

The Economics and Politics of Migrant Rights

Aims and Objectives

This project aims to contribute to academic and policy debates about the rights of migrant workers in high-income countries. It will explore: ways of measuring and describing the variation in the rights of workers across and within high-income countries; the effects of migrant rights on non-migrants in receiving and sending context and on migrants themselves; the reasons why states grant or deny migrants certain rights (“the political economy of migrants’ rights”); and the potential normative reasons for and against limiting migrants’ rights (“the ethics of migrants’ rights”); and the implications for the desirability of promoting ‘core rights’ for migrants as a response to the gap between the comprehensive rights in international migrant worker conventions and the much more restricted rights experienced by many migrants in practice.

Background

In 1990, the General Assembly of the United Nations adopted the International Convention on the Protection of All Migrant Workers and Members of their Families (MWC). It stipulated a very comprehensive set of rights for migrants including those living and/or working abroad illegally. Hailed as a major achievement in the struggle for improving the rights of migrants, the MWC has become a cornerstone of the “rights-based approach” to regulating labour immigration advocated by national and international organizations concerned with the interests and human rights of migrant workers.

In practice, however, the ratification of the 1990 convention has been very disappointing, both in absolute and in relative terms. Although introduced more than 15 years ago, the MWC has so far been ratified by fewer than 50 countries, the great majority of which are predominantly migrant-sending rather than migrant-receiving countries. This makes the MWC the least ratified convention among all the major international human rights treaties. The Convention on the Rights of Children, by contrast, was adopted in 1989 – i.e. just one year before the MWC – and has so far been ratified by 193 countries. Nation states are clearly reluctant to sign up to an international convention

that limits their discretion and ability to restrict the rights of migrants living and working on their territories.

There is an urgent need for systematic analysis and critical discussion of the reasons why high-income countries grant or restrict migrants certain rights. This analysis needs to include: an exploration of potential ways of measuring rights across countries that could facilitate comparative analysis; a critical discussion of effects of migrant rights on migrants and non-migrants in receiving and sending countries; and an analysis of the potential economic, political and other factors that might explain the variation of migrant rights across and within high-income countries. This project aims to address these issues.

Methods

The project takes an inter-disciplinary and cross-country approach to the analysis of migrant rights. It will draw from the relevant theoretical and empirical research on migration and migration policies in economics, politics, law and sociology. It will analyse migration debates, impacts and policies in a wide range of immigration countries in Europe, North America, the Middle East and Asia. The measurement of migrant rights will involve the construction of an index of the legal rights of migrant workers in 20-30 high-income countries.

Outputs

- Ruhs, M. and P. Martin, 2008, “Numbers vs Rights: Trade-offs and Guest Worker Programs”, *International Migration Review* 42 (1): 249-265
- Ruhs, M. (2009) “Migrant rights, immigration policy and human development” A background paper for the Human Development Report 2009, to be published as an online UNDP Working Paper in October 2008, United Nations Development Programme (UND)
- Book manuscript expected in 2010

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