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FIRST ITEM ON THE AGENDA

Revisiting the plan of action on labour migration governance in consideration of the Global Compact for Safe, Orderly and Regular Migration

Purpose of the document

This document reports on the five-year plan of action (2018–22) giving effect to the conclusions of the general discussion on fair and effective labour migration governance, adopted by the International Labour Conference at its 106th Session (2017), and examines the implications for the ILO's strategic priorities in the light of the adoption in December 2018 of the Global Compact for Safe, Orderly and Regular Migration (GCM) by the United Nations General Assembly.

In the present document, the Governing Body is invited to provide guidance on whether any adjustment of the ILO's plan of action, including in respect of ILO priority actions, would be needed for the ILO to effectively support the implementation of the Global Compact commitments on labour migration, while also meeting constituents' needs (see the draft decision in paragraph 26).

Relevant strategic objective: All.

Main relevant outcome/cross-cutting policy driver: Outcome 9: Fair and effective international labour migration and mobility.

Policy implications: Following the adoption in December 2018 of the Global Compact for Safe, Orderly and Regular Migration (GCM), further indications concerning the priority areas for the Office action on labour migration during the period 2018–22, taking account of both the conclusions of the general discussion on fair and effective labour migration governance, adopted by the International Labour Conference at its 106th Session (2017), and the GCM itself.

Legal implications: None.

Financial implications: Implications for future programme and budget proposals beyond 2018–19. Extrabudgetary resource mobilization is required for the implementation of the plan of action.

Follow-up action required: The Office will take into consideration the guidance provided by the Governing Body in pursuing the plan of action.

Author unit: Conditions of Work and Equality Department (WORKQUALITY)/Labour Migration Branch (MIGRANT).

Related documents: GB.331/INS/4/1(Rev.); Resolution and conclusions concerning fair and effective labour migration governance, 2017; Report IV, International Labour Conference, 106th Session, 2017; Report of the Director-General, Report I(B), International Labour Conference, 103rd Session, 2014.

Introduction

1. At its 106th Session (June 2017), the International Labour Conference conducted a general discussion on addressing the governance challenges for fair and effective labour migration.¹ The Conference debated the benefits and challenges inherent in labour migration and identified the thematic areas that warrant special attention, as well as other priorities for ILO action. The discussions led to conclusions in the form of a resolution concerning fair and effective labour migration governance, which were given effect via a five-year plan of action (2018–22), adopted by the Governing Body at its 331st Session, in November 2017.² The plan of action provided for reviews of the relevance of the proposed activities and implementation monitoring in line with available resources (points 17 and 18).
2. In December 2018, the United Nations (UN) General Assembly endorsed the Global Compact for Safe, Orderly and Regular Migration (GCM), which was developed through intergovernmental consultations and negotiations throughout 2017 and 2018 and covers all aspects of international migration, including decent work and labour migration.³ The GCM is not an international treaty, but is meant to provide overall guidance to States and other stakeholders on how to address migration issues and foster international cooperation more effectively.
3. This document revisits the plan of action on labour migration governance in consideration of the GCM. It examines the implications of the GCM objectives for the strategic priorities and means of action of the ILO's plan of action. The linkages between the GCM and the plan of action are summarized in the appendix. It also seeks guidance from the Governing Body in relation to the ILO's implementation of the GCM and its partnerships, including at the field level, and its role in the new UN Network on Migration established by the Secretary-General to achieve greater coherence within the UN system for supporting GCM implementation.

A shared vision: Key principles of labour migration governance

4. The ILO's plan of action mandated the Office to work closely with the Special Representative of the UN Secretary-General for International Migration, who coordinated the development of the GCM, and with sister agencies, to broaden the understanding, within the UN system and wider global community, of the ILO's approach and its unique tripartite nature and to promote the use of its normative framework.
5. Efforts in this area, as well as effective advocacy with UN Member States, bore fruit. Indeed, the preamble notes that the GCM rests on human rights standards, including the ILO Conventions related to decent work and migration, and makes substantial reference to decent work throughout the objectives and to concepts developed under the ILO's agenda for fair

¹ ILO: *Addressing governance challenges in a changing labour migration landscape*, Report IV, International Labour Conference, 106th Session, Geneva, 2017.

