

Global Workers Require Global Justice:
The Portability of Justice Challenge for Migrants in the USA

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I. Introduction

Businesses are global. Workers are global. Justice is not. Due to their unfamiliarity with the local languages, laws and available assistance, foreign migrant workers are frequently exploited in their countries of employment. When migrants return home, however, they are forced to abandon their legal claims because their access to justice in their country of employment is thwarted once they leave.

Most migratory norms focus on the rights in the country in which the migrants are physically present. But the migrants' ability to vindicate rights violated in one state when they return home or move to a third state is an issue that has not received the attention it deserves.

This paper shall address the portability of migrant justice in the United States and relate it to the Committee on Migrant Workers Day of General Discussion Guidelines "General" Point One: "Consequences of an increased protection of the rights of migrant workers and members of their families on the development in both the country of origin and the country of employment."

This issue is not confined to migrants in the United States. Rather the inability of migrants to seek redress after leaving their country of employment is a scenario repeated in any transnational migratory stream. Until nations allow justice to be portable by removing substantive and procedural legal obstacles, such as allowing longer statute of limitations, absentee plaintiffs, extraterritorial application of employment laws, and ensuring that laws apply equally to foreign workers, migrant workers will continue to labor in the shadows of globalization.

The Global Workers Justice Alliance, a non-governmental organization dedicated to promoting effective and efficient transnational legal representation of global migrant workers by fostering and supporting a network of advocates in nations affected by global migration, is grateful to the Committee on Migrant Workers for the opportunity to introduce this important issue and explore its connection to development.

