



**Centre on Migration, Policy and Society**

**Working Paper No. 88**

**University of Oxford, 2011**

**Openness, Skills and Rights:  
An empirical analysis of labour  
immigration programmes in 46  
high- and middle- income countries**

Martin Ruhs

WP-11-88

COMPAS does not have a centre view and does not aim to present one. The views expressed in this document are only those of its independent author

## **Abstract**

There is a large gap between the comprehensive set of rights of migrant workers (“migrant rights”) stipulated in international human rights law and the much more limited rights granted by national laws and policies to many migrants working in high- and middle-income countries. To understand why, when and how nation-states restrict migrant workers’ rights, and to discuss what rights migrant workers *should* have, we need to consider the potential inter-relationships between migrant rights on the one hand, and national policies for admitting migrant workers on the other hand. To study these inter-relationships in practice, this paper constructs and analyses two separate indices that measure: (i) the ‘openness’ of over 100 labour immigration programmes in 46 high- and middle-income countries to admitting migrant workers; and (ii) the legal rights (civil and political, economic, social, residency, and family reunion rights) granted to migrant workers after admission. The analysis distinguishes between policies toward low-, medium-, and high-skilled migrant workers. The paper uses these indices to identify key features and variations of labour immigration programmes in high- and middle-income countries. The analysis suggests that both openness and some migrant rights are positively related to the skill level targeted by the labour immigration programme (i.e. programmes designed to admit and employ higher-skilled migrants are more open and grant more rights than programmes targeting lower-skilled migrants). For upper high-income countries, the paper also finds some evidence of a trade-off (i.e. a negative relationship) between openness and certain specific migrant rights in programmes targeting specific skill groups of migrants (i.e. programmes that are more open to admitting migrant workers also impose greater restrictions on specific migrant rights).

## **Keywords**

migrant rights; labour immigration policy; high- and middle-income countries

## **Author**

Martin Ruhs is Senior Researcher and Director of the Migration Observatory, at the Centre on Migration, Policy and Society (COMPAS), Oxford University.

Email: [martin.ruhs@compas.ox.ac.uk](mailto:martin.ruhs@compas.ox.ac.uk)

There is a large gap between the comprehensive set of rights of migrant workers (“migrant rights”) stipulated in international human rights law and the much more limited rights granted by national laws and policies to many migrants working in high- and middle-income countries. In response to this gap, human rights approaches to migration have emphasised the intrinsic value of migrant rights and the importance of respecting human rights regardless of citizenship. The starting point of this paper is that, in addition to their intrinsic value, the rights of migrant workers also play an important instrumental role in shaping the outcomes of international labour migration for receiving countries, migrants and their countries of origin.

For example, whether or not migrants enjoy the right to free choice of employment and other employment-related rights in the receiving country’s labour market is likely to affect their productivity and earnings, remittances, and competition with local workers. The fiscal effects of immigration critically depend on whether and how migrants’ social rights (including access to public services and welfare benefits) are restricted. Migrants’ incentives and behaviour in and beyond the labour market, e.g. the extent to which they acquire language and other skills relevant to employment and life in the host country, will be influenced by whether or not they have – or are on a path to acquiring – the rights to permanent residence and citizenship.

Because of their instrumental role, migrant rights are in practice a core component of nation states’ labour immigration policies. The design of labour immigration policy requires nation states to make three fundamental decisions: (i) how to regulate the *number* of migrants to be admitted (e.g. through quotas or points-based systems); (ii) how to *select* migrants (e.g. by skill and/or nationality); and (iii) what *rights* to grant migrants after admission (e.g. free choice of employment, access to welfare benefits, temporary or permanent residence, access to citizenship etc.). Consequently, migrant rights cannot be studied in isolation from admission policy, in terms of both positive and normative analysis. To understand why, when and how countries restrict migrant workers’ rights, and to discuss what rights migrant workers *should* have, we need to consider the potential inter-relationships between migrant rights on the one hand, and national policies for admitting migrant workers on the other hand.

To study these inter-relationships in practice, this paper constructs and analyses two separate indices that measure: (i) the “openness” of labour immigration programmes in 46 high- and middle-income countries to admitting migrant workers; and (ii) the legal rights (civil and political, economic, social, residency and family reunion rights) granted to migrant workers admitted under these programmes. The term “labour immigration programme” refers to a set of policies that regulate the admission, employment and rights of migrant workers. Most but not all countries operate multiple and different labour immigration programmes for admitting different types of migrant workers. The analysis

in this paper distinguishes between programmes that target low-, medium-, and high-skilled migrant workers. In addition to providing an international comparative data source for identifying key features of labour immigration policies, the indices facilitate an empirical analysis of three hypotheses about the relationship between openness, skills and migrant rights. These hypotheses are briefly described below. They draw from the discussion in Ruhs and Martin (2008) and Ruhs (2008, 2010), and are more fully developed in Ruhs (2012).

- Hypothesis 1: labour immigration programmes in high-income countries are characterised by a positive relationship between openness to admitting migrants and the targeted skill level of the migrant workers, i.e. programmes that target higher skilled migrants are more open to labour immigration than those targeting lower skilled migrants. This hypothesis is partly based on the argument that, compared to low-skilled migrants, higher-skilled migrants can be expected to generate: greater complementarities with the skills and capital of existing residents in high-income countries; greater long-term growth effects; and greater net-fiscal benefits.
- Hypothesis 2: some of the rights of migrant workers are positively related to the skill level targeted by the labour immigration programme under which migrants are admitted, i.e. higher-skilled migrants are given more rights than lower-skilled migrants. This hypothesis is partly motivated by the fact that the provision of some rights (e.g. social rights) creates costs and benefits which can be expected to vary with the skill level and earnings of the rights holder. For example, granting low-skilled migrants full access to the welfare state can be expected to create greater net costs (or smaller net benefits) for the host country than affording these same rights to high-skilled migrants in high-paid jobs.
- Hypothesis 3: there can be a trade-off (a negative relationship) between openness and some of the rights of some migrant workers admitted to high-income countries, i.e. greater openness to admitting migrant workers will be associated with relatively fewer rights for migrants and *vice versa*. The basis for this hypothesis is closely related to the first two: if certain rights for some migrants, e.g. those with low or medium skills, create – or are perceived to create – net costs for the receiving country, policy openness to admitting such migrants can be expected to critically depend on the extent to which some of their rights can be restricted.

If these relationships can be observed and apply in practice – an important and open question for empirical analysis – they raise important and difficult questions for debates about how to better promote and protect the interests of migrant workers in the global labour market.

### ***A health warning***

It is important to emphasise at the outset that the construction of any index poses a number of methodological challenges and necessarily relies on numerous assumptions. The use of policy and rights indices in particular can be contentious as they aim to provide quantitative measures of complex issues that do not easily lend themselves to the kind of simplification and rigid description associated with an index. The approach in the analysis below is to be as open and transparent as possible about the methodology and its limitations, and to carefully explain all the assumptions and decisions made at various stages of the analysis. The aim is to make a first contribution to the debate about an issue that has so far received very little systematic empirical analysis.

### **Existing indices of immigration policy and migrant rights**

There is considerable academic and policy literature that comparatively discusses labour immigration policies in different countries (e.g. Cornelius et al. 2004; OECD 2010), but very few studies have constructed indices to systematically measure policy differences across and/or within countries. The exceptions include studies by Lowell (2005) and Cerna (2008) both of which focus on policies toward highly-skilled migrant workers in about 20 countries, and Timmer and Williamson (1996) who constructed an index to study immigration policy change during 1860-1930 in six countries. Most recently, the United Nations Development Programme (UNDP) carried out an assessment of migrant admissions, treatment and enforcement policies in 29 developed and developing countries (see Klugman and Pereira 2009). The ongoing IMPALA project aims to measure immigration policies in 20 countries over time.<sup>1</sup> Some broader public policy indices include limited evaluations of immigration policy as a sub-component, e.g. the Commitment to Development Index (Center for Global Development 2010) and the Global Migration Barometer prepared by the Economist Intelligence Unit (2008). There are also more narrow indices focusing on asylum policies (e.g. Thielemann 2004; Hatton 2004).

Despite the increasing interest in measuring human rights (for a review see, for example, Carr Center for Human Rights 2005), there are also very few studies that systematically measure the scope and variation of the legal rights of different types of migrants across high-income countries. Notable

---

<sup>1</sup> See <http://projects.iq.harvard.edu/impala/home>

exceptions include Waldrauch (2001) who constructs a “legal index” that measures the integration of migrants in six European countries and the more recent “Migrant Integration Policy Index” (MIPEX) which uses a mix of legal and outcome indicators to measure policies for integrating migrants in EU Member States and three non-EU countries. Specifically, MIPEX measures the extent to which each country’s policies conform to European directives and European standards of best practice in six areas: labour market access, family reunion, long-term residence, political participation, access to nationality and anti-discrimination. The migration policy indices developed by Lowell (2005), Cerna (2008) and Klugman and Pereira (2009) also include an evaluation of a small number of migrant rights.

The indices constructed in this project differ from existing indices on immigration policy and migrant rights in four major ways. First, they have a more clearly defined focus on rights and openness than most existing indices. Although some migrant rights are captured by some of the existing indices (e.g. some of the indicators used in MIPEX, the Migrant Accessibility Index, and the UNDP’s Policy Assessment measure some legal rights of migrants), none of the existing indicators were designed to measure the rights of migrant workers. Similarly, the focus on openness, straightforwardly interpreted as the degree to which a country restricts the admission of different types of migrant workers, is less ambiguous and easier to conceptualise and measure than “competitiveness” as used in some of the existing studies. Second, the indices developed and analysed below differentiate between low-, medium- and high-skilled migrant workers, thus facilitating analysis of the variation of rights and policies according to skill, and of the interplay between rights, skills and openness. Third, rather than mixing policy and outcome indicators, the index of rights in this project focuses on the legal rights granted by national laws and policies to migrant workers after admission. Although this approach has some limitations (discussed below), it has the advantage of more clearly measuring the rights granted to migrants by law and regulations in host countries. Finally, the indices developed in this project cover a larger number and broader range of high- and middle-income countries than existing studies.

### **Scope of the study: Countries, programmes and skills**

The analysis includes all high-income countries (i.e. countries with Gross National Incomes per capita that exceed US\$11,905 in 2008, as defined by the World Bank) with a population exceeding two million and, to ensure broad geographical coverage, a selection of upper and lower middle-income countries. In total, the sample comprises 46 countries including 34 high-income countries (including all OECD countries except for Iceland and Luxembourg), nine upper middle-income countries and three lower

middle-income countries (China, Thailand and Indonesia). The complete list of countries is shown in Table A1 in Appendix I.

In most but not all countries, migrant workers are admitted under various different labour immigration programmes (e.g. many countries operate different policies for low and high-skilled migrants) which are typically associated with different sets of admissions criteria and rights for migrant workers. The units of my analysis are thus labour immigration programmes rather than countries as a whole. The period under consideration in this paper is 2009, and all discussions of policies refer to that year. Altogether, the analysis includes 104 labour immigration programmes, i.e. an average of 2.3 programmes per country. This average masks considerable variation. Some countries, such as Sweden and Belgium, only operate one major labour immigration programme. In contrast, the US has six different programmes for admitting migrant workers, while Canada and Australia each have four.

To explore the potential variation of openness and rights across labour immigration programmes that aim to admit migrants with different skills levels, each of the programmes included in the analysis is assigned one or more “targeted skill levels”. The targeted skill level of a labour immigration programme reflects the skills required in the (specific or range of) jobs that migrants are admitted to fill. It also allows for the common phenomenon of skilled migrant workers taking low-skilled jobs abroad. Just because a particular labour immigration programme aims to attract low-skilled migrant workers (for low-skilled jobs) does not necessarily mean that higher-skilled migrants will not apply and be admitted to fill the jobs in practice. There is considerable evidence for skilled migrants often doing lower-skilled work in high-income countries. This particularly applies to new (i.e. recently arrived) migrants who sometimes view their first job abroad as a stepping stone to a better job that more closely corresponds to their skills (for the UK see e.g. Drinkwater and Clark 2008).

The analysis distinguishes between four broad skill levels: low-skilled (LS), defined as migrant workers with less than high school education and no vocational skills; medium-skilled (MS), defined as migrants with high school, vocational training or trades qualifications such as electricians, plumbers, etc.; high-skilled (HS1), defined as migrants with a first degree or equivalent tertiary training; and very high-skilled (HS2), defined as migrants with second or third-level university degrees or equivalent qualifications. These distinctions are necessarily artificial and not always directly applicable as immigration policies may define skills in terms of education, occupation, work experience and/or pay of the job in the host country. Some flexibility and judgement is required when assessing what types of skill levels specific programmes are designed to target.

Importantly, some programmes may target more than one skill level. Sweden and Norway, for example, have one common labour immigration programme that is open to admitting migrants of any

skill level. The UK has two programmes: Tier 2 of the UK points-based system admits medium- and high- skilled workers, whereas Tier 1 admits very highly-skilled workers only. In the UK there are currently no programmes for admitting low-skilled migrant workers from outside the EU. Table 1 below gives an overview of the targeted skill levels of the labour immigration programmes by income classification and region. Over three quarters of all programmes are in high-income countries, and over 40 percent are in Europe. Table A1 in Appendix 1 indicates the skill levels that are targeted by all the immigration programmes in all the countries in the sample. The sample includes 12 seasonal programmes, most of which are in Europe and target the admission of low-skilled migrant workers only.

Table 1: Labour immigration programmes in the sample, by targeted skill level, country income classification, and region, 2009

	onlyLS	LS	MS	HS1	HS2	onlyHS2	Number of programmes	Share in Total
U-HIC (30 countries)	11	30	28	40	41	10	71	68.3%
L-HIC (4 countries)	4	7	4	5	5	0	9	8.7%
U-MICs (9 countries)	2	9	11	12	14	5	21	20.2%
L-MICS (3 countries)	0	0	0	3	3	0	3	2.9%
Europe (18 countries)	6	17	17	22	23	6	39	37.5%
Eastern Europe (3 countries)	4	5	2	3	3	0	7	6.7%
North America (2 countries)	2	4	3	4	7	3	11	10.6%
Latin America (6 countries)	2	6	7	9	11	4	15	14.4%
East Asia (3 countries)	1	2	1	3	4	1	6	5.8%
South East Asia (6 countries)	1	4	5	7	6	1	12	11.5%
Western Asia (6 countries)	0	6	6	6	6	0	7	6.7%
Australia and New Zealand	1	2	2	6	3	0	7	6.7%
Total (46 countries)	17	46	43	60	63	15	104	

U-HIC: upper high-income countries with GNI per capita exceeding US\$20,000 in 2008

L-HIC: lower high-income countries with GNI per capita less than US\$20,000 in 2008

U-MICs: upper middle-income countries

L-MICS: lower middle-income countries

only LS: programmes that target only low-skilled workers

LS: programmes that target low-skilled workers and possibly others

MS: programmes that target medium-skilled workers and possibly others

HS1: programmes that target high-skilled workers and possibly others

HS2: programmes that target very high-skilled workers and possibly others

onlyHS2: programmes that target very high-skilled workers only

## Types of migrants not covered by the indices

It is important to emphasise that, as this paper is concerned with legal labour immigration and the rights of migrant workers, the discussion focuses on *labour* immigration programmes that admit migrants for the primary purpose of employment. The analysis excludes various other groups including: migrants



admitted for the purpose of study, family union or re-union, or humanitarian protection; migrants admitted under various channels that include an employment component but not as the primary purpose of immigration such as au-pair programmes and “working-holidaymakers”; migrants admitted under very specific work-related immigration programmes that are internationally negotiated (such as “intra-company transfers” which are regulated by Mode 4 of the WTO’s General Agreement on Trade in Services) and/or that do not treat migrants as employees (e.g. programmes that admit self-employed migrant entrepreneurs); and migrants who entered and/or are working illegally in the host country.

Of course, many migrants not admitted for the primary purpose of employment may nevertheless take up work in the host country and eventually become “migrant workers” (e.g. recognised refugees, dependents, students working part-time, etc.). This analysis is only concerned with migrants who are *admitted* as workers rather than for other reasons. This can be justified on two grounds. First, there is significant variation in the considerations that inform high-income countries’ policies for regulating the admission and rights of migrant workers, students, family members/dependents and asylum seekers and refugees. Economic considerations are likely to have a greater impact on labour immigration policies than, for example, on asylum policies where humanitarian considerations can be expected to play a bigger role. This paper’s analysis of the relationship between labour immigration policy and the rights of migrant workers cannot be expected to automatically apply to migrants who have not been admitted for the purpose of employment. A second and related reason is the complexity of the project: including other categories of migrants in the index would make an already complex measurement and analysis even more involved.

The discussion also excludes migrants admitted under free movement agreements such as that operating among EU member states. For EU countries, the index only includes policies toward non-EU (“third-country”) nationals. Under the EU’s free movement directive, a citizen of any EU member state has the right to freely migrate and take up employment in any other EU member state without any restrictions. In other words, EU member states are fully open toward admitting migrants from other EU member states, and they are also obliged to grant them most of the rights of citizens (except for the right to vote in national elections). The reason migrants who benefit from free movement agreements are excluded from the analysis are three-fold. First, although significant in some countries, free movement agreements account for a minority of international labour migrants moving to most high- and middle-income countries. There are, however, some exceptions. For example, in the UK in 2009, labour immigration from within the EU (which increased significantly since EU enlargement in May 2004) was 86,000 compared to 54,000 from outside the EU (Migration Advisory Committee 2010). In most other countries, free movement migration accounts for a much smaller share. Across the EU as a whole,

citizens of other EU member states constitute about a third of all migrants (Münz 2009). Second, most free movement agreements cannot be considered labour immigration policies as they are typically part of larger harmonization policies or regional projects that involve a wide range of policies and objectives (e.g. free trade and investment policies). A third and related point is that free movement agreements are mostly one-off policies that are difficult or impossible to reverse without changing the nature of or membership in the wider policies. For example, by implementing the free movement directive, EU member states have effectively relinquished control over the admission of other EU nationals. Unilaterally imposing restrictions on the admission and employment of EU nationals would be extremely difficult politically and may require leaving the EU altogether.

It is important to keep the exclusion of the groups describe above in mind when analysing and interpreting the results of the labour immigration policy indices in this paper. Depending on the country, high and middle income countries' policies toward the groups excluded from this analysis are potentially important for explaining the labour immigration programmes and policy choices analysed in this paper.

### **Indicators for measuring openness to labour immigration**

The openness index aims to measure the extent to which labour immigration programmes restrict the admission of migrant workers. A programme with a high (low) degree of openness is characterised by few (many) restrictions on the legal immigration and employment of migrant workers. The indicators of the index thus aim to capture the presence and, whenever relevant, the relative strength of particular restrictions. In principle, it is desirable to aim for a relatively small and parsimonious set of indicators. At the same time, it is important to identify a set of indicators that is broad enough to allow for different 'modes of immigration control', i.e. different types of policies that regulate the admission of migrant workers. Different countries with different welfare states, production structures and industrial relations systems can be expected to operate different types of restrictions on labour immigration. The set of indices must be broad and flexible enough to capture this variation.