² [GB.331/INS/4/1\(Rev.\)](#).

³ United Nations General Assembly: *Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration: Draft outcome document of the Conference (A/CONF.231/3)*; and [resolution 73/195](#) adopted by the General Assembly on 19 December 2018 on the Global Compact for Safe, Orderly and Regular Migration.

migration as set out in the Report of the Director-General to the 103rd Session (2014) of the International Labour Conference.⁴ Key points of the agenda include: making migration a choice, not a necessity, by creating decent work in countries of origin; respecting the human rights, including labour rights, of all migrants; ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and discrimination at national level; forging stronger linkages between employment and migration policies, including sound labour market needs assessments and skills recognition; having ministries of labour and employers' and workers' organizations involved in policymaking on migration; and fostering genuine cooperation between countries and within regions.

6. The GCM is based on a set of cross-cutting and interdependent guiding principles. It places individuals at its core; is based on international cooperation; respects national sovereignty; recognizes the rule of law and due process; is rooted in the 2030 Agenda for Sustainable Development; is based on international human rights law and upholding the principles of non-regression and non-discrimination; is gender-responsive; is child-sensitive; and has a whole-of-government and a whole-of-society approach. These principles are consistent with the ILO's vision of fair and effective labour migration governance, which confirms the timeliness of the International Labour Conference general discussion on labour migration governance in 2017.

GCM objectives and ILO priority work

7. The GCM calls for a collective commitment to 23 objectives to achieve safe, orderly and regular migration. Several of these objectives speak to decent work and the labour market aspects of migration, and are already addressed in the ILO's plan of action (2018–22).

Objectives of the Global Compact for Safe, Orderly and Regular Migration

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin
3. Provide accurate and timely information at all stages of migration
4. Ensure that all migrants have proof of legal identity and adequate documentation
5. Enhance availability and flexibility of pathways for regular migration
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
7. Address and reduce vulnerabilities in migration
8. Save lives and establish coordinated international efforts on missing migrants
9. Strengthen the transnational response to the smuggling of migrants
10. Prevent, combat and eradicate trafficking in persons in the context of international migration
11. Manage borders in an integrated, secure and coordinated manner
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
13. Use migration detention only as a measure of last resort and work towards alternatives
14. Enhance consular protection, assistance and cooperation throughout the migration cycle
15. Provide access to basic services for migrants
16. Empower migrants and societies to realize full inclusion and social cohesion

⁴ ILO: *Fair migration: Setting an ILO agenda*, Report of the ILO Director-General, Report I(B), International Labour Conference, 103rd Session, Geneva, 2014.

17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
22. Establish mechanisms for the portability of social security entitlements and earned benefits
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

