



Migration and the Law in [name of country]

Dear Sir or Madam,

We are reaching out to you in your capacity as an expert on immigration in [Name of Country].

The World Bank is working on a novel project titled “**Migration and the Law.**” Over the past decade, international migration has come to dominate the global policy agenda. While much attention has been given to the benefits of migration, the role of migrant integration policies is often less highlighted in the migration and development discourse.

This project aims to construct a unique database benchmarking migrant integration policies, as described in formal laws and regulations. This study will be the first of its kind. It aims to go beyond the existing focus on benchmarking integration practices in a limited number of countries to creating a global database with over 100 economies. The ultimate goal of the project is to better inform governments, policy-makers, and international organizations on regulatory gaps that hinder successful integration of migrants.

The purpose of this questionnaire is to capture legal integration policies in seven main areas: 1) economic opportunities; 2) health; 3) education; 4) housing; 5) family; 6) active citizenship; and 7) anti-discrimination.

As an immigration expert, we would greatly value your participation in completing the attached questionnaire to document laws and regulations relevant to the integration of migrants in [name of country]. As a token of gratitude for a completed questionnaire, we will acknowledge your name and affiliation as a contributor on the project’s website as well as in the published report.

Our team would be happy to answer any questions you may have about this project or the questionnaire. Please return the questionnaire to integration@worldbank.org no later than April 5th, 2017.

Thank you very much in advance for your assistance.

Sincerely,

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Section 1: Contributor Information

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Section 2: General Definitions and Instructions

Definitions:

This questionnaire asks about integration policies pertaining to **economic migrants**. In answering the questions below, please assume the following characteristics of economic migrants.

An **economic migrant** is an individual who:

- a) has moved from his/her country of birth or usual residence to the host country for employment purposes
- b) is 18 years or older and is residing in the host country
- c) currently holds a work-permit/work-visa, which allows him/her to be employed in the host country for 1 year or more with the possibility of renewal. It **does not** include students, seasonal workers and individuals traveling for business purposes.
- d) is considered a temporary resident and **not** a permanent resident
- e) is either currently employed in the host country or looking for a job while residing in the host country

How to answer this questionnaire:

Since this project aims to benchmark migrant integration policies, this questionnaire only asks about **legally binding regulations in your country in force as of December 31st, 2016**. When responding to the following questions, please consider only what is written in the law (de jure) and *not* how the law is implemented or perceived (de facto). For the purposes of this questionnaire, please consider the following as examples of legally binding regulations:

- Acts (of parliament)
- Ordinances
- Decrees
- Executive orders

When applicable, please make references to these legally binding regulations in the fields "*Please specify the legal basis.*"

Technical instructions:

- To the extent possible, please respond to all questions. If you are unable to answer some questions, please indicate "*don't know.*"
- When applicable, please select multiple responses.
- **If certain economic migrants are treated differently based on their country of origin, ethnic group, or skill level, please indicate this in the fields "*Other*" or "*Additional comments.*"**
- Please save this document as a MS Word file and fill it out on the computer. Please send the document back by email as an attachment.

Section 3: Economic Opportunity

This section covers the process by which the law facilitates an economic migrant's access and ability to navigate the labor market.

3.1 Under what conditions does the law allow an economic migrant to work in the private or public sector?

Private sector:

- Migrant must have a job offer from a local employer before arriving in the host country
- Migrant is restricted to certain professions in the private sector
- Migrant cannot work in the private sector
- Other. Please specify: []

Please specify the legal basis: []

Public sector:

- Migrant is restricted to certain professions in the public sector
- Migrant cannot work in the public sector
- Other. Please specify: []

Please specify the legal basis: []

3.2 Under what conditions can an economic migrant change jobs?

Conditions:

- If the new employer sponsors his/her visa
- If the migrant has obtained permanent residence status
- Migrant is not allowed to change jobs
- Other. Please specify: []

Please specify the legal basis: []

3.3 Are the conditions for opening a business the same for economic migrants and citizens?

- Yes No Migrant is not allowed to open a business

If no, please state the conditions under which a migrant can open a business:

- If the migrant obtains a temporary residency permit
- If the migrant obtains permanent residence
- If the migrant obtains a specific work permit
- If the migrant invests a certain amount of money. Please specify the investment amount: []
- A citizen must be a part/co-owner. If so, please indicate the minimum share (%) the citizen must have in the business: []
- If the migrant employs a certain number of citizens. Please specify the minimum number of citizens that must be employed: []
- Other. Please specify: []

Please specify the legal basis: []

Additional comments: []

3.4 Under what conditions can economic migrants reside in the host country and be unemployed?

Please list all relevant conditions: []

- Migrant is not allowed to remain in the host country while unemployed

Please specify the legal basis: []

Additional comments: []

