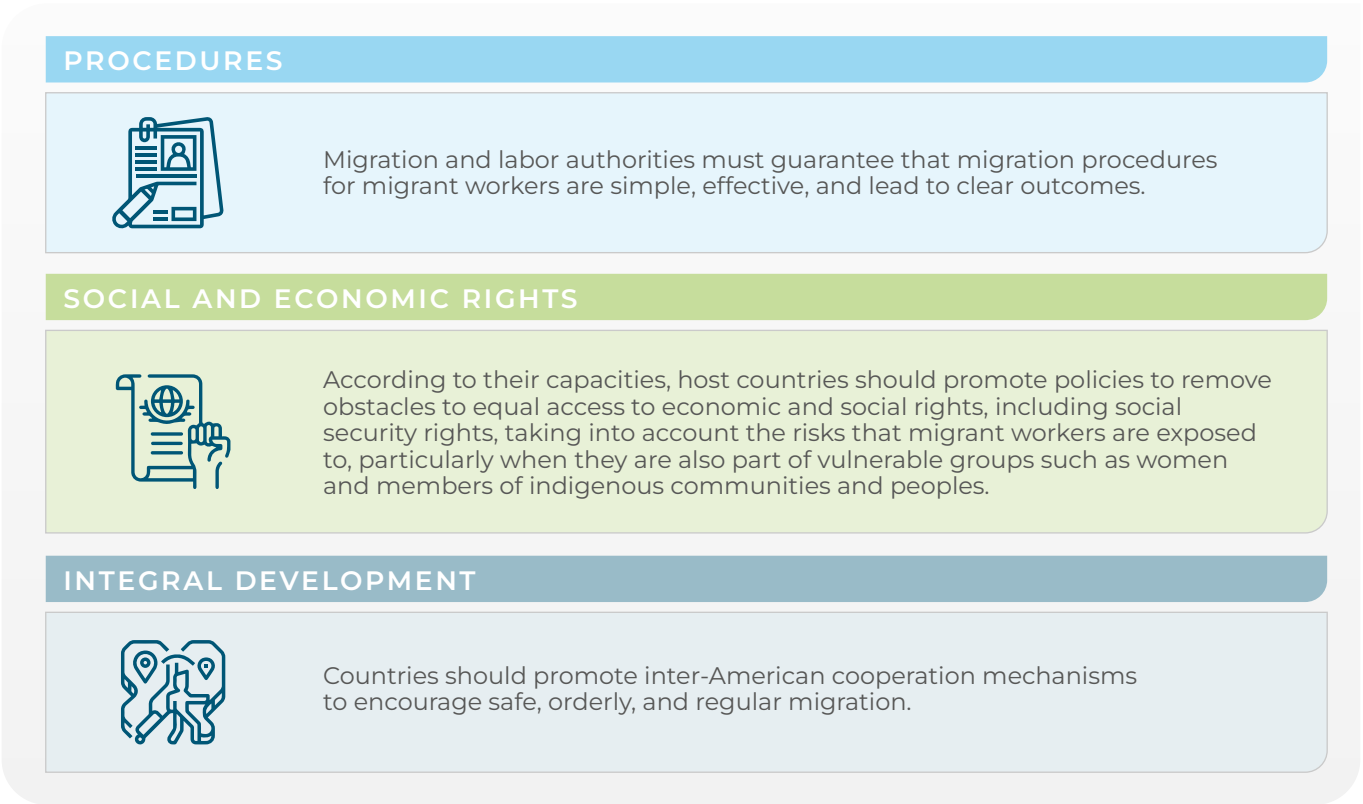
PROTECTION SYSTEM	ROLE OF ADMINISTRATIVE MIGRATION AUTHORITIES
IAHRS	Migration and employment services should provide information to the public on procedures for accessing the labor market in clear and simple terms, particularly through the use of information and communication technology tools (OAS 1948a, arts. 30 and 45). When multiple regulatory authorities are involved, appropriate coordination and interoperability policies should be put in place to facilitate migration procedures (IACHR, 2019b). Migration procedures should be simplified and there should be advisory services for users and digital administrative procedures (IACHR, 2019b). To prevent discretionary decisions, clear administrative criteria should be established, and a list of best practices should be compiled to provide clarity on conditions of entry and stay for foreign workers (IACHR, 2019b).
PROTECTION SYSTEM	EMPLOYMENT OF FOREIGN WORKERS
UNHRS	Labor migration policies should facilitate family reunification, allow for multiple re-entry permits, and provide for pathways for obtaining permanent residence status or citizenship, among other things (CMW, 2011: para. 29). Migrant workers should be guaranteed access to timely, affordable, enforceable remedies in the event of violations of their human labor rights, or in response to repatriation or deportation (CMW, 2011: paras. 52 and 53). Migration and labor authorities should cooperate to establish regular inspection mechanisms for monitoring migrants' working conditions and should strengthen their responses to reports of alleged irregularities (CMW, 2011: paras. 41 and 52). Migrant workers should be protected from violence and harassment at work through the appropriate national policies. (ILO, 2019b, art. 11). A rights-based approach to migration governance should be implemented in relation to wages, deductions for housing or transportation, access to rights, social protection, and health insurance, guided by the principle of nondiscrimination for all workers (CMW, 2011: para. 67).

TABLE 3. Specific standards applied to migrant workers (3 of 3)

PROTECTION SYSTEM	EMPLOYMENT OF FOREIGN WORKERS
IAHRS	The administrative procedure for renewing work permits, changing jobs, and obtaining permanent residence or nationality must comply with the labor market access standards described above. Basic guarantees of due process must be respected: time limits and deadlines should be established for the granting of access and clear responses, and clear, accessible, verifiable public information should be made available (OAS 1978, art. 8). Procedures must guarantee the right to defense (the possibility of administrative and judicial appeals) and be based on fixed response times and publicly available, verifiable information (OAS 1978, art. 8). Applicants should have effective administrative and judicial remedies to appeal any decision made by migration authorities (OAS 1978, art. 8). Access to economic and social rights (including social security) must take into account the vulnerability of foreign workers (OAS 1988, art. 1). Access procedures should be designed and implemented to avoid creating conditions that are conducive to irregular and precarious working conditions. This will enable countries to better manage information on individuals who are under their jurisdiction (IACHR, 2019c: principle 5). Countries should create and strengthen cooperation in the field of international migration in order to ensure that it takes place in a safe, regular, and orderly manner (IACHR, 2019b).

In summary, these inter-American standards can be grouped into three policy categories: procedures, social and economic rights, and integral development (figure 1).

FIGURE 1. Inter-American standards for the promotion of labor migration



Conclusions

The standards described in this chapter have a critical influence on the quality of migration policies in Latin America and the Caribbean. They constitute a framework for analyzing the situation in the region without recourse to EU-oriented standards, unlike MIPEX.

Standards deriving from the UNHRS and IAHRs complement and reinforce the application of bilateral or multilateral labor instruments in the region, especially when these standards are binding. Of particular relevance are the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990), the ILO's International Labour Standards, and the jurisprudence of the IA Court, which is binding for countries. Soft-law instruments are equally important because they guide countries toward better, more effective compliance, protecting migrant workers and guaranteeing their labor rights.

Moreover, these standards (particularly those of the IAHRs) are part of the inter-American legal system. The [following section](#) discusses these standards in relation to the implementation and improvement of migration policies. They make

it easier to assess the quality of labor migration policies in terms of their impact on labor integration, on the assumption that this contributes to inclusive development in Latin America and the Caribbean. This impact will be gauged through a comparison of inter-American standards and the labor regulations adopted in the 26 IDB borrowing countries, that is, the de jure dimension of labor migration. As noted above, this study does not account for possible differences or gaps between the de jure and de facto spheres—that is, between the letter of the law and its practical implementation. As a result of institutional weakness (Brinks, Levitsky, and Murillo, 2019: 11) and the fragility of real labor rights (Ginn et al., 2022: 4 and 50), this gap may be significant in Latin America and the Caribbean, and will thus be the subject of future research.

As is explained in detail in [annex 1](#), it is vital to consider that migrant workers experience two parallel forms of vulnerability: one arising from their status as migrants and the other from their status as workers. However, certain populations, such as women and older adults, may experience additional vulnerability (Pombo, 2014). It is therefore important to review other legal instruments that add an intersectional perspective to the response to these groups—that is, an approach grounded in the understanding that multiple forms of vulnerability may coexist, making access to work and decent employment conditions more complex.

2. Indicators on the Entry and Employment of Foreign Workers in Latin American and Caribbean Labor Markets and the Impact of International Law

This chapter describes the methodology used to conduct a comparative analysis of the labor migration regimes adopted by the 26 IDB borrowing countries in Latin America and the Caribbean, organized into three groups of indicators. This methodology allows these regimes to be assessed against inter-American standards that gauge their influence on regional economic integration.

2.1. The three groups of indicators that enable comparisons of labor migration regimes in Latin America and the Caribbean

This section is a systematic review of the formal regulatory framework for international labor migration. The three indicator categories used to guide the analysis concern foreign workers' ability to enter the labor market, their employment conditions within it, and the influence of international law. These categories contain a total of 15 subindicators that were identified through the mapping exercise of the regulatory regime for international labor migration.

For a broader analysis of legislation and policy relevant to migrants (including irregular migrants), refugees, and asylum-seekers, see *Migration Policy Regimes in Latin America and the Caribbean: Immigration, Regional Free Movement, Refuge, and Nationality* (Acosta and Harris, 2022).

FIGURE 2. Groups of international labor migration indicators



FIGURE 3. Subindicators for migrant workers' access to the labor market

MIGRANT WORKERS' ACCESS	
1	MIGRATION AUTHORITY
2	ENTRY PERMITS
3	DURATION OF ENTRY PERMITS
4	WHO CAN REQUEST PERMITS?
5	GENERAL RESTRICTIONS
6	WORKERS WHO CAN ACCESS THE LABOR MARKET
7	NATIONAL WORKERS
8	STATUS OF DEPENDENTS

2.1.1. Category 1: Subindicators that measure the regulation of labor migration through migrant workers' access to the labor market

The first set of subindicators examines factors that influence foreign workers' ability to access the labor market—that is, their *right to work*. **These eight subindicators relate to the pathways through which migrant workers can gain regular access to host-country labor markets through valid employment contracts.**

1 MIGRATION AUTHORITY

Subindicator 1 concerns the authority responsible for interpreting and enforcing restrictions on entering and remaining in the country, as well as issuing work permits. In the countries included in this study, migration authorities can be classified into three groups:

1. *Single migration authority:* a sole agency manages all migration control mechanisms and enforces entry requirements for migrant workers.
2. *Labor migration authority:* a specialized agency that is solely responsible for overseeing and regulating foreign workers.
3. *Coordination between the migration and labor authorities:* the migration authority may also include an advisory body that provides guidance on the coordinated implementation of these control mechanisms. However, responsibility falls primarily on the active migration authority, which enforces migration regulations.

The single migration authority model may result in more efficient management. When the labor authority oversees matters, the focus is likely to be on the importance of implementing and/or

strengthening employment policies for foreign workers. Although the dual-authority system requires coordination, it often integrates migration policy more effectively with labor policy.

This subindicator also identifies the government department to which the migration authority is attached: (i) the central authority for justice and home affairs, (ii) the central authority for international relations, and (iii) the central labor authority. This factor is significant because it reveals whether the country's policy focus is security, foreign affairs, or employment, respectively. Nevertheless, ties with one of these sectors do not necessarily reflect the actual orientation of labor migration policies for foreign workers.

2 ENTRY PERMITS

Subindicator 2 relates to entry permits for foreign workers, of which there are typically two types: permits that grant foreign nationals the right to work, usually known as work permits, and visas. Although these two terms are often used interchangeably, there are fundamental differences between them:

1. *Visas* grant foreign nationals permission to enter the host country at designated points of entry. They generally fall under the remit of the foreign policy sector and do not, in themselves, grant the right to enter and remain in the host country; instead, migration officers grant that right at the point of entry.
2. *Work permits* are authorizations granted by the host country to allow foreign nationals to work there in accordance with local labor

laws. The logic underlying such permits is that employers cannot hire foreign nationals without the required permit.

Regardless of the specific name used to describe them, in legal terms, visas are documents that authorize foreign nationals to enter the host country and are usually issued by the country's foreign affairs authorities. In contrast, work permits authorize migrants to be hired through a formal employment relationship.

Some countries require migrant workers to obtain both a work permit and a visa to enter the host country. For instance, according to the database created for this report, Belize only grants temporary work permits to those who already hold a visa.

3 DURATION OF ENTRY PERMITS

Subindicator 3 concerns the duration of entry permits and whether they can be renewed. The longer permits are valid (and the clearer the renewal process), the better the prospects for economic integration. For example, countries like Honduras and Guatemala issue work permits that are valid for up to five years, which reduces legal uncertainty for foreign workers.

Permits are usually valid for a limited time, but some countries set discretionary timeframes. However, all the countries included in this study issue work permits for limited periods, so workers must periodically apply for renewal to ensure their stay remains regular. In countries where renewals are not regulated, workers must apply for a new permit and may need to leave the country to do so.

Subindicator 4 describes who can apply for entry permits, which includes several possible scenarios:

1. The worker requests authorization and must take responsibility for these procedures and cover any associated financial costs.
2. The employer initiates the process, making it easier for the worker.
3. A mixed approach, which requires the employer and the worker to take joint action.
4. Models in which either party can start the process.

Except in the few countries where workers can enter without a job offer or contract, entry is usually conditional on holding one of these, regardless of who is responsible for applying for it. This requirement, along with the legal requirements that the process entails, can put migrant workers at a disadvantage.

This subindicator sheds light on the underlying policy approach—that is, whether the system is demand-driven or supply-driven. In demand-driven systems, which are more common, employers decide whether to hire foreign workers. In supply-driven systems, which are rarer, workers are permitted to enter the host country and seek employment. Understanding the differences between the two systems is important for evaluating the fairness of recruitment processes for foreign workers, especially because information gaps can increase recruitment costs and encourage the creation of intermediation services or employment agencies to match supply and demand, as analyzed in Brauckmeyer, Medina, and Challco (2023).

Subindicator 5 addresses labor-market entry restrictions—in other words, the criteria that foreign workers must meet to secure employment. These may include:

1. having a valid contract or offer of employment.
2. Providing a financial guarantee or bond.
3. Demonstrating access to lawful means of support.
4. Undergoing administrative checks by the central labor authority.
5. Presenting special justifications required by the employer.
6. Terminating an earlier employment contract if they change job.

Subindicator 6 concerns which workers are eligible to enter host countries under visa or work permit categories. Countries may operate an *open system*, where any worker can enter the labor market, or a *closed system*, which restricts access to certain categories of workers.

For example, some countries only allow the entry of foreign workers to fill executive, fiduciary, managerial, or technical roles, provided they obtain the relevant permit. The conditions for entry are typically defined by occupation rather than sector.

7 NATIONAL WORKERS

Subindicator 7 concerns mechanisms to protect national workers. Two protection models are in place in Latin America and the Caribbean: labor quotas and labor market tests.

1. Some countries set quotas that limit the share of foreign workers a company can employ or cap the percentage of payroll that can be paid to them. For instance, in countries like Peru, Bolivia, and Guatemala, foreign hires cannot exceed 20%, 15%, and 10% of the total payroll, respectively. This model is more common in Latin America than in the Caribbean.
2. The other protection mechanism is the labor market test, which is often used in sectors facing labor shortages. Foreign workers can be hired only if no national workers with the required technical skills are available. These protection mechanisms or safeguards attempt to strike a balance between protecting national workers without undermining foreign workers' access to and integration into host societies' labor markets. This model is more common in Caribbean countries.

8 STATUS OF DEPENDENTS

The last of the subindicators relating to entry permits is connected to the principle of family unity and the right of family members to work. The focus here is on whether family members can be employed within the formal labor market, provided they meet the applicable requirements. When dependents have the right to work, foreign workers are likely to integrate better into society.

In this regard, labor policies in Latin America and the Caribbean fall into one of three categories:

1. Family members are explicitly granted the right to work, usually subject to certain requirements.
2. Family members are explicitly prohibited from working.
3. There are no clear regulations on the issue.

2.1.2. Category 2: Indicators assessing the regulation of labor migration through foreign workers' employment conditions

This category focuses on foreign workers who have entered the labor market regularly and comprises four subindicators (9 to 12) relating to their employment conditions—that is, *their rights at work*.

From a human rights perspective, rights at work should apply to all workers, regardless of their migration status. In other words, these rights should extend to irregular migrant workers (UN, 1990). However, as was explained above, this study focuses specifically on the interplay between rights at work and safe, orderly, and regular labor migration.



FIGURE 4. Subindicators for migrant workers' employment conditions



9 **JOB CHANGES**

This subindicator assesses whether foreign workers are free to change jobs and/or employers, which depends largely on their conditions of entry. Public policies on this issue tend to fall into three categories, in which job changes are:

1. Prohibited altogether.
2. Subject to administrative review.
3. Not explicitly regulated.

When job changes are permitted, there tends to be greater economic integration and spread of productive knowledge. In Chile, for example, temporary residence permits for foreign nationals engaged in lawful, paid activities allow workers to change employers in the event of job loss or simply because they wish to do so.

10 **PERMANENT RESIDENCE**

Subindicator 10 relates to the right to permanent residence. Generally speaking, entry permits grant foreign workers a limited stay and often need to be renewed periodically. The more opportunities

foreign workers have to extend their right to remain in the country, the better their chances of integrating successfully. When countries issue longer residence permits, it encourages employers to hire and invest in training foreign workers, significantly narrowing the gaps between national and foreign workforces.

11 **NATIONALITY**

Subindicator 11 assesses the right to obtain nationality, which is by far the most decisive step toward the integration of foreign workers from a legal perspective. Integration tends to be more stable and secure when pathways to permanent residence and nationality are in place. Nationality is particularly important as it places foreign workers on an equal footing with national workers.

12 **ECONOMIC AND SOCIAL RIGHTS**

Finally, subindicator 12 measures access to economic and social rights related to employment, focusing primarily on the rights to education and healthcare. The universalization of human rights has led many countries to establish equal access to these rights for foreign workers, especially in Latin America and the Caribbean.

FIGURE 5. Subindicators measuring the practical influence of international law



2.1.3. Category 3: Indicators assessing the regulation of labor migration under international law

The third and final category considers the influence of international law, particularly through the ratification of international and regional agreements that shape the overall legal framework governing the entry and employment of foreign workers. These agreements help create more favorable conditions for labor mobility. There are three subindicators in this category (13–15).

13 PORTABILITY OF SOCIAL SECURITY BENEFITS

Subindicator 13 concerns the right to receive benefits in the host country due to illness, disability, work-related injuries, old age, and so on. It pertains to migrant workers' entitlements from their country of origin being recognized and enforced under the social security legislation of their new country. Portability requires cooperation between countries and depends on international agreements, be they multilateral or bilateral.

Four major multilateral agreements are in place in Latin America and the Caribbean:

1. The Ibero-American Multilateral Agreement on Social Security.
2. The MERCOSUR Multilateral Agreement on Social Security.

3. The Andean Social Security Instrument, contained in Andean Community Decision No. 583.
4. The Caribbean Community (CARICOM) Agreement on Social Security.

14 REGIONAL AGREEMENTS

Subindicator 14 measures the impact of the following regional agreements on the entry and employment of foreign workers:

1. The MERCOSUR Residence Agreement.
2. The Andean Migration Statute, which is contained in Andean Community Decision 878.
3. The Revised Treaty of Chaguaramas, which establishes the Caribbean Single Market and Economy (CSME) within the framework of CARICOM.
4. The Central American Free Mobility Agreement (CA-4) between El Salvador, Guatemala, Honduras, and Nicaragua, under the auspices of the Central American Integration System.
5. The CARIFORUM agreements reached with the EU and the United Kingdom.

6. Labor regulations that derive from free trade agreements, including: (a) the free trade agreement between the United States, Central America, and the Dominican Republic (CAFTA-DR); (b) the Free Trade Agreement between the United States, Mexico, and Canada (USMCA); (c) the Pacific Alliance; and (d) the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

The first three of these agreements tend to facilitate the right of access to the market through freedom of movement, understood as the right of migrant workers to be employed in the host country without the need for a permit or authorization. In fact, only the CSME grants full recognition of this right, and even then only for workers with the appropriate certification. In the MERCOSUR and the Andean Community, special permits have been established that are more flexible than regular work permits. In the MERCOSUR, these are developed based on each member country's domestic regulations and thus must be analyzed on a case-by-case basis.

Subindicator 15 assesses the impact of bilateral labor agreements, drawing initially on the ILO database. Broadly speaking, these agreements promote freedom of movement between the two signatory countries, cover the portability of social security benefits, and include mechanisms for recognizing and validating professional skills.

Bilateral agreements can boost labor integration and are particularly important in Latin America and the Caribbean, where there are significant cross-border flows of foreign workers.

The [next chapter](#) examines key findings from a comparative analysis of labor migration regimes in Latin America and the Caribbean, based on the three groups of indicators discussed in this chapter and the subindicators that comprise them.

3. Key Findings: Comparative Analysis of the Influence of Labor Migration Regulations on the Economic Integration of Foreign Workers in Latin America and the Caribbean

3.1. Labor migration regimes in Latin America and the Caribbean: alignment with standards for safe, orderly, and regular migration

Drawing on the data described in [chapter 2](#), this section presents a comparative analysis of labor migration regulations across Latin America and the Caribbean using the 15 subindicators described above. It provides a comprehensive overview of the current factors influencing migrant workers' integration into host-country labor markets, which are largely determined by each country's regulations. A regional analysis for each subindicator is also included.

As mentioned above, a more detailed version of this analysis is available on the IDB's online data platform, which tracks specific trends in each category of indicators: <https://datamig.iadb.org/en>.

The analysis is structured around the three indicator categories listed above:

1. Foreign workers' access to the labor market.
2. Foreign workers' employment conditions.
3. The practical impact of international law in relation to universal and inter-American human rights standards, as described in [chapter 1](#).

The data collected for each indicator and country is available in the annexes included in the digital version of this publication and on the DataMig site (IDB, 2022).

3.1.1. Overview of procedures and permits to access labor markets

The variables that affect labor market access determine how well foreign workers integrate into the host economy, particularly in terms of contributing the productive skills needed by the country in question. The next section analyzes the subindicators for this category, as listed in [chapter 2](#).

The most widespread model in Latin America and the Caribbean is the single migration authority, in which a single institution or agency oversees entry procedures and issues permits for foreign workers.

Some 18 of the 26 countries (69%) use the single-migration-authority-model, while 6 countries (23%) use a dual-authority model with joint oversight by labor and migration authorities. In the remaining 2 countries (8%), procedures to access the market are managed solely by the labor authorities.

The Andean countries predominantly operate a single-migration-authority model, as do most Southern Cone countries, except Brazil. No one model predominates across Central America and Mexico, although both Panama and Guatemala use the dual-authority model. Likewise, there is no clear pattern among Caribbean countries, which are roughly equally distributed across the single migration authority model, the dual migration and labor authority model, and the single labor authority model.

The authority with a mandate for regulating foreign workers is typically part of the executive branch, making it an administrative authority that may fall within three main areas of government: security, labor, or foreign policy.

In the most common model, the migration authority is part of the security sector, which may foster a policy approach that prioritizes border control. This model is in place in 19 countries in Latin America and the Caribbean, including 4 where the central labor authorities are jointly responsible for overseeing the matter. This results in parallel procedures, as workers must comply with the requirements of both the migration and labor authorities.

FIGURE 6. Migration authorities



Source: Authors.

In eight countries, labor migration is supervised by labor authorities: in half, this is an exclusive remit, while in the other half, it is shared with security authorities. Finally, in three countries, the foreign policy area has sole responsibility.

In most Southern Cone countries, the migration authority is part of the security, justice, and home affairs sector, except in Brazil, which uses a dual-authority model involving both the security and labor sectors. In Central America and Mexico, there is no clear pattern regarding which sector the migration authority falls under, whereas there is significant variation across Caribbean countries.

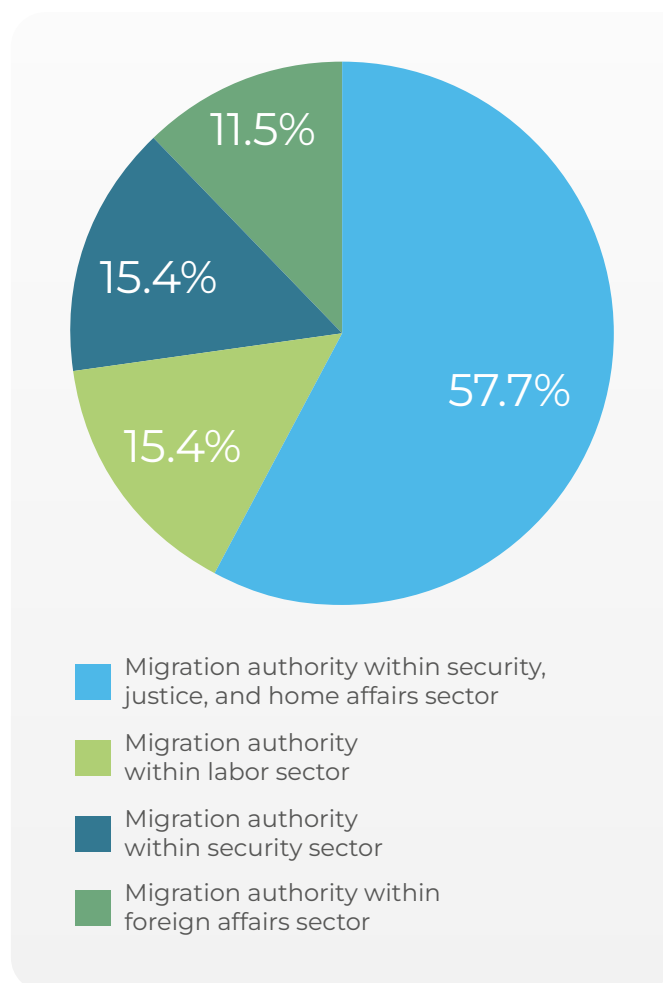
Likewise, there is no uniform approach among the Andean countries, where the migration authority may fall under the remit of the security, justice, home affairs, or foreign affairs sectors.

These variables influence labor integration by potentially creating barriers to regular access for foreign workers. Leaving aside the possible application of bilateral labor agreements and the more favorable conditions contained in regional agreements, access to labor markets generally depends on authorization by the competent administrative authority. It is thus important to strengthen institutional capacities to ensure administrative procedures are efficient.

Furthermore, delays in these procedures could slow the issuing of permits, potentially leading to an increase in irregular entry by individuals seeking to join the labor market.

Moreover, since the most common model is the single migration authority, there is a potential risk that policies regarding foreign workers' access to the labor market may depend more on discretionary security assessments than on technical analyses of the productive capacities migrant workers could bring to the country. It is therefore crucial to strengthen coordination among stakeholders, in line with the standards of good administration, seeking a balance between countries' legitimate security concerns and the need for labor policies that address host countries' labor market needs.

FIGURE 7. Area of government in which migration authorities operate



Source: Authors.