8. To take an example, the ILO's ongoing and planned work on labour migration data and statistics fits squarely with GCM objective 1, which seeks to strengthen the global evidence base on international migration and to harmonize methodologies for data collection. The update of the ILO's regional and global estimates of migrant workers, released in December 2018, and the new methodological Guidelines concerning statistics on international labour migration to facilitate the collection of internationally comparable data on migrant workers, which were endorsed by the 20th International Conference of Labour Statisticians in October 2018, can be seen as the first ILO contributions towards achieving GCM objective 1. Similarly, the Office's continued provision of support to constituents and its capacity-building work in the collection, compilation, management and dissemination of internationally comparable statistics on labour migration will also support the implementation of GCM objective 1 (see points 13(e) and 14(b) of the plan of action).
9. GCM objective 5 on enhancing the availability and flexibility of pathways for regular migration makes explicit reference to drawing on ILO standards, guidelines and principles when developing human rights-based and gender-responsive labour mobility agreements in cooperation with relevant stakeholders. The ILO's work on promoting international labour standards and policy frameworks governing labour migration, including diffusing misunderstanding of these standards, and its action to address stereotypes and prejudices against migrant workers as foreseen in point 13(a) of the plan of action, can support this objective and many others of the GCM. The references to optimizing skills matching in labour markets and to involving business and trade unions in the shaping of labour migration policies further testify to the GCM's uptake of ILO concerns (see objective 5(c) and (e)). The ILO's ongoing capacity-building on bilateral and multilateral agreements and tripartite platforms to support social dialogue should prepare regional and national institutions and ILO constituents for the implementation of commitments under this objective. The ILO's global training course "Negotiating bilateral and multilateral agreements", tested successfully in July 2018, and training modules for good practice guidance in developing bilateral labour agreements being prepared with the International Training Centre of the ILO (ITC-ILO) and the International Organization for Migration (IOM), are also relevant tools.
10. The ILO's current work on temporary labour migration, involving mapping in 2018–19 existing knowledge concerning the scope, use and effects of circular and temporary migration schemes, should contribute important evidence for the development of rights-based and gender-responsive labour mobility schemes as encouraged in GCM objective 5(d).
11. The ILO's global Fair Recruitment Initiative influenced the GCM discussions, as reflected in GCM objective 6. However, the difficult discussions on reducing protections for irregular migration led to compromise wording under objective 6(i) that may limit fundamental rights to "migrant workers engaged in remunerated and contractual labour". On the other hand, objective 6(l) references the ILO's *General principles and operational guidelines for fair recruitment*, which clearly provide the full protection of international labour standards for all migrant workers. The ILO's guidelines prohibit recruiters and employers from charging or shifting fees or related costs to migrant workers and require that the roles and

responsibilities within recruitment and employment processes are clearly outlined, in keeping with GCM objective 6(c) and (e). The ILO Meeting of Experts on Defining Recruitment Fees and Related Costs, held in November 2018, by agreeing on a definition of recruitment fees and related costs, will further contribute to this area.⁵

12. The ILO's expanded work on fair recruitment, outlined in points 12(a), 13(d) and 14(a) of the ILO's plan of action, can support implementation of the GCM and has been welcomed by the international community at various global meetings leading up to the adoption of the GCM. Recent activities include the development of guidelines, together with the World Bank, for measuring recruitment costs to support Sustainable Development Goal (SDG) indicator 10.7.1. Following a validation workshop with national statistical offices held in September 2018, the agreed guidelines were presented at the Eighth Meeting of the Inter-agency and Expert Group on Sustainable Development Goal Indicators and the indicator was reclassified as Tier 2.⁶ The ILO's global Fair Recruitment Initiative is currently operating in ten pilot countries. It is linked to the ILO's work on preventing human trafficking and forced labour under the flagship International Programme on the Elimination of Child Labour and Forced Labour (IPEC+), and in the context of Alliance 8.7,⁷ thereby supporting GCM objective 10. Training and capacity-building activities are being undertaken in an additional 13 countries, including to enhance consular protection in line with GCM objective 14. Global training courses on fair recruitment were organized in 2017 and 2018 with the ITC-ILO. Related training modules are being finalized and translated, as are training modules for journalists on forced labour and fair recruitment. The International Trade Union Confederation (ITUC) Migrant Recruitment Advisor, supported by the ILO, a global online platform that allows workers to assess their recruitment experience and report abuse, was launched in four countries, with two more planned. These activities and tools are also relevant for reaching other GCM objectives, such as GCM objective 7 on reducing vulnerabilities in migration.
13. GCM objective 7(d) calls for a review of relevant existing labour law and working conditions to identify and effectively address workplace-related vulnerabilities and abuses of migrant workers at all skills levels. The ILO's planned knowledge development and capacity-building activities on freedom of association and collective bargaining, as set out in points 12(d) and 14(d) of the ILO's plan of action, will contribute to achieving this goal, as will the ILO's compendium of laws and policies facilitating pathways out of irregularity and informality, while protecting migrants in irregular situations, as per point 12(f) of the plan of action.
14. Skills development and recognition feature in the GCM as objective 18. Technical assistance on skills training and jobs and skills matching is also a key priority in the ILO's plan of action. The ILO's skills programme for migrant workers has been expanded through a joint collaboration between the Labour Migration Branch (MIGRANT) and the Skills and Employability Branch (SKILLS) that builds on national skills development programmes to include migrant workers. At present, 20 countries in Asia, Africa, Latin America and the Arab States are being covered. In cooperation with regional economic communities in the Western Africa, Central Africa and the Sahel regions, tripartite workshops will be conducted in 2019. At the same time, the Joint Labour Migration Programme for Africa, spearheaded by the African Union Commission, the ILO and the IOM, supports labour migration