To conceptualise and identify the relevant indicators of openness, it is useful to broadly distinguish between three types of restrictions: (i) quotas; (ii) criteria that employers in the host country need to meet to legally employ migrant workers ("demand restrictions"); and (iii) criteria that potential migrant workers need to meet to be admitted to the host country ("supply restrictions"). This distinction is obviously somewhat artificial as some restrictions may, for example, affect both demand and supply. Nevertheless, it is a useful general approach to identifying the relevant indicators. The

overall openness index comprises a total of twelve indicators each of which is briefly discussed below (for a list of openness indicators, see Appendix 2).<sup>2</sup>

### **Quotas**

The most direct way of restricting labour immigration is through quotas which are numerical limits set by the government on annual immigration or net-migration flows or on the stock of migrants, either expressed in absolute numbers or as a share of the population or the labour force of the host country. In practice, quotas can take a variety of forms. They could constitute 'hard' annual caps that cannot be surpassed (i.e. the government stops admitting migrants when the quota is reached) or 'soft' target levels that can be exceeded and thus act as a guide rather than as a fixed ceiling on the annual number of admissions (as it is the case, for example, for Canada's programmes for admitting skilled migrant workers). Quotas may be set for the country as a whole (for example, the H-1B Programme for recruiting skilled and specialized migrant workers in the USA); for the country's various regions or administrative districts (see, for example, Switzerland's *Ausländerausweis B* programme for issuing 1-year work permits); or for certain sectors of the economy, for specified occupations, and/or for individual employers or enterprises (e.g. Singapore imposes sector-specific 'dependency ceilings' that specify the maximum share of foreign workers with work permits in the total company workforce). For the purpose of this index, the quota indicator distinguishes between hard quotas that are relatively small (the most restrictive type), hard quotas that are relatively large (where the distinction between small and large is based on the share of the quota in the population), soft quotas and no quotas (the most open policy).

### **Demand-side restrictions**

*Job offer.* Most temporary work permit programmes, such as the UK's Tier 2 programme or Ireland's work permit programme, require migrants to have a firm job offer before they can be admitted to the host country. In these programmes it is typically the prospective employer rather than the migrant worker who initiates the work permit application process. In contrast, permanent labour immigration programmes and some temporary programmes for highly-skilled migrants do not strictly require a job offer. For example, Canada's Federal Skilled Migrant Worker Programme, Australia's Skilled Independent Visa Programme and New Zealand's Skilled Labour Immigration programme are all permanent immigration programmes that admit skilled migrants without a job offer. All these programmes do, however, grant applicants with job offers extra points in their points-based admissions

---

<sup>2</sup> Unless specified otherwise, all descriptions of policies in this section refer to early 2009.

processes. Denmark's Green Card Scheme and the UK's Tier 1 programme are examples of temporary labour immigration policies that admit highly-skilled migrants without a prior job offer. Designed to attract the "best and brightest" in the global competition for talent, both programmes allow migrants to look for employment after they have been admitted on an initially temporary basis but with an opportunity to upgrade to permanent status after a few years (five years in the UK, seven years in Denmark). For the purpose of this index, the indicator "job offer" distinguishes between programmes that do not admit migrants without a job offer (the most restrictive policy); do not strictly require a job offer but use it as a factor influencing admission; and programmes where a job offer does not influence admission at all (the most open policy).

*Labour market test.* Many – but not all – temporary work permit programmes operate "labour market tests" which aim to ensure that employers recruit migrant workers only after having made every reasonable effort to recruit 'local' workers (where 'local' is defined differently across countries<sup>3</sup>). The rationale of labour market tests is to protect the employment prospects of the resident workforce. Most labour market tests require employers to advertise their vacancies in the domestic labour market for a minimum period of time. One can broadly distinguish between two types of labour market tests: a relatively weak test based on employer 'attestation' and a stronger test based on 'certification'. Attestation-type tests simply require employers to attest that they have unsuccessfully searched for local workers without any checks by a government agency (or other institution) into the employers' local recruitments efforts before the migrant is admitted. Tier 2 for admitting skilled workers under the UK's points-based system operates on this basis. Reflecting a "trust-the-employer approach", attestation requirements are a relatively weak restriction as they are usually associated with very limited enforcement measures *after* the admission of the migrant workers (see, for example, Migration Advisory Committee 2009). In contrast, labour market tests that are based on certification require employers to obtain confirmation/certification from a particular body – typically a public employment agency - that the requirements of the labour market test have been met *before* the work permit application for employing a migrant worker can be submitted. In Ireland, for example, employers are required to obtain a certificate from the public employment service (FAS) to certify that they have advertised the vacancy and that no local workers were matched to the job before they apply for a work permit. The labour market test indicator in the openness index distinguishes between: very strong certification-based labour market tests in all sectors/occupations covered by the programme (the most restrictive policy); strong

---

<sup>3</sup> For example, in countries of the European Economic Area (EEA), which includes the EU countries plus Liechtenstein, Norway and Iceland, labour market tests aim to ensure that no EEA workers are available to do the work before a non-EEA national is admitted to fill the vacancy.

certification-based labour market tests but with some sectors/occupations exempted (e.g. through shortage occupation lists which include jobs where the government suspends the LMT requirement because of a known shortage of domestic workers); weak attestation-based tests; and no labour market tests (the most open policy).

*Sectoral/occupational restrictions.* It has become increasingly common for labour immigration programmes to be restricted to specific sectors and/or occupations in the host country. For example, many countries operate specific programmes for the seasonal employment of migrant workers in agriculture (see, for example, Canada's long-standing Seasonal Agricultural Worker Programme; or, the more recent programme in New Zealand for employing low-skilled migrants from the Pacific Islands in agricultural activities). The index distinguishes between programmes that restrict the employment of migrants to specific sectors and/or occupations (the restrictive policy) and those that do not (the open policy).

*Economic work permit fees.* All programmes that admit migrants on the basis of a job offer require employers to pay administrative work permit fees. Some countries – most notably Singapore and Malaysia – also charge employers economically-oriented fees as a way of 'micromanaging' employers' incentives and recruitment of migrant workers. Singapore's so-called 'foreign-worker levies' are payable by the employer per migrant employed. The levies are flexible (i.e. regularly revised), specific to the migrant's skill level and sector of employment, and rise with the share of migrants employed at a company. For example, in 2008 the monthly levy for employing a skilled migrant in Singapore's construction sector was S\$150; the corresponding levy for employing an unskilled construction worker from abroad was S\$470, which was equivalent to just under twenty per cent of the average monthly wages in the sector at the time (Singstat 2008). The economic fees indicator distinguishes between programmes that charge employers economic fees (the restrictive policy) and those that do not (the open policy).

*Wage restrictions.* Restrictions on the wages and other employment conditions at which migrants must be employed can constitute a powerful limit on the legal inflow and employment of migrant workers. One can broadly distinguish between three types of wage restrictions, ranging from the most open to the most restrictive. The most open policy is to simply require migrants to be employed at the legal minimum wage (if one exists) prevailing in the country. In a few countries in the Middle East certain types of migrants are exempted from minimum wage legislation. The great majority of countries analysed here are liberal democratic countries that all require employers to pay migrants at least the minimum wage. The most restrictive policy is to require employers to comply with wages and employment conditions stipulated in collective wage agreements. Such agreements are common in

coordinated market economies and they are strongest in the Scandinavian welfare states of, for example, Sweden and Norway. In Sweden, any employer who wants to legally employ migrant workers must do so in strict compliance with prevailing industrial standards as determined by collective agreements. As discussed in Ruhs (2012), this requirement has been a major factor why Sweden has seen very few labour migrants from outside the EU over the past three decades despite having an immigration policy that is relatively open on many other policy components. An intermediate policy on wage restrictions, operative in many countries including the US and the UK, is to require employers to pay migrants the average or prevailing wage in the relevant occupation and/or sector. What constitutes the prevailing wage is typically highly contested which is why this policy is a significantly weaker requirement than that of having to pay collectively agreed wages.

*Trade union involvement.* The sixth and final demand-side restriction considered by the openness index relates to the involvement of trade unions in individual work permit application processes. Representing resident workers in host countries, trade unions can be expected to have an interest in ensuring that immigration does not adversely affect wages and employment conditions of domestic workers. Although not all trade unions are opposed to immigration (see, for example, Watts 2002), in countries with strong collective agreements and wide union coverage trade unions have often played a major role in limiting the number of migrant workers admitted. For example, before Sweden's immigration policy reform in late 2008, any application for a work permit for non-EEA workers had to be approved by the relevant Swedish trade union. Swedish trade unions thus effectively had veto power over individual applications (see Bucken-Knapp 2009). In some other countries, unions do not have veto power but still exert some influence over individual applications. For example, under Canada's programmes for the temporary employment of low-skilled migrant workers, employers must in certain sectors consult unions as part of the process of obtaining a "positive labour market opinion" (a certification requirement) before the work permit application can be processed. Similarly, in Taiwan, employers wishing to recruit low-skilled migrant workers must notify and consult the relevant trade union giving full details of the job vacancy. The trade union indicator thus distinguishes between programmes where unions have strong, some or no involvement in individual work permit application processes.

### **Supply-side restrictions**

*Nationality and age restrictions.* The personal characteristics of migrants can be factors limiting or influencing their admission under labour immigration programmes in high and middle income countries. An increasing number of bilateral labour immigration programmes are restricted or give preference to

migrants from particular countries. Spain's *Contingente* programme for low-skilled migrants, for example, is based on a series of bilateral recruitment agreements with a small number of countries including Ecuador and Morocco. Restrictions by migrants' age are less common but can, nevertheless, be an important factor in certain countries. Singapore requires low- and medium- skilled migrants to be under 50 years of age. Under most points-based systems for managing labour immigration, including in Canada, Australia, New Zealand and the UK, age is a factor that influences the admission of migrant workers. The indicator capturing restrictions based on nationality and/or age distinguishes between four types of restrictions, in order of increasing openness: programmes that limit admission by both nationality and age; those that restrict admission by nationality or age; policies where admission is influenced (but not restricted) by nationality and/or age; and programmes where age and nationality do not affect admission.

*Gender and marital status restrictions.* In a relatively small number of countries, gender and marital status are factors restricting or influencing the admission of migrant workers. In Saudi Arabia, for example, all women including migrants are prohibited from carrying out certain "hazardous" activities. Marital status can matter under points-based systems that grant extra points for the skills of spouses – as it is the case, for example, under Australia's policies for admitting skilled migrants on a permanent basis. The indicator reflecting gender and marital status restrictions includes the same distinctions of different types of restrictions as the indicator capturing nationality and age restrictions.

*Skills requirements.* Skills requirements are common and not restricted to labour immigration programmes that target skilled and high-skilled migrant workers. The term "skills" is ambiguous and can be interpreted and operationalised in many different ways. It could refer to education, qualifications, work experience and other competencies. For the purpose of this index, the indicator measures whether skills requirements are an explicit criterion for admission and, if so, how specific these requirements are. The most open policy is one that does not specify any skills requirements. A weakly restrictive policy specifies a generic minimum skills threshold such as "vocational training", "completed high school", or "university degree". For example, under Germany's labour immigration programme for admitting skilled migrant workers, residence permits are granted to "professionals with a recognized degree or a German equivalent foreign degree". A strongly restrictive policy uses generic minimum skills requirements plus very specific and explicit skills as a criterion influencing but not restricting admissions. This is the case under most point-based admission mechanisms for skilled labour immigration that award points for different levels of academic qualifications (e.g. in the UK, Australia and Canada) and in some countries also for work experience (in Canada). The most restrictive policy on skills restrictions admits only those migrants with very specific skills. For example, Denmark's "Positive List" labour immigration programme defines a specific set of minimum qualification for each profession/occupation. Depending on

the occupation, qualifications vary, ranging from a professional bachelors degree or three years of university studies to a Master's degree, with some occupations requiring "Danish authorization" (e.g. dentists , veterinarians and marine engineers).

*Language skill requirements.* In some countries, admission as a migrant worker requires at least some knowledge of the host country's language. For example, under the UK's current points-based system migrants must have a minimum proficiency of English. A less restrictive policy is to use language skills as a factor influencing but not strictly limiting admission as it is the case, for example, under Canada's and Australia's policies for admitting skilled migrants on a permanent basis.

*Self-sufficiency.* Many but not all labour immigration programmes require migrants to prove, before admission, that they will be self-sufficient in the host country i.e. not rely on public funds to support themselves and their families. This restriction can take the form of a requirement to demonstrate savings of a certain amount (e.g. workers seeking to enter the UK as skilled migrants must have £800 in available funds in their bank accounts for three months before the date of the work permit application) and/or evidence of a firm offer of a job in the host country that pays well enough to avoid dependence on public assistance.

## **Indicators for measuring migrant rights**

The migrant rights index aims to measure the absence/presence and scope of the *legal rights* (defined here as the rights granted by national laws and policies) granted to migrant workers upon admission under a particular labour immigration programme. Programmes under which migrant workers enjoy more and a wider range of legal rights will score higher than countries with fewer and more narrow legal rights for migrant workers.

The emphasis on legal rights means that the index will not measure the enjoyment and experience of rights in practice (for a discussion of different ways of measuring human rights, see, for example, Landman 2004). In theory, migrants can be denied some rights that exist in law (e.g. if there is no effective state protection and enforcement of the existing legal right to a minimum wage) and/or enjoy rights that do not exist in law (e.g. medical doctors may in practice treat patients without the legal rights to healthcare). Clearly, one would ideally like to measure rights in law (or principle) *and* in practice but the latter would involve considerable and complex research that goes beyond the scope of this project.

There are three conceptual issues that are worth highlighting before discussing the specific rights included in the index. First, while the rights of migrant workers are typically more restricted than



those of citizens, the legal rights of citizens can and do vary across countries. We may expect many/most liberal democracies to respect the civil and political rights stipulated in international human rights law but we are likely to find significant variation in economic and social rights across liberal democracies. Furthermore, high-income countries that are not liberal democracies may not provide their citizens (let alone migrants) all the civil and political rights stipulated by the human rights treaties. It is thus possible, for example, that neither citizens nor migrants have the right to join trade unions. When constructing and interpreting the scores of the index for a particular right it is obviously important – as I have done in this paper – to also consider whether citizens enjoy that right.

A second and related issue pertains to the meaning and nature of different types of rights and the implications for measurement. The meaning, freedoms and benefits of some rights are relatively clear and consistent across countries and time, thus lending themselves to consistent measurement. For example, the right to free choice of employment generally means that people are free to apply for any job in the country (although the range and quality of jobs available can of course vary significantly across countries). There are other rights however, mainly economic and social rights, that primarily relate to equality of treatment rather than to some absolute and universal standard, which makes them more difficult to measure and compare across countries. The right to equal access to public health services is a good case in point. The range and quality of public health services obviously varies significantly across countries. Migrants with the right to equal access to public healthcare in Argentina and Sweden enjoy the same legal right but the value of their rights – understood in terms of the actual benefits that the right conveys – differs significantly across the two countries.

Third, time can play an important role in the analysis of migrant rights. There is a general and important distinction between migrants with temporary and permanent residence status. In most liberal democracies, migrants with permanent resident status enjoy the same or very similar economic and social rights as citizens. The scope for restricting migrants' rights is thus largely limited to migrants on temporary residence permits. The policy decision on whether to grant migrants temporary or permanent residence status thus has important implications for opportunities and ease of restricting migrants' rights.

Time can also matter as a determinant of access to specific rights. While some rights are typically granted (or not) upon admission to the host country, other rights are sometimes acquired over time. For example, various countries including Ireland and the UK operate "habitual residency tests", i.e. minimum residency requirements, to determine eligibility for certain social benefits. The right to family reunion is sometimes granted only after the primary migrant has spent a minimum period of time in the

host country. The measurement of rights must, therefore, allow for the consideration of time as a potential determinant of access to specific rights.

Given these conceptual preliminaries, the migrant rights index developed for the analysis in this paper comprises indicators of a total of 23 different rights, selected and adapted from the UN's *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (henceforth, CMW). Although greatly under-ratified, the CMW's comprehensive list of rights for migrant workers is a useful benchmark for this exercise. The CMW includes 93 articles. Part I defines "migrant workers" and clarifies the scope of the convention. PART II emphasises the importance of non-discrimination with respect to rights. Part III (articles 8 -35) stipulates rights for all migrant workers and their families regardless of immigration status (i.e. including irregular migrants) and PART IV (articles 36-56) contains additional rights for migrants with regular status. PART V includes specific rights and restrictions for particular groups of migrants. Since the emphasis in this analysis is on the rights of regular migrant workers, the indicators are based on rights taken from PART III and IV of the CMW. It is important to emphasise that some of the rights stipulated in the CMW are conditional/qualified and sometimes limited to certain groups. This is important to keep in mind but it does not directly affect the choice of indicators.

Following the human rights framework, the index includes a mix of different types of rights including: five civil and political rights; five economic rights; five social rights, five residency rights and three rights related to family-reunion. Some of the indicators are measured as binary variables (i.e. 0 for "no, no legal right", and 1 for "yes, legal right in place") while others involve a scale (e.g. 0-2 with 0=no legal right; 1=restricted legal right; and 2= full legal right in place without restrictions) to indicate restrictions and the "degree" to which a legal right is available. As explained below, in some cases scales are used to take account of rights that are granted after a certain period of time. Appendix 3 includes the full list of migrant rights indicators used and analysed in this study.

### ***Civil and political rights***

The index includes five civil and political rights.<sup>4</sup> There are two indicators that capture the *right to vote* and the *right to stand for elections* in local and/or regional election (no country offer migrants without citizenship status the right to vote in national elections). Both indicators include a time element to allow

---

<sup>4</sup> As was the case with the discussion of openness indicators, all examples of migrant rights in this section refers to the year 2009.

for the possibility that the rights to vote and/or stand for election are granted after some time but without switching into a separate immigration status.<sup>5</sup>

The *right to form trade unions and other associations* and the *right to equal treatment and protections before criminal courts and tribunals* are both measured relative to the rights of citizens, i.e. in both cases there is an intermediate score of a 'limited' right that falls between the extremes of no and equal rights.

The fifth right under the category of civil and political rights captured by the index is the *right not to have identity documents confiscated by anyone, other than a public official duly authorized by law*. The wording is taken from the UN's 1990 Convention. In some countries, especially but not only in the Gulf States, it is relatively common for employers to retain migrant workers' passports. This is generally considered illegal under both international human rights law and in terms of the national laws of the countries issuing the passport which generally stipulate that passports are the property of the issuing country. The indicator aims to measure the extent to which the retention or confiscation of passports and other ID documents is declared illegal in domestic laws (e.g. constitutions and/or labour laws) of host countries. In Spain and Mexico, for example, domestic laws explicitly state that migrant workers have the right not to have their documents confiscated.

### ***Economic rights***

The indicators included in the category of economic rights are primarily aimed at measuring migrants' rights in the host country's labour market. A key right that is often restricted for migrant workers is the *right to free choice of employment* in the host country's labour market. Migrants on permanent work and residence permits typically enjoy this right in full although some countries impose temporary geographical restrictions in order to retain migrant workers in regions experiencing the most acute labour shortages. For example, Canada's Provincial Nominee Programme for skilled migrant workers grants permanent residence upon admission but temporarily restricts the migrant's legal employment to the region that nominated and supported the migrant's admission to the country. In contrast to permanent residents, temporary migrants' rights to free choice of employment is typically (although not always) restricted. Most temporary labour immigration programmes require workers to work for the employer specified on the work permit only. Where possible, changing employers typically requires a new work permit application.