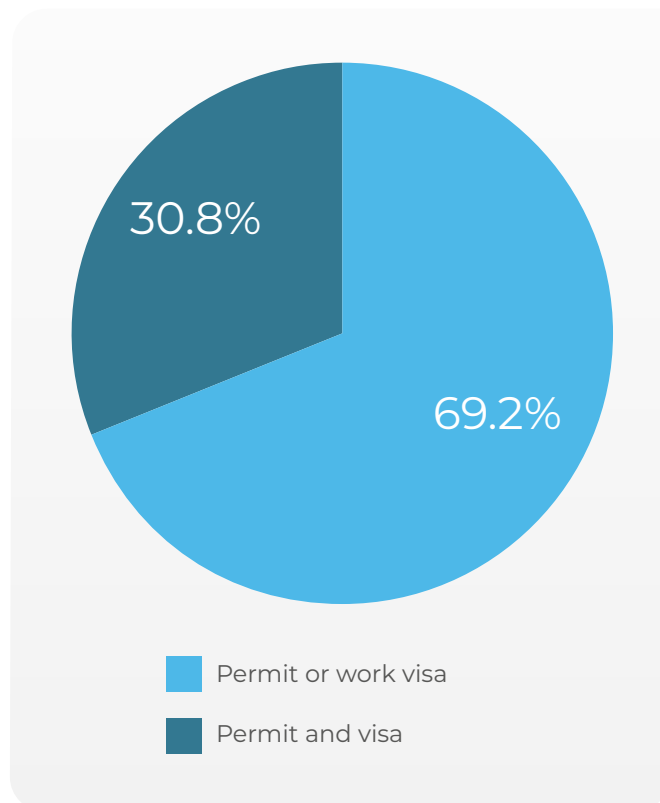
As discussed in [chapter 2](#), “visas” and “work permits” are just two of the many terms used by countries to grant a foreign individual regular entry.

The most widespread model, which is in place in 17 countries, is based on a single permit through which the host country authorizes migrants to enter the country and participate in the labor market provided they hold a valid employment contract. In the remaining nine countries, two permits are required: a work permit and a visa, requiring the worker to go through two separate application processes. In these countries, migrant workers typically need a visa to enter the country and must also apply for a work permit to be hired.

Whether foreign workers already in the host country can be recruited depends on the specific features of each model, as visa requirements may oblige candidates to leave the country to complete the process. Exceptions to entry controls regulated through labor migration law are based on international agreements that recognize freedom of movement.

There are no consistent patterns in visa and permit requirements in any of the subregions of Latin America and the Caribbean. In Central America and Mexico, most countries require either a work permit or a visa, with Belize and Guatemala requiring both. Similarly, most Andean countries require either a work permit or a visa, except for Venezuela, where both are also necessary. There is no clear pattern across Caribbean and Southern Cone countries regarding the types of permits required, which vary widely within these subregions.

FIGURE 8. Ways of accessing the labor market



Source: Authors.

The MERCOSUR and Andean Community agreements do not allow foreign workers to enter the host country's labor market freely—that is, without first obtaining authorization. Instead, these international agreements establish more flexible entry requirements than those that apply to nationals of other countries.

The only agreement that recognizes the free movement of migrant workers is the CSME, which imposes fewer restrictions on entry. For example,

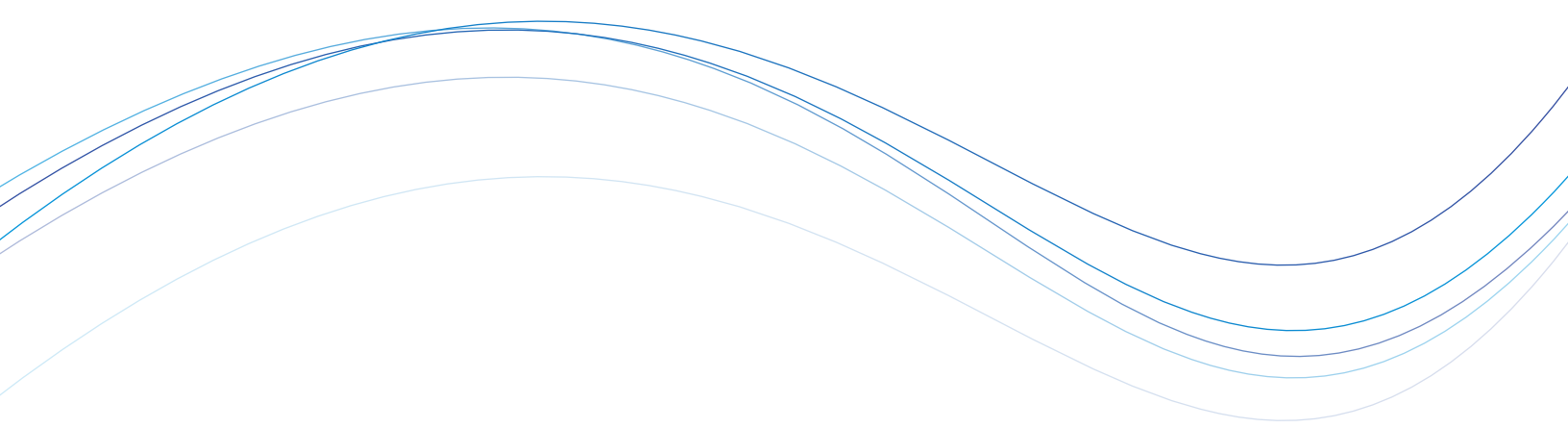
meeting qualification and skills certification requirements can exempt workers from pre-entry checks. However, the specific conditions for remaining in each host country depend on that country's regulations. CARICOM (2023) has announced its intention to extend freedom of movement to all member countries by 2024.

In addition to the laws and regulations in force regarding visas and work permits, countries in Latin America and the Caribbean also implement a wealth of administrative practices, some of which have been catalogued on government websites. However, the criteria underlying these practices are not always clear, which can lead to inconsistent practices across government agencies and may run counter to the standard of secure access for foreign workers. These inconsistencies point to the importance of enhancing legal certainty in the implementation of migration procedures. Likewise, the available public information is often scattered and sometimes even contradictory. It would be advisable for countries to develop and implement institutional information management measures aimed at complying with the standard of secure access.

One potentially helpful initiative in this regard is the publication and regular updating of documents or manuals that summarize the relevant procedures in simple terms. For example, in Peru, the Consolidated Administrative Procedures Guide provides information on each public agency's procedures. Implementing this recommendation would reduce the regulatory burden on migrant workers and minimize the uncertainty surrounding the conditions under which entry is authorized, all of which aligns with regulatory best practices.

Another recommendation is to design information mechanisms that help migrants navigate the complexities of labor migration regulations. One good practice is the digitalization of migration procedures, which Belize implemented as part of its 2021 amnesty program.

In summary, the administrative procedures for granting access to the labor market typically involve various requirements that often depend to a greater or lesser degree on the discretion of administrative authorities. This can have negative impacts on countries and overall migration management, creating uncertainty for migrant workers regarding administrative procedures.



3 DURATION OF ENTRY PERMITS

The exercise of rights derived from entry permits initially depends on the permit's duration. **The average duration of entry permits in Latin America and the Caribbean is 2 years, although extensions can be requested.** If extensions are not allowed or a specific extension is not granted, migrant workers can apply for a new permit.

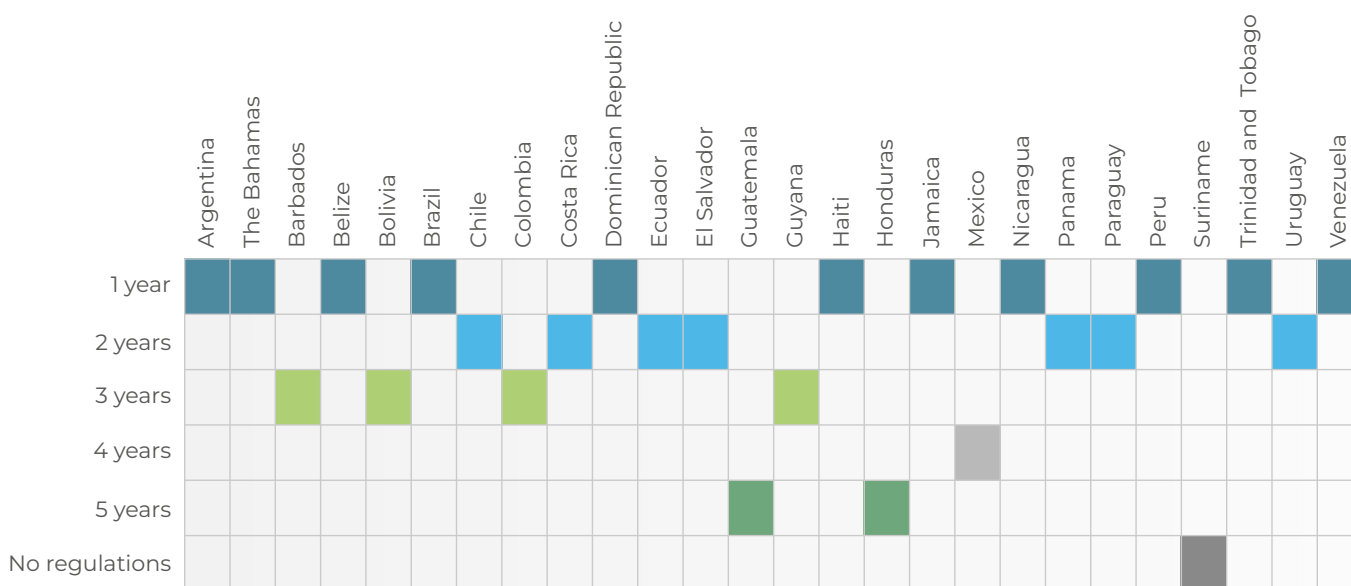
Figure 9 shows the maximum duration of permits. Some countries, such as Panama, issue certain types of permits for shorter periods. Suriname is the only country in the region where permits are not valid for a fixed period, so their duration varies from case to case. There is no clear pattern in the duration of standard work permits across the subregions. However, Honduras and Guatemala are notable for having visas that are valid for an average of five years. In contrast, permits are valid for just one year in Argentina, the Bahamas, Belize, Brazil, the Dominican Republic, Ecuador, El Salvador, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, and Venezuela.

Dominican Republic, Haiti, Jamaica, Nicaragua, Peru, Trinidad and Tobago, and Venezuela, below the regional average.

Since permits to enter the labor market are only granted for a limited time, workers can remain beyond this period only by renewing their permit or changing their migration category, such as by obtaining permanent residence. Twenty-one countries allow extensions, and four of those included in the study lack regulations on the matter.

Some subregional patterns emerge: for example, permits can be renewed in the Southern Cone countries. Renewals are also generally allowed in the Andean countries, except for Colombia, where workers must apply for a new permit or visa. The absence of renewal procedures does not necessarily imply greater restriction, provided that workers can actually apply for a new permit to remain in the labor market. In Central America, Mexico, and the Caribbean countries, work permit renewals are generally allowed.

FIGURE 9. Duration of permits



Source: Authors.



TABLE 4. Extensions and renewals of work permits

EXTENSION PERMITTED			
	Argentina	Costa Rica	Guyana
	Barbados	Dominican Republic	Haiti
	Bolivia	Ecuador	Jamaica
	Brazil	El Salvador	Nicaragua
	Chile	Guatemala	Panama
			Paraguay
			Peru
			Suriname
			Trinidad and Tobago
			Uruguay
			Venezuela
EXTENSION PROHIBITED		NO REGULATION	
	Colombia		The Bahamas
			Honduras
			Belize
			Mexico

Source: Authors.

The duration of permits and the possibility of renewal or extension play a key role in improving migrant workers' prospects of labor market integration.

It is also important to assess the benefits of applying for permanent residence or nationality once a

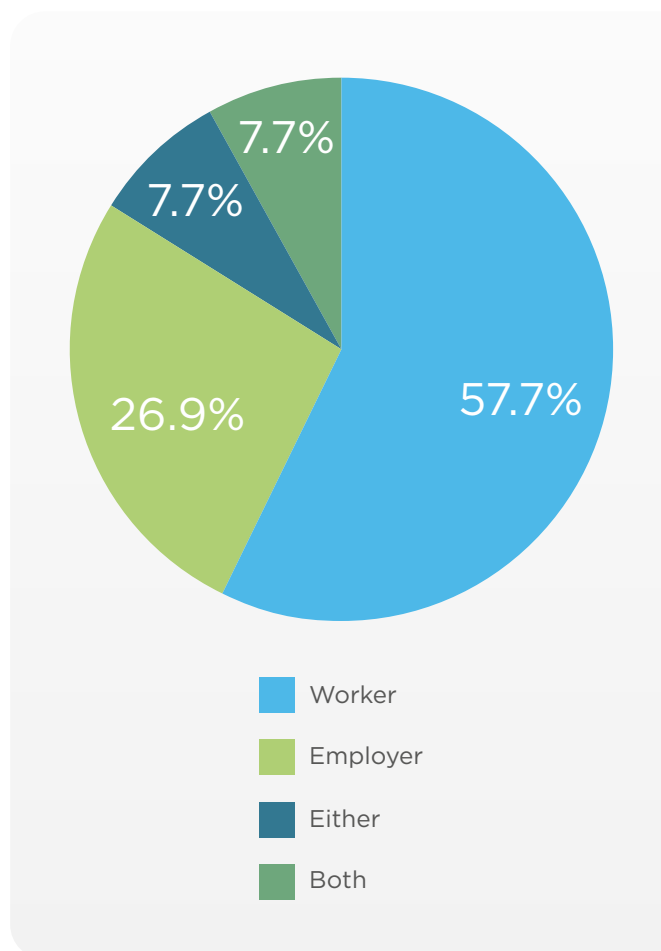
worker has met the minimum years of temporary residence required under the permit initially granted to them. In this way, when migrant workers' visas or work permits expire, they can opt not only for renewal, if this is permitted, but also for another form of residence.

Another factor affecting the integration of migrant workers is whether the responsibility for applying for a labor market permit lies with the worker or the employer. In any case, a contract or job offer is always required, meaning that **visas or permits can only be applied for once an employment or preliminary agreement is in place between the worker and the employer.**

Deciding who is responsible for initiating the process affects the distribution of the regulatory burden. In models in which only workers can apply for permits, the onus for the administrative procedure falls on them, even though they are in a more vulnerable position. This vulnerability, compounded by the regulatory burden, can foster exploitative practices in recruitment processes, in which third parties might abuse their power when handling or assisting with applications. This risk is even greater when viewed through an intersectional lens: as the ILO (2019c) warns, the regulatory burden is disproportionately higher for migrant women, the LGBTQI+ population, and older adults.

According to the Dhaka Principles (IHRB, 2017), employers should bear all recruitment-related costs, as foreign workers face risks throughout these processes, including being charged excessive fees, including through loans at unreasonably high interest rates, making them more vulnerable to exploitation and precarious employment (IHRB, 2017: 16). These costs are not solely financial but also include the regulatory costs of accessing the system, submitting applications, providing documentation, and following up on the administrative process until a decision is reached.

FIGURE 10. Who requests authorization to access the labor market?



Source: Authors.

The most common model, used by 14 of the countries included in this study, places the regulatory burden of labor market access on the worker, who must submit the application and interact with the relevant administrative authorities. In seven countries, the responsibility lies with the employer, while in three countries, either party can initiate the procedure. Finally, in two of the countries analyzed, the procedure must be initiated jointly by both parties.

In terms of subregional patterns regarding who is responsible for applying for work permits, the Andean countries all use the same scheme, in which the worker must submit the application. Most Southern Cone countries take the same approach, except for Brazil, which allows either workers or employers to apply.

There is no clear pattern in the Caribbean and Central America and Mexico. In these subregions, responsibility for applying for work permits can fall on workers, employers, or both, depending on the country.

Even models that place the burden on the employer may entail information gaps, as employers seeking to hire foreign workers may struggle to find suitable candidates. Although some models (particularly in the Caribbean) contemplate the advertising of job vacancies, this mechanism is designed to protect national workers rather than to address these information gaps.

In conclusion, regardless of who is responsible for initiating the process, the existence of a contract or job offer of employment is a necessary but insufficient condition for obtaining a permit. This seems to imply that the supply and demand sides have access to sufficient, timely, advance information to enable them to reach a hiring agreement. Strengthening fair hiring systems and the role of employment agencies and services can thus help address information gaps and promote orderly labor mobility (ILO, 2019c), as is examined in more detail in the next section.



5

GENERAL RESTRICTIONS

The demand-driven model is most prevalent in Latin America and the Caribbean, meaning that employers decide whether to hire foreign workers.

In other words, foreign workers are not free to enter host-country labor markets to offer their services. Although this report does not explore the fairness of recruitment processes, failures in demand-based recruitment processes can be a barrier to regular labor migration. As noted by the UN (2023), migrant workers face “unfair recruitment practices, such as charging fees, requiring migrants to put up a bond, or giving misleading or incorrect information about a promised job.”

Under this model, 23 of the countries included in this study require a copy of the employment contract or preliminary agreement to be submitted. The only countries without this requirement explicitly in place are Paraguay, Uruguay, and Trinidad and Tobago. Instead, workers in Uruguay must also present a letter on headed paper that specifies the work they will perform and the place of hiring. In Trinidad and Tobago, the Ministry of Labor exercises additional oversight over the hiring process, meaning that the employer must have already decided to hire a foreign worker. In Paraguay, although administrative procedures require a future employment contract, this condition is not included among those listed by the National Migration Authority; instead, the country now requires a job offer.

In 11 countries, the employment contract must be approved by the Ministry of Labor; in 7, the employer must justify hiring migrant workers; and in 2, employers must post a bond. In 4 of these countries, all three processes operate simultaneously, while in 11, two processes are in place.

In addition to an employment contract and authorization from the Ministry of Labor, Ecuador asks applicants to prove they have lawful means to support themselves. In Jamaica, foreign workers wishing to change jobs must prove that their previous employment contract has ended to apply for a new work visa. They must also present an employment contract and the employer's justification for hiring a foreign worker.

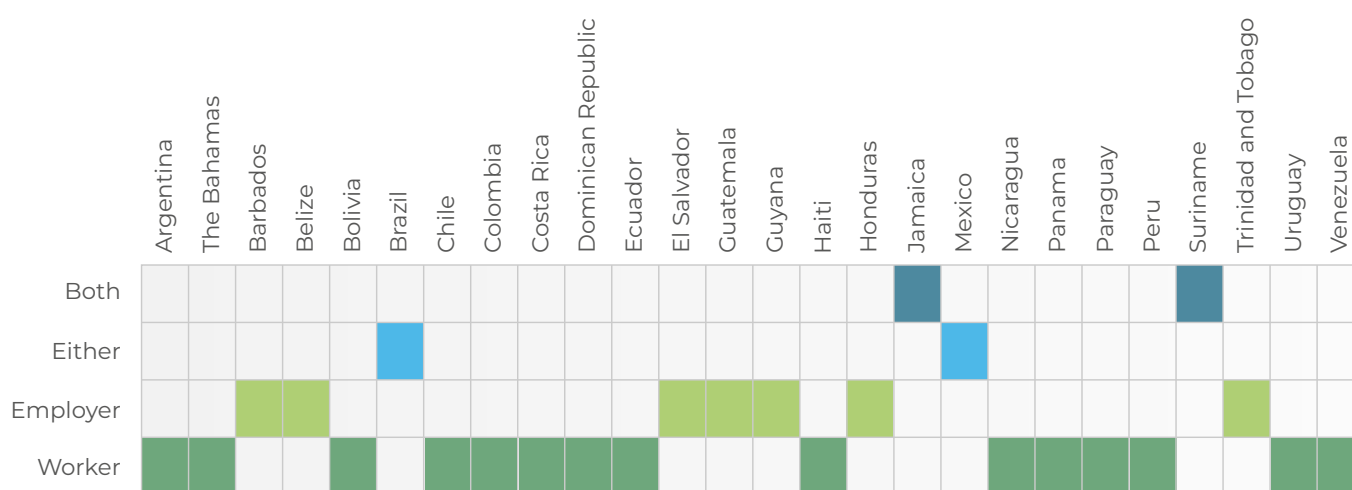
In conclusion, as in other regions, foreign workers in Latin America and the Caribbean cannot freely enter host countries to offer their services in the labor market; they must first obtain a job offer. However, one distinctive feature of the region is the existence of special mobility regimes established through regional agreements, particularly the CSME. Another underexplored aspect of labor migration policies concerns the limitations of demand-driven systems to promote regular labor market access, particularly for highly skilled foreign workers.

There are no clear patterns of restrictions on access to work permits within the subregions of Latin America and the Caribbean. However, in the Southern Cone, most countries require an employment contract or job offer. The exception is Brazil, which also requires approval by the Ministry of Labor.

Some countries have implemented the supply-side system on a very ad hoc basis. For example, Mexico allows foreign workers without a contract or job offer to enter the country to seek employment, subject to special state-managed entry controls. It also allows migrants with special productive skills to be granted residence status through a points-based system.

Brazil has implemented policies to attract skilled workers. Chile issues residence permits for employment opportunities, enabling foreign workers to apply for temporary residence permits from abroad if they have skills in the priority areas defined under the objectives of the National Migration and Foreign Affairs Policy and announced through specific calls for applications.

FIGURE 11. Work permit



Source: Authors.

Two main migration models emerge among the countries included in the study, depending on which workers are eligible to apply for labor market access. **In the open model, any worker can access the labor market by following established procedures. In the closed model, only certain categories of workers can do so,** often resulting in special permits for specific types of employment, such as managerial positions. Closed models typically impose greater restrictions on the regular entry of foreign workers.

The open model is more common in Latin America and the Caribbean, where it is used in 20 countries. In this case, any worker can apply for a permit, regardless of the industry in which they intend to work or the type of work they will perform. In contrast, six countries use the closed model, in which only certain types of workers can access the labor market—typically defined by the sector they work in or the type of job they perform.

At the subregional level, the Southern Cone countries follow a largely similar pattern, allowing all categories of workers to apply, except for Uruguay, which establishes specific categories. Similarly, most Caribbean countries follow this approach, except for Belize, where special categories are also in place.

Most Andean countries allow any type of worker to apply, except Bolivia, which also uses special categories. In contrast, there is no consistent pattern in Central America and Mexico regarding the categories of workers that are eligible to apply for work permits.

In such cases, exceptions to the closed categories could be introduced using clear, transparent rules. To promote the spread of productive knowledge, countries could grant access to foreign workers who fall outside the special regulated categories.

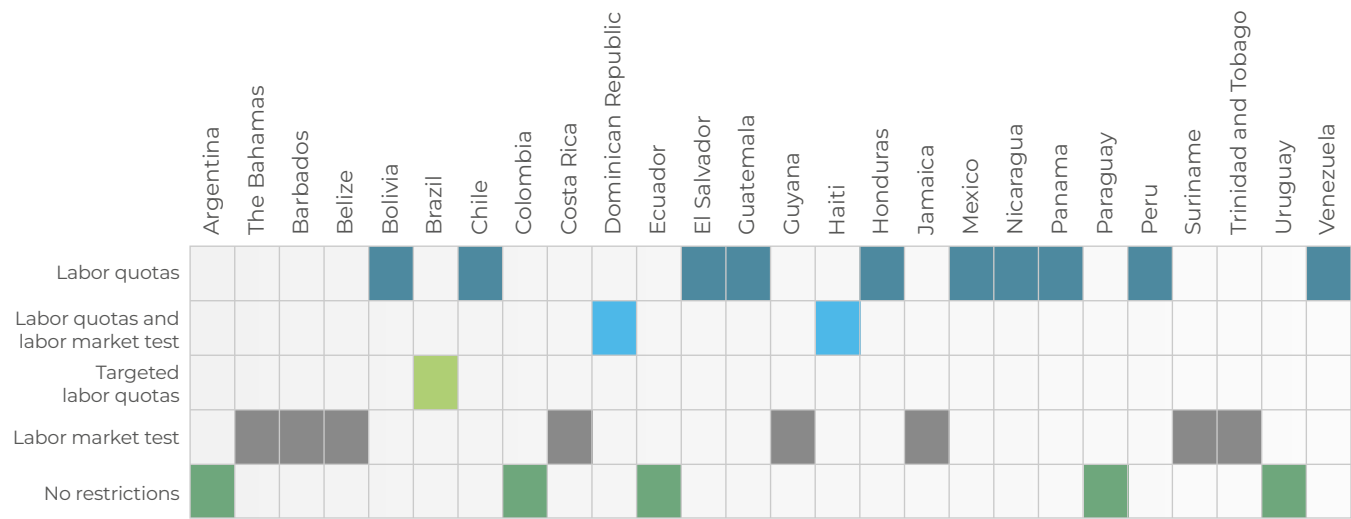
One of the justifications given for controlling foreign workers' access to the labor market is the protection of national workers. In fact, 21 of the 26 countries included in the study have such policies in place through restrictions that prioritize hiring national workers over foreign workers.

The following types of restriction are in place:

1. Quotas that limit foreign workers based on the total number of employees or a percentage of payroll (12 countries).
2. Special quotas that apply to certain employers due to the sector or industry they belong to (1 country).
3. The labor market demand test—in other words, the procedure the employer must comply with to advertise the vacancy to national workers to ensure that foreign workers are only hired if there are no interested national applicants (10 countries).

These results include two countries that use two of these restrictions in tandem (a quota and the labor market test).

FIGURE 12. Policies to protect national workers



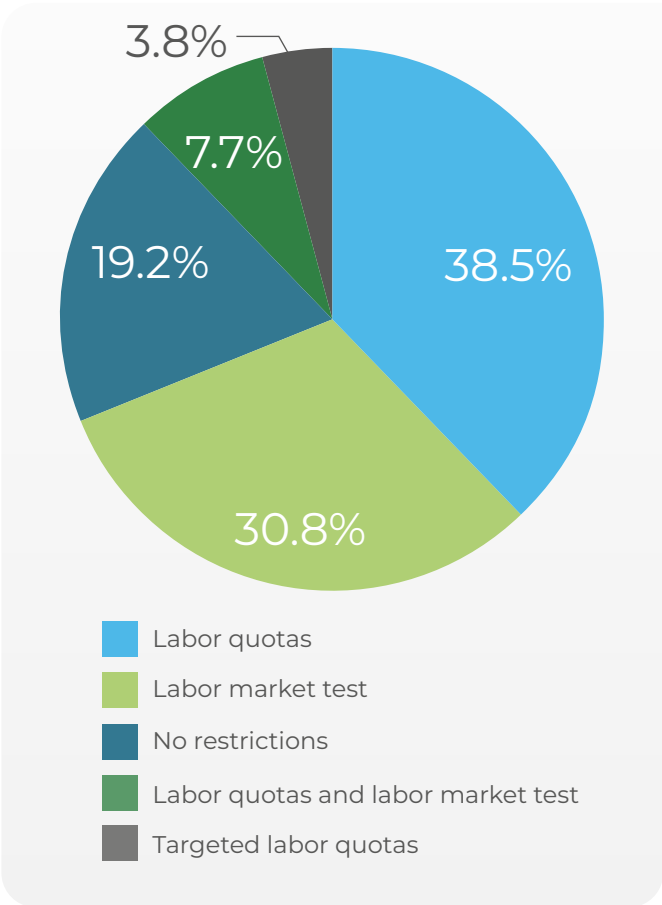
Source: Authors.