3.5 Is there a maximum time limit for a work permit, after which an economic migrant must leave the host country?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify the maximum length of the work contract: [] Please specify the legal basis: [] Additional comments: []
3.6 Are economic migrants entitled to receive social benefits, such as unemployment benefits and/or social security?	
	Unemployment benefits: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Only on certain conditions. Please specify: [] Please specify the legal basis: [] Social security: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Only on certain conditions. Please specify: [] Please specify the legal basis: [] <input type="checkbox"/> Other benefits. Please explain: []
3.7 Does the law require economic migrants to attend certain integration programs?	
	Language courses: <input type="checkbox"/> Yes <input type="checkbox"/> No Please specify the legal basis: [] Civics courses: <input type="checkbox"/> Yes <input type="checkbox"/> No Please specify the legal basis: [] <input type="checkbox"/> Other. Please explain: []
3.8 Are foreign qualifications recognized for economic migrants?	
	Academic qualifications: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Only on certain conditions. Please specify: [] Please specify the legal basis: [] Vocational qualifications: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Only on certain conditions. Please specify: [] Please specify the legal basis: [] Additional comments: []
3.9 Is there a <i>different</i> treatment for economic migrants to get foreign qualifications recognized compared to citizens?	
	Academic qualifications: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate if the migrant must: <input type="checkbox"/> Pay a higher fee <input type="checkbox"/> Provide additional documentation <input type="checkbox"/> Other. Please specify: [] Please specify the legal basis: [] Vocational qualifications: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate if the migrant must: <input type="checkbox"/> Pay a higher fee <input type="checkbox"/> Provide additional documentation <input type="checkbox"/> Other. Please specify: [] Please specify the legal basis: [] Additional comments: []
3.10 If there is a national minimum wage policy, does the law apply equally to both economic migrants and citizens?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> There is no national minimum wage policy Please specify the legal basis: [] Additional comments: []

3.11 Under what conditions are employers allowed to deduct costs from the salary of an economic migrant?
Conditions for deducting costs:

- For health insurance
- For levies
- For accommodation expenses
- Other conditions. Please specify: []

Please specify the legal basis: []

Are the conditions the same for both migrants and citizens? Yes No

If no, please specify the differences: []

Please specify the legal basis: []

Additional comments: []

3.12 If there is a national law governing working conditions (such as working hours, safety, and occupational health issues), does it apply equally to both economic migrants and citizens?

Yes No There is no national law governing working conditions

Please specify the legal basis: []

Additional comments: []

3.13 Do economic migrants have a legal right to open a bank account?

Yes No Only on certain conditions. Please specify: []

Please specify the legal basis: []

Additional comments: []

3.14 Are the conditions for obtaining loans the same for both economic migrants and citizens?

Consumer loan: Yes No Migrant is not eligible for a consumer loan

If no, please specify the differences: []

Please specify the legal basis: []

Business loan: Yes No Migrant is not eligible for a business loan

If no, please specify the differences: []

Please specify the legal basis: []

Additional comments: []

3.15 Does the law allow economic migrants to move and travel within the host country without any restriction?

Yes No Only on certain conditions. Please specify: []

Please specify the legal basis: []

Additional comments: []

3.16 Does the law allow economic migrants to reside anywhere in the host country without restriction?

Yes No Only on certain conditions. Please specify: []

If no, please specify where the migrant is allowed to reside (e.g.: certain provinces): []

Please specify the legal basis: []

Additional comments: []

3.17 Under what conditions can an economic migrant obtain a driver's license from the host country?

Migrant must have lived in the host country for a minimum length of time. Please specify minimum length: []

Migrant must be a permanent resident

Other conditions. Please specify: []

Migrant cannot obtain a driver's license from the host country.

Please specify the legal basis: []

3.18 Can economic migrants join trade unions in the same manner as citizens?

- Yes No Migrant is not allowed to join a trade union
 If no, please specify the conditions under which a migrant can join a trade union:
 If the migrant is a permanent resident
 Other conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

Section 4: Health

This section covers the process by which the law facilitates access to health services for economic migrants.

4.1 Does the law guarantee economic migrants access to healthcare services on an equal basis with citizens?

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

4.2 Under what conditions can economic migrants be covered by the public health care system?

- Migrants have spent 6 months or more in the host country
 Migrants have spent 1 year or more in the host country
 Migrants have contributed to the social welfare scheme for more than 1 year
 Migrants cannot be covered by the public health care system
 There is no public health care system in the host country
 Other. Please explain: []
 Please specify the legal basis: []

4.3 Does the law provide for maternity leave for economic migrants in the same manner as for citizens?

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

Section 5: Education

This section covers the process by which the law facilitates access to education for economic migrants.

5.1 Does the law allow economic migrants to access tertiary (or higher) education in the same manner as citizens, assuming that cost is not a barrier? (For this question, please assume that economic migrants wish to access education in addition to working.)

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

5.2 Does the law allow economic migrants to pursue vocational education in the same manner as citizens, assuming that cost is not a barrier?

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

5.3 Does the law allow economic migrants to apply for government education funding (study loans) on an equal basis with citizens?

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

Section 6: Housing

This section captures the process by which the law allows access to housing options for economic migrants.