The *right to join trade unions* can be an important determinant of a migrant's bargaining power and security in the labour market. The United Arab Emirates are the only country in the sample that

---

<sup>5</sup> Unless specified otherwise, the consideration of rights granted after a certain period of time always refers to time spent residing and working *under the immigration programme in question*, i.e. without switching to a different immigration programme and/or immigration status.

does not have unions (for this country only, the score thus reflect the fact that there are no unions rather than discrimination against migrants with regard to the right to join unions). In Malaysia and Saudi Arabia, migrants are explicitly excluded from unions. In Kuwait, migrants must have resided in the country for at least five years and must have a valid work permit before they are allowed to join trade unions as non-voting members.

The other three economic rights included in the index all relate to equal access to the protections and benefits of the host country's employment laws. They include: the *right to equal pay as local workers doing the same work*; the *right to equal employment conditions and protection* (e.g. over-time, hours of work, weekly rest, paid holidays, sick pay, health and safety at work, protection against dismissal); and the *right to redress* if the terms of employment contract have been violated by the employers.

### **Social rights**

The social rights indicators measure migrant workers' rights to equality of access to: *unemployment benefits*; *public retirement pension schemes*; *public educational institutions and services*; *public housing including social housing schemes*; and *public health services*. As shown in Appendix 3, each of these indicators has four possible scores to take account of both time and other limitations. Two variations of social rights indicators have been constructed. One is based on a scoring system that is strictly based on equality of rights regardless of whether citizens enjoy the rights or not. This means that a score of 1 ('full equality right') could either reflect complete equality in access to existing social rights, or be due to the absence of a particular social right for all residents (citizens and non-citizens). This type of indicator thus measures the extent to which migrants are treated differently, not whether or not there is a particular social right in the host country.

A second, alternative indicator of social rights takes account of the fact that some countries do not provide their own citizens with certain social rights. Where this is the case, the score has been changed to 0 (no right). The advantage of this type of indicators is that it provides an absolute measure of whether migrants enjoy a particular right or not. The disadvantage is that it does not distinguish between countries and programmes that do not grant migrants any access to an existing right afforded to citizens and those that do not offer any rights to citizens or migrants without citizenship. The construction of the overall index, and the analysis of social rights in particular, will use both types of indicators of social rights.

### **Residency rights**

The length and security of residence status granted to migrant workers varies significantly across different labour immigration programmes across and within countries. The existence and nature of restrictions on migrants' *right to legal residence* in the host country is a key issue that has important implications for possibilities for restricting a wide range of migrant rights. The indicator captures four common possibilities of regulating the right to residence. The most restrictive policy is to grant migrants a strictly temporary residence permit with no legal possibility of changing status ('upgrading') to a permanent residence status. This is common among seasonal migration programmes and most general programmes in the Gulf States. A less restrictive policy is to grant a temporary residence permit but with an opportunity – possibly regulated by further selection mechanisms – to obtain permanent residence status after a certain number of years (the indicator distinguishes between programmes that allow permanent residence in fewer or more than 5 years of residence in the host country). For example, the temporary H1-B programme for specialty workers in the US allows migrants to apply for permanent residence status after 6 years of employment in the US. In Ireland, migrants admitted on temporary Green Cards for highly-skilled workers can apply for permanent residence after three years. The most generous policy with regard to migrants' rights to legal residence is to grant immediate permanent residence rights as it is the case, for example, under Australia's and Canada's points-based programmes for admitting skilled migrant workers.

Three additional indicators aim to measure the conditionality and, more generally, the security of a migrant's right to legal residence. One of these indicators measures how, if at all, criminal and administrative convictions affect residence status. Depending on the country, different types of immigration offenses may fall under either or both of the two types of convictions. Revocation of the legal right to residence on the basis of administrative convictions alone is considered a more restrictive policy than on the basis of criminal convictions. A separate indicator assesses migrants' legal right to remedies/redress in case of withdrawal or non-renewal of residence permit or in case of deportation order.

A third indicator of security of residence considers whether and how a migrant's right to legal residence is affected by loss of employment in the host country. Most temporary migration programmes, especially those that grant strictly temporary permits, make the right to residence directly conditional upon employment. In other words, loss or termination of employment results in immediate loss of residence rights. Some countries, including Austria and Denmark for example, allow some migrants on temporary permits who have lost their employment to remain in the country for a limited period of time to look for a new job through "bridging visas". The most liberal policy is to completely

decouple employment from residence status, i.e. make the right to legal residence independent on whether the migrants is in employment or not. This policy is usually reserved for skilled and highly skilled migrants admitted on permanent work and residence permits (e.g. Canada and Australia) but there are also some temporary migration programmes that allow migrants to remain for a certain period without a job (e.g. the UK's Tier 1 programme for admitting highly skilled workers).

The fifth indicator in the category of "residence rights" relates to access to citizenship. The scores for this indicator are based on whether and after how many years it is possible to naturalise (i.e. obtain citizenship of the host country) on the basis of the immigration status granted under the immigration programme under consideration. In other words, it is an indicator of *direct* access to citizenship rather than indirect access that requires the migrant to switch to another immigration status before applying for citizenship. Generally speaking, most programmes that grant migrants permanent residence status immediately upon admission also include a path to naturalization. Among temporary programmes, some allow for pathways to citizenship (e.g. skilled migrant workers in the UK) while others do not (e.g. migrant workers in most of the Gulf States).

### ***Family rights***

The final category of indicators included in the migrant rights index relates to family reunion and the spouse's right to work in the host country. Two indicators measure the right to family reunion. The first assesses whether migrants admitted under a particular immigration programme have the right to family reunion, and how extensive the right is in terms of the definition of relatives qualifying as family and/or dependents. Many programmes for low-skilled and strictly time-limited labour immigration do not grant migrants any rights for family reunion (e.g. seasonal migrant workers in Austria and Greece). Other programmes allow family reunion but it is fairly narrowly defined (e.g. only spouses and minor children as it is the case in Belgium's programme for admitting labour migrants). The most liberal right to family reunion includes a wider group of family members and dependents including grandparents and children over the age of 19. For example, migrants admitted on a permanent basis under Canada's skilled labour immigration programme can sponsor the immigration of parents, grandparents, brothers or sisters, nephews or nieces, granddaughters or grandsons who are orphaned, under 18 years of age and not married or in a common-law relationship. A separate indicator measures the existence and scope of judicial remedies available to migrants to challenge the refusal by authorities to allow family formation/reunification.

The third indicator in this category assesses the limits, if any, on the spouse's right to work in the host country without a work permit. The indicators allows for three possible scores. Programmes in

some countries, such as the UK, allow spouses full and immediate work rights without any restrictions.<sup>6</sup> Others do not grant spouses without their own work permit the right to work in any job in the host country. For example, the spouses of migrants admitted through the general labour scheme in the Netherlands are not allowed to take up any employment unless they first apply and obtain a work permit. An intermediate score is given for programmes that grant spouses the right to freely take up employment in only some sectors and/or occupations and/or subject to quotas (as it is the case under Austria's Key Worker Migrant Programme).

## **Normalization and aggregation procedures**

The computation of aggregate scores for the overall rights and openness indices requires a procedure for combining the scores for the individual indicators. There are two key questions: first, how if at all, should the indicators be normalized and weighted?; and second, how should the scores for each indicator be aggregated to generate the overall index? It is essential to emphasise the fundamental importance of these issues. Different procedures for normalizing, weighing and aggregating indicators will obviously produce different overall indices.

The rights and openness indices developed in this analysis are based on equal weights and on a simple aggregation procedure that involves adding up the normalised scores for each indicator to produce the overall indices. The key arguments in favour of equal weights are transparency and simplicity. Any procedure that departs from equal weights needs to be based on convincing reasons explaining why and how some indicators matter more than others. In this analysis of openness and migrant rights, there is no set of weights that would be obviously superior to the default of equal weights. It is, of course, entirely possible that in practice some indicators are more important, in the sense of having a greater impact on what is being measured, than others. For example, within the openness index, the presence of a hard and small quota can be expected to have a bigger impact on a country's openness to labour immigration than the requirement to prove self-sufficiency. There is, however, no objective way of assessing this difference. Furthermore, since different countries may operate different modes of immigration control (i.e. employ different tools for restricting labour immigration), assigning a set of weights that differs from equal weights runs the risk of introducing various types of bias. A third argument against non-equal weights is that the relative impact of a given mechanism for restricting labour immigration could conceivably vary significantly across countries.

---

<sup>6</sup> In the UK, the work rights of spouses are sometimes more extensive than the employment rights of the primary migrant whose employment is often restricted to particular employers (see Migration Advisory Committee 2009).

There are statistical tools, such as principal component analysis, for providing a purely mechanical solution to the problem of identifying suitable weights for the indicators. Principal component analysis is a data reduction procedure. It tries to identify the key variables that account for most of the overall variation in the data. While useful for some purposes, the main problem with principal component analysis in the context of this paper is that it is not based on any conceptual relevance of the indicators but simply on the degree of correlation between them. A further problem is that, having eliminated some components, the remaining indicators after principal component analysis do not have straightforward interpretations as they are partly measuring effects of other indicators that have been excluded. For these reasons, principal component analysis is not an appropriate methodology for the construction of the rights and openness indices. The construction of these indices must be based on a conceptual framework and judgement of the substantive issues involved rather than purely on statistical correlations.

The procedure for normalising and aggregating the individual scores adopted in the construction of the overall rights and openness indices involves two steps. The first step is to normalise the scores for the individual indicators. For the sake of transparency and simplicity, I have adopted a common and simple procedure that normalises the raw data and ensures that all the scores for the individual indicators fall between 0 and 1:

$$\text{Normalised Score} = (\text{actual value} - \text{minimum value}) / (\text{maximum value} - \text{minimum value})$$

The second step is to simply add up the scores for the individual indicators to produce the overall rights and openness indices and relevant sub-indices. The score for the overall openness index thus ranges from 0 (closed) to 12 (completely open), and that for the rights indicator from 0 (no rights) to 23 (full equality of rights). Whenever useful, these scores are again normalised to fall between 0 and 1.

### **Data sources, implementation and limitations**

The indices developed in this project are the first ever measures of openness to labour immigration and migrant rights in a relatively large number of countries. A team of five researchers helped construct the indices during March – August 2009, for the period early 2009 and, to capture potential policy changes due to the economic downturn, also for early 2008. The scores are based on desk-based analysis of national immigration laws and regulations, labour law and, where relevant, constitutional laws. In a few exceptional cases, the scores to some indicators in some countries are based on relevant secondary literature and analysis.



The process of data collection and processing involved four stages. As a first step, the key labour immigration programmes for each country were identified. Second, researchers spent an average of 3 days analysing relevant legislation and policy documents and suggested draft scores. As a third step, the scores were discussed and finalised for each country. Finally, the scores of each individual indicator were checked for consistency across all programmes and countries.

The comparative measurement and analysis of migrant rights and immigration policy is still at a nascent stage, primarily because of the significant complexities and conceptual as well as methodological challenges involved. It is important to be clear and transparent about the limitations of the indices analysed below. Although every effort was made to score the indicators based on the best available information that could be accessed from Oxford University, the scores to the indicators undoubtedly include some degree of “measurement error” and, by the nature of the project, sometimes required a degree of judgment. In most but not all cases, researchers spoke the language of the country being analysed. In some cases, such as Japan, Thailand and some of the Gulf countries, the scores are based on English translations of the relevant laws and policies. The data obtained for some countries were better than for others. Countries for which data were considered too unreliable – including Egypt, India, Libya, Russia, and the Ukraine – were excluded from the analysis at this stage. Despite these caveats, the obtained scores are considered accurate and robust enough to provide the basis for exploratory analysis of the relationship between openness, targeted skill levels and migrant rights associated with different labour immigration programmes. The scores may not be accurate for every single indicator for every programme and every country in the sample but they do collectively provide us with reasonably robust measures. The indicators and scores used in this project are, I would argue, more reliable than some of the existing indicators whose scores are based on subjective judgment by a small number of country experts.

As with any index, there are also a number of conceptual limitations and assumptions, including generic issues that arise in any index as well as particular questions that arise in the construction of policy and rights indices. Can a policy really be quantified and “measured” by an index? Can the presence and scope of rights be reduced to a number? Most importantly, can we really compare and integrate measures of different types of rights which, some argue, are incommensurable? These are all legitimate questions. They do not, however, invalidate the usefulness of the exercise – what they do suggest is that any results need to be carefully discussed and interpreted in light of the underlying assumptions and limitations.

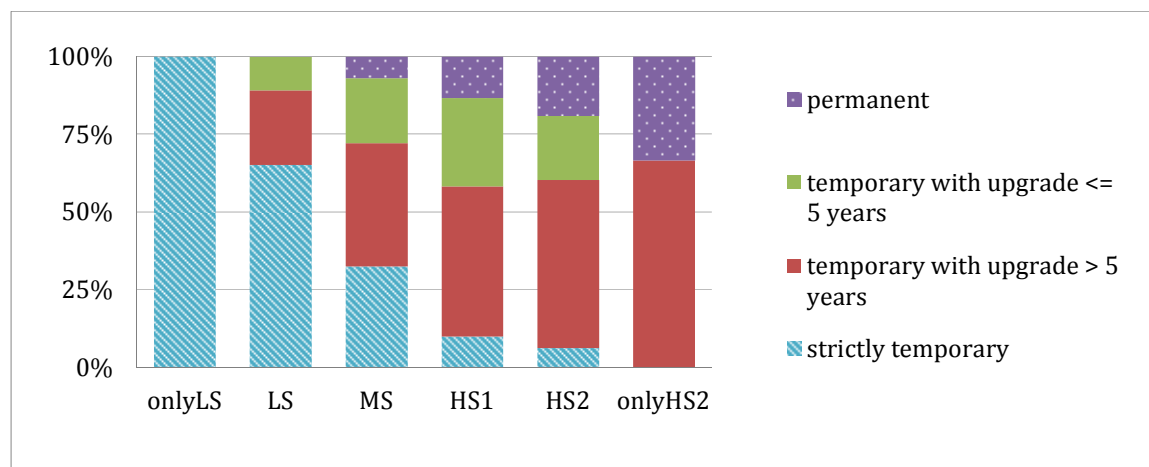
## **Openness to labour immigration**

The remainder of the paper presents and discusses some key results of the empirical analysis. Before discussing the evidence on the hypothesized relationships between migrants' rights, skills, and openness to labour immigration, it is useful to highlight six key features of labour immigration policies in high- and middle-income countries. (Table A2 in Appendix I provides basic descriptives of the aggregate openness index and Table A3 gives a detailed list of all 104 programmes analysed, together with their aggregate openness scores).

First, the great majority of labour immigration programmes included in this study (just under 90 percent) admit migrants on temporary rather than permanent residence and employment permits. There are, however, significant regional variations. Almost all of the programmes in Europe and Asia are temporary migration programmes (TMPs) (i.e. they do not grant permanent residence upon admission). In contrast, TMPs constitute much lower shares among the programmes in the traditional "settler countries and regions" including North America (just over half are TMPs), and Australia and New Zealand (less than half are TMPs). It is important to add that the share of TMPs in a particular country or region does not necessarily reflect the share of temporary migrant workers admitted as the size of different programmes may vary considerably. Many of the traditional settler countries, especially Canada and Australia, have in recent years moved toward policies that significantly increase the number of temporary migrant workers.

Second, as shown in Figure I below, there is an important inverse relationship between temporary visas/work permits and the skill level targeted by the immigration programme. All of the programmes for admitting low-skilled migrants are temporary migration programmes, with about two thirds issuing strictly temporary permits that do not allow upgrading to permanent residence status. As we move up the skill ladder, the share of permanent immigration programmes increases while that of strictly temporary programmes declines. Nevertheless, even among programmes targeting highly-skilled migrants with second or third level degree, two thirds are associated with temporary rather than permanent residence status upon arrival.

Figure 1: Temporary and permanent labour immigration programmes by targeted skills, 2009



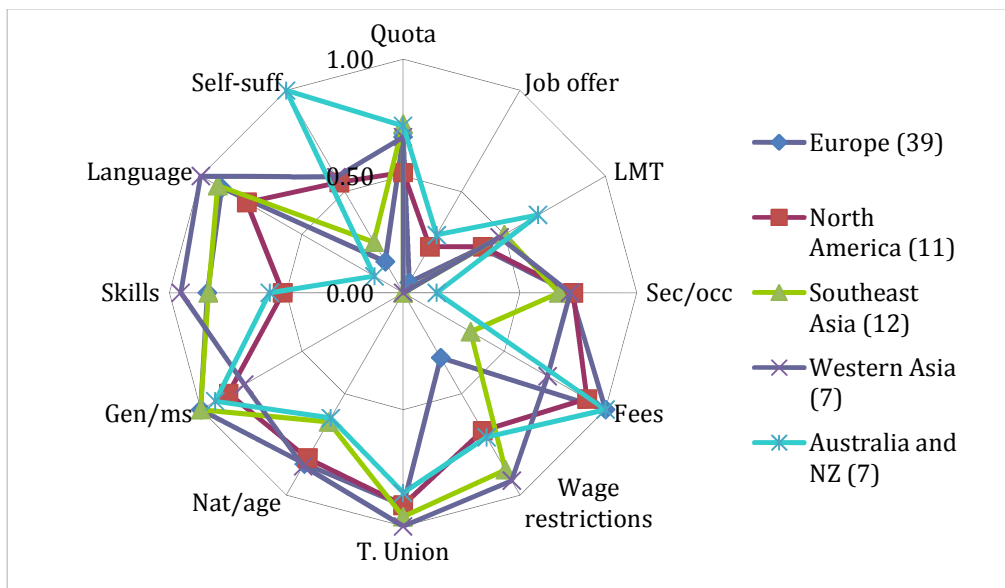
only LS: programmes that target only low-skilled workers  
 LS: programmes that target low-skilled workers and possibly others  
 MS: programmes that target medium-skilled workers and possibly others  
 HS1: programmes that target high-skilled workers and possibly others  
 HS2: programmes that target very high-skilled workers and possibly others  
 onlyHS2: programmes that target very high-skilled workers only

Third, as shown in Figure 2 below, with the exception of the self-sufficiency requirement (included in over two thirds of the programmes analysed here), supply-side restrictions on labour immigration are much less common than demand-side restrictions and quotas. This is not surprising in the light of the dominance of temporary migration programmes in the sample. Supply-side restrictions are most common among permanent immigration programmes for skilled and high-skilled migrant workers e.g. points-based systems in Canada, Australia, and New Zealand. The most common demand side restrictions are the requirement of a job offer (over 90 percent of programmes include this requirement), labour market tests (used in just over half of all programmes), and restrictions on the conditions of employment of the migrants (used by almost forty percent of programmes). Of all the twelve openness indicators, restrictions by gender and marital status and through trade-union involvement are the least commonly used tools of limiting labour immigration among the programmes included in this analysis.