The use of quotas is the most widespread policy in Latin America and the Caribbean. This practice limits the hiring of foreign workers by setting quantitative parameters specifying either the maximum number of foreign workers that may be hired or the maximum percentage of payroll that may be paid to foreign workers. The quota system is said to be targeted if it applies only to certain employers in specific sectors.

At the subregional level, there is a clear trend in which Latin American countries lean toward quantitative restrictions, or contingent quotas, while Caribbean nations tend to favor the labor market test model, though there are some exceptions that will be explained later in this chapter.

The second most common policy used to protect local workers is the labor market test, through which employers must demonstrate that no national workers are available to fill the position, thereby justifying the hiring of foreign workers. Employers are typically required to advertise the vacancy publicly, and authorization to hire foreign workers is contingent on the absence of interested or qualified national workers.

FIGURE 13. Quantitative restrictions on hiring migrant workers (policies prioritizing national workers)



Source: Authors.

TABLE 5. Classification of labor quotas

COUNTRY	MAXIMUM % FOREIGN WORKERS	MAXIMUM % PAYROLL PAID TO FOREIGN WORKERS
 Bolivia	15%	15%
 Chile	15%	Not regulated
 Dominican Republic	20%	Not regulated
 Guatemala	10%	15%
 Haiti	5%	30%
 Honduras	15%	Not regulated
 Mexico	10%	Not regulated
 Nicaragua	10%	Not regulated
 Peru	20%	30%
 El Salvador	10%	15%
 Venezuela	10%	20%

Source: Authors.

The labor market test is used in all the Caribbean countries analyzed in this study, whereas the quota policy is in place in 11 Latin American countries. There are special cases, such as Costa Rica, where the government reserves the right to impose restrictions on the hiring of foreign workers in certain sectors in response to unemployment estimates. The Dominican Republic not only applies quotas but also makes the hiring of certain migrant workers conditional on the absence of qualified national professionals, particularly when granting permanent residence. Haiti uses both quotas and labor market tests.

Argentina, Colombia, Ecuador, Paraguay, and Uruguay do not implement formal policies to protect national workers. At least on paper, foreign and national workers therefore have equal access to the labor market in these countries.

Of the 12 countries that use quota systems, 11 set fixed percentages for the maximum number of foreign workers that an employer may hire or the maximum percentage of payroll that may be allocated to foreign workers, as detailed in table 5.

The most common model is to apply quotas to both the maximum percentage of workers and the maximum percentage of payroll, resulting in a dual restriction on the hiring of foreign workers.

Restrictions tend to be greater under the quota model, since the labor market test model gives employers more leeway: the lack of response to an advertisement is not necessarily evidence of the absence of qualified national workers.

The premise underlying these restrictions—namely that the relationship between national and foreign

workers is one of rivalry—must also be examined in light of inter-American standards. From this perspective, caps need to be placed on the number of foreign workers who can be hired to promote the employment of national workers and protect their wages.

On the other hand, if the situation is viewed in terms of the spread of productive knowledge, the relationship between foreign and national workers can be seen as one of complementarity. Foreign workers can contribute new productive knowledge that complements that of national workers, while the latter's education and training can benefit from this knowledge transfer. This process is not limited to highly skilled workers, such as those in regulated professions, but also extends to so-called low-skilled workers, as productive knowledge is practical and may not be based on formal university education. The vision of complementarity also aligns more closely with the principles of nondiscrimination, equal treatment, and equal opportunities.

8 STATUS OF DEPENDENTS

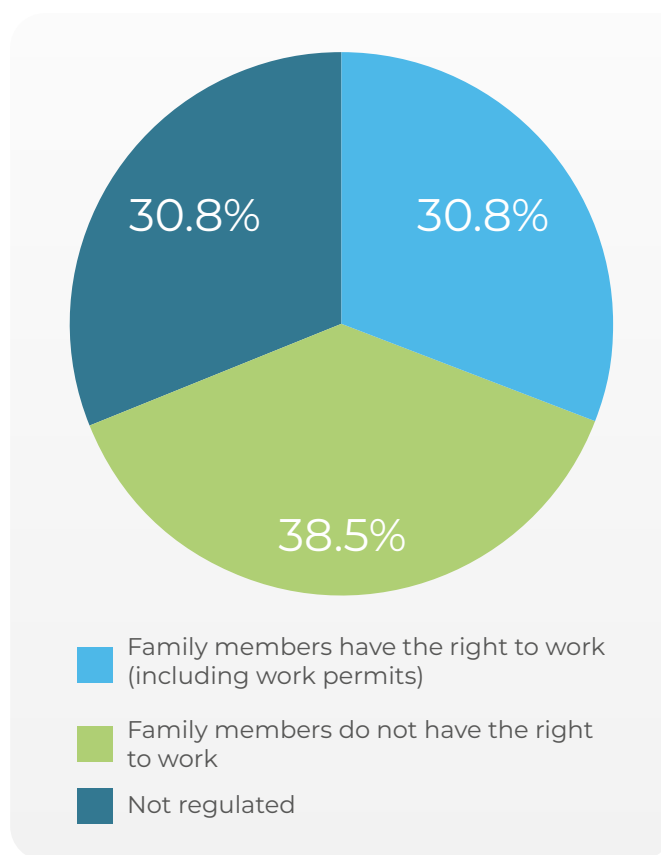
One widely accepted standard in Latin America and the Caribbean is family reunification—that is, the right of regular migrants to request permission for their nuclear family members to enter the host country. From a labor integration perspective, the question is whether these family members have not only the right to enter the host country but also the right to work there.

Most countries in Latin America and the Caribbean do not recognize family members' right to work, either because this right is not explicitly regulated (10 countries) or because the existing regulations are unclear (8 countries). Among those in the second group, the spouses and children of migrant workers are usually explicitly granted the right to work as part of their migration status. However, any employment must comply with the country's labor regime, which includes other restrictions, such as a minimum working age. There is no consistent pattern across the subregions regarding work permits for dependents.

The lack of recognition of family members' right to work makes the entire household reliant on the migrant worker's income, which restricts their possibilities for integration. It is thus crucial that the labor status of dependents be recognized and regulated in accordance with criteria established by the host country.

This is beneficial not only because it enables other skilled members of the family to enter the local labor market, contributing to local economic growth, but also because it has an intersectional impact, including reductions in the risk of women experiencing gender-based violence. Family members also benefit from access to healthcare services, social security plans, economic stability, and psychosocial factors such as self-esteem, social connections, and overall quality of life (Kaplan et al., 2023).

FIGURE 14. Family members and the right to work



Source: Authors.



Recognition and certification of professional qualifications

Depending on the nature of the employment contract, alternative pathways may be used to recognize or certify the professional or expert knowledge required of the worker. These measures can take the form of policies to attract skilled workers or additional controls for labor market access.

Policies to attract skilled workers may include mechanisms to certify knowledge gained through experience. This type of certification can solve information asymmetries, thereby increasing the efficiency and transparency of recruitment processes. One such example is the special labor-market access mechanisms in place within CARICOM. The Treaty of Chaguaramas, which was amended in 2001 to create the CSME, recognizes the free movement of skilled workers, such as university graduates and nurses, provided they hold a CARICOM Skills Certificate issued by their country of origin. This certificate grants access to the country's labor market in accordance with local legislation. Those who do not hold a Skills Certificate can still opt to access the labor market through ordinary channels.

In Brazil, workers with a higher education degree or an equivalent qualification may apply for a work permit without an employment contract, provided their qualification has been duly certified. This system allows for a supply-based model in which migrant workers are authorized to work in the Brazilian labor market and compete for access to employment contracts.

The certification of professional knowledge or skills can also function as an additional control mechanism on labor market access. When an employment contract requires potential employees to have experience in the so-called regulated professions, labor market access may depend on authorization mechanisms to certify and validate these professional skills or qualifications.

Such mechanisms usually apply when the worker wishes to provide services that require specialized knowledge, which must be demonstrated through academic qualifications issued in accordance with the host country's laws, as is the case with medical services.

In other words, migrant workers who hold qualifications of this sort in their country of origin must comply with host-country procedures to validate their qualifications, which then allow them to enter into employment contracts to provide such services. In Colombia, work permits alone do not give migrants access to the labor market: this is granted in accordance with the regulations governing professional boards and councils.

Conversely, some countries prohibit foreign nationals from practicing certain regulated professions, even within employment relationships. Panama is one such example, as is explained in [annex 2](#).

The need to validate certifications is justified by the risks or negative externalities of allowing workers with foreign degrees to practice regulated professions in the host country. In these cases, countries should simplify control mechanisms by adopting transparent, agile procedures that are more objective and improve the application of technical certification criteria.

As a study by the World Bank and International Organization for Migration (IOM) concluded:

A model based on complete academic and professional mobility would not require validation processes for academic credentials. However, even in regions where freedom of movement has been encouraged, such as the European Union, mobility is only partial. Moreover, even in these regions, there are restrictions and conditions on the admission and practice of professionals trained in third countries (World Bank and IOM, 2021: 47).

When professional certification mechanisms do not serve as additional controls, they can help address market failures by allowing workers with productive knowledge that does not involve the exercise of a regulated profession to contribute to the host-country economy, as the Los Angeles Declaration suggests. CARICOM is an example of how the certification of such skills can promote the labor mobility of workers with productive skills, at least in theory.

3.1.2 Overview of employment-related procedures and permits

After migrants enter the labor market, their economic integration also depends on their ability to carry out their work in accordance with the labor rights recognized by the host country. International law has established standards to ensure equal treatment in line with the ILO's International Labour Standards and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990). This convention has been ratified by 14 of the IDB's borrowing countries in Latin America and the Caribbean and is overseen by the CMW.

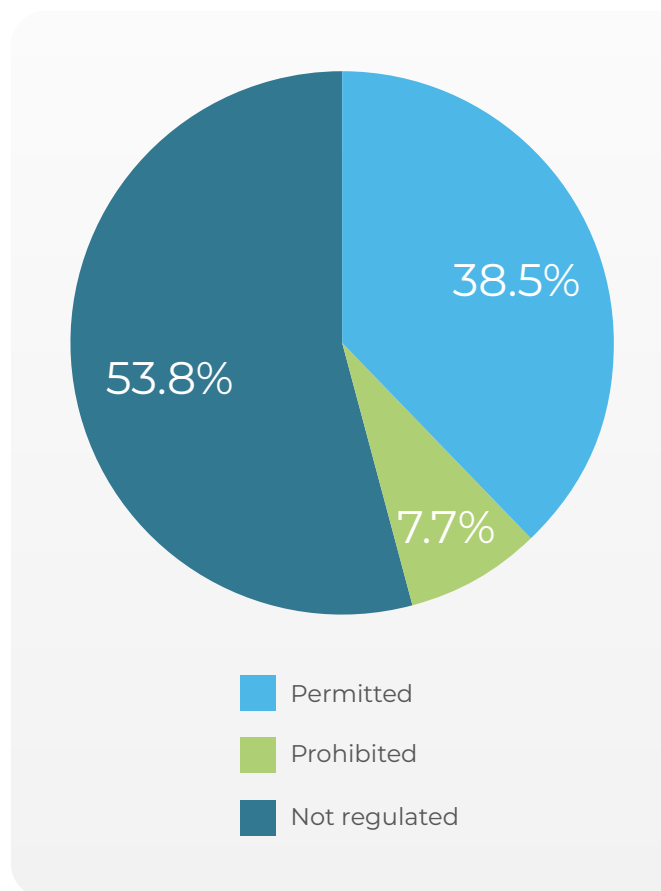
However, economic integration requires much more than the recognition of equal treatment before the law. For this reason, the second group of subindicators assesses the impact of labor migration regimes on migrants' employment situations, that is, their rights at work.

9 JOB CHANGES

The first variable affecting integration concerns whether foreign workers can change to jobs or employers other than the one for which they were initially authorized to enter the host country to work.

The right to change jobs is only expressly recognized in 38% of the countries included in the study. Fourteen of the countries (54%) do not have explicit regulations on job changes. Instead, such decisions are left largely to the discretion of the migration authority. Only 10 countries (38%) allow job changes, although in some cases this is subject to additional controls, while two countries (8%) prohibit job changes outright. In such cases, migrant workers must apply for a new permit to enter into

FIGURE 15. Change of employment



Source: Authors.

a contract with a new employer. Unless they can apply to have their current permit amended to include the new employer or change their migration status, migrant workers may be forced to leave the country to apply for the new permit.

Most Andean countries lack specific regulations on job changes, except Bolivia, which does allow them. There is no consistent pattern in any of the subregions. Notably, job changes are prohibited in Trinidad and Tobago and Uruguay.

Restrictions on job changes affect the status of workers whose employment contracts end due to expiration, dismissal, or resignation. When job changes are permitted, workers may seek new employment and thus maintain regular migration status. When foreign workers cannot change jobs, they become increasingly dependent on their employers, heightening the risk of exploitative practices. This correlation has been observed in other regions, such as the Gulf countries, where the kafala system prevents foreign workers from changing employers and making complaints about rights violations, exposing them to abuse, loss of work permits, and even deportation.

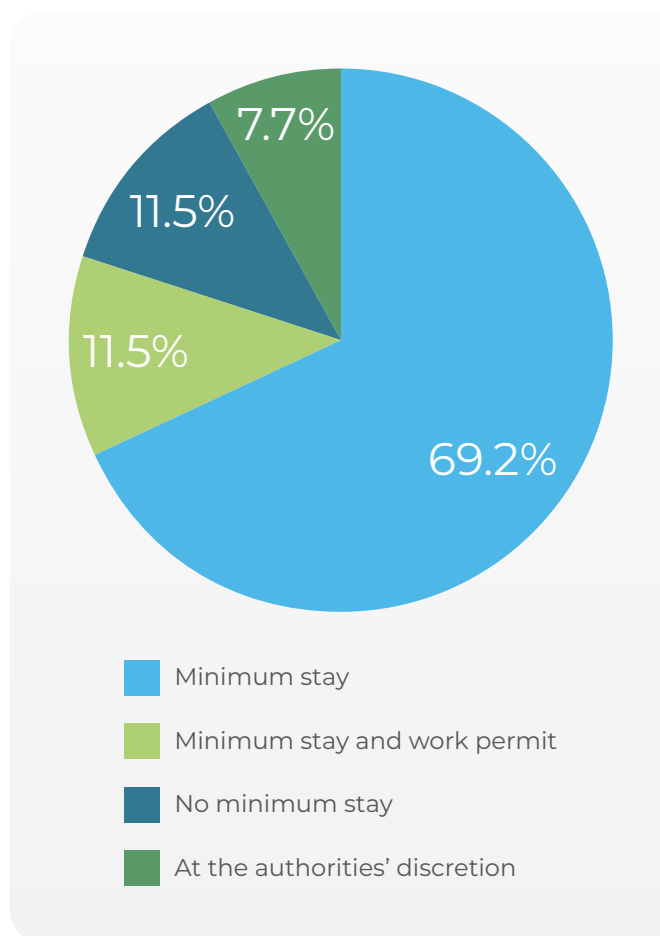
The more freedom workers have to change jobs, the more conducive conditions are to the spread of productive knowledge, as workers can apply their skills with different employers. The ILO recommends that employers respect the freedom of foreign workers to leave or change jobs (ILO, 2019a). Given the importance of providing legal certainty regarding the right to change jobs, migrants could be permitted to remain in the country long enough to look for a new job.

When job changing is permitted, it is also necessary to ensure that existing administrative controls do not create additional barriers. Reducing red tape is especially important when job changes require advance authorization. The principles of good administration can help to ensure that such authorization is granted quickly.

10 PERMANENT RESIDENCE

Secure economic integration requires legal certainty regarding the length of stay in the host country, and therefore in the labor market, which depends on how long permits are valid and the possibility of renewal or extension.

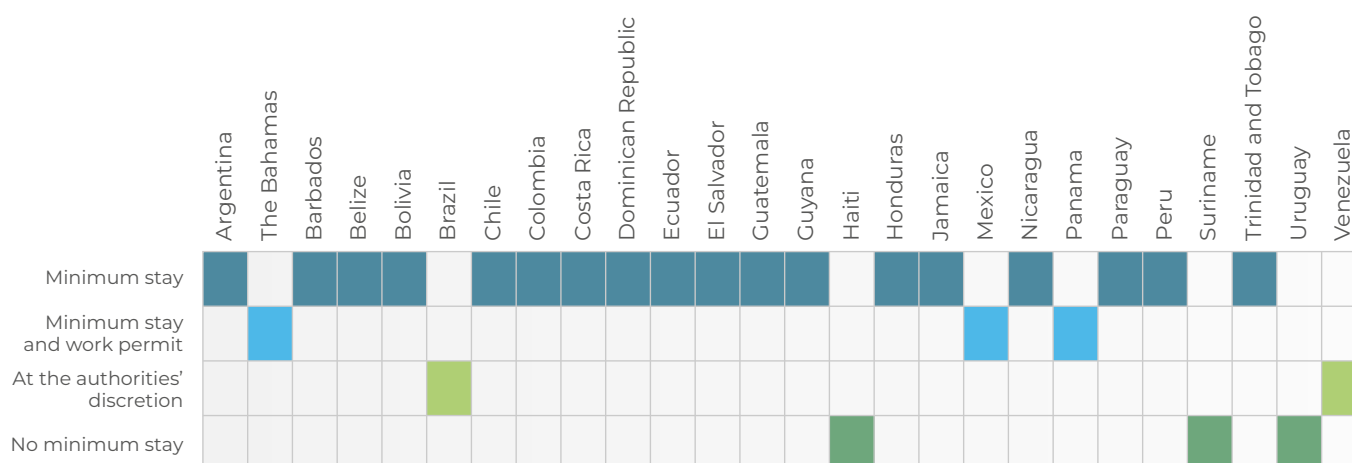
FIGURE 16. Permanent residence regimes



Source: Authors.

On average, the countries included in the study require a minimum stay of 4.08 years before granting permanent residence status. In 20 of the countries analyzed, foreign workers can apply for permanent residence status after meeting a minimum stay requirement under a work permit or visa. In 13 countries, migrants can apply for permanent residence after 3 years or less. In 6 countries, the minimum stay is 3–5 years, while only 2 require 5 years or more.

FIGURE 17. Minimum length of stay to access permanent residence status



Source: Authors.

As a rule, permanent residence status includes the right to work without a specific contract. However, three countries (Bahamas, Mexico, and Panama) require foreign workers to hold work permits even if they have permanent residence status, limiting the beneficial effects of residence on labor market integration.

Most Andean countries require foreign nationals to reside continuously for a certain period before they are granted permanent residence status, except in Venezuela, where this process is at the discretion of the authorities. In Central America and Mexico, most countries require a minimum stay before foreign nationals can apply for permanent residence, but in Mexico and Panama, a work permit is also required. There is no consistent pattern in the remaining subregions regarding this subindicator.

Permanent residence promotes economic integration by enabling foreign workers to remain in the host country indefinitely without being tied to a specific employer. **It also creates favorable conditions for decent work, as migrant workers have greater freedom, which favors the spread of productive knowledge.**

To achieve these objectives, the administrative procedure for access to permanent residence should comply with inter-American standards of

transparency and speed. Bureaucratic obstacles can delay the issuance of permanent residence permits.

11

NATIONALITY

From a legal standpoint, the highest degree of integration is achieved when migrant workers acquire the host country's nationality. **To apply for nationality, migrant workers need to have resided in the host country for an average of 4.6 years, usually as permanent residents.** Uruguay is the only country without regulations on granting nationality to migrants, as it lacks a legal naturalization framework and offers only "legal citizenship." In other words, foreign nationals retain their original nationality while also becoming Uruguayan citizens. However, Uruguayan law grants nationals of the 11 South American countries the right to obtain permanent residence status automatically.

There is no consistent pattern across the subregions regarding the number of years foreign nationals must spend in the host country before they can acquire nationality. Of the countries included in the study, 13 require a minimum stay of 3–5 years to apply for nationality; 8 require 3 years; and 4 require 5 years.

12 ECONOMIC AND SOCIAL RIGHTS

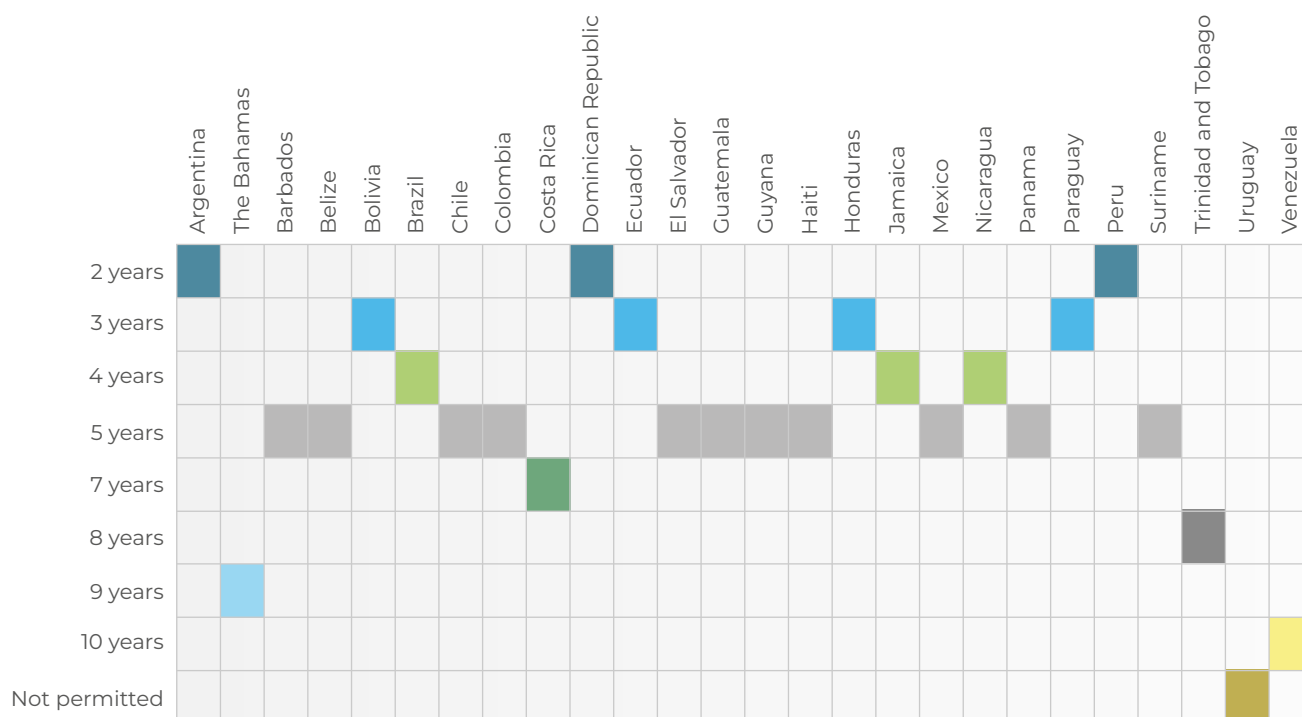
Foreign workers and their family members are also entitled to social rights such as health and education, which are essential to their development in the host country. **In 21 of the countries included in this study, foreign workers who entered via regular means are expressly granted the same economic and social rights as nationals.** In contrast, five countries (Bahamas, Barbados, Haiti, Jamaica, and Trinidad and Tobago) do not explicitly recognize these rights. However, this does not necessarily mean that foreign workers' access to economic and social rights is restricted.

At the subregional level, the Southern Cone countries, the Andean countries, and Central America and Mexico all have regulations based on equal access to these rights. No consistent pattern is observed in the Caribbean, and in most countries,

access to economic and social rights is neither stipulated nor regulated.

The recognition of economic and social rights promotes social integration by creating ties between migrant workers and the institutions providing the services beyond the employment relationship. Regardless of whether or not these rights are formally recognized, equal access to them is a widely accepted inter-American standard, especially among states party to the American Convention on Human Rights and the Protocol of San Salvador. This standard is particularly reflected in recent migration laws, which explicitly include a human rights perspective. Recent developments in Paraguay are one such example: the country's Migration Act of 1996 implemented a system of restrictions on access to these rights, whereas article 5 of the Migration Act of 2022 guarantees equal access to rights such as health, social security, education, justice, culture, and recreation for migrants and their families.

FIGURE 18. Minimum length of stay required to access nationality



Source: Authors.

3.1.3. Overview of the third group of subindicators: Multilateral and bilateral agreements

Labor integration is no longer just a matter of domestic law; international law is also playing an increasingly important role in improving conditions for foreign workers while ensuring safe, orderly, and regular migration. Consequently, it is of interest to study agreements that create more favorable conditions for access to the labor market and employment.

13

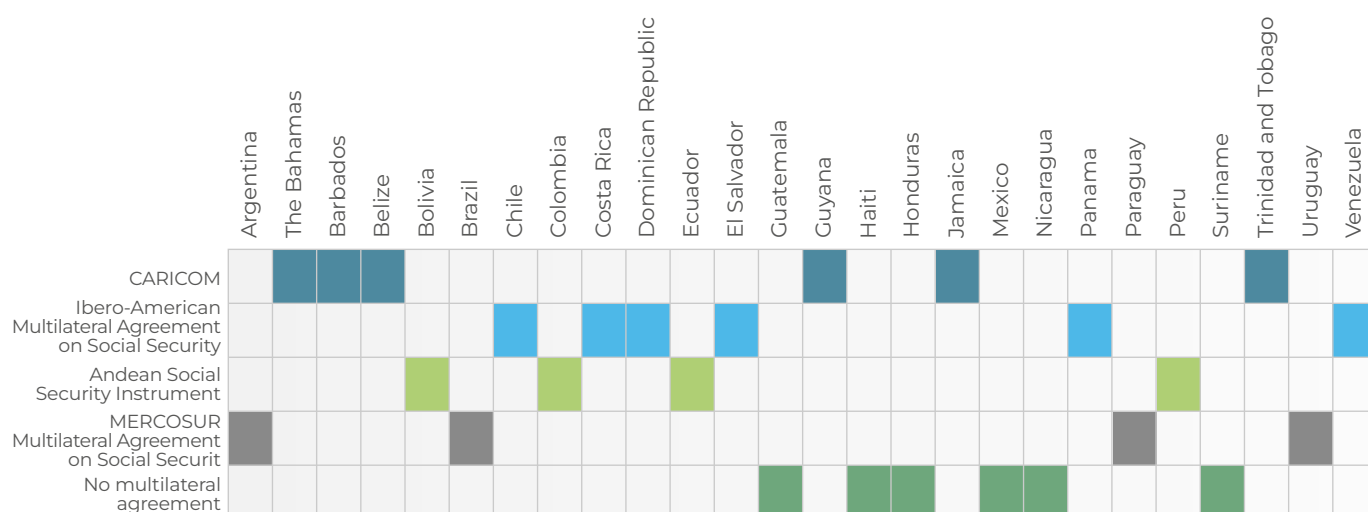
PORTABILITY OF SOCIAL SECURITY BENEFITS

In accordance with the host country's legislation, **migrant workers who have regular access to the labor market are entitled to social security benefits, especially healthcare and old-age and disability pensions.**

However, for foreign workers to fully enjoy these social security benefits, those they have acquired in their country of origin must also be recognized by their host country. This process is subject to international agreements governing the portability of social security benefits. Of the countries included in this study, 20 are party to regional agreements that guarantee the portability of social security benefits.