6.1 Under what conditions can economic migrants apply for public housing?

- Migrant must qualify as “low income”
 Age requirement. Please specify minimum age: []
 After residing for a certain amount of time in the host country. Please specify in months: []
 Migrant cannot apply for public housing
 Other. Please explain: []
 Please specify the legal basis: []

6.2 Under what conditions can economic migrants buy property in the host country?

- Migrant must have resided in the host country for a certain period of time. Please specify minimum residence length: []
 A citizen must be a part/co-owner
 Migrant cannot buy property
 Other. Please explain: []
 Please specify the legal basis: []

6.3 Under what conditions can economic migrants rent property in the host country?

- Migrant must have resided in the host country for a certain period of time. Please specify minimum residence length: []
 A citizen must co-sign the lease
 Migrant cannot rent property
 Other. Please explain: []
 Please specify the legal basis: []

Section 7: Family

This section captures how the laws and regulations apply to family members of economic migrants.

Definitions:

For Section 7, please refer to the following definitions:

- **Family member:** an immediate member, including spouse/partner, child, or parent.
- **Principal migrant:** the migrant who is the primary beneficiary of the visa petition.

7.1 Under what conditions does the law allow an economic migrant to have a family member join him/her in the host country?

- If the migrant proves that he/she can provide sufficient financial support
 Migrant is not permitted to petition for a family member to join him/her in the host country
 Other conditions. Please specify: []
 Please specify the legal basis: []

7.2 Does the law allow for the sponsored family member of the principal economic migrant to be eligible for employment (private, public, or self-employment)?

- Yes No Only under certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

7.3 Under what conditions does the law provide an economic migrant's child with a path to citizenship?

- If the migrant's child was born in the host country
 If the migrant's child is over 18 years of age
 If the migrant's child relinquishes original citizenship
 If the principal migrant has host country citizenship
 The migrant's child does not have a path to citizenship
 Other. Please explain: []
 Please specify the legal basis: []

7.4 Does the law allow an economic migrant's child (under the age of 18, and who does not have citizenship of the host country) to receive the same education as children of citizens?

- Primary education:** Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
Secondary education: Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
Tertiary education: Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

7.5 Does the law allow an economic migrant's child (under the age of 18, and who does not have citizenship of the host country) to apply for government education funding (study loans) on an equal basis with citizens?

- Yes No Only on certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

7.6 Does the law allow an economic migrant's family members access to health care services on equal basis with citizens?

- Yes No Only under certain conditions. Please specify: []
 Please specify the legal basis: []
 Additional comments: []

Section 8: Active Citizenship

This section captures the process by which the law allows economic migrants to access permanent residency and citizenship.

8.1 Is there a minimum legal period of time after which economic migrants can become citizens, if at all possible?

- Minimum legal period of time exists. Please state the minimum number of years: []
 Migrant cannot become a citizen. If so, please move directly to question 8.3
 Please specify the legal basis: []
 Additional comments: []

8.2 Under what conditions can economic migrants become citizens?

- Migrant must demonstrate language proficiency
 Migrant must demonstrate cultural or civic proficiency
 Migrant must already be considered a permanent resident
 Migrant must relinquish original citizenship
 Migrant must pay an application fee. Please indicate the approximate fee in your currency: []
 Other conditions. Please specify: []
 Please specify the legal basis: []

8.3 Under what conditions does the law provide an economic migrant with eligibility for permanent residence?

- Migrant must have resided in the host country for a certain period of time. Please specify minimum residence length: []
 Migrant must demonstrate expertise in a specific skill
 Migrant must pay an application fee. Please indicate the approximate fee in your currency: []
 Migrant cannot become a permanent resident
 Other. Please specify: []
 Please specify the legal basis: []

8.4 What are the level(s) of elections in which a migrant can vote?

- Local/municipal
 Regional
 National
 Migrant cannot vote in any election
 Please specify the legal basis: []
 Additional comments: []

Section 9: Anti-Discrimination

This section captures the process by which the law protects economic migrants from discrimination in certain areas.

9.1 Is there a specific anti-discrimination law that prohibits discrimination, harassment, and/or instruction to discriminate against economic migrants on the grounds of race/ethnicity, religion/belief, and/or nationality?

Yes No Only on certain conditions. Please specify: []

Please specify the legal basis: []

If no, you have finished the questionnaire.

Additional comments: []

9.2 Please indicate the scope of the anti-discrimination law.

- Employment/vocational training
- Education (primary and secondary level)
- Social protection, including social security
- Housing
- Health
- Other. Please explain: []

9.3 Does the law provide for criminal punishment or a monetary penalty for committing a crime against an economic migrant motivated by racial, national, ethnic or religious prejudice?

Criminal punishment: Yes No Only under certain conditions. Please specify: []

Please specify the legal basis: []

Monetary penalty: Yes No Only under certain conditions. Please specify: []

Please specify the legal basis: []

Additional comments: []

9.4 Are economic migrants free to practice their religion?

Yes No Only on certain conditions. Please specify: []

Please specify the legal basis: []

Additional comments: []

Thank you for completing the questionnaire! Please email it back to

integration@worldbank.org