

# COMPAS Breakfast Briefing Summary



## More migrants, fewer rights?: How shall we balance openness and rights in labour immigration policy?

Many low-income countries and development organisations are calling for greater liberalization of labor immigration policies in high-income countries. At the same time, human rights organisations and migrant rights advocates demand more equal rights for migrant workers. A new book by Martin Ruhs, *The Price of Rights*, shows why you cannot always have both. In this breakfast briefing, Martin Ruhs will give an overview of his analysis and discuss the implications for global and national debates about migrant rights, labour migration and development.

### Treaty protection

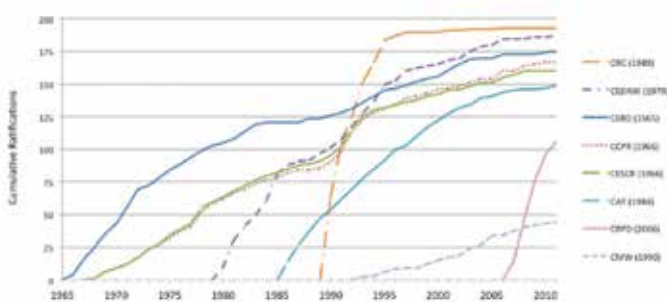
In 1990, the General Assembly of the United Nations adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). It stipulates a very comprehensive set of civil, political, economic, and social rights for migrants, including those living and/or working abroad illegally.

In practice, ratification of the 1990 convention has been very disappointing, both in absolute and relative terms. Although the CMW was introduced more than twenty years ago, so far fewer than fifty countries have signed and ratified it - and the great majority of these countries are predominantly migrant-sending rather than migrant-receiving. This makes the CMW the least ratified convention among all the major international human rights treaties.

### Restrictions of migrant rights as instruments of labour immigration policies

A key argument and the starting point of his book *The Price of Rights* is that we need to expand current debates and analyses of migrant rights by complementing conversations about the human rights of migrants with a systematic, dispassionate analysis of the interests and roles of nation-states in granting and restricting the rights of migrant workers. This is because the rights of migrant workers not only have intrinsic value as underscored by human rights approaches but also play an important instrumental role in shaping the effects of international labour migration for receiving countries, migrants, and their countries of origin.

Ratifications of International Human Rights Treaties, 1965-2011



Source: See <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> accessed in December 2011

CERD	International Convention on the Elimination of All Forms of Racial Discrimination;
CCPR	International Covenant on Civil and Political Rights;
CESCR	International Covenant on Economic, Social and Cultural Rights;
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
CRC	Convention on the Rights of the Child;
CMW	International Convention on the Protection of All Migrant Workers and Members of their Families.
CRPD	Convention on the Rights of Persons with Disabilities



Because rights shape the effects of labour immigration, migrant rights are in practice a core component of nation-states' labour immigration policies. At its core, the design of labour immigration policy requires simultaneous policy decisions on:

- how to regulate the number of migrants to be admitted
- how to select
- what rights to grant migrants after admission.

When receiving countries decide on these three issues, the impacts on the "national interest" (however defined) of the existing residents in the host countries are likely to be of great significance.

## The Price of Rights

In *The Price of Rights*, Martin Ruhs asks why and how high-income countries restrict the rights of migrant workers as part of their labour immigration policies. The book examines labour immigration policies in over 45 high-income countries, as well as policy drivers in major migrant-receiving and migrant-sending states.

A key finding is that there are trade-offs in the policies of high-income countries between openness to admitting migrant workers and some of the rights granted to migrants after admission. Greater equality of rights for new migrant workers tends to be associated with more restrictive admission policies, especially for admitting lower-skilled workers from poorer countries.

The tension between "access and rights" applies to a few specific rights that are perceived to create net-costs for the receiving countries including especially the right of lower-skilled migrants to access certain welfare services and benefits.

The trade-off raises a dilemma. From a global justice point of view, both "more migration" and "more rights" for migrant workers are "good things". The World Bank believes that more international labour migration, especially low-skilled migration which is currently most restricted, is one of the most effective ways of raising the incomes of workers and their families in low-income countries. At the same time, rights based organizations such

as the ILO and many activists campaign for greater equality for rights for migrant workers. But the trade-offs between access and rights means that we cannot always have both - more migration and more rights - so a choice needs to be made.

International debates about the global governance of migration have almost completely ignored the trade-off between openness and rights. We need a reasoned debate between organizations that advocate more migration to promote development, such as the World Bank, and those primarily concerned with the protection and equality of rights, such as the ILO.

How to respond to the trade-off between openness and rights is an inherently normative question with no one right answer. There is a strong case for advocating the liberalization of international labour migration, especially of lower-skilled workers, through temporary migration programs that protect a universal set of core rights and account for the interests of nation-states by restricting a few specific rights that create net costs for receiving countries, and are therefore obstacles to more open admission policies.

## The case for a 'core rights' approach

We should start discussing the creation of a list of universal 'core rights' for migrant workers that would include fewer rights than the 1990 UN Convention of the Rights on Migrant workers with a higher chance of acceptance by a greater number of countries – thus increasing overall protection for migrant workers including in countries that admit large numbers of migrants. Importantly, the list of core rights could complement rather than replace the existing UN conventions for migrant workers.

### About the speaker:

**Martin Ruhs** is University Lecturer in Political Economy at the Oxford University Department for Continuing Education, and Senior Researcher at COMPAS. Martin's new book, **The Price of Rights: Regulating International Labor Migration** (Princeton University Press 2013) is out now and globally available in bookstores and online [www.priceofrights.com](http://www.priceofrights.com). You can follow Martin on Twitter at @MartinRuhs



COMPAS Breakfast Briefings present topical, cutting edge research on migration and migration related issues. This research is made accessible every month to an audience of policy makers and other research users.