The most widely adopted agreement is the Ibero-American Multilateral Agreement on Social Security (Organización Iberoamericana de la Seguridad Social, 2007), followed by the CARICOM Agreement on Social Security (1996). In Latin America, there are two other regional agreements in place: the Andean Social Security Instrument, contained in Andean Community Decision No. 583 (OAS, 2004), and the MERCOSUR Multilateral Agreement on Social Security (1997). Some countries have also signed bilateral agreements that include portability clauses. For instance, Costa Rica has ratified bilateral agreements with Chile, Spain, and Uruguay, while Ecuador has done so with Chile, Colombia, Peru, Spain, and Venezuela.

FIGURE 19. Regional agreements on the portability of social security benefits



Source: Authors.



The types of social security entitlements covered vary by agreement. For example, the Ibero-American Multilateral Agreement on Social Security covers disability, old age, survivorship, work accidents, and occupational diseases. These are similar to the benefits recognized in the CARICOM Agreement on Social Security, although the latter does not cover work accidents and occupational diseases. The Andean Social Security Instrument covers the health and economic benefits provided under national social security legislation, while the MERCOSUR Social Security Agreement applies specifically to the contributory health and financial benefits available in member countries.

At the subregional level, the main instruments in force in the Southern Cone countries are the MERCOSUR Multilateral Agreement on Social Security and the Ibero-American Multilateral Agreement on Social Security, except in Chile, where only the latter applies. In the Caribbean countries, the CARICOM Agreement on Social Security is the most significant, although there are no multilateral agreements in force in Haiti and Suriname.

There is no single agreement in force in Central America and Mexico. However, half of the countries in this subregion are signatories to the Ibero-American Multilateral Agreement on Social Security. The latter is also important in the Andean countries, as is the Andean Social Security Instrument, except in Venezuela, where only the former is in place.

As the Los Angeles Declaration recognized, the portability of social security entitlements promotes fair labor migration opportunities in the region. The risk of losing social security rights in migrants' countries of origin discourages migration by preventing workers from obtaining benefits. In contrast, the recognition of those rights through international portability agreements creates favorable conditions for integration.

14

REGIONAL AGREEMENTS

15

BILATERAL AGREEMENTS

There is no single international instrument that covers all of Latin America and the Caribbean. However, there are subregional agreements that include special rules governing the entry of foreign workers into and their employment within the labor market. Haiti is the only country that has not signed any international agreements. A comparative table of all regional and bilateral agreements analyzed is included in [annex 3](#).

The regional agreement with the broadest scope is the MERCOSUR Residence Agreement (2018), which grants temporary residence status for up to two years (after which it can be renewed) and includes the preferential right to permanent residence at the end of this period. However, this status is not automatic, as migrant workers must apply for and obtain authorization to access the labor market as established in domestic law. Despite this additional step, the MERCOSUR Residence Agreement relaxes the conditions that generally apply to obtain a work permit. Host-country regulations may establish special conditions for authorizing entry on a case-by-case basis.

The second most widely adopted agreement is the 1973 Treaty of Chaguaramas, which established CARICOM and was revised in 2001 to create the CSME. The CSME recognizes freedom of movement for skilled workers, such as university graduates. These workers must be certified by the competent authority in their country of origin by obtaining a CARICOM Skills Certificate. The host country must review this certificate to grant them the right to regular residence, including the right to work. Freedom of movement for family members (spouse and children) is also recognized under this agreement.

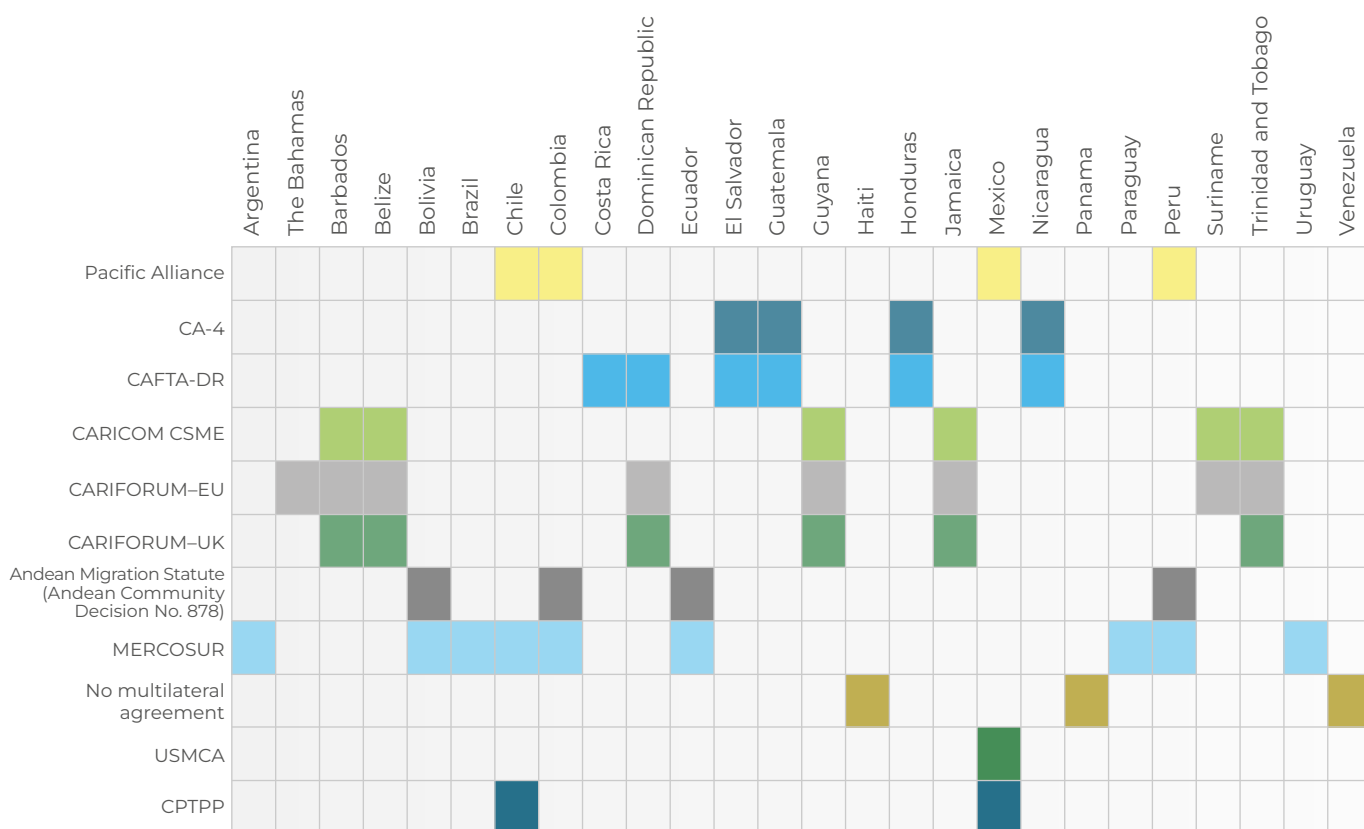
The next most important agreement is the Andean Migration Statute (2021), established through Andean Community Decision No. 878. Although the purpose of this instrument is to create Andean citizenship and thus promote freedom of movement, temporary or permanent residence is conditional on migrants obtaining authorization from the relevant member state, including a work permit. Decision No. 878 is directly applicable, meaning host countries cannot enact regulations that alter its scope.

Similarly, the Central American Free Mobility Agreement (CA-4; 2005) promotes freedom of movement between El Salvador, Guatemala, Honduras, and Nicaragua, but does not allow citizens to take up temporary or permanent residence in the other member countries. The agreement is subject to prior approval under local law.

Finally, some Caribbean countries make up the Caribbean Forum (CARIFORUM), a subgroup of the Organisation of African, Caribbean, and Pacific States, created in 1975. These countries signed an Economic Partnership Agreement with what is now the EU (2008) to promote free trade between the two regions. The United Kingdom later ratified this agreement after it left the EU. For key workers and scholarship or fellowship holders with university degrees, the right to reside for up to three years is regulated. However, in practice, it is subject to domestic migration laws. However, Caribbean countries have failed to fully implement this agreement, having entered reservations to certain provisions, thereby limiting its effectiveness.

Several countries in Latin America and the Caribbean have signed free trade agreements that include general clauses that apply to migrant workers. Some of these treaties and the labor obligations they contain are summarized in [table 6](#).

FIGURE 20. Labor mobility agreements in Latin America and the Caribbean



Source: Authors.

TABLE 6. Labor clauses in free trade agreements

FREE TRADE AGREEMENT	LABOR CLAUSES
Dominican Republic–Central America Free Trade Agreement (CAFTA-DR; 2004)	Chapter XVI contains provisions on compliance with ILO labor standards, including measures regarding foreign workers.
United States–Mexico–Canada Agreement (USMCA; 2018)	Annex 16-A promotes freedom of movement in certain categories that do not imply residence. It applies to business visitors, traders and investors, intracompany transferees, and professionals.
Pacific Alliance (2012)	Chapter 9 promotes cross-border trade in services but does not provide a special regime for foreign workers to access the labor market.
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP; 2018)	Chapter 19 reaffirms adherence to ILO decisions.

Source: Authors.

There are no common patterns at the subregional level, except in the Southern Cone, where the MERCOSUR Residence Agreement provides a relatively uniform framework for labor mobility.

According to the ILO (2022) database (which is not necessarily exhaustive), 10 of the countries included in this study have bilateral labor agreements. The specificity of these agreements makes them the most effective tool for promoting labor mobility between the two countries. This is especially true given that the majority of migrants in a given country tend to be nationals of one other country, according to the IDB's DataMig database. When there is a bilateral agreement in place between the two countries, there is a greater chance that these migrants will integrate into the labor market. Moreover, these agreements can promote freedom of movement and may also include social security provisions.

From a subregional perspective, there is a notable lack of information on bilateral labor mobility agreements in the Caribbean region. Most Southern

Cone countries have bilateral labor mobility treaties in place, except for Chile, for which detailed information is not available. In Central America and Mexico and the Andean countries, no clear patterns regarding bilateral labor mobility agreements were identified.

Multilateral agreements are the most suitable tools for promoting migration. **They foster labor integration in two ways: (i) by promoting decent work standards through labor clauses, as is the case with free trade agreements; and (ii) by facilitating foreign workers' access to and participation in the labor market.** In addition to promoting freedom of movement, regional agreements can foster free trade between countries by creating conditions that encourage labor mobility.

The ILO has recently created a platform to analyze the scope of free trade agreements according to their impact on labor relations, the Labour Provisions in Trade Agreements Hub (LPhub) (ILO, 2025). Corley-Coulibaly et al. (2021) classified the labor clauses in these agreements.

3.2 Public policy recommendations

This report has analyzed the impact of labor regulations on safe, orderly, and regular migration. In line with the New York Declaration and the Global Compact for Safe, Orderly, and Regular Migration, the premise underlying this report was that labor migration laws should be grounded in stable, clear, and predictable legal frameworks (safe migration). To achieve this, public policies must address market failures (orderly migration) and ensure efficient access procedures (regular migration). This framework helps foster development, especially by promoting the spread of productive knowledge. Full respect for migrant workers' rights is paramount to guaranteeing this spread, in line with the instruments and standards described in chapter 1.

These standards hinge on an effective regulatory framework for labor, particularly given the information asymmetries that are typical of processes for hiring foreign workers. Strengthening or implementing transnational regulatory frameworks is also essential, as these facilitate labor mobility between countries.

This points to the importance of including specific provisions in international and regional agreements to promote safe, orderly, and regular labor mobility. Based on the indicators analyzed in this report, the following section presents general recommendations for the countries included in the study regarding access to the labor market, employment conditions, and regional agreements.

3.2.1. Recommendations on labor market access

With regard to labor market access (i.e., the migrant worker's right to work), there are recommendations to be made in several areas. The administrative capacities of migration authorities should be strengthened through good governance practices inspired by inter-American standards for good administration.

The IACHR advocated for this in Resolution 21/41 of 2005, which urged OAS member states to exchange information on migration flows, facilitate migrants' access to public information, and harmonize migration requirements, among other regulatory best practices. The ultimate purpose is to avoid regulatory delays that might affect regular access.

To increase certainty for foreign workers and their families, the discretionary powers of migration authorities should be limited by enhancing the transparency and clarity of the criteria used to grant work permits or authorizations. Increasing legal certainty regarding migration procedures is essential for promoting safe migration. One potentially helpful initiative would be for migration authorities to publish and update manuals that summarize the relevant procedures in plain language, while also implementing effective digital channels for advising workers. Defining the criteria for family members to access the right to work is particularly important.

Interinstitutional could be improved in three ways: (i) in the model in which the migration authority is part of the security sector, it is essential to ensure that migration policies align with labor policies; (ii) in dual-authority models, the focus should be on reducing regulatory burdens; and (iii) at the inter-American level, priority should be given to the exchange of best regulatory practices through platforms such as those operated by the IDB.

International cooperation among migration authorities could be strengthened by sharing best regulatory practices inspired by inter-American standards at existing forums, such as the South American Conference on Migration, the Regional Conference on Migration, and the Caribbean Migration Consultations.

Regulatory burdens relating to access procedures could be simplified, including by using digital tools and new technologies to promote fair hiring practices. Specifically, this could be achieved through the use of digital media and new technologies such as artificial intelligence, which could improve

the quality of available information and thus build trust in administrative processes. This process is particularly important to ensure that the regulatory burden (which falls primarily on workers) does not give rise to exploitative behavior that violates fair hiring practices.

From an inter-American perspective, one recommendation to enhance legal certainty and foster long-term integration is to extend the period of temporary stay authorized under work permits. When permits are valid for only a very short time, such as one year, it can create uncertainty for all stakeholders, including private-sector companies, which need incentives to invest in training and hiring foreign workers in the medium to long term.

Special demand-driven programs could be designed to attract skilled workers based on the host country's needs. This approach would promote orderly migration, provided host countries have policies in place to attract workers with specific productive skills. Such policies would establish clear, predictable exceptions to systems that allow only certain types of workers to access the labor market.

Another important issue is balancing the number of foreign and national workers with the needs of both the public and private sectors. Striking this balance would help integrate foreign workers into labor markets, enabling their local counterparts to benefit from the new productive knowledge they bring. Such approaches may give rise to sector-specific exceptions to attract skilled foreign workers to complement the national workforce, in line with the principles of nondiscrimination, equal treatment, and equal opportunities.

Finally, procedures for recognizing and certifying professional skills should be put in place. While some procedures may create additional barriers, others can reduce information asymmetries and make the hiring process fairer.

3.2.2. Recommendations on employment conditions

The following recommendations relate to the employment conditions of migrant workers.

The capacities of migration authorities should be strengthened through good governance practices inspired by human rights standards. For instance, in Canada, foreign workers who have experienced or are at risk of abuse or exploitative practices can apply for open work permits that allow them to seek new employment within the next 12 months. Similar, flexible, open-ended visas have been introduced in countries such as the Philippines and Bahrain (UN, 2023). The ultimate goal is to avoid regulatory delays that could affect workers' employment conditions, particularly with regard to procedures such as changing jobs or obtaining residence permits.

Allowing migrant workers to change jobs benefits labor market dynamics by preventing specific employers or sectors from monopolizing migrant labor. It also empowers foreign workers to pursue jobs that better match their skills and interests and favor their professional development (ILO, 2022). Countries that currently prohibit job changes could introduce grace periods for job searches or define particular circumstances in which migrant workers can change employers.

Legal frameworks should establish clear, stable criteria for access to permanent residence and nationality, using simplified procedures supported by digitization and new technologies.

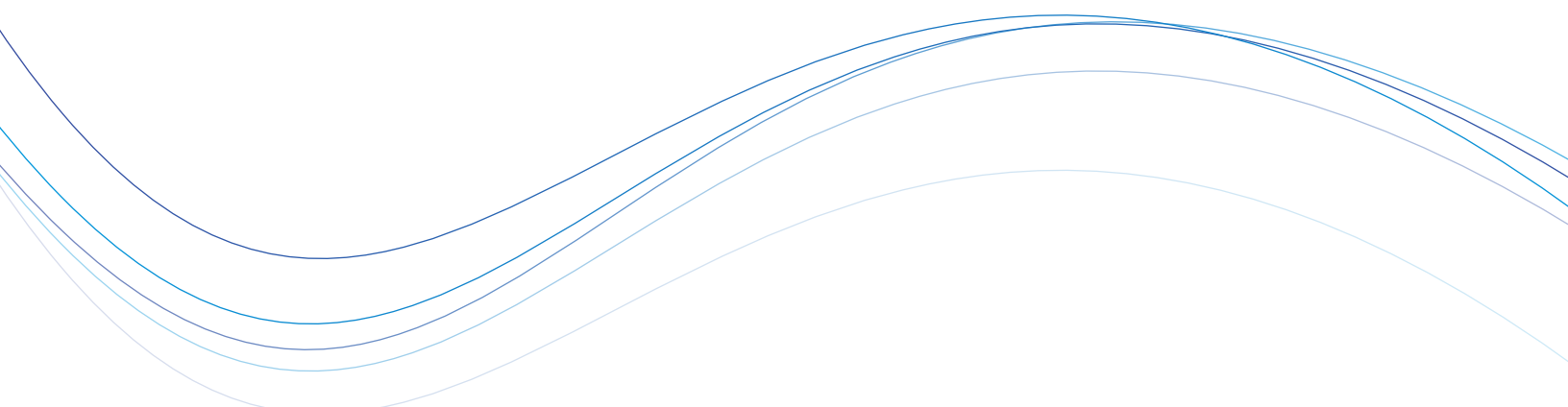
Foreign workers who have entered the country regularly are generally entitled to the same economic and social rights as nationals. These rights extend to family members who have been authorized to enter and remain in the country. The effective implementation of these rights should be strengthened through an intersectional approach contemplating those in particularly vulnerable situations, such as women and older adults.

3.2.3. Recommendations on international agreements

With regard to the portability of social security entitlements, international agreements that enable access to pensions, healthcare, and disability benefits need to be properly implemented, particularly within CARICOM, the Andean Community, MERCOSUR, and CA-4. Countries should assess how far domestic migration regulations facilitate compliance with these agreements and ensure

that free trade agreements containing labor causes and bilateral labor agreements are implemented.

One final recommendation is to advance inter-American mobility standards that align with the Los Angeles Declaration, while safeguarding host countries' right to regulate. One way to achieve this is by fostering the exchange of best regulatory practices, strengthening ties among inter-American migration authorities, and expanding the network of bilateral labor agreements.



Annex 1. Methodology for Measuring the Impact of Labor Migration Regulation on Economic Integration in Latin America and the Caribbean

This annex explains the scope of this publication's comparative analysis of how regulatory constraints on international labor migration affect economic integration, including:

- A focus on regular international labor migrants and their family members.
- An analysis of the legal restrictions on international labor migration—that is, labor migration law.
- An assessment of the impact of these migration-related restrictions on labor or economic integration.
- A comparison of entry restrictions and their consequences on the ability of migrants to perform their productive capacities.

The annex is divided into five sections:

1. Definition of the population covered by the study, with a focus on international labor migration.
2. Analysis of the legal and regulatory framework governing international labor migration.

3. Assessment of the impact of domestic regulation on labor market integration.

4. Description of the methodology and indices used to analyze the migration regimes of the 26 IDB borrowing countries.

5. Description of the comparative methodology used.

1. Study population: international labor migration and decent work

This study focuses on just one of the many complex facets of migration: international labor migration. Figure 21 summarizes the components of international labor migration.

This study focuses on international migration as defined in the International Organization for Migration (IOM) *Glossary on Migration* (2006: 113), particularly migrant workers. It therefore does not address internal labor migration. This definition excludes refugees but includes temporary workers (those who leave their place of residence to work but only for a limited time).

International migration is governed by UN General Assembly Resolution 45/158 (1990), which established the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is monitored by the Committee on the Protection of the Rights of All Migrant Workers (CMW).

According to article 2 of this convention, a migrant worker is “a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national” (UN, 1990: art. 2, para. 1). A self-employed worker is a:

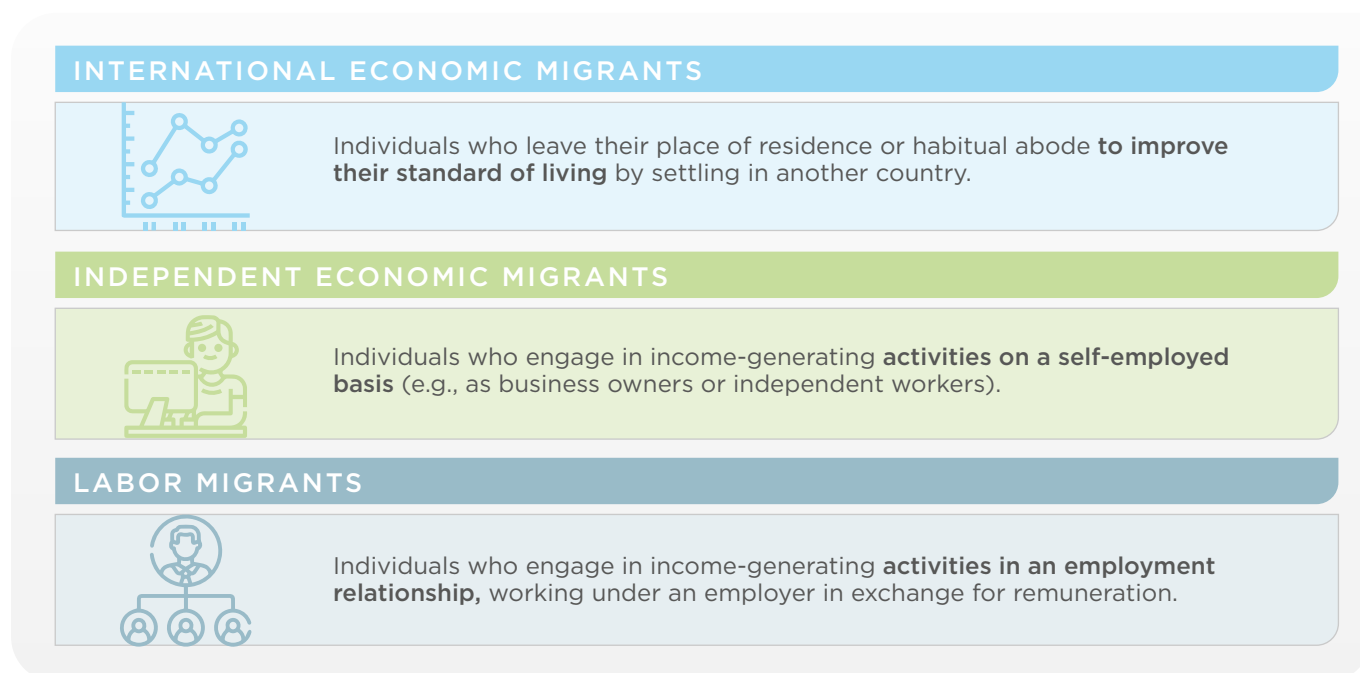
migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity, normally working alone or together with members of his or her family, and any other migrant worker recognized as self-employed by the applicable legislation in the State of employment or bilateral or multilateral agreements” (UN, 1990: art. 2, para. 2, subpara. h).

The ILO's International Labour Standards are of particular interest in relation to migrant workers. They initially applied only to economic migrants in an employment relationship but have since been extended to include migrants seeking work (ILO, 2021).

In 1999, the ILO Committee of Experts on the Application of Conventions and Recommendations conducted a study to systematically analyze the scope of ILO instruments. Paragraph 101 of this study makes it clear that these instruments only pertain to the labor aspect of migration, so that the key concept is that of “worker” (ILO, 1999: para. 101). However, the issue is much more complex. The ILO has examined the status of dependent contractors and introduced the notion of “economically dependent self-employed workers” (ILO, 2018).

This study does not analyze the legal regime applicable to refugees or asylum-seekers in depth. Broadly speaking, in Latin America and the Caribbean, those who have been granted refugee

FIGURE 21. The concept of labor migration, according to the International Organization for Migration



Source: Authors.

status or have benefited from complementary protection mechanisms may eventually become workers. However, the focus of this study is the economic regime governing regular international labor migration. The specifics of the legal regime for refugees and asylum-seekers have already been examined by authors such as Acosta and Harris (2022).

Under international law, particularly the 1951 UN Refugee Convention, refugees have the right to opt to be treated as ordinary labor migrants. Although initial attention to refugees focused on human rights, the economic benefits of refugee integration have also been increasingly recognized in recent years (Betts, 2021: 65 ff.). Policies designed to promote the economic integration of refugees are typically developed after displacement events begin.

This study does not examine the legal status or employment situation of so-called irregular migrants—that is, people who enter a country in violation of the laws or regulations governing entry or overstay their authorized period of stay. Regularization procedures, which can indeed promote economic integration, are examined in detail by Acosta and Harris (2022). Instead, this study focuses on policies to attract regular international labor migrants (or documented migrant workers) (IOM, 2006: 55). Regular entry is defined as when the host country has authorized the entry of the foreign worker.

This analysis also covers the dependents or family members of international labor migrants. Policies to promote labor migration may be conditioned by restrictions on family members' income and employment, particularly regarding their right to work. In this sense, labor migration law encompasses regulations that specifically affect international migrant workers and their families. Any mention of "labor migration" in this study refers to international migration. In any case, the study focuses on national-level regulations in each country and does not consider subnational laws or frameworks.

International law recognizes the right to family reunification, meaning that family members of international migrant workers have the right to enter and remain in the host country. Restrictions on the exercise of this right, such as those on the right to work, can negatively affect labor mobility.

The intersection between labor and migration law is expressed through the concept of decent work, which holds that the conditions under which migrant workers enter and participate in the labor market must respect their dignity. Only in this way can the employment relationship enable workers to fully harness their productivity and earn a fair wage, in accordance with the ILO's International Labour Standards. These conditions should apply equally to all workers, but migrant workers should be afforded greater protection because they are in a more vulnerable situation due to having left their country of origin. The standards for decent work should also be interpreted from an intersectional perspective—that is, taking into account the fact that an individual may be subject to multiple situations of vulnerability, such as being an older adult, LGBTIQ+, or part of an Indigenous community or people.

The Inter-American Human Rights System acknowledges the principle of intersectionality as a core factor in guaranteeing decent work. According to this principle, countries should enhance protection policies when different causes of vulnerability converge, as is the case for women labor migrants (IACHR, 2019a).

This particular vulnerability has prompted authorities to focus on fair or equitable hiring processes. Information gaps and the status of migrant workers can undermine these processes, preventing employers from finding qualified workers and leading to abusive practices. Countries could address these failures by creating coordination mechanisms such as employment agencies, including through government-run services (ILO, 2019a).

