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EVENT BRIEF
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Multiple Forms of Migrant Precarity
BEYOND "MANAGEMENT" OF MIGRATION TO AN INTEGRATED RIGHTS-BASED APPROACH

In recent months, the media have been flooded with stories of migrants and refugees fleeing under great personal risk and hardship from war, conflict and poverty. The initial wave of solidarity and empathy by European citizens has quickly given way to policy approaches and a public attitude of crisis management and unfruitful attempts at burden sharing. The magnitude of what has been termed the "migrant crisis", its urgency and potential long-term implications require, more than ever, an informed debate and careful analysis of the potential implications of current policy responses.

With this pressing context of the migrant crisis in mind, more than 30 researchers, activists and experts from UN organizations gathered to discuss Multiple Forms of Migrant Precarity—Beyond "Management" of Migration to an Integrated Rights-Based Approach at a workshop convened by UNRISD and members of the World Universities Network[1] (WUN) on 24 September 2015. Based on new empirical research findings from Asia, Africa and America, workshop participants identified and discussed outstanding challenges to overcoming migrant precarity and moving a rights-based migration agenda forward.

The workshop discussions highlighted how migration governance has failed to provide decent work in terms of labour rights, employment opportunities and social protection, and set forth a number of policy challenges.

Policy Challenges for Migration Governance

A key concern for global social policy

Alexandra Kaasch highlighted the need to conceptualize migration and the rights of migrants, including those of labour migrants, as a global issue. This would require multi-level and multi-lateral responses, as can be illustrated by the example of domestic migrant workers. Their status and protection has recently been improved by a range of measures at global and national levels. These include the ratification of the ILO domestic workers convention (No. 189), improved labour inspection of private employers at the country level, and the political mobilization and advocacy of domestic workers and unions that led to the adoption of the Convention and implementation at national levels. Another example are the rights of children and adolescents on the move, a case that was analysed by Jean Grugel based on research in Latin America. Despite strong support for the righ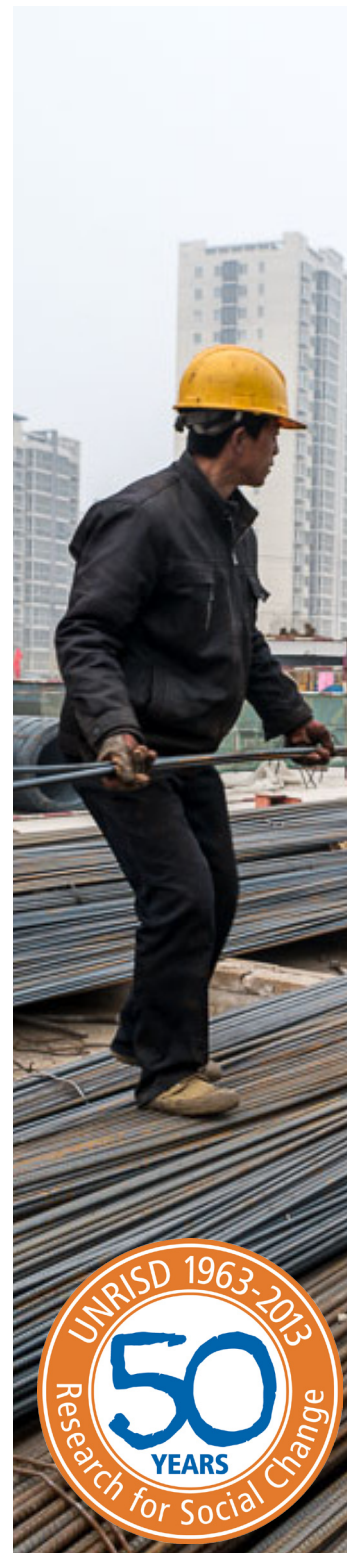ts agenda in the region, multiple difficulties in asserting migrants' rights prevail. These arise, for instance, from states considering child migrants as transit migrants which frees them from certain obligations such as providing basic social services (as in Mexico); from not explicitly recognizing child rights as a public issue or defining them differently; or from the view of migration as a development or labour market issue rather than a citizenship rights issue. Elements of change, however, can be discerned. A new migration law in Argentina, implemented in 2003, puts migrants on an equal footing with citizens in terms of their rights to social services, and prohibits child labour under the age of 16.