⁵ See [GB.335/INS/14/2](#).

⁶ Tier 2: Indicator is conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries. See Tier Classification for Global SDG Indicators at: <https://unstats.un.org/sdgs/iaeg-sdgs/tier-classification/>.

⁷ For more information about Alliance 8.7, see [GB.335/INS/INF/4](#).

governance, including labour market information systems, skills development and skills recognition. Tools such as the ILO guide for employment services providers How to facilitate the recognition of skills of migrant workers was pilot tested in 2018 and will be finalized and disseminated in 2019 and beyond.

15. To strengthen its global work on skills, the ILO is forging a global skills partnership (as encouraged by objective 18), with the IOM, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Organisation of Employers and the ITUC, to strengthen work at the national and subregional levels. The partnership aims to transform the way governments, employers and workers and their organizations, and other stakeholders develop and recognize the skills of migrant workers, with a particular focus on women and youth. It will seek to establish platforms for dialogue and the exchange of good practices, to contribute to successful and sustainable labour market integration and “brain gain” in origin and destination countries, and to foster regular migration in bilateral and multilateral labour migration arrangements, based on labour market needs assessments and training opportunities for potential and return migrant workers.
16. The ILO’s work on social protection will provide important means for reaching GCM objective 22, where explicit reference is made to the ILO Social Protection Floors Recommendation, 2012 (No. 202). Activities set out in points 12(c), 13(f) and 14(c) of the ILO’s plan of action are aligned with GCM objective 22, particularly the ILO’s capacity-building on the portability of social protection entitlements and benefits, planned assessments and evidence-based intervention models to address the obstacles faced by specific groups of migrants. ILO training courses are essential for making any established portability mechanisms work in practice for the benefit of migrants. In March 2018, the first global training on Extending social protection to migrant workers, refugees and their families was carried out by the ILO, the ITC–ILO and the International Social Security Association, piloting selected modules of the ILO’s “How to” guide on extending social protection to migrant workers, refugees and their families. The guide’s second edition is scheduled for 2019, as are subregional targeted capacity-building workshops, such as those for the African Union Commission and the Economic Community of West African States. Such work could also help to achieve GCM objective 15 on access to basic services, including health care, by migrants.
17. Other GCM objectives are also aligned with the ILO’s activities on labour migration, such as 2, 3, 15, 16 and 19. The provision of accurate and timely information at all stages of migration (objective 3) has been an ILO concern for many years, and supported within the ILO’s development cooperation projects, including support for migrant resource centres which provide migrants with basic services and rights protection in line with objective 15. Similarly, the elimination of all forms of discrimination (objective 17), and particularly against women, including through ensuring the right to freedom of association (objective 16(e)) are core ILO concerns. The ILO’s examination of obstacles to, and good practices for, ensuring the right to freedom of association and collective bargaining (point 12(d)) in the ILO’s plan of action can help to realize objective 16, which more broadly calls for the empowerment of migrants and societies to realize full inclusion and social cohesion. This underlies much of the ILO’s work in the field to promote rights-based, gender-responsive labour migration policies that help to ensure labour market integration, inclusive labour markets and the empowerment of migrant women and men workers. The ILO’s annual Global Media Competition on Labour Migration to recognize journalists for a balanced discourse and quality reporting on labour migration is an action of the type suggested in objective 17(c). Similarly, the ILO continues to be active in fostering the financial inclusion of migrants, one aspect of objective 20, though this is not a specific priority of the ILO’s plan of action (2018–22). Though issues of legal identity (objective 4), saving lives through search and rescue (objective 8), smuggling (objective 9), and managing borders (objective 11), including admission screening procedures (objective 12) and

detention (objective 13), are not directly included in the ILO's plan of action, the ILO's work to foster rights-based, gender-responsive labour migration policy frameworks can help protect migrants in vulnerable situations throughout the migration process.