In short, **this publication focuses on labor migration law**, defined as the voluntary movement of foreign workers to a host country for the purpose of providing services under an employment relationship. Its ultimate objective is to provide tools to measure the quality of migration policies designed to attract workers who can engage in the labor market under optimal conditions and contribute productive skills to the host country.

2. Legal framework: regulatory restrictions on international labor migration and the host country's right to regulate

The study focuses on the legal restrictions on international labor migration shown in figure 22.

The regulation of labor migration falls within countries' sovereign authority to admit migrant workers. This understanding implies three factors:

1. Labor migration regimes usually derive from domestic legislation, regardless of the impact of international law.

2. The enforcement of these norms is usually entrusted to administrative migration authorities.

3. Migration authorities tend to enjoy considerable discretionary powers. As a result, migration laws are usually broad and general, and their content is specified in regulations issued by the executive branch of government.

International agreements on labor migration can thus be grouped into four categories:

1. Universal or labor-related
2. Inter-American system
3. Regional
4. Binational

FIGURE 22. Classification of domestic labor migration regulations



Source: Authors.

As a result of the shift known as the “humanization” of international law (Peces-Barba, 1999), the traditional role of international legal instruments was to prevent discriminatory or inhumane treatment. In other words, they established a form of negative regulation that did not prescribe or condition specific migration policies. The obligations that countries initially assumed through these instruments primarily required treating migrant workers humanely and without discrimination, but did not entail any specific commitment to promote labor mobility. Generally speaking, the Inter-American Human Rights System takes a similar approach.

Negative regulation is also present in international instruments that protect human rights in the field of work, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990), which essentially aims to guarantee the right to equality by prohibiting discriminatory treatment based on nationality, according to the monitoring carried out by the Committee on the Protection of the Rights of All Migrant Workers. The ILO’s International Labour Standards perform a similar function.

In the early 2000s, however, this approach was broadened to include the positive impact that migration can have on development. Since 2003, there has been growing recognition that protecting human rights solely through the principle of nondiscrimination is insufficient; it is also necessary to promote policies that facilitate migration, given its potential to contribute to development.

As a follow-up to the Millennium Declaration, the UN Secretary-General proposed promoting a multidisciplinary approach to migration in *Strengthening of the United Nations: An Agenda for Further Change* (2002: para. 39). In December 2003, the Global Commission on International Migration (GCIM) was established as the first global body to promote a human development-centered approach to migration. While in operation, the GCIM issued several resolutions, notably Resolution 58/208 of 2003, which was expanded into Resolution 59/241 of 2004. The GCIM also published several reports on development-centered migration, including *Migration in an Interconnected World: New Directions for Action* (GCIM, 2005). In 2018, the GCIM was replaced by the UN Network on Migration.

TABLE 7. Classification of international migration law

GENERAL AGREEMENTS	
	→ Universal Declaration of Human Rights (UN, 1948). → International agreements (ICCPR, ICESCR). → International conventions for the prevention of discrimination, torture, and other inhumane treatment (UN, 1984; OAS, 1985). → New York Declaration. → Global Compact on Migration and Global Compact on Refugees. → International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. → The International Labour Organization's International Labour Standards. → The World Trade Organization's rules on services and labor clauses in free trade agreements.
INTER-AMERICAN SYSTEM	
	→ American Declaration of the Rights and Duties of Man. → Charter of the Organization of American States and complementary instruments. → American Convention on Human Rights (Pact of San José) and complementary instruments.
REGIONAL	
	→ Andean Community Decision No. 878, concerning the Andean Migration Statute. → Southern Common Market (MERCOSUR) Residence Agreement. → Caribbean Community (CARICOM) Caribbean Single Market and Economy (CSME). → Central America-4 Free Mobility Agreement.
BILATERAL AGREEMENTS	
	→ Bilateral agreements to facilitate labor mobility.

Note: Adapted from Acosta and Harris (2022).

The acknowledgment of the positive effects of migration led to the creation of a new cooperation mechanism in 2006: the High-Level Dialogue on International Migration. This new perspective was also reflected in the Declaration of Buenos Aires, adopted by the South American Conference on Migration in 2013. In 2005, the UN World Summit agreed to scale efforts to promote development through international migration, as set out in Resolution 60/1 (UN, 2005a: para. 61). This led to the establishing of the UN High-Level Dialogue on International Migration and Development, whose first meeting was convened in 2006 through

Resolution 60/227 (2005b) and which held several further meetings that year and in 2013. Other publications on this topic include resolutions 68/190 (UN, 2012b), 67/172 (UN, 2012c), 67/219 (UN, 2012d), and 68/4 (UN, 2013), which contains the Declaration of the High-Level Dialogue on International Migration and Development. The scaling of UN efforts to promote migration as a catalyst for human development did not imply abandoning the longstanding commitment to defending the human rights of migrants. For further details, see Resolution 20/3 (UN, 2012).

This declaration was approved at the Second Dialogue of the South American Conference on Migration. The third paragraph affirms “the positive contribution of migrants and their families to the social, economic, intercultural, educational, and scientific aspects of development, and to the processes of integration and cooperation between countries” (CSM, 2013). This text should not be confused with the Declaration of Buenos Aires, which was adopted in 2023 at the VII Summit of Heads of State and Government of the Community of Latin American and Caribbean States. Among other issues, the Declaration of Buenos Aires underlines the importance of migrant integration and inclusion.

The adoption of the 2030 Agenda (UN, 2015) reflected this shift in vision, broadening the concept of migration and emphasizing that it is not enough to guarantee human rights under the principle of nondiscrimination—the positive impact that migration can have on development also needs to be taken into account.

The next milestone was Resolution 70/1 (UN, 2016a), known as the New York Declaration for Refugees and Migrants. It reiterated that “Migrants can make positive and profound contributions to economic and social development in their host societies and to global wealth creation” (paragraph 46). Resolution 71/237 (UN, 2016b), was subsequently adopted, requesting the General Secretariat to submit a report on migration and development. This request was fulfilled on August 1, 2018, through Report 73/286, which noted that “in countries of destination, migrants often fill gaps in the labour market and compensate for shortages in the work force caused by demographic shifts or other factors” (UN, 2018a: para. 26).

Annex 2 of the resolution contained guidelines for discussing and approving an international compact aimed at promoting safe, orderly, and regular migration through intergovernmental negotiations. Resolution 71/280 (UN, 2017a) established the methodology for negotiating this compact, which was reiterated in Resolution 72/244

of 2017, containing the provisional rules of procedure for the intergovernmental conference to adopt the Global Compact for Safe, Orderly and Regular Migration (UN, 2017b).

The original intention was to draft a convention, which is akin to a treaty, but this proved overly ambitious given the reluctance to regulate migration through international law. The regulation of migration, particularly labor migration, has been considered a core aspect of state sovereignty. This matter is often a source of concern when addressed in international law.

Instead, in 2018, a soft-law instrument was chosen: the Global Compact for Safe, Orderly and Regular Migration, adopted by the General Assembly in Resolution 73/195 (UN, 2018b), which does not constitute a legally binding convention.

The Global Compact contains three new standards that focus particularly on migrant workers through guidelines aimed at promoting their entry and employment in host countries:

- The recognition of migrant workers' rights as a means of facilitating their development (safe migration).
- Public policies to attract and manage migration flows (orderly migration).
- Legal status for migrant workers (regular migration).

The Global Compact argues that migration should facilitate the free movement of workers and identifies factors that can hinder this mobility, particularly shortfalls in information and cooperation. According to the Global Compact, the state's role is not limited to regulating labor migration; it also includes actively managing labor migration to maximize its positive effects on development. From this perspective, countries can address information and coordination failures and facilitate the movement of workers whose productive skills are needed, in line with development policies.

This vision has also gained traction in Latin America and the Caribbean. OAS General Assembly Resolution AG/RES. 2883 (OAS, 2016) recognized that orderly, safe, regular, responsible, and informed migration leads to greater protection for migrants. Additionally, the Los Angeles Declaration (UN, 2022), adopted at the 9th Summit of the Americas, recognizes the political commitment countries made through the Global Compact to:

work towards inclusive labour markets and full participation of migrant workers in the formal economy by facilitating access to decent work and employment for which they are most qualified, in accordance with local and national labour market demands and skills supply (UN, 2018: para. 32, subpara. d).

These political commitments require countries to go beyond measures of nondiscrimination. Instead, they must develop public policies to facilitate safe, orderly, and regular migration, not only to protect human rights, but, above all, as a necessary condition for promoting inclusive development. These commitments are consistent with host countries' right to regulate and manage labor migration, including by establishing the conditions under which migrant workers may access and be employed within the labor market.

Several regional agreements are in place across Latin America and the Caribbean, including the CARICOM integration agreements; the Central America-4 Free Mobility Agreement (CA-4) among El Salvador, Guatemala, Honduras, and Nicaragua; MERCOSUR, and the Andean Community of Nations. Acosta and Harris (2022) present a complete overview of the international instruments governing migration. However, freedom of movement is

not a shared principle across these agreements, as migrant workers' access to the labor market depends on their having the appropriate work permit, even if regional agreements establish more flexible conditions than would otherwise be the case. The CSME recognizes freedom of movement for skilled workers who have certified their skills.

The international sources used in this study include free trade agreements, which typically include labor clauses—that is, provisions aimed at ensuring decent working conditions that facilitate labor mobility without interfering with controls on access to the labor market for temporary or permanent residents (ILO, 2015).

This study also considers the administrative practices described on the official websites of migration and labor authorities. Migration law tends to be broad and abstract, but it is implemented through administrative rules and other instruments, such as instructions, circulars, and practices arising from online procedures. A common principle of migration legislation in Latin America and the Caribbean is that laws tend to establish very broad standards, which are then implemented through administrative regulations and other instruments such as instructions and circulars. Migration procedures are often uncoded administrative practices. For this reason, this study also focuses only on the administrative practices listed on the websites of the migration and labor authorities.

In summary, this report examines national legal frameworks governing international labor migration, including applicable international regulations, and their impact on workers' labor market access and integration.

3. The impact of domestic regulation on labor market integration

This section presents a comparative analysis of labor migration laws to evaluate their impact on labor or economic integration. From a socio-economic perspective, the concept of labor market integration is closely linked to broader processes of assimilation and socioeconomic integration or inclusion.

The literature on migration has described assimilation as **the process by which migrants adapt to host societies** (Alba and Nee, 1997: 826). Assimilation is defined as the convergence of migrants (and their descendants) with the host-country population in terms of income and social well-being (or human development) over time (Borjas, 2014: 38). It has also been suggested that integration or inclusion should be seen as reciprocal processes in which migrants and host societies adapt and evolve together (Fleischmann, 2010: 258).

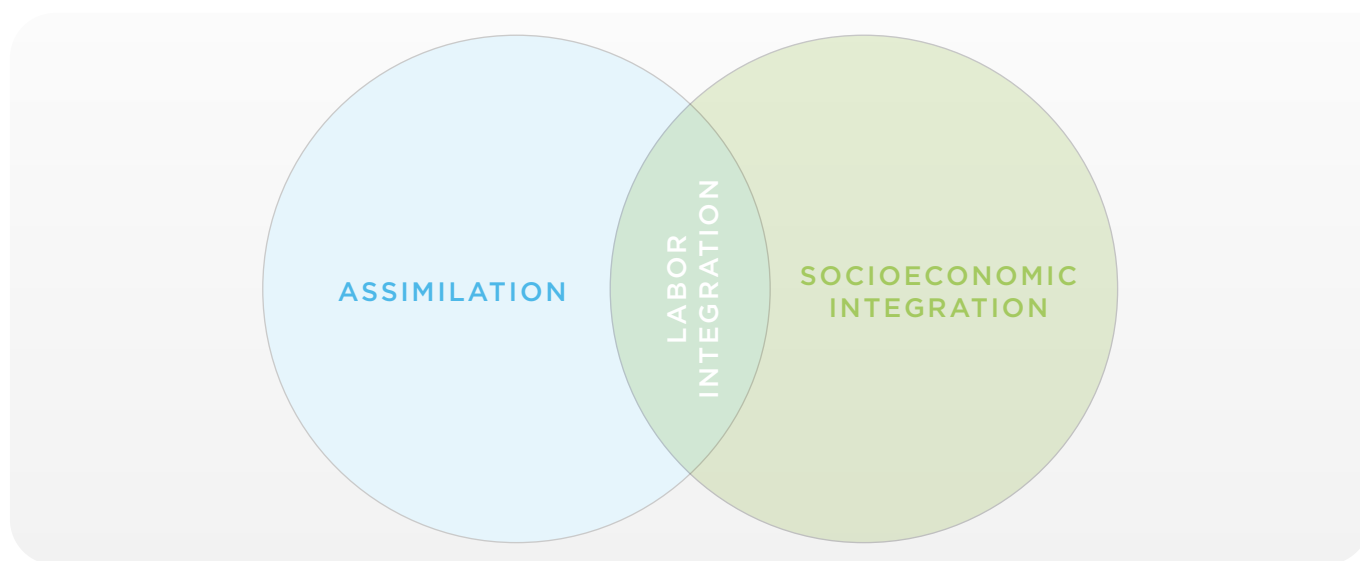
The Organisation for Economic Co-operation and Development (OECD) has studied migrant integration by comparing various indicators for migrants and their descendants with those for the

national population. Among these indicators are: (i) household income, (ii) housing, (iii) the right to health, (iv) the right to education, (v) unemployment, (vi) employment, (vii) civic engagement, and (viii) discrimination (OECD, 2012).

More specifically, labor inclusion, or economic integration, refers to the extent to which migrants can participate in the labor market on terms similar to those of nationals (OECD, ILO, World Bank, and IMF, 2016). According to this definition, integration is based on equal opportunities for migrants and host-country nationals. **In this sense, MIPEx measures factors including labor mobility by comparing the quality of labor regulations with standards derived from international law** (Solano and Huddleston, 2020).

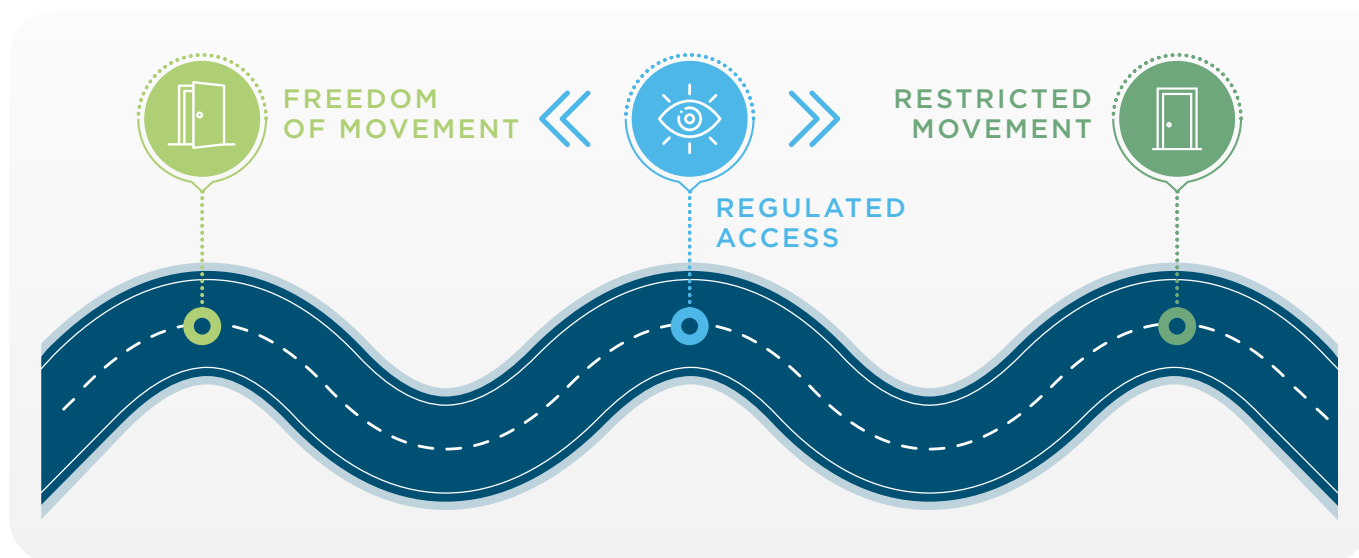
This study focuses on one of these factors: the impact of migration-related labor law on regular migrant workers. In this sense, the rights that migrant workers can exercise determine their ability to integrate into the labor market. **However, these rights are subject to labor migration regulations, which determine migrant workers' access to and employment within the market.** In this regard, three broad scenarios can be identified: freedom of movement, regulated access, and restricted movement (figure 23).

FIGURE 23. The dependence of labor market integration on assimilation and socioeconomic integration



Source: Authors.

FIGURE 24. The dependence of labor market integration on assimilation and socioeconomic integration



Source: Authors.

As figure 24 shows, free movement of labor is the right of migrants to enter a host country's labor market without needing a permit or authorization.

This right usually derives from regional integration agreements that allow for the free movement of workers without the need for entry or work permits. At the opposite end of the spectrum, some countries restrict migrant workers' access to the labor market. These restrictions may apply only to particular categories of workers (when certain activities are reserved for nationals) or may take the form of measures to protect national workers.

Between these two extremes lies regulated access, where migrant workers can enter the labor market but only by complying with conditions set by labor migration laws. These regulations may include a work permit requirement, which can limit migrant workers' ability to participate effectively in the labor market—such as by allowing only temporary entry—and may not necessarily authorize family members to work.

The initial hypothesis in this study is that labor regimes shape the conditions enabling migrants' inclusion in the labor market based on their

legal status—that is, migrant workers' rights and obligations under migration law.

Consequently, national migration regimes may have a positive or negative effect on international labor migration. For this reason, this report argues that labor regulations that promote safe, orderly, and regular migration favor the international exchange of productive knowledge (know-how) and thus create favorable conditions for economic growth. This exchange fosters the spread of migrant workers' know-how and enhances its complementarity with that of national workers.

Know-how refers to the practical knowledge workers acquire through experience. It is therefore practical and closely linked with productive skills. It is not codified knowledge found in manuals, nor is it knowledge protected by trade secrets such as patents. As a result, it cannot be easily transmitted through formal training but is instead shared through direct interaction among workers. An economy seeking to diversify production could benefit from the transfer of productive knowledge by encouraging interaction between workers with complementary skills. One of the main channels

for achieving this is international labor migration (Bahar, Hausmann, and Hidalgo, 2014; Hausmann, Espinoza, and Santos, 2016).

This report focuses on one particular aspect of this process: how migrant workers can use their productive knowledge in the host-country labor market. One channel for the spread of productive knowledge is labor migration, as migrant workers can transfer their knowledge to national workers within the host country's labor market (Quak, 2019).

From this perspective, migrant workers can complement the skills of national workers (Bahar and Rapoport, 2018). An IDB study in Colombia supports this, finding that migration from Venezuela did not lead to significant or adverse changes in the labor market, especially in terms of wages. Migration can have very diverse economic effects on host countries, especially when its capacity to increase demand for goods and services and to promote consumption is taken into account. Despite migrant workers' potential contributions to host-country labor markets, under certain circumstances, countries may adopt policies to protect national workers.

The entry of migrant workers increases the labor supply, which can put downward pressure on wages or be perceived as a threat to local workers, particularly when unemployment is high. In response to these circumstances, host countries have implemented mechanisms such as quotas, which limit the number of foreign nationals who can be hired, or labor market tests, which require employers to prove that there are no qualified national candidates to fill vacancies before hiring migrant workers.

In short, the impact of migration on labor markets and the potential complementarity between migrant and national workers depend on factors that include the degree of openness of these markets, as determined by both migration policies and labor legislation (Peri 2016). Labor migration regulation can shape the consequences of human mobility in several areas: (i) migrants' working conditions, particularly in relation to compliance with standards for decent work, (ii) productivity and innovation in host-country labor markets, (iii) remittance flows to migrants' countries of origin, and (iv) increased international connectivity (Koczan et al., 2021). As a consequence, this study aims to measure the effects of international labor migration regimes on economic integration.



4. Indices for assessing the quality of migration policies

Data collection remains a major challenge in research on labor migration (Ozel et al., 2017: 33–40). To overcome this difficulty, the IDB uses administrative records as a proxy for measuring migration—specifically, the number of permits issued that grant migrants access to host-country labor markets, which in turn influences their employment outcomes. This methodology reveals that

the total number of residence permits granted to regular migrants to the countries of Latin America and the Caribbean reached 1.41 million in 2019 (...), a decline from over 2 million in 2018 but still more than 50% higher than the average for 2015–16” (Harris, 2021: 12 and 15).

These permits are authorizations issued to grant migrant workers access to the labor market.

Two indices are particularly relevant to this study: MIPEx (Solano and Huddleston, 2020) and the Immigration for Employment Index (IMMEX; Migration Policy Group, 2012). Together with other indices, MIPEx and IMMEX shed light on how the impact of labor regulation on economic integration can be measured. **MIPEx is one of the most widely used databases on migration integration and includes data from 52 countries**, including Argentina, Brazil, and Chile in Latin America and the Caribbean. The fifth edition of the index was published in 2020 and measures three main areas:

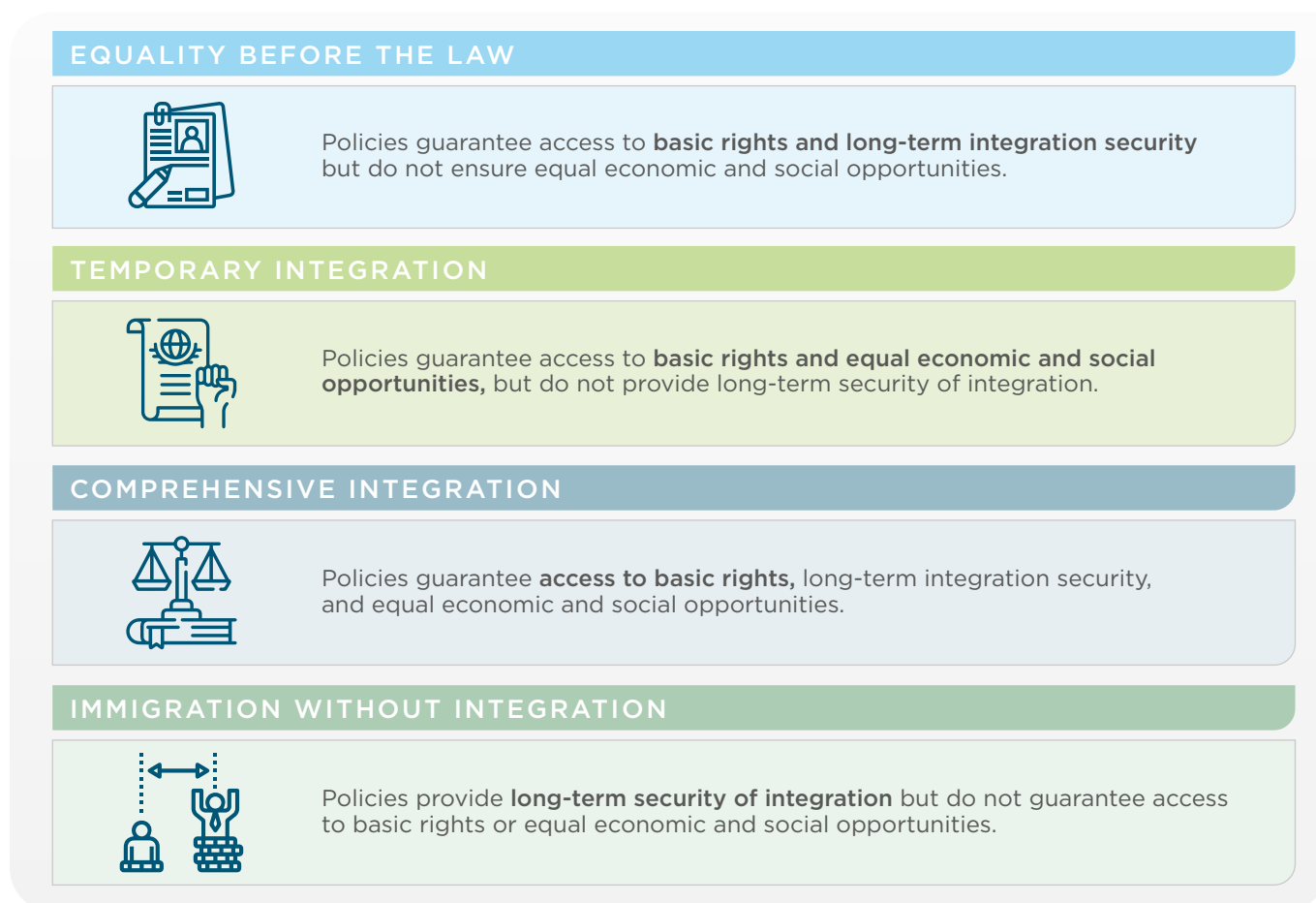
1. Equitable access to basic rights.
2. Equality of economic and social opportunities.
3. The long-term security of integration.

These dimensions capture integration in a broad sense, based on the assumption that pro-integration policies tend to foster migrant's acceptance by host societies, which in turn tends to improve migrants' overall well-being (Bilgili, 2015; Solano and Huddleston, 2020). **MIPEx measures eight policy areas in terms of how far they align with international standards, in the view of local experts** (Solano and Huddleston, 2020: 6):

- Access to nationality.
- Antidiscriminatory practices.
- Access to education.
- Family reunification.
- Access to healthcare.
- Labor mobility.
- Residence permits.
- Political and civic engagement.

These areas are measured against international standards that derive from international and European law. **This publication focuses on the sixth dimension: labor mobility.**

FIGURE 25. Classification of domestic labor migration regulations



Source: MIPEX.

The labor mobility dimension measures the following variables:

1. Immediate access to the labor market.
2. Access to public-sector employment.
3. Access to self-employment.
4. Access to public employment services.
5. Education services and vocational training.
6. Recognition of academic qualifications.
7. Economic integration of third-country migrants.

8. Integration of children and young people.

9. Access to social security.

MIPEX assigns each variable a score from 0 to 100 based on how far the country complies with relevant international standards. The overall score reflects the quality of each country's migration policy regarding socioeconomic integration. The average of the different variables is then calculated to generate a score for each policy area and obtain the overall Migration Policy Index. Sweden ranks first in the fifth edition of MIPEX, with a score of 86, while India is last, with a score of 24 (Solano and Huddleston, 2020).

IMMEX measures four policy dimensions for EU countries:

1. Policies to select economic migrants, which consider several factors:
 - Labor market tests, which require demonstrating the lack of availability or insufficiency of national workers, often through prior advertisement of job vacancies.
 - Quotas or other quantitative restrictions on hiring migrant workers.
 - Points-based systems, which measure migrants' skills.
 - Job-offer requirements as a condition for entry.
2. Admission criteria, including work permits.
3. The stability and duration of permits granted.
4. The rights attached to entry permits, particularly regarding equal access and freedom of movement.

In the latest edition, a questionnaire was drafted for each of these areas to gather information on economic migration policies. Each country was scored on each variable (0–100), and the arithmetic means of these scores gave the overall scores.

In addition to MIPEX and IMMEX, other databases provide insights into the impact of regulations on labor inclusion, even if this is not their specific focus.