Figure 2 also shows that there are important regional variations in the types of restrictions used. Some of these differences are likely to be due to differences in welfare states, labour market regulations and, to some extent, political systems. For example, the requirement for migrants to prove self-sufficiency before admission is most common among programmes in Europe (used by 85 percent of programmes) where welfare states are larger than in other regions in the sample (the average for all programmes is 70 percent). Similarly, restrictions on the migrants' wages and other employment

conditions are highest in Europe and lowest in Southeast Asia and especially Western Asia. The Western Asia sample includes Israel plus four GCC countries with highly segmented labour markets and high degrees of inequality between citizens and non-citizens (Saudi Arabia, Kuwait, Oman and the United Arab Emirates). Economic fees are an important tool for restricting labour immigration among Southeast Asian countries (used by two thirds of programmes) but much less so among programmes in other regions (fewer than 10 percent of all programmes in the sample use economic fees).

Figure 2: Openness indicators by selected regions, 2009



Notes: all indicators range from 0 (most restricted, i.e. restriction applies – the centre of the spider diagram above) to 1 (most open, i.e. restriction not used at all). The numbers in parentheses indicate the number of programmes analysed in the region.

Fourth, although the correlations between individual openness indicators are mostly statistically insignificant, there are some types of restrictions that tend to be used as complements (i.e. in combination) while others appear to be substitutes (see Table A4 in Appendix I). For example, labour immigration programmes that require applicants to have job offers also tend to operate labour market tests (statistically significant correlation coefficient of 0.35 for all programmes, and 0.40 for programmes in upper high-income countries only). Labour market tests are also positively correlated with the involvement of trade unions. There is also a positive relationship between the requirement of a job offer and restrictions on the conditions of employment. These are expected results given that all four indicators (job offer, labour market test, restrictions of conditions of employment and trade union involvement) reflect a concern about the responsiveness of labour immigration to shortages of the

domestic labour market and about the impacts of immigration on the employment opportunities of domestic workers.

Skills and language requirements tend to be used together. They are both inversely related to the requirements of having a job offer and the strength of labour market test, suggesting that the two sets of restrictions, which reflect supply and demand factors respectively, are used as substitutes rather than in combination. Part of this negative correlation can again be explained by permanent immigration programmes for skilled and highly-skilled workers, which typically make heavy use of supply-side factors but much less or no use of demand-side restrictions such as strict job offer requirements and labour market tests.

A fifth finding is that, *as a group*, programmes in countries in upper high-income countries are less open to labour immigration than those in lower high-income countries and middle-income countries<sup>7</sup>. Arguably, this could be explained by the greater attractiveness and higher shares of migrant workers in higher-income countries and by their more extensive welfare states.

A sixth feature of openness relates to differences in the ‘modes’ of labour immigration restrictions by programmes in liberal, coordinated and mixed market economies (classified according to the Varieties of Capitalism literature, Hall and Soskice 2001) and in liberal, social-democratic and conservative welfare states (classified according to the welfare state regimes literature, Esping-Andersen 1999).

As explained in the notes to Figures 3 and 4 below, the countries characterised as liberal market economies by Hall and Soskice (2001) are the same as those classified as liberal welfare states by Esping-Andersen (1999). Figures 3 and 4 show that, compared to the programmes in this liberal group of countries, programmes in coordinated market economies (with social-democratic or conservative welfare states) are more likely to limit immigration by requiring a job offer, self-sufficiency, and restrictions on the wages and employment conditions at which migrants must be employed in the host country. The latter is a direct result of being a more coordinated economy. In contrast, programmes in liberal market economies and welfare states make greater use of specific skills requirements and language requirements.<sup>8</sup> These results partly reflect the fact that the liberal market economies and welfare states in this sample include three traditional “settlement” countries (Australia, Canada, New Zealand) that operate a significant number of permanent immigration programmes.

---

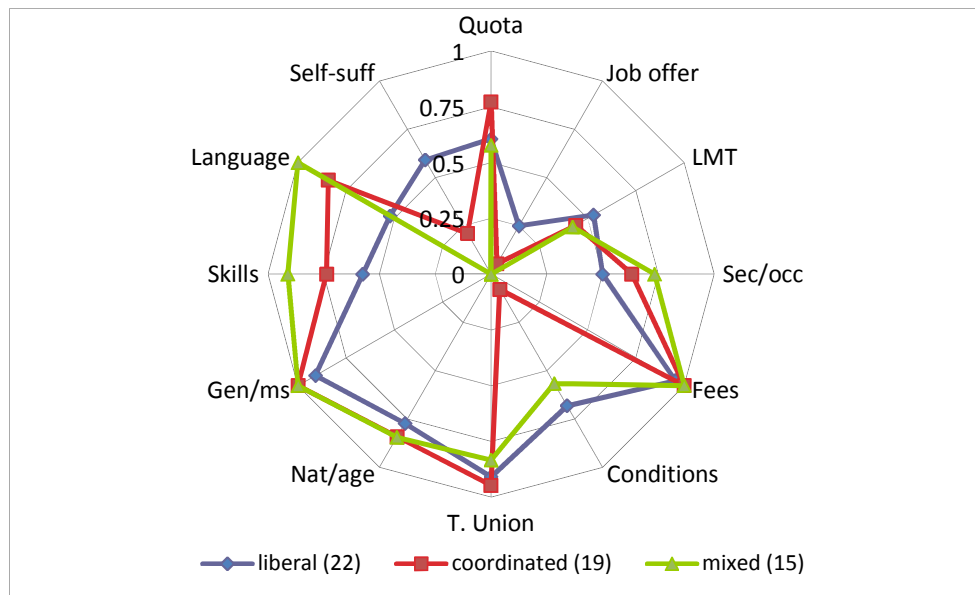
<sup>7</sup> There is, however, no significant relationship between GDP per capita and openness within upper high-income countries.

<sup>8</sup> All these differences are statistically significant at the 7% level.

Grouping restrictions by type (quotas, demand restrictions, supply restrictions), programmes in liberal economies and welfare states make less use of demand restrictions than programmes in coordinated economies. This is an expected result as public policies in liberal market economies are likely to be more employer-led (or employer friendly) than in coordinated economies where governments, by definition, impose greater degrees of regulation on labour markets and are likely to be more concerned with the impact of immigration on the (larger) welfare state.

These results illustrate the different modes of labour immigration control across different types of market economies and welfare states. They do not, however, suggest differences in the level of openness. In the sample analysed here, there is no statistically significant difference between openness of programmes in liberal, coordinated and mixed economies or across different types of welfare state.

Figure 3 Restrictions by variety of capitalism, 2009



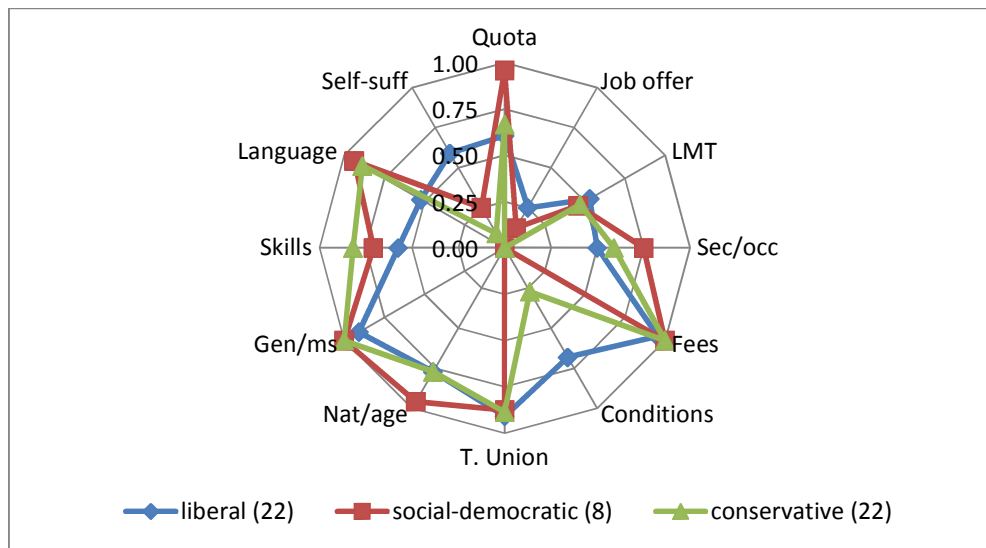
Classification (Hall and Soskice 2001):

Liberal market economies: Australia, Canada, Ireland, New Zealand, US, UK

Coordinated market economies: Austria, Belgium, Denmark, Finland, Germany, Japan, Netherland, Norway, Sweden, Switzerland

Mixed market economies: France, Greece, Italy, Portugal, Spain, Turkey

Figure 4 Restrictions by welfare state regimes, 2009



Classification (Esping-Andersen 1999):

Liberal welfare states: Australia, Canada, Ireland, New Zealand, US, UK

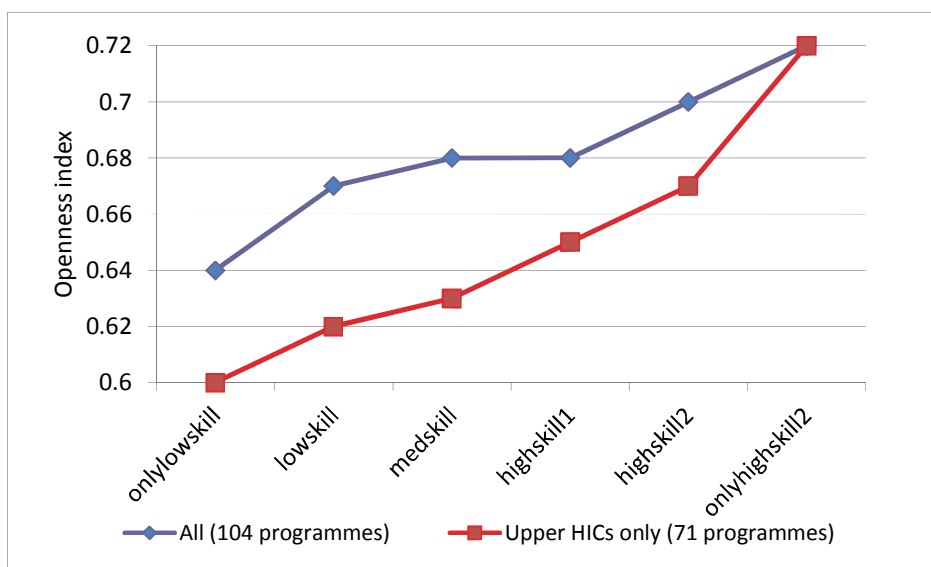
Social-democratic welfare states: Denmark, Finland, Norway, Sweden

Conservative welfare states: Austria, Belgium, France, Germany, Italy, Japan, Netherlands, Portugal, Spain, Switzerland

### **Openness and skills**

A seventh feature – which confirms the first of the three hypotheses outlined in the introduction of this paper – is that openness to labour immigration is positively related to the skill level targeted by the immigration programme. As shown in Figure 5 below, programmes that target high-skilled workers place fewer restrictions on admission than those targeting lower-skilled migrants. The differentiation of openness by skill level is most pronounced and statistically significant for programmes in the highest income countries in the sample (upper high-income countries). A simple regression of openness on targeted skill level and income country group (distinguishing upper high-income countries from other countries) confirms the significance of this relationship (see Table A5 in Appendix 1). Focusing the analysis on temporary migration programmes does not substantively change the results.

Figure 5 Aggregate openness index by targeted skill level, 2009



Notes: Onlylowskill: programmes targeting low-skilled migrants only  
 Lowskill: programmes targeting low-skilled migrants (and others)  
 Medskill: programmes targeting medium-skilled migrants (and others)  
 Highskill1: programmes targeting high-skilled migrants (and others)  
 Highskill2: programmes targeting very high-skilled migrants (and others)  
 Onlyhighskill2: programmes targeting very high-skilled migrants only  
 Upper HICs: upper high-income countries

More detailed analysis of individual openness indicators suggests that the positive relationship between the overall openness index and the skills targeted by the immigration programme is primarily driven by demand-side restrictions, especially the requirement of a job offer, the strength of the labour market test, the restrictiveness of quotas, trade union involvement, and, in upper high income countries, restrictions on the occupation and/or sector of employment of the migrant in the host economy (see Table A6 in Appendix I). The lower the skill level targeted, the greater these demand-side restrictions on labour immigration.

In terms of supply-side restrictions, the picture is more mixed. Restrictions by nationality and age are significantly and negatively correlated with targeted skills. In contrast, host country language skill requirement and general skill requirements are higher among programmes that target more highly skilled workers.

## Migrant rights

There is considerable variation in the rights granted to migrant workers under different labour immigration programmes, both within and across countries. As shown in Figure 6 below, restrictions



vary significantly across different rights (the rights index ranges from 0 to 1, with a greater number indicating fewer restrictions on rights). Among the types of rights analysed, the six most commonly restricted rights are the rights to stand for elections and vote (two political rights), the spouse's right to work, direct access to citizenship, time limit and security of residence (four residence and family rights). The two most restricted social rights relate to unemployment benefits and social housing. The right to free choice of employment is the only economic right that is commonly restricted. All other economic rights are granted in full under almost all programmes analysed. This is not a surprising result given that the labour laws and employment regulations in most (but not all) countries in the sample are generally applicable to all workers in the country and not just citizens.

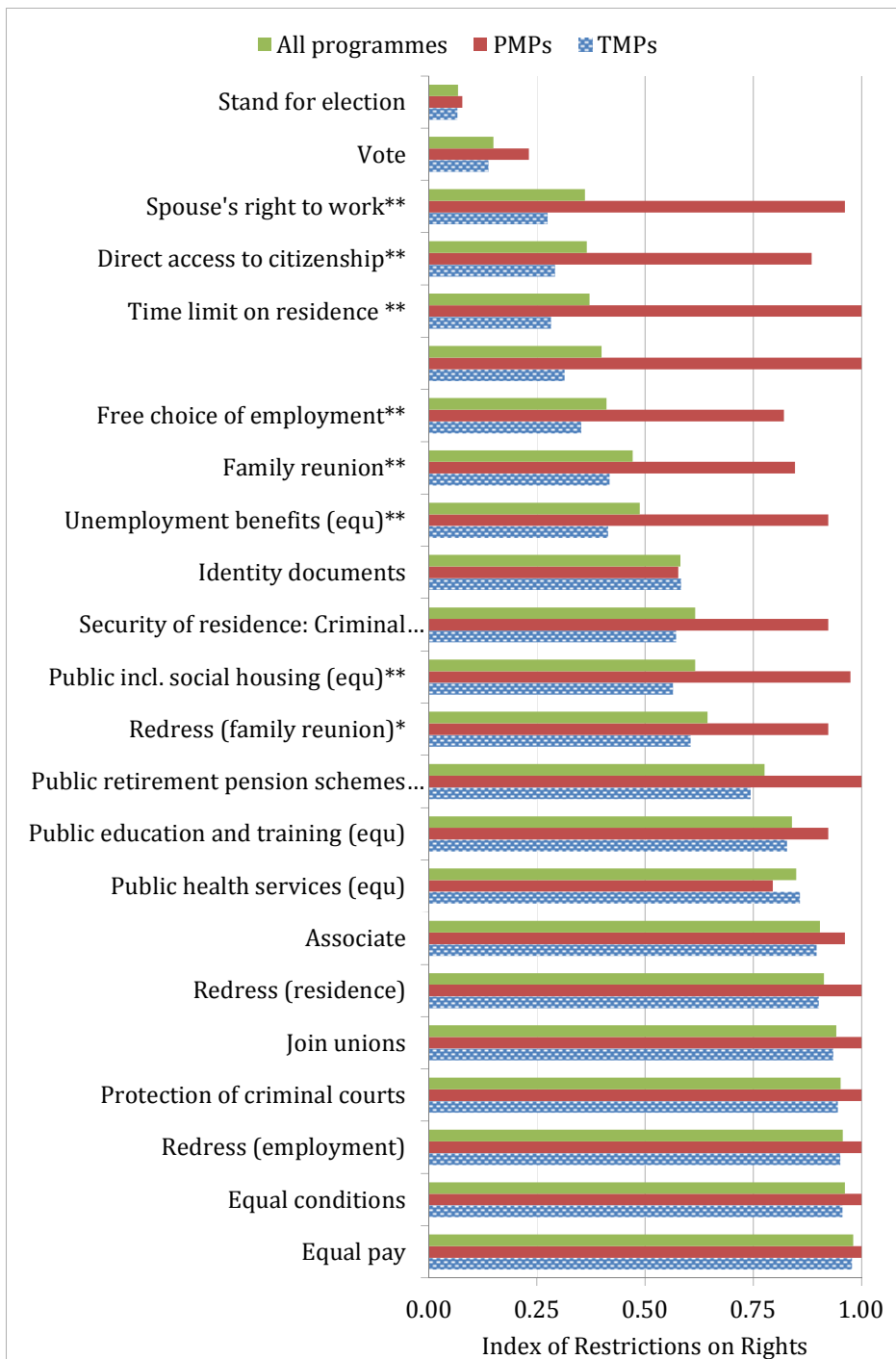
A second key feature of migrant rights suggested by this analysis is that the rights granted to migrant workers under temporary migration programmes are significantly more restricted than those granted under permanent migration programmes. As shown in Figure 6, there are, however, important differences across different types of rights. Compared to permanent migration programmes, temporary migrant programmes place significantly more restrictions on most social rights (but not education and health), residence rights (not surprisingly) and family rights. There are, however, no statistically significant differences in terms of political rights and economic rights with the important exception of the right to free choice of employment which is, on average, heavily restricted under temporary migration programmes but rarely restricted under permanent programmes.

The rights migrant workers enjoy under labour immigration programmes also vary across different regions of the world. As shown in Figures 7 and 8, this is true for the entire group of 104 programmes analysed here and for temporary migration programmes only. For example, considering all programmes, labour immigration programmes in GCC countries and Southeast Asia place significantly more restrictions on migrant rights than programmes in Latin America, Europe and North America. Interestingly, this ranking of regions by restrictions on migrant rights is relatively consistent across different groups of rights and it holds regardless of whether social rights are measured in relative or absolute terms.<sup>9</sup> The only significant change when focusing on temporary migration programmes relates to programmes in North America which impose an average level of rights restrictions that is closer to programmes in Southeast Asia than in Europe.