18. GCM objective 2 to minimize the factors that compel people to migrate underpins the ILO's agenda for fair migration. Indeed, the entire Decent Work Agenda contributes to this goal. In relation to objective 2, with regard to natural disasters, the adverse effects of climate change, and environmental degradation, the ILO is expanding its work to address the intersection of employment, climate change and migration. The Office is exploring opportunities for collaboration with the Secretariat of the UN Convention to Combat Desertification, in particular through MIGRANT and the Green Jobs Programme in Africa. A Memorandum of Understanding has been drafted for signature in 2019. The ILO is a core expert member of the United Nations Framework Convention on Climate Change (UNFCCC) mandated Task Force on Displacement under the Warsaw International Mechanism for Loss and Damage, and contributed to the development of recommendations which include reference to ILO standards and the Global Compact. These were adopted by the Conference of the Parties to the UNFCCC at its 24th Session (COP 24) in December 2018.
19. The ongoing ILO work on enterprise development and self-employment (point 13(c) of the plan of action), with its inclusive approach serving both migrants and national populations, has links with GCM objectives 19 on diaspora contributions to sustainable development and 21 on cooperation in facilitating sustainable reintegration. Objective 19(e) suggests the development of targeted support programmes and financial products that facilitate migrant and diaspora investments and entrepreneurship. Objective 21(h) calls for the facilitation of the reintegration of returning migrants into community life by, among other things, employment opportunities and decent work and financial services, in order to fully build upon their entrepreneurship. Much in this vein, the ILO project "Support to the reintegration of returnees in Ethiopia" (2015–19) provides individualized and rights-based socio-economic reintegration assistance to returnees, with a particular focus on women and girls. To date, 13,753 returnees have benefited from entrepreneurship, life skills and financial literacy training; 11,201 returnees have received vocational skills training based on their interest and demand; and 2,962 returnees with special needs were provided with psycho-social and medical support, among other project achievements. The ILO and the ITC–ILO are implementing projects in North Africa to similarly support return migrants.
20. The ILO's planned actions on labour migration governance remain valid and have received higher visibility following the negotiation of the GCM. The ILO's work will contribute considerably to realizing the commitments of the GCM, including ways and means to ensure the engagement of the social partners and social dialogue.

GCM implementation mechanisms and the ILO's role in migration governance at the global level

21. International cooperation is central to the GCM, as expressed in objective 23, including through the coordination of a more coherent UN system response to migration, which is expected through the new UN Network on Migration (GCM, paragraph 45). The Network replaces the former Global Migration Group (GMG) mentioned in points 15 and 16 of the ILO's plan of action. It is comprised of the UN system member agencies for which migration is relevant to their mandates. Within the Network, an Executive Committee has been established, comprised of those entities with clear mandates, technical expertise and capacity in migration-related fields, namely the ILO, the Office of the UN High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the UN Development

Programme, the UN Office on Drugs and Crime, the UN Children's Fund, the UN Department of Economic and Social Affairs and the International Organization for Migration, which will also be the Network's coordinator. The Executive Committee will provide overall guidance for the Network's operations and set strategic priorities to support Member States in the effective implementation, follow-up and review of the GCM, including in the International Migration Review Forum established by the GCM (which will replace the High-level Dialogue on International Migration and Development and will be held every four years). The ILO's membership of the Executive Committee has thus given the ILO a considerable role in shaping concerted UN activities on migration.