For example, one focus of this study has been migration governance—the set of regulations, policies, and practices through which countries manage migration. The IOM has created a database to measure this aspect, which is available on the

Global Migration Data Portal (2021). **Unlike other databases, which typically focus on specific sectors, the IOM database takes a more comprehensive approach, covering 49 countries and assessing the following factors (IOM, 2019a):**

- Migrants' rights.
- Whole-of-government approach to migration.
- International cooperation.
- Well-being of migrants.
- Mobility dimensions of crises.
- Safe, orderly, and regular migration.

As noted above, this study focuses exclusively on labor migration law—that is, the regulation of labor migration, a form of economic migration. It analyzes labor migration law in terms of its impact on the entry and employment of international migrant workers, while also considering the practical effects of international law. Its scope is thus most comparable to that of IMMEX, but with a different geographic focus. Instead, it aims to provide a region-specific diagnostic review of the current state of legal restrictions on labor migration in IDB borrowing countries.

Likewise, this study is not based on comparisons with international or European standards, unlike the MIPEX database. Instead, it measures countries against international legal instruments governing migrant workers and inter-American standards specifically designed for Latin America and the Caribbean. Although MIPEX includes countries in Latin America and the Caribbean, the first part of this study focuses on inter-American international standards—that is, those directly applicable in the region and that allow researchers to measure the quality of labor migration legislation going forward.

Finally, this study does not use a quantitative methodology to assess impact. However, such an approach could be developed in the short term by assigning scores to each of the variables described, based on their effect on economic integration or alignment with international standards. Doing so would enable the construction of an index of constraints on the economic integration of migrant workers, which could then be correlated with economic variables such as growth, economic complexity, wages, and unemployment.

The ultimate goal would be to determine the impact of labor migration law on integration and, by extension, on development. A future project of this sort would involve measuring not only the *de jure* sphere, as this report does, but also the *de facto* sphere—that is, how far labor migration control mechanisms are actually implemented.

5. Comparative methodology

This study of labor migration law uses a comparative methodology. It divides labor migration regulations into two broad categories: restrictions on admission and restrictions on employment.

Migrant workers are granted access to host-country labor markets only after being authorized by a designated authority, which, in the countries included in this study, is an administrative body. These mechanisms primarily restrict the entry of workers into the host country but they may also apply to migrants already within it who do not have the right to work. This study examines how these administrative authorizations or permits function as

restrictions on regular access to the labor market. As a previous IDB study has pointed out, administrative control mechanisms leave researchers with an “administrative trail” to follow (Harris 2021).

Restrictions on employment, which limit rights at work, determine the extent to which migrants authorized to enter the country can participate in the labor market and expand their productive knowledge. These include limitations on changing jobs and socioeconomic rights. While there are, of course, numerous factors that can affect socioeconomic integration, this study focuses solely on legal factors, as these are the areas over which countries have the most direct control in promoting labor migration.

In conclusion, this study argues that merely guaranteeing equal labor rights for migrants on paper is insufficient. Given that equality-based standards apply only to migrants who have already secured regular access to the labor market, countries also need to develop legal frameworks that promote and facilitate the entry of foreign workers to encourage productive knowledge transfers.

As noted above, the principle of equality (on which international law is based) primarily prohibits discrimination between national and foreign workers, as well as abusive, degrading, or inhumane treatment. This principle applies only to migrant workers who have entered the labor market through regular channels and therefore generally enjoy the same rights and obligations as national workers under similar conditions. As a result, effective integration requires going further by addressing the barriers to entry that may otherwise limit the spread of productive knowledge.

Annex 2. Comparative Table of Agreements

LEGEND	
ACMS	Andean Community Migration Statute
ASSI	Andean Social Security Instrument
BLA	Bilateral Labor Agreement
CA4	Central America-4 Free Mobility Agreement (CA-4)
CASS	CARICOM Agreement on Social Security
C-DR	Dominican Republic–Central America–United States Free Trade Agreement (CAFTA-DR)
C-EU	CARIFORUM-EU
CMISS	Ibero-American Multilateral Agreement on Social Security
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
C-UK	CARIFORUM-UK
MMASS	MERCOSUR Multilateral Agreement on Social Security
MRA	MERCOSUR Residence Agreement
PA	Pacific Alliance
RTC	Revised Treaty of Chaguaramas (2001), which created the Caribbean Single Market and Economy (CSME)

TABLE 7. International labor agreements

	Argentina	Barbados	Belize	Bolivia	Brazil	Chile	Colombia	Costa Rica	Dominican Republic	Ecuador	El Salvador	Guatemala	Guyana	Haiti	Honduras	Jamaica	Mexico	Nicaragua	Panama	Paraguay	Peru	Suriname	The Bahamas	Trinidad and Tobago	Uruguay	Venezuela	
Argentina				BLA, CMISS, MRA	CMISS, MMASS, MRA	BLA, CMISS, MRA	BLA, CMISS, MRA	CMISS	CMISS	BLA, CMISS, MRA	CMISS						BLA			CMISS, MMASS, MRA	2 BLAs, CMISS, MRA				BLA, CMISS, MMASS, MRA	CMISS	
Barbados			CASS, RTC, C-EU						C-EU				CASS, RTC, C-EU			CASS, RTC							RTC, C-UK	CASS, RTC	CASS, RTC, C-EU, C-UK		
Belize		CASS, RTC, C-EU, C-UK							C-EU, C-UK				CASS, RTC, C-EU, C-UK			CASS, RTC, C-EU, C-UK						RTC, C-EU, C-UK	CASS, RTC, C-EU	CASS, RTC, C-EU, C-UK			
Bolivia	BLA, CMISS, MRA				BLA, CMISS	CMISS	CMISS, ASSI, ACMS	CMISS	CMISS	CMISS, ASSI, ACMS	CMISS									BLA, CMISS	CMISS, BLA, ASSI, ACMS				BLA, CMISS	CMISS	
Brazil	CMISS, MMASS, MRA		BLA	CMISS		BLA, CMISS	CMISS	CMISS	CMISS	CMISS, ASSI, ACMS	CMISS									BLA, CMISS	BLA, CMISS				BLA, CMISS	CMISS	
Chile	BLA, CMISS, MRA			CMISS	BLA, CMISS		BLA, PA		CMISS	BLA, CMISS	CMISS						CPTPP, PA			BLA, CMISS	CMISS, BLA, CPTPP, PA				CMISS, BLA	CMISS	
Colombia	BLA, CMISS, MRA			CMISS, ASSI, ACMS	CMISS	BLA, CMISS, PA		BLA, CMISS	CMISS	BLA, CMISS, ASSI, ACMS							PA			CMISS	BLA, CMISS, ASSI, ACMS, PA				BLA, CMISS	CMISS	
Costa Rica	CMISS				CMISS		BLA, CMISS	CMISS	CMISS, C-DR		CMISS, C-DR, CA4	BLA, C-DR, CA4			C-DR, CA4			BLA, C-DR, CA4	BLA	CMISS, MMASS, MRA	CMISS				BLA, CMISS	CMISS	
Dominican Republic	CMISS	C-EU, C-UK	C-EU, C-UK	CMISS	CMISS	CMISS	CMISS	CMISS, C-DR	CMISS	BLA, CMISS	CMISS, C-DR	C-DR	C-EU, C-UK			C-EU, C-UK	C-DR	BLA	BLA	CMISS	CMISS		C-EU	C-EU, C-UK	CMISS	CMISS	
Ecuador	BLA, CMISS, MRA			CMISS, ASSI, ACMS	BLA, CMISS	BLA, CMISS	BLA, CMISS, ASSI, ACMS	CMISS	BLA, CMISS		CMISS										BLA, CMISS				BLA, CMISS	BLA, CMISS	
El Salvador	CMISS			CMISS	BLA, CMISS	CMISS	CMISS	CMISS, C-DR, CA4	CMISS, C-DR	CMISS, ASSI, ACMS		BLA, C-DR, CA4			C-DR, CA4			BLA, C-DR, CA4	BLA						CMISS	CMISS	
Guatemala								BLA, C-DR, CA4	C-DR		C-DR, CA4				BLA, C-DR, CA4			BLA, C-DR, CA4	BLA								
Guyana		CASS, RTC, C-EU, C-UK	CASS, RTC, C-EU, C-UK						C-EU														RTC, C-EU, C-UK	CASS, RTC	CASS, RTC, C-EU, C-UK		
Haiti																											
Honduras								C-DR, CA4	C-DR		C-DR, CA4	BLA, C-DR, CA4					BLA	BLA, C-DR, CA4	BLA								
Jamaica		CASS, RTC, C-EU, C-UK	CASS, RTC, C-EU, C-UK						C-EU, C-UK				CASS, RTC, C-EU, C-UK										RTC, C-EU, C-UK	CASS, RTC, C-EU	CASS, RTC, C-EU, C-UK		
Mexico	BLA					CPTPP, PA	PA								BLA						CPTPP, PA						
Nicaragua								BLA, C-DR, CA4	BLA, C-DR		BLA, C-DR, CA4	BLA, C-DR, CA4			BLA, C-DR, CA4												
Panama								BLA	BLA		BLA	BLA			BLA												
Paraguay	CMISS, MMASS, MRA			BLA, CMISS	BLA, CMISS	BLA, CMISS	CMISS	CMISS	CMISS	CMISS	CMISS									CMISS, MMASS, MRA	CMISS					CMISS	CMISS
Peru	2 BLAs, CMISS, MRA			BLA, CMISS, ASSI, ACMS	BLA, CMISS	BLA, CMISS, CPTPP, PA	BLA, CMISS, ASSI, ACMS, PA	CMISS	CMISS	BLA, CMISS, ASSI, ACMS	CMISS						CPTPP, PA			CMISS						CMISS	CMISS
Suriname		RTC, C-EU, C-UK	RTC, C-EU, C-UK						C-EU				RTC, C-EU, C-UK			RTC, C-EU, C-UK								RTC, C-UK	RTC, C-EU, C-UK		
The Bahamas		CASS, RTC, C-EU	CASS, RTC, C-EU, C-UK						C-EU, C-UK				CASS, RTC, C-EU, C-UK			CASS, RTC, C-EU, C-UK						RTC, C-UK		CASS, RTC, C-EU			
Trinidad and Tobago		CASS, RTC, C-EU, C-UK	CASS, RTC, C-EU, C-UK						C-EU				CASS, RTC, C-EU, C-UK			CASS, RTC, C-EU, C-UK							RTC, C-EU, C-UK	CASS, RTC, C-EU			
Uruguay	BLA, CMISS, MMASS, MRA			BLA, CMISS	BLA, CMISS	BLA, CMISS	BLA, CMISS	BLA, CMISS	CMISS	BLA, CMISS	CMISS									CMISS	CMISS				CMISS, MMASS, MRA	CMISS	
Venezuela	CMISS			CMISS	CMISS	CMISS	CMISS	CMISS	CMISS	BLA, CMISS	CMISS									CMISS	CMISS					CMISS	CMISS

Source: Authors.

Annex 3. Labor Migration Profiles of Countries in Latin America and the Caribbean

This annex presents comparative country profiles describing the legal and regulatory frameworks governing international labor migration in Latin America and the Caribbean. Each profile

summarizes the main legislation governing labor migration, the relevant authorities, entry requirements, employment conditions, and applicable international agreements.

Argentina

The legal regime for migrant workers is contained in the Migration Act (Law 25871), enacted in 2004 and implemented through Decree 616/2010. This legislation established the country's migration policy by providing "sufficient guarantees for migration as an essential and inalienable right of every person," strengthening "the integration of the

migrant into the country's social structure" (CMW, 2010: para. 42). The regulation of the Migration Act was the result of joint work with civil society, the IOM, and the United Nations High Commissioner for Refugees (UNHCR) (IOM, 2012). The country's main labor legislation is the Labor Contract Law (Law 20744) of 1974.



MIGRATION AUTHORITY

National Migration Authority, Office of the Deputy Chief of Cabinet for the Interior.

This department regulates entry into the country.



ENTRY REQUIREMENTS

- Temporary residence permit for employment purposes, valid for three years (renewable). In practice, the National Migration Authority only issues permits for one year, after which they can be renewed.
- The application process is initiated by the worker, who must submit a job offer detailing duties and remuneration.
- All migrants are eligible for access to the labor market.
- No restrictions are in place to protect national workers. There is also no detailed regulation of family members' right to work beyond the recognition of the right to family reunification.

Argentina



EMPLOYMENT CONDITIONS

- Job changes are not regulated, except when linked to changes in skills or qualifications.
- Permanent residence can be requested three years after the initial residence permit was issued; thereafter, no additional work permit is required.
- Nationality can be applied for after two years of permanent residence, except in exceptional circumstances.
- Migrants have equal access to economic and social rights.



INTERNATIONAL AGREEMENTS

- Argentina is a party to several bilateral agreements and the Ibero-American Multilateral Agreement on Social Security.
- It is also a party to the MERCOSUR Multilateral Agreement on Social Security.

The Bahamas

The Immigration Act of 1967 (Chapter 191) regulates entry into the country, including permits for foreign nationals to engage in gainful activities, such as

employment (CARICOM, 2017; Dykon Development, 2006).



MIGRATION AUTHORITY

Department of Immigration, Ministry of Labor and Immigration.



ENTRY REQUIREMENTS

- Work permit. In 2017, a special permit (the BH-1B visa) was introduced for certified workers covered by the Commercial Enterprises Act. The visa is valid for three years and is renewable. While work permits are issued for a limited period, their duration is not specified in the legislation. In practice, the Immigration Department grants permits for one year.
- Applications must be submitted by the worker, and a security bond may be required. A letter from the employer must also be provided to demonstrate the unavailability of national workers, including certification of the vacancy by the Ministry of Labor and copies of job advertisements seeking local candidates.
- Any migrant worker may apply to access the labor market, although preference is given to national workers, requiring proof—through appropriate advertising—that no qualified national workers are available.
- Migrant workers' family members may be granted residence, including the right to work, at the discretion of the Immigration Department; this may be subject to the posting of a security bond. Family members of a BH-1B visa holder may also be eligible for a BH-4S visa, which does not confer the right to work.

The Bahamas



EMPLOYMENT CONDITIONS

- There are no clear rules governing job changes, but the migration authority must be notified upon termination of the employment relationship to cancel the work permit.
- Permanent residence is granted on a discretionary basis but, in practice, requires at least 20 years of residence with a work permit and does not automatically confer the right to work.
- Nationality may be granted on a discretionary basis, provided that the applicant has resided in the country for at least 12 months prior to application and at least nine years before that period (or has served the government for at least six years).
- There are no specific provisions on the right of access to economic and social rights beyond the principle of nondiscrimination.



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security governs the portability of social security benefits.
- The Bahamas has not ratified the Revised Treaty of Chaguaramas, which established the CSME.
- The labor provisions of the agreements signed between CARIFORUM, the European Union, and the United Kingdom are not in force.
- There is no information in the ILO database on bilateral labor agreements.

Barbados

Barbados is one of the Commonwealth countries with the highest per capita emigration rates, especially among skilled migrants, which can lead to shortages of skilled workers. The role of migration flows from within the Caribbean is also noteworthy, as the country is one of the main

destinations for migrants from Guyana and Trinidad and Tobago (Aragón and El-Assar, 2018: 85–86). The Immigration Act (Chapter 190), originally enacted in 1976 and subsequently amended several times, is the main source of legislation on this matter. It is supplemented by the Aliens Act of 1941.



MIGRATION AUTHORITY

Barbados Immigration Department, Ministry of Home Affairs and Information.



ENTRY REQUIREMENTS

- Migrant workers must hold a work permit, which may be short-term (up to 11 months for training) or long-term (up to three years, renewable).
- The employer initiates the application process and may be required to post a bond. They must also describe the terms and conditions of employment.
- Work permits may be issued to any worker, subject to a labor market test: the employer must demonstrate that no Barbadian residents or nationals are available for the position, in addition to verifying the migrant worker's qualifications.
- Dependent family members can be granted temporary residence if the permit holder can demonstrate they have the means to support them. However, this does not confer the right to work.

Barbados



EMPLOYMENT CONDITIONS

- There is no clear policy governing job changes.
- After residing in the country with a work permit for at least five years, migrants may apply for permanent residence in special cases defined by law. Nationality may be granted after five years of temporary residence within the seven years preceding the application, provided the applicant has resided in the country continuously for the 12 months immediately prior to applying.
- There are no clear provisions on access to economic and social rights beyond the prohibition of discriminatory treatment.



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security governs the portability of social security benefits.
- The movement of migrant workers is subject to a special legal regime under the CSME, which provides for the free movement of skilled workers under the conditions established in domestic legislation.
- The Caribbean Community (Movement of Skilled Nationals) Act (Chapter 186A), amended by Act 2020-3 of 2020, regulates access to the labor market for workers whose skills have been duly certified. Access is granted for six months and does not preclude the possibility of obtaining an indefinite residence permit.
- The labor provisions of the agreements between CARIFORUM, the European Union, and the United Kingdom are not in force.
- No information is available on bilateral agreements.

Belize

The Immigration Act (Chapter 156), originally enacted in 1958 and subsequently amended several times through 2023, establishes Belize's legal framework for migration, including entry requirements for labor migrant workers (IOM, 2020b). The law was first regulated in 1967, and several subsequent revisions have followed.

The country's entry requirements are highly discretionary (CMW, 2014), and it has benefited from the CARICOM regime (Párraga, 2021). For more on migration in Belize, see Castellani et al. (2021) and IOM (2021a).



MIGRATION AUTHORITY

Department of Labour, Ministry of Rural Transformation, Community Development, Labour, and Local Government.



ENTRY REQUIREMENTS

- Migrants wishing to work in the country must apply for a temporary work permit after first obtaining a visa. These permits are issued for one year, and there are no clear provisions governing their renewal.
- The procedure can only be initiated by the employer, regardless of whether the employer is a company or an individual.
- The government may restrict the types of foreign workers eligible to apply for permits.
- Measures to protect national workers are in place: before hiring a foreign worker, employers must prove that no national workers are available by publishing three advertisements for the vacancy.
- Family members may apply for a residence permit, which does not confer the right to work.



EMPLOYMENT CONDITIONS

- Job changes are permitted, subject to authorization.
- Migrants can apply for permanent residence after holding a work permit for one year and for nationality five years after obtaining permanent resident status.
- The rights to health, education, and social security benefits apply regardless of nationality.



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security governs the portability of social security benefits.
- The movement of migrant workers is subject to a special legal regime within CARICOM, which recognizes the free mobility of skilled workers under the provisions of the CSME, which have been incorporated into domestic legislation.
- The labor provisions of the agreements between CARIFORUM and both the European Union and the United Kingdom are not in force. Chapter 17:02 of 2016 established the legal regime for the movement of skilled workers and was amended in 2020. Workers must hold a certificate issued by their country of origin to verify their skills. Freedom of movement is granted for up to six months, subject to discretionary immigration controls. Stays exceeding this period require authorization.
- No information is available on bilateral agreements.

Bolivia

Bolivia's legal framework for labor migration promotes access to the labor market for migrant workers and equal treatment with national workers. Despite describing the overall regime as positive, the IOM (2022) has highlighted the migration authority's discretionary powers. The main legislation governing labor migration includes

the Labor Act of 1942 and the Migration Act (Law 370) of 2013, as reformed in 2017, which recognize the rights of migrant workers to access and be employed in the local labor market (CMW, 2019a). Labor migration is regulated in Supreme Decree 1923 of 2014.



MIGRATION AUTHORITY

General Migration Authority, Ministry of Government.



ENTRY REQUIREMENTS

- Migrant workers are granted access to the labor market via the Temporary Stay Visa for a Specific Purpose—Work, issued for up to three years, including any extensions.
- The procedure can only be initiated by the worker, whose application must provide proof of the job in question, including a letter of invitation and an employment contract authorized by the Ministry of Labor and Employment.
- Access to the labor market is closed, in that labor laws limit the hiring of technical staff.
- Likewise, only Bolivian nationals can hold management positions in companies with direct ties to state interests. There are also quotas capping the number of foreign hires: migrant workers cannot exceed 15% of total employees, and 85% of payroll must go to national workers.
- Family members are entitled to a temporary residence visa but are not allowed to work.

Bolivia



EMPLOYMENT CONDITIONS

- Migrant workers are permitted to change jobs and may apply for permanent residence after three years.
- Applications for nationality can be submitted three years after permanent residence is granted.
- Access to economic and social rights is based on the principle of equal treatment between foreign nationals and Bolivians.



INTERNATIONAL AGREEMENTS

- Two agreements concerning the portability of social security benefits are in force in Bolivia: the Ibero-American Multilateral Agreement on Social Security (as well as other bilateral agreements) and the Andean Social Security Instrument, contained in Andean Community Decision 583.
- The free movement of labor is promoted by the MERCOSUR Residence Agreement, which permits temporary residence with preferential rights to permanent residence under procedures overseen by the General Migration Authority, and the Andean Community's Andean Migration Statute (Decision 878).
- Bolivia is a party to several bilateral agreements.

Brazil

The country's migration policy includes a human rights perspective and is grounded in its Migration Act (Law 13445 of 2017), which is regulated by Decree 9199 of November 5, 2017, which contains provisions on the entry and employment of migrant workers (IOM, 2018c). Further provisions on the matter are contained in Regulatory Resolutions 1 and 2, issued on December 1, 2017.

Brazil's labor laws also include measures to protect national workers, such as Decree Law No. 5452 (Consolidation of Labor Laws) of May 1, 1943, which has been repeatedly amended.



MIGRATION AUTHORITY

General Labor Immigration Authority, Migration Department, Ministry of Labor.

This department must act in coordination with the Ministry of Justice and Public Security.



ENTRY REQUIREMENTS

- Migrants can access the labor market after being granted a migrant residence permit for work purposes and subsequently applying for a visa.
- Residence permits are valid for one year and can be renewed. Either the worker or the employer can initiate the application procedure.
- In principle, the requirements include an employment contract. The Ministry of Labor must also verify that the worker's qualifications and experience match the requirements of the vacancy. However, workers without an employment contract may apply for a permit if they hold a university degree or similar qualification, as determined by the Ministry of State, the Ministry of Justice and Public Security, the Ministry of Foreign Affairs, and the Ministry of Labor, in consultation with the National Immigration Council.
- Law 885 of February 27, 2025, added a special regime for employment contracts between individuals or legal entities and foreign artists, stage technicians, and musicians domiciled abroad but legally resident in the country.
- Although any worker may enter the labor market, a special quota applies to companies that provide public services through a concession or carry out certain industrial and commercial activities

Brazil

(including industrial plants, communications and land or sea transportation services, and any other activity specified by ministerial decree). If these companies employ three or more people, at least two-thirds of employees are required to be Brazilian nationals. The same ratio applies to the payroll. However, the executive branch may establish exceptions to these requirements.

- The right to family reunification is regulated, including the right to residence, but the right to work is not explicitly guaranteed.



EMPLOYMENT CONDITIONS

- Certain changes in employment conditions are allowed, including changing jobs.
- Residence permits for employment purposes can be granted for two years and extended for the same period or indefinitely, at the discretion of the authorities. As a general rule, migrants must reside in the country for four years to apply for nationality.
- Access to economic and social rights is based on the principle of equal treatment.



INTERNATIONAL AGREEMENTS

- The portability of social security benefits is governed by the Ibero-American Multilateral Agreement on Social Security, the bilateral agreements to which Brazil is party, and the MERCOSUR Multilateral Agreement on Social Security.
- The domestic regulations that derive from the MERCOSUR Residence Agreement promote labor mobility. These provisions are contained in Decree 6975 of October 7, 1995, through which the Residence Agreement was enacted, and are further defined in Interministerial Ordinance MJSP/MRE 19 of March 23, 2021.
- Brazil allows nationals of a neighboring country not covered by this agreement to apply for a residence permit for up to two years, and applicants for permanent residence must provide proof of means of subsistence, including employment contracts.
- Brazil is party to several bilateral labor agreements.

Chile

In 2021, Chile implemented a comprehensive reform of its migration legislation. The new regime includes various rights aimed at promoting safe, orderly, and regular migration, making it one of the most modern in the Americas (IOM, 2022a). The reform was a response to the recent rise in

migration to Chile, especially since 2010 (CMW, 2021b). The primary legal instruments governing labor migration are the Migration and Aliens Act (Law 21325 of 2021) and the Labor Code (Decree Law 1 of 2021). The Migration and Aliens Act is regulated by Decree 296, which was enacted in February 2022.



MIGRATION AUTHORITY

National Migration Service, Ministry of the Interior.



ENTRY REQUIREMENTS

- Migrants gain access to the labor market through a temporary residence permit, which is valid for two years and renewable once.
- The application process must be initiated by the worker, who must provide a contract or job offer, among other requirements. However, the Migration Policy Council may authorize permits without ties to contracts or job offers to meet labor market needs.
- While the labor migration regulations allow any worker to apply, employers must ensure that 85% of their workforce are Chilean nationals. This provision does not apply to those with 25 or fewer employees.
- Family members may apply for temporary residence permits, which include the right to work.



EMPLOYMENT CONDITIONS

- There are no restrictions on job changes.
- Migrants may apply for permanent residence after 24 months, although authorities may accept applications after a shorter period—in certain circumstances, 8 months.
- Migrants can apply for nationality five years after being granted the temporary residence permit that led to their permanent residence status, provided this permit remains valid.
- As a general rule, the principle of equality between foreign and national workers applies.



INTERNATIONAL AGREEMENTS

- Chile has signed several bilateral social security agreements. It is also a party to the Ibero-American Multilateral Agreement on Social Security.
- Chile has signed several regional agreements that facilitate freedom of movement, including the MERCOSUR Residence Agreement, in accordance with the procedures applicable to international agreements.
- Chile has adopted provisions that favor labor mobility under the Pacific Alliance, but these do not include specific rules on labor market access. It has reaffirmed its commitment to ILO standards in the CPTPP but has not established regulations on labor market access.
- No information is available in the ILO database on bilateral labor agreements.

Colombia

In addition to specific measures to regularize the status of Venezuelan migrants, Colombia simplified its legal framework in 2017 to improve migration governance. Its international labor migration regime derives mainly from Resolution 5477 of 2022, which amends Resolution 6045 of 2017.

Two key legal instruments were issued in 2021: Decree 216, which mandated the adoption of the Temporary Statute of Protection for Venezuelan

Migrants under the Temporary Protection Regime, and Law 2166, which adopted the ILO's definition of migrant worker (art. 7, no. 13) and defined the objectives of socioeconomic integration (chap. V). Although this law does not directly regulate labor migration, it defines the objectives of public policies that could be based on it. For example, the measures proposed to further socioeconomic integration include job creation initiatives in accordance with the principle of decent work (art. 2, no. 2).



MIGRATION AUTHORITY

Ministry of Foreign Affairs.

Migration Colombia, which is attached to the ministry, is responsible for coordinating migration-related matters.