---

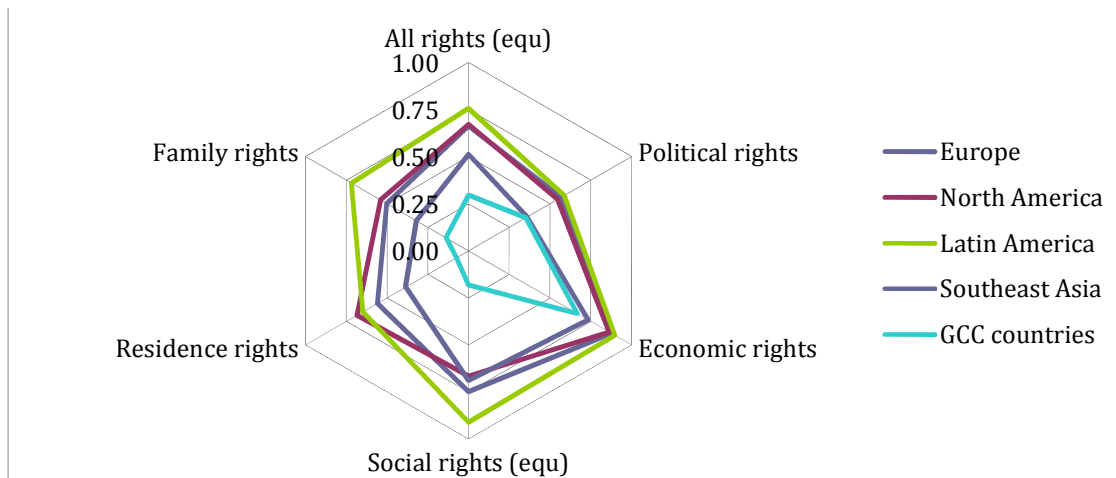
<sup>9</sup> If we focus on social rights in absolute terms, i.e. considering whether or not citizens enjoy the right, the main change compared to the data in Figures 7 and 8 (which measure rights in terms of equal access) is that the difference between Latin America and Europe is significantly reduced.

Figure 6 Mean restrictions of migrant rights, 2009



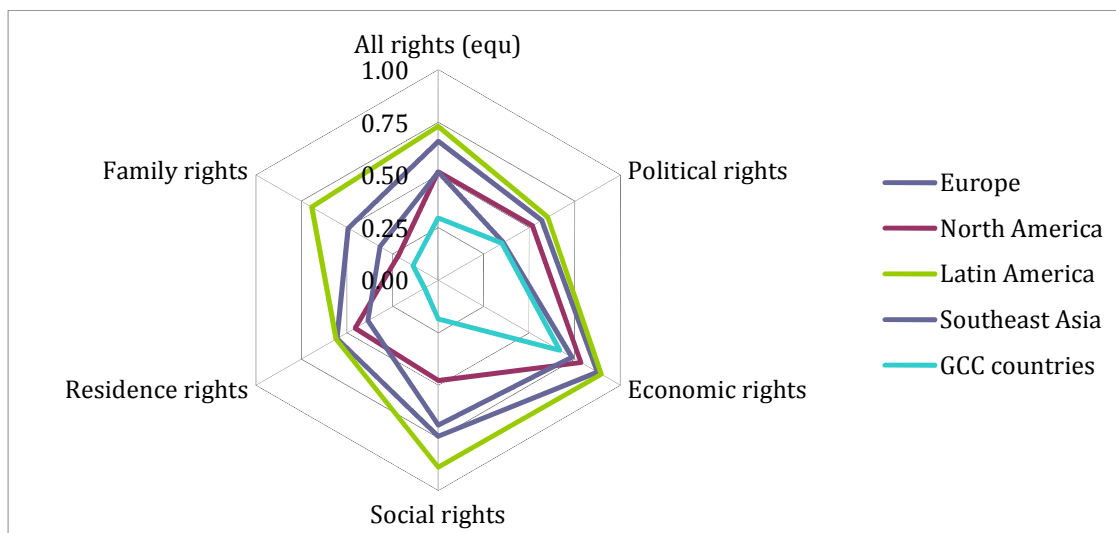
Notes: PMPs: permanent migration programmes (i.e. programmes granting permanent residence rights on arrival); TMP: temporary migration programmes; the index ranges from 0 (most restrictive) to 1 (least restrictive); \*: statistically significant difference between restrictions on right under PMPs and TMPs ( $p < 0.1$ ); \*\*:  $p < 0.05$ ; "(equ)" after a social right means that the score measure the degree of equality of rights rather than providing an absolute measure that takes account of whether citizens enjoy the right

Figure 7 Restrictions on migrant rights by geographic region, all programmes (N = 104), 2009



Notes: The migrant rights scores range from 0 (most restrictive) to 1 (least restrictive)

Figure 8 Restrictions on migrant rights by geographic region, temporary migration programmes only (N = 91), 2009



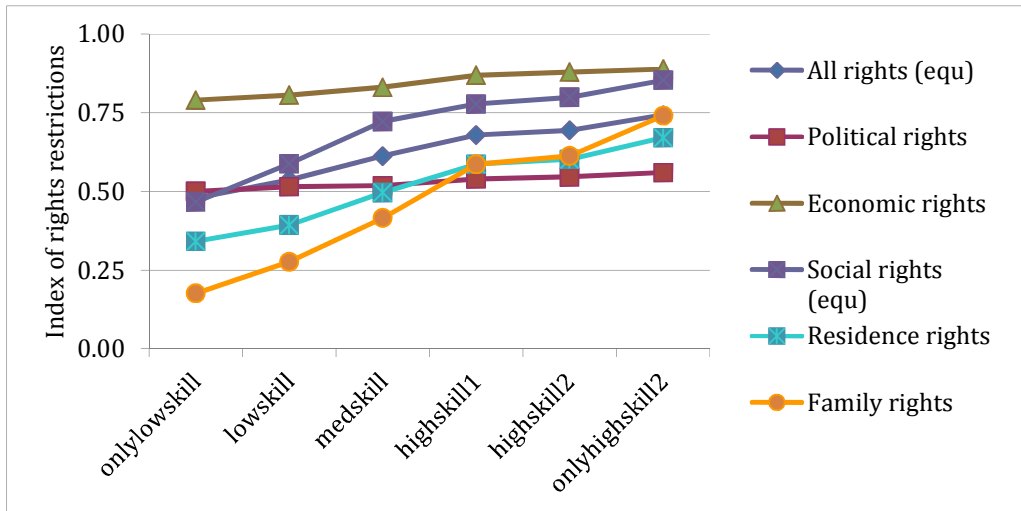
Notes: The migrant rights scores range from 0 (most restrictive) to 1 (least restrictive)

Unlike openness to labour immigration, the overall rights index and most of the individual legal rights of migrant workers are not significantly different between programmes in upper high-income countries and other countries in the sample. Notable exceptions include the rights to family reunion, unemployment benefits and health benefits which are significantly more restricted under programmes in upper high-income countries.

### **Migrant rights and skills**

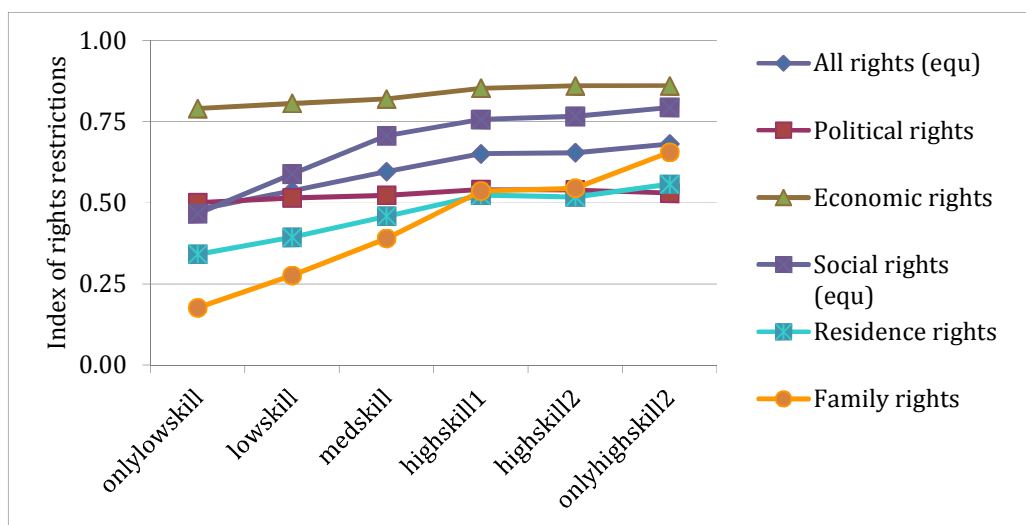
There is a statistically significant, positive and consistent relationship between most of the migrant rights granted and the skills targeted by the labour immigration programmes included in the sample. Programmes that target more (less) high-skilled workers also grant migrants more (fewer) rights. Although this finding is not unexpected, the consistency of the differentiation of most types of migrant rights by skill level is striking. As shown in Figures 9 (all programmes) and 10 (temporary migration programmes only) below, all types of rights increase with targeted skills – all differences are statistically significant - except for political rights which do not vary across programme targeting different skills. Regression analysis also confirms the significant negative relationship between temporary migration programmes and rights as well as the importance of regional differences (see Table A7 in Appendix 1).

Figure 9 Migrant rights and targeted skills, all programmes, 2009



Notes: 0 = most restrictive; 1 = least restrictive (no restrictions)

Figure 10 Migrant rights and targeted skills, temporary migration programmes, 2009



Notes: 0 = most restrictive; 1 = least restrictive (no restrictions)

Focusing on individual rights, Tables A8a-b in Appendix I show that about two thirds of the 23 rights analysed are significantly and negatively correlated with the skill level targeted by the immigration programme. This includes most social, residence and family rights and the right to free choice of employment.

### ***Migrant rights and openness***

The empirical analysis has confirmed that both openness to labour immigration and some of the rights of migrant workers are positively correlated with the targeted skill level of the migrants admitted under the programme. The third hypothesis to be tested relates to the relationship between migrant rights and openness to labour immigration. As discussed in the introduction, if some rights create – or are perceived to create – net costs for the receiving country, there may be a negative relationship between openness and some of the rights of migrant workers.

As a first step, all 104 programmes are included in the analysis. This yields no significant relationship (at 10% level) between openness and aggregate rights at any skill level. However, if we limit the sample to programmes in upper high-income countries only (n=71), a different and more nuanced picture emerges. Table 2 below shows the correlation coefficients between openness and rights (aggregate and sub-indices) for programmes targeting different levels of skills. A number of statistically significant correlations emerge and all of them have a negative sign i.e. suggesting a trade-off between openness and rights. As shown by columns 4-6 of Table 2, the overall rights index (“aggregate rights”) is negatively correlated with openness for programmes targeting medium skills, high skills and very high

skills. There is no statistically significant correlation between aggregate rights and openness for programmes targeting low skills only (col. 2), low skills (col. 3) and very high skills only (col. 7). The sample sizes for programmes targeting low skill only (11) and very high skills only (10) are too small to expect statistically significant effects.

Table 2 also shows that economic rights, social rights, residence rights and family rights are all negatively correlated with openness in programmes targeting medium skills, high skills and/or very high skills. Political rights are the only type of rights analysed here that are not correlated with openness at any skill level (recall that political rights were also not correlated with skills).

How sensitive are these results to the exclusion of permanent migration programmes and GCC countries? Focusing on temporary migration programmes in upper high-income countries only (see Table A9 in Appendix 1) changes the results in two ways. First, there is no more statistically significant relationship between openness and rights under programmes targeting medium skilled workers. Second, political rights are negatively correlated with openness for programmes targeting skilled and/or highly skilled workers. Aggregate rights, economic rights, social rights and residence rights remain negatively correlated with openness under programmes targeting migrants with high or very high skills.

The exclusion of GCC countries from the sample of temporary migration programmes in high-income countries (n=59) makes the statistically significant trade-offs between openness and economic rights, and between openness and residence rights, disappear (see Table A10). Excluding GCC countries from the sample of *all programmes (i.e. temporary and permanent) in upper high-income countries* (n=69) leaves statistically significant trade-offs between openness and aggregate rights, and between openness and social rights, in programmes for targeting skilled or very high skilled migrants (Table A11).

So the relationship between openness and rights clearly varies across different types of rights. It also depends on the sample analysed and is, to some extent, sensitive to the exclusion of permanent migration programmes and certain countries. Nevertheless, whatever the sample, the analysis suggests that there can be statistically significant trade-offs between openness and some types of rights for programmes targeting medium, high or very high skills.

Table 2 Correlations between openness and rights (aggregate and sub-indices), all programmes in upper high-income countries (p values in parentheses; correlations with p>0.10 are not shown)

Targeted skill level:	all skills	onlyLS	LS	Openness			
				MS	HS1	HS2	onlyHS2
Observations:	71	11	30	28	40	41	10
Aggregate rights (equ)				-0.341 (0.08)	-0.402 (0.01)	-0.349 (0.02)	
Aggregate rights (abs)				-0.324 (0.09)	-0.434 (0.001)	-0.375 (0.02)	
Political rights							
Economic rights				-0.372 (0.05)	-0.311 (0.05)		
Social rights (equ)				-0.320 (0.09)	-0.330 (0.03)	-0.339 (0.03)	
Social rights (abs)					-0.430 (0.01)	-0.410 (0.01)	
Residence rights				-0.327 (0.09)	-0.360 (0.02)	-0.300 (0.06)	
Family rights					-0.330 (0.04)	-0.310 (0.04)	

Analysis of the relationship between openness and specific rights (see Tables A12 – A15 in Appendix 1) suggests that trade-offs are most consistent for social rights, especially unemployment benefits, retirement benefits and access to public education (the latter effect becomes insignificant if GCC countries are excluded) offered under programmes targeting medium skills, high skills or very high skills.

Among residence rights, the data for all programmes in upper high-income countries (see Figures 11-14 below) suggest a negative relationship - primarily among programmes targeting high or medium skills - between openness and the extent to which security of residence is linked to employment (the more open the programme, the stronger the link between employment and residence).

However, this relationship disappears (i.e. becomes statistically insignificant) when focussing on temporary migration programmes only, which is plausible as temporary migration programmes have less variation in residence rights than a larger sample that includes permanent migration programmes.

The trade-off between openness and economic rights as a group is driven by an inverse relationship between openness and the right to join trade unions. The effect disappears when GCC countries are excluded. This is a plausible result as labour immigration programmes in GCC countries are amongst the most open programmes in the world (and analysed here), but also among the relatively few programmes that often restrict the right to join trade unions (if the right exists at all).

Turning to individual family rights, the data do not detect any statistically significant relationship between openness and the right to family reunion. The analysis does, however, suggest a trade-off between openness and the spouse's right work<sup>10</sup> under programmes targeting high skilled migrant workers.

Finally, the right to associate and the right to equal protection of criminal courts are inversely related to openness under programmes targeting high-skilled workers. Interestingly, this effect remains if we exclude the GCC countries. In the sample without GCC countries the right not to have identity documents confiscated is also negatively related to openness, primarily among programmes targeting low- and medium- skilled workers.

As shown in Tables A12 – A15 in Appendix I, most of the trade-offs that can be detected occur under programmes targeting medium, skilled or highly skilled workers. For programmes targeting very high skilled workers only (a very small sample of 10 programmes only), no statistically significant trade-offs are found between openness and any of the rights analysed here.

---

<sup>10</sup> Note that the way the index has been measured means that there can be two explanations for the absence of the legal right to work for the spouse: first, the programme allows family reunion but does not grant a legal right to work for the migrant's spouse; second, the programme does not allow family reunion at all. This means that the trade-off between openness and the spouse's right to work may capture some effect from denying the right to family reunion.



Figure 11 Correlations between openness and rights in labour immigration programmes targeting low-skilled workers (sample restricted to programmes in upper high-income countries, N=30; only statistically significant correlations,  $p < 0.1$ , are shown)

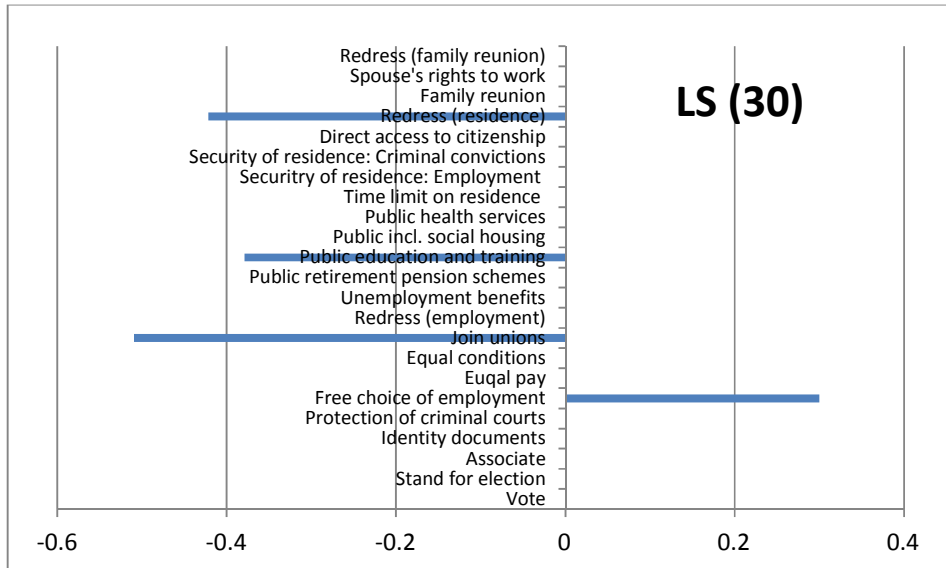


Figure 12 Correlations between openness and rights in labour immigration programmes targeting medium-skilled workers (sample restricted to programmes in upper high-income countries, N=28; only statistically significant correlations,  $p < 0.1$ , are shown)

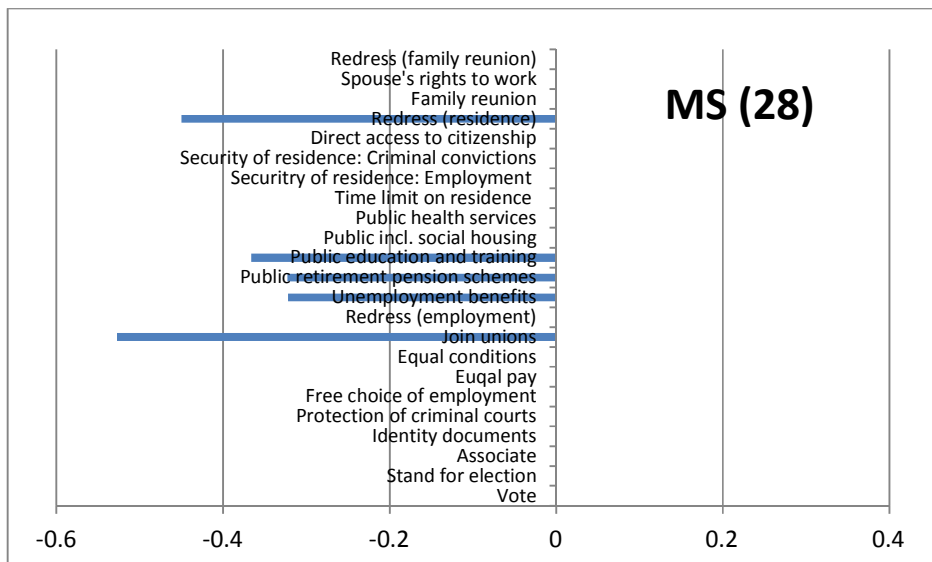


Figure 13 Correlations between openness and rights in labour immigration programmes targeting high-skilled workers (sample restricted to programmes in upper high-income countries, N=40; only statistically significant correlations,  $p < 0.1$ , are shown)

