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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL UN/SA COLLECTION

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

Proposals for article 50

A. New proposal for article 50 submitted by Portugal

1. Wherever not granted otherwise, a State of employment shall in the case of death of a migrant worker or divorce or separation according to applicable law, give favourable consideration to granting to the members of the family who are documented or in a regular situation as regards their stay in the State of employment permission to stay and/or work, taking especially into account the length of time they have already resided in that State.

2. Members of the family to whom such permission is not granted shall be allowed, before departure, a reasonable period of time to settle their affairs in the State of employment.

B. New proposal for article 50 submitted by  
the Federal Republic of Germany

If a migrant worker authorized to stay permanently in the State of employment dies, or is divorced or legally separated according to the applicable law, the State of employment shall give favourable consideration to granting to the members of the family of the migrant worker who have resided legally in its territory for a prescribed period of time, or who were born there, permission to stay. The granting of such permission may be made conditional upon the persons in question being able to support themselves without recourse to the social assistance of the State of employment. If such permission is not granted, the family members shall be given, before departure, a reasonable period of time to settle their affairs in the State of employment.

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\* A/44/50/Rev.1.