ENTRY REQUIREMENTS

- Migrants must hold a work permit/migrant visa (M) to access the labor market. The permit is valid for a nonrenewable period of three years and must be applied for by the worker.
- Applicants must have an employment contract or a written job offer. Employers must cover the cost of the worker's return to their country after the permit expires. They must also present a letter justifying the migrant worker's suitability for the vacancy.
- Any worker can apply, and there are no regulations in place to protect national workers.
- Family members can apply for a beneficiary visa, which does not confer the right to work.

Colombia



EMPLOYMENT CONDITIONS

- Changes of employment are not explicitly regulated.
- As a rule, migrants can apply for permanent residence five years after obtaining the visa that allowed them to enter the country regularly.
- They can apply for nationality five years after obtaining permanent residence. Migrants and nationals generally have equal access to security and education benefits.



INTERNATIONAL AGREEMENTS

- Colombia is a party to some bilateral agreements on the portability of social security benefits (no official database is available). It is also a party to the Ibero-American Multilateral Agreement on Social Security and the Andean Community's Andean Social Security Instrument (Decision 583).
- The MERCOSUR Residence Agreement and the Andean Migration Statute of the Andean Community (Decision No. 878) promote migrant workers' access to and employment in the Colombian labor market. This follows from the agreement regarding the category-M visa for MERCOSUR migrants and the category-M visa for Andean Community migrants (Resolution 5477 of 2022, arts. 71 and 72).
- Colombia is part of the Pacific Alliance Framework Agreement, which promotes freedom of movement but does not affect the legal regime for work permits.
- It is also party to several bilateral agreements.

Costa Rica

Costa Rica's migration legislation (OECD, 2017b: 39) contains various provisions on migrant workers' access to and employment in the country's labor market (IOM, 2019b). These restrictions are intended to protect national workers but have been described as affecting migrant workers' regular access to the labor market, particularly due to shortfalls in state capacity to manage migration procedures (Chaves-González and Mora, 2021: 128; OAS, 2020a).

Costa Rica's main labor migration legislation includes the Migration and Aliens Act (Law 8764

of 2009); Decree No. 37112-G of 2012, amended by Decree No. 42389-MPG of 2022; the Regulation on Migration Control (Decree No. 36769-G, amended by Decree No. 37990-G of 2013); and the Labor Code, reformed in 2016.

The latter was amended by Law 10493 of 2024, although the changes did not relate to labor migration. It was also modified by Law 10645 on the promotion, attraction, and retention of foreign students, teachers, and researchers, which seeks to streamline migration procedures for these groups.



MIGRATION AUTHORITY

General Authority on Migration and Aliens, Ministry of the Interior and Police.



ENTRY REQUIREMENTS

- Migrants can enter the labor market if they have a temporary residence permit. These are valid for up to two years and are renewable.
- The application procedure is initiated by the migrant worker, who must have an employment contract. The National Employment Authority at the Ministry of Labor and Social Security issues circulars containing guidelines that may temporarily restrict the hiring of certain categories of workers.
- Entry is restricted and only open to executives, agents, managers, and technical personnel at companies operating in the country, as well as skilled workers that the Immigration Authority deems necessary.

Costa Rica

- Although no regulations are in place to protect national workers, the National Employment Authority may establish criteria to this end.
- Family members may apply for temporary residence, but there are no explicit regulations on whether they have the right to work.



EMPLOYMENT CONDITIONS

- Job changes are permitted for migrant workers, subject to authorization.
- Migrants can apply for permanent residence and nationality three years and seven years after obtaining their temporary residence permit, respectively.
- Regular migrant workers generally enjoy the same social and economic rights as Costa Rican nationals.



INTERNATIONAL AGREEMENTS

- Costa Rica is a party to the Ibero-American Multilateral Agreement on Social Security and has signed other bilateral agreements to promote the portability of social security benefits.
- Costa Rica is not a party to the Central America-4 Free Mobility Agreement (CA-4) between El Salvador, Guatemala, Honduras, and Nicaragua. It is part of CAFTA-DR, which recommends compliance with ILO recommendations. However, this has not led to changes in its labor migration regime.
- No information is available on bilateral labor agreements signed by the country.

Dominican Republic

International migrant workers are subject to entry restrictions under specific categories established in migration and labor laws (IOM, 2018d). The legal restrictions on international labor migration are mainly contained in the General Migration Act (Law 285 of 2004) and its implementing regulations

(Decree 631 of 2011). The Labor Code of the Dominican Republic (Law 16 of 1992) is also relevant to migrant workers.

Párraga (2021) provides additional context on migration in the Caribbean.



MIGRATION AUTHORITY

General Migration Authority, Ministry of the Interior and Police.



ENTRY REQUIREMENTS

- To access the labor market, migrant workers require a one-year, renewable residence permit and a multiple-entry business visa.
- Application processes must be initiated by the worker and include a copy of the employment contract, among other documents.
- The system is closed: only specialized or managerial personnel can apply for the temporary residence permit for work purposes (RT-3).
- At least 80% of employees must be Dominican nationals, unless exceptions or special permits apply.
- Family members may apply for temporary or permanent residence but require separate authorization to work.

Dominican Republic



EMPLOYMENT CONDITIONS

- There are no specific regulations on job changes beyond those governing changes in migration status.
- There are two main pathways to long-term integration: (i) permanent residence, which is open-ended but subject to conditions (applicants must have resided in the country for five years). This path applies to foreigners with professional skills or qualifications needed by the country or that match vacancies for which no national workers are available; and (ii) full residence, which may be requested after ten years when the conditions for permanent residence do not apply.
- Nationality may be requested after two years of residence in either case.
- Generally speaking, the principle of equal treatment applies to economic and social rights.



INTERNATIONAL AGREEMENTS

- The Dominican Republic is a party to the Ibero-American Multilateral Agreement on Social Security and has signed other bilateral agreements on the portability of social security benefits.
- It has committed to comply with ILO labor standards under CAFTA-DR, which it is a party to. As part of CARIFORUM, it has signed agreements with the European Union and the United Kingdom, although the provision authorizing essential workers' residence rights for up to three years is not in force.
- It has also signed bilateral agreements.

Ecuador

Ecuador's migration regulations reflect the country's 2008 Constitution and focus on human mobility and the promotion of migrants' human rights (IOM, 2020a: 3; UNDESA, 2020b; CMW, 2017), with a particular emphasis on the prohibition of discriminatory treatment (IOM, 2018a). The main

legal instrument governing labor migration is the Organic Law on Human Mobility of 2017, which was reformed in 2021, together with the regulations for this law (Executive Decree 111 of 2017). Labor matters are governed by the Labor Code, which was reformed in 2012.



MIGRATION AUTHORITY

Undersecretariat of Migration, Ministry of the Interior. This is the main migration authority, although the Ministry of Foreign Affairs and Human Mobility handles labor-related matters.



ENTRY REQUIREMENTS

- Migrants need a temporary resident/worker visa to access the market, which is valid for two years and is renewable.
- The worker initiates the application process and must show an employment contract authorized by the Ministry of Labor.
- As of 2024, applicants must also provide proof of lawful means of subsistence, in line with Ministerial Agreement 70 of 2024.
- The system is open access: any worker can apply for a visa, and there are no restrictions in place to protect national workers.
- Family members have the right to apply for temporary residence, although their right to work is not explicitly regulated.

Ecuador



EMPLOYMENT CONDITIONS

- Workers who have entered the market can change jobs, but there are no explicit regulations on the matter.
- Migrant workers may apply for permanent residence 21 months after obtaining temporary residence, and for nationality three years after obtaining permanent residence.
- The principle of equal access to health and educational services applies.



INTERNATIONAL AGREEMENTS

- Workers are entitled to social security benefits under the Ibero-American Multilateral Agreement on Social Security and other bilateral treaties on the matter. Andean Community Decision No. 583, containing the Andean Social Security Instrument, is in force.
- Access to the labor market and employment benefit from the special regimes deriving from the MERCOSUR agreement, under Ministerial Agreement 31 of 2014 (arts. 2, 6, and 7) and the Andean Migration Statute (Andean Community Decision 878).
- The procedures for applying for a temporary residence permit were based on the MERCOSUR Residence Agreement.
- No information is available in the ILO database on bilateral labor agreements.

El Salvador

Migration policy has focused on the protection of Salvadoran migrants and their families, seeking to address the causes of irregular migration (IOM, 2018a). In 2017, the National Policy for the Development of Migrants and Their Families was issued to “protect and defend the rights of Salvadoran migrants” (El Salvador, 2019: 1). This policy responds specifically to the current situation in Central America (Plan of the Alliance for Prosperity in the Northern Triangle, 2015).

El Salvador’s regulatory framework for migration, especially labor migration (Pikielny and Mora, 2021) derives from the Special Migration and Aliens Act (Decree 286 of 2019), regulated by Decree 35 of 2019 and amended in 2024 by Legislative Degree 918, which specifically addresses naturalization. The 1972 Labor Code also contains provisions for the protection of national workers.



MIGRATION AUTHORITY

Migration and Alien Affairs Authority, Ministry of Foreign Affairs.



ENTRY REQUIREMENTS

- Migrant workers can access the labor market by obtaining a temporary residence permit, including authorization to work. This permit is granted for up to two years and is renewable.
- The application process must be initiated by the employer, who must provide a job offer and authorization from the Ministry of Labor and Social Welfare.
- There are restrictions on migrant workers’ access to the labor market that are designed to protect national workers.
- Specifically, there is a labor quota based on two parameters: (i) at least 90% of employees must be nationals, and (ii) at least 85% of the payroll must go to national workers. However, the regulations exempt those who provide professional, technical, or administrative services to foreign or international companies that manage, oversee, or administer businesses operating in other countries.

El Salvador

- The Ministry of Labor and Social Security may create other exceptions.
- Family members may apply for a residence permit, but this does not confer the right to work.



EMPLOYMENT CONDITIONS

- Job changes are permitted when the employment relationship for which the permit was issued is terminated.
- Migrants can apply for permanent residence once they have resided in the country for three years after obtaining their temporary residence permit and can apply for nationality five years after obtaining permanent residence status.
- Generally speaking, the principle of equality applies, especially concerning labor rights.



INTERNATIONAL AGREEMENTS

- El Salvador is a party to the Ibero-American Multilateral Agreement on Social Security and has signed other bilateral agreements to promote the portability of social security entitlements.
- Under the Central American Integration System (SICA), the Central America-4 Free Mobility Agreement (CA-4) promotes freedom of movement but not for employment; a temporary residence permit, including authorization to work, is required for this.
- The country is a party to CAFTA-DR, which promotes compliance with ILO standards.
- It is also a party to several bilateral agreements.

Guatemala

Guatemala's migration legislation was updated in 2016 with the enactment of the Migration Code (Decree 44-2016). Other regulatory norms include the General Regulations for the Migration Code and subsequent amendments (National Migration Authority Agreement 017-2023 and 027-2023) and, on labor matters, the Regulations for the Authorization of Foreigners to Work (Government Agreement 528-2003 of 2003), which emphasizes migrants' rights (IOM, 2018b).

This reform sought to “create a national migration system” that would give full effect “to the right to

migrate as the basis and foundation of migration institutions and laws, within a framework of respect for the fundamental rights of the individual” (CMW, 2022a: para. 4). The need for progress on implementing this new institutional framework has been observed (CMW, 2019b: paras. 16 and 17).

The Labor Code of 1947 contains measures to protect national workers and has been repeatedly amended. Regional dynamics in Central America also influence migration policy, giving rise to the Alliance for Prosperity in the Northern Triangle among El Salvador, Honduras, and Nicaragua (2015).



MIGRATION AUTHORITY

General Employment Authority, Ministry of Labor and Social Security, in coordination with the Guatemalan Institute of Migration.



ENTRY REQUIREMENTS

- To access the labor market, migrant workers must hold a work permit and a residence visa, both valid for one to five years and renewable.
- The application process must be initiated by the employer, who is required to submit a job offer or employment contract and proof of compliance with labor quota regulations.
- Any worker can access the market, and special procedures apply to foreign nationals who are married or in a civil union with a Guatemalan national.
- A labor quota is in place: at least 90% of the workers hired by a given employer must be Guatemalan nationals, and at least 85% of the payroll must go to nationals. These restrictions do not apply to

Guatemala

managers, directors, administrators, supervisors, and executives, provided that no more than two foreign workers are employed in each category. The executive branch may establish exceptions.

- Family members are entitled to residence, including the right to work.



EMPLOYMENT CONDITIONS

- Migrant workers may freely choose their employment and have the right to change jobs.
- Applications for permanent residence can be submitted after at least five years of temporary residence. To apply for nationality, migrants must have resided in the country for at least five years (or ten years in the case of intermittent residence).
- As a rule, regular migrant workers enjoy the same access to economic and social rights as Costa Rican nationals.



INTERNATIONAL AGREEMENTS

- Guatemala is not a party to the Ibero-American Multilateral Agreement on Social Security but has concluded other bilateral agreements on the portability of benefits.
- Freedom of movement is facilitated under the Central American Free Mobility Agreement (CA-4) between El Salvador, Guatemala, Honduras, and Nicaragua. However, under the Migration Code (art. 67), no special provisions regarding work permit procedures are in place (Pikielny, Ornelas Cruz, and Mora, 2021).
- The country has committed to comply with ILO labor standards under CAFTA-DR.
- No information is available in the ILO database on bilateral labor agreements.

Guyana

The country's migration framework establishes various discretionary mechanisms to regulate migrant workers' access to the labor market, with the aim of protecting domestic workers. Surveys of businesses in Guyana suggest that the shortage of skilled labor is one of the country's main restrictions to growth (Pasha, Bollers, and Wenner, 2018: 20).

These circumstances have prompted recommendations to strengthen the country's migration policies from a human rights perspective (CMW, 2018b). At present, the main legal restrictions on international migration derive from the Immigration Act (Chapter 14:02), enacted in 1947 and amended several times since, most recently in 2007. The regulations for the act also date to 1947 and were last amended in 1998.



MIGRATION AUTHORITY

Migration Support Services, Ministry of Home Affairs.



ENTRY REQUIREMENTS

- Access to the labor market is granted through an employment visa, which is valid for three years and is renewable.
- Employers initiate the application procedure and must provide proof of the vacancy and a copy of the employment contract.
- While any worker is eligible for this visa, the law protects domestic workers through the labor market test: employers must advertise vacancies to national workers for three months before they can hire a migrant.
- Family members are entitled to temporary residence, but there are no explicit regulations on their right to work.



EMPLOYMENT CONDITIONS

- There are no explicit regulations governing changes of employment.
- Migrant workers may apply for permanent residence two years after obtaining temporary residence, subject to certain conditions. Individuals who have lived in the country for five of the previous 7 years and resided continuously there for the last 12 months may apply for nationality.
- The principle of equal treatment applies to the exercise of economic and social rights.



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security (1996) governs the portability of social security benefits, as reflected in Section 49 of the National Social Security and Protection Act.
- Guyana is a member of the CARICOM CSME, and its legislation allows skilled workers from other member states to work without a temporary work permit, provided they obtain a National Skills Certificate (Ministry of Legal Affairs, 1996: sects. 3, 8, and 9). The labor provisions of the agreements between CARIFORUM, the European Union, and the United Kingdom are not in force.
- No information is available in the ILO database on bilateral labor agreements.

Haiti

Haiti is primarily a country of origin for migration flows and does not yet have a comprehensive migrant integration policy (IOM, 2022b). The country's migration policy has historically focused on the emigration of Haitian nationals (OECD, 2017: 35 ff.). The current migration regime was largely enacted in the mid-20th century and is characterized by restrictive entry provisions that

operate alongside restrictions derived from labor law.

The Immigration and Emigration Act dates from 1953 and was amended in 1959. The Labor Code of 1961, amended in 2003, establishes additional entry requirements for migrant workers.



MIGRATION AUTHORITY

- **Immigration and Emigration Authority, Ministry of the Interior and Local Communities.**
- **National Office for Migration, Ministry of Social Affairs and Labor.**



ENTRY REQUIREMENTS

- Access to the labor market is granted through a nonimmigrant visa and a work permit, issued for one year and renewable for up to five years.
- The application process must be initiated by the worker, who must submit an employment contract authorized by the Labor Inspection Service at the Ministry of Social Affairs and Labor.
- All workers can apply for a work permit, although those in the following categories do not require one: (i) employees of new enterprises, as defined in the decree of March 13, 1963; (ii) individuals who are married to a Haitian national who can demonstrate at least ten years of continuous residence in the country; (iii) individuals who have resided in the country for at least ten years or are employed by a company or organization holding a contract with the state; (iv) members of the clergy and personnel of diplomatic missions recognized by Haiti; and (v) staff of international organizations.
- Access to the labor market is subject to three measures designed to protect national workers: (i) the General Labor Authority must confirm that the foreign worker will not compete with Haitian workers

in the same profession; (ii) it must be demonstrated that no Haitian worker with the necessary skills or professional training is available to perform the remunerated activity that the foreign worker wishes to perform. The foreign worker must undertake to train one or more Haitian workers for the job in question, under penalty of revocation of their permit; (iii) the number of foreign workers must not exceed 5% of the workforce, and at least 70% of an employer's payroll must be allocated to Haitian workers.

- There are no regulations governing family members' right to work.



EMPLOYMENT CONDITIONS

- There are no provisions governing job changes.
- Permanent residence may be requested after obtaining a work permit, but the minimum qualifying period is not specified. Nationality is conditional on at least five years of residence, subject to special provisions.
- There are no specific regulations on the right of access to economic and social rights beyond the principle of equality.



INTERNATIONAL AGREEMENTS

- Haiti is not a party to agreements on the portability of social security benefits.
- It is a member of CARICOM but not of the CSME.
- No information is available on bilateral labor agreements.

Honduras

The legal framework governing labor migration is based on the Migration and Aliens Act (Decree 203-2003), enacted in 2004 and further developed through implementing regulations issued that same year. Reforms have been discussed to align these regulations with international standards for the protection of migrant workers (CMW, 2016).

The Labor Code of 1959 contains provisions to protect national workers. In addition, Honduras has participated in regional labor cooperation initiatives with Mexico, El Salvador, Guatemala, and Nicaragua, reflecting broader Central American migration dynamics (IOM, 2018c).



MIGRATION AUTHORITY

**National Migration Institute, Ministry of Government.
Governance, Justice, and Decentralization Departments.**



ENTRY REQUIREMENTS

- Migrant workers must hold a special residence permit, valid for up to five years. There are no explicit provisions governing renewal.
- Applications must be initiated by the employer, who must demonstrate compliance with Labor Code requirements, including by providing authorization from the Labor Department and the Social Security Department at the Ministry of Government, justification of the worker's qualifications, and the employment contract. The worker must also demonstrate means of subsistence and enroll with the Registry of Foreign Nationals.
- While any worker can enter the labor market, Article 137 of the Constitution establishes a preference for Honduran workers under equal conditions. At least 90% of workers employed by a given employer must be Honduran nationals, and they must be allocated at least 85% of the total payroll.
- These thresholds may be adjusted to promote the national economy. However, national workers must always account for at least 10% of total employees or payroll, and such adjustments may not remain

Honduras

in place for more than five years. Managers, directors, administrators, supervisors, and executives are exempt from these rules, with a maximum of two employees in each category per employer.

- Family members are entitled to residence but not to the right to work.



EMPLOYMENT CONDITIONS

- Migrant workers with regular access to the labor market may change jobs, subject to prior notification; this goes beyond rules governing changes in migration status.
- Permanent residence may be requested after five years of temporary residence. Nationality requires at least three years of continuous residence and may be subject to additional criteria at the discretion of the authorities, such as proof of economic independence.
- As a general rule, regular migrant workers enjoy the same economic and social rights as nationals.



INTERNATIONAL AGREEMENTS

- Honduras is not a party to the Ibero-American Multilateral Agreement on Social Security but it has concluded other bilateral agreements on the portability of social security benefits.
- It is a party to two regional agreements with provisions on labor integration. Under SICA, Honduras is a party to the Central America-4 Free Mobility Agreement (CA-4) between El Salvador, Guatemala, Honduras, and Nicaragua, although this does not cover work permits. It has committed to comply with ILO labor standards under CAFTA-DR, which it is a party to.
- No information is available on bilateral labor agreements.

Jamaica

The National Migration Policy, approved in 2017, adopts a comprehensive approach to migration, including guidelines to promote migrant integration (IOM, 2019c). This policy recognizes the right to freedom of movement, including labor mobility. It seeks to facilitate the regular entry of workers while promoting the transfer of skills across existing and emerging economic sectors (Planning Institute of Jamaica, 2017).

The legal framework governing labor migration is based on the Aliens Act (Chapter 9), enacted in 1946 and amended in 1988; the Immigration Restriction (Commonwealth Citizens) Act (Chapter

153), enacted in 1945 and amended in 1988; and the Foreign Nationals and Commonwealth Citizens (Employment) Act, enacted in 1964 and amended in 2011.

Recommendations have been made to implement human rights-based policies regarding migrant workers. For more, see the List of Issues Prior to Submission of the Report of Jamaica for Its 2nd Periodic Review Under the Convention to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW, 2021a).



MIGRATION AUTHORITY

Labour Division, Ministry of Labour and Social Security (MLSS).



ENTRY REQUIREMENTS

- Migrant workers must obtain a work permit to access the labor market. The legislation does not specify the exact duration of these permits, but in practice, they are issued for up to one year and are renewable.
- Applications must be submitted jointly by the employer and the worker, including proof of the employer's justification for hiring a foreign worker, such as evidence of the worker's qualifications and a recommendation letter.
- In particular, employers must demonstrate that they have made efforts to recruit national workers. As a result, while any worker can apply for a work permit, preference is given to national workers, such that employers must provide proof that no suitable national candidates are available.

Jamaica

- Nationals of Commonwealth countries are exempt from the work permit requirement if they (i) have resided in Jamaica for at least nine months over the previous ten years and (ii) have been employed for at least nine months during that period. Migrants married to Jamaican nationals are also exempt from the work permit requirement.
-



EMPLOYMENT CONDITIONS

- Job changes are permitted, provided the MLSS is given advance notification and a certificate of no objection from the previous employer is submitted. In practice, however, migrant workers must apply for a new work permit to change jobs, providing proof of termination of their previous employment relationship.
 - Migrants can apply for permanent residence status three years after obtaining a work permit. To apply for nationality, migrants must have resided in the country for at least four of the past seven years, including continuous residence in the year preceding the application.
 - There are no specific regulations governing migrant workers' access to economic and social rights beyond the prohibition of discrimination on grounds of nationality.
-



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security governs the portability of social security benefits.
 - Under CARICOM, residence rights are recognized in accordance with the CSME.
 - The Caribbean Community (Free Movement of Skilled Persons) Act allows nationals of CARICOM member states to remain in the country indefinitely. To do so, however, they must submit a skills certificate.
 - The labor provisions of the agreements signed between CARIFORUM, the European Union, and the United Kingdom are not in force.
 - No information is available in the ILO database on bilateral labor agreements.
-

Mexico

Mexico's migration profile has changed in recent years, shifting from a country of origin to a country of transit and destination. Building the necessary migration capacities to respond to these flows has posed significant challenges (Seele et al., 2021: 6). The country's migration policy is set out in the Migration Act of 2011, which has been amended repeatedly through 2024, and the decree to regulate it, published in 2012. Also in force are the standards set out in the Federal Labor Act of 1970, which was amended in 2015.

The IOM (2022b) has observed that Mexico could improve its programs to manage labor immigration. Mexico is not a party to regional labor mobility schemes beyond bilateral and coordination agreements. With support from the European Union, the ILO has launched the Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME) initiative to promote fair hiring practices in the Guatemala–Mexico corridor.



MIGRATION AUTHORITY

National Migration Institute, Ministry of the Interior.



ENTRY REQUIREMENTS

- Migrant workers access the labor market through temporary residence visas (for those outside Mexico) or work permits (for those already residing in Mexico). Work visas are valid for four years, and there are no specific provisions for renewal.
- Applications may be initiated by either the employer or the worker. Workers must submit an offer of employment, while employers must demonstrate that the worker is enrolled in the tax system.
- Access to the market is generally open, though authorization is required for regulated professions that require certifications, licenses, degrees, permits, authorizations, and so on.
- National workers are protected through a quota system: at least 90% of employees must be Mexican nationals. As a general rule, technical and professional workers must also be Mexican nationals unless no qualified nationals are available. In such circumstances, foreign workers may be hired temporarily,

Mexico

provided they do not exceed 10% of the relevant workforce. These provisions do not apply to directors, administrators, and executives. The executive branch may also establish quotas for issuing visas.

- The right to family reunification is recognized: family members may reside and work



EMPLOYMENT CONDITIONS

- There are no clear regulations governing job changes; however, changes to migration status are subject to authorization.
- Permanent residence can be requested after residing in the country for at least four years following issuance of a temporary residence permit. Even foreign nationals with permanent residence status must hold work permits. Mexico also uses a points-based system to allow access to residence, including the right to work, for individuals who have not met these criteria.
- Nationality can be requested after four years of residence. The principle of equal treatment applies to the exercise of economic and social rights.



INTERNATIONAL AGREEMENTS

- Mexico is not a party to the Ibero-American Multilateral Agreement on Social Security but has concluded other bilateral agreements on the portability of social security benefits.
- The regional agreements Mexico is party to include the Pacific Alliance Framework Agreement, which promotes human mobility but does not regulate labor market access. CPTPP includes commitments to comply with ILO provisions but does not regulate labor market access. USMCA also includes explicit commitments to protect migrant workers. However, neither of these agreements alters the domestic labor migration regime.
- According to the ILO database, Mexico has signed several bilateral agreements.

Nicaragua

Nicaragua's migration policy reflects its role as a country of origin, and does not include policies to determine domestic demand for migrant workers (IOM, 2021a). The regulations governing labor migration are set out in the General Migration and

Aliens Act (Law No. 761 of 2011), implemented the following year through Decree No. 31-2012, and the Labor Code (Law No. 185 of 1996). A consolidated version of the General Migration and Aliens Act was published in 2024.



MIGRATION AUTHORITY

Migration and Alien Affairs Authority, Ministry of the Interior.



ENTRY REQUIREMENTS

- A migrant worker permit is required to access the labor market. Permits are valid for up to one year and are renewable.
- Applications must be submitted by the worker and include proof of compliance with labor quota requirements, an employment contract certified by the Ministry of Labor, and a notarized letter from the employer guaranteeing the worker's return to their country of origin upon completion of the contract, as per Decree 31-2012 (art. 64).
- There are no restrictions on types of workers, although special conditions apply to scientists, professionals, technicians, and specialists. At least 90% of employees must be Nicaraguan nationals, unless the Ministry of Labor grants an exemption.
- Family members may obtain residence permits, but there are no clear regulations on their right to work.

Nicaragua



EMPLOYMENT CONDITIONS

- There are no specific rules on job changes beyond those governing changes in migration status.
- A foreigner who has resided in the country for at least three years may request permanent residence, while four years of permanent residence are required to apply for nationality. As a general rule, regular migrant workers enjoy the same economic and social rights as nationals.