Decent work at home and abroad

Based on the precarious situation of migrants as temporary contract workers in Asia, Nicola Piper expanded the analysis of migrant precarity to the entire migration cycle, that is to the pre-migration, employment abroad and return phases. Rights of migrants and migrant precarity are relevant right from the first phase of migration, because the lack of decent work at home is often one of the key push factors leading to outmigration. Decent work at home can therefore allow workers to exert their "right not to migrate", preventing social costs for migrant communities and

What is migrant precarity?

Migrant precarity can be understood as a situation of vulnerability and insecurity for migrants, related to employment, social entitlements, political and civil rights, as well as migration status. Embedded in an increasingly restrictive policy environment, current practices heavily circumscribe the human rights of migrants. Although undocumented or irregular migrants are most vulnerable, legal status alone is not a guarantee for non-exposure to exploitation. Migrants tend to find themselves in a state of precariousness because they work in low-wage sectors, often in an undocumented or contract-tied manner. After returning home, they frequently remain in desperate situations, leading to re-migration.

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families and helping to break the vicious cycle of migration—return—re-migration.

Migration management versus migrant rights

The contradictory effects of migration management and immigration law versus rights-based approaches to migration were illustrated at the workshop with different country examples. Mimi Zou studied the situation of the growing African traders' migrant community in the coastal city of Guangzhou, China, where a new immigration law (in force since 2013) has led to criminalization, discrimination and public hostility towards migrants. The law, driven by public security concerns, undermines both rights of migrants as well as their potential economic contribution to a region with a growing need for labour immigration. Another example was presented by Hannah Lewis with the case of migrants and refugees residing in the EU. She showed how migrant precarity, in particular exploitation in the labour market, is linked to restrictive immigration policies and deportation threats, and how it has adverse consequences for migrants' rights and for fostering multicultural and diverse societies. Finally, analysing care migration into Canada, Bukola Salami showed how the country's labour immigration regime works to the detriment of migrants' rights and their political participation. While some positive reforms have recently been introduced, the design of the main programmes, such as the Caregiver Programme (CP) and the Temporary Foreign Worker Programme (TFWP), leads to prolonged periods of family separation, down-skilling of qualified migrants, dependency on employers, and disincentives to migrants claiming their rights and seeking social protection.

Beyond Migration Management towards a Rights-Based Approach

Throughout the workshop, ideas were discussed on how to move the migrant rights agenda forward. One suggestion was to connect migrant advocacy with labour movements and workers' rights issues by framing migration more centrally within international development. Another was to highlight that migrant precarity is driven by a combination of factors related to employment, social protection, and immigration law and not least by the many drivers of social injustices affecting people around the world.

In order to identify entry points for coalition-building and advocacy, it is essential to recognize the diversity and fragmentation of migrants across economic sectors with regard to age and gender, and as a consequence of infinite combinations of differences in immigration and employment status of migrants. In order to move forward on the realization of children and adolescent migrants' rights, the challenge now is to make abuses and exclusion in schools, health centres and workplaces visible and to assert children's rights in practice. In this sense, civil society advocacy has been important in the past and will be important for holding institutions accountable in the future, in particular in the context of weak support for migrants' rights by regional bodies. More advances are required still from sending and receiving countries' governments in promoting migrants' rights and allocating sufficient resources to ensure compliance with international standards.

A consensus emerged among participants on the need to overcome dichotomies between rights approaches and development approaches to migration, between refugees and labour migrants, and to recognize a universal right to move and work for those who want to.

Research and more precise data is needed, in particular on less visible migration flows, for example internal migration or South-South flows, as well as all irregular and undocumented flows, in order to have better policies and monitoring of new commitments in the context of the new 2030 Agenda for Sustainable Development. Rather than highlighting the economic benefits of migration and adopting overtly instrumentalist perspectives, workshop participants agreed on the importance of underscoring the costs of undermining migrants' rights and promoting the benefits of expanding and protecting their rights.

Further Information

The workshop was organized by UNRISD in collaboration with the Worldwide University Network (WUN).

Online resources
For more information on the workshop and to watch the video, go to www.unrisd.org/migrant-precarity-workshop.

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