

A/C.3/38/WG.1/CRP.1  
31 May 1983  
ENGLISH  
ORIGINAL: ENGLISH/FRENCH

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JUN 5 1983

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Thirty-eighth session  
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft International Convention on the Protection of the Rights of  
All Migrant Workers and Their Families

Proposals for articles 46 and 47

Article 46 (Jamaica)

"States Parties recognize the right of migrant workers to transfer to any country their earnings or parts of their earnings for the maintenance of members of the migrant worker's family and shall, in accordance with relevant rules and regulations and applicable agreements, authorize the transfer of such earnings or parts thereof."

Article 47 (Algeria)

"States Parties to this Convention recognize the right of migrant workers' to have full control of all income from their work, including the right to transfer any part of their earnings and savings to the countries of origin and of habitual residence. To the extent possible, States Parties shall, under their national legislation and taking into account any applicable agreements, facilitate such transfers and the transfer of the sums needed for the maintenance of members of the families of migrant workers."

Article 47 (Greece)

"The States Parties to the present Convention shall, in accordance with the arrangements stated in their legislation and those applicable to agreements, authorize and facilitate the transfer, to their country of origin or to the country of normal residence of migrant workers and members of their families, parts of their earnings and savings as they may be necessary for the maintenance of members of the migrant worker's family. Provided that no outstanding legal reasons exist,

no other restrictions whatsoever shall be placed on the transfer of the migrant worker's earnings and savings to the country of destination at the time when he leaves the country of employment."

Article 47 (United States)

"Subject to their applicable currency laws and regulations and in accordance with relevant international agreements, the States Parties to the present Convention shall facilitate the transfer of earnings and savings of migrant workers in a regular situation from the State of employment to other States, in particular the transfer of the sums necessary for the basic sustenance of the migrant worker's family."

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