INTERNATIONAL AGREEMENTS

- Nicaragua has concluded bilateral agreements on the portability of social security benefits but is not a party to the Ibero-American Multilateral Agreement on Social Security.
- It is a party to the following regional agreements: the Central America-4 Free Mobility Agreement (CA-4) between El Salvador, Guatemala, Honduras, and Nicaragua, which does influence the country's regulations on migrant work permits, and CAFTA-DR, which promotes compliance with ILO recommendations without modifying domestic labor migration regimes.
- The General Migration and Aliens Act allows entry into Nicaragua without a visa in certain cases, but this does not include the temporary residence regime for work purposes (Law 761 of 2011, article 14).
- Nicaragua has concluded several bilateral labor agreements.

Panama

Legal restrictions on international labor migration in Panama derive mainly from Decree Law 3 of 2008, which established the National Migration Service. Executive Decree 320 regulates the law and was amended by Decree 26 of 2009 and Decree 229 of 2013.

Labor restrictions are established in the Labor Code of 1971 and supplemented by its regulations (Executive Decree 6 of 2023). Through Resolution

DM-012-20245 of January 12, 2024, the Ministry of Labor and Labor Development authorized the Manual of Procedures and Operations of the Labor Migration Department.

Panama's migration framework establishes differentiated entry requirements for six categories of migrant workers. Additional professional and labor-related restrictions also apply (IOM, 2019a).



MIGRATION AUTHORITY

- **National Migration Service, Ministry of Public Security.**
- **Labor Migration Department, Ministry of Labor.**



ENTRY REQUIREMENTS

- Access to the labor market requires both a temporary residence permit for labor purposes and a work permit. Work permits are valid for one to six years, depending on the category. Ordinary permits are typically valid for two years and are renewable.
- Applications can be initiated by either the worker or the employer.
- Panama's migration system is closed and is category-based. As a general rule, applicants must have an employment contract countersigned by the Ministry of Labor and Workforce Development and a letter from the employer describing the position. They must also hold a work permit issued by the Ministry of Labor and Workforce Development.

Panama

- Protection measures for national workers vary by migration category but include the following:
 - Generally speaking, at least 90% of all ordinary workers must be Panamanian nationals.
 - Employers may hire foreign specialists or technical personnel, provided they do not exceed 15% of the total workforce.
 - The same proportions must apply to payroll.
 - The Ministry of Labor and Workforce Development may establish exceptions.
 - The following special migration categories are authorized: (i) equivalent to local workforce; (ii) quotas established by the Labor Code; (iii) special regimes (e.g., Colón Free Zone, City of Knowledge Foundation, Panama Pacific Area, free trade zones, multinational companies providing manufacturing services; pilots or specialized personnel of commercial aviation companies, and family members of workers covered by special regimes); (iv) special economic and investment policies; (v) workers under protection; and (vi) special migration status, including family members. Numerous occupations are explicitly reserved for national workers.
 - The law may restrict certain professions or occupations to nationals, as provided in Article 20 of the Political Constitution of Panama. For example, Article 3.1 of Law 9 of 1948, which regulates the practice of law, requires legal professionals to be Panamanian nationals.
 - Family members have the right to apply for a work permit.
 - By law, more than 140 professions can only be performed by Panamanian nationals.
-

Panama



EMPLOYMENT CONDITIONS

- The employment of migrant workers depends partly on the right to change jobs, which is permitted, subject to prior authorization.
- Permanent residence may be obtained after living in the country for two years, subject to certain conditions and provided applicants hold a valid work permit.
- Nationality may be granted after five years of permanent residence, subject to special conditions; parents and spouses of Panamanian nationals can apply after three years.
- As a general rule, the principle of equal access to economic and social rights applies.



INTERNATIONAL AGREEMENTS

- The portability of social security benefits depends on bilateral agreements.
- Panama is not a party to regional agreements that promote free movement of labor, although it has concluded several bilateral labor agreements, according to the ILO database.

Paraguay

Paraguay's migration policy adopts a human rights-centered approach that favors human mobility (Santi, 2020), as expressed in the National Migration Policy, approved by Decree 4483 of 2015. This policy led to discussions about the need to update the country's overall legal framework for migration, which is contained in the General Migration Act of 1996 and is regulated by Decree 18925 of 1997. The General Migration Act established entry requirements that differentiated between temporary and permanent residents (IOM, 2021b).

In 2022, this law was repealed by a new Migration Act, which takes a human rights perspective. The Labor Code (Law 213 of 1993) governs employment conditions for migrant workers. Paraguay's long-standing position as a country of origin for migrant workers has shaped its policies, especially in the context of MERCOSUR agreements (CMW, 2022b).



MIGRATION AUTHORITY

National Migration Authority, Ministry of the Interior.



ENTRY REQUIREMENTS

- Migrant workers' access to the labor market is managed through temporary residence permits and consular visas, both valid for two years and renewable.
- The worker must initiate the application process and include an offer of employment stipulating the wages they will receive.
- The system is open: there are no limitations on hiring foreign workers, and labor legislation applies equally to foreign and national workers.
- Family members can apply for a residence permit, although their right to work is not specifically regulated.

Paraguay



EMPLOYMENT CONDITIONS

- There are no specific regulations on job changes.
- Migrant workers can apply for temporary residence after two years and for nationality after at least three years as permanent residents, subject to additional requirements, such as practicing a profession.
- Migrant workers have equal access to economic and social rights. Resolution 204-008/11 concerning the Institute of Welfare regulates the procedure foreign nationals must follow to register for social security benefits.



INTERNATIONAL AGREEMENTS

- The portability of social security benefits is governed by the Ibero-American Multilateral Agreement on Social Security and the MERCOSUR Multilateral Agreement on Social Security.
- Paraguay has concluded other bilateral agreements and recognizes residence rights under the MERCOSUR Residence Agreement.

Peru's migration regime is based on the interaction between entry requirements and labor regulation (IOM, 2019b). In 2015, reforms were recommended to bring the country's migration regime into line with international standards, a goal achieved two years later (CMW, 2015). Currently, the legal restrictions on international labor migration are set out in the Migration Act and its implementing regulations, which were amended in 2021 by Supreme Decree 002-2021-IN.

In addition, Legislative Decree No. 689 of 1991 contains the Law on the Employment of Foreign Workers (Supreme Decree No. 014-92-TR of 1992,

amended by Decree No. 023-2001-TR), as well as the National Migration Policy 2017–2025. This policy, adopted in 2017, highlights the positive economic effects of migration and recognizes that Peru requires skilled human capital to lead and contribute to development and national integration. Such contributions are expected not only from Peruvian nationals but also from foreign workers. In particular, it emphasizes the need to channel the capacities of skilled migrants to support development and integration, which requires overcoming barriers that hinder the attraction and inclusion of skilled workers and investors (Supreme Decree No. 015-2017-RE).



MIGRATION AUTHORITY

- **National Migration Authority, Ministry of the Interior.**
- **Department of Social Security and Labor Migration, Ministry of Labor and Employment Promotion.**



ENTRY REQUIREMENTS

- Access to the labor market is conditional on obtaining resident worker migration status, valid for one year and renewable for up to three years.
- Applications must be initiated by the worker and include a copy of the employment contract approved by the Department of Social Security and Labor Migration at the Ministry of Labor and Employment Promotion.
- Peru operates an open system in which any worker can access the labor market, although protection measures for national workers do apply.

Peru

- Foreign workers may not exceed 20% of the workforce or 30% of payroll, unless an exemption applies. Employment contracts are limited to three years, renewable, and must be authorized by the labor authority.
 - The right to family reunification is recognized, and family members are generally entitled to the same migration category as the migrant worker, allowing them to work.
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EMPLOYMENT CONDITIONS

- Job changes are not explicitly regulated.
 - Applications for permanent residence may be submitted three years after being issued resident worker status; nationality after two years of permanent residence.
 - The principle of equal access to social and economic rights generally applies.
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INTERNATIONAL AGREEMENTS

- The portability of social security benefits is governed by multilateral agreements that include Andean Community Decision 583, which contains the Andean Social Security Instrument, although it is subject to domestic legislation. Peru has also concluded several bilateral agreements.
 - Four regional agreements affect migrant workers' access to the Peruvian labor market and employment conditions: (i) the MERCOSUR Residence Agreement, applied in accordance with the regulations of the Migration Act (Supreme Decree 002-2021-IN, art. 94-A); (ii) the Andean Migration Statute (Andean Community Decision 878); (iii) the Pacific Alliance Framework Agreement, to which Peru is a party, which promotes human mobility but does not regulate work permits; and (iv) the CPTPP, which promotes compliance with ILO standards but does not regulate access to the labor market.
 - According to the ILO database, Peru has concluded several bilateral agreements.
-

Suriname

The legal regulation of migration in Suriname is based on entry requirements. The country lacks a comprehensive migration policy, although several draft laws have been prepared (IOM, 2021c). The IOM (2015b) has also highlighted the need for labor market analyses to identify formal employment opportunities for migrant workers. Access to the labor market and employment are governed by the Work Permit Act of 1981, amended in 2002, which regulates the employment of foreign workers and makes this conditional on the absence of qualified national workers.

This law supplements the general migration regime set out in the Aliens Act (*Vreemdelingenwet*) of 1991 and its implementing regulations, the Aliens Decree (*Vreemdelingenbesluit*) of 1995. Furthermore, the Persons of Surinamese Origin Statute (*Wet PSA*) was established in January 2014, which grants preferential treatment to migrants of Surinamese descent.



MIGRATION AUTHORITY

- **Secretariat of the Office of Migration, Ministry of Justice and the Police.**
- **Department of Work Permits, Ministry of Labor.**



ENTRY REQUIREMENTS

- Foreigners who are not CARICOM nationals or who are not covered by the Persons of Surinamese Origin Statute are required to hold a work permit to access the labor market and apply for residence. The law does not specify the duration of permits but does regulate renewals.
- Applications must be initiated by the employer and countersigned by the employee. A description of the job must be provided, including working hours and duties.
- Any worker can access the market, subject to a labor market test demonstrating that no Surinamese workers are available to fill the position, as well as a language and cultural knowledge test.
- There are no explicit regulations regarding family members' right to work. However, the spouse of residence permit holders and any children under 21 have the right to reside in the country.

Suriname



EMPLOYMENT CONDITIONS

- Job changes are not regulated.
- Permanent residence and nationality are granted at the discretion of the authorities. To apply for nationality, applicants must have resided in Suriname for at least five years.
- The principle of equal treatment applies with regard to economic and social rights.



INTERNATIONAL AGREEMENTS

- No agreements on the portability of social security benefits are in force because the CARICOM Agreement on Social Security is not applicable.
- Suriname's legislation recognizes residence rights for CARICOM nationals, in line with the CSME, subject to certification requirements (Skilled CARICOM Citizens Act).
- According to the Persons of Surinamese Origin Statute, CARICOM nationals still require entry permits to access the labor market; these are issued in specific cases under the relevant regulations in article 6 of the statute.
- As a member of CARIFORUM, Suriname has signed agreements with the European Union and the United Kingdom that include provisions on temporary residence for essential workers for up to three years, but these are not in force.
- No information is available on bilateral agreements.

Trinidad and Tobago

Migration legislation in Trinidad and Tobago is very general, allowing migration authorities significant discretion to impose certain restrictions. The country has historically attracted migrants due to its level of human development (Aragón and El-Assar, 2018).

The legal framework governing migration is contained in the Immigration Act (Chap. 18:01), which was amended in 2016, together with its implementing regulations, issued in 1974.



MIGRATION AUTHORITY

Ministry of National Security.



ENTRY REQUIREMENTS

- In practice, migration permits are valid for one year and may be extended.
- Permits are requested by the employer, who must justify the hiring of a foreign worker.
- Access to the labor market is open but subject to a labor market test: employers must demonstrate that no national workers are available for the position through public notices.
- In certain cases, the ministry may grant entry permits to family members subject to proof of sufficient means, but this does not include the right to work.

Trinidad and Tobago



EMPLOYMENT CONDITIONS

- Job changes are not permitted.
- Permanent residence may be requested five years from the issuance of the initial permit, and nationality may be obtained after eight years, including 12 months of continuous residence prior to the application. This period may be reduced to five or six years or less at the discretion of the authorities.
- The principle of nondiscrimination applies, although there are no specific provisions on access to economic and social rights.



INTERNATIONAL AGREEMENTS

- The CARICOM Agreement on Social Security is in force, and Trinidad and Tobago also has an agreement with Canada on the portability of social security benefits.
- As a CARICOM member, Trinidad and Tobago implements a preferential regime for certified skilled workers, who are exempt from temporary employment permits but must hold a Skilled National Certificate. This regime also applies to family members. Temporary entry is granted for six months while certification is verified; subsequent authorization is granted for a period determined by the authorities.
- The regulations deriving from CARICOM agreements are reflected in the Immigration (Caribbean Community Skilled Nationals) Act Chapter 18:03 (sections 3, 6, and 8). Until the 2022 reform, workers in this category were granted indefinite access to the labor market.
- The CARIFORUM provisions allowing essential workers to reside in other member countries for up to three years are not in force.
- No information is available in the ILO database on bilateral labor agreements.

Uruguay

Uruguay's migration policy has increasingly emphasized the protection of human rights, particularly the rights of migrant workers. Resolution 576/026 of 2016 approved the Framework Document on Migration Policies in Uruguay.

The gender-sensitive approach of this policy has been commended, although stronger coordination

with the private sector has been identified as a pending area of labor policy development (IOM, 2020). Entry requirements are governed by the Migration Act (Law 18250), enacted in 2008 and regulated by Decree 394 of 2009. In 2017, the Migration Unit was established within the Ministry of Labor and Social Security (UN, 2021: para. 45).



MIGRATION AUTHORITY

National Migration Department, Ministry of the Interior.



ENTRY REQUIREMENTS

- Access to the labor market requires a temporary residence permit for migrant workers, valid for up to two years and renewable for up to four years.
- Applications must be initiated by the worker, who must present a letter on headed paper specifying their duties, the length of the contract, and their monthly wages or alternative means of subsistence.
- The system is open, although the government may restrict access by occupational category. No specific measures are in place to protect national workers.
- Family members have the right to reside in the country under the right to family reunification, but this does not include the right to work.

Uruguay



EMPLOYMENT CONDITIONS

- Migrant workers with temporary resident status may be employed only under the conditions specified in their permit; job changes are not permitted.
- Access to the labor market through permanent residence is available only to family members of Uruguayan nationals or nationals of MERCOSUR member and associate countries. This access is sometimes subject to additional requirements, such as proof of means of subsistence.
- Uruguay also grants legal citizenship (functionally equivalent to permanent residence) to workers who have resided in the country for at least five years (or three years if they have family ties). There are no legal mechanisms for obtaining nationality.
- Generally speaking, the principle of equal access to economic and social rights applies.



INTERNATIONAL AGREEMENTS

- The portability of social security benefits is governed by the Ibero-American Multilateral Agreement on Social Security, the MERCOSUR Multilateral Agreement on Social Security, and other bilateral agreements.
- MERCOSUR residence categories have been incorporated into domestic law: the Migration Act (Law 18250: art. 33, para. b) grants permanent resident status to nationals of member and associated states.
- Uruguay has also concluded several bilateral labor agreements.

Venezuela

In recent years, Venezuela's migration policies have been shaped by the gradual increase in emigration, particularly to other countries in Latin America and the Caribbean (Chaves-González et al., 2021). Its domestic policies include a human rights

perspective aimed at ensuring equal treatment between Venezuelan and foreign nationals (UN, 2020b). The main legal instruments in this area are the Aliens and Migration Act of 2004 (Law 37944) and the Organic Law on Labor and Workers of 2012.



MIGRATION AUTHORITY

Administrative Service for Identification, Migration, and Aliens (SAIME), Ministry of Home Affairs, Justice, and Peace.



ENTRY REQUIREMENTS

- Foreign nationals wishing to access the labor market must hold a labor migrant visa, which is issued after they obtain a work permit from the Ministry of Labor and Social Security.
- These permits are valid for one year and can be renewed upon request, provided the worker submits an employment offer or job contract.
- While all workers are eligible for permits, certain categories are exempt, such as professionals remaining in the country for less than 90 days.
- Certain occupations can only be performed by Venezuelan nationals, such as managers of industrial relations or human resources, ship or aircraft captains, and supervisors or those exercising similar functions. Measures to protect national workers include a quota requiring that at least 90% of employees in establishments employing 10 or more workers be Venezuelan nationals. Similarly, foreign workers' wages cannot account for more than 20% of total payroll.
- There are no special regulations for family members, who can be included in visa applications but do not have the right to work.

Venezuela



EMPLOYMENT CONDITIONS

- There are no regulations on job changes.
- Workers with temporary residence may be granted permanent residence at the discretion of the authorities without a minimum residence requirement. Migrant workers with permanent residence status can apply for nationality after residing continually in the country for ten years.
- There are no special provisions on economic and social rights, although the principle of equal access applies.



INTERNATIONAL AGREEMENTS

- Venezuela is a party to the Ibero-American Multilateral Agreement on Social Security.
- It is not currently a party to any regional agreement facilitating the portability of social security benefits, such as MERCOSUR, from which it has been suspended (MERCOSUR, 2017).
- No information is available in the ILO database on bilateral labor agreements signed by Venezuela.

Annex 4. Glossary

This glossary is for reference purposes only and is intended to make this report easier to read. For more comprehensive definitions, please refer to the International Organization for Migration's *Glossary on Migration* (IOM, 2019).

Access to the labor market

The hiring of migrant workers in the host country, enabling them to enter the labor market. Access may be regular, if it complies with the host country's regulations, or irregular, if it infringes them.

Asylee

A migrant who has been granted diplomatic or territorial asylum by the host country, which provides refuge from persecution not linked to common criminal offenses.

Binational labor agreements

Agreements signed between two countries to facilitate labor mobility between them. They often include clauses facilitating access to the labor market, as well as provisions on social security.

Complementary protection

Status granted by host countries to vulnerable migrants facing specific risks that derive from their country of origin but who do not qualify for refugee status.

Country of origin

The country that a migrant worker leaves to move to the host country, which may or may not be their country of nationality.

Decent work

Work that complies with the ILO's International Labour Standards, which seek to guarantee productive work under conditions of equality, with fair wages and full and effective access to economic and social rights, providing security and decent working conditions.

Demand-based system

A permit system that depends on employers deciding to hire migrant workers.

Economic and social rights

Rights to essential services and conditions enshrined in international law or the law of the host country, which must be guaranteed by governments for people to live dignified lives. These include the economic, social, cultural, and environmental rights recognized by the Inter-American Human Rights System.

Economic migration

The movement of people seeking better economic opportunities, including through self-employment and by providing labor services to an employer.

Economic or labor integration

The full, effective integration of migrant workers into the host-country labor market, thereby promoting productive knowledge transfer. This integration depends on several factors, one of which is labor migration law.

Employment agencies

Private companies that match labor supply and demand by connecting job seekers with employers, thereby bridging information gaps. In 1997, the ILO issued the Private Employment Agencies Convention (No. 181) in relation to these companies.

Employment

Migrant workers' ability to apply their productive skills in the host-country labor market after being granted regular access to this.

Fair hiring processes

Mechanisms to balance supply and demand for migrant labor while safeguarding labor rights, the protection of human dignity, nondiscrimination, and the overall protection of decent work. The ILO's Fair Recruitment Initiative focuses specifically on migrant workers.

Family members or dependents

Relatives of the migrant (typically their spouse and children) who are granted the right to enter the host country in a regular manner in accordance with its laws. Regular migration status for family members does not necessarily include the right to work.

Good governance standards

Widely accepted principles that aim to ensure the migration authority's processes are effective, efficient, transparent, accountable, fast, and reasonable, based on the primacy of human rights.

Host country

The destination country that a migrant worker enters; also known as the receiving country.

Inter-American standards

Principles generally accepted by the OAS member states. The standards referred to in this paper generally relate to labor migration policies.

International labor migration

The movement of workers from their country of origin to a host country in order to gain access to the host-country labor market and improve their economic circumstances.

International migrant workers

Foreign nationals who provide labor services in host countries through paid contractual relationships characterized by dependence and subordination.

Intersectionality

A principle of the Inter-American System of Human Rights that guarantees increased legal protection for people facing multiple vulnerabilities. Migrant workers face two such factors: the fact that they are foreign nationals and the fact that they are workers. Certain social groups may experience additional vulnerability, such as women. The principle of intersectionality justifies the design of labor migration policies that include, for example, a gender perspective.

Irregular migration status

The status of migrants entering or remaining in a host country in violation of its migration regulations.

Labor market test

A process by which employers demonstrate the lack of suitable national workers before hiring foreign workers to fill a vacancy.

Labor migration law

Regulations governing migrant workers that stem from the host country's migration and labor laws.

Labor quotas

Quantitative limits on hiring foreign workers based on ratios of national and foreign workers or the share of the payroll allocated to each group.

Los Angeles Declaration

Political commitment adopted at the 9th Summit of the Americas in July 2022 to promote safe, orderly, and regular migration across the Americas.

Mechanisms for the protection of national workers

Policies that restrict the hiring of foreign workers to protect national workers, including hiring quotas and the labor market demand test, based on the premise that national and migrant workers compete with each other for jobs.

Mechanisms for the recognition and certification of professional skills

Procedures through which host countries recognize and certify migrant workers' productive knowledge. These include special procedures through which countries authorize migrant workers to enter the labor market to provide regulated professional services by validating foreign qualifications.

Mechanisms for the regularization of migrant workers

Procedures through which host countries grant legal status to workers who have entered the labor market via irregular channels.

Migration authorities

Administrative bodies that are part of the executive branch of government and are authorized to regulate migrant workers' access to the country and/or the labor market.

Multilateral agreements

Agreements between more than two countries that promote economic integration by facilitating labor mobility. These agreements do not necessarily include the right to free movement of labor.

Nationality

The highest level of legal integration that migrants can be granted by host countries.

Permanent residence

Status authorizing migrants to reside in the host country indefinitely.

Portability of social security benefits

The right of workers to have the social security entitlements they accrued in their country of origin recognized in the host country. This typically requires international, bilateral, or regional agreements.

Processes for hiring foreign workers

Mechanisms for matching migrant labor supply and demand. These mechanisms are affected by information asymmetries that increase risks for vulnerable migrant workers.

Productive knowledge transfer

The process by which workers acquire new productive knowledge as a result of personal interaction with workers who have already acquired such knowledge.

Productive knowledge

Experience accumulated by migrant workers in the production of goods and services. This knowledge is not codified or linked to academic qualifications, but rather to learning processes associated with the provision of labor services.

Protection of national workers

Policies implemented by host countries to limit the hiring of migrant workers in favor of national workers, such as quotas or labor market tests.

Public employees

Workers employed by the state. They are usually subject to different regulations than those governing labor relations in the private sector.

Public employment services

State agencies providing intermediation services to match labor supply and demand, thereby remedying information asymmetries. ILO Convention No. 88 (the Employment Service Convention, 1948) regulates these services.

Quality of labor migration policies

The extent to which host-country labor migration policies align with international labor standards deriving from the various international instruments. Various indices capture the qualitative aspects of these policies. In Latin America and the Caribbean, their quality can be assessed in relation to inter-American standards.

Change of employment or job changing

The right of migrant workers to terminate the employment relationship for which they were authorized to enter the country or labor market and take up work with a different employer.

Refugee status

A status granted by host countries to migrants whose human rights are at risk due to persecution or serious upheaval in their country of origin, in accordance with international and national law.

Regional agreements

Multilateral agreements that promote economic integration. The Andean Community of Nations, MERCOSUR, the Pacific Alliance, and CARICOM are examples of regional agreements within Latin America and the Caribbean.

Regular migration mechanisms

Procedures through which host countries authorize migrant workers to enter the labor market and grant them regular migration status.

Regular or legal migration status

Legal status of migrants who have entered the country or labor market in compliance with the host country's regulations.

Regulated profession

Professions requiring specific academic qualifications or certifications under host-country law, in addition to other requirements such as membership of a professional organization. Medical and legal services are two such examples. Access to the labor market for migrant workers in regulated professions often depends on fulfilling these certification requirements, in addition to migration control mechanisms.

Regulatory framework for international labor migration

Laws, decrees, resolutions, and other host-country regulations that impact the employment of foreign nationals.

Right to family reunification

The right of migrant workers to request that the host country authorize their family members to enter the country via regular channels. This does not necessarily include the right for family members to work.

Right to regulate

The host country's sovereign authority to establish the conditions under which migrant workers may enter and leave the country.

Safe, orderly, and regular labor migration

The movement of migrant workers in a manner consistent with international standards that guarantee regular migration status and clear, stable labor rights, in compliance with the host country's migration policies. These standards require that labor migration procedures comply with good governance standards, creating conditions conducive to development.

Self-employed workers

Foreign nationals supplying goods and services independently in host countries, rather than under an employment contract.

Supply-based system

A permit system allowing migrant workers to enter host countries without a prior job offer, enabling them to offer their services in the labor market.

Temporary and cross-border workers

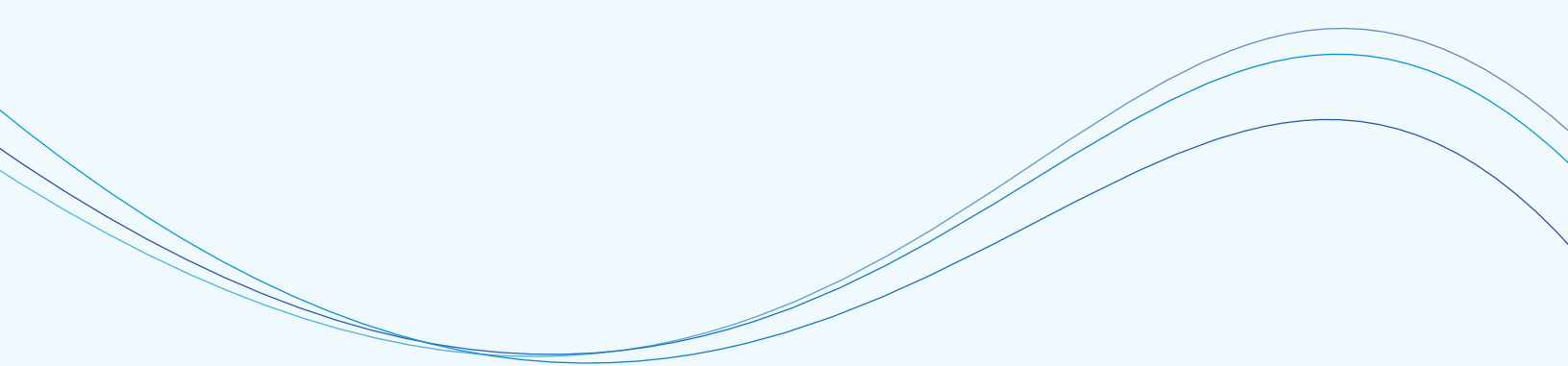
Foreign workers employed in host countries on a short-term basis, such as to provide labor services in the agricultural sector. This includes workers who live in their country of origin but work in a neighboring host country, often commuting daily across the border. These circumstances mean that temporary migrant workers are often not integrated into host societies.

Work permit

A permit granted by host countries authorizing foreign workers to be hired for periods that are limited but longer than temporary employment stays.

Work visa

A permit issued by host countries allowing migrant workers to request entry at border checkpoints. Work visas are not the same as work permits, and some countries have both systems in place at the same time.



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