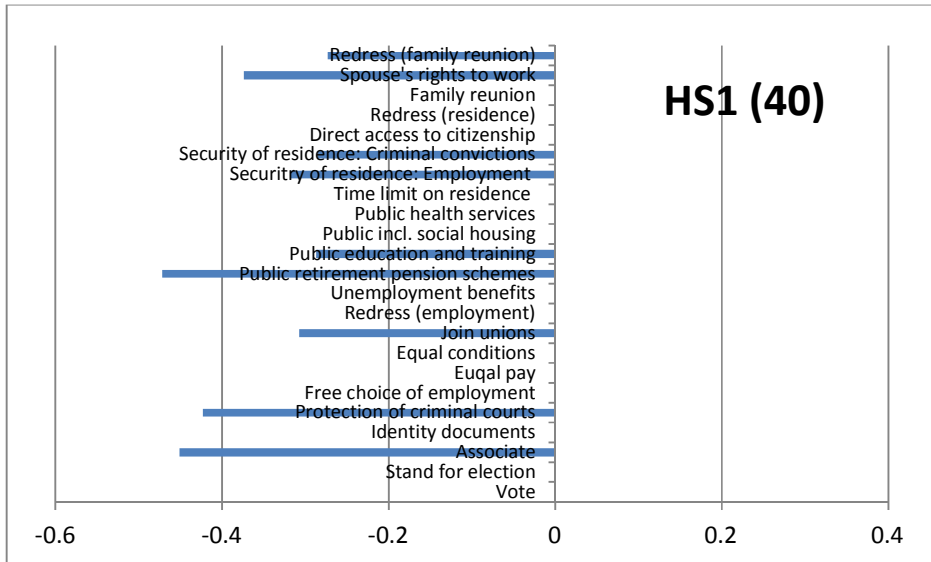
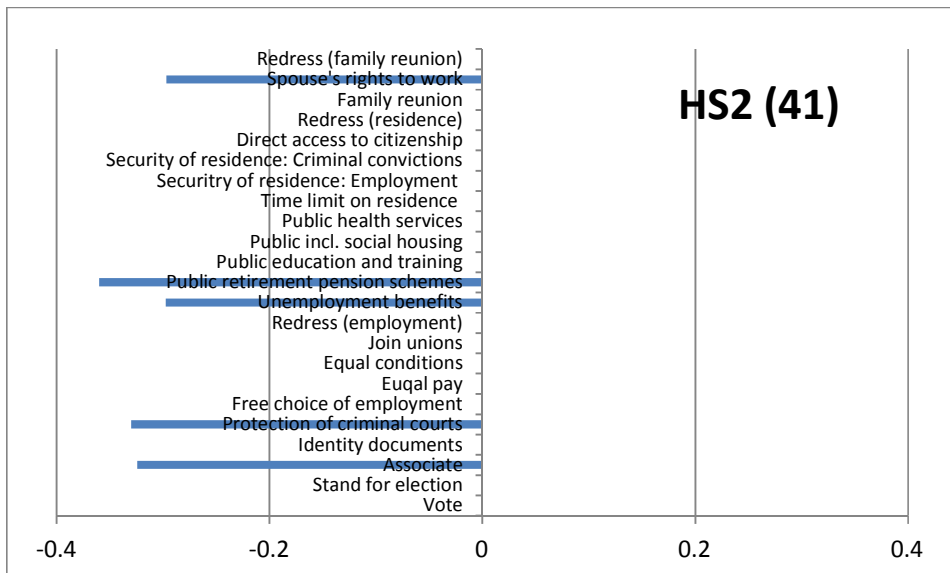


Figure 14 Correlations between openness and rights in labour immigration programmes targeting very high-skilled workers (sample restricted to programmes in upper high-income countries, N=41; only statistically significant correlations,  $p < 0.1$ , are shown)



### **Effects of the economic downturn**

The analysis above relates to labour immigration policies in early 2009, less than a year after the onset of the global financial crisis and economic downturn that began in mid-2008. To explore the potential impacts of the downturn on labour immigration policies in a systematic way, the project collected data for all the openness and rights indicators for early 2008 as well as early 2009. Based on these indicators, relatively few and mostly only minor policy changes could be detected during this period. This result is in line with other studies that suggest that a year after the onset of the economic downturn changes to labour immigration policies had been quite limited in most countries (e.g. IOM 2010).<sup>11</sup> This does not, of course, preclude the possibility that some countries introduced more significant policy changes because of the continuing downturn after mid 2009, a period outside the scope of this study.

Because of the very limited change in the indicators between 2008 and 2009, all the major results based on 2009 data also hold when using 2008 data.

### **Conclusion**

This paper has explored the key features of labour immigration programmes in high- and middle-income countries. A key aim has been to study the inter-relationships between the three core components of any labour immigration programme: the degree of *openness* to admitting migrant workers; the *skills* targeted by the labour immigration programme; and the *rights* granted to migrants who are admitted under the programme. The paper is part of a broader research project on the economics and politics of migrant rights (Ruhs 2012)<sup>12</sup>. The starting point of the broader project is also the motivation for the empirical analysis in this paper: to understand why, when and how countries restrict the rights of migrant workers, and to discuss what rights migrant workers *should* have, we need to consider the potential inter-relationships between migrant rights on the one hand, and national policies for admitting migrant workers (openness and skills targeted) on the other hand.

---

<sup>11</sup> There are examples of policy changes that did occur in late 2008 or early 2009. In early 2009, the UK raised the minimum education and earnings requirements necessary to gain admission under Tier 1 (for highly-skilled migrant workers) of the new points-based system, mainly in response to rising unemployment of British graduates. Spain reduced the annual quota of work permits issued under its *programa de contingentes* from over 15,000 in 2008 to less than 1,000 in 2009, while at the same time eliminating the jobseeker's permit that previously allowed some economic migrants to enter Spain without a prior job offer. Ireland reduced the number of jobs eligible for 'green cards' (work permits for skilled migrants) and increased the minimum period employers are required to advertise their job vacancies before applying for a work permit from four to eight weeks. Malaysia reduced the duration of some short-term work permits.

<sup>12</sup> Project website: <http://www.compas.ox.ac.uk/research/state/the-economics-and-politics-of-migrant-rights/>

Based on analysis of over 100 labour immigration programmes in 46 high- and middle-income countries, the key findings of this paper include:

- 1) The great majority of labour immigration programmes in high- and middle-income countries are temporary migration programmes (i.e. programmes that do not grant permanent residence on arrival).
- 2) All of the existing permanent immigration programmes target high-skilled workers. Nevertheless, even among programmes that target very high-skilled workers, two thirds are associated with temporary rather than permanent residence status on arrival.
- 3) Quotas and demand side restrictions on labour immigration (i.e. requirements of employers in receiving countries) are much more common than supply-side restrictions (i.e. restrictions related to the characteristics migrants). Supply-side restrictions are most common among permanent immigration programmes (i.e. programmes that grant permanent residence on arrival).
- 4) Some types of restriction on labour immigration tend to be used as complements (e.g. requirements of job offers and labour market tests), while others are used as substitutes (e.g. skills and language requirements on the one hand, and job offer and labour market test on the other hand).
- 5) Programmes in upper high-income countries are, *as a group*, less open to labour immigration than those in lower-income countries in the sample.
- 6) There are different 'modes of immigration control', i.e. different ways of restricting labour immigration, that vary across regions, welfare states (welfare regimes) and 'varieties of capitalism' (i.e. liberal, coordinated and mixed market economies). For example, programmes in liberal economies and welfare states make less use of demand restrictions than programmes in coordinated economies.
- 7) Openness to labour immigration is positively related to the skill level targeted by the labour immigration programme, i.e. programmes that target high-skilled migrant workers place fewer restrictions on admission than those targeting lower skilled migrants. This finding confirms the first of the three hypotheses outlined in the introduction.
- 8) here is considerable variation in the legal rights granted to migrant workers under different labour immigration programmes, both within and across countries. Among the types of rights

analysed, the six most commonly restricted rights are the rights to stand for elections and vote (two political rights), the spouse's right to work, direct access to citizenship, time limit and security of residence (four residence and family rights). The two most commonly restricted social rights relate to unemployment benefits and social housing. The right to free choice of employment is the only economic right that was found to be commonly restricted in this analysis of legal rights.

- 9) Temporary labour immigration programmes impose significantly greater restrictions on the rights of migrant workers than permanent migration programmes.
- 10) The legal rights migrant workers enjoy under labour immigration programmes also vary across different regions of the world. Labour immigration programmes in GCC countries and Southeast Asia place significantly more restrictions on migrant rights than programmes in Latin America, Europe and North America
- 11) There is a positive relationship between some of the rights granted to migrant workers and the skill level targeted by the immigration programme, i.e. programmes that target higher-skilled migrants impose fewer restrictions on some rights than programmes targeting lower-skilled migrants. This holds for many but not all rights. Economic and political rights are less sensitive to targeted skills than social, residency and family rights. This finding confirms the second hypothesis in this paper.
- 12) Among programmes in upper-high income countries in the sample, there is evidence of a trade-off (i.e. a negative relationship) between some specific rights (mainly social rights) and openness to labour immigration under programmes targeting specific skills (mainly medium and high skills). The number and type of rights affected by the trade-off depend on the types of programmes included in the analysis (e.g. temporary and/or permanent) and on the countries included (e.g. GCC included or excluded). Nevertheless, despite these important caveats, the analysis does strongly suggest that there can be a trade-off between openness and some specific rights. It is important to investigate this relationship in more detail through in-depth case studies.

The empirical evidence presented in this paper suggests correlations but not necessarily causal relationships between openness, skills and rights. It is possible that causality is involved but this has been outside the scope of this study.

It is also important to recall that the findings above refer to migrant rights and openness as defined in this paper. In my analysis, 'migrant rights' refer to the legal rights granted to migrant workers

admitted under a labour immigration programme, not to rights in practice and/or the rights of *all* migrant workers. I have defined 'openness' as "policy openness" measured by the scale and strength of policy restrictions on the admission and employment of migrant workers, rather than by the actual number of migrant workers admitted under a labour immigration programme. Expanding the analysis to cover rights in practice and to take account of actual numbers of migrants admitted in an international comparative way are complex but important areas for future research.

The results should be interpreted in light of these limitations and other caveats and assumptions made in this paper. Importantly, many of the questions and issues analysed in this paper cannot be settled by quantitative analysis alone. My larger research project on the economics and politics of migrant rights (Ruhs 2012) includes in-depth case studies to complement the quantitative analysis above and to better understand what drives the relationships between openness, skills and rights identified in this paper.

## **Acknowledgements**

I am grateful for the excellent research assistance provided by Ana Aliverti, Lucie Cerna, Pablo Marquez, Agnieszka Kubal, and Sophia Lee. For helpful comments on this paper, I would like to thank Scott Blinder, Phil Martin, Cinzia Rienzo, Alisdair Rogers, Carlos Vargas-Silva, and Jonathan Wadsworth. Any errors are my own. A revised version of this working paper will be included as a chapter in my forthcoming book on *The Economics and Politics of Migrant Rights: A Global Analysis* (working title, expected in 2012 – optimistically referred to in this paper as Ruhs 2012). I very much welcome comments on this draft.

## References

- British Council and Migration Policy Group (2011) *Migrant Integration Policy Index III*, Brussels, [www.integrationindex.eu](http://www.integrationindex.eu)
- Bucken-Knapp, G. (2009) *Defending the Swedish Model. Social Democrats, Trade Unions, and Labour Migration Policy Reform*, Lexington Books
- Carr Center for Human Rights (2005) *Measurement & Human Rights: Tracking Progress, Assessing Impact*, A Carr Center for Human Rights Policy Project Report, Harvard University
- Center for Global Development (2010) *Commitment to Development Index 2010*, CGD, Washington DC
- Cerna, L. (2008) "Towards an EU Blue Card: The proposed delegation of national immigration policies to the EU level", COMPAS Working Paper 08-65
- Cornelius, W., Tsuda, T., Martin, P., and J. Hollifield, ed. (2004) *Controlling Immigration. A Global Perspective*, Stanford University Press.
- Drinkwater, S. and K. Clark (2008) "The Labour Market Performance of Recent Migrants", *Oxford Review of Economic Policy*, 2008, Vol. 24, No. 3, pp. 495-516.
- Economist Intelligence Unit (2008) *Global Migration Barometer, Methodology Results and Findings, August 2008*, sponsored by Western Union
- Esping-Andersen, G. (1999) *Social Foundations of Postindustrial Economies*. New York: Oxford University Press.
- Hall, P. and D. Soskice (2001) *Varieties of Capitalism*, Oxford University Press
- Hatton, T. (2004) 'Seeking Asylum In Europe', *Economic Policy* (April 2004), pp. 5–62
- IOM (2010) *Migration and the Economics Crisis in the European Union: Implications for Policy*, IOM, Geneva
- Klugman, J. and I. Pereira (2009) 'Assessment of national migration policies: An emerging picture on admissions, treatment and enforcement in developing and developed countries', Human Development Research Paper 2009/48, UNDP
- Landmann, T. (2004) 'Measuring Human Rights: Principle, Practice, and Policy,' *Human Rights Quarterly*, 26: 906-931.
- Lowell, L. (2005) 'Policies and regulations for managing skilled international migration for work', United Nations, Mortality and Migration Section of the Population Division/DESA, New York.
- Migration Advisory Committee (2010) *Limits on Migration*, MAC, London
- Migration Advisory Committee (2009) *Analysis of the Points Based System: Tier 2 and Dependents*, MAC, London



Münz, R. (2009) "Demographic Change, Labour Force development and Migration in Europe", paper prepared for the Swedish EU Presidency Conference on Labour Migration and its Development Potential in the Age of Mobility, Malmö.

OECD (2010) *International Migration Outlook 2010*, OECD, Paris

Ruhs, M (2012) *The Economics and Politics of Migrant Rights: A Global Analysis* (working title), expected in 2012 (project website: <http://www.compas.ox.ac.uk/research/state/the-economics-and-politics-of-migrant-rights/> )

Ruhs, M. (June 2010) 'Migrant rights, immigration policy and human development', *Journal of Human Development and Capabilities*, 11(2): 259-79

Ruhs, M. (2008) 'Economic Research and Labour Immigration Policy', *Oxford Review of Economic Policy*, 24(3): 404-42

Ruhs, M. and Martin, P. (2008) "Numbers vs Rights: Trade-offs and Guest Worker Programs", *International Migration Review* 42 (1): 249-265

Singstat (2008) *Yearbook of Statistics 2008*, Singapore.

Thielemann, E. (2004) 'Why asylum policy harmonization undermines refugee burden-sharing'. *European Journal of Migration and Law*, 6 (1). pp. 47-65.

Timmer, A. and J. Williamson (1996) 'Racism, Xenophobia or Markets? The Political Economy of Immigration Policy Prior to the Thirties', NBER Working Paper Series, Vol. w5867

Waldrauch, H. (2001) *Die Integration von Einwanderern. Band 2: Ein Index der rechtlichen Diskriminierung.* Band 9.2 der Reihe "Wohlfahrtspolitik und Sozialforschung", edited by Europäischen Zentrum Wien. Frankfurt, New York: Campus Verlag.

Watts, J. (2002) *Immigration Policy and the Challenge of Globalization: Unions and Employers in Unlikely Alliance*, Cornell University Press, Ithaca

## APPENDIX 1 (Tables A1-A15)

**Table A1:** Countries by income classification and targeted skill levels of labour immigration programmes, 2009

	GNIclass.	GNIpc08	onlyLS	LS	MS	HS1	HS2	onlyHS2	# programmes
Norway	U-HIC	87,070	1	1	1	1	1	0	2
Switzerland	U-HIC	65,330	0	0	0	1	1	0	1
Denmark	U-HIC	59,130	0	0	0	2	3	1	3
Sweden	U-HIC	50,940	0	1	1	1	1	0	1
Netherlands	U-HIC	50,150	0	1	1	1	1	0	2
Ireland	U-HIC	49,590	0	0	1	2	1	0	2
Finland	U-HIC	48,120	0	1	1	2	2	0	2
USA	U-HIC	47,580	1	2	1	1	4	3	6
Austria	U-HIC	46,260	1	1	1	1	1	1	3
United Kingdom	U-HIC	45,390	0	0	1	1	1	1	2
Belgium	U-HIC	44,330	0	0	1	1	1	0	1
Germany	U-HIC	42,440	0	0	0	1	1	1	2
France	U-HIC	42,250	1	2	2	0	1	1	4
Canada	U-HIC	41,730	1	2	2	3	3	0	5
Australia	U-HIC	40,350	0	0	1	4	2	0	4
Kuwait	U-HIC	38,420	0	1	1	1	1	0	1
Japan	U-HIC	38,210	1	1	0	1	1	0	2
Italy	U-HIC	35,240	1	2	1	1	1	0	2
Singapore	U-HIC	34,760	0	1	2	2	1	0	3
Spain	U-HIC	31,960	1	2	1	2	2	0	3
Hong Kong	U-HIC	31,420	0	1	1	1	2	1	3
Greece	U-HIC	28,650	0	2	2	1	1	1	3
New Zealand	U-HIC	27,940	1	2	1	2	1	0	3
Israel	U-HIC	24,700	0	1	1	1	1	0	2
Slovenia	U-HIC	24,010	1	2	1	1	1	0	2
Rep.Korea	U-HIC	21,530	1	1	0	1	1	0	2
Portugal	U-HIC	20,560	0	1	1	2	2	0	2
Taiwan	U-HIC	.	0	1	1	1	1	0	2
UAE	U-HIC	.	0	1	1	1	1	0	1
Czech Republic	L-HIC	16,600	2	2	0	1	1	0	3
Saudi Arabia	L-HIC	15,500	0	1	1	1	1	0	1
Slovak Republic	L-HIC	14,540	1	1	1	1	1	0	2
Hungary	L-HIC	12,810	1	2	1	1	1	0	2
Oman	L-HIC	12,270	0	1	1	1	1	0	1
Poland	U-MIC	11,880	0	1	1	1	1	0	2
Mexico	U-MIC	9,980	0	0	1	2	3	2	4
Turkey	U-MIC	9,340	0	1	1	1	1	0	1
Venezuela	U-MIC	9,230	0	1	1	1	1	0	1
Brazil	U-MIC	7,350	0	1	1	1	2	2	3
Argentina	U-MIC	7,200	1	2	1	2	2	0	3
Malaysia	U-MIC	6,970	0	1	2	1	1	1	3
Colombia	U-MIC	4,660	0	1	1	1	1	0	1
Dominican Rep.	U-MIC	4,390	1	1	2	2	2	0	3
China	L-MIC	2,940	0	0	0	1	1	0	1
Thailand	L-MIC	2,840	0	0	0	1	1	0	1
Indonesia	L-MIC	2,010	0	0	0	1	1	0	1
U-HICs (30 countries)			11	30	28	40	41	10	71
L-HICs (4 countries)			4	7	4	5	5	0	9
U-MICs (9 countries)			2	9	11	12	14	5	21
L-MICs (3 countries)			0	0	0	3	3	0	3
Europe (18 countries)			6	17	17	22	23	6	39
Eastern Europe (3 countries)			4	5	2	3	3	0	7
North America (2 countries)			2	4	3	4	7	3	11
Latin America and .. (6 countries)			2	6	7	9	11	4	15
East Asia (3 countries)			1	2	1	3	4	1	6
South East Asia (6 countries)			1	4	5	7	6	1	12
Western Asia (6 countries)			0	6	6	6	6	0	7
Australia and New Zealand (2 countries)			1	2	2	6	3	0	7
Total (46 countries)			17	46	43	60	63	15	104