22. The Network may develop working groups around thematic, geographic or functional areas to tackle specific issues with results-oriented actions, such as providing capacity-building and global coherence around technical advice, tools and guidelines, or facilitating joint action at the regional or country levels. The Network will be guided by a workplan developed by the Executive Committee, in consultation with Network members and other stakeholders. To date, there has been no agreement on the content of the working groups, but it is understood that membership will be drawn from the Network and other partners, which should open the door for ILO constituents to participate actively. The ILO has ensured that labour migration related issues are among those under consideration. Chairing or co-chairing will be open to all working group members.
23. The establishment of a capacity-building mechanism, including a connection hub, a start-up UN multi-partner trust fund and a global knowledge platform are also components of the GCM (GCM, paragraph 43).
24. The ILO is fully committed to the new UN Network and will seek to promote a maximum of UN coherence around ILO approaches. The new structures could imply more joint agency work in future than was envisaged in the ILO's plan of action, although the latter already included the aim to deepen partnerships within the UN system and beyond (see point 16 of the plan of action).
25. The GCM and the ILO's role in the UN Network on Migration are potential opportunities for the ILO to expand its influence, approaches and good practices, including tripartism and social dialogue, through multi-agency partnerships working particularly at the field level where much of the GCM implementation will take place. The multi-partner trust fund presents a further opportunity to support such partnerships.

Draft decision

26. *The Governing Body:*

- (a) *indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including to support the implementation of the Global Compact for Safe, Orderly and Regular Migration; and*
- (b) *invited the Director-General to take account of its guidance in the implementation of the ILO's plan of action, to further strengthen ILO partnerships with other agencies, such as those in the United Nations Network on Migration and particularly in the field, including in United Nations country teams, and to promote social dialogue and tripartism in the implementation of the Global Compact for Safe, Orderly and Regular Migration.*

Appendix

Overview of linkages between the ILO's plan of action on labour migration governance and the Global Compact for Safe, Orderly and Regular Migration

Global Compact for Safe, Orderly and Regular Migration objectives	Addressed through work envisioned in the ILO's plan of action	Not addressed or addressed indirectly through work related to the ILO's plan of action
1 Collect and utilize accurate and disaggregated data as a basis for evidence-based policies	X	
2 Minimize the adverse drivers and structural factors that compel people to leave their country of origin	X (through the ILO's decent work services)	
3 Provide accurate and timely information at all stages of migration	X	
4 Ensure that all migrants have proof of legal identity and adequate documentation		Indirect link through ILO services on rights-based labour migration frameworks
5 Enhance availability and flexibility of pathways for regular migration	X	
6 Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work	X	
7 Address and reduce vulnerabilities in migration	X	
8 Save lives and establish coordinated international efforts on missing migrants		Indirect link through ILO services on rights-based labour migration frameworks
9 Strengthen the transnational response to the smuggling of migrants		X
10 Prevent, combat and eradicate trafficking in persons in the context of international migration	X (through the ILO's Fair Recruitment Initiative)	
11 Manage borders in an integrated, secure and coordinated manner		X
12 Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral		Indirect link through ILO services on rights-based labour migration frameworks

Global Compact for Safe, Orderly and Regular Migration objectives	Addressed through work envisioned in the ILO's plan of action	Not addressed or addressed indirectly through work related to the ILO's plan of action
13 Use migration detention only as a measure of last resort and work towards alternatives		X
14 Enhance consular protection, assistance and cooperation throughout the migration cycle	X (through the ILO's Fair Recruitment Initiative and rights-based labour migration frameworks)	
15 Provide access to basic services for migrants		Indirect link through ILO services on rights-based labour migration frameworks; the ILO also supports migrant resource centres
16 Empower migrants and societies to realize full inclusion and social cohesion	X	
17 Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration	X	
18 Invest in skills development and facilitate mutual recognition of skills, qualifications and competences	X	
19 Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries	X	
20 Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants	X	
21 Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration	X	
22 Establish mechanisms for the portability of social security entitlements and earned benefits	X	
23 Strengthen international cooperation and global partnerships for safe, orderly and regular migration	X	