U-HIC: upper high-income countries with GNI per capita exceeding US\$20,000 in 2008

L-HIC: lower high-income countries with GNI per capita less than US\$20,000 in 2008

U-MICs: Upper middle income countries

L-MICs: lower middle income countries

only LS: programmes that target only low-skilled workers

LS: programmes that target low-skilled workers and possibly others

MS: programmes that target medium-skilled workers and possibly others

HS1: programmes that target high-skilled workers and possibly others

HS2: programmes that target very high-skilled workers and possibly others

onlyHS2: programmes that target very high-skilled workers only

**Table A2: Basic Descriptive Statistics of Aggregate Openness Index, 2009**

	obs.	mean	sd	min	max
All programmes, all countries	104	0.67	0.10	0.47	0.92
Temporary migration programmes, all countries	91	0.67	0.10	0.47	0.92
All programmes, upper high-income countries	80	0.65	0.08	0.47	0.86

**Table A3: Aggregate openness score of labour immigration programmes analysed, by country, 2009**

Country	Programme	Openness
Argentina	Temporary migrant workers (ARG)	0.736
	Employed workers (ARG)	0.917
Australia	Scientific and specialised personnel (ARG)	0.917
	Employer nomination Scheme (AUS)	0.556
	Skilled Regional Sponsored (AUS)	0.611
Austria	Skilled Independent (AUS)	0.653
	Skilled Australian Sponsored (AUS)	0.653
	Settlement Permit-Key Worker Migrant Programme (AUT)	0.556
	Seasonal Migrant Programme (AUT)	0.569
Belgium	Researchers and spec. cases of gainful employment (AUT)	0.639
	Work Permit type B (BEL)	0.694
Brazil	Programme NR 63/05 (BRAZ)	0.708
	Programme NR 64/05 (BRAZ)	0.736
	Programme NR 62/04 (BRAZ)	0.833
Canada	Quebec Selected Skilled Workers (CAN)	0.500
	Seasonal Agricultural Worker Programme (CAN)	0.500
	Provincial Nominees (CAN)	0.569
	Federal Skilled Worker Programme (CAN)	0.625
China	Low Skilled Pilot Project (CAN)	0.639
	Work Visa (CHIN)	0.750
Colombia	Visa TT: General Programme (COL)	0.889
	Green Card A & B (CZE)	0.667
Czech Republic	Green Card C (CZE)	0.694
	Short-term Seasonal Work Permit (CZE)	0.750
	Positive List (DEN)	0.542
Denmark	The Green Card Scheme (DEN)	0.708
	The Pay Limit Scheme (DEN)	0.778
	Permanent residents (DOM)	0.583
Dominican Rep.	Temporary residents (DOM)	0.611
	Non-residents (DOM)	0.611
	Residence Permit for an Employed Person (FIN)	0.625
Finland	Ordinary Residence Permit (FIN)	0.639
	Temporary permit for tempor. work (3-12month) (FRA)	0.667
France	Temporary permit for tempor. employment (at least 12months) (FRA)	0.667
	Seasonal Workers (FRA)	0.667
	Skills and Talent Programme (FRA)	0.694
Germany	Residence Permit (Skilled) (GER)	0.472
	Settlement Permit (GER)	0.722
Greece	Residence Permit for Regular Staff (GR)	0.667
	Residence Permit for Executives (GR)	0.667
	Seasonal Work Permit (GR)	0.667
Hong Kong	Imported workers (HK)	0.569
	Professionals Programme (HK)	0.625
	Quality Migrants Programme (HK)	0.639
Hungary	Seasonal employment visa (HUN)	0.750
	A long-term visa for the purpose of gainful employment (HUN)	0.750
Indonesia	Expatriate Work-IKTA and Stay Permit (INDO)	0.625
Ireland	Work Permit Scheme (IRE)	0.569
	Green Card Permit (IRE)	0.653
Israel	B-1 Visa (Migrant worker) (ISR)	0.639
	B-1 Visa (Foreign experts) (ISR)	0.653
Italy	Non-Seasonal (ITA)	0.569
	Seasonal (ITA)	0.569
Japan	Trainee Visa (JAP)	0.528
	Working visa (JAP)	0.583
Kuwait	General Programme (Private sector workers) (KUW)	0.708
Malaysia	Professional Visit Pass (MALAY)	0.528
	Employment Pass (EP) (MALAY)	0.569
	Visit Pass (Temporary employment) (MALAY)	0.667
Mexico	Immigrants for Technical Work (MEX)	0.694
	Immigrants for Scientific Work (MEX)	0.722
	Immigrants for Managerial Positions (MEX)	0.722
	Professional Immigrant Programme (MEX)	0.806

Netherlands	General labour scheme (NED)	0.639
	Highly skilled Migrants (NED)	0.667
New Zealand	Seasonal Workers (NZ)	0.639
	Essential Skills Visa (NZ)	0.667
	Skilled (NZ)	0.681
Norway	Skilled workers/specialists (NOR)	0.667
	Seasonal Worker (NOR)	0.667
Oman	Employment visa (OMAN)	0.722
Poland	Short-term (Seasonal) work permit (POL)	0.806
	Work Permit (POL)	0.833
Portugal	Residency visa (POR)	0.583
	Residency visa for research /highly qualified assignment (Visa Type II) (POR)	0.750
Rep. of Korea	Employment Visa (Non-professional employment) (KOR)	0.542
	Employment Visa (Special Occupations, Professional employment) (KOR)	0.736
Saudi Arabia	General Programme(Labour and Workmen Law and related regulations) (SA)	0.722
Singapore	Work Permit (Foreign Worker) (SING)	0.583
	S Pass (SING)	0.667
	Employment Pass (SING)	0.806
Slovak Rep.	Short-term (Seasonal) Work Permit (SLOVAK)	0.750
	Work Permit (SLOVAK)	0.750
Slovenia	Residence Permit (seasonal work) (SLOVE)	0.556
	Residence Permit (for employment and work) (SLOVE)	0.583
Spain	Contingente (ESP)	0.500
	General Regime (ESP)	0.625
	High-skill (ESP)	0.764
Sweden	General Work Permit Programme (SWE)	0.722
Switzerland	Work Permits "B" *(SWI)	0.542
Taiwan	Work Permit (Blue Collar workers) (TAI)	0.542
	Work Permit (White Collar workers) (TAI)	0.861
Thailand	Work Permit (THAI)	0.569
Turkey	Work Permit (TUR)	0.806
Unit. Arab Em.	Residence permit for employment issued for an employee (UAE)	0.806
United Kingdom	Tier 2-Skilled workers(General) (Points Based System) (UK)	0.653
	Tier 1 General-Highly skilled workers (Points Based System) (UK)	0.750
United States	EB2 Advanced degree holders (US)	0.653
	H1B (US)	0.653
	H-2A (US)	0.708
	H-2B (US)	0.708
	EB1 Priority Workers (US)	0.833
	O1 (US)	0.833
Venezuela	Labour Transient Visa-(VT-L) (VEN)	0.861

Notes: The names of labour immigration programmes in the table above are abbreviations (often translated) that may not always correspond with the exact formal name of the programme.

**Table A4:** Correlations between openness indicators, 2009 (\*\*p<0.05; \*p<0.10)

**Policy correlation matrix, all programmes in all countries 2009**

	Quota	Job offer	LMT	Sec/occ	Fees	Conditio.	T. Union	Nat/age	Gen/ms	Skills	Lang.
Quota	1										
Job offer	-0.1367	1									
LMT	0.0675	0.3486**	1								
Sec/occ	-0.0435	-0.0111	-0.1326	1							
Fees	0.0573	0.1164	0.0499	-0.0522	1						
Conditions	0.0235	0.166*	0.1194	-0.1071	-0.1149	1					
T. Union	0.0084	0.1123	0.2699**	0.0504	-0.042	0.1584	1				
Nat/age	0.0547	-0.2192**	0.0635	0.1193	0.2232**	-0.0696	0.0459	1			
Gen/ms	0.0772	-0.2243**	-0.0176	0.0562	-0.0849	-0.174*	-0.0819	0.0791	1		
Skills	-0.0022	-0.5448**	-0.4507**	0.0889	-0.1187	-0.0163	-0.125	0.0204	0.1053	1	
Language	0.0866	-0.5874**	-0.2720**	0.2184**	-0.1589	-0.098	-0.0742	0.2792**	0.2435**	0.3790**	1
Self-suff	-0.0242	0.0644	0.0209	-0.1274	0.0451	0.2367**	-0.0581	-0.0319	-0.1343	-0.1046	-0.0757

**Policy correlation matrix, excluding permanent programmes, all countries 2009**

	Quota	Job offer	LMT	Sec/occ	Fees	Conditio.	T. Union	Nat/age	Gen/ms	Skills	Lang.
Quota	1										
Job offer	-0.0495	1									
LMT	0.0691	0.3054**	1								
Sec/occ	-0.0058	0.0657	-0.0459	1							
Fees	0.0734	0.081	0.0171	-0.0308	1						
Conditions	0.0554	0.0511	0.0919	-0.0655	-0.1286	1					
T. Union	0.0206	0.0781	0.2591*	0.0823	-0.061	0.1654	1				
Nat/age	0.0947	-0.1882*	0.1042	0.0737	0.2544**	-0.0612	0.0619	1			
Gen/ms	0.093	-0.0813	-0.0402	0.0824	-0.0677	-0.1597	-0.0653	-0.0131	1		
Skills	-0.1649	-0.4141**	-0.4805**	0.0776	-0.0769	0.0624	-0.0868	-0.0299	0.0038	1	
Language	0.1076	-0.5639**	-0.2278**	0.0808	-0.1379	-0.0473	-0.0296	0.1205	0.0939	0.2917**	1
Self-suff	0.0293	-0.0614	-0.0913	-0.0467	0.0216	0.2176**	-0.0925	0.0003	-0.2823**	0.0352	0.0416

**Policy correlation matrix, all programmes in upper high-income countries (hic1) only 2009**

	Quota	Job offer	LMT	Sec/occ	Fees	Conditio.	T. Union	Nat/age	Gen/ms	Skills	Lang.
Quota	1										
Job offer	-0.0848	1									
LMT	0.0921	0.3976**	1								
Sec/occ	-0.0725	0.0157	-0.0093	1							
Fees	0.1508	0.1322	-0.0683	-0.1449	1						
Conditions	-0.2140*	0.2984**	0.2054*	-0.1826	-0.2101*	1					
T. Union	-0.0937	0.1645	0.3570**	0.0556	-0.0211	0.1339	1				
Nat/age	0.084	-0.2397**	-0.0319	0.1669	0.0821	-0.1398	0.0461	1			
Gen/ms	-0.0271	-0.3066**	-0.0308	0.1428	-0.091	-0.2484**	-0.1133	0.1884	1		
Skills	-0.1205	-0.5320**	-0.4970**	0.0809	-0.0864	-0.1993*	-0.2119*	-0.0457	0.1709	1	
Language	0.001	-0.5603**	-0.2919**	0.2293*	-0.1846	-0.2552**	-0.142	-0.3086**	0.3389**	0.3196**	1
Self-suff	-0.0081	0.0913	-0.045	-0.2330*	0.0073	0.1951	-0.0339	-0.0431	-0.0629	-0.2249	-0.1117

**Table A5: Regression of openness on targeted skill level and country income group, 2009**

	All programmes			Excluding programmes for med. and high skilled <sup>2</sup>			Upper HICs: all	Upper HICs: excl. med and high skilled
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
onlylowmedskilled <sup>1</sup>	-0.0459 (.021)	-0.041 (.019)	-0.011 (.03)	-0.050 (.022)	-0.050 (.021)	-0.006 (.03)	-0.054 (.021)	-0.067 (.023)
Upper high-income Country (u-hic)		-0.081 (.018)	-0.070 (.02)		-0.076 (.022)	-0.052 (.029)		
Interaction: onlylowmedskilled *u-hic			-0.042 (.042)			-0.060 (.046)		
Constant	.685 (.011)	.739 (.016)	.731 (.017)	.688 (.014)	.744 (.021)	.727 (.025)	.66 (.011)	.67 (.015)
Adjusted R <sup>2</sup>	0.04	0.18	0.18	0.05	0.17	0.21	0.07	0.12
Observations	104	104	104	73	73	73	71	53

Standard errors in parentheses; <sup>1</sup>“onlylowmedskilled” is a dummy for programmes that target only low skilled migrants and/or medium skilled migrants; <sup>2</sup> Programmes that admit both medium and high skilled workers have been excluded from the analysis

**Table A6: Openness indicators and skills: Pairwise correlation coefficients, 2009 ( \*p<0.10, \*\*p<0.05)**

	Quotas	Job offer	LMT	Sec/occ	Fees	Conditions	Tradeunion	Nat/age	Gen/MS	Skills	Language	Self-suff.
<b>All programmes</b>												
onlylowskill			-0.31**				-0.21**			0.32**		
lowskill		-0.29**	-0.40**				-0.34**	-0.17*		0.55**	0.25**	
lowmedskilled	-0.17*	-0.33**	-0.49**				-0.24**	-0.16*		0.57**	0.20**	
onlylowmedskilled	-0.16*	-0.20**	-0.41**				-0.20**	-0.24**		0.35**	0.18*	
<b>Upper high-income countries only</b>												
onlylowskill			-0.26**	-0.25**			-0.21*			0.37**		
lowskill	-0.20*	-0.34**	-0.52**				-0.41**	-0.22*		0.65**	0.30**	
lowmedskilled		-0.39**	-0.54**				-0.30**	-0.22*		0.66**	0.22*	
onlylowmedskilled		-0.26**	-0.40**	-0.23*	-0.20*			-0.24**		0.43**	0.24**	
<b>Temporary migration programmes only, all countries</b>												
onlylowskill	-0.17*		-0.30**		0.19*		-0.19*			0.30**		
lowskill	-0.21**	-0.21**	-0.36**				-0.31**	-0.23**		0.53**		
lowmedskilled	-0.23**	-0.27**	-0.46**				-0.23**			0.55**	0.17*	
onlylowmedskilled	-0.20*		-0.40**				-0.18*	-0.29**		0.31**		
<b>Temporary migration programmes in upper high-income countries only</b>												
onlylowskill			-0.24*	-0.31**				-0.24*		0.35**		
lowskill	-0.25*	-0.25**	-0.50**				-0.38**	-0.33**		0.62**		
lowmedskilled	-0.26**	-0.32**	-0.55**				-0.29**	-0.24*		0.62**		
onlylowmedskilled			-0.38**	-0.30**		0.23*		-0.32**		0.38**		

**Table A7:** Regression of migrant rights on targeted skills, country income group, type of migration programme (temporary or permanent), and region, 2009

	Aggregate rights (equ)	Political rights	Economic rights	Social rights (equ)	Residence Rights	Family Rights
onlylowmedskill	-0.185* (0.022)	-0.045 0.028	-0.094* (0.027)	-0.24* (0.047)	-0.19* (0.029)	-0.467* (0.058)
u-hic	0.014 (0.037)	0.008 (0.048)	0.084 (0.046)	-0.122 (0.081)	0.033 (0.049)	0.106 (0.098)
tmp	-0.194* (0.035)	-0.035 (0.047)	-0.067 (0.044)	-0.283* (0.077)	-0.338* (0.047)	-0.282* (0.094)
Europe (ref.)						
North America	-0.06 (0.0333)	-0.019 (0.044)	-0.053 (0.041)	-0.147* (0.072)	-0.015 (0.044)	-0.067 (0.088)
Latin America and the Caribbean	0.041 (0.048)	0.012 (0.064)	0.045 (0.061)	-0.059 (0.106)	0.028 (0.064)	0.27* (0.128)
East Asia	-0.077* (0.038)	0.043 (0.049)	-0.097* (0.047)	-0.106 (0.082)	-0.102* (0.05)	-0.155 (0.1)
Southeast Asia	-0.126* (0.033)	-0.202* (0.044)	-0.093* (0.041)	-0.076 (0.072)	-0.13* (0.044)	-0.129 (0.087)
Western Asia	-0.133* (0.061)	0.049 (0.08)	-0.007 (0.076)	-0.124 (0.133)	-0.348* (0.081)	-0.308 (0.162)
Australia and New Zealand	-0.04 (0.045)	-0.005 (0.059)	0.004 (0.056)	-0.245* (0.097)	0.032 (0.059)	0.049 (0.119)
Eastern Europe	0.001 (0.054)	-0.028 (0.071)	0.078 (0.062)	-0.053 (0.118)	-0.171* (0.072)	0.294* (0.144)
Constant	0.891* (0.05)	0.6* (0.066)	0.904* (0.063)	1.182* (0.109)	0.914* (0.067)	0.829* (0.133)
N	73	73	73	73	73	73
Adj. R2	0.73	0.28	0.291	0.53	0.78	0.64

**Notes:**Standard errors in parentheses; \* indicates statistical significance at  $p < 0.05$ 

Onlylowmedskill ... programmes targeting low and/or medium -skilled migrants only (programmes targeting medium and high skills are excluded from the sample)

u-hic --- upper high-income country (reference: all other countries in the sample)

tmp ... temporary migration programme (reference: permanent migration programmes)



**Table A8a:** Pairwise correlation coefficients (significant at 5%) between rights and targeted skills, all programmes 2009

	onlylowskill	lowskill	onlylowmed
Vote			
Stand for election			
Associate			
Identity documents			
Protection of criminal courts			
Free choice of employment	-0.4026	-0.455	-0.4802
Equal pay			
Equal conditions			
Join unions			
Redress (employment)			-0.2387
Unemployment benefits (abs)	-0.33	-0.259	-0.4188
Public retirement pension schemes (abs)	-0.3852	-0.3974	-0.4035
Public education and training (abs)		-0.213	-0.24
Public incl. social housing (abs)	-0.2948	-0.3264	-0.449
Public health services (abs)			
Unemployment benefits (equ)	-0.3946	-0.3587	-0.449
Public retirement pension schemes (equ)	-0.4369	-0.4331	-0.4142
Public education and training (equ)		-0.213	-0.24
Public incl. social housing (equ)	-0.3599	-0.3632	-0.4445
Public health services (equ)			
Time limit on residence	-0.5063	-0.6026	-0.6242
Security of residence: Employment	-0.1995	-0.3391	-0.3884
Security of residence: Criminal convictions			
Direct access to citizenship	-0.4464	-0.605	-0.5983
Redress (residence)		-0.2079	
Family reunion	-0.3025	-0.3373	-0.4974
Spouse's rights to work	-0.357	-0.4808	-0.4542
Redress (family reunion)	-0.3233	-0.5109	-0.4785

Notes:

Onlylowskill .. programmes targeting low-skilled migrants only

Lowskill ... programmes targeting low-skilled migrants (and others)

Onlylowmed ... programmes targeting low and/or medium -skilled migrants only

(equ) .. social right measured in terms of equality of access, see discussion in section 5

(abs) ... social rights measured in absolute terms, see discussion in section 5

**Table A8b:** Pairwise correlation coefficients (significant at 5%) between rights and targeted skills, temporary migration programmes 2009

	onlylowskill	lowskill	onlylowmed
Vote			
Stand for election			
Associate			
Identity documents			
Protection of criminal courts			
Free choice of employment	-0.4088	-0.3698	-0.4679
Equal pay			
Equal conditions			
Join unions			
Redress (employment)			-0.2216
Unemployment benefits (abs)	-0.3005		-0.3711
Public retirement pension schemes (abs)	-0.361	-0.3477	-0.3686
Public education and training (abs)			-0.2259
Public incl. social housing (abs)	-0.2569	-0.238	-0.4042
Public health services (abs)			
Unemployment benefits (equ)	-0.3627	-0.2479	-0.3957
Public retirement pension schemes (equ)	-0.4162	-0.3913	-0.3825
Public education and training (equ)			-0.2259
Public incl. social housing (equ)	-0.3298	-0.291	-0.4037
Public health services (equ)			
Time limit on residence	-0.5714	-0.555	-0.6824
Security of residence: Employment			-0.3183
Security of residence: Criminal convictions			
Direct access to citizenship	-0.443	-0.5508	-0.5947
Redress (residence)			
Family reunion	-0.2709	-0.2414	-0.4712
Spouse's rights to work	-0.3229	-0.3847	-0.4029
Redress (family reunion)	-0.3041	-0.4856	-0.4595

**Notes:**

Onlylowskill .. programmes targeting low-skilled migrants only

Lowskill ... programmes targeting low-skilled migrants (and others)

Onlylowmed ... programmes targeting low and/or medium -skilled migrants only

(equ) .. social right measured in terms of equality of access, see discussion in section 5

(abs) ... social rights measured in absolute terms, see discussion in section 5

**Table A9:** Correlations between rights (aggregate and sub-indices) and openness, temporary migration programmes in upper high-income countries  
(p values in parentheses; correlations with p>0.1 not shown)

	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Targeted skill level:							
Observations:	61	11	30	26	33	32	7
<hr/>							
Aggregate rights (equ)					-0.39	-0.38	
					(0.03)	(0.03)	
Aggregate Rights (abs)					-0.43	-0.42	
					(0.01)	(0.02)	
Political rights					-0.31	-0.36	
					(0.07)	(0.04)	
Economic rights					-0.28		
					(0.1)		
Social rights (equ)					-0.31	-0.38	
					(0.07)	(0.03)	
Social rights (abs)					-0.42	-0.48	
					(0.02)	(0.01)	
Residence rights					-0.31		
					(0.08)		
Family rights							

(equ) .. social rights measured in terms of equality of access, see discussion in section 5  
(abs) ... social rights measured in absolute terms, see discussion in section 5

**Table A10** Correlations between rights (aggregate and sub-indices) and openness, temporary migration programmes in upper high-income countries, excluding GCC countries (p values in parentheses, correlations with p>0.1 not shown)

Targeted skill level:	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	59	11	28	24	31	30	7
Aggregate rights (equ)						-0.32	
						(0.08)	
Aggregate Rights (abs)					-0.33	-0.37	
					(0.07)	(0.04)	
Political rights						-0.33	
						(0.07)	
Economic rights	0.22						
	(0.08)						
Social rights (equ)						-0.32	
						(0.08)	
Social rights (abs)					-0.33	-0.44	
					(0.06)	(0.02)	
Residence rights	0.22						
	(0.09)						
Family rights							

**Table A11** Correlations between rights (aggregate and sub-indices) and openness, all programmes in upper high-income countries excluding GCC countries, 2009, (p values in parentheses; correlations with p>0.1 not shown)

Targeted skill level:	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	69	11	28	26	38	39	10
Aggregate rights (equ)					-0.3 (0.07)	-0.28 (0.08)	
Aggregate Rights (abs)					-0.34 (0.04)	-0.32 (0.05)	
Political rights							
Economic rights	0.22 (0.07)						
Social rights (equ)						-0.27 (0.09)	
Social rights (abs)					-0.34 (0.03)	-0.36 (0.02)	
Residence rights							
Family rights							

**Table A12:** Correlations between individual rights and openness, all programmes in upper high-income countr. (p values in parentheses; corr. with p>0.1 not shown)

Targeted skill level:	Openness						
	allskills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	71	11	30	28	40	41	10
Vote							
Stand for election							
Associate	-0.203 (0.088)				-0.451 (0.003)	-0.324 (0.038)	
Identity documents		-0.61 (0.04)					
Protection of criminal courts					-0.423 (0.006)	-0.33 (0.033)	
Free choice of employment	0.224 (0.06)		0.3 (0.09)				
Equal pay							
Equal conditions							
Join unions	-0.227 (0.057)		-0.509 (0.004)	-0.527 (0.004)	-0.307 (0.054)		
Redress (employment)							
Unemployment benefits (abs)				-0.326 (0.09)	-0.32 (0.04)	-0.38 (0.01)	
Public retirement pension (abs)					-0.559 (0.002)	-0.44 (0.003)	
Public education and training (abs)			-0.378 (0.038)	-0.366 (0.055)	-0.287 (0.07)		
Public incl. social housing (abs)							
Public health services (abs)							
Unemployment benefits (equ)				-0.322 (0.09)		-0.297 (0.059)	
Public retirement pension (equ)				-0.323 (0.09)	-0.472 (0.002)	-0.36 (0.019)	
Public education and training (equ)			-0.379 (0.039)	-0.366 (0.05)	-0.287 (0.072)		
Public incl. social housing (equ)							
Public health services (equ)							
Time limit on residence							
Security of residence: employment					-0.318 (0.0456)		
Security of residence: Criminal convictions					-0.285 (0.074)		
Direct access to citizenship							
Redress (residence)			-0.421 (0.020)	-0.45 (0.015)			
Family reunion							
Spouse's right to work					-0.374 (0.017)	-0.297 (0.058)	
Redress (family reunion)					-0.273 (0.088)		

**Table A13:** Correlations between individual rights and openness, temporary migration programmes in upper high-income countries  
(p values in parentheses; corr. with  $p > 0.1$  not shown)

Targeted skill level:	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	61	11	30	26	33	32	7
Vote							
Stand for election							
Associate	-0.22 (0.08)				-0.45 (0.01)	-0.35 (0.05)	
Identity documents		-0.62 (0.04)					
Protection of criminal courts					-0.43 (0.01)	-0.37 (0.04)	
Free choice of employment	0.27 (0.03)		0.31 (0.09)				
Equal pay							
Equal conditions							
Join unions	-0.25 (0.05)		-0.51 (0.01)	-0.53 (0.01)	-0.31 (0.08)		
Redress (employment)							
Unemployment benefits (abs)						-0.42 (0.01)	
Public retirement pension schemes (abs)					-0.56 (0.01)	-0.49 (0.01)	
Public education and training (abs)			-0.38 (0.04)	-0.37 (0.06)	-0.35 (0.04)	-0.33 (0.07)	
Public incl. social housing (abs)							
Public health services (abs)							
Unemployment benefits (equ)							
Public retirement pension schemes (equ)					-0.46 (0.01)	-0.38 (0.02)	
Public education and training (equ)			-0.38 (0.04)	-0.37 (0.06)	-0.36 (0.04)	-0.33 (0.07)	
Public incl. social housing (equ)	0.22 (0.09)						
Public health services (equ)							
Time limit on residence	0.25 (0.05)						
Security of residence: employment							
Security of residence: Criminal convictions							
Direct access to citizenship	0.22 (0.09)						
Redress (residence)			-0.42 (0.02)	-0.45 (0.02)			
Family reunion	0.26 (0.04)						
Spouse's right to work					-0.35 (0.05)	-0.33 (0.07)	
Redress (family reunion)							-0.7 (0.07)

**Table A14:** Correlations between individual rights and openness, programmes in upper high-income countries excluding GCC countries  
(p values in parentheses; corr. with  $p > 0.1$  not shown)

Targeted skill level:	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	69	11	28	26	38	39	10
Vote							
Stand for election							
Associate					-0.37 (0.02)		
Identity documents	-0.21 (0.08)	-0.61 (0.04)	-0.42 (0.03)				
Protection of criminal courts					-0.47 (0.01)	-0.36 (0.03)	
Free choice of employment	0.24 (0.04)						
Equal pay							
Equal conditions					-0.28 (0.09)		
Join unions							
Redress (employment)							
Unemployment benefits (abs)						-0.35 (0.03)	
Public retirement pension schemes (abs)					-0.5 (0.001)	-0.41 (0.01)	
Public education and training (abs)							
Public incl. social housing (abs)			0.38 (0.04)				
Public health services (abs)							
Unemployment benefits (equ)							
Public retirement pension schemes (equ)					-0.38 (0.01)	-0.3 (0.07)	
Public education and training (equ)							
Public incl. social housing (equ)	0.24 (0.04)		0.35 (0.07)				
Public health services (equ)							
Time limit on residence							
Security of residence: employment					-0.33 (0.04)		
Security of residence: Criminal convictions							
Direct access to citizenship							
Redress (residence)							
Family reunion							
Spouse's right to work					-0.32 (0.05)		
Redress (family reunion)							



**Table A15:** Correlations between individual rights and openness, temporary migration programmes in upper high-income countries excluding GCC countries  
(p values in parentheses; corr. with  $p > 0.1$  not shown)

Targeted skill level:	Openness						
	all skills	onlyLS	LS	MS	HS1	HS2	onlyHS2
Observations:	59	11	28	24	31	30	7
Vote							
Stand for election							
Associate					-0.36 (0.04)		
Identity documents	-0.23 (0.08)	-0.61 (0.04)	-0.42 (0.03)				
Protection of criminal courts					-0.48 (0.01)	-0.4 (0.03)	
Free choice of employment	0.29 (0.02)						
Equal pay							
Equal conditions							
Join unions							
Redress (employment)							
Unemployment benefits (abs)						-0.38 (0.03)	
Public retirement pension schemes (abs)					-0.49 (0.01)	-0.45 (0.01)	
Public education and training (abs)							
Public incl. social housing (abs)	0.22 (0.09)		0.39 (0.04)				
Public health services (abs)							
Unemployment benefits (equ)							
Public retirement pension schemes (equ)					-0.37 (0.04)	-0.32 (0.08)	
Public education and training (equ)							
Public incl. social housing (equ)	0.28 (0.03)		0.35 (0.07)				
Public health services (equ)							
Time limit on residence	0.33 (0.01)			0.41 (0.05)			
Security of residence: employment							
Security of residence: Criminal convictions							
Direct access to citizenship	0.27 (0.03)						
Redress (residence)							
Family reunion	0.27 (0.04)						
Spouse's right to work					-0.3 (0.09)		
Redress (family reunion)							-0.7 (0.08)

## **APPENDIX 2: Overview of Openness indicators**

- P1** Is there a numerical quota or other limit on the annual number of migrant workers admitted under this programme, or on the stock of migrant workers?  
0 = hard quota that is relatively small  
1 = hard quota that is relatively large  
2 = soft quota/limit  
3 = no quota or any other numerical limit
- P2** Does admission under the programme require migrants to have a job offer in the host country?  
0 = yes, migrants without a job offer are not admitted  
1 = job offer not strictly required but it is one of the criteria influencing admission  
2 = no, job offer does not influence admission
- P3** Do the regulations for admitting migrant workers under this programme include a “labour market test”?  
0 = Very strong labour market test in all sectors/occupations covered by the programme  
1 = Strong labour market test but some occupations/sectors exempted  
2 = Weak labour market test  
3 = No labour market test
- P4** Is the labour immigration programme restricted to specific sectors or a defined list of occupations?  
0 = yes  
1 = no
- P5** Does the programme require employers to pay a fee/levy for employing migrant workers (other than administrative fees to do with the work permit application process)?  
0 = yes  
1 = no
- P6** Does the programme require employers to pay a certain wage and/or meet employment conditions that exceed the minimum standards required by the country’s labour laws and regulations?  
0 = yes, strong wage restrictions (e.g. collectively agreed wage)  
1 = yes, weak wage restrictions (e.g. prevailing wages in absence of collective wage agreements)  
2 = no
- P7** Do trade unions have a role in individual work permit application processes?  
0 = yes, trade unions play a strong role  
1 = yes, trade unions play some/weak role  
2 = no, no role for trade unions
- P8** To what extent, if at all, is the admission of migrant workers restricted to or influenced by the applicant’s nationality and/or age (range)?  
0 = admission restricted to migrants with specified nationality and age  
1 = admission restricted to migrants with specified nationality or age  
2 = admission influenced by nationality and/or age (e.g. through points systems)  
3 = nationality and age do not matter for admission
- P9** To what extent, if at all, is the admission of migrant workers restricted to or influenced by the applicant’s gender and/or marital status?  
0 = admission restricted to migrants with specified gender and marital status  
1 = admission restricted to migrants with specified gender or marital status  
2 = admission influenced by gender and/or marital status (e.g. through points systems)  
3 = gender and marital status do not matter for admission
- P10** Is the admission of migrant workers restricted to or influenced by (migrants with) specified professional skills and/or qualifications?  
0 = yes, very specific skills and/or qualifications required  
1 = yes, specific skills required  
2 = yes, generic minimum skills/qualifications threshold  
3 = no, specified skills and/or qualifications are not among criteria/factors for admission
- P11** To what extent, if at all, is the admission of migrant workers influenced by the applicant’s host country language skills?  
0 = Host country language skills required  
1 = Language skills not absolutely required but they influence admission  
2 = Language skills are not a criterion for admission
- P12** Is admission limited to migrant workers who can prove that they can be “self-sufficient” (i.e. not require public funds/assistance) in the host country?  
0 = yes  
1 = no

### **APPENDIX 3: Overview of Migrant Rights Indicators**

#### Civil and political rights

**R1** Does admission under this programme create a legal right for migrants to vote in local and/or regional elections?

- 0 = no right to vote in any elections
- 1 = right to vote in local/regional elections after some time
- 2 = immediate right to vote in local/regional elections

**R2** Does admission under this programme create a legal right for migrants to stand for election?

- 0 = no right to stand for elections
- 1 = right to stand for election after some time
- 2 = Immediate right to stand for election

**R3** Do migrant workers have the right to form trade unions and other associations?

- 0 = no right to form any associations
- 1 = right to form some associations
- 2 = same rights to form associations as citizens

**R4** Do migrant workers have the right not to have identity documents confiscated by anyone, other than a public official duly authorised by law?

- 0 = no, no such rights specified or implied in any law
- 1 = yes, right implied by existing laws (e.g. constitutional laws)
- 2 = yes, right for migrants explicitly specified

**R5** Do migrant workers have the right to equal treatment and protections (with citizens) before criminal courts and tribunals?

- 0 = no, migrants enjoy significantly fewer protections than citizens
- 1 = no, migrants enjoy some protection but fewer than citizens
- 2 = yes, equality of treatment with citizens

#### Economic rights (focus on selected rights at work)

**R6** What restrictions, if any, are there on migrant workers' right to free choice of employment?

- 0 = employment tied to specific employer and no change of employer possible
- 1 = employment tied to specific employer, change of employer possible but requires new work permit application
- 2 = workers can freely change employers within a specific sector/occupation/region
- 3 = migrant workers have completely free choice of employment

**R7** Do migrant workers have the right to equal pay as local workers doing the same work?

- 0 = no
- 1 = yes

**R8** Do migrant workers have the right to equal employment conditions and protections (e.g. over-time, hours of work, weekly rest, paid holidays, sick pay, health and safety at work, protection against dismissal) as local workers?

- 0 = no, migrant workers have significantly fewer legal rights
- 1 = migrants have right to most of the employment conditions and protections for citizens
- 2 = yes, right to same employment conditions and protections

**R9** Do migrant workers have the right to join trade unions?

- 0 = no
- 1 = yes

**R10** Do migrant workers have the right to redress if the terms of their employment contract have been violated by employer?

- 0 = no
- 1 = yes, but limited
- 2 = yes, same as citizens

#### Social rights (focus on equal access to selected social security benefits and public services):

**R11** Do migrant workers have the right to equal access to unemployment benefits?

- 0 = no access to any unemployment benefits
- 1 = access to some but not all types of unemployment benefit; no equal access under this programme
- 2 = equal access to all types of unemployment benefits after some time
- 3 = yes, immediate equal access to all types of unemployment benefits

**R12** Do migrants have the right to equal access to public retirement pension schemes?

- 0 = no access to any public retirement pension schemes
- 1 = access to some but not all types of public retirement pension schemes; no equal access under this programme
- 2 = equal access to all types of public retirement pension schemes after some time
- 3 = yes, immediate equal access to all types of public retirement pension schemes

**R13** Do adult migrant workers have the right to equal access to public educational institutions and services (degree level courses and vocational training)?

- 0 = no access to any public educational institutions and services
- 1 = access to some but not all public educational institutions and services; no equal access under this programme
- 2 = equal access to all types of public educational institutions and services after some time
- 3 = yes, immediate equal access to all public educational institutions and services

**R14** Do migrant workers have the right to equal access to public housing including social housing schemes?  
0=no access to any public/social housing schemes  
1=access to some but not all public/social housing schemes; no equal access under this programme  
2=equal access to all types of public/social housing schemes after some time  
3=yes, immediate equal access to all public/social housing schemes

**R15** Do migrant workers have the right to equal access to public health services?  
0=no access to any public health services  
1=access to some but not all public health services; no equal access under this programme  
2=equal access to all types of public health services after some time  
3=yes, immediate equal access to all public health services

Residency rights and access to citizenship:

**R16** Right to legal residence:  
0=strictly temporary residence permit, no opportunity to acquire perm. residence status  
1= temporary status but with opportunity to switch to perm. status after 5 years or more  
2= temporary status but with opportunity to switch to perm. status in fewer than 5 years  
3=permanent residence status

**R17** How, if at all, does loss of employment affect residence status?  
0= loss of employment automatically implies loss of residence permit  
1= loss of employment implies loss of residence status unless new job found within specified time period  
2=loss of employment does not affect residence status

**R18** How, if at all, do criminal and other convictions affect residence status?  
0=minor convictions (administrative offenses) can lead to loss of residence status  
1=only major convictions (criminal offenses) can lead to loss of residence status  
2 =convictions do not affect residence status

**R19** Do migrant workers have direct access to citizenship?  
0= no direct access to citizenship  
1= Can naturalise after 5 years or more  
2= Can naturalise in fewer than 5 years

**R20** Do migrant workers admitted under this programme have the right to legal remedies/redress in case of withdrawal or non-renewal of residence permit or in case of a deportation order?  
0=no  
1=yes, but relatively limited  
2=yes

Family reunion for migrant workers and employment rights of family members/dependents:

**R21** Do migrant workers have the right to family reunion?  
0=no right for family reunion with any family members or dependents  
1= family reunion limited to migrants' spouse/partner and minor children  
2=family reunion for migrants' spouse/partner, minor and adult children  
3= family reunion for migrants' spouse, partner, children and other family members

**R22** Does the spouse/partner of the principal migrant have the right to work (without having to apply for permission)?  
0=no  
1= yes but limited (e.g. by sector or occupation)  
2=yes unrestricted right to work

**R23** Is there a judicial remedy to challenge the refusal by the authorities to allow family formation/reunification?  
0=no  
1=yes, but relatively limited  